

COUNCIL MEETING

AGENDA

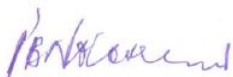


For the Ordinary Meeting of Council to be held on

15 May 2019

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 15 May 2019 at the Cranbrook Council Chambers commencing at 3.00pm.



Peter Northover
Chief Executive Officer

DISCLAIMER

This agenda has yet to be dealt with by the Council. The recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Egerton-Warburton will declare the meeting open at pm. The Shire President will alert the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

President	Cr CY (Colin) Egerton-Warburton
Deputy President	Cr PL (Phil) Horrocks
Councillors	Cr PM (Peter) Beech
	Cr ER (Ruth) Bigwood
	Cr P (Peter) Denton
	Cr PW (Peter) Slater
	Cr DS (David) Carey
	Cr VN (Vanessa) Fiegert

Chief Executive Officer	Mr PB (Peter) Northover
Manager of Finance & Administration	Mrs PA (Trish) Standish
Manager of Works	Mr JE (Jeff) Alderton
Minute Taker	Mrs SA (Shelley) Askevold

Members of the Public

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

Councillor	Cr DJ (David) Adams
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3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Mr Sid Eades from Malaak will provide a presentation to Council.

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. DISCLOSURE OF INTEREST

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

The meeting will be closed to discuss item 13.1

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 17 April 2019

That the minutes from the ordinary meeting of Council held on 17 April 2019, be confirmed as a true and correct record.

10. REPORTS OF OFFICERS

10.1 FINANCE & ADMINISTRATION

10.1.1 LIST OF PAYMENTS

RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Jodi Vitler – Finance Admin Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	1 May 2019
ATTACHMENTS:	List of Payments – 1 April 2019 to 30 April 2019

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 April 2019 to 30 April 2019.

Background

Nil

Officers Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulation 13 states:

13. List of accounts

(1) If the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer 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.

Policy Applicable – Implications

Council Policy 4.8 – 'Purchasing', states that:

"The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- a) The payee's name*
- b) The amount of the payment*
- c) The date of the payment*
- d) Sufficient information to identify the transaction.*

The list referred to above is to be presented to the Council at each ordinary meeting of the Council and is to be recorded in the minutes of the meeting at which it is presented.

It is considered appropriate to delegate this authority to the Chief Executive Officer as the payment of accounts is the final process after debts have been incurred through other processes and systems in place."

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Supplier/Contract Management

The **impact** of the risk is Financial, Non-Compliance and Reputational.

The **consequences** of these risks are considered to be Major

The **likelihood** is Rare

Hence the **risk rating** for this item is Low

Risk mitigation includes the Council having strong financial policies and procedures in place and the requirement to report to the Council on a monthly basis.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the payment of accounts totalling \$958,338.84 as per the attachment be noted:

- **Electronic Funds Transfers EFT9625 to EFT9709 - \$817,166.03;**
- **Municipal Fund Cheque No's 12164 – 12165 - \$329.00;**
- **Internal Account Transfers (Payroll) - \$116,306.20; and**
- **Direct Debit - \$24,537.61.**

10.1.2 MONTHLY FINANCIAL STATEMENTS

RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	6 May 2019
ATTACHMENTS:	Financial Statements for April 2019

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 April 2019.

Background

The Local Government (Financial Management) Regulations 1996 require the preparation of monthly financial statements and presentation of these statements to the Council.

Officers Comment

The April financial statements report on 10 months, or 83% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 87% of our expected operating income. This higher percentage is due to the fact that property rates are recognised as revenue when they are raised and not when they are paid;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 74% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 3 shows a net current assets position of \$1,000,000 (surplus), which is mainly made up of cash on hand; and
- The 'Variance Report' on page 8 defines the major variances between budget and actual figures as required by the regulations.

Statutory Environment

The Local Government (Financial Management) Regulations 1996 define the requirements for monthly financial reporting (Regulation 34).

Policy Applicable – Implications

Council Policy 4.1 Defining Material Variances, states that:

When dividing the actual figures with the annual budget figure, a variance of plus or minus 10% of the percentage of the year elapsed will be reported. In addition, a variance must be greater than \$1,000 to be reported.

Financial Implications

Whilst the financial statements report on the current position of the Council, the adoption of the recommendation below does not have a financial impact.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Supplier/Contract Management

The **impact** of the risk is Financial, Non-Compliance and Reputational

The **consequences** of these risks are considered to be Major

The **likelihood** is Rare

Hence the **risk rating** for this item is Medium

Risk mitigation includes the Council having strong financial policies and procedures in place and the requirement to report to the Council on a monthly basis.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the attached financial statements for the period ending 30 April 2019 be noted.

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 LOCAL GOVERNMENT CONVENTION AND EXHIBITION 2019

RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Peter Northover – Chief Executive Officer
FILE REFERENCE:	GO24
APPLICANT:	N/A
DATE OF REPORT:	2 May 2019
ATTACHMENTS:	Nil

Purpose

The purpose of this report is to allow Councillors the opportunity to attend the annual Local Government Convention and Trade Exhibition.

