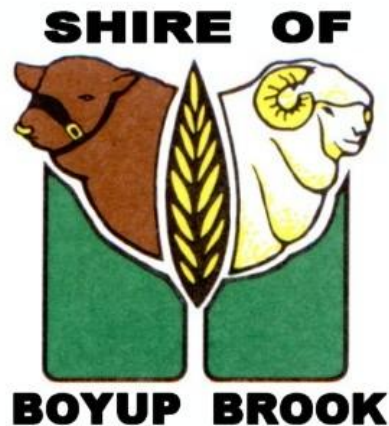


Minutes



ORDINARY MEETING

held

THURSDAY 15 June 2017

Commenced AT 5.02PM

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 G Aird – Shire President
Cr K Moir - Deputy Shire President
Cr J Imrie
Cr P Kaltenrieder
Cr E Muncey
Cr T Oversby
Cr E Rear

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Stephen Carstairs (Director Corporate Services)
Mr Rob Staniforth-Smith (Director of Works & Services)
Ms Kerry Fisher (Manager of Finance)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Mr D Corker
Mr N Derrick
Dr M Mel
Mrs R Knapp
Mrs M Inglis
Ms E Palmer

1.2 Apologies

1.3 Election of Shire President and Deputy Shire President

Election of President on the resignation of Cr Michael Giles

The Local Government Act provides that the Chief Executive Officer take the position of Presiding Person for the purposes of electing a Shire President.

Council is required by the Local Government Act 1995 to elect a Councillor as President. The President's term of office begins after this election and continues until the next Ordinary Councillor Elections.

Nominations for the position of President must be in writing and given to the Chief Executive Officer before the meeting or at the meeting itself after the Chief Executive Officer calls for nominations. Councillors may nominate themselves or be nominated by another Councillor, however when being nominated by someone else the Councillor nominated must accept the nomination either in writing or orally at the meeting.

At the time the agenda was prepared no nominations had been received.

If more than one nomination is received, ballot papers will be prepared and Councillors are to vote by secret ballot. The votes will be counted and the outcome will be decided on a first past the post system, in accordance with the Act. The Chief Executive Officer will

advise those present of the result of the election and declare the successful Councillor elected.

The person elected will be required to make a declaration of office as President.

The newly elected Shire President, once the declaration is made, will then take the chair for the next part of the proceedings and the remainder of the meeting.

The Chief Executive Officer announced the vacancy for the position of Shire President, and announced that one nomination had been received from Cr Aird and called for more nominations.

There being no further nominations the Chief Executive Officer declared Cr Aird elected as Shire President unopposed.

The newly elected Shire President Cr Aird then proceeded to make his declaration of office witnessed by Cr Rear JP.

Election of Deputy President

Council is required by the Local Government Act 1995 to elect a Councillor as Deputy President. The Deputy President's term of office begins after this election and continues until the next Ordinary Councillor Elections.

Nominations for the position of Deputy President must be in writing and given to the Chief Executive Officer before the meeting or at the meeting itself after the Shire President calls for nominations. Councillors may nominate themselves or be nominated by another Councillor, however when being nominated by someone else the Councillor nominated must accept the nomination either in writing or orally at the meeting.

At the time the agenda was prepared no nominations had been received for the position of Deputy President.

If more than one nomination is received, ballot papers will be prepared and Councillors are to vote by secret ballot. The votes will be counted and the outcome will be decided on a first past the post system, in accordance with the Act. The Shire President will advise those present of the result of the election and declare the successful Councillor elected.

The Shire President took the chair and announced the vacancy for the position of Deputy Shire President, and announced that no nominations had been received.

The Shire President called for nominations

Cr Aird nominated Cr Kaltenrieder for Deputy Shire President and
Cr Kaltenrieder accepted

Cr Oversby nominated Cr Rear for Deputy Shire President and Cr Rear accepted
Cr Muncey nominated Cr Moir for Deputy Shire President and Cr Moir accepted

Ballot papers were prepared and Councillors voted by secret ballot.

The Shire President declared Cr Moir elected as Deputy Shire President.

The newly elected Deputy Shire President Cr Moir then proceeded to make his declaration of office witnessed by the Shire President Cr Aird.

1.4 Leave of Absence

2 PUBLIC QUESTION TIME

2.1 The Committee from CoMHAT informed Council there is a considerable movement that has happened in Boyup Brook since developing this committee. People are keen to see mental health supported in our town but also want to see our small community thrive and be the best it can be. A significant part of this is Social Connectedness. We believe we can work towards achieving this. COMHAT can look at the big picture while the Project Officer looks at working with community members and creating social connections and support.

2.2 Mr D Corker asked Cr Graham Aird the following questions:-

Question: Where do you live?

Answer: I live in the Boyup Brook Shire.

Question: What is your address?

Answer: My address is 1379 Bridgetown Boyup Brook Road Benjinup 6255.

2.1 Response to Previous Public Questions Taken on Notice

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Kaltenrieder attended the Blackwood Basin Group (BBG) meeting and advised Council that BBG will be taking over the Perup lease and they have also advertised for a Caretaker position.

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 18 May 2017

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Kaltenrieder

SECONDED: Cr Muncey

That the minutes of the Ordinary Meeting of Council held on Thursday 18 May 2017 be confirmed as an accurate record.

CARRIED 7/0

Res 67/17

6 PRESIDENTIAL COMMUNICATIONS

Attended the AGM Bushfire Advisory Committee meeting on 24th May 2017.

Attended the LEMC meeting on 7th June 2017.

Attended the Rylington Park Committee on 13th June 2017.

7 COUNCILLORS QUESTIONS ON NOTICE

8 REPORTS OF OFFICERS

8.1 MANAGER WORKS & SERVICES

Nil

8.2 FINANCE

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

That the Council adopts enbloc 8.2.1, 8.2.2 and 8.2.3.

CARRIED 7/0

Res 68/17

8.2.1 List of Accounts Paid in May 2017
--

<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/1/002</i>
<i>Disclosure of Officer Interest:</i>	<i>None</i>
<i>Date:</i>	<i>8 June 2017</i>
<i>Author:</i>	<i>Kerry Fisher – Manager of Finance</i>
<i>Authorizing Officer:</i>	<i>Alan Lamb – Chief Executive Officer</i>
<i>Attachments:</i>	<i>Yes – List of Accounts Paid in May</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in May 2017 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 31 May 2017.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 May 2017.

