

COUNCIL MEETING

AGENDA

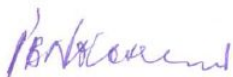


For the Ordinary Meeting of Council to be held on

16 December 2015

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 16 December 2015 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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NIL
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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 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

Councillors	Cr P (Peter) Denton
	Cr TC (Tom) Standish

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

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 18 NOVEMBER 2015

That the minutes from the ordinary meeting of Council held on 18 November 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:	3 December 2015
ATTACHMENTS:	List of Payments – 6 November 2015 to 3 December 2015

Purpose

The purpose of this report is to advise the Council of payments made during the period 6 November 2015 to 3 December 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 consequence/s 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 \$1,127,758.91 as per the attachment be noted:

- **Electronic Funds Transfers EFT 6104 to EFT 6224 - \$947,057.93;**
- **Municipal Fund Cheque No's 11786 – 11810 - \$62,995.18;**
- **Internal Account Transfers (Payroll) - \$96,557.79;**
- **Corporate Credit Card - \$953.00; and**
- **Direct Debit - \$20,195.01.**

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:	7 December 2015
ATTACHMENTS:	Financial Statements November 2015

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 November 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 November financial statements report on 5 months, or 42% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 83% of our expected operating income;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 49% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$1,925,922 (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 30 November 2015 be noted.

10.1.3 SUBJECT	ASSET REPLACEMENT FUND – CRANBROOK SPORTING CLUB AND FRANKLAND RIVER DISTRICT COUNTRY CLUB
RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish Manager of Finance and Administration
FILE REFERENCE:	CP120, CP209
APPLICANT:	Cranbrook Sporting Club Frankland River District Country Club
DATE OF REPORT:	9 October 2015
ATTACHMENTS:	1. Letter from Cranbrook Sporting Club 2. Letter from Frankland River District Country Club

Purpose

The purpose of this report is to consider a request from the Cranbrook Sporting Club and the Frankland River District Country Club to reduce the amount that each club pay into their respective asset replacement funds for the replacement of their synthetic bowling greens.

Background

At the 15 July 2009 meeting of Council it was resolved:

“That:

- 1. In accordance with Local Government (Functions and General) Regulation 11 (2)(f), no tender process be required for the purchase of two ‘DryMax Pro’ bowling greens;**
- 2. The Chief Executive Officer, in conjunction with the Cranbrook Sporting Club and Frankland River District Country Club be authorised to purchase two ‘DryMax Pro’ bowling greens in accordance with the attached quotes and 2009/2010 budget provisions;**
- 3. An Interest Free Loan be offered to the Cranbrook Sporting Club of up to \$35,000 with the term of the loan not to exceed 10 years and with repayments being each six months;**
- 4. The Interest Free Loan be offered on the condition that an annual contribution of not less than \$7,000 be made by the Cranbrook Sporting Club to the Shire’s Asset Replacement Fund for the replacement of the synthetic bowling green, to be reviewed each five (5) years;**
- 5. The Loan referred to in point 3 above to be funded from the Community Associations reserve account;**
- 6. The Council perform the works as requested by the Frankland River District Country Club (items 2 & 3 – Attachment 2) to an approximate value of \$9,000 to be funded from the Frankland River Sporting Facilities reserve account;**
- 7. An Interest Free Loan be offered to the Frankland River District Country Club of up to \$36,000 with the term of the loan not to exceed 10 years and with repayments being each six months;**

8. **The Interest Free Loan be offered on the condition that an annual contribution of not less than \$7,000 be made by the Frankland River District Country Club to the Shire's Asset Replacement Fund for the replacement of the synthetic bowling green to be reviewed each five (5) years;**
9. **The Loan referred to in point 7 above to be funded from the Frankland River Sporting Facilities reserve account."**

This item was included in the agenda for the 21 October 2015 ordinary council meeting where Cr Horrocks, Cr Denton, Cr Cunningham, Cr Standish, Cr Bigwood and Cr Parsons declared an interest in this item as members of the clubs referred to in the report. All Councillors requested that their interest be considered a share in common and asked to be able to participate fully in the discussion and decision making. Mr Northover and Mr Alderton also declared an interest in this item as members of the clubs referred to in the report. They too, requested that their interest be considered a share in common and asked to be able to participate in the discussion.