Background

The annual Local Government Convention for 2019 will be held between Wednesday 7 and Friday 9 August 2019 at the Perth Convention and Exhibition Centre. The Annual General Meeting (AGM) of the Western Australian Local Government Association (WALGA) will be held on Wednesday, 7 August 2019.

Officers Comment

An extract of the Convention programme has not been received to date. The full brochure will be available from the Chief Executive Officer in due course.

This convention includes the Annual General Meeting of WALGA which is free to attend. The Shire President and Deputy Shire President are the Council's voting delegates at this event. The convention has been well attended in recent years by the Council, however consideration may want to be given to those Councillors who have not previously attended.

The convention provides the year's most important professional development and networking opportunity for all Councillors. Prior to and after the convention, there are normally several elected member professional development modules also being offered.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

Council Policy 1.6 – (Local Government Convention - Attendance) states that:

- The Shire President, Deputy Shire President and Chief Executive Officer will attend the annual WALGA Local Government Annual General Meeting and Local Government Convention;
- The Council may decide and make a resolution to send other Elected Members as appropriate each year on a rotational basis to the WALGA Local Government Convention; and
- The expenditure for the conference be contained responsibly by all attendees and be consistent with the Financial Policies and Code of Conduct of the Shire of Cranbrook.

Financial Implications

The 2019/2020 budget will include provision under Members' Conference Expenses for attendance at this year's convention. The average cost per person to attend the convention in recent years has ranged from \$3,500 in 2010 to \$2,000 in 2018.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil statutory, regulatory or compliance requirements

The impacts of these risks are Non-Compliance and Reputational

The consequences of these risks are considered to be Minor

The likelihood is Unlikely

Hence the **risk rating** for this item is Low

Risk mitigation includes adherence to Council Policies 1.6 – Local Government Convention – Attendance, and 1.7 – Elected Members – Allowances and Reimbursements, as well as the Shire of Cranbrook Code of Conduct.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Outcome 4.2: Demonstrate strong leadership and civic responsibility

Strategy 4.2.1: Provide leadership to the community, staff and wider region

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That:

- 1. The President, Deputy Shire President, and Chief Executive Officer, be authorised to attend the 2019 Local Government Convention and Trade Exhibition from 7 to 9 August 2019 at the Perth Convention and Exhibition Centre;**
- 2. The President and Deputy Shire President be nominated as the Voting Delegates at the Annual General Meeting of the Association on Wednesday, 7 August 2019; and**
- 3. The Chief Executive Officer be nominated as the Proxy delegate at the Annual General Meeting of the Association in the event that either the President or Deputy President is unable to attend the Annual General Meeting of the Association on Wednesday, 7 August 2019.**

10.2.2	ANNUAL GENERAL MEETING OF ELECTORS - MINUTES
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	GO4
APPLICANT:	N/A
DATE OF REPORT:	5 May 2019
ATTACHMENTS:	Draft Minutes of the Annual General Meeting of Electors – 17 April 2019

Purpose

The purpose of this report is for the Council to consider receiving the minutes of the Annual General Meeting of Electors that was held on 17 April 2019 in the Cranbrook Council Chambers.

Background

Any decisions emanating from the electors meeting are required to be referred to the Council for consideration at the earliest opportunity.

Officers Comment

The minutes from the Annual General Meeting of Electors are attached. There were no resolutions from the meeting.

Statutory Environment

Section 5.27 of the Local Government Act 1995 requires a general meeting of electors to be held once every financial year. Regulations prescribe matters to be discussed at such meetings as the contents of the Annual Report for the previous financial year and then any other general business.

Section 5.33 of the Local Government Act 1995 states that:

"All decisions made at an electors meeting are to be considered at the next ordinary council meeting or at the first ordinary council meeting after that meeting".

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance and Reputational

The **consequences** of these risks are considered to be Insignificant

The **likelihood** is Rare

Hence the **risk rating** for this item is Low

Risk mitigation includes ensuring an electors meeting is held each year and the minutes from the meeting are discussed at the next ordinary Council meeting.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

The Annual Electors Meeting is an opportunity for all residents and rate payers to communicate with the Council.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the Council receive the minutes of the Annual General Meeting of Electors held on 17 April 2019.

10.2.3 BUSHFIRE ADVISORY COMMITTEE AGM DRAFT MINUTES 15 APRIL 2019 AND BUSHFIRE CONTROL OFFICER APPOINTMENTS FOR 2019/2020

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Trish Standish – Manager of Finance and Administration
FILE REFERENCE: BF1 & BF3
APPLICANT: Shire of Cranbrook Bushfire Advisory Committee
DATE OF REPORT: 5 May 2019
ATTACHMENTS: Bushfire Advisory Committee AGM Draft Minutes

Purpose

The purpose of this report is:

1. To present to Council the minutes of the Bushfire Advisory Committee (BFAC) Annual General Meeting (AGM) held on 15 April 2019 for consideration; and
2. For Council to appoint Bush Fire Control Officers for 2019/2020 in accordance with the Bush Fires Act 1954.