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 accorded with a detailed 2016-17 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.1

MOVED: Cr Moir

SECONDED: Cr Kaltenrieder

That at its June 2017 ordinary meeting Council receive as presented the list of accounts paid in May 2017, totalling \$1,280,080.83 from Municipal account as represented by:

Municipal Cheques	20073 - 20085	\$99,941.94
Municipal Electronic Payments	5354 - 5482	\$918,732.60
Municipal Direct Payments		\$261,406.29

CARRIED BY ENBLOC 7/0

Res 69/17

8.2.2 31 May 2017 Statement of Financial Activity
--

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 June 2017</i>
Author:	<i>Kerry Fisher – Manager of Finance</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

This report recommends that Council receive the Statement of Financial Activities and Net Current Assets for the month ended 31 May 2017.

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 *Statement of Financial Activity*.

The regulations also prescribe the content of the reports, and that details of items of Material Variances shall also listed.

COMMENT

It is a statutory requirement that the statement of financial activity be prepared each month (Regulation 34.(1A)), and that it be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the statement relates (Regulation 34.(4)(a)).

CONSULTATION

Alan Lamb – Chief Executive Officer

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulation 34.(1A)

Local Government (Financial Management) Regulations 1996, Regulation 34.(4)(a)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 8.2.2

That having regard for any material variances, Council receive the 31 May 2017 Statement of Financial Activity and Statement of Net Current Assets, as presented.

CARRIED BY ENBLOC 7/0

Res 70/17

8.2.3 Finance Policies

Location:	Shire Boyup Brook
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	08 June 2017
Author:	Stephen Carstairs (Director Corporate Services) and Kerry Fisher (Finance Manager)
Authorizing Officer:	Alan Lamb (Chief Executive Officer)
Attachments:	Yes: Material Variance in Financial Activity Statements Policy

SUMMARY

The Committee is requested to consider and endorse reviewed finance policy F.07 *Material Variance in Financial Activity Statements Policy*.

Policy F.07 presents: materiality thresholds for use in monthly financial reporting during the 2017-18 financial year as required by regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*; and a methodology for mathematically determining (i.e. calculating) these thresholds.

BACKGROUND

Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* (the FMR) requires local governments to adopt each year a percentage or value material variance, between year to date (YTD) budget and YTD actual values, calculated in accordance with the Australian Accounting Standards (AAS).

Both AASB 101 and AASB 108 have the following to say about materiality:

“Material – omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions that users make on the basis of the financial statements. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.”

Further, disclosure and provision of explanations for (material) variances presented in Financial Activity Statements is mandatory under FMR 34(2)(b).

COMMENT

Contrasting with AASB 101 and AASB 108 which require reporting entities to make an assessment (i.e. meaning to evaluate or estimate, or meaning to calculate) about materiality thresholds, FMR 34(5) requires that local governments calculate (i.e. determine mathematically) these thresholds.

CONSULTATION - Nil

STATUTORY OBLIGATIONS

The Local Government Act prescribes that the role of Council includes:

1.7 *The role of the council*

(2) *Without limiting subsection (1), the council is to –*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

Local Government (Functions and General) Regulations 1996

POLICY IMPLICATIONS

This item impacts no other policies.

BUDGET/FINANCIAL IMPLICATIONS

No financial implications derive from this item.

STRATEGIC IMPLICATIONS

The policy provides officers with guidance when reporting each month on the shire's financial affairs.

SUSTAINABILITY IMPLICATIONS

- **Environmental** – Nil
- **Economic** – Nil
- **Social** – Nil

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 8.2.3

That the Audit and Finance Committee recommend that Council endorses Policy F.07 *Material Variance in Financial Activity Statements Policy*, without change.

CARRIED BY ENBLOC 7/0

Res 71/17

8.3 CHIEF EXECUTIVE OFFICER

8.3.1 Development – Relocated Dwelling – Lot 8254 Gibbs Rd Dinninup.

Location:	<i>Lot 8254 Gibbs Rd, Dinninup</i>
Applicant:	<i>M & C Pilmer</i>
File:	<i>A15314</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>15 June 2017</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the request to relocate a building to Lot 8254 Gibbs Rd, Dinninup. The building is currently being used as an office (Class 5 Building) and is proposed to be converted to a dwelling (Class 1A Building).

Council discretion is required in accordance with the Shire's *Local Planning Scheme No.2*, which states:

5.17.1 A relocated dwelling may not be transported to and placed on a lot within the district and thereafter occupied as a residential dwelling (whether in whole or in part) except with the approval of Council and in accordance with any conditions contained in such an approval.

This report item recommends that the Council support the proposal to relocate a building to Lot 8254 Gibbs Road, and to convert the building into a 'Single House'.

BACKGROUND

Due to the location of the proposed building site being within 100m of remnant vegetation, a bushfire attack level assessment was undertaken to determine that, in the instance of a bushfire, the dwelling may be exposed to a radiant heat of 12.5kw/m².

This means that the dwelling will need to be upgraded to comply with construction standards 3 and 5 of the Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.



COMMENT

Lot 8254 Gibbs Road is located approximately 15km north of the Dinninup Townsite.

The subject building consists of two modules which when combined will be converted into a 'Single House'. Each module is approximately 15m long by 4.8m wide.

The building consists of a steel frame, corrugated roof cladding, gyprock internal walls and hardi board external walls.

The building has been certified by an engineer as being structurally adequate for transportation.

The building will be restumped using galvanised steel cast in concrete footings.

Photos of existing building.



The proposal is unlikely to impact on the locality for the following reasons:

- The subject property is isolated from neighbouring farm dwellings;
- The proposed dwelling is well setback from the main road;
- Remnant vegetation surrounds the proposed building site.

STATUTORY OBLIGATIONS

Lot 8254 Gibbs Road is zoned 'Rural' in accordance with *Local Planning Scheme No.2*. A Single House in the 'Rural' zone is a use that is permitted subject to compliance with all requirements of the *Local Planning Scheme No.2*.