As there would be no quorum to continue the meeting, this item was deferred pending the Chief Executive Officer requesting Ministerial approval in accordance with section 5.69 of the Local Government Act 1995.

Officers Comment

Advice was sought from the Department of Local Government and Communities in relation to the participation of Councillors in this discussion.

The advice states *"The Department has reviewed your request and based on the information you have provided, the interests held by the Councillors appear to be interests to which section 5.63 (f) of the Act applies, due to the two clubs seeming to be not for profit. This means that the Councillors would not be required to disclose an interest under section 5.65 of the Act. However, they would need to disclose an interest affecting impartiality, in accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007. As such, an approval from the Minister would not be required."*

Councillors will still be required to disclose an interest, however the interest is one that affects impartiality and this does not require Councillors to leave the meeting.

The Cranbrook Sporting Club received funding through the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund (CSRFF) to construct their bowling green. The creation of the Asset Replacement Fund was a condition of the CSRFF grant funding. Although the Frankland River District Country Club did not receive CSRFF funding to construct their bowling green, the Council considered it prudent to request the country club to contribute funds to an Asset Replacement Fund in the same manner as Cranbrook Sporting Club.

As per point 4 and 8 of the above Council resolution, both the Cranbrook Sporting Club and the Frankland River District Country Club have been paying an annual amount of \$7,000 each into their respective Asset Replacement Fund Reserve Accounts. At 30 June 2015 each reserve account had a balance of \$37,682, made up of \$35,000 club contribution and \$2,682 interest.

As funding to assist small local clubs with their projects is becoming increasingly more difficult to source, it is imperative that the clubs continue to contribute funds to their respective Asset Replacement Fund Reserve Accounts.

The Cranbrook Sporting Club has written to the Shire to request an annual reduction of \$2,000, bringing the amount they pay into their reserve account to \$5,000 per year, to be reviewed after three years. The club believe there is at least fifteen years left in the current playing surface.

The Frankland River District Country Club has written to the Shire to request an annual reduction of \$4,000, bringing the amount they pay into their reserve account to \$3,000 per year, to be reviewed after five years. The club believe there is at least ten years left in the current playing surface.

For ease of managing the asset replacement funds, it is thought that both clubs should be paying the same amount into their respective reserve accounts.

In conversation with a representative from the Cranbrook Sporting Club it was indicated that a replacement synthetic green would be in the vicinity of \$150,000, however the Frankland River District Country Club indicate a replacement synthetic green would cost \$65,000.

In an official Bowls Australia "Bowling Green Construction Guidelines 2011", a 2004 report by Victoria Greenkeepers Association provided some in-sight to the costs of building and maintaining both natural and synthetic turf greens. The report noted the cost of replacement of a synthetic turf carpet/mat is estimated at \$75,000 to \$90,000 (giving an annual depreciation figure of around \$8,000, assuming a 10-year life).

In a more recent publication, (Dec 2010), the Smart Connection Company advised that between \$9,000 and \$11,700 per annum be set aside for replacement of a synthetic surface.

At a recent workshop on synthetic greens organised by Bowls Australia it was advised that a figure of around \$15,000 per annum be set aside/invested to fund the renovation/replacement of a synthetic surface at the end of its useful life (assumed about 10 years).

Both bowling greens were constructed during 2009/2010 making them five years old. Considering they most likely have less use than the greens used in the comparative figures for the Bowls Australia publication, it could be assumed that both would have a longer useful life than ten years.

Taking all of the above into consideration, it is thought that the greens would have at least another fifteen (15) years of useful life taking their total useful life to twenty (20) years. If each replacement green is going to cost approximately \$150,000 and there is already \$37,682 in each reserve account, then each club will require another \$112,318 in order to be able to fund a replacement green.

Assuming a similar interest rate is available as the previous five years, each reserve account could attract approximately \$8,500 in interest over the next 15 years bringing the approximate total that each club will need to contribute to \$103,000. This means that each club would need to continue to add \$6,800 to their respective reserve accounts each year.