Background

The BFAC meets biannually in March/April and September/October and consists of representatives from each of the 12 local brigades, the Chief Bushfire Control Officer (CBFCO), two Deputy Chief Bushfire Control Officer's (DCBFCO), the Base Radio Operator and a nominated Shire Councillor. Representatives from the Shire of Cranbrook and the Department of Fire and Emergency Services (DFES) Area Manager also attend the meetings as observers and administration support.

Officers Comment

The BFAC held their AGM on 15 April 2019 at the Frankland River Hall, the minutes of the meeting are attached. The minutes contain the following recommendations to Council:

Recommendation 1

“That Council adopt a policy that the Bush Fire Advisory Committee actively encourage all volunteers to be trained.”

Recommendation 2

That the Bush Fire Advisory Committee recommends to the Council the appointment of the following Officers to the respective positions for the 2019/2020 fire season in accordance with the Bush Fires Act 1954:

Chief Bush Fire Control Officer: David Packard

1st Deputy Chief Bush Fire Control Officer: Peter Ettridge

2nd Deputy Chief Bush Fire Control Officer: Graeme Marshall

Base Radio Operator: David Preston

Volunteer Training Officer: Michael Walsh

Recommendation 3

That the Bush Fire Advisory Committee recommends to the Council the appointment of the following persons as Fire Control Officers for the 2019/2020 fire season, in accordance with Section 38(1) of the Bush Fires Act 1954:

East Cranbrook	H Smith F Fiegert P Horrocks
Central	K Wilson S Lehmann J Climie
Cranbrook Town Tenterden	J Duina D Packard M Jefferies J Watterson K Gibson
Tunney	G Marshall Joel Treeby Sean Morgan Ian Lawrence
Woolonga	J Smith N Preston C Ford A Warham
Nunijup	M Bunker B Parsons S Squire L Watterson
Kybellup	S Hilder K Haynes R Hilder
Gordon	G Egerton-Warburton A De Toledo J Egerton-Warburton
Frankland River	P Ettridge D Clode
Frankland River Town Bokerup/Unicup	A Murray T Ettridge G Banks

Recommendation 4

That this Committee recommends to the Council the appointment of the Chief Bushfire Control Officer, David Packard, as Fire Weather Officer for the 2019/2020 fire season in accordance with Section 38(6)(c) of the Bush Fires Act, and that H Smith, S Lehmann, G Marshall, M Bunker, S Hilder, G Egerton-Warburton, A Murray and T Ettridge be appointed to the Fire Weather Advisory Group.

Recommendation 5

That the Bush Fire Advisory Committee recommends to the Council the appointment of David Packard as Clover Burning Officer for the 2019/2020 fire season, in accordance with Section 24 of the Bush Fires Act 1954.

Recommendation 6

That the Bush Fire Advisory Committee recommends to the Council the adoption of the following Firebreak Notice for the 2019/2020 fire season.

Statutory Environment

Part 5, Section 67.4c of the Bush Fires Act 1954, states that:

“(4) A committee appointed under this section —

- (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.”

Policy Applicable – Implications

Council Policy 6.0 Bushfire Control is applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are failure to fulfil statutory, regulatory or compliance requirements.

The impact of these risks is Non-Compliance

The consequences of these risks are considered to be Minor

The likelihood is Unlikely

Hence the **risk rating** for this item is Low

Risk mitigation includes the existence of an effective BFAC together with support from the Council.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.2: A safe place to live

Strategy 1.2.1: Retain a strong focus on community safety and crime prevention

Strategy 1.2.2: Advocate and actively support emergency management and services

Consultation

Consultation for this report was undertaken with the Bushfire Advisory Committee at its Annual General Meeting held on 15 April 2019.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

COMMITTEE RECOMMENDATION

That Council:

- 1. Note the attached minutes from the 15 April 2019 Bushfire Advisory Committee AGM;**
- 2. Adopt a policy that the Bush Fire Advisory Committee actively encourage all volunteers to be trained;**
- 3. Appoint the following officers to the respective positions for 2019/2020 in accordance with the Bush Fires Act 1954:**

Chief Bush Fire Control Officer	David Packard
1st Deputy Chief Bush Fire Control Officer	Peter Ettridge
2nd Deputy Chief Bush Fire Control Officer	Graeme Marshall
Base Radio Operator	David Preston
Volunteer Bushfire Training Officer	Michael Walsh
Fire Control Officer's	
East Cranbrook	Harley Smith
.....	Fred Fiegert
.....	Phil Horrocks
Central.....	Keith Wilson
.....	Sam Lehmann
.....	Jamie Climie
Cranbrook Town	Joe Duina
Tenterden.....	David Packard
.....	Mark Jefferies
.....	Jason Watterson
.....	Ken Gibson
Tunney	Graeme Marshall
.....	Joel Treeby
.....	Sean Morgan
.....	Ian Lawrence
Woolonga	Jake Smith
.....	Neil Preston
.....	Colin Ford
.....	Anthony Warham
Nunijup.....	Mark Bunker
.....	Bruce Parsons
.....	Stephen Squire
.....	Lindsay Watterson
Kybellup	Simon Hilder
.....	Russell Hilder
.....	Kieron Haynes
Gordon	Alvaro Alvarez De Toledo
.....	John Egerton-Warburton
.....	Grant Egerton-Warburton
Frankland River.....	Peter Ettridge
.....	Darcy Clode
Frankland River Town	Andrew Murray
Bokerup/Unicup	Tom Ettridge
.....	Greg Banks