The proposal complies with the *Local Planning Scheme No.2* clause 5.2.5, which states:

No building development shall be located within 10 metres of any boundary of a lot in the Rural Zone.

The proposal is expected to comply with the scheme clause 5.17.2, which states:

In considering whether or not to grant approval for a relocated dwelling the Council shall have special regard to:

- i. the appearance and external materials of the dwelling, and any proposed alterations thereto;*
- ii. the amenity of the locality;*
- iii. the visual prominence of the site; and*
- iv. all applicable statutes, local laws and regulations relating to dwelling houses applicable to both the relocated dwelling and the lot upon which it is to be located following transportation.*

The *Local Planning Scheme No.2* clause 5.17.3 states:

In granting an approval for a relocated dwelling the Council may impose conditions including conditions which:

- i. Require the applicant or owner to obtain a building license in accordance with Section 9 of the Building Act 2011; and*
- ii. require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of the relocated dwelling to a standard of presentation acceptable to Council within a specified time frame. Should Council require the provision of a bond, such monies so received shall be deposited in an Interest Bearing Trusts Account and upon the satisfactory completion of the necessary works, such monies owing shall be refunded.*

The proposed dwelling is structurally sound and in a presentable condition. It is therefore recommended that the Council does not require the provision of a bond as surety for the completion of the relocated dwelling.

POLICY IMPLICATIONS

The following policy applies to the subject application:

'POLICY NO. B.08 Transportable Residences'

The following Policy B.08 provisions are applicable to the application at hand:

- *Relocated houses may not be brought into the shire until a building permit is issued.*
- *Houses clad with asbestos cement sheeting will be permitted, provided the cladding is undamaged and the relocation complies with the Health (Asbestos) Regulations.*
- *The visual amenity of the building shall be brought up to the required standard within three (3) months of being placed on the lot.*
- *The building application shall include a Structural Engineers Report.*
- *Stumps may be of timber, steel or concrete.*
- *All damaged sections of external materials and fittings are to be made good.*
- *The building is not to be occupied prior to final inspection by the Building Surveyor.*

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.1

MOVED: Cr Moir

SECONDED: Cr Oversby

That Council

Grants development approval for a relocated dwelling at Lot 8254 Gibbs Road, subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 8254 Gibbs Road, Dinninup

Description of proposed development:

Relocated Dwelling

The application for development is approved subject to the following conditions.

Conditions:

1. Prior to occupancy of use, the visual amenity and structural integrity of the building shall be brought up to the required standard(s), to the satisfaction of the Shire of Boyup Brook.
2. Any damaged or rusted materials or fittings (e.g. windows, doors, gutters or downpipes) are to be replaced as new, to the satisfaction of the Shire of Boyup Brook.
3. All stormwater is to be managed and contained on-site, to the satisfaction of the Shire of Boyup Brook.

Date of determination: 15 June 2017

Note 1: The dwelling will need to be upgraded to comply with construction standards 3 and 5 of the Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.

Note 2: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

for and on behalf of the Shire of Boyup Brook.

CARRIED 7/0

Res 72/17

Kerry Fisher left the Chambers at 6.01pm

Kerry Fisher returned to the Chambers at 6.06pm

8.3.2 Development (Advertisements) – Bluestone Cafe
--

Location:	<i>68-70 Abel Street</i>
Applicant:	<i>R & M Sambell</i>
File:	<i>A1770</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>15 June 2017</i>
Author:	<i>A. Nicoll, Town and Regional Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the request to develop two under awning advertisements.

The advertisements are proposed to be located at 68-70 Abel Street (Bluestone Café).

The advertisements are proposing to advertise 'Bluestone Cafe'.

Council discretion is required in accordance with the Shire's *Local Planning Scheme No.2*, which states:

8.1.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose in development within the definition of the Act requires, except as otherwise provided, the prior approval of the Council.

This report item recommends that the Council support the proposed advertisements.

BACKGROUND

The Shire of Boyup Brook received an application proposing to develop two under awning advertisements.

COMMENT

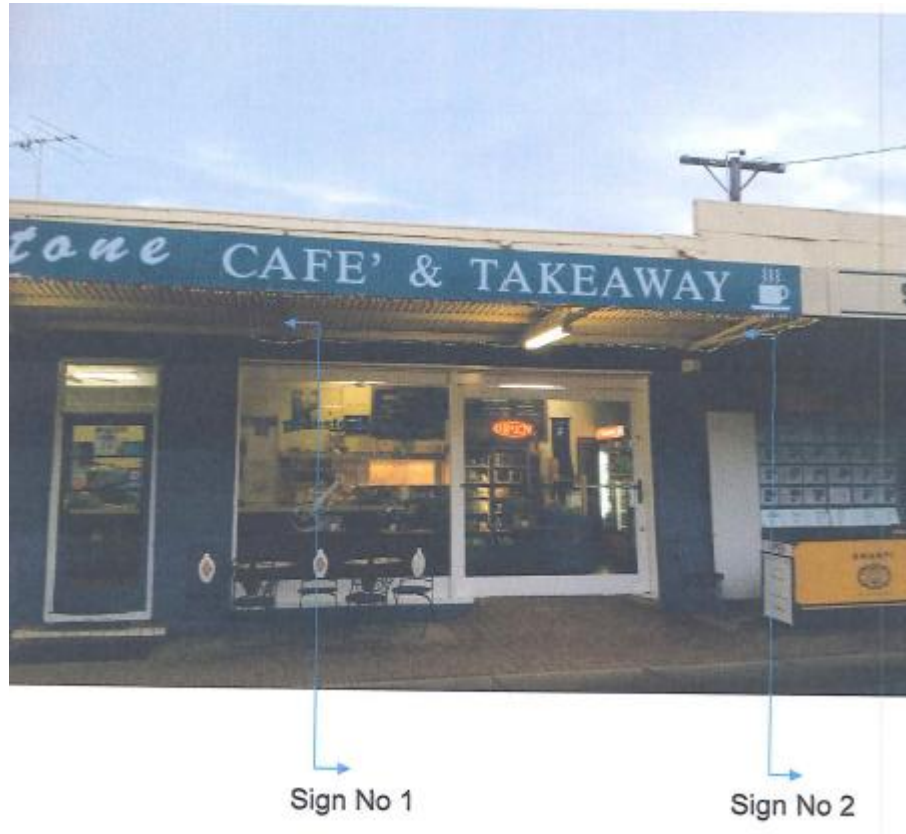
Design

The advertisements are designed as follows:

- Under awning advertisements;

- 1.265m X 500mm;
- Steel material; and
- 2.5m between bottom of advertisements and ground level.

