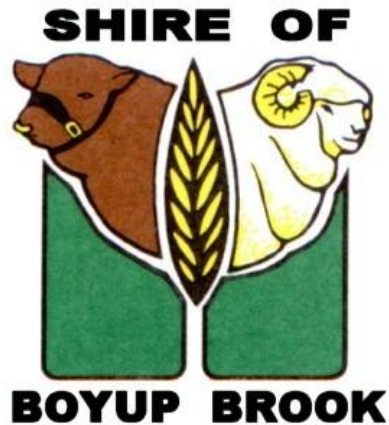


MINUTES



ORDINARY MEETING

held

THURSDAY 16 May 2013

Commenced AT 5.15PM

AT

SHIRE OF BOYUP BROOK
CHAMBERS

ABEL STREET – BOYUP BROOK

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1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr M Giles – Shire President
Cr G Aird
Cr E Biddle
Cr J Imrie
Cr P Kaltenrieder
Cr B O'Hare
Cr T Oversby
Cr R Walker

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Rob Staniforth-Smith (Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr & Mrs Kemsley arrived at 5pm and left at 7.15pm
Mrs Tyler arrived at 5pm and left at 7.13pm

1.2 Apologies

Cr K Moir – Deputy Shire President

1.3 Leave of Absence

Nil

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

2.2.1 Mrs Kemsley

Mrs Kemsley asked why Mr Nissan was not permitted to live in the building on his lot in Henderson Street.

The CEO responded that the Town Planning Scheme prevented this and also that the structure was not to the standard for a habitable building.

2.2.2 Mrs Tyler

Mrs Tyler asked why the Shire was looking to purchase the building next to the Medical Centre, suggesting that an extension of the Medical Centre would be a better option and should have been considered. Also that there was a demand for retail premises and this would deny the opportunity for new businesses and would the hairdressing business remain?

The President responded that the surveys conducted as part of the strategic plan development showed that medical facilities were a high priority. Council decided to purchase the lot based on a study that looked at options and favoured the use of the adjoining lot. Council had no immediate plans to change the building and that the plan was for the hairdressing business to remain. The CEO added that the hairdressing business was important to the viability of the initiative and was seen as a long term opportunity.

2.2.3 Mr Kemsley

Mr Kemsley asked if Mr Nissan could live on his lot in Henderson Street as a caretaker.

The CEO responded that Mr Nissan could make an application to Council, the Town Planning Scheme makes conditional provision for Council to approve a caretaker's house, and that the structure would need to meet habitable building standards.

Mr Kemsley asked why Council allowed the community group to raise funds for the heated pool facility and had not given a definitive decision as to whether or not it would support the project.

The President responded that Council's position had been made clear to representatives of the group, and that Council could not stop any group from fund raising or pursuing their aspirations.

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

4.1 Cr Oversby – Museum Committee

Cr Oversby reported that he had attended a meeting of the Museum Committee, as Council's delegated representative, and that the Committee had a new letter head that acknowledged the Shire's contribution and included a copy of the Shire logo.

4.2 Cr Walker – Benjinup Ward meeting

Cr Walker reported that he had attended the ward meeting as a resident, that 11 people attended and it was a good meeting.

4.3 Cr Aird – Website working group

Cr Aird reported that progress as being made with the home page design and a range of photographs for use on the site.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 18 April 2013

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Walker

SECONDED: Cr O'Hare

That the minutes of the Ordinary Meeting of Council held on Thursday 18 April 2013 be confirmed as an accurate record.

CARRIED 8/0

Res 60/13

6 PRESIDENTIAL COMMUNICATIONS

25th April 2013 – Attended the Anzac Service.

7th May 2013 – Attended meeting regarding the Boyup Brook Country Music Club.

7 COUNCILLORS QUESTIONS ON NOTICE

Council's Standing Orders Local Law provides as follows

8. QUESTIONS

8.1 Questions of Which Due Notice Has to be Given

8.1.1 Any Councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 24 hours before publication of the business paper.

8.1.2 All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

8.2 Questions Not to Involve Argument or Opinion

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

7.1 Questions raised by Cr Biddle
--

QUESTIONS

Dear Alan,

You'd be aware from Summary Notes sent to you that ratepayers raised a number of questions at the April 26 Town Ward meeting which the Councillors present were unable to answer.

I therefore request that the following questions be included on the agenda for the next Council meeting, and that they be addressed as Questions on Notice:

Shire-resident communication. Is it possible to:

- Use means additional to *The Gazette* to inform ratepayers about important issues, especially those where ratepayer opinion is being sought?
- Provide a list of staff members and a brief statement of their roles?
- Include an article in the *Gazette* which briefly describes the recommended process for bringing attention to complaints and work requests?
- Provide advance notice of works likely to affect resident movement and access?
- Give ratepayers access to some background information (of a non-confidential nature) on important issues, and which are used by councillors to reach their decisions ?

Partnerships

- What are the formal partnerships into which Council has entered, and what is their purpose?

Recycling

- Is recycling a part of the Bunbury-Wellington Group project?

Council Minutes

- Is ratepayer access to Council Minutes (earlier than those currently on the website) possible?

RESPONSE from the CEO

Q Shire-resident communication. Is it possible to:

Use means additional to *The Gazette* to inform ratepayers about important issues, especially those where ratepayer opinion is being sought?

R Other sources are routinely used now. Advertising is done in the *West Australian* where this is required and repeated in the *Boyup Brook Gazette*. Local papers from Donnybrook and Manjimup are also used as are the Shire's official notice board in the office window and the IGA notice board.

Q Provide a list of staff members and a brief statement of their roles?

R This matter has been raised a number of times as being important so that the community know who to go to regarding matters, and the answer remains that it is preferable and more efficient to have all questions, requests and complaints to go through the customer services staff so that there is a record and control to ensure responses, action and the like. The new computer system has an electronic version of this system that will rely on all verbal, written and emailed requests, enquiries and complaints going through the office rather than direct to an officer.

Notwithstanding the foregoing, the intention is to add more information to the new website that will include a bit about some staff members.

Q Include an article in the Gazette which briefly describes the recommended process for bringing attention to complaints and work requests?

R Yes.

Q Provide advance notice of works likely to affect resident movement and access?

R Yes and this is done to the extent and best of our ability given the time and resources.

Q Give ratepayers access to some background information (of a non-confidential nature) on important issues, and which are used by councillors to reach their decisions?

R It is assumed that this relates to agenda report attachments. A full copy of the agenda including attachments is available and is placed on the front counter of the Shire office from the Monday of the Council meeting week. The agendas remain there for a number of months before being removed. The plan is to include attachments on the new web site if there is the capacity to do so.

Q Partnerships

What are the formal partnerships into which Council has entered, and what is their purpose?

R Council is affiliated with the Western Australian Local Government Association. That organisation provides a range of services including industrial relations, preferred supplier information, advocacy, advice, information and a collective voice. Council provided funds years ago for the purchase of the WALGA building in West Perth, the building is owned by a Trust set up by WALGA and the Shire is a party to this trust.

Council is a member of the Bunbury Wellington Group of Councils. This body was set up to provide a format where the relevant CEO could meet periodically to pursue resource sharing opportunities. In recent years this body has been used to deal with the regional portion of the CLGF and the Presidents and Mayors now also meet at least annually.

Q Recycling

Is recycling a part of the Bunbury-Wellington Group project?

R Yes but at Council's option

Q Council Minutes

Is ratepayer access to Council Minutes (earlier than those currently on the website) possible?

R Yes. Council has the original and signed and bound copies of minutes and these are available for viewing during office hours.

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

8.1.1 Draft Policy W11 – “Road Contribution – Other than situations covered in Policy W07”

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	11 th of April, 2013
Author:	Rob Staniforth-Smith
Authorizing Officer:	Alan Lamb
Attachments:	Draft Policy W11

SUMMARY

This item is to adopt the revised draft “Road Contribution Policy – Other than situations covered in Policy W07” as requested by Council at the April 2013 Meeting.

BACKGROUND

Council resolved in its March meeting, resolution 27/13, that administration put a draft policy to Councils April meeting for “road contributions other than those covered by policy W07”. This was done. Council subsequently requested that the policy be revised, to allow in certain situations, a Council contribution of up to 50%.

COMMENT

The contribution of up to 50% of costs by Council will help landholders realise that Council does recognise the benefit of upgrading Council roads where the Council has not got the resources to fund them fully themselves.

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

The policy will enhance the Shires administration process by giving a clear indication of the purpose and guidelines for staff to follow.

BUDGET/FINANCIAL IMPLICATIONS

Any upgrades to existing roads at a cost not borne by Council are a benefit to Council as a whole, however “whole of life” maintenance costs may increase depending on the type of road upgrade.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – 8.1.1

MOVED: Cr Aird

SECONDED: Cr Biddle

That the draft policy W11, “Road Contribution – Other than situations covered in Policy W07” be adopted.

AMENDMENT

MOVED: Cr Walker

SECONDED: Cr Imrie

The following words be added to the policy.

The ratepayers contribution will be reduced by the assessed saving to Council arising out of any road realignment relevant to the improvements.

CARRIED 5/3

Res 61/13

The amended motion became the substantive motion

COUNCIL DECISION

That the draft policy W11, “Road Contribution – Other than situations covered in Policy W07” and as amended by adding that “the ratepayers contribution will be reduced by the assessed saving to Council arising out of any road realignment relevant to the improvements”, be adopted.

CARRIED 6/2

Res 62/13

NOTE

The adopted policy is as follows:

POLICY NO.	W.11
POLICY SUBJECT	Bitumen Sealing or Road Improvements Works on a Joint Basis (Road Contribution – Other than situations covered in Policy W07)
ADOPTION DATE	16 May 2013
VARIATION DATE	

Background

Landowners in rural areas whose residences are constructed alongside un-sealed roads encounter the issue of dust generated by passing vehicles and approach the Shire in order to have the road upgraded to overcome these issues. Council funds are limited and priority is given to maintaining the major road network with the result that these minor works have not met the selection criteria and are excluded from the construction program.

Objective

This policy gives the provision for property owners/occupiers to have a section of road considered on a more favourable basis for sealing or other improvement works in Council's Annual Works Program under a scheme whereby Council contributes up to 50% of the cost of upgrading the road with the remainder to be borne by the land holder/occupier.

Policy

Council will consider as part of the Annual Works Program, requests to upgrade existing roads, which are not required to be upgraded by Council and are not in Councils 10 year plan, generally in accordance with the following:

1. Formal request is lodged stating the type of upgrade required and the reason for the upgrade
2. Landowner contribution is up to 100% of the cost (minimum of 50%) of capital works including:
 - Survey pickup, road design and survey setout
 - Widening pavements to meet policy W07 requirements
 - Clearing of native vegetation to facilitate the widening, including the costs of obtaining then clearing permits and to carry out the requirements of the clearing permit (offsets etc)
 - Shaping the road including placement of drains, drainage pipes and culverts
 - Forming the road and placement of gravel subgrade and basecourse
 - Sealing of road (if requested)
 - Placement of signage and warning devices

3. Council will base its contribution, up to 50%, on a score calculated from the following 3 areas:
- Safety: 20%
 - Environmental: 20%
 - Contamination 10%

The ratepayers contribution will be reduced by the assessed saving to Council arising out of any road realignment relevant to the improvements.

Work will only proceed if sufficient funds exist within the budget. Work may be referred to the 10 year Works Programme

4. Where multiple dwellings exist in close proximity and all request the same upgrade to a road, each landowners contribution will be a proportion of the unfunded portions cost, calculated as the proportion of road in front of each landowners property over the total of all property lengths on the road to be upgraded.

Requests for sealing or upgrading roads on a shared cost basis will be referred to Council in the form of an agenda item.

8.1.2 Policy – Movement of Stock on Shire Controlled Roads – Draft Policy W12
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Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	08 th of April, 2013
Author:	Rob Staniforth-Smith
Authorizing Officer:	Alan Lamb
Attachments:	Draft Policy W12

SUMMARY

This item is to adopt the proposed “**Policy – Movement of Stock on Shire Controlled Roads – Draft Policy**”

BACKGROUND

The Shire of Boyup Brook currently has no policy covering the movement of stock on Shire controlled roads. This policy will provide minimum guidelines including signage requirements, and has been drafted after requests by landholders to erect permanent signs on road sides advising of stock crossings.