Fire Weather Advisory Group **David Packard**
..... **Harley Smith**
..... **Sam Lehmann**
..... **Graeme Marshall**
..... **Mark Bunker**
..... **Simon Hilder**
..... **Grant Egerton-Warburton**
..... **Andrew Murray**
..... **Tom Ettridge**

- 4. Appoint David Packard as a Clover Burning Officer for 2019/2020; and**
- 5. Advertise the names of the Bushfire Control Officers listed above in the Government Gazette.**

10.2.4	FIREBREAK NOTICE 2019/2020
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	BF1 & BF8
APPLICANT:	Shire of Cranbrook - Bushfire Advisory Committee
DATE OF REPORT:	5 May 2019
ATTACHMENTS:	2019/2020 Annual Firebreak Notice

Purpose

The purpose of this report is for the Council to consider the Annual Firebreak Notice 2019/2020 for publication and distribution to owners and occupiers of land in the Shire of Cranbrook.

Background

The distribution of the Annual Firebreak Notice is an opportunity to inform all landowners and occupiers about their obligation to implement fire prevention and hazard reduction measures throughout the Shire.

Officers Comment

The only changes to the Firebreak Notice this year is to update various dates throughout the document as well as changes to various brigade contact details.

At the Annual General Meeting of the Bush Fire Advisory Committee (BFAC) held on Monday 15 April 2018, the BFAC made the following recommendation to Council:

“That the Bush Fire Advisory Committee recommends to the Council the adoption of the attached Firebreak Notice for the 2019/2020 fire season.”

Statutory Environment

The Bushfires Act 1954 is applicable to this report.

Policy Applicable – Implications

Council Policy 6.0 Bushfire Control is applicable to this report.

Financial Implications

The total cost of this item will be approximately \$2,500 for printing of firebreak notices and \$250 advertising costs that can be funded from operating account 051010 (Fire Prevention).

Risk Implications

The risks associated with matters in this report are:

- Inadequate Environmental Management
- Business and Community Disruption
- Errors, Omissions and Delays
- Failure to fulfil statutory, regulatory or compliance requirements
- Providing inaccurate advice/information
- Inadequate engagement practices

The impact of these risks is Financial, Non-Compliance, Reputational, Property and Environment

The consequences of these risks are considered to be Extreme

The likelihood is Unlikely

Hence the risk rating for this item is High

Risk mitigation includes consideration and discussion at the BFAC and annual review of the Firebreak Notice.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.2: A safe place to live

Strategy 1.2.1: Retain a strong focus on community safety and crime prevention

Strategy 1.2.2: Advocate and actively support emergency management and services

Consultation

Consultation for this report was undertaken with the BFAC at its Annual General Meeting held on 15 April 2019.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

COMMITTEE RECOMMENDATION

That the 2019/2020 Annual Firebreak Notice, as attached:

- a. **Be adopted;**
- b. **Be advertised in a newspaper circulating within the district of the Shire of Cranbrook; and**
- c. **Be printed and distributed throughout the Shire of Cranbrook.**

**10.2.5 PLANNING APPLICATION - PROPOSED PLANTATION – LOT 1 (NO 935)
BUNNINGS LOG ROAD, FRANKLAND RIVER**

RESPONSIBLE OFFICER: Peter Northover, Chief Executive Officer
REPORT AUTHOR: Liz Bushby, Town Planning Innovations
FILE REFERENCE: A1023
APPLICANT: Forrest Products Commission
DATE OF REPORT: 7 May 2019
ATTACHMENTS: Site Plan – Proposed Plantation