The following illustrates the proposed location of the advertisements.



The advertisements are not expected to impact upon the amenity of the area or obstruct visual sightlines of vehicles or pedestrian movement.

STATUTORY OBLIGATIONS

Shire's Local Planning Scheme No. 2

The Shire's *Local Planning Scheme No.2* defines 'advertisement' as follows:

'any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising'

The Shire's *Local Planning Scheme No.2* states the following at clause 8.1.1:

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose in development within the definition of the Act requires, except as otherwise provided, the prior approval of the Council. Such planning consent is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting Bylaws.

The Shire's Local Planning Scheme No.2 states the following at clause 8.3:

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

As per the above clause 8.3, if approval is granted for the proposed advertisements, the following condition should be specified:

The advertisement is not to be illuminated during periods when the business (IGA store) is not open for customers.

The Shire's Local Planning Scheme No.2 states the following at clause 8.6:

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-

- i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or*
- ii) remove the advertisement.*

As per the above clause 8.6, if approval is granted for the proposed advertisements, the following condition should be specified:

The advertisements being maintained to the satisfaction of the Shire of Boyup Brook.

POLICY IMPLICATIONS

There are no policy implications relating to this item.

CONSULTATION

N/A

VOTING REQUIREMENTS

Simple majority.

SUMMARY

In accordance with *Local Planning Scheme No.2*:

- Development approval is required prior to developing an advertisement; and
- In considering an application for an advertisement, Council is to consider any potential impact to the amenity of the area and the need to ensure that advertisements are properly maintained.

The advertisements are relatively small and are therefore not expected to impact on the amenity of the area.

Approval should be on the condition that the advertisements are maintained to a reasonable standard and are not illuminated during periods when the business is not open for customers.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.2

MOVED: Cr Oversby

SECONDED: Cr Moir

That Council

Grants development approval for two under awning advertisements at 68-70 Abel Street, subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: 68-70 Abel Street

Description of proposed development:

2 x Under Awning Advertisement

The application for development is approved subject to the following conditions.

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the approved plans.
2. The advertisements being maintained to the satisfaction of the Shire of Boyup Brook.

Advice

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may, by notice in writing, require the advertiser to:-

i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice, or

ii) remove the advertisement.

3. The advertisements are not to be illuminated during periods when the business is not open for customers.

Date of determination: 15 June 2017

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

for and on behalf of the Shire of Boyup Brook.

CARRIED 6/1

Res 73/17

Request for Vote to be recorded

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

For

Cr Aird

Cr Rear

Cr Oversby

Cr Moir

Cr Muncey

Cr Imrie

Against

Cr Kaltenrieder

8.3.3 Development (Telecommunications Infrastructure) – Lot 1524 Six Mile Road, Dinninup

Location:	<i>Lot 1524 Six Mile Road, Dinninup</i>
Applicant:	<i>Telstra Corporation Ltd</i>
File:	<i>A5620</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>15 June 2017</i>
Author:	<i>A. Nicoll, Town and Regional Planner</i>
Authorizing Officer:	<i>Alan Lamb, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this report is to put before Council the request to develop Telecommunications Infrastructure at Lot 1524 Six Mile Road, Dinninup on behalf of Telstra in accordance with the Federal and State Government Mobile Black Spot Program.

The Telecommunications Infrastructure is proposed to be located approximately 250m south of the Dinninup Townsite.



The *Telecommunications (Low-Impact Facilities) Determination 1997* allows for the upgrade of existing mobile phone network infrastructure without the consent of a relevant statutory authority. In this instance the proposed development does not comply as a "Low Impact facility" under the definitions contained in the Commonwealth legislation. Therefore Council discretion is required in accordance with the Shire's *Local Planning Scheme 2*.

It is recommended that the Council agree to support the proposed Telecommunications Infrastructure at Lot 1524 Six Mile Road, subject to conditions.

BACKGROUND

Telecommunications are becoming more deeply integrated into our day to day lives.

The Telecommunications Infrastructure will form part of Telstra's NextG network solution to Dinninup and surrounding areas and will deliver essential mobile services (voice calling, SMS), as well as live video calling, video-based content including; news, finance and sports highlights, and high-speed wireless internet - wireless broadband.

Telstra examined a range of possible deployment options in the area before concluding that a new telecommunications facility at Lot 1524 Six Mile Road would be the most appropriate solution to provide necessary mobile phone coverage to the Dinninup and surrounding rural area.

COMMENT

Lot 1524 Six Mile Road

Lot 1524 Six Mile Road is a large (212ha) majority cleared lot, located within a predominantly agricultural area, with surrounding land divided into large rural allotments used for grazing and smaller lots used for townsite living.

Proposed Works

The proposed works involve installation of:

- One (1) 40m Monopole;
- One (1) triangular headframe;
- Six (6) new panel antennas (no greater than 2.8m in length);
- Six (6) TMA's and six (6) Remote Radio Units (RRU's) and other required ancillary cabling and equipment;
- One (1) Telstra Equipment Shelter, that is not more than 3m high with a base area of not more than 7.5m² at the base of the aforementioned monopole;
- Associated underground utility cable(s) between the aforementioned equipment shelter and legal road;
- New stock-proof fence (dimensions 10m x 10m) surrounding the Telstra compound, with a 3m wide access gate.

The proposed 40m high monopole will seek to minimise the visual impact of a telecommunications structure in the area. The monopole will remain unpainted

(dull grey colour), which has over time been demonstrated to most successfully blend with the uniform colours of the site's setting.

Location of proposed works

The facility is to be located central to Lot 1524, approximately 250m south of the Dinninup Townsite.