In light of the above information it is recommended that each club add \$5,000 each year to their reserve accounts and that this be reviewed again in five (5) years.

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

There are no direct financial implications for the Shire from this report. The funds that are paid to the Shire by the Cranbrook Sporting Club and the Frankland River District Country Club each year are placed into two separate reserve accounts that are held for the purpose of the replacement of the synthetic bowling green at each club.

Risk Implications

The risks associated with matters in this report are:

- Providing inaccurate advice/information
- Inadequate asset sustainability practices
- Ineffective management of facilities / venues / events

The impact of the risk is Financial, Reputational and Property

The consequence of these risks are considered to be Major

The likelihood is Unlikely

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

Risk mitigation includes not drastically reducing the amount paid into the reserve account and ensuring it is reviewed regularly.

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: 1.5 Develop a Healthy Place to Grow and Age

Strategy: 1.5.3 Encourage a sporting and active community

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

Objective: 4.3 Provide Outstanding Public Facilities

Strategy: 4.3.2 Continue development of recreational and tourism facilities across Shire

Consultation

Consultation for this report included Cranbrook Sporting Club, Frankland River District Country Club and Bowls Australia.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That:

- 1. An annual contribution of not less than \$5,000 be made by the Cranbrook Sporting Club to the Shire's Asset Replacement Fund for the replacement of the synthetic bowling green in Cranbrook, to be reviewed each five (5) years; and**
- 2. An annual contribution of not less than \$5,000 be made by the Frankland River District Country Club to the Shire's Asset Replacement Fund for the replacement of the synthetic bowling green in Frankland River, to be reviewed each five (5) years.**

10.1.4 SUBJECT

SUNDRY DEBTS – WRITE OFF

RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish Manager of Finance and Administration
FILE REFERENCE:	FM1
APPLICANT:	Nil
DATE OF REPORT:	2 December 2015
ATTACHMENTS:	Nil

Purpose

The purpose of this report is to consider writing off sundry debts that are no longer viable pursuing.

Background

The following debts were raised some time ago and have been sent to the Council's debt collection agency.

Great Southern Limited - \$2,497.53

Debt was raised on 22 May 2009 for grading of roads after tree harvesting. The initial cost was \$1,305.00 and has now accrued an additional \$1,192.53 in interest.

Timbercorp Group of Companies - \$623.82

Debt was raised on 1 July 2009 for grading of roads after tree harvesting. The initial cost was \$326.25 and has now accrued an additional \$297.57 in interest.

Viorica Miroiu - \$950.14

Debt was raised on 9 June 2014 for the cleanup of illegal dumping of rubbish. The initial cost was \$825.00 and has now accrued an additional \$125.14 in interest.

Officers Comment

Both Great Southern Limited and the Timbercorp Group of Companies are in liquidation with little funds remaining. The Shire is listed as a creditor with the administrators of both companies however it is highly unlikely that any payments will be received.

The debt for Viorica Miroiu has been sent to the Council's debt collection agency. They have sent letters of demand with no response and have advised that the next step is to issue a General Procedure Claim through the courts at a cost of approximately \$450.00. It is thought that this too, will become another unpaid expense.

The Council's auditors have commented on these outstanding debts and it is considered that the write off of these debts will assist with the tidy up the Council's sundry debtor's ledger.

Statutory Environment

Section 6.12 of the Local Government Act of 1995, states that:

6.12 Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may -
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

* *Absolute majority required.*

- (2) Subsection (1) (a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1) (b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Policy Applicable – Implications

Council Policy 4.5, Rates and Sundry Debtors Charges – Write Offs and Recovery Process is applicable to this report.

Financial Implications

The amount to be written off totals \$4,071.49 and will reduce the Council's financial position. This will be taken into consideration at budget review.

Risk Implications

The risk associated with matters in this report is financial.

The impact of the risk is Financial

The consequence of these risks are considered to be Minor

The likelihood is Almost Certain

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

Risk mitigation includes a regular review of outstanding sundry debtors and ensuring that all possible actions have been taken to collect the outstanding debt.