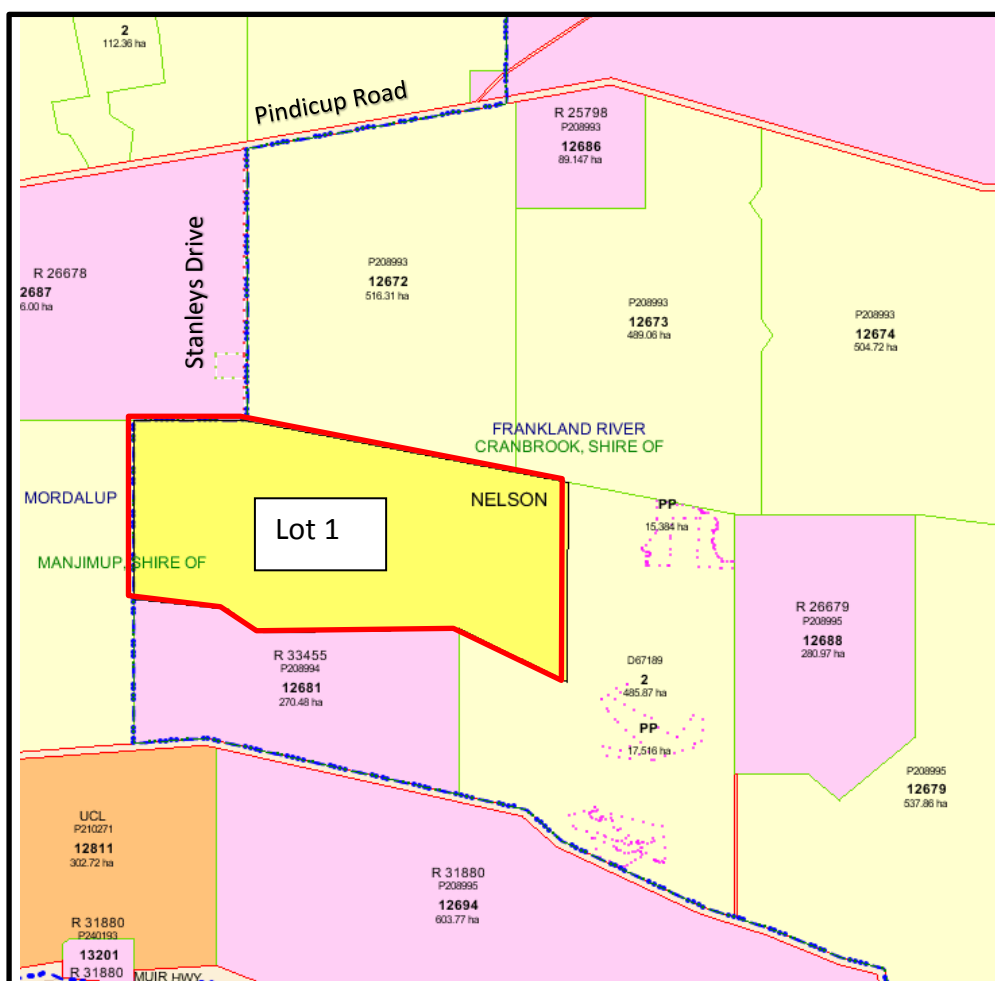
Purpose

The purpose of this report is for the Council to consider an application to extend an existing plantation on Lot 1 Bunnings Log Road, Frankland River.

Background

Lot 1 has an approximate area of 485.8 hectares, and contains an existing plantation area of 125 hectares.

The lot is located adjacent to the local boundary between the Shire of Cranbrook and Shire of Manjimup. The main access to the property is via Stanleys Drive which is located in the Shire of Manjimup.



Location Plan

Officers Comment

- **Description of Application**

The application has been lodged by the Forest Products Commission which is the governments' statutory authority with responsibility for management of Western Australia's renewable timber resources.

The plantation is proposed on Lot 1 which is currently owned by Mr Peter Swift. The Forest Products Commission has identified that the land is suitable for additional plantation areas, and intend to purchase the land conditional on obtaining local government approval.

The applicant proposes to:

- a. Establish an 80 hectare plantation immediately in the 2019 winter;
- b. Clear fall the 125 hectare existing plantation in Autumn 2020 before re-establishing the area in the winter of 2020;
- c. Clear 68 hectares of scattered native vegetation and establish any areas approved in 2020. Clearing is subject to a separate clearing permit being obtained by the Department of Water and Environmental Regulation.

The site is to be planted with Pinus radiate seedlings sourced from the Forest Products Commission nursery in Manjimup.

The applicant has advised that the land is low lying with shallow fresh ground water in some parts. The general landscape features of the property will be maintained and include streams, water ways, rock outcrops and native vegetation cells. Buffers will be maintained or established along waterways left undisturbed.

The applicant has lodged a Fire Management Plan. External 15 metre firebreaks and 6 metre internal firebreaks are proposed as well as informal internal access tracks. All roads and breaks will be maintained in accordance with the 'Guidelines for Plantation Fire Protection' (FESA 2011).

A site plan is included as Attachment 1.

- **Zoning & Landuse Permissibility**

Lot 1 is zoned 'Rural' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

A plantation is defined in the Scheme as '*has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers*'.

The Code of Practice was developed by the Forest Products Commission and includes a term for plantation as being '*a stand of trees ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and / or environmental value. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Implicit in this definition is the recognition that plantations will be harvested.*'