It is recommended that the Council agree to support the proposed Telecommunications Infrastructure for the following reasons:

- The site is appropriately located so as to minimise visual and environmental impact on the immediate and surrounding area;
- The site is well setback from sensitive uses and residential dwellings;
- The site will achieve the required coverage objectives for the area;
- The site will meet design and construction considerations;
- The site is located within close proximity to the existing Telstra fibre; and
- The proposal operates within the regulatory framework of Commonwealth, State and Local Government.

CONSULTATION

The proposal was referred to landowners within the locality.

Zero (0) written submissions were received.

The proposed telecommunications infrastructure is a direct result of the community's requests for reliable telecommunications to be provided to the Dinninup and surrounding areas.

STATUTORY OBLIGATIONS

There are no statutory implications relating to the proposal.

The subject lot is zoned 'Rural' under *Local Planning Scheme No. 2*. The Shire's scheme defines 'Telecommunications Infrastructure' as:

'land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network'

Telecommunications infrastructure is listed as an 'AA' activity in the Rural Zone on the scheme's zoning table, meaning that Council, in exercising the discretionary powers available to it, may approve under this scheme.

Licensed telecommunications carriers must operate under the provisions of the *Telecommunications Act 1997* and the *Telecommunications Code of Practice 1997*. Section 2.11 of The *Telecommunications Code of Practice 1997* sets out the design, planning and installation requirements for the carriers to ensure the installation of facilities is in accordance with industry 'best practice', including:

- Ensure as little detriment, damage and inconvenience as practicable is caused;
- Ensure that the land is restored to a condition that is similar to its condition before the installation began;
- Act in accordance with good engineering practice;
- Protect the safety of persons and property;
- Minimise interference with public utilities, roads and paths, traffic and land use;
- Protect the environment (including ecosystems, people and communities; resources; qualities and characteristics of locations and areas, and the social, economic and cultural aspects of all these).

POLICY IMPLICATIONS

There are no policy implications relating to the proposal.

The following policy documents have been used to assess the appropriateness of the proposed telecommunication tower:

- *Western Australian Planning Commission's State Planning Policy 5.2 – Telecommunications Infrastructure*;
- *Western Australian Planning Commission's Planning Bulletin (No.22)*; and
- *Western Australian Planning Commission's Guidelines for the location, siting and design of telecommunications infrastructure*.

State Planning Policy 5.2 – Telecommunications Infrastructure

The application complies with the following objectives of this policy:

- Facilitate the provision of telecommunications infrastructure in an efficient and environmentally responsible manner to meet community needs;
- Manage the environmental, cultural heritage, visual and social impacts of telecommunications infrastructure;
- Ensure that telecommunications infrastructure is included in relevant planning processes as essential infrastructure for business, personal and emergency reasons; and
- Promote a consistent approach in the preparation, assessment and determination of planning decisions for telecommunications infrastructure.

Planning Bulletin (No.22)

In accordance with the Planning Bulletin 22, when considering applications from telecommunications carriers, the following matters need to be taken into account:

- The social benefits;
- Continuity of supply;
- Protection of the environment; and
- Safeguarding visual amenity.

Guidelines for the location, siting and design of telecommunications infrastructure

In accordance with the *Guidelines for the location, siting and design of telecommunications infrastructure*, when considering applications from telecommunications carriers, the following matters need to be taken into account:

- Telecommunications infrastructure should be strategically planned and co-ordinated, similar to planning for other essential infrastructure such as transport networks and energy supply;
- Telecommunications facilities should be designed and sited to minimise adverse impacts on the visual character and amenity of residential areas;
- Unless it is impractical to do so, telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas; and
- Measures such as surface mounting, concealment, colour co-ordination, camouflage and landscaping to screen at least the base of towers and ancillary structures, and to draw attention away from the tower, should be used, where appropriate, to minimise the visual impact of telecommunications facilities. Design techniques include:
 - adjustment to the overall size (height and dimension) of the facility;
 - colour to match the predominant background (e.g. sky, vegetation);
 - designing the facility as a work of urban art;
 - disguising the facility as another structure (e.g. flagpole, signpost, tree).

In accordance with the policy measures, it is recommended that a decision to approve the proposed tower is conditional on the grounds that:

- Any proposed lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries; and
- The external colour of cladding used for the Telstra Equipment Shelter blends with the predominant background landscape.

BUDGET/FINANCIAL IMPLICATIONS

There are no financial implications directly relating to this item.

STRATEGIC IMPLICATIONS

There are no strategic implications directly relating to this item.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There is strong State policy support for telecommunications facilities if, when balancing improved telecommunications services with environmental impacts; including for example, visual impact and flood or fire hazard, a particular proposal provides a net community benefit.
- An electromagnetic energy report submitted by the proponent states that the maximum calculated electromagnetic energy level from the proposed

installation would be 0.25% of the public exposure limit - 400 times lower than the maximum safe levels mandated by the federal government.

➤ **Economic**

The proposed works provide the community with reliable 4G access which in turn supports the various rural and tourist industries in the region and forms part of a wider plan to ensure reliable and accessible coverage during emergency situations such as bush fires.

➤ **Social**

The proposed works provide the community with opportunity to network and communicate socially with each other.

VOTING REQUIREMENTS

Simple majority

CONCLUSION

The location of the facility in this rural area is not uncommon for this form of infrastructure.

The facility is proposed to be located so as not to impact on the ability of properties to utilise their land for agricultural uses and no removal of vegetation is required for this development to proceed.

The proposed telecommunications facility will form an integral component in Telstra's national 4G network. This 4G service allows more Australians to experience more reliable connections and ultra-fast mobile internet.

Telstra has undertaken an assessment of the relevant matters as required by the *Telecommunications Act 1997*, State Legislation and the *Shire of Boyup Brook Local Planning Scheme No. 2*. The proposal is considered appropriate in light of the relevant legislative, environmental, technical, radio coverage and public safety requirements.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 8.3.3

MOVED: Cr Imrie

SECONDED: Cr Rear

That Council

Grants development approval for Lot 1524 Six Mile Road, Dinninup, for the purpose of Telecommunications Infrastructure subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 1524 Six Mile Road, Dinninup

Description of proposed development:

Telecommunications Infrastructure

The application for development is approved subject to the following conditions.