COMMENT

The movement of stock within the Shire on and across Shire controlled roads is integral to livestock farmers whose properties are separated by Shire controlled roads.

This policy outlines the safe movement and in particular minimum signage required. The policy is taken from Main Road WA’s policy “Movement of Stock on Roads” and the Road Traffic Code 2000.

In this policy permanent signs/flashing lights on Council controlled roads will not be permitted as it is recognised that signs that are displayed when not in use may bring all signing into disrepute and may result in motorists disregarding important warnings.

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

The policy will enhance the Shires administration process by giving a clear indication of the Shires requirements for landholders to follow when moving stock on Shire controlled land.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.1.2

MOVED: Cr O'Hare

SECONDED: Cr Kaltenrieder

That the draft policy W12, "Movement of Stock on Shire Controlled Roads be adopted".

CARRIED 8/0

Res 63/13

NOTE

The adopted policy is as follows:

POLICY NO.	W.12
POLICY SUBJECT	Movement of Stock on Shire Controlled Roads
ADOPTION DATE	16 May 2013
VARIATION DATE	

Objective

To clarify the requirements for the movement of stock on roads under the control of the Shire of Boyup Brook.

Background

The Main Roads of Western Australia has a policy for the movement of Stock on Roads on roads under their control.

Roads under the control of Main Roads of WA are as follows;

Road M13: Boyup Brook – Donnybrook Road
Road M13: Boyup Brook – Kojonup Road
Road M6: Boyup Brook – Bridgetown Road

All other roads within the Shire of Boyup Brook not mentioned above are those for which this policy applies with the exclusion of private streets or thoroughfares and other agency controlled roads or thoroughfares i.e.; DEC.

The movement of Stock on Roads is also covered in the Road Traffic Code 2000 and relevant regulations.

The policy uses the MRWA guideline and Road Traffic Code 2000 as a basis and is as follows;

Statement

1. STOCK ON ROADS

Main Roads will provide guidance on reasonable precautions that should be taken when driving stock across or along a state road and will also permit stock underpasses under state roads subject to the underpass meeting Main Roads requirements.

Council will provide guidance on reasonable precautions that should be taken when driving stock across or along a local road and will also permit stock

underpasses under local roads subject to the underpass meeting Main Roads requirements.

These guidelines do not address the issue of straying stock in unfenced pastoral areas.

2. APPLICATION & APPROVAL GUIDELINES

2.1. DEFINITIONS

Unless otherwise indicated in the text of this policy:

AS means Australian Standards.

Local road means a road under the control of a Local Government.

Main Roads means the Main Roads of Western Australia.

RTC 2000 means The Road Traffic Code 2000.

State road means a road under the control of Main Roads

Traffic signs mean a sign as recognized in the Australian Standards or Main Roads Signs Index.

2.2. BACKGROUND

The purpose of this policy is to provide reasonable precautions that should be taken when moving stock on local roads, and to outline Council's requirements for provision of stock underpasses on local roads.

The person in charge of moving stock across or along a road does not need formal permission from Council except for the following statutory requirements:

- For roads with declared Control of Access the consent of Main Roads is required. (Main Roads Act 1930, Section 28A (4), and
- For roads within a town the permission of the Director General is required. (RTC 2000 Regulation 277).

A person driving stock on roads shall;

- not leave stock unattended (RTC 2000 Regulation 275), and
- provide reasonable warning and not cause unreasonable delay to approaching traffic (RTC 2000 Regulations 276).

The RTC 2000 allows the person in charge of moving stock on a road to install temporary road warning signs (Regulations 297 & 276), and to display an orange flashing warning light on a vehicle (Regulation 289).

2.3. APPLICATION

2.3.1. Precautions for Taking Stock Onto A Local Road

2.3.1.1. General

The RTC 2000 requires the person in charge of stock on a road to:

- Take all reasonable precautions to warn approaching traffic of the presence of the stock, and

- Arrange the moving of the stock at such times, and in such numbers, and establishes such control of the stock on the road, as is likely to prevent it causing unreasonable delay to the passage of other traffic.

2.3.1.2. Reasonable Warning

Reasonable precautions to warn approaching traffic with warning signs and devices is provided in the Technical Guideline (Section 3).

2.3.1.3. Unreasonable Delay

The following circumstances are considered to be cause for unreasonable delay:

- The duration of road closure is greater than 5 minutes; and for multiple crossing movements, all queued vehicles are not cleared before the commencement of the next crossing movement,
- The stock movement is on a dual carriageway road,
- The crossing is closer than 1 km to a stock underpass servicing the same landowner, or
- The road's annual average daily traffic volume is greater than 500 vehicles per day.

2.3.1.4. Costs

The person in charge of the stock is responsible of the supply, installation and removal of the road traffic signs and devices associated with the stock movement on a road.

2.3.1.5. Roads with High Traffic Volumes

Where a road's annual average daily traffic volume is greater than 500 vehicles per day, a stock underpass is the preferred method of moving stock across the road.

2.3.2. Stock Underpasses under Local Roads

2.3.2.1. General

A stockowner may install an underpass under a local road subject to compliance with the requirements of these guidelines. There are conditions on the design, construction, and maintenance.

2.3.2.2. Costs

There is no fee for Council to process an application. The applicant shall be responsible for all costs associated with the design, construction and maintenance of the underpass structure.

2.3.2.3. Design and Construction

For sections of the underpass that are within and at the boundary of the road reserve, the design shall be approved by Council and the construction shall be undertaken by Council approved consultants/contractors.

2.3.2.4. Maintenance

The applicant shall maintain the underpass. The maintenance of the underpass by the applicant includes removal of fouling and repair of any damage to the road infrastructure within the road reserve.

2.4. APPROVAL - STOCK UNDERPASSES

2.4.1. Applications

A person wishing to install a stock underpass must submit an application to Council.

2.4.2. Approval

Approval of an application shall include a condition that a Stock Underpass Agreement be signed by both the applicant and Council before commencement of any work in the road reserve and shall indicate the extent, if any, of Council contribution of funding the underpass.

3. TECHNICAL GUIDELINES

3.1. GENERAL

The removal or covering of stock crossing signs when not in use is mandatory. Signs that are displayed while not in use may bring all signing into disrepute and may result in motorists disregarding important warnings. Signs should be covered such that they are not visible in all light conditions.

3.2. STOCK CROSSINGS

3.2.1. Stock Crossings - Visibility

A stock crossing where possible should be located such that approaching motorists can see the stock crossing point from more than 300m away, signing should be as per Figure 1. Signs should always be visible for more than 300m before the stock crossing point.

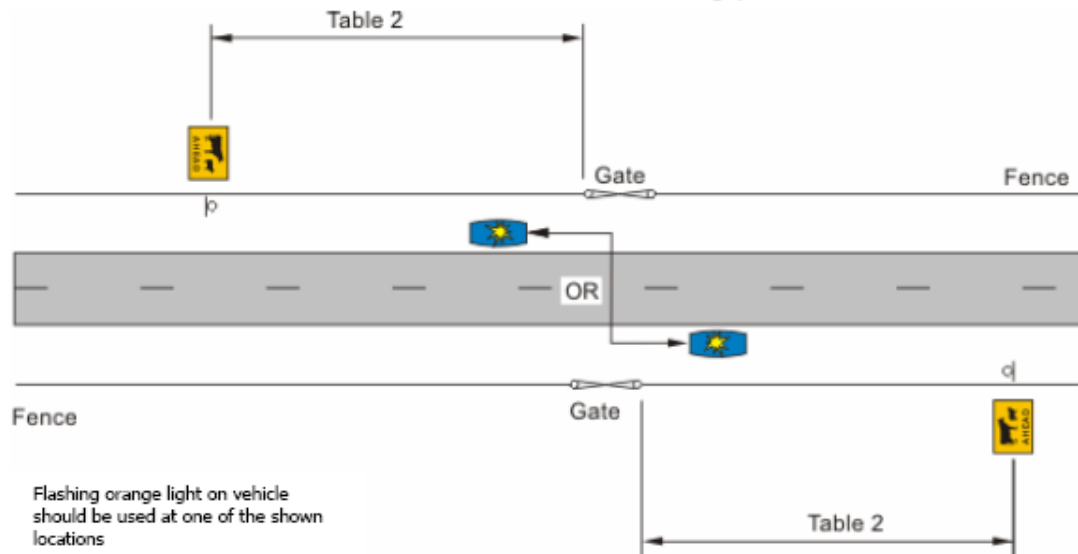


FIGURE 1 - Typical Stock Crossing Site – for bitumen roads.

NOTE: Gravel roads – there is no requirement for orange flashing lights

The crossing should desirably not be used when sun glare will interfere with drivers' view of the traffic signs or stock on the road.

Where stock movements are adjacent to or encompass an intersection, STOCK AHEAD and ON SIDE ROAD signs should be used on the side roads, to alert motorists entering the road that there is stock on the road. The location of the STOCK AHEAD sign should be based on a distance from the stock crossing as shown in Table 2.

POSTED SPEED LIMIT - KM/HR	MINIMUM SPACING DISTANCE - METRES
60	120
70	140
80	160
90	180
100	200
110/ STATE LIMIT	220

Table 2 – Placement of STOCK AHEAD Signs

3.2.2. Use of Stock Crossings during Night-Time, Periods of Poor Visibility or Hazardous Locations

Daylight use of stock crossings is preferred. Where the stock crossing is proposed to be used during night time, periods of poor visibility or in a hazardous location, the following actions should be taken:

- Signing and flashing rotating orange light should be carried out in accordance with Figure 1 (See also Sections 3.4 and 3.5),
- Any person standing on or adjacent to the road for the purposes of controlling stock should wear clothing with reflective strips,
- Floodlighting shall be provided at the crossing point. The lighting should be sufficient to clearly illuminate stock on the road formation in the vicinity of the crossing point. If the road reserve is wider than 30m then floodlights should be placed on both sides of the road reserve, and
- The Council sign STOCK AHEAD PREPARE TO STOP (MR-WAW-6) should be considered for use. With reference to Figure 1, the STOCK AHEAD PREPARE TO STOP sign should be positioned in place of the STOCK AHEAD sign.

3.3. DROVING OF STOCK ALONG A ROAD

Where it is necessary to move stock more than 100m along a road reserve, signs should be erected along the road shoulder in accordance with Figure 2. In addition, a lead vehicle and/or a tail vehicle should be placed in front and/or at the rear of the stock to warn approaching motorists. The vehicles should be located at a distance from the stock as shown in Table 2.

NOTE: On gravel roads no orange flashing light is required.

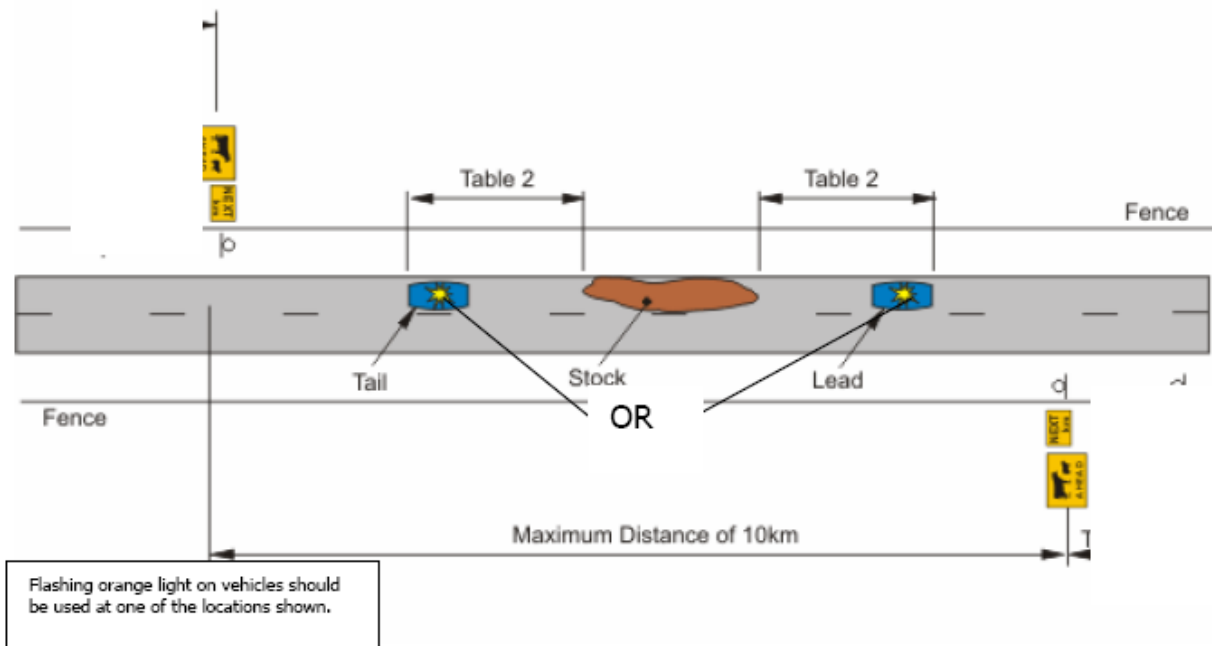


FIGURE 2 - Signing for driving of stock

NOTE: Where stock can be moved along the road reserve without stock or vehicles travelling on the carriageway, it remains necessary to adhere to the signage shown in Figure 2.