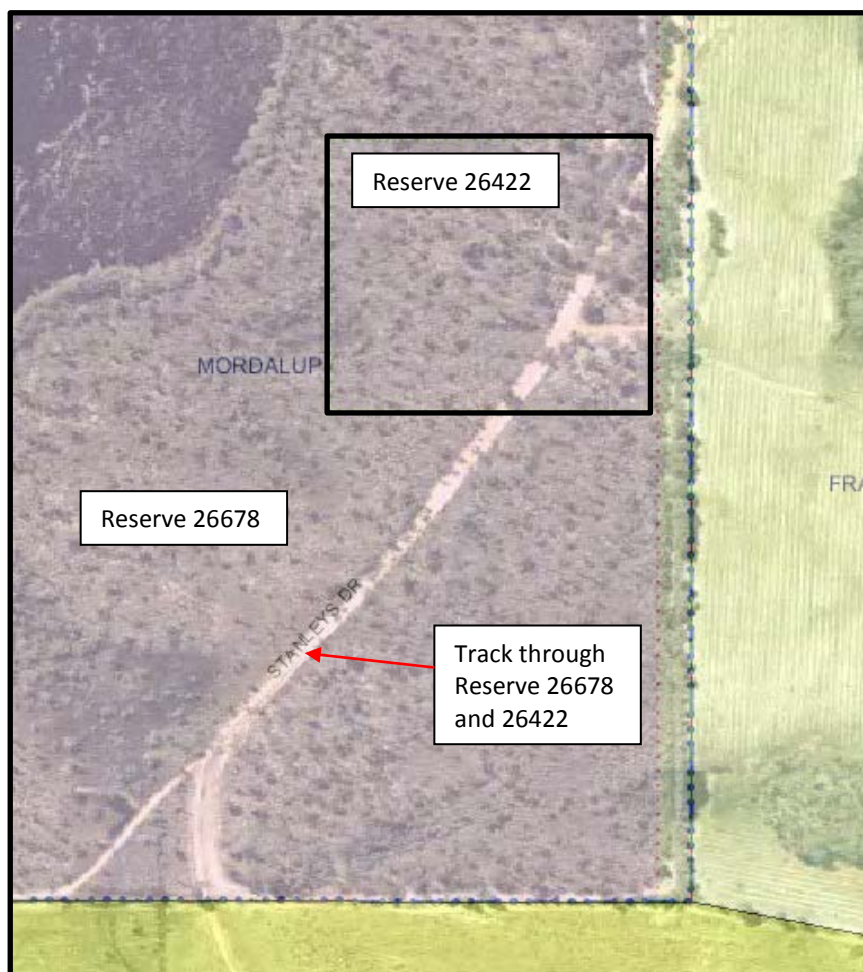
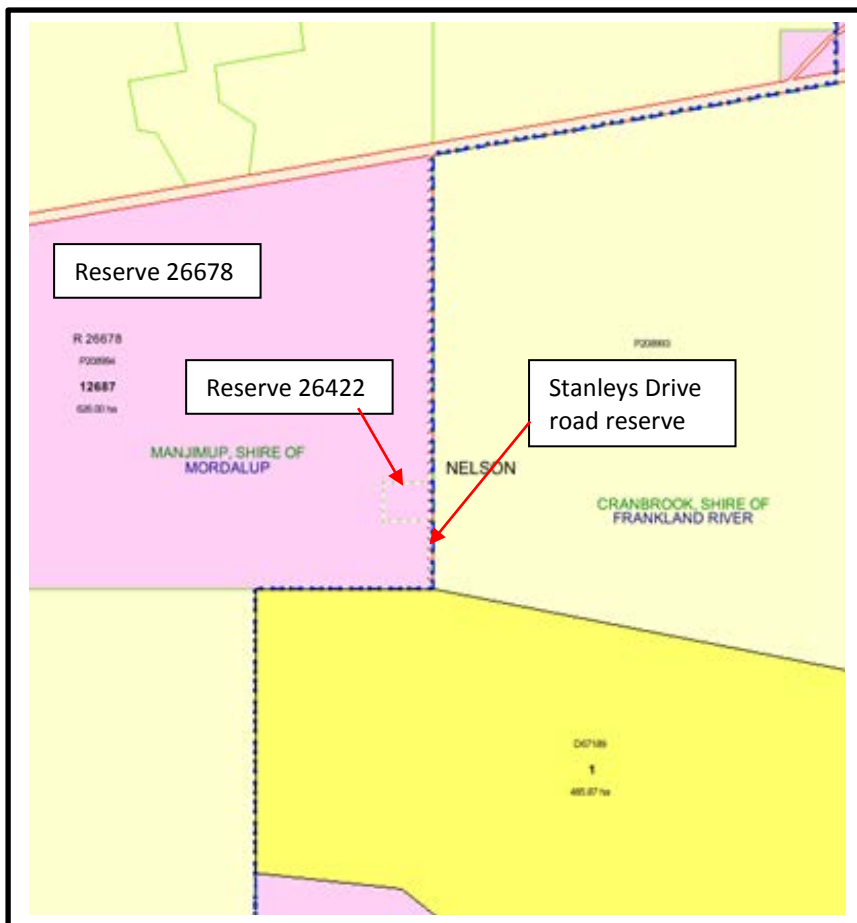
A plantation is listed as a 'D' use in the Rural zone under 'Table 1 – Zoning Table', which '*means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.*'

The Scheme outlines a number of considerations for plantations as summarised below:

Matters for consideration under the Scheme – Clause 5.20 (a)	Comment
The Code of Practice for Timber Plantations in WA	There are applicable aspects such as weed control, provision of a fire management plan etc which the application complies with.
Submission of plantation management plan in accordance with the protocol in the Code of Practice	The applicant has lodged a management plan which examines issues such as access, plantation design, watercourse protection, soils, weed control etc.
The need to encourage the commercial production of trees which is of significance to the national, regional and local economy.	Noted.
The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.	Noted.
The role of agroforestry and plantations in protecting water quality and preventing adverse effects on ground water re-charge.	Noted.
The location of the land in relation to land zoned for residential, industrial, commercial uses.	Noted. The lot is surrounded by rural zoned land and reserves.
The suitability of the current and future road systems.	Conditions can be imposed relating to harvesting.
Any Local Planning Policy adopted by the local government.	There is no existing local planning policy.
Any objective of the Rural zone under Part 4.	Noted. Whilst the main objective is for the continuation of broad-hectare agriculture in the Rural zone, Council has discretion under the Scheme to consider other uses in the rural zone.