Conditions:

1. Prior to occupancy of use, unless varied by a condition of approval or a minor amendment to the satisfaction of the Shire of Boyup Brook, all development shall occur in accordance with the stamped, approved plans.
2. Lighting devices are to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries, in accordance with Australian Standard AS4282/1997.
3. The external colour of cladding used for the Telstra Equipment Shelter blends with the predominant background landscape.

Date of determination: 15 June 2017

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:

Dated:

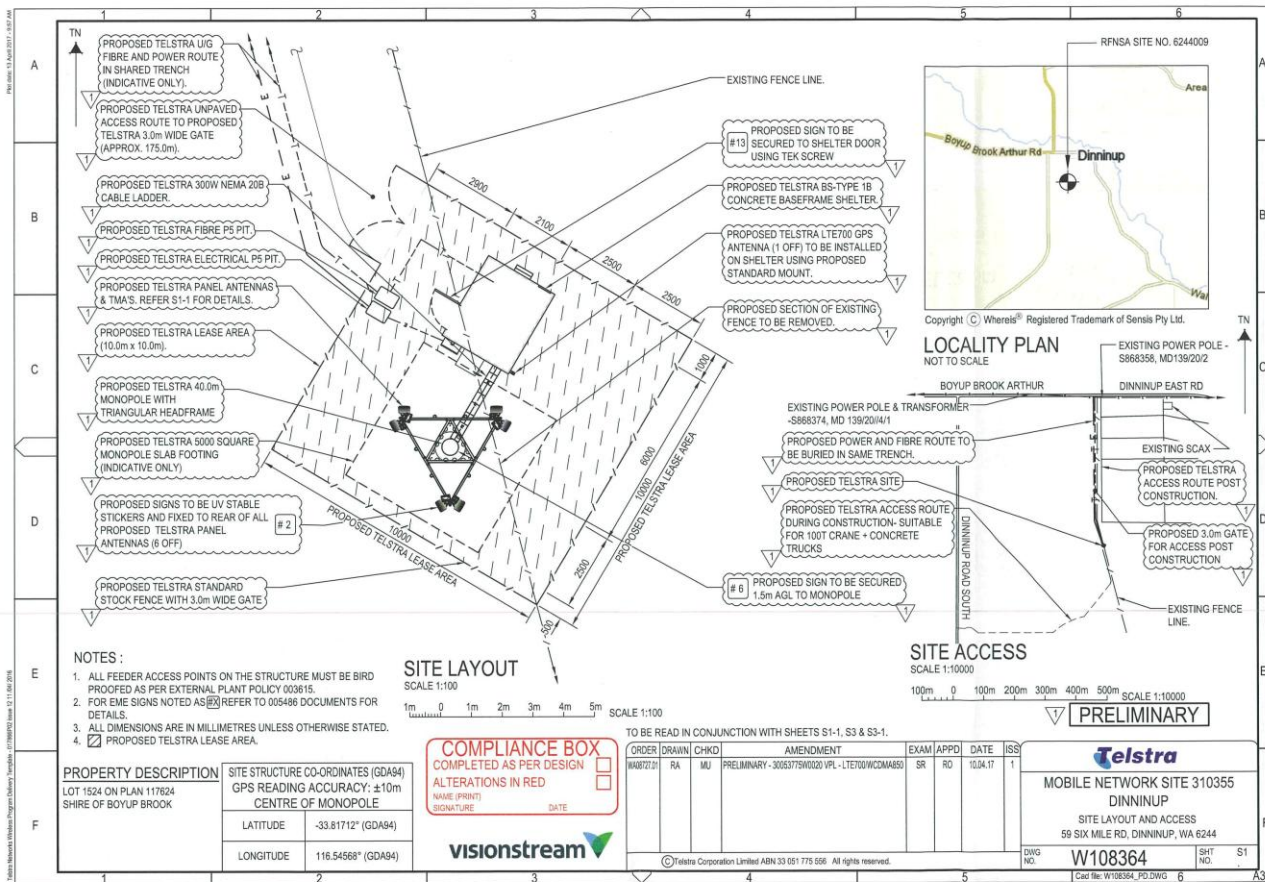
for and on behalf of the Shire of Boyup Brook.

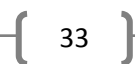
CARRIED 7/0

Res 74/17

Approved Plans

Site Plan





8.3.4 Flax Mill Dining Room and Cottage - Craft Group
--

Location:	<i>Jackson Street Boyup Brook</i>
Applicant:	<i>N/a</i>
File:	<i>CP/31/001</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 June 2017</i>
Author:	<i>Alan Lamb</i>
Authorizing Officer:	<i>Chief Executive Officer</i>
Attachments:	<i>Copy of structural report dated July 2007.</i>

SUMMARY

The purpose of this report is to bring before Council the matter of the state of the current structures and the opportunity to relocate the Craft Group.

BACKGROUND

The attached report was done in 2007 and was included in the Boyup Brook Flax Mill Conservation Plan 2010.

The Craft Group has previously indicated a preparedness to relocate to the flax mill in order to free up the two residential sized lots, they currently occupy in Jayes Road, for other purposes (aged accommodation was one option looked at by Council).

COMMENT

The attached report, on the flax mill facility, notes that "a process needs to be worked through to determine the future of the facility and from such an understanding decisions can follow as to required funding". This position remains unchanged but some of the structures have deteriorated even further than the condition report indicates. A number of the existing structures were not well used and in such a poor state that Council decided to demolish the structures which were dangerous.

With the local Men's Shed group's interest in occupying some structures Council carried out improvements to one shed and the group now leases two structures.

The dining room and cottage structures were highlighted as a potential option for the Craft Group and the intention was to start to move on renovations to these to rectify structural problems and make them suitable for the group. It is apparent

now however that the condition of the dining room is far worse than at first thought.

The dining room has been used as part of the caravan park operation but its kitchen area was not fit for purpose and so it should not have been used.

The cottage has been used but only occasionally and it is not well insulated and the like.

Leading up to the 2017/18 budget it is recommended that Council provide for the demolition of both structures and building a new shed style structure for use by the Craft Group. It is expected that this would cost in the region of \$150,000 (including an appropriate fit out).

