

COUNCIL MEETING

AGENDA

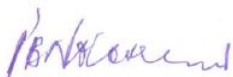


For the Ordinary Meeting of Council to be held on

18 November 2015

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 18 November 2015 at the Frankland River Community Centre 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 Cunningham 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. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

ATTENDANCE

President	Cr JT (Twynam) Cunningham
Deputy President	Cr CY (Colin) Egerton-Warburton
Councillors	Cr PM (Peter) Beech
	Cr DJ (David) Adams
	Cr ER (Ruth) Bigwood
	Cr TC (Tom) Standish
	Cr PL (Phil) Horrocks
	Cr HC (Helen) Parsons

Chief Executive Officer	Mr PB (Peter) Northover
Manager of Finance & Administration	Mrs PA (Trish) Standish
Manager of Economic & Community Development	Ms CM (Cas) Hughes
Manager of Works	Mr JE (Jeff) Alderton

Members of the Public

LEAVE OF ABSENCE

Councillor	Cr P (Peter) Denton
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APOLOGIES

Nil

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTION TIME

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

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 items 13.1, 13.2, 13.3.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 21 OCTOBER 2015

That the minutes from the ordinary meeting of Council held on 21 October 2015, be confirmed as a true and correct record.

9.2 SPECIAL MEETING – 21 OCTOBER 2015

That the minutes from the special meeting of Council held on 21 October 2015, be confirmed as a true and correct record.

10. REPORTS OF OFFICERS

10.1 FINANCE & ADMINISTRATION

10.1.1 SUBJECT	LIST OF PAYMENTS
RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Jessica Standish Finance Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	5 November 2015
ATTACHMENTS:	List of Payments – 3 October 2015 to 5 November 2015

Purpose

The purpose of this report is to advise the Council of payments made during the period 3 October 2015 to 5 November 2015.

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; and
- 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 Moderate

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 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 5.0: by 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and Accountable Financial Management

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 \$698,491.69 as per the attachment be noted:

- **Electronic Funds Transfers EFT 6011 to EFT 6103 - \$534,984.87;**
- **Municipal Fund Cheque No's 11772 – 11785 - \$40,700.94;**
- **Internal Account Transfers (Payroll) - \$100,307.65;**
- **Corporate Credit Card - \$2,398.27;**
- **Direct Debit - \$20,099.96.**

10.1.2 SUBJECT

MONTHLY FINANCIAL STATEMENTS

RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Jessica Standish Finance Officer
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	10 November 2015
ATTACHMENTS:	Financial Statements October 2015

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 October 2015.

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 October financial statements report on 4 months, or 33% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 78% of our expected operating income;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 39% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$2,333,837 (surplus), which is mainly made up of cash on hand; and
- The 'Variance Report' on page 9 and 10 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; and
- 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 Moderate

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 2013 -2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 5.0: By 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and Accountable Financial Management

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 31 October 2015 be noted.

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 SUBJECT	PLANTATION BURN PLAN REGISTER
RESPONSIBLE OFFICER:	Peter Northover Chief Executive Officer
REPORT AUTHOR:	Toni Melia Emergency Services and Recreation Officer
FILE REFERENCE:	BF7
APPLICANT:	N/A
DATE OF REPORT:	10 November 2015
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for Council to consider implementing a Plantation Burn Register to assist with the mitigation of smoke taint effects on grapes grown within the Shire.

Background

During the 2014/2015 restricted burning period the Chief Bushfire Control Officer reported that he had received numerous telephone calls regarding the issuing of permits for burning of plantations and the effect the smoke from these burns was having on the grapes that had not been harvested.

This topic has been discussed informally by the Council on numerous occasions and was discussed at the Bush Fire Advisory Committee (BFAC) meeting in September this year. A special forum was held at Frankland River on 9 September 2015 that was attended by members of the BFAC, grape growers, plantation owners, a forestry consultant, Councillors and Shire staff.