- **Road Access and Future Harvesting**

The lot is accessed from the north via Stanleys Drive. There is an issue as the southern portion has been constructed outside of the formal road reserve within adjacent Reserve 26422 and Reserve 26678 which are in the Shire of Manjimup – refer plans over page.



Map Enlargement (aerial)

Reserve 26422 is crown land for a timber mill, and Reserve 26678 is managed by Parks and Wildlife Services for conservation.

The access issue has implications as follows:

- a) The Shire cannot endorse any access outside of the formal road reserve or through Reserves 26422 and 26678.
- b) The applicant would need to resolve the access issue and address access as part of any future Harvesting Plan.
- c) Constructed road access is important for fire management and emergency services.

TPI has liaised with the Forest Products Commission who were aware of the issue, and have corresponded with Parks and Wildlife services on the matter. There is potential for the track to be excised from the Reserves in the longer term.

The Forest Products Commission has committed to:

1. Provision of a Harvesting Management Plan prior to any harvesting event; and
2. Restitution of roads where damage has resulted from heavy vehicle usage associated with management of the plantation.

Due to the location of the lot being on the border with the Shire of Manjimup, it is recommended that they be advised of the issue with the road reserve and access as falls under their jurisdiction.

Statutory Environment

The Shire of Cranbrook Town Planning Scheme No 4 includes objectives for the Rural zone as follows:

- To ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.
- To provide for intensive agricultural use in suitable areas.
- To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- To allow for facilities for tourists and travellers, and for recreation uses.
- To help protect rural land from land degradation and further loss of biodiversity by:
 - minimising clearing of remnant vegetation
 - encouraging retention and protection of remnant vegetation
 - encouraging development and protection of vegetation corridors
 - encouraging development of sustainable surface and sub-surface drainage works
 - encouraging rehabilitation of salt-affected land
 - encouraging soil conservation through land management measures
 - encouraging identification and protection of wetlands.
- To promote the sustainable management of natural resources, and the prevention of land degradation.
- To have regard to use of adjoining land at the interface of the rural zone with other zones to avoid adverse effects on local amenities.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance

The **consequences** of these risks are considered to be Minor

The **likelihood** is Unlikely

Hence the **risk rating** for this item is Low

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 2: Economic – To be an innovative, diverse, prosperous and growing economy

Outcome 2.1: A diverse, prosperous economy

Strategy 2.1.1: Support local business and promote further investment in the district, including opportunities for industry growth and development

Strategy 2.1.2: Continue to advocate for the Southern Link Transport Hub (SLTH) and other innovative opportunities

Consultation

No consultation has been undertaken in relation to this report.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

- 1. Approve the application lodged by Forest Products Commission for a plantation on Lot 1 Bunnings Log Road, Frankland River subject to the following conditions;**
 - a. The applicant to implement the Fire Management Plan (FMP) at all times.**
 - b. The applicant to ensure that a copy of the approved fire management plan is stored at the main entrance to the property in a secure, weatherproof and clearly labeled container at all times.**
 - c. Internal roads / access tracks are to be adequately sign posted to provide clear direction to water points (for fire emergencies) and exit points.**
 - d. The owner to ensure that there are trafficable connections from Stanleys Drive to all water points / permanent dams required for fire management for access by emergency fire vehicles.**
 - e. The plantation is not to be harvested until a harvesting plan is lodged and approved separately in writing by the Shire. The Shire may require lodgement of a bond prior to harvesting to ensure existing roads are maintained to the pre-harvesting standard.**
 - f. Any harvesting shall be in accordance with a harvesting plan approved in writing by the Shire and subject to any further conditions specified by the Shire.**

- g. **All works to be conducted in accordance with the Plantation Management Plan submitted with the application including measures such as weed management and retention of existing remnant vegetation.**
 - h. **The owner / applicant to submit an aerial spray application management plan prior to any aerial spraying on site for the proposed plantation areas. The plan is to be in accordance with Appendix 3 of the Timber Code of Practice and should ensure protection of any watercourses from any spray drift.**
- 2. Include the following footnote advice on the approval;**
 - a. **The plantation is to operate in compliance with the Code of Practice for Timber Plantations and DFES 'Guidelines for Plantation Fire Protection' as demonstrated in the application.**
 - b. **The applicant is advised to liaise with the Shire of Manjimup in regards to any harvesting plan as roads within the adjacent shire may be affected.**
 - c. **Please be advised that this approval and support for the fire management plan and plantation management plan is not an approval to utilise any portion of adjacent Reserves 26422 and 26678 for access.**