CONSULTATION

Whilst the move to the flax mill has been discussed with the Craft Group, this proposed demolition and new build has not. It was considered that consultation in this regard would be premature until Council support and budgeted for the work.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this

STRATEGIC IMPLICATIONS

The Craft Group is an active community group. The men's shed group's use of structures has dramatically increased community use of the flax mill and relocating the craft group there should be a good synergy.

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 Rear

SECONDED: Cr Muncey

That provision be made in the draft 2017/18 budget for the demolition of flax mill structures, described and known as dining room and cottage.

Further consideration will be given to the site in the future.

CARRIED 7/0

Res 75/17

8.3.5 Central District Parking Plan

Location:	<i>N/A</i>
Applicant:	<i>Daly Winter - Manager Community & Regulatory Services</i>
File:	<i>RS/51/1</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>8 June 2017</i>
Author:	<i>Daly Winter - Manager Community & Regulatory Services</i>
Authorizing Officer:	<i>Alan Lamb - Chief Executive Officer</i>
Attachments:	<i>Yes – Revised Parking Plan V3 2017 map and copies of Public comments received.</i>

SUMMARY

This report recommends that Council approve this final version of the Central Business District Parking Plan for the Town of Boyup Brook. This revised plan considered the feedback received from the public comment and consultation period which closed on 31 May 2017.

Many of the comments that we received were able to be incorporated into this revised version of the plan although some allowances had to be given not to complicate the signage placement and to assist with the flow of the parking zones which meant that some businesses didn't get parking zones immediately outside of their premises! However, most parking requirements are met within easy walking distances from these businesses.

BACKGROUND

Council has received and continues to receive complaints about parking in the Central Business District (CBD), typically regarding people parking in front of businesses all day preventing through business from being able to stop. This proposed plan takes into account comments from businesses, the public and the Shire Ranger following the consultation period.

This is the third version of the parking plan. We have duly considered the feedback from the community and we believe this plan reflects the overall intent of that public comment.

COMMENT

Eight responses were received from the community in relation to the parking. Copies of the correspondence are attached to this item. Many of the comments that we received were able to be incorporated into this revised version of the parking plan. Shorter term options were the most desirable in the feedback received although we did remove one limited time section on Bridge Street adjacent to the Co Op to all day parking.

CONSULTATION

The parking plan was available for public comment for approximately 4 weeks and concluded on the 31 May 2017. The Chief Executive Officer, Director of Works, Manager Community & Regulatory Services and the Shire Ranger have also contributed to the plan.

STATUTORY OBLIGATIONS

Nil.

POLICY IMPLICATIONS

Nil.

BUDGET/FINANCIAL IMPLICATIONS

Signage will cost in the order of \$4000 to erect and it is intended that this work be done in 2017/18 and so there will be no impact on the current budget.

STRATEGIC IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
Nil.
- **Economic**
Short term parking in front of the service businesses will allow greater access to the public wishing to use these businesses.
- **Social**
Marking the parking bays as short term will help members of the public park directly in front of businesses which will help their access to the businesses.

VOTING REQUIREMENTS

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION - ITEM 8.3.5

MOVED: Cr Oversby

SECONDED: Cr Rear

That Council adopt the attached Revised Central Business District Parking Plan V3 as amended at the meeting for the Town of Boyup Brook.

CARRIED 7/0

Res 76/17

Impartiality Interest

The Shire President declared an impartiality interest in the following item due to being a Member of the Bush Fire Brigade.

8.3.6 Nollajup Bush Fire Brigade

Location:	N/A
Applicant:	Marcus Gifford - Nollajup Bush Fire Brigade
File:	
Disclosure of Officer Interest:	None
Date:	6 June 2017
Author:	Daly Winter - Manager Community & Regulatory Services
Authorizing Officer:	Alan Lamb - Chief Executive Officer
Attachments:	Yes – Email from Mr Marcus Gifford Fire Control Officer (Captain) Nollajup Brigade

SUMMARY

A request has been received from Marcus Gifford from the Nollajup Bush Fire Brigade requesting that two trailers which I believe were funded by the brigade from revenue or donations be gifted or handed back to the Nollajup Brigade to be dispose of at their discretion. The Brigade has purchased a new tandem galvanised trailer again using their own funds to replace the two existing trailers. The two existing trailers are currently registered in the name of the Shire.

BACKGROUND

Our Bush Fire Brigades use trailers to carry fast fill pumps and stand pipes which enable them to draw water from dams and rivers to fill our volunteer farmer fire units. Many of these trailers were purchased by our bush fire brigades from brigade funds. These units would have initially been registered to the individual Brigades and insurance and registration would have been paid by the brigades. Some time ago I believe to simplify this process the majority of these fast fill trailers were transferred to the Shire and put into the Shire's name. The Shire now paid the insurance and registrations costs directly. These costs are recouped through the Emergency Services Levy Funding. We now have some of these trailers reaching their service life and or usefulness and the brigades now want to dispose of them. Because they are now in the name of the Shire we have to follow the Local Government Act to dispose of Council property.

This would mean that the funds from the sale of the item wouldn't go back to the brigade that in some cases originally purchased the trailer.

Nollajup brigade has asked if Council could consider gifting the two trailers back to the brigade?

COMMENT

Our local Bush Fire Brigades were constituted under an Act of Parliament. Agreeing to pass back the trailers to the Brigade will not benefit any of members individually and the subsequent sale of the trailers by the brigade will go into brigade funds.

CONSULTATION

Chief Executive Officer and the Director of Corporate Services.

STATUTORY OBLIGATIONS

The *Local Government Act 1995* prescribes that the role of Council includes:

3.58. Disposing of property

- (1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
 - (c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
 - (d) any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]

30. Dispositions of property excluded from Act s. 3.58

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
 - (i) its market value is less than \$5 000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;
 - or

- (c) the land is disposed of to —
 - (i) the Crown in right of the State or the Commonwealth; or
 - (ii) a department, agency, or instrumentality of the Crown in right of the State or the Commonwealth; or
 - (iii) another local government or a regional local government;or
 - (d) it is the leasing of land to an employee of the local government for use as the employee's residence; or
 - (e) it is the leasing of land for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land; or
 - (f) it is the leasing of land to a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession to be used for carrying on his or her medical practice; or
 - (g) it is the leasing of residential property to a person.
- (2a) A disposition of property is an exempt disposition if the property is disposed of within 6 months after it has been —
- (a) put out to the highest bidder at public auction, in accordance with section 3.58(2)(a) of the Act, but either no bid is made or any bid made does not reach a reserve price fixed by the local government; or
 - (b) the subject of a public tender process called by the local government, in accordance with section 3.58(2)(b) of the Act, but either no tender is received or any tender received is unacceptable; or
 - (c) the subject of Statewide public notice under section 3.59(4) of the Act, and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
 - (i) the names of all other parties concerned; and
 - (ii) the consideration to be received by the local government for the disposition; and
 - (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.
- (2b) Details (see section 3.58(4) of the Act) of a disposition of property under subregulation (2a) must be made available for public inspection for at least 12 months from the initial auction or tender, as the case requires.
- (3) A disposition of property other than land is an exempt disposition if —
- (a) its market value is less than \$20 000; or
 - (b) the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.