3.4. SIGNS

The conditions of the following publications have been described in this guideline:

- Main Roads Signs Index and relevant guidelines,
- Occupational Safety and Health Regulations 1996 Act, and
- Relevant Australian Standards.

Therefore, this guideline provides sufficient guidance for a person wanting to take stock onto a road to comply with the necessary standards. If required, further information can be obtained by contacting Main Roads.

Signs should be erected in accordance with these guidelines and Main Roads Standard Drawings 9548 - 0106 and 8720 -0762. All signs shall be rigid. The class of retro reflective material used shall be Class 1.

Signing should be displayed prior to and during the stock movement. Signs and flashing orange warning lights should be positioned and erected so that:

- Signs are properly displayed and firmly secured so as to prevent them being blown over by the wind or passing traffic, and
- Signs may be placed on the roadside or road shoulder and should be at least 1m clear of the road lanes.

The signs and any flashing orange lights should be displayed or installed immediately prior to the stock being driven on to the road reserve and folded over or removed as soon as the stock are no longer in the road reserve, as per Section 3.1

.

Signs are a specified treatment in this guideline, and typical signs are listed in Table 3.






<p>"STOCK AHEAD"</p> <p>AS 1742.2 Designation T1-19B</p> <p>Sign Size: 1200 x 900mm (sealed roads)</p> <p>OR 900 x 600mm (unsealed roads)</p>	
<p>"REDUCE SPEED"</p> <p>AS 1742.2 Designation G9-9A</p> <p>Sign Size: 1500 x 750mm</p>	
<p>"NEXT ... KM"</p> <p>AS 1742.2 Designation W8-17-1B</p> <p>Sign Size: 750 x 450mm</p>	
<p>"ON SIDE ROAD"</p> <p>AS 1742.2 Designation W8-3B</p> <p>Sign Size: 750 x 500mm</p>	
<p>"STOCK AHEAD PREPARE TO STOP (With Flashing Yellow)"</p> <p>Main Roads Designation MR-WAW-6B</p> <p>(See Section 2.3)</p> <p>Sign Size: 1100 x 1600mm</p> <p>Sign Dimensions</p> <p>Sign Post Dimensions</p>	

TABLE 3 - List of typical signs for Stock Crossings and Droving of Stock

Note: Permanent signs/flashing lights on Council controlled roads will not be permitted, Council reserves the right to remove signage or structures that do not comply with this policy.

3.5. VEHICLE MOUNTED WARNING DEVICE

The flashing orange warning light shall comply with the equipment described in the Road Traffic (Vehicle Standards) Regulations 2002. Vehicle indicator lights do not

constitute a flashing orange warning light.

3.6. STOCK UNDERPASSES

Stock underpasses generally consist of reinforced concrete box culverts of a size suitable to allow safe passage of the stock and the farmer. Sizes for these structures may, for example, be:

- 1200 x 1200 mm Sheep movements,
- 1500 x 1500 mm Sheep movements where the stock owner may access the underpass, or
- 1800 x 1800 mm Cattle movements and where the stock owner may utilise a vehicle in the underpass.

Fencing erected for the underpass shall prevent stock from entering the road.

8.1.3 Policy – Connection of Private Landholders Stormwater into Councils Stormwater System – Draft Policy W13

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	08 th of April, 2013
Author:	Rob Staniforth-Smith
Authorizing Officer:	Alan Lamb
Attachments:	Draft Policy W13

SUMMARY

This item is to adopt the proposed policy –“**Connection of Stormwater into Councils Stormwater System – draft policy W13**”

BACKGROUND

The Shire of Boyup Brook currently has no policy covering the connection of private landholder’s stormwater drainage systems into Councils Stormwater system. This policy will provide minimum guidelines for connection into Councils Stormwater System and has been drafted after requests by landholders to connect into Councils Stormwater System.

COMMENT

Due to the soil nature and type, many landholders are unable to adequately contain stormwater generated on their landholdings within their boundaries (Boyup Brooks clayey soils do not allow soakage of stormwater into the soil), and as such landholders sometimes request that Council allows them to connect into Councils Stormwater Drainage System. Connecting into Councils system can benefit the Council by providing an additional source of water collection for their “recreation field reticulation storage dams”, however if not designed correctly, overloading of the stormwater system can result in flooding of land further downstream from the connection.

CONSULTATION

CEO, Alan Lamb

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

The policy will enhance the Shires administration process by giving a clear indication of the Shires requirements for landholders to follow when moving stock on Shire controlled land.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.1.3

MOVED: Cr Oversby

SECONDED: Cr O'Hare

That the draft policy W13, "Connection of Private Landholders Stormwater into Councils Stormwater Drainage System" be adopted.

CARRIED 8/0

Res 64/13

NOTE

The adopted policy is as follows:

POLICY NO.	W.13
POLICY SUBJECT	Connection of Private Landholders Stormwater into Councils Stormwater Drainage System
ADOPTION DATE	16 May 2013
VARIATION DATE	

Objective

This policy clarifies the procedure and requirements for the connection of private landholders stormwater, collected from their land, into Councils Stormwater Drainage System

Background

Council has a stormwater drainage system that currently copes with the requirements of containing and directing stormwater collected from Council reserves, land, footpaths and streets and directing into either Councils storage dams or into the Blackwood River (via the Boyup Brook).

The addition of additional stormwater to the system from private landholdings can often have adverse effects downstream in the form of overloading the capacity of the pipework resulting in localised flooding. This policy will alleviate these issues ensuring that any additional stormwater systems will not overload Councils system and that they are constructed in a manner that will benefit the system as a whole and allow for future maintenance works as required.

Policy

Council will consider allowing the connection of private landholders stormwater to Councils stormwater system as long as no adverse effects are caused by the connection and no costs are incurred by Council. A connection is considered to be either a direct connection via pipework and a manhole or via "bubble up pits" in the street. Landowners will need to conform with the following:

1. Formal request is made to Council in writing requesting the type and location of the connection.
2. The formal request is accompanied by a plan by a competent person showing:
 - a. the location of the land holding
 - b. the size of the land holding,
 - c. the area of the landholding that will contribute to the stormwater run off and the type of land that contributes e.g. shed roof, paved car park, grassed area
 - d. the proposed connection method and point – note all connections into Council system will need to be via a silt trapped manhole on the property

- and a silt trapped manhole in Councils System, to allow maintenance and cleaning of pipes.
 - e. All manholes within Council reserves and roadways will need appropriate trafficable lids
 - f. The landholdings internal stormwater system including 'peak flow' storage if any
3. Agree to and pay for a consulting engineer of Council's choice to check and ensure that the proposed "private system" will not cause adverse effects to Council's stormwater system. The Council's engineer will ensure the new system complies with Council's "Boyup Brook Drainage Study".
 4. Agree to pay a fee of 1.5% of construction costs to cover the costs of Council inspections. This fee does not cover the supervision of the installation of the drainage system, which must be done by a competent and experienced person.
 5. All service relocation costs to be borne by the landholder along with payment of any damages to the services caused by the landholders contractor.
 6. All works connecting into or through roads and footpaths must be done with an approved Traffic Management Plan.

8.1.4 Plant Tender No 13-003 – Diesel Motor Grader

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	09 th of May, 2013
Author:	Rob Staniforth-Smith
Authorizing Officer:	Alan Lamb
Attachments:	Qualitative Criteria Assessment and Grader Comparison Sheet

SUMMARY

The 2012/2013 Plant Replacement Program allows for the replacement of a Diesel Motor Grader. Prices were requested for new machines with both Councils Volvo 710B grader and Councils Caterpillar 120G offered as trade ins. Prices were requested for graders with both 12 foot and 14 foot mouldboards and 14.0 x 24 tyres and 17.5 x 25 tyres.

Once prices were received, it was decided that Council would trade it's Volvo 710B machine as in most cases more money was offered for the 12 year old Caterpillar 120G than the 8 year old Volvo 710B even though the Caterpillar is 4 years older. The rational behind this was that the Caterpillar was more likely to lose less money in the next 2 years (when the next new grader is scheduled to be purchased) than the Volvo and if Council decides that it will go to only 2 graders in this time, we would prefer to keep an old Caterpillar grader as a back up than the old Volvo.

Council, on the recommendation of the Works Supervisor (Tony Bogar) and the Leading Hand Grader Driver (Joe Fenwick), has also decided that the 14 foot mould board with the 17.5 x 25 tyres is the most suitable configuration for grading Councils gravel roads.

This report recommends that the Council approve the quotation submitted by **Komatsu for the Komatsu GD 555-5**

BACKGROUND

The Council's purchasing policy, F03, requires that for prices over \$100,000 that Council goes to public tender. WALGA's preferred supplier list allows for the tender process to be waived in lieu of seeking quotations from suppliers on WALGA's 'preferred supplier list'.

In this case WALGA's preferred Supplier list was used to seek quotations from Westrac (Caterpillar), CJD Equipment (Volvo), Hitachi Construction Equipment (John Deere) and Komatsu (Komatsu).

Quotations were received as follows:

- CJD Equipment – Volvo G940
- CJD Equipment – Volvo G930
- Komatsu – Komatsu GD555-5
- Hitachi Construction Equipment – John Deere 670G
- Hitachi Construction Equipment – John Deere 670GP
- Westrac Equipment Pty Ltd – Caterpillar 12M
- Westrac Equipment Pty Ltd – Caterpillar 120M

The highlighted tender is the recommended purchase. This is for a grader with a 14 foot mould board, 17.5 x 25 tyres and the trading in of Councils Volvo 710B grader.

Company	Grader	Net Power kW	Full Warranty	Power Train Warranty	Price (Exc GST)	Trade in (exc GST)	Change Over (exc GST)
CJD	Volvo 940	131 low 160 high	12 month /2500 hr	60 month /10000 hr	339400	103400	236000
CJD	Volvo 930	115 low 145 high	12 month 2500 hour	60 month 10000 hr	336366	103400	232966
Komatsu	GD 555-5	120 low 146 high	60 month 6000 hr	60 month 6000 hr	309600	71500	238100
Hitachi	JD 670G	116 low 145 high	60 month 5000 hr	60 month 5000 hr	309800	74800	235000
Hitachi	JD 670GP	116 low 145 high	60 month 5000 hr	60 month 5000 hr	339064	74800	264264
Westrac	Caterpillar 12M	118 low 144 high	60 month 6000 hr	60 month 6000 hour	342816	69300	273516
Westrac	Caterpillar 120M	103 low 136 high	60 month 6000 hour	60 month 6000 hour	322661	69300	253361

COMMENT

The machines offered by the 4 tenders were assessed by the Works Supervisor, the Works Supervisor, the Leading Hand Grader Driver and the Mechanic in accordance with the Evaluation Assessment Criteria (Agenda Attachment 8.1.4)

The lowest priced machine (Volvo 930) is not the recommended machine as warranty and operator ergonomics were not considered the best.

The evaluation team liked the Caterpillar 12M, but with a price of \$273,516 was \$43,516 over budget (18.9%).