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 for this report included the Council's auditors.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Absolute Majority

OFFICERS RECOMMENDATION

That the Council agrees to write off the following debts:

- **Great Southern Limited - \$2,497.53;**
- **Timbercorp Group of Companies - \$623.82; and**
- **Viorica Miroiu - \$950.14.**

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 SUBJECT	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:	Nil
DATE OF REPORT:	4 December 2015
ATTACHMENTS:	Minutes from Annual General Meeting of Electors – 18 November 2015

Purpose

The purpose of this report is to receive the minutes of the Annual General Meeting of Electors that was held on 18 November 2015 at the Frankland River Community Centre.

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 item.

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
- Providing inaccurate advice/information

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 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: 5.6 Listen to, Hear and Engage the Community

Strategy: 5.6.2 Ongoing meaningful communication and engagement with residents and ratepayers of the Shire of Cranbrook.

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 18 November 2015.

10.2.2 SUBJECT

PLANNING APPLICATION - PROPOSED SECOND DWELLING – LOT 1 (No 196) NUKENULLUP ROAD, TENTERDEN

RESPONSIBLE OFFICER

Peter Northover
Chief Executive Officer

REPORT AUTHOR:

Liz Bushby
Gray & Lewis Landuse Planners

FILE REFERENCE:

A9510

APPLICANT:

Pivot Way Pty Ltd T/A McGrath Homes

DATE OF REPORT:

3 December 2015

ATTACHMENTS:

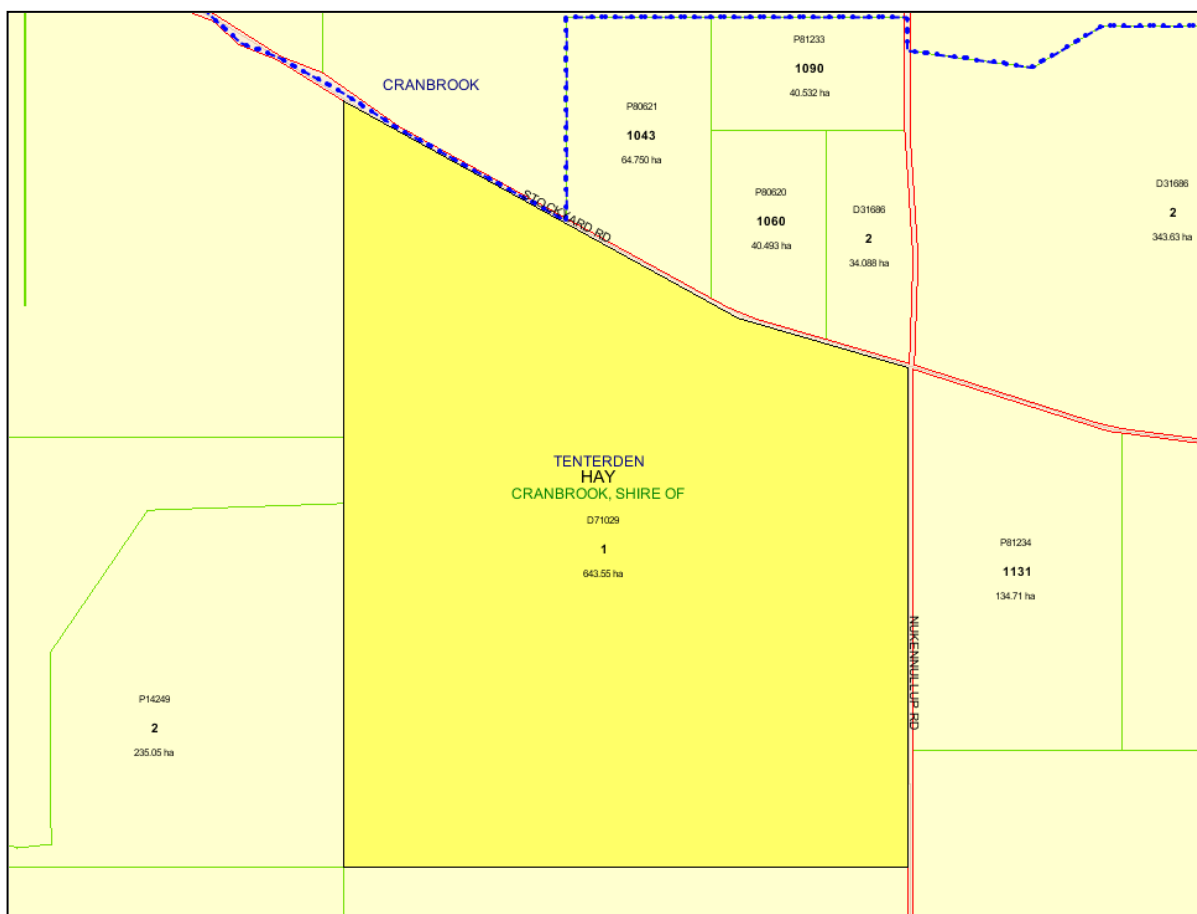
Nil

Purpose

The purpose of this report is to consider an application seeking planning approval for a second dwelling (temporary) on Lot 1 (No 196) Nukenuullup Road, Tenterden.

Background

Lot 1 has an approximate area of 643.55 hectares, is used for agricultural purposes and contains an existing residence.



The majority of the lot has been cleared, and there are pockets of remnant vegetation.

Officers Comment

Zoning

The land is zoned ‘Rural’ under the Shire of Cranbrook Town Planning Scheme No 4 (‘the Scheme’).

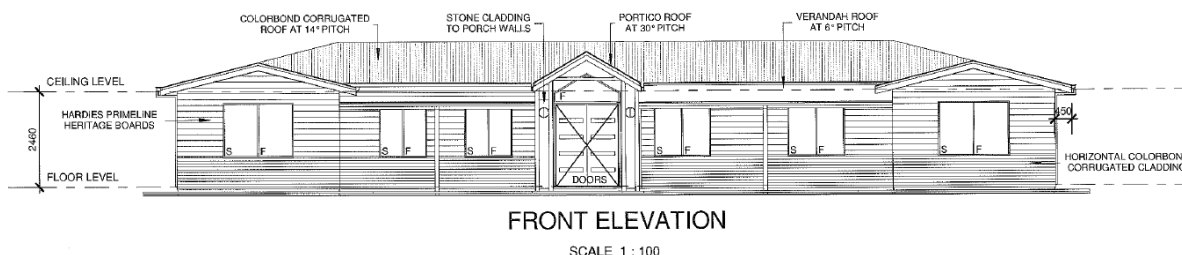
Description of Application

The applicants propose to retain the existing dwelling on the lot temporarily while they construct a new dwelling. The applicant advises they have 3 small children and wish to continue living in the existing house whilst construction of the new (second) dwelling proceeds.

The applicants have requested that Council give them a 2 year time period after which they will demolish the existing dwelling. They have sought a 2 year period as they wish to salvage some of the timber from the existing residence.

The new dwelling will have significant setbacks from all lot boundaries, and will be constructed 24 metres away from the existing dwelling. Access will be via an existing driveway from Nukennullup Road.

The external walls of the new dwelling will be constructed out of colorbond cladding and heritage boards. The roof will also be colorbond.



Gray & Lewis recommends that the application be conditionally approved. There will only be 2 dwellings on the lot for a limited time period and the existing dwelling will be demolished within a 2 year period. Ultimately the status quo of a single dwelling on Lot 1 will be achieved.

Statutory Environment

The most applicable provisions of the Shire of Cranbrook Town Planning Scheme No 4 (‘the Scheme’) are summarised below:

- Clause 5.20.5 (a) gives Council discretion to approve a maximum of 2 dwellings per lot within the rural zone for private residential purposes.
- Clause 5.20.5 (b) outlines matters Council should have regard to as follows:
 - (i) The additional dwelling is warranted for farm management purposes or to accommodate family members;
 - (ii) Any new dwelling is suitably located and setback with sufficient buffers from neighbouring rural lot boundaries so as to minimise landuse conflict with surrounding agricultural uses and farming activities in the opinion of the local government;
 - (iii) The lot is greater than 40 hectares in area;
 - (iv) That the lot or farm area can continue to be used for broadacre farming;
 - (v) The cumulative effect of granting approvals in a locality and the potential for the creation of homestead lots based on the house location as may be permissible under relevant State Planning Policies;

(vi) The need to avoid the creation of unplanned small lot subdivision in locations that may cause conflict with the objectives of the Rural zone.