Officers Comment

It is estimated that Western Australia produces about 45 million litres of wine annually, representing nearly 5% by volume of Australia's production. It produces nearly one quarter of Australia's fine wines (specialty and super-premium). The Great Southern wine region produces about 25% of this, with the Frankland River region alone producing approximately 50% of the Great Southern's yield, and 12.5% of the Western Australian wine industry.

In discussions with the Frankland River Grape Growers and Wine Makers Association (FRGG&WM) it was determined that there are approximately 20-25 vineyards in the Shire of Cranbrook. Based on the maximum number of 25, this equates to approximately 17.98% of the total agriculture industry within the Shire, based on figures from the Australian Bureau of Statistics (ABS).

Smoke taint particularly from prescribed burning is an industry wide concern to all vignerons due to the significant negative financial impacts. Within the Shire there are approximately 1,500ha of vineyards.

Smoke taint issues are of paramount concern to the local vignerons within the Shire as the grapevines are the most sensitive to smoke exposure seven days post veraison to the harvest period. Within the Frankland River Wine Region this time sensitive period occurs during the restricted burning period 1 March to 12 April, and can extend up to 30 April each year.

Of particular concern to the vignerons in the region is the burning of plantation timber trash heaps, stumps and wind rows due to the negative effects the compounds found within the smoke present to the grapes and the prolonged exposure of the grapes to smoke.

Plantation owners and broad scale farmers within the Shire have also raised their concerns as to the financial impacts of not being able to clean up harvested plantation areas and burn the plantation trash on their properties prior to seeding.

Farmers and land owners affected have stated at various meetings with Shire representatives that this is the time period that is set aside each year to conduct these burns, as the BFAC and Shire do not endorse plantation trash burning in autumn, due to the potential for it to cause issues into the fire season.

At the 20 May 2015 Council meeting the designated restricted burning period dates of 1 March 2015 – 12 April 2016 were adopted by Council.

The Shire President, Chief Bushfire Control Officer and Shire staff met on 10 November 2015 to discuss this issue again and endeavour to provide the Council with some direction.

Given the potential for this issue to become litigious, a written legal opinion was sought from Civic Legal. Based on that advice the Shire does not have any obligation to ensure that reasonable care is taken to avoid the risk of smoke taint damage to grapes as a result of prescribed burning. It has been suggested the Shire may wish to take some action to minimise the risks either as a sign of good will and/or to maintain good community relations with the local grape growers, however the advice also points out that should the Shire become too proactive in its approach to the problem, it may create an expectation that it will act with all due care with respect to the interest of the grape growers. The advice points out that the Shire would then run the risk of being perceived adopting some degree of responsibility to local grape growers to minimise the smoke impacts on their grapes when it exercises its statutory function of burning off. It has been pointed out that the Shire should consider doing less, rather than more, to mitigate against potential smoke taint.

Based on the legal opinion received from Civic Legal it is believed that the Council has two options:

Option 1:

No further action on this issue be undertaken by the Shire of Cranbrook.

Option 2:

A plantation burn plan register be developed on the Shire's website, whereby the plantation owner would register their intent to burn at least two weeks prior to the intended date of the burn. The detail to be provided on the burn plan would include, but not be limited to:

1. The location of the plantation;
2. The area of the burn (in hectares);
3. The approximate week it is intended to burn (dependant upon weather conditions);
4. What the burn consists of (trash heaps, stumps, wind rows etc);
5. The year the plantation was harvested;

6. The proximity of the plantation to the closest vineyards; and
7. The name of the closest vineyard/s.

Once the burn plan had been submitted to the Shire office, staff would advertise it on the Shire's website. It would be up to the local vignerons to look at these plans and if required, contact the person responsible for submitting the burn plan to discuss their concerns.

No plantation burn permits would be issued by any Fire Control Officer until a burn plan had been lodged with the Shire.

Based on the legal advice received it is recommended that option 2 be adopted and that community consultation is undertaken with all relevant parties. Option 2 also supports the view of the Chief Bushfire Control Officer that a plantation burn plan register would assist with planning for prescribed burns during the restricted burn period.

Statutory Environment

Part 3, Section 10 (a), (b) and (c) of the Bush Fires Act 1954, states that:

(10A) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.