Key Factors in the recommendation of the Komatsu GD 555-5 were:

- Price: Only \$8,100 over budget
- Power: Higher than all machines except Volvo 940
- Warranty: equal leading in class
- Good Cabin Design and ergonomics, layout and controls with better vision (as rated by the operator that will operate the machine)
- The Komatsu seemed to have the best component protection
- Some machines had a plastic roof which was deemed an issue when going under low limbs when cutting drainage off shoots
- Some machines had a higher profile which again is an issue when cutting drainage off-shoots
- Common hydraulic hose size
- Fitted with reversing radiator fan which helps clear dust from radiator
- Easy access to motor compartment and radiator systems
- Free air compressor and fittings

CONSULTATION

CEO, Alan Lamb, Works Supervisor, Leading Hand Grader Operator and Mechanic

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Purchasing Policy F03

BUDGET/FINANCIAL IMPLICATIONS

The approved 10 Year plan had a changeover price of \$230,000 (excluding GST) for the new grader.

The recommended machine comes in at \$8,100 (excluding GST) over this.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

MOVED: Cr Walker

SECONDED: Cr Kaltenrieder

That the quotation submitted by Komatsu for the supply and delivery of a Komatsu GD 555-5 Diesel Motor Grader fitted with 14 foot mould board and 17.5 x 25 tyres and trade in of the Volvo 710B grader, at the changeover cost of \$269,190 including GST (\$238,100 excluding GST), be accepted

AMENDMENT

MOVED: Cr Giles

SECONDED: Cr Oversby

As read, substituting the Caterpillar 12M machine for the Komatsu and the extra funding come out of the Commercial Reserve.

CARRIED 7/1

Res 65/13

MOTION

That the quotation submitted by Westrac for the supply and delivery of a Caterpillar 12M Diesel Motor Grader fitted with 14 foot mould board and 17.5 x 25 tyres and trade in of the Volvo 710B grader, at the changeover \$273,516 excluding GST, be accepted. The funds in excess of the budget provision to come from the Commercial Reserve.

NOTE.

Council noted that the Caterpillar machine was favoured and that the recommendation was made primarily on budget constraints. Council noted that the whole of life costs of the Caterpillar, which tend to hold their value well, was expected to be less. The Commercial Reserve Fund purpose was considered to be consistent with the additional funds required for the purchase because roads are vital to the future economic development of the Shire and graders are a vital aspect of road maintenance.

Cr Kaltenrieder left at 6.37pm.

Cr Oversby left at 6.38pm

8.1.5 Naming of Road Reserve

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	08 th of May, 2013
Author:	R Staniforth-Smith - Manager of Works and Services
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Map

SUMMARY

The purpose of this report is to recommend the name for road reserve 17389 to the Geographical Names committee, which was omitted during the approval process of a subdivision by T&A Mondy on land south of Harrison Road.

BACKGROUND

WAPC Application No 112149 was submitted by the Mondy's in 1999 and allowed for the creation of lots 100 & 101 at the southern end of unnamed road reserve 17389, serviced by the existing road on reserve 17389. Council initially rejected the location of the proposed road (at the time a farmers track through the reserve) as it did not run within the road reserve nor did it meet Councils road policy in terms of width. An appeal by T&A Mondy to the WAPC had the WAPC rescind Councils rejection and the existing track was considered adequate for the purpose of a public road. The road has never been named and needs to be added onto Councils Road inventory.

The Geographical Locations Committee policy states:

Selection of Names

Suitable Names - Preferred sources of names include names from Aboriginal languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant community contribution, war casualty lists and thematic names (e.g. nautical, sporting etc). Ethnic and gender diversity is encouraged. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.

Unsuitable Names - Names characterised as follows are to be avoided - given/first names, corrupted, unduly cumbersome or difficult to pronounce names, obscene, derogatory, racist or discriminating names, company or commercialised names (unless in an historical context).

Name Duplication - Name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10 km from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within similar sounding suburbs even if more than 10 km away. In rural areas the distance should be at least 50 km away.

Names of Living Persons - The names of living persons are not normally suitable for road names, and if proposed will be subject to a more rigorous selection process. The proposal must be accompanied by comprehensive biographical details including details of community involvement, and also an indication of strong community support for the proposed name.

COMMENT

Currently the only acceptable name on the Shires Road Naming Policy is Synnott, this would seem to be an inappropriate name for this location.

Consultations with Terry Mondy rendered the following proposed road name – ‘LYNAM ROAD’, the name of a previous owner.

CONSULTATION

Terry Mondy

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

Cr Oversby returned at 6.39pm

Cr Kaltenreider returned at 6.39pm

OFFICER RECOMMENDATION – 8.1.4

That Council recommend “LYNAM” as the name of the road on road reserve 17389.

AMENDED OFFICER RECOMMENDATION

That Council recommend “LYNEHAM” as the name of the road on road reserve 17389.

NOTE

Following publication of the agenda it was established that the correct spelling of the name was Lyneham.

COUNCIL DECISION

MOVED: Cr Biddle

SECONDED: Cr Imrie

That Council recommend “Lyneham” as the name of the road on road reserve 17389.

CARRIED 8/0

Res 67/13

8.2 FINANCE

8.2.1 List of Accounts Paid

Location:	Not applicable
Applicant:	Not applicable
File:	FM/1/002
Disclosure of Officer Interest:	None
Date:	10 May 2013
Author:	Kay Raisin – Finance Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – List of Accounts Paid

SUMMARY

In accordance with the Local Government (Financial Management) Regulations the list of accounts paid is presented to Council.

BACKGROUND

Invoices received for the supply of goods and services, salaries and wages and the like have been paid during the period

COMMENT

The attached listing represents accounts paid by cheque and by electronic means during the period 12 April to 30 April 2013.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. *Payments from municipal fund or trust fund*

- (1) *A payment may only be made from the municipal fund or the trust fund —*
 - (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
 - (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*
- (2) *The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

13. *Lists of accounts*

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts*

paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*
- (2) A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) for each account which requires council authorisation in that month —*
 - (i) the payee's name;*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction;*
 - and*
 - (b) the date of the meeting of the council to which the list is to be presented.*
- (3) A list prepared under sub regulation (1) or (2) is to be —*
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) recorded in the minutes of that meeting.*

POLICY IMPLICATIONS

Council's Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2012/13 or authorised by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.1

MOVED: Cr Oversby

SECONDED: Cr O'Hare

That the list of accounts paid in April 2013 as presented totalling \$313,720.31 and as represented by cheque voucher numbers 19249-19277 totalling \$46,404.18 and accounts paid by direct electronic payments through the Municipal Account totalling \$267,316.13 be received.

CARRIED 8/0

Res 68/13

Note:

Due to implementation of the Synergy Soft program, outstanding accounts to be paid in May 2013 total \$51,570.00.

8.2.2 Monthly Statements of Financial Activity

Location:	Not applicable
Applicant:	Not applicable
File:	FM/10/003
Disclosure of Officer Interest:	None
Date:	9 May 2013
Author:	Financial Consultant – Darren Long
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Attachments:	Yes – Financial Reports

SUMMARY

Report recommends Council receive the Statement of Financial Activities and the Net Current Assets for the month ended 30 April 2013.

BACKGROUND

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34 (1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a 'Monthly Statement of Financial Activity'.

The regulations also prescribe the content of the reports. Details of items of Material Variances are also listed.

The various data are included as separate attachments.

COMMENT

It is a statutory requirement that the Financial Activities Report be presented for every month.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, s34 (1) (a)

Local Government (Financial Management) Regulations 1996, s34 (2) (a) (b)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As listed on the attached reports

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.2.2

MOVED: Cr Walker

SECONDED: Cr Aird

(a) That the April 2013 Monthly Statements of Financial Activity and Statement of Net Current Assets as presented, be received.

(b) That the amounts listed as material variances be authorised.

CARRIED 8/0

Res 69/13

8.3 **CHIEF EXECUTIVE OFFICER**

8.3.1 Flax Mill Recovered Materials

Location:	N/A
Applicant:	
File:	
Disclosure of Officer Interest:	None
Date:	8 May 2013
Author:	Geoff Carberry
Authorizing Officer:	Not applicable
Attachments:	Nil

SUMMARY

The purpose of this item is to propose a change in direction for the disposal of the recovered materials from the Flax Mill demolition works.

BACKGROUND (in Brief)

Following the decision by Council to carry out the demolition works at the Flax Mill it was decided to award the sorting out and processing of the materials to the Future Boyup Brook Group. At the time of the works taking place that group were not in a position to carry out the work therefore the contractor was forced to hurriedly place the materials at the rear of the Flax Mill area. At this point in time several requests were made to purchase the timber but due to Councils motion to store the material until a use for it was decided these requests were denied.

Council has since decided to have the materials sorted and the remaining non useable materials sold off.

Several groups and contractors have been approached including Councils own works staff to sort the materials. Keybrook were issued a purchase order but have been unable to complete the task in a timely manner. They have however had several people in the industry of second hand timber attend the site to determine any possible value. To date no one has shown any interest in purchasing the materials either in part or as a total lot.

Some interest has been shown in the trusses but these can not be sold as such due to the requirement for them to be structurally certified, they are just more timber.

COMMENT

In the interest of tidying up this situation it is believed that it would be better to dispose of the materials as one job lot, as is where is. As a second option the materials could be split into two or three lots which would allow smaller bidders to possibly have the opportunity to make an offer.

CONSULTATION

Keybrook Pty Ltd

Manager of Works

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- Environmental
There are no known significant environmental issues.
- Economic
There are no known significant economic issues.
- Social
There are no known significant social issues.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – 8.3.1

MOVED: Cr Walker

SECONDED: Cr Imrie

That Council resolves to advertise for the disposal of all recovered wooden materials as one job lot on a where is as is basis.

That Council resolve to dispose of the recovered metal materials at the same time and in the same manner as the metals from the transfer station.

AMENDMENT

MOVED: Cr Giles

SECONDED: Cr O'Hare

1. That Council resolves to advertise for the disposal of all recovered wooden materials as one job lot on a where is as is basis.
2. That Council resolve to dispose of the recovered metal materials at the same time and in the same manner as the metals from the transfer station.
3. That 4 of the retting tank doors and 2 complete wooden trusses be retained by Council

CARRIED 7/1

Res 70/13

MOTION

1. That Council resolves to advertise for the disposal of all recovered wooden materials as one job lot on a where is as is basis.
2. That Council resolve to dispose of the recovered metal materials at the same time and in the same manner as the metals from the transfer station.
3. That 4 of the retting tank doors and 2 complete wooden trusses be retained by Council

CARRIED 5/3

Res 71/13

Request for Vote to be recorded.

Cr Aird requested that the vote of all Councillors be recorded.

For: Cr Kaltenrider, Cr O'Hare, Cr Walker, Cr Imrie, Cr Giles

Against: Cr Aird, Cr Biddle & Cr Oversby

NOTE

Council felt that the doors and trusses should be retained, and stored appropriately, for later use as part of a display. The intention was to not prevent people from bidding for only part of the material and that all bids be put to Council with a recommendation as to the most favourable not necessarily the highest bid/ bids.

8.3.2 Disability Access & Inclusion Plan 2013-2018

Location:	<i>N/A</i>
Applicant:	
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 February 2013</i>
Author:	<i>Geoff Carberry</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Draft Disability Access & Inclusion Plan 2013-2018</i>

SUMMARY

The purpose of this item is to present the draft Disability Access & Inclusion Plan 2013-2018 for adoption by Council

BACKGROUND

The previous plan was for the period 2007 - 2012 and has now expired.

People with disabilities and their families and carers have the same rights as other people to access services within the community. These rights are built into State and Commonwealth legislation which makes it unlawful to discriminate against a person with a disability.

Public authorities in Western Australia have been required to have Disability Service Plans (DSPs) as part of the Disability Services Act (1993).

The Disability Services Act (1993) was amended in December 2004, and requires public authorities to develop and implement Disability Access and Inclusion Plans (DAIPs). The requirements of DAIPs build on those of DSPs, so that people with disabilities can access services provided by public authorities in Western Australia in a way that facilitates increased independence, opportunities and inclusion within the community.