[Regulation 30 amended in Gazette 25 Feb 2000 p. 974-5; 28 Apr 2000 p. 2041; 31 Mar 2005 p. 1055-6; 27 Sep 2011 p. 3846; 18 Sep 2015 p. 3812.]

POLICY IMPLICATIONS

Nil.

BUDGET/FINANCIAL IMPLICATIONS

The value of the two trailers P529 (1TGJ-189) and P530 (1TJL-790) was not shown in the Shire's asset register possibly because the value of the trailers was deemed to be too low at the time of valuation.

STRATEGIC IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There will be an economic benefit for the Nollajup Bush Fire Brigade as they will receive funds back into their brigade account from the sale of the trailers.
- **Social**
Quite possibly there will a social benefit to the Brigade as some of the acquired funds from the sale of the trailers may be spent on social activities of the brigade.

VOTING REQUIREMENTS

Simple majority.

COUNCIL DECISION & OFFICER RECOMMENDATION

MOVED: Cr Moir

SECONDED: Cr Rear

- 1. That Council approves the donation of the two trailers back to the Nollajup Bush Fire Brigade and;**
- 2. If it does approve the donation, that Council also pays the required ownership registration transfer fees.**

CARRIED 7/0

Res 77/17

COUNCIL DECISION

MOVED: Cr Moir

SECONDED: Cr Muncey

That the Council adopts enbloc 9.1.1 and 9.1.2..

CARRIED 7/0

Res 78/17

9 COMMITTEE MINUTES

9.1.1 Minutes of the AGM Bushfire Advisory Committee

<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	<i>n/a</i>
<i>Disclosure of Officer Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>9 May 2017</i>
<i>Author:</i>	<i>Alan Lamb - CEO</i>
<i>Attachments:</i>	<i>Yes – Minutes</i>

BACKGROUND

The AGM Bushfire Advisory Committee meeting was held on 24 May 2017.

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

COUNCIL DECISIONJ & OFFICER RECOMMENDATION – Item 9.1.1

That the minutes of the AGM Bushfire Advisory Committee meeting be received.

CARRIED BY ENBLOC 7/0

Res 79/17

9.1.2 Minutes of the Audit & Finance Committee Meeting

Location: N/A
Applicant: N/A
File:
Disclosure of Officer Interest: Nil
Date: 10 April 2017
Author: Alan Lamb - CEO
Attachments: Yes – Minutes

BACKGROUND

The Audit and Finance Committee will meet at 2.30pm on 15 June 2017.

Minutes of the meeting will be laid on the table and circulated.

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 9.1.2

That the minutes of the Audit and Finance Committee meeting be received.

CARRIED BY ENBLOC 7/0

Res 80/17

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Cr Muncey

MOTION

Supply and install solar panels on shire office roof as this will prove to be economical and environmentally viable.

CEO COMMENT

With funding provided in the current budget a study was conducted on electricity usage at Shire owned buildings some facilities. The purpose of this study was to ascertain if solar energy collectors would be a cost effective way of reducing electricity charges. The study was completed recently and it will provide the level of detail required to make an informed decision on this opportunity.

As requested by a Shire Councillor, an allowance has been made in the draft budget to purchase and install solar collectors in 2017/18. It is envisaged that the total cost will dictate a stage program and so provision has also been made in the draft Long Term Financial Plan.

It is recommended that rather than nominate the Shire Office now, for solar collectors it would be better to wait for the report and then decide which building or facility should be done first.

COUNCIL DECISION & OFFICER RECOMMENDATION - Item 10.1

MOVED: Cr Muncey

SECONDED: Cr Kaltenrieder

That Council support the inclusion of funding to install solar collectors, for the generation of electricity, in the 2017/18 draft budget.

CARRIED 7/0

Res 81/17

The Deputy Shire President noted the following late items to the meeting and, with dissent, agreed to deal with them.

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

11.1 Levying Rates in 2016-17

MOVED: Cr Kaltenrieder

SECONDED: Cr Oversby

That Council:

- 1. Endorses for 2017-18 Annual Budget preparation purposes the following proposed general rates and minimum payments to be applied from 1 July 2017 for the 2017-18 financial year:**

	2017-18	
Rate Classes	Rate in \$	Min S's
GRV	12.8775	897
UV - Rural	0.7268	824
UV – Mining	16.3152	851

- 2. Endorse the Objects and Reasons for the rates to be imposed in the 2017-18 financial year.**
- 3. Subject to endorsement of the proposed rating model by Council, the proposed general rates and general minimum payments will be advertised in Saturday's West Australian, the Gazette (time permitting), on the shire website, on the shire public notice board and in the library.**

CARRIED 7/0

Res 82/17

11.2 Budget Amendment: 2017 - 18 Federal Assistance Grant – Advance Payment
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MOVED: Cr Rear

SECONDED: Cr Kaltenrieder

That Council receives the Commonwealth Government's advance Financial Assistance Grant payment, comprising:

- **\$348,494 Local Road Assistance; and**
- **\$260,818 General Purpose Assistance, and**

direct the CEO to amend the Shire of Boyup Brook 2016-17 Annual Budget by increasing operating revenue by \$609,312.

CARRIED 7/0

Res 83/17

12 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS
Nil

13 CLOSURE OF MEETING

There be no further business the Shire President, Cr Aird thanked all for attending and declared the meeting closed at 7.00pm.