(10B) A person desiring to set fire to bush within the district of the local government that has made a declaration under subsection (10A) shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.

(10C) Any burning permitted under subsection (10B) shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.

Part 3, Section 18 of the Bush Fires Act 1954, states that:

- (6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —
 - (a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and
 - (b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.
- (7) The person issuing a permit to burn under this section may, by endorsement on the permit —
 - (a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or
 - (b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.

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
- Providing inaccurate advice/information

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

The consequence 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 legal advice in relation to this matter.

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 1.0: By 2023 the Shire of Cranbrook will be respected for its Friendly, Vibrant, Connected and Safe Communities

Objective: 1.4 Create a safe place to live

Strategy: 1.4.2 Support strong community interaction with emergency organisations.

Aspiration 2.0: By 2023 the Shire of Cranbrook will have an Innovative, Diverse, Prosperous and Growing Economy

Objective: 2.3 Generate Communication and Engagement the Economy

Strategy: 2.3.1 Facilitate increased communication and engagement with the business community and policy makers

Consultation

Consultation for this report included:

- Bushfire Advisory Committee;
- Chief Bushfire Control Officer;
- Civic Legal;
- Councillors;
- Senior Management Team;
- Local Vignerons; and
- Timber industry representatives.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That:

- 1. Option 2 be adopted and a Plantation Burn Register be developed; and**
- 2. Community consultation be undertaken with all relevant parties.**

10.2.2 SUBJECT

LOT 61 & 103 LUNT ROAD TENTERDEN - PROPOSED SUBDIVISION

RESPONSIBLE OFFICER

Peter Northover
Chief Executive Officer

REPORT AUTHOR:

Liz Bushby
Gray & Lewis Landuse Planners

FILE REFERENCE:

A3015

APPLICANT:

John Kinnear and Associates (surveyor)

DATE OF REPORT:

6 November 2015

ATTACHMENTS:

Nil

Purpose

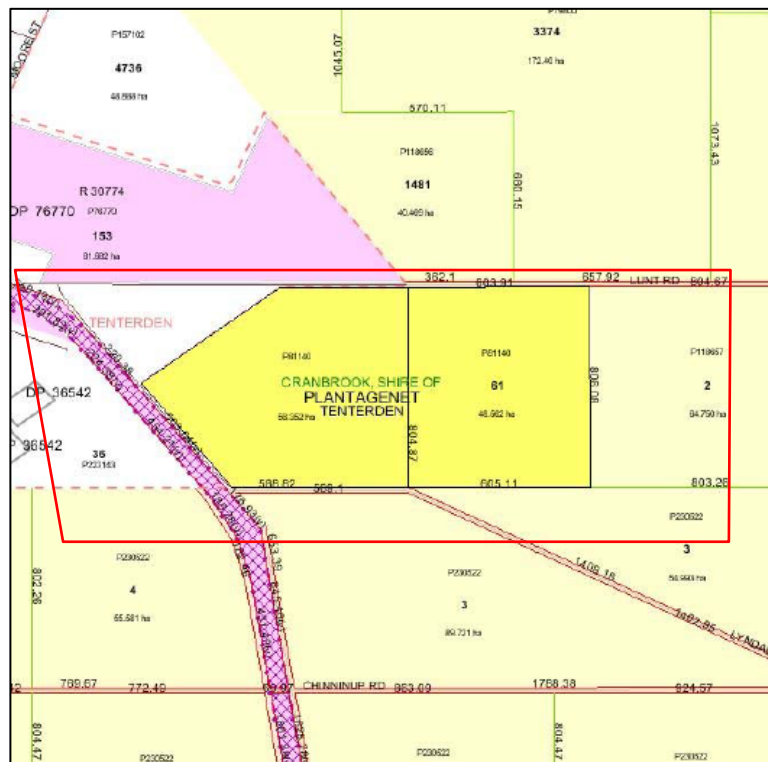
To provide a recommendation to the Western Australian Planning Commission (WAPC) on a subdivision application.