The six outcomes of a Disability Access and Inclusion Plan

Schedule 3 of the Disability Services Regulations 2004 lists six desired outcomes of DAIPs.

These are that:

1. People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.
2. People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.

3. People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.
4. People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.
5. People with disabilities have the same opportunities as other people to make complaints to a public authority.
6. People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.

All plans shall be reviewed at least every five years;

COMMENT

The draft plan has been put together in accordance to the required Act and reflects Councils policy to bring all new works in line with the required standards but not retrofitting previous works.

CONSULTATION

Disability Services Commission

STATUTORY OBLIGATIONS

Disability Services Act (1993) was amended in December 2004,

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
By adopting the plan it shows the Councils commitment to improving the standards of those challenged by living with disabilities.

VOTING REQUIREMENTS

Simple majority

Cr Biddle left at 7pm

Cr Biddle returned at 7.01pm

COUNCIL DECISION & OFFICER RECOMMENDATION – 8.3.2

MOVED: Cr Oversby

SECONDED: Cr Walker

That "Council adopts the Disability Access and Inclusion Plan 2013-2018."

CARRIED 8/0

Res 72/13

Note the adopted plan is as follows:

SHIRE OF BOYUP BROOK

DISABILITY ACCESS

AND

INCLUSION PLAN

2013 - 2018

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EXECUTIVE SUMMARY

The Shire of Boyup Brook has established the following Disability Access and Inclusion Plan (DAIP) to assist the Council to create outcomes that encompass the needs of all its community and visitors. This DAIP covers a 5 year period from 2013 – 2018 ensuring that residents and visitors in the district are welcomed with events, facilities and services created with universal access as their aim.

Universal access is a term that relates to more than wheelchair access to a facility. From the perspective of the Shire and the Councillors it is a well thought out and planned path of travel that includes patterns of interaction, such as communicating with staff, which make the whole experience easy for people from diverse backgrounds and with diverse abilities to travel. The focus of this document is that of disability and the issues and challenges that local government are required to know and regulate for surrounding those issues.

Local governments, because of their broad mandate, play a vital role in the lives of people with disabilities. Unlike most government departments, local governments are multi functional, with extensive responsibilities and activities across property, community and human service areas and, in addition, have the capacity to make policy choices at the local level.

The Shire of Boyup Brook manages and maintains public infrastructure facilities within the town of Boyup Brook and satellite settlements in its district, such as roads, paths, drains, community buildings and recreation spaces. The Shire also provides a range of services such as shire staffed office services and library, swimming pool, recreation programmes, community programs and medical services. The quality of this infrastructure is vital to the social and economic well-being of the shire as a whole community as it enhance the lives of all people, especially those community members and visitors that have disabilities and diverse needs.

The Boyup Brook Shire is predominantly primary industry focused with agriculture being important in the area. As a district there are many factors to creating universal access that need to be considered, so an ordered and structured approach has been adopted for the DAIP, as recommended by the Disability Services Commission.

The structure of the 2013 - 2018 DAIP has been based on the outcomes and achievements that were created using the 1996 Disability Services Plan and its 2001, 2005 and 2012 reviews. The 2013 - 2018 DAIP has also been designed to meet the requirements of the Western Australian Disability Services Act 1993, the Commonwealth Disability Discrimination Act (1992) and the Equal Opportunity Amendment Act, Western Australia (1988). The new DAIP responds to new initiatives by the State and Federal governments in recent years and sets the stage for responding to diversity by expanding upon previous disability services plans to incorporate the needs of all members of the community.

The Shire of Boyup Brook 2012 – 2018 DAIP has a particular focus on nurturing a community where diversity, difference and a sense of identity is respected and valued. These values are underpinned by a commitment to the creation of fair and equitable access for all residents and visitors to the shire.

The vision for an accessible and inclusive community will concentrate on six key areas:

1. Existing services
2. Access to buildings and facilities
3. Access to events and projects organised by the shire

4. Information and communication
5. Opportunities to make complaints
6. Opportunities to participate in any public consultation

The DAIP is designed not to be a static document but to be flexible and versatile enough to cater for the changing needs within the community as a whole. The Shire of Boyup Brook recognises that the task of addressing the many important issues that affect the community is not an easy one. The Shire will endeavour however, through ongoing consultation and involvement with the community, to identify as many of these challenges as possible and will continue working together to achieve greater success in these areas.

INTRODUCTION

Under the Western Australia Disability Services Act (1994), Local Governments have been required to develop Access and Inclusion Plans to ensure people with disabilities can access council services and facilities. Annual reports on activities relating to the progress of these plans are reported to state government at the end of each financial year.

Access and Inclusion plans are not just about ensuring buildings have wheelchair access, they also incorporate inclusion at a participatory and service level. This DAIP will assist the Shire to determine the strategies needed to enhance and promote accessibility requirements. It provides the direction and framework for future planning needs beyond the short term so that it can assist integrate design for the development well into the future, focusing on the inherent qualities of the location and its attributes.

This document outlines suggested strategies that can be used to promote a quality of life that is vibrant, creative, diverse and capable of building a community, where people with disabilities are able to participate in Council activities, services and facilities with equality and freedom.

The Shire of Boyup Brook aims to ensure that the services it provides meet varied needs and that everyone has equal access to these services regardless of their race, heritage, gender, religious or non-religious belief, nationality, family background, age, disability or sexuality. For the purpose of this document when the terms access or inclusion are used they refer to the following definitions:

Definitions

Access in the context of this Disability Access and Inclusion Plan refers to an individual's physical ability to get to, into, and around facilities. This access is created by removing structural barriers and including mechanisms to enable structural access.

Inclusion in this context refers to an individual's ability to participate as fully as possible in programs and services provided by the Shire of Boyup Brook in an integrated and holistic manner that does not ostracise, embarrass or humiliate an individual.

THE SHIRE OF BOYUP BROOK

To be a proactive Local Government achieving the economic and social goals of the community that are affordable, productive and environmentally responsible.

Vision Statement 2006

The Shire of Boyup Brook adopted its first Disability Services Plan in 1996, a document that has been integral in removing or minimising many barriers to access and inclusion within the towns and settlements of the district. The Shire is committed to continue to work toward creating increased mobility and access, both physical and social, in a supportive environment, for all of its community members and visitors. The strategies and plans developed and implemented by the Shire outlined in this DAIP are intended to encompass the diverse needs of the community and enhance and improve disability access and inclusion in the shire district.

EXAMPLES OF PAST DAIP ACCOMPLISHMENTS

The 1996 Disability Services Plan identified a number of barriers to access and inclusion and outlined strategies that the Shire could adopt to overcome them. Below are some examples of the celebrated outcomes suggested by the 1996 plan that have reduced access and inclusion barriers for people with a disability living in or visiting the region:

- The upgrading of the Boyup Brook Swimming pool to include a hydro hoist to pool and spa, colour contrasted pavements and accessible showering and restroom facilities. This facility is being used regularly by people with disabilities.



A graded step entrance and pool chair lift (not shown) makes access to the Boyup Brook Swimming Pool easy for all

- The Boyup Brook Community Resource Centre (formerly the Telecentre). This service is situated in a community complex that has recently undergone extensive modifications that include a universal access toilet facility and a leveling out of the interior floor. The building is situated on a hill and the community and shire have been proactive about embracing these challenges and minimizing the barriers to access and inclusion.



From a DAIP perspective the Community Resource Centre is an active inclusion centre that has the ability to enhance communication and leisure opportunities for people with disabilities and diverse needs living and visiting the district. They offer educational, vocational and leisure options. The Boyup Brook Telecentre offers Westlink Satellite Courses, (TAFE courses) and onsite TAFE courses, as well as Lifestyle Courses that can be accessed by people with disabilities.

- Visitors Centre public toilet facility. These toilets have been well planned out to visually enhance the visitors experience as well as physically enhance them. Sculpture leads the visitor to the right place, architecture makes the facility aesthetically pleasing and the inclusion of universal access pathway and toileting facilities ensures that the safety and health of the visitor is prioritised.



During the life of the 2007 - 2012 DAIP further enhancements and upgrades to footpaths located in the Boyup Brook town site were completed thus further improving access for all public access users.

A major up grade to the Shires Administration and Library building saw the provision of a new access ramp, new concrete steps and railings along with automatic sliding doors. These improvements have been widely praised by the general public allowing easier access by all users of the facility. This has encouraged all of the community to access the services provided by the Shire for its communities benefit.



SIX DESIRED OUTCOMES

Access and inclusion can mean different things to different people depending upon the history of their moment. Yet there are some common elements that create barriers to people living in different cultures and with different disabilities. The Disability Services Commission of Australia has identified six umbrella access and inclusion outcomes that, when adhered to, can eliminate many of the common barriers and challenges that may block a persons ability to be fully included.

The Shire of Boyup Brook has structured their implementation plan around these six outcomes as has been suggested by the commission. This structure is clear and easy to understand, and takes us a step closer to being able to include everyone in our future projects.

The six outcomes upon which the DAIP has been based will assist the Council of the Shire of Boyup Brook design and develop fair and equitable disability related policies. These outcomes are:

1. People with disabilities have the same opportunities as other people to access the services of, and any events organised by the Shire of Boyup Brook;
2. People with disabilities have the same opportunities as other people to access the buildings and other facilities of the Shire of Boyup Brook;
3. People with disabilities receive information from the Shire of Boyup Brook in a format that will enable them to access the information as readily as other people are able to access it;
4. People with disabilities receive the same level and quality of service from the staff of the Shire of Boyup Brook;
5. People with disabilities have the same opportunities as other people to make complaints to the Shire of Boyup Brook;
6. People with disabilities have the same opportunities as other people to participate in any public consultation by the Shire of Boyup Brook.

BOYUP BROOK SHIRE COUNCIL POLICY STATEMENT

The following statements reflect the policies that the Council of the Shire of Boyup Brook hold toward issues relating to disability access and inclusion.

Outcome 1: Existing functions, facilities and services are adapted to meet the needs of people with disabilities.

- The Shire will endeavour to be adaptable in responding to the barriers experienced by people with various disabilities.
- The Shire will ensure that all Policies and practices, when reviewed, that govern the operation of Shire facilities, functions and services are consistent with Shire's Policy on access.

Outcome 2: Access to buildings and facilities is improved.

- The Shire will undertake to incorporate the priorities regarding access for people with disabilities, identified during the consultations, into its submission for its capital works improvement program. Modifications will commence as funds are made available.
- The Shire will undertake to liaise with developers to increase their awareness of the access requirements of people with disabilities.

Outcome 3: Information about functions, facilities and services is provided in formats which meet the communication requirements of people with disabilities.

- The Shire will produce all of its information on Shire facilities, functions and services using clear and concise language.
- The Shire will endeavour to provide information in alternative formats upon request

Outcome 4: Staff awareness of the needs of people with disabilities and skills in delivering advice and services are improved.

- The Shire will undertake to ensure that Staff are aware of the key access needs of residents with disabilities and people with disabilities who visit the local government area in relation to the provision of all services.
- Where required, the Shire will seek expert advice from the disability field on how to meet the access needs of people with disabilities.

Outcome 5: opportunities for people with disabilities to use grievance mechanisms are provided.

- The Shire will ensure that information is available in clear and concise language on how residents can participate in decision making processes, public consultations and grievance mechanisms.

Outcome 6: Opportunities for people with disabilities to participate in public consultation are provided.

- The Shire will undertake to support people with disabilities wishing to attend meetings of Council.



The provision of a ramp and stairs at this road island in the town centre is an excellent example of the Shire of Boyup Brook's commitment to equitable and fair access for all.

CONTENT OF THE DAIP

In 2006, the Shire of Boyup Brook undertook to review and update its Disability Services Plan by collaborating with seven other south west Shires on a Disability Access and Inclusion Plan project. A project officer was employed to assist gather and collate relevant information for each of the eight Shire's to write their DAIP and implementation plans. The format of the Shire of Boyup Brook DAIP reflects that recommended by the Disability Commission of Western Australia.

As part of the Shire of Boyup Brook review process consultation with key stakeholders, community members and shire staff was an integral factor. The Shire is in the process of forming a dedicated DAIP Working Group to oversee the project to ensure that equity and fairness to all remains the prime objective of the plan as it is implemented.