- Clause 5.20.5 (d) states that *'Notwithstanding any symbol in Table 1 – Zoning Table or any other provision of the Scheme, any more than one dwelling on a lot in the Rural zone shall require the specific approval of the local government and shall not be permitted unless the local government has exercised its discretion by granting planning approval.'*

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 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 obtaining professional planning advice.

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: 5.1 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 however Council has full discretion to advertise the application to surrounding neighbours for comment prior to determination.

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 Pivot Way Pty Ltd T/A McGrath Homes for a dwelling on Lot 1 (No 196) Nukenuallup Road, Tenterden subject to the following conditions:**
 - a. **The plans dated 29/9/15 (Job Number 151043) and lodged with the application shall form part of this planning approval.**

- b. All stormwater from roofed and paved areas shall be collected and disposed of on site.
 - c. Prior to occupation, the new dwelling shall be connected to effluent disposal and be provided with adequate water supply.
 - d. The existing dwelling on the lot shall be demolished within 2 years of the date of this approval or an alternative time period agreed to in writing by the Shire Chief Executive Officer.
 - e. If the dwelling subject of this approval is not substantially commenced within a period of 2 years from the date of this approval, the approval shall lapse and be of no further effect.
2. Advise the applicant (via footnotes on the planning approval) that:
- a. This is planning consent only, and is not authorisation to commence any on site construction. You are required to obtain a separate building permit for the dwelling prior to any works commencing.
 - b. Please be advised you need to lodge an application to the Shire for a separate demolition permit prior to demolishing the existing dwelling.

10.2.3 SUBJECT

**PLANNING APPLICATION - RETROSPECTIVE
PLANNING APPROVAL – LOT 5 (NO 24) NUNIJUP
ROAD TENTERDEN**

RESPONSIBLE OFFICER

Peter Northover
Chief Executive Officer

REPORT AUTHOR:

Peter Northover
Chief Executive Officer

FILE REFERENCE:

A1372

APPLICANT:

Rural Aspirations Pty Ltd

DATE OF REPORT:

4 December 2015

ATTACHMENTS:

Nil

Purpose

To consider an application seeking retrospective planning approval of an existing business located on Lot 5 (No 24) Nunijup Road Tenterden.

Background

The lot has an area exceeding 8.7 hectares, is predominantly cleared and contains two existing buildings. The Shire has advised that no planning approval has been issued for any business activities on the Lot.



Location Plan

Officers Comment

Zoning

The subject lot is zoned 'Industrial' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

The objectives of the Industrial zone are:

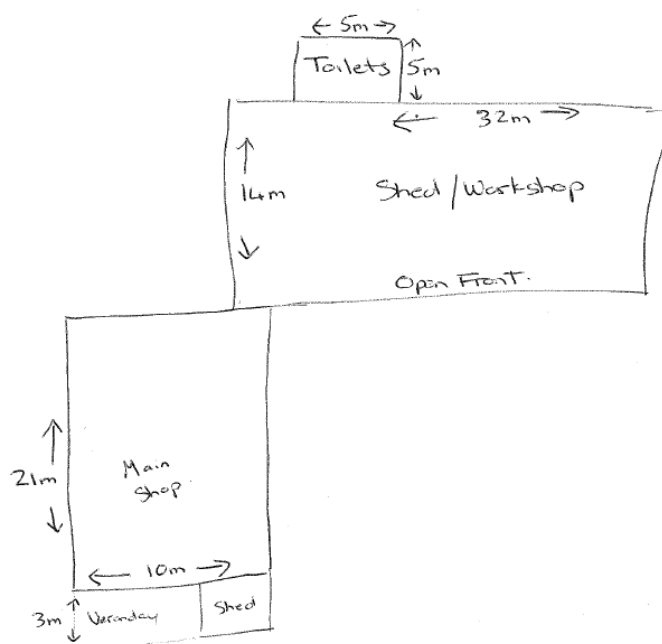
- to provide for the needs of industry to support the community.
- to provide appropriate buffers between industry and adjacent land uses, to avoid land use conflicts.
- to avoid non-industry related uses establishing in the