Background

An application has been lodged with the Western Australian Planning Commission (WAPC) seeking to realign the boundary between Lots 61 and 103, to create a homestead lot.

The WAPC has referred the application to the Shire of Cranbrook for comment and recommendations.

Both of the lots are substantially cleared with isolated scattered trees, and are used for broad acre agriculture. A location plan is included below for ease of reference.



Officers Comment

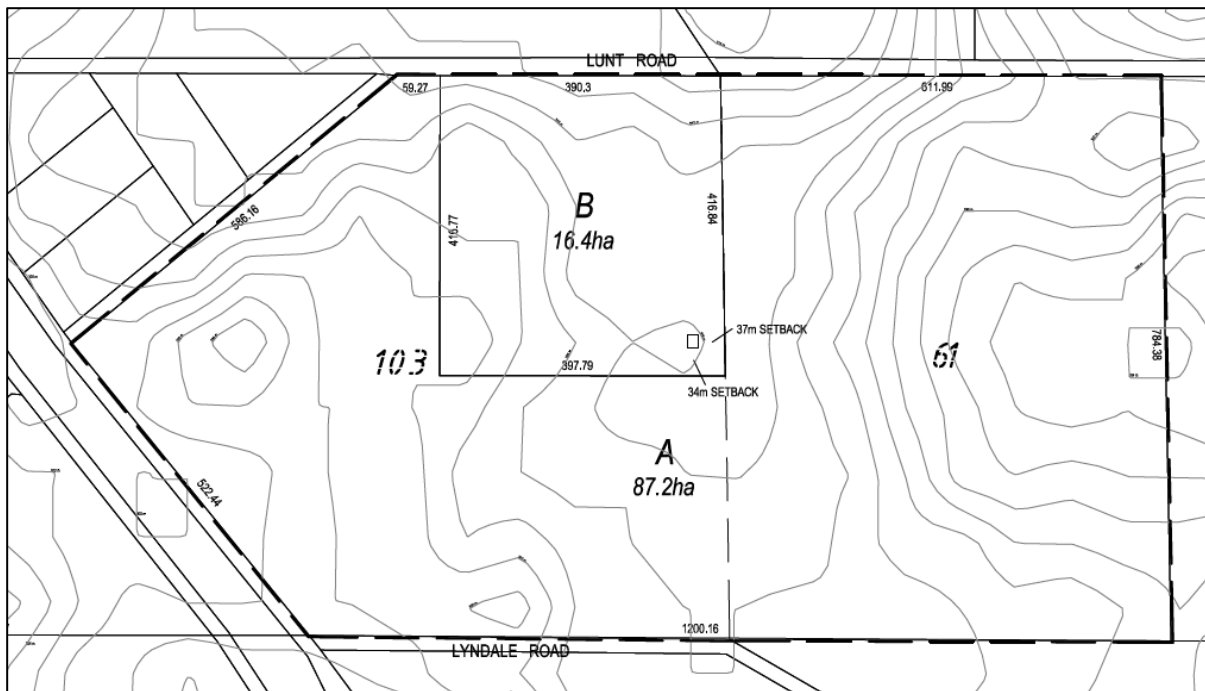
- **Zoning**

The subject lots are zoned 'Rural' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

- **Description of Application**

Lot 103 has an area of 56.352 hectares, and Lot 61 has an area of 48.562 hectares. The application proposes a boundary re-alignment between the two existing lots.

The application does not increase the lot yield and will result in one 16.4 hectare homestead lot, and a balance 87.2 hectare lot. The homestead lot boundaries are based around the location of an existing house and dam.



- **WAPC Policy**

The WAPC has a Development Control Policy 3.4 which provides guidance on the requirements for subdivision of rural land. Under the Policy there is a general presumption against the creation of new or small rural lots.

Subdivision can only be considered under exceptional circumstances including:

- to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;
- Creation of homestead lots to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation.

The application complies with the boundary realignment requirements of the WAPC Policy, as it will not result in any increase in the number of lots.