The following DAIP plan for the Shire of Boyup Brook contains:

1. Guiding legislation and strategic links referred to when formulating the DAIP;
2. Information on the role of the Shire of Boyup Brook in providing facilities and service to the community;
3. A description of the review and consultation process and its findings and recommendations;
4. Information on how the plan is being communicated to staff, people with disabilities and the wider community;
5. A strategy for the review and evaluation of the plan;
6. An implementation plan outlining strategies to address the barriers that includes priorities, timelines and responsibilities

IMPLEMENTATION PLAN

The DAIP plan provides the background information that informs the Shire of the reasons why change is required to a facility, service or event provided in their district with their support. The DAIP implementation plan states what change has been suggested, who is responsible to make sure that change happens and the date by which the change should be completed.

It is only by itemising future requirements that the Council can create realistic budgets to complete the work required.

A fair and equitable DAIP implementation plan therefore suggests to the Council where the proposed budget should be allocated and this can only be done by consulting with various people. The Shire wherever possible consulted with representatives from a variety of different sectors of the community including;

- the community with a disability
- the community supporting people with disabilities living within or visiting the district
- the Shire of Boyup Brook
- government representatives
- corporate and private businesses
- disability related organisation practicing in the area
- As much community based consultation as possible.

The access and inclusion implementation strategies and objectives that have been developed for the Shire of Boyup Brook are grouped under the six desired outcomes listed on page eight (8) as is recommended by the Disability Commission of Australia. These outcome areas provide a framework for translating the principles and objectives of the Disability Services Act into tangible and achievable results. This frame work has been developed by a national body and includes excellent reviewing and monitoring strategies for the ongoing stages of the plan. The Shire of Boyup Brook has adopted the recommended structure for the DAIP.

FUNCTIONS, FACILITIES & SERVICES

The Shire of Boyup Brook is responsible for a range of functions, facilities and services in the towns in the district including:

Services to property:

- Construction and maintenance of Shire owned buildings
- Construction and maintenance of roads, footpaths and cycle facilities
- Waste collection and disposal
- Litter control and street cleaning
- Planting and caring for street trees
- Bush fire control.

Services to the community:

- Provision and maintenance of outdoor playing areas, parks, gardens, reserves
- Provision and maintenance of facilities for sporting and community groups
- Management of recreation centre and swimming pool
- Public library and information services
- Environmental health services
- Citizenship ceremonies and community events.

Regulatory services:

- Planning of road systems, sub-divisions and town planning schemes
- Building approvals for construction, additions or alterations to buildings
- Ranger services, including dog control
- The development, maintenance and control of parking

General administration:

- Provision of general information to the public and the lodging of complaints and payment of fees including rates and dog licenses.

Processes of government:

- Ordinary and special council and committee meetings
- Electors meetings and election of council members
- Community consultations.

REVIEW and CONSULTATION PROCESS

Literature review

In order to write a relevant DAIP and to be able to make informed suggestions on the implementation plan it was deemed important that the DAIP be based upon updated knowledge of government legislation, previous Shire disability plans and with a knowledge of current disability access and inclusion related research. A review of a variety of disability and inclusion related topics was completed. This included:

- Current federal, state and local disability access and inclusion legislation
- Examination of other Shire documents and strategies
- Universal access building and facility recommendations
 - The Building Code of Australia and the Draft Building Code
 - Heritage buildings
 - New technology
- Identification of contemporary trends and good practices in access and inclusion
- Pre 2007 Disability Service Plans and subsequent review reports that outline works in progress and achievements completed
- Pre 2007 Building Audits

The results of these reviews are reflected within the content of the DAIP and the DAIP implementation plan.

Consultation

Consultation for the DAIP is an important aspect of the process if the resulting plans are to be fair and equitable to all. To ensure that the DAIP project and the plans that resulted from it were based on as much knowledge as possible the following steps were taken.

The DAIP and the implementation plan was directed by the Shire of Boyup Brook, the project officer and the DAIP Working Group through consultation with many different people including representatives from as many community based individuals and organisations as possible.

Shire Staff

This process identified the following groups as the stakeholders for this disability access and inclusion project.

- the community with a disability
- the community supporting people with disabilities living within or visiting the district
- Representatives from the Shire of Boyup Brook and the districts within it
- government representatives
- corporate and private businesses
- disability related organisation practicing in the area

Building consultation into the audit process

A staff member in the Boyup Brook district assisted the DAIP project officer to complete a comprehensive building audit of the shire owned or leased facilities. Each building was assessed using a standard checklist, and generic local information was also provided by the Shire staff. The checklist is comprehensive and includes recommendations that create universal access in addition to requirements outlined in the Building Code under AS1428.1. The results of this building audit have been used as a basis for both the DAIP and the implementation plan.

COMMUNICATING THE DAIP

Ensuring that the community were aware of the DAIP so that they could participate in the formation of the implementation plans if they wished, was considered a priority by the Shire of Boyup Brook. To do all that was possible to write a fair and equitable DAIP information was sent out to the community in as many formats as was possible.

These included:

Shire Staff and Services

The staff employed by the Shire of Boyup Brook to deal directly with the public where informed and inducted on the DAIP. This included the staff in:

- shire offices
- libraries
- Any other service where the shire employ staff to support it

Copies of the DAIP were made available at these centres for the public, and information on links made available.

Newspapers

Notices regarding draft plans, and council meetings considering DAIP

Applications to review and submit comments to the draft DAIP published in the local newspaper for 4 consecutive weeks after being passed by council.

Web Site and Computer technology

The DAIP was appended to the web site and made available on staff intranet.

Notices regarding draft plans, and council meetings considering DAIP related information advertised on the web site.

Copies of the plan will be made available in various media types including Printed, Large Print, Website and any other form upon request, where possible.

EVALUATION AND REVIEW

Legislation outlines that the Access and Inclusion Plan will be reviewed at least every 5 years. The Access and Inclusion Plan may be amended on a more regular basis to reflect progress and any access and inclusion issues, which may arise. Whenever the Access and Inclusion Plan is

amended, a copy of the amended plan will be lodged with the Disability Services Commission and endorsed internally through the Council of the Shire of Boyup Brook.

Review and monitoring

- The Shire regularly assesses required works as part of its annual budgetary process. This process is used to determine the progress on the implementation of the strategies identified in the disability access and inclusion plan
- A status report will be provided in the annual Shire's report.
- Internal staff will be aware of the processes required to communicate activities that may not be included in the plan so that they can included in annual reports and updates.

Evaluation

The progress of the plan and evaluation of its progress will be made as part of the Shires annual budgetary process, it will in regards to the Access and Inclusion Plan:

- Review work implemented during the past 12 months
- Seek feedback on the effectiveness of implemented strategies
- Seek feedback on additional barriers not identified in the initial consultation
- Identify additional strategies to consideration.

Elected members of council and Shire officers will also be requested to provide feedback on how well they believe the strategies are working and to make suggestions for improvement.

DAIP STRATEGIES

This document is intended to proactively communicate what the Shire of Boyup Brook is achieving, and what it intends to achieve. It is therefore essential that all projects are accurately reflected in this plan and that communication with the Shire of Boyup Brook underpins all strategies.

Actions and implementation plans that could be used to achieve these strategies are outlined under the next chapter heading in this document titled Implementation Plans and Timelines.

STRATEGIES TO IMPROVE ACCESS AND INCLUSION

As a result of the consultation process the following overarching strategies will guide tasks, reflected in the Implementation Plan, that the Shire of Boyup Brook will undertake from 2007-2012 to improve access to its services, buildings and information. The six desired outcomes have been used here to provide a descriptive framework for outlining these strategies for improving access and inclusion for people with disabilities in the Shire of Boyup Brook.

Outcome 1: People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the Shire of Boyup Brook.

Objective: To adapt services wherever possible to meet the needs of people with disabilities

Strategy
Establish a Disability Access Group to guide the implementation of Disability Access & Inclusion Plan activities.
Ensure that people with disabilities are provided with an opportunity to comment on access to services.
Monitor the Shire's Access and Inclusion policy to ensure it supports equitable access to services by people with disabilities throughout the various functions of the Shire.
Make the Shire Office and library and shire offices as accessible as possible.
Develop the links between the Disability Access & Inclusion Plan and other Council plans and strategies.
Ensure that any events are organised so that they are accessible to people with disabilities.
Ensure that Shire staff and agents and contractors are aware of the relevant requirements of the Disability Services Act.

Outcome 2: People with disabilities have the same opportunities as other people to access the buildings and other facilities of the Shire of Boyup Brook.

Objective: To ensure that all shire owned, leased or supported facilities are accessible to people with diverse needs.

Strategy
Ensure all buildings and facilities are physically accessible to people with disabilities.
Ensure that all new or redevelopment works provide access to people with disabilities, where practicable.
Ensure adequate ACROD parking to meet the demand of people with disabilities in terms of quantity and location.
Advocate to local businesses and tourist venues the requirements for and benefits flowing from the provision of accessible venues.
Ensure that parks and reserves are accessible
Ensure all playgrounds are accessible
Ensure that public toilets meet the associated accessibility standards.

Outcome 3: People with disabilities receive information from the Shire of Boyup Brook in a format that will enable them to access the information as readily as other people are able to access it.

Objective: to ensure that relevant information pertaining to Shire functions, facilities and services use clear and concise language and are made available in accessible formats

Strategy
Improve community awareness that Shire information can be made available in alternative formats upon request.
Improve staff awareness of accessible information needs and how to obtain information in other formats.
Investigate and facilitate the use of interpreters to improve the availability Council meetings to people with a hearing impairment.
Ensure that the Shire's website meets contemporary good practice.
Provide documentation regarding services, facilities and customer feedback in an appropriate format using clear and concise language

Outcome 4: People with disabilities receive the same level and quality of service from the staff of the Shire of Boyup Brook as other people receive from the staff of the shire.

Objective: Shire staff and volunteers working with the public be equipped with the information and skills to enable them to appropriately provide advice and service to people with diverse abilities.

Strategy
Improve staff awareness of disability and access issues and improve skills to provide a good service to people with disabilities.
Improve the awareness of new staff and new Councillors about disability and access issues.
Further generate and sustain staff awareness of disability and access issues.
Ensure that information is given about universal access and inclusion to all contractors, consultants and external organisations that provide services to the public on behalf of the shire, or with support of the shire

Outcome 5: People with disabilities have the same opportunities as other people to make complaints to the Shire of Boyup Brook.

Objective: Ensure that grievance mechanisms are accessible or that appropriate assistance is given to enable people with diverse needs to make grievances and complaints known to the shire

Strategy
Ensure that current grievance mechanisms are accessible for people with disabilities.
Improve staff knowledge so they can facilitate the receipt of complaints from people with a disability.
Ensure that grievance mechanism processes and outcome satisfaction survey forms are available in formats to meet the needs of people with disabilities.

Outcome 6: People with disabilities have the same opportunities as other people to participate in any public consultation by the Shire of Boyup Brook.

Objective: To ensure that people with disabilities can participate fully in decision making and consultation processes managed by the Shire.

Strategy
Improve community awareness about consultation processes in place.
Commit to ongoing monitoring of the Disability Access Inclusion Plan to ensure implementation and satisfactory outcomes.
Improve access for people with disabilities to the established consultative processes of the Shire.
Seek a broad range of views on disability and access issues from the local community.
Develop a consultation policy for the shire that ensures the needs of people with different communication needs are met

APPENDIX ONE

Disability and Inclusion related Legislation

GUIDING LEGISLATION & STRATEGIC LINKAGES

A number of key acts of parliament, advisory notes, standards and regulations have guided the Shire of in the formation of their 2007 – 2012 DAIP.

These include:

LOCAL GOVERNMENT

Australian Local Government Association (ALGA)

ALGA has a Statement of Cultural Inclusiveness policy endorsed by the National General Assembly of Local Government 2001. The Statement affirms a local government commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, colour, creed or origin.

STATE GOVERNMENT

State Western Australian Equal Opportunity Act (1984)

The Equal Opportunity Act recognises that people with disabilities require and are entitled to the same level of service as is available to other members of the community. This Act makes it unlawful for a person to discriminate against any person on the grounds of impairment. Under the legislation, an action is regarded as being discriminatory if a person with impairment is treated less favourably than others in the same or similar circumstances. Impairment is defined as any condition existing at birth or from illness or injury. It also includes impairments that existed in the past and no longer exist.