The southern portion of Stanleys Drive has been constructed outside of the formal road reserve therefore access will need to be addressed as part of any harvesting plan. It is recommended that excision of the track be pursued through Parks and Wildlife Services and / or Department of Planning, Lands and Heritage.
- 3. Authorise Liz Bushby of Town Planning Innovations to write to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services), the Department of Planning, Lands and Heritage and the Shire of Manjimup (on behalf of the Shire) and recommend that those authorities jointly investigate:**
 - a. **Excision of the constructed track from Reserve 26422 and 26678 as formal road reserve to provide constructed road access to Lot 1 or;**
 - b. **Extend the existing road construction in a southern direction to achieve a constructed road within the existing legal road reserve.**

10.2.6 GREAT SOUTHERN AGED ACCOMMODATION PROJECT – THIRD PARTY FUNDING AGREEMENT

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Trish Standish – Manager of Finance and Administration
FILE REFERENCE: CS202
APPLICANT: Shire of Kojonup
DATE OF REPORT: 8 May 2019
ATTACHMENTS: Third Party Funding Agreement - Great Southern Aged Accommodation Project

Purpose

The purpose of this report is for the Council to consider endorsing the attached Third Party Funding Agreement with the Shire of Kojonup for the Great Southern Aged Accommodation Project (GSAAP) 'Regional Aged Accommodation Program (RAAP)'.

Background

The Shire of Kojonup is acting as the recipient for Royalties for Regions funding to undertake the GSAAP RAAP in which there are five shires involved. The funding relates to the construction of independent living units in each of the five shires as listed below:

- Shire of Broomehill Tambellup 4
- Shire of Cranbrook 5
- Shire of Jerramungup 5
- Shire of Katanning 4
- Shire of Kojonup 3

Officers Comment

The funding agreement signed by the Shire of Kojonup requires them to enter into third party agreements with each of the other four Councils that mirror the terms of the original agreement they have signed with the State.

The Shire of Kojonup engaged McLeods Barristers and Solicitors to formulate a suitable agreement to meet the requirements and a copy is attached.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The cost to construct the independent living units is in the 2018/2019 adopted budget and will be carried over into the 2019/2020 budget. The units are fully funded through grant funding and a contribution from Darwinia Cottages.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Engagement Practices
- Inadequate Asset Sustainability Practices
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management

The **impact** of the risk is Financial and Reputational

The **consequences** of these risks are considered to be Major

The **likelihood** is Unlikely

Hence the **risk rating** for this item is Medium

Risk mitigation includes engaging a reputable company to complete the construction of the independent living units as well as the project management component to ensure all funding milestones are met.

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.1: An engaged, supporting and inclusive community

Strategy 1.1.3: Provide, maintain and improve community facilities within available resources

Outcome 1.3: A healthy place to grow and age

Strategy 1.3.1: Facilitate community health and wellbeing and support provision of services to the community

Objective 3: Environment - Enhance, maintain, protect and promote our built infrastructure and natural environment

Outcome 3.2: A built infrastructure servicing the needs of the community

Strategy 3.2.1: Maintain and enhance our roads, built infrastructure, parks and reserves

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

Consultation for this report included Shire of Broomehill Tambellup, Shire of Jerramungup, Shire of Katanning and Shire of Kojonup as well as McLeods Barristers and Solicitors.

VROC Implications

VROC Vision: *To sustain a collaborative partnership that serves as an exemplar to other Local Government groupings.*

Objectives:

Regional Community Development

Build capacity to enable communities to achieve.

S2: Collaborate on common community development projects

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council authorise the execution of the attached Third Party Funding Agreement – Great Southern Aged Accommodation Project between the Shire of Cranbrook and Shire of Kojonup.

10.3 WORKS

Nil

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING

13. MATTERS BEHIND CLOSED DOORS

13.1 LOT 285 (7) PHILLIPS CRESCENT, CRANBROOK – OFFER TO PURCHASE

RESPONSIBLE OFFICER: Trish Standish - Manager of Finance and Administration

REPORT AUTHOR: Trish Standish - Manager of Finance and Administration

FILE REFERENCE: A9545

APPLICANT: David John Witmitz

DATE OF REPORT: 5 May 2019

ATTACHMENTS: Valuation Report

Statutory Environment

Section 5.23 of the Local Government Act 1995 allows the Council to close all or part of a Council Meeting to members of the public if the meeting or the part of the meeting deals with a range of issues, dealing with any of the following; (a) a matter affecting an employee or employees; (b) the personal affairs of any person; (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; (e) a matter that if disclosed, would reveal — (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; (f) a matter that if disclosed, could be reasonably expected to — (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government’s property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and (h) such other matters as may be prescribed.

As such it is recommended that the meeting be closed to the public in order deal with these items.

A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the meeting be closed to members of the public in accordance with section 5.23 (2)(c), of the Local Government Act 1995 to discuss a contract which may be entered into.

14. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Egerton-Warburton will declare the meeting closed at pm.