It also complies with the homestead lot requirements as summarised below:

	Policy Requirement	Officer Comment
A	The land is in the WAPC homestead lot policy area	Complies. Cranbrook is identified in the policy area.
B	The homestead lot has an area between 1-4 hectares, or up to 20 hectares to include features such as water sources	Complies. The homestead lot area is proposed to be 16.4 hectares to accommodate the house and dam location.
C	There is adequate water supply for domestic, land management and fire management	It is assumed there is water supply to the existing house, and both lots include a dam for land management.
D	The dwelling is connected to reticulated electricity	It is assumed there is electricity supply to the existing house.
E	The homestead lot has access to a constructed public road	Complies.
F	The homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural landuses	Complies. The setbacks between the house and proposed boundaries comply with Clause 5.20.1 of the Scheme.
G	A homestead lot has not been excised from the farm in the past	Complies.
H	The balance lot is suitable for continuation of the rural landuse, and generally consistent with the prevailing lot sizes, where it can be shown that this is consistent with the current farming practices on the property.	Complies.
I	The dwelling on the homestead lot is of a habitable standard and may be required by the local government to be certified as habitable	It is assumed the house is habitable.

The proposed subdivision complies with all aspects of Development Control Policy 3.4 and conditional approval is recommended.

Statutory Environment

The most applicable provision of the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme') are summarised below:

- Clause 5.20.1 requires a 20 metre rear setback and 10 metre side setback in the Rural zone.
- Clause 5.20.4 states that the local government will have due regard for impact on continuation of existing uses, water supply and effluent disposal when making recommendations to the WAPC in regards to rural subdivision.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to Gray & Lewis for planning advice.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil statutory, regulatory or compliance requirements
- Providing inaccurate advice/information

The impact of the risk is Non-Compliance

The consequence of these risks is considered to be Minor

The likelihood is Unlikely

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

Risk mitigation includes professional advice from the Shires planning consultant.

Strategic Community Plan Reference

There is no reference to this report in the Council's Strategic Community Plan.

Consultation

No formal written consultation has been undertaken by the Shire. Consultation is undertaken by the WAPC who has referred the application to the Department of Mines and Petroleum, Public Transport Authority, Water Corporation and Western Power.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That:

1. Council recommend that the Western Australian Planning Commission approve the subdivision application (No 152485) for lots 61 & 103 Lunt Road Tenterden subject to the following conditions;
 - (i) A notification, pursuant to Section 165 of the Planning and Development Act 2005 is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:

"This lot is located within a Rural zone and has the potential to be affected by odours, noise, spray drift and dust that are associated with continued broad agricultural use"
 - (ii) The applicant / owner to provide detailed photographs of the existing dwelling to be retained on proposed Lot B to demonstrate it is a habitable building.
 - (iii) A new crossover to proposed Lot B is to be constructed to satisfaction of the local government.

10.2.3 SUBJECT	LOT 119 BREWER STREET TENTERDEN - PROPOSED SINGLE HOUSE
RESPONSIBLE OFFICER:	Peter Northover Chief Executive Officer
REPORT AUTHOR:	Liz Bushby Gray & Lewis Landuse Planners
FILE REFERENCE:	A1001
APPLICANT:	Keith Hornsey
DATE OF REPORT:	12 November 2015
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider an application for a single house on Lot 119 Brewer Street in Tenterden.

Background

An application has been lodged seeking approval for a single house in Tenterden. The subject lot is zoned 'Rural Residential' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

The lot has an approximate area of 1.993 hectares, is predominantly cleared and contains an existing outbuilding, water tank and a dam.



Officers Comment

- **Description of Application**

The single house is proposed to be setback approximately 143 metres from Brewer Street to the immediate north west of the existing outbuilding.

The dwelling will be setback over 30 metres from any side boundary and over 50 metres from Gardiner Street. All the setbacks comply with Clause 5.18.1 of the Scheme which stipulates a minimum front setback of 30 metres and side/rear setback of 10 metres.

The two bedroom dwelling is proposed to be constructed out of corrugated colorbond (walls and roof). The applicant has verbally indicated a mixture of white, cream and blue colours are proposed.