The Western Australian Disability Services Act (1993)

The Disability Services Act states that a person with a disability has the right to be respected for their human worth and dignity and has the same human rights as other community members, regardless of the degree and nature of their disability. The Act includes a requirement that public authorities prepare and implement a Disability Access and Inclusion Plan that will further the principles of the Act. Each plan outlines how the public authority will ensure that people with difficulties, families and carers have access to their services and report

annually to these plans.

Aboriginal Heritage Act 1972

The *Aboriginal Heritage Act* applies in relation to the protection of places and objects which may be of importance and significance to people of Aboriginal descent in Western Australia. In particular it applies to places and objects that may have sacred, ceremonial and ritual significance.

Volunteer (Protection of Liability) Act 2002

The intent of the Volunteers (Protection from Liability) Act 2002 is to protect certain volunteers from liability and transfer that liability to community organisations, as defined. The Act provides protection for volunteers who work for a community organisation, defined to mean a body corporate, local government authority or State agency.

Commonwealth

The Commonwealth Disability Discrimination Act (DDA) 1992

The DDA is a Commonwealth Act that provides protection against discrimination based on any form of disability (i.e. Physical, Intellectual, Sensory, Psychiatric and Neurological) for everyone in Australia. Under the Act it is unlawful to discriminate against a person or their associate (partner, carers, friend, family member or business partner), if they have a disability in the following areas of life:

- a) Work, accommodation, education, access to premises, clubs and sport; and
- b) The provision of goods, services, facilities and land; and
- c) The administration of Commonwealth laws and programs

Discrimination is defined as treating people with a disability less favourably than people without a disability would be treated under the same circumstances. The DDA applies to public and private sectors and allows people to complain to Human Rights and Equal Opportunity Commission if they encounter discrimination.

Australian Standards (AS)

The AS sets out requirements that must be referred to when making decisions that impact on people with disabilities:

- *Australian Standard 1428 – Design for Access and Mobility*: prescribes the basic requirement for physical access which must be adhered to in the planning, development and construction of all buildings
- *Building Code of Australia (BCA)* - Applies to new buildings undergoing significant refurbishment or alteration. A comprehensive statement of the technical requirements relevant to the design and construction of buildings and other related structures

Racial Discrimination Act 1975, 1983

The Racial Discrimination Act 1975 makes racial discrimination unlawful in Australia. The legislation covers all of Australia and can be used to ensure everyone is treated equally, regardless of their race, colour, descent, or national or ethnic origin. The RDA covers discrimination in areas such as employment, renting or buying property, the provision of goods and services, accessing public places and in advertising.

APPENDIX TWO

Recommendations

The following is a list of recommendations for delivery and monitoring of initiatives and strategies included in the DAIP and the implementation plan:

1. The Shire representative responsible for the DAIP and the Access and Inclusion Planning Committee ensures that priority work and projects are included in the annual financial planning process in February each year
2. DAIP audit outcomes incorporated into future financial year works programs for roads and pathways.
3. Work towards ensuring, where appropriate, that all new or redevelopment works provide access to people with disabilities where practicable by developing a 5 year building access plan with associated action plan.
4. Research and apply for grants that will assist in delivery of initiatives and improving existing services and equipment.
5. Develop a user friendly brochure regarding DAIP information relating to buildings and facilities in contracts and tenders.
6. Encourage all Shire personnel to communicate good news stories and to make any knowledge of work not identified in the plan known to DAIP officer for record purposes.
7. Identification and development of alternative formats for information and the development of a policy around the use of these formats.

8.3.3 Amending Shire Boundary

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	9 May 2013
Author:	Alan Lamb
Authorizing Officer:	Not applicable
Attachments:	Copy of Shire of Donnybrook/Balingup letter

SUMMARY

The purpose of this report is to bring this matter back before Council, with the Shire of Donnybrook/Balingup's (SDB) response, with the recommendation that Council offer a 50% discount on rates instead of seeking to have the Shire boundary adjusted.

BACKGROUND

Council passed the following resolution at its September meeting:

That the Chief Executive Officer investigate the number of lots divided by the Shire boundaries and minimum rated by Boyup Brook and the neighbouring Shires.

A specially prepared map was purchased from Landgate and relevant neighbouring Councils were contacted.

A report was put to Council, at its December 2012 meeting. The report noted:

The investigation showed that there are 7 lots dissected by the Shire Boundary where the owners pay a minimum rate to this Shire. Three of these also pay a minimum rate to the adjoining Shire.

Council passed the following resolution at its December 2012 meeting:

That Council request the CEO to contact the Donnybrook CEO to negotiate a resolution for boundary adjustment for crown grants 11859, 12087 and 4522. That the CEO also write to effected land holders to seek their agreement or otherwise and views on a possible boundary adjustment to be bought back to the March Council meeting 2013.

A report was put to the March Council meeting to provide an update on the project and Council resolved as follows:

That Council receive the report.

COMMENT

Shire of Donnybrook/Balingup has responded to Council's letter on the matter and that Council resolved as follows:

That the CEO write to the Shire of Boyup Brook advising that it would not be in favour of a Shire boundary adjustment but would be prepared to offer a 50% rating concession and a 50% concession on any waste management charges current levied on the affected properties, specifically crown grants 11859 (A4390), 12087 (A4389) and 4522 (A2491). The provision of these concessions is subject to the Shire of Boyup Brook providing a 50% concession to the affected landowners for land situated within the Boyup Brook Shire

It is therefore recommended that Council also agree to offer a concession of 50% on rate charges, and on any waste management charges it may levy in future, annually for as long as the Shire of Donnybrook/Balingup does likewise or the Shire boundary is changed to the extent that it no longer divides the properties, whichever occurs first.

CONSULTATION

The matter has been before Council previously and relevant parties have been contacted.

STATUTORY OBLIGATIONS

The following section of the Local Government Act has relevance to boundary changes:

6.70. *Effect of changes in boundaries of local government area*

An alteration in —

- (a) the boundaries of a district of a local government; or*
- (b) the constitution of the local government or its council; or*
- (c) its name or status,*

does not preclude the local government from exercising in respect of any land on which rates or service charges were lawfully imposed by it under this Division, the powers conferred by this Subdivision.

Schedule 2.1 of the Local Government Act deals with boundary changes and is as follows:

Schedule 2.1 — Provisions about creating, changing the boundaries of, and abolishing districts

[Section 2.1(2)]

1. *Terms used*

In this Schedule, unless the contrary intention appears —

affected electors, in relation to a proposal, means —

- (a) *electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the proposal; or*
- (b) *where an area of the State is not within or is not declared to be a district, people who could be electors if it were because of residence, or ownership or occupation of property, in the area directly affected by the proposal;*

affected local government means a local government directly affected by a proposal;

notice means notice given or published in such manner as the Advisory Board considers appropriate in the circumstances;

proposal means a proposal made under clause 2 that an order be made as to any or all of the matters referred to in section 2.1.

2. Making a proposal

- (1) *A proposal may be made to the Advisory Board by —*
 - (a) *the Minister; or*
 - (b) *an affected local government; or*
 - (c) *2 or more affected local governments, jointly; or*
 - (d) *affected electors who —*
 - (i) *are at least 250 in number; or*
 - (ii) *are at least 10% of the total number of affected electors.*
- (2) *A proposal is to —*
 - (a) *set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments; and*
 - (b) *be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and*
 - (c) *comply with any regulations about proposals.*

[Clause 2 amended by No. 49 of 2004 s. 67(2).]

3. Dealing with proposals

- (1) *The Advisory Board is to consider any proposal.*
- (2) *The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board's opinion —*
 - (a) *the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made; or*
 - (aa) *where the proposal was made by affected electors under clause 2(1)(d), that the majority of those electors no longer support the proposal; or*
 - (b) *the proposal is frivolous or otherwise not in the interests of good government.*

** Absolute majority required.*

(3) *If, in the Advisory Board's opinion, the proposal is —*

(a) one of a minor nature; and

(b) not one about which public submissions need be invited,

the Board may, in a written report to the Minister, recommend that the Minister reject the proposal or that an order be made in accordance with the proposal.*

** Absolute majority required.*

(4) *Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal.*

[Clause 3 amended by No. 64 of 1998 s. 52(2); No. 49 of 2004 s. 67(3).]

4. Notice of inquiry

(1) *Where a formal inquiry is required the Advisory Board is to give —*

(a) notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and

(b) a report to the Minister.

(2) *The notice and report under subclause (1) are to —*

(a) advise that there will be a formal inquiry into the proposal; and

(b) set out details of the inquiry and its proposed scope; and

(c) advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —

(i) the proposal; or

(ii) the scope of the inquiry.

(3) *If, after considering submissions made under subclause (2)(c), the Advisory Board decides* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —*

(a) another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and

(b) another report to the Minister.

(4) *The notice and report under subclause (3) are to —*

(a) set out the revised scope of the inquiry; and

(b) advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.

** Absolute majority required.*

5. Conduct of inquiry

- (1) *A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.*
- (2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)(c) and (4)(b) and have regard, where applicable, to —*
 - (a) *community of interests; and*
 - (b) *physical and topographic features; and*
 - (c) *demographic trends; and*
 - (d) *economic factors; and*
 - (e) *the history of the area; and*
 - (f) *transport and communication; and*
 - (g) *matters affecting the viability of local governments; and*
 - (h) *the effective delivery of local government services,*

but this does not limit the matters that it may take into consideration.

6. Recommendation by Advisory Board

- (1) *After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend* —*
 - (a) *that the Minister reject the proposal; or*
 - (b) *that an order be made in accordance with the proposal; or*
 - (c) *if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.*

** Absolute majority required.*

- (2) *The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —*
 - (a) *given* notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so; and*
 - (b) *afforded adequate opportunity for submissions to be made about the intended order; and*
 - (c) *considered any submissions made.*

** Absolute majority required.*

7. Minister may require a poll of electors

In order to assist in deciding whether or not to accept a recommendation of the Advisory Board made under clause 6, the Minister may require that the Board's recommendation be put to a poll of the electors of districts directly affected by the recommendation.

8. Electors may demand poll on a recommended amalgamation

- (1) *Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (the **districts**) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.*
- (2) *The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).*
- (3) *If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.*
- (4) *This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.*

[Clause 8 amended by No. 64 of 1998 s. 52(3).]

9. Procedure for holding poll

- (1) *Where, under clause 7 or 8, the Minister requires that a recommendation be put to a poll —*
 - (a) *the Advisory Board is to —*
 - (i) *determine the question or questions to be answered by electors; and*
 - (ii) *prepare a summary of the case for each way of answering the question or questions;**and*
 - (b) *any local government directed by the Minister to do so is to —*
 - (i) *in accordance with directions by the Minister, make the summary available to the electors before the poll is conducted; and*
 - (ii) *subject to subclause (2), declare* the Electoral Commissioner, or a person approved by the Electoral Commissioner, to be responsible for the conduct of the poll under Part 4, and return the results to the Minister.*

** Absolute majority required.*

- (2) *Before making a declaration under subclause (1)(b)(ii), the local government is to obtain the written agreement of the Electoral Commissioner.*

[Clause 9 amended by No. 49 of 2004 s. 67(4) and (5).]

10. Minister may accept or reject recommendation

- (1) *Subject to subclause (2), the Minister may accept or reject a recommendation of the Advisory Board made under clause 3 or 6.*
- (2) *If at a poll held as required by clause 8 —*
 - (a) *at least 50% of the electors of one of the districts vote; and*

- (b) *of those electors of that district who vote, a majority vote against the recommendation, the Minister is to reject the recommendation.*
- (3) *If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.*

10A. Recommendations regarding names, wards and representation

- (1) *The Advisory Board may —*
 - (a) *when it makes its recommendations under clause 3 or 6; or*
 - (b) *after the Minister has accepted its recommendations under clause 10,**in a written report to the Minister, recommend the making of an order to do any of the things referred to in section 2.2(1), 2.3(1) or (2) or 2.18(1) or (3) that the Board considers appropriate.*
- (2) *In making its recommendations under subclause (1) the Advisory Board —*
 - (a) *may consult with the public and interested parties to such extent as it considers appropriate; and*
 - (b) *is to take into account the matters referred to in clause 8(c) to (g) of Schedule 2.2 so far as they are applicable.*

[Clause 10A inserted by No. 64 of 1998 s. 52(4).]