If Council is concerned over any potential glare a condition can be imposed requiring lodgement of a detailed colour schedule for separate written approval by the Chief Executive Officer, prior to the issue of a building permit.

Statutory Environment

The most applicable provision of the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme') are summarised below:

- Clause 5.18.3 (a) requires planning approval for a single house in the rural residential zone
- Under Clause 5.18.4 Council may have regard for materials, building height, setbacks architectural style and relationship to surrounding development.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to Gray & Lewis for planning advice.

Risk Implications

The risk/s associated with matters in this report are

- Failure to fulfil statutory, regulatory or compliance requirements
- Providing inaccurate advice/information

The impact of the risk is Non-Compliance and Reputational

The consequence of these risks is considered to be Minor

The likelihood is Unlikely

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

Risk mitigation includes receiving professional planning advice.

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 1.0: By 2023 the Shire of Cranbrook will be respected for its Friendly, Vibrant, Connected and Safe Communities

Objective 1.1: Create Engaged Communities

Strategy 1.1.3: Support community building and development initiatives

Aspiration 5.0: By 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth

Objective 5.1: Deliver Excellence in Governance, Compliance, Regulation and Reporting

Strategy 5.1.1: Perform at the highest levels of corporate governance, responsibility And Accountability

Consultation

No formal written consultation has been undertaken by the Shire.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That:

- 1. Council approve the application for a single house on Lot 119 (No 35) Brewer Street Tenterden subject to the following conditions:**
 - (i) All development to be constructed in accordance with the plans submitted as part of the application unless otherwise approved in writing by the Shire Chief Executive Officer.**
 - (ii) A driveway to be constructed and maintained at a trafficable standard at all times to service the proposed dwelling.**
 - (iii) An approved on site effluent disposal system must be installed and in operation prior to occupation of dwelling.**
- 2. Include the following footnote/ advisory notes on the approval:**
 - (a) This is a planning consent only and should not be construed as a Building Permit.**

10.2.4 SUBJECT

GILLAMII CENTRE – SEPTIC REPAIR

RESPONSIBLE OFFICER:	Cassandra Hughes Manager Economic and Community Development
REPORT AUTHOR:	Cassandra Hughes Manager Economic and Community Development
FILE REFERENCE:	R25331
APPLICANT:	Gillamii Centre Inc.
DATE OF REPORT:	3 November 2015
ATTACHMENTS:	Nil

Purpose

The purpose of this report is to consider repairs to the septic system at the Gillamii Centre Inc (Gillamii) located on Reserve 25331.

Background

The Shire was approached by the Gillamii to investigate ongoing issues with the septic system at their premises which is leased from the Shire at a peppercorn rent. The lease conditions include a clause on repairs and maintenance; however the repair of major infrastructure items is not specified in the lease.

Officers Comment

The Shire has been notified that there is currently a fault between the connection of the leach drain and the septic tank. Both Shire Staff and Whale Plumbing contractors have investigated the site and the original leach drains cannot be located and as a consequence the true nature of the fault can not be determined. The septic system currently requires a pump out every 6-8 weeks at a cost of approximately \$500 per service. This cost is currently being met by the Gillamii.

The system in place is old, having been installed for the original Cranbrook Bowling Club and no plans have been located of the original installation.

Whale Plumbing have inspected the facilities and have recommended that a new septic tank and leach drain be installed with a new pump. The quoted cost for the work is approximately \$6,900 exclusive of GST.

It is recommended that the works be completed as soon as possible to alleviate the current problem and the ongoing cost to the Gillamii Centre. A second quote will be sought for the work before commencement.

Statutory Environment

Section 6.8 of the Local Government Act of 1995, states that:

A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure:

- a. Is incurred in a financial year before the adoption of the annual budget by the local government; or
- b. Is authorised in advance by resolution*;or
- c. Is authorised in advance by the mayor or president in an emergency

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The cost of this report is approximately \$6,900 plus GST. This item can be funded from the Building Asset Management Reserve, which as at 30 June 2015 had an opening account balance of \$134,729. The purpose of this reserve account is “to be used to fund major asset maintenance requirements on Council owned public buildings”.

The Capital Expenditure of this item is approximately \$6,900

The annual Depreciation cost will be approximately \$136 per annum

Risk Implications

The risks associated with matters in this report are:

- Inadequate Environmental Management
- Failure to fulfil statutory, regulatory or compliance requirements
- Inadequate asset sustainability practices
- Ineffective management of facilities / venues / events

The impact of the risk is Health, Non Compliance, Property and Environment

The consequences of these risks are considered to be Moderate

The likelihood is Possible

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

Risk mitigation includes the replacement of the septic system and leach drains to ensure adequate asset management, waste disposal and appropriate protection of the environment.

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 4.0: By 2023 the Shire of Cranbrook will have Enviably Quality Infrastructure, Roads and Facilities

Objective: 4.3 Provide Outstanding Public Facilities

Strategy: 4.3.4 Provision, development, maintenance and delivery of outstanding built assets.

Consultation

Consultation for this report included the Manager of Works, Gillamii Centre staff and Whale Plumbing.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Absolute Majority (Budget Amendment)

OFFICERS RECOMMENDATION

That:

- 1. The septic system at the Gillamii Centre Inc, located on Reserve 25331 be replaced; and**
- 2. The cost of the replacement be transferred from the Building Asset Management Reserve.**

10.3 WORKS

Nil

10.4 ECONOMIC & COMMUNITY

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 SUBJECT CRANBOOK COMMUNITY MEN'S SHED – COMMUNITY INFRASTRUCTURE

RESPONSIBLE OFFICER: Cassandra Hughes
Manager of Economic and Community
Development

REPORT AUTHOR: Cassandra Hughes
Manager of Economic and Community
Development

FILE REFERENCE: CS216 / A9233

APPLICANT: Cranbrook Community Men's Shed

DATE OF REPORT: 10 November 2015

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 sections 5.23 (e) (ii), (c), (a) of the Local Government Act 1995 to discuss a matter if disclosed, would reveal information that has a commercial value to a person, a contract which may be entered into, a matter affecting an employee.

OFFICERS RECOMMENDATION

That:

- 1 The Chief Executive Officer be authorised to make an offer to the owners of 52 Grantham St, Cranbrook to the value of the property valuation dated 28 October 2015 subject to grant funding;**
- 2 The Shire of Cranbrook make application to Lotterywest for 50% funding of the purchase price of the building at 52 Grantham St, Cranbrook; and**
- 3 The remainder be funded from the Rate Reserve Account.**

13.2 SUBJECT	SUKEY HILL MAST – AUSTRALIAN TELEPHONE NETWORKS
RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish Manager of Finance and Administration
FILE REFERENCE:	AD205
APPLICANT:	Australian Telephone Networks
DATE OF REPORT:	6 November 2015
ATTACHMENTS:	Nil

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That:

- 1. The Council grant access rights to the Shire owned mast and communications hut located on Sukey Hill, Cranbrook to Australian Telephone Networks;**
- 2. The Council authorise the Chief Executive Officer to enter into a contract with Australian Telephone Networks for the access rights indicated above; and**
- 3. The abovementioned contract states that Australian Telephone Networks will provide the Shire of Cranbrook with a 25Mbps/5Mbps, unmetered data plan on the National Broadband Network at no cost to the Shire.**

13.3 SUBJECT **CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW**

RESPONSIBLE PERSON: Twynam Cunningham
Shire President

REPORT AUTHOR: Twynam Cunningham
Shire President

FILE REFERENCE: P273

APPLICANT: Nil

DATE OF REPORT: 13 November 2015

ATTACHMENTS: CEO Review Documentation

Voting Requirements

Simple Majority

PRESIDENT’S RECOMMENDATION:

That Council completes the Chief Executive Officer review process by accepting the findings of the collated CEO Review document as attached.

OFFICERS RECOMMENDATION:

That the meeting be re-opened to members of the public.

14. CLOSURE OF MEETING

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