11. Transitional arrangements for orders about districts

- (1) *Regulations may provide for matters to give effect to orders made under section 2.1 including —*
 - (a) *the vesting, transfer, assumption or adjustment of property, rights and liabilities of a local government;*
 - (b) *the extinguishment of rights of a local government;*
 - (c) *the winding up of the affairs of a local government;*
 - (d) *the continuation of actions and other proceedings brought by or against a local government before the taking effect of an order under section 2.1;*
 - (e) *the bringing of actions and other proceedings that could have been brought by or against a local government before the taking effect of an order under section 2.1;*
 - (f) *if the effect of an order under section 2.1 is to unite 2 or more districts, the determination of the persons who are to be the first mayor or president, and deputy mayor or deputy president, of the new local government;*
 - (g) *the continuation of any act, matter or thing being done under another written law by, or involving, a local government.*
- (2) *Subject to regulations referred to in subclause (1), where an order is made under section 2.1 any local governments affected by the order (including any new local government created as a result of the order) are to negotiate as to any adjustment or transfer between them of property, rights and liabilities.*
- (3) *Where an order is made under section 2.1 the Governor may, by order under section 9.62(1), give directions as to any of the matters set out in subclause (1) if, and to the extent that, those matters are not resolved by regulations referred to in that subclause or by negotiation under subclause (2).*

- (4) *A contract of employment that a person has with a local government is not to be terminated or varied as a result (wholly or partly) of an order under section 2.1 so as to make it less favourable to that person unless —*
- (a) *compensation acceptable to the person is made; or*
 - (b) *a period of at least 2 years has elapsed since the order had effect.*
- (5) *The rights and entitlements of a person whose contract of employment is transferred from one local government to another, whether arising under the contract or by reason of it, are to be no less favourable to that person after the transfer than they would have been had the person's employment been continuous with the first local government.*
- (6) *If land ceases to be in a particular district as a result of an order under section 2.1, any written law that would have applied in respect of it if the order had not been made continues to apply in respect of the land to the extent that its continued application would be consistent with —*
- (a) *any written law made after the order was made; and*
 - (b) *any order made by the Governor under subclause (8).*
- (7) *Regulations may make provision as to whether or not, or the modifications subject to which, a written law continues to apply in respect of land under subclause (6).*
- (8) *The Governor may, in a particular case, by order, vary the effect of subclause (6) and regulations made in accordance with subclause (7).*

[Clause 11 amended by No. 64 of 1998 s. 52(5).]

The following sections of the Local Government Act relate to rate discounts and concessions.

6.46. Discounts

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may, when imposing a rate or service charge, resolve to grant a discount or other incentive for the early payment of any rate or service charge.*

** Absolute majority required.*

6.47. Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Minimal. The minimum rate applied to the three lots in the current year and the minimum rate was \$672. Therefore if the 50% concession had been applied this year Council's income from rates (as per the budget) would have been \$2,023,011 instead of \$2,024,019 (that is \$1,008 less).

Council does not currently levy a waste management charge.

Council not able to offer a concession on the FESA levy that Council's collect on behalf of the state government. This charge was \$57 in the current year and the property owner's will have paid this amount to both Shires.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

As will be seen from the sections of the local Government Act included in this report, Council is able to wave a rate charge or offer a concession at the time it adopts the budget and that this resolution is to be supported by an Absolute Majority. The mechanics going forward, assuming Council resolves to offer the 50% concession, then will be for the resolution that Council adopts annually to set the rates and adopt the budget will include the 50% concession for the three properties.

The resolution at this meeting does not need to be supported by an absolute majority because Council is not offering to make the concessions. However, whilst there appears to be no provision for Council to make a comment at this time it is suggested that an absolute majority would show a higher level of commitment. Also, if support for the recommendation is not strong at this meeting and at least an absolute majority is attained, then this would indicate there may be some difficulty in attaining the required absolute majority when it comes time to adopt the budget. The result would be that we may not be able to advise, with any degree of confidence, the other Shire or the three property owners of what is expected to occur at budget time.

OFFICER RECOMMENDATION – ITEM 8.3.3

1. That the CEO write to the Shire of Donnybrook /Balingup advising that it is in favour of offering a 50% rating concession to the owners of Crown Grants 11859 (A15129), 12087 (A3270) and 4522 (A12300).
2. That this letter include advice that this Shire does not impose a waste management charge at this time but that if it were to do in the future it would extend the 50% concession to this change as well.
3. That the provision of these concessions be subject to the Shire of Donnybrook /Balingup providing a 50% concession to the affected landowners for land situated within the Boyup Brook Shire.
4. That the concessions be included in the draft budget calculations and in the recommended Council resolution to adopt the budget and raise rates.

COUNCIL DECISION

MOVED: Cr Aird

SECONDED: Cr Kaltenrieder

1. That the CEO write to the Shire of Donnybrook /Balingup advising that it is in favour of offering a 50% rating concession to the owners of Crown Grants 11859 (A15129), 12087 (A3270) and 4522 (A12300).
2. That this letter include advice that this Shire does not impose a waste management charge at this time but that if it were to do in the future it would extend the 50% concession to this change as well.
3. That the provision of these concessions be subject to the Shire of Donnybrook /Balingup providing a 50% concession to the affected landowners.
4. That the concessions be included in the draft budget calculations and in the recommended Council resolution to adopt the budget and raise rates.

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 73/13

8.3.4 Boyup Brook Air Field – request for use and development
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Location:	<i>Lot 2 of Nelson Location 6443</i>
Applicant:	<i>Mr Paul Drayton</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 May 2013</i>
Author:	<i>Alan lamb</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Confidential attachments relating to the applicant.</i>

SUMMARY

The purpose of this report is to bring the matter before Council with the recommendation that Council indicate its interest in the proposals authorise the CEO look to grant opportunities, costs and the like with the view of including relevant works and associated income in the 2013/14 draft budget.

BACKGROUND

Council has freehold title to the land that the airfield has been established on. Previous reports have advised the current runway is 830 M long, that RFDS needs 1200M and that commercial (turbo prop type) need 2000m, also that it may not be economic to extend the airstrip and so another site might be better in the long term.

The facility is used occasionally but Council charges no landing fees.

In the absence of any formal agreement, all of the improvements on the land are owned by the Shire; however members of the now defunct aero club may be a sense of ownership of the hanger and other structures. Whilst it is probable that there is no legal claim the past members are members of the community and should be included in any consultation.

Mr Drayton is a qualified aircraft repairer and has a number of customers now and does service at Jandakot and Serpentine. He seeks to establish a business in Boyup Brook at the Shire airfield and expects his client base to double. He also indicates there would be a number of additional services that could be provided such as joy rides or charter (he is suitably licenced and has a suitable craft at his disposal). Mr Drayton indicates his hope to generate sufficient business to employ apprentices.

COMMENT

The Council and community have been advocating for some time the need to attract new businesses to Boyup Brook and this proposal offers many opportunities. It would entail Council spending funds on infrastructure at an airfield strip that has already been shown to be too short, expensive to improve and lengthen and so prompting a look elsewhere. It is suggested though that any new strip may well be a long way off. Also that most of the improvements may be relocatable or reused for another purpose so the expenditure now may not be totally wasted when and if the strip moves.

It is expected that Council could seek RADS grant funding for 50% of any of its costs in making the improvements required to encourage this new business opportunity. The improvements would also prompt a regime of airfield charges that would, along with lease fees provide at least a partial offset to costs.

CONSULTATION

The author has spoken with the applicant and staff members.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.4

MOVED: Cr Walker

SECONDED: Cr Biddle

1. That the CEO write to Mr Drayton to indicate Council's interest in the proposals.
2. That Council authorise the CEO look to grant opportunities, costs and the like with the view of including relevant works and associated income in the 2013/14 draft budget.

CARRIED 8/0

Res 74/13

MOVED: Cr Oversby

SECONDED: Cr Walker

That the Council adopts enbloc items. 9.1.1 and 9.1.2.

CARRIED 8/0

Res 75/13

9 COMMITTEE REPORTS

9.1.1 Minutes of the South West Zone Meeting

Location: *Shire of Augusta*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *10 May 2013*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

A South West Zone meeting was held on 26 April 2013

Minutes of the meeting are laid on the table and circulated.

OFFICER RECOMMENDATION – ITEM 9.1.1

That the minutes of the South West Zone meeting held on 26 April 2013 be received.

9.1.2 Minutes of the Bunbury Wellington Group of Councils

Location: *Shire of Capel*
Applicant: *N/A*
File:
Disclosure of Officer Interest: *Nil*
Date: *10 April 2013*
Author: *Alan Lamb - CEO*
Attachments: *Yes – Minutes*

BACKGROUND

A Bunbury Wellington Group of Councils meeting was held on 9 April 2013

Minutes of the meeting are laid on the table and circulated.

OFFICER RECOMMENDATION – ITEM 9.1.2

That the minutes of the Bunbury Wellington Group meeting held on 9 April 2013 be received.

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1	Street Trees Abel Street
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MOTION – 06/13

Councillor Giles has put forward the following motion:

That the remaining trees and surrounds be removed from the road pavement outside the Commonwealth Bank and Country music shop.

COMMENT

Basic reasoning is, this will allow better and more parking in the Main Street of town, less of a vehicle parking hazard and also allow easier parking for long vehicles.

CEO Comment

Businesses in the main street, especially the food businesses, would benefit from the additional trade from travellers with caravans and RVs, and truck drivers, if these large vehicles could park in Abel Street.

COUNCIL DECISION

MOVED: Cr Giles

SECONDED: Cr Oversby

That the remaining trees and surrounds be removed from the road pavement outside the Commonwealth Bank and Country music shop.

CARRIED 8/0

Res 76/13

11 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT

Nil

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

That in accordance with Section 5.23 (2) (b) of the Local Government Act 1995 the next part of the meeting be closed to members of the public to allow the Council to consider item 12.1.1.

Mr & Mrs Kemsley, Mrs Tyler and Manager of Works & Services left at 7.15pm

12.1.1	Waste Management – Kerbside Collection Services, Recyclable Processing Services and the Provision of and Maintenance of Bins
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COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 12.1.1

MOVED: Cr Oversby

SECONDED: Cr Biddle

That Council:

- 1. receive the Recommendation Report at the Attachment to this agenda item as provided by the Western Australian Local Government Association and endorse the recommendation for award of contracts, as detailed in Section 6.3 of the Recommendation Report, as Councils preferred option to:**
- 2. Enter into the following contracts with Jenesti Pty Ltd trading as Warren Blackwood Waste:**
 - For the Provision of a weekly Kerbside Collection Services (waste) at the rate of \$1.6 inc. GST per lift as quoted in the Recommendation Report; and**
 - For the Ad-hoc Provision and Maintenance of Bins at the rates as quoted in the Recommendation Report;**
 - Subject to verbal discussion with, and written agreement provided by, the contractor confirming their understanding and acceptance of all the specifications detailed in the contracts for the above services, as provided by the Western Australian Local Government Association as part of the quotation process, prior to the signing of the contracts;**
- 3. Commence the Contract 1 July 2013 and terminate it 30 June 2018;**
- 4. Authorise the Shire President and Chief executive Officer to execute the contract for the:**
 - Provision of a weekly Kerbside Collection Services (waste); and**
 - Ad-hoc Provision and Maintenance of Bins.**
- 5. Conduct a community awareness campaign to advise residents of the town of Boyup Brook of the intention to provide a fortnightly recycling**

service, what it will cost them, what can be placed in the bins and what the benefits will be.

- 6. Advise the Bunbury Wellington Group of Councils of its intention to participate in the recycling services following and subject to community consultation on this new service. Also that Council will consider participating in the Organics Waste at a later time.**

CARRIED BY ABSOLUTE MAJORITY 8/0

Res 77/13

13 CLOSURE OF MEETING

There being no further business the Shire President, Cr Giles thanked all for attending and declared the meeting closed at 7.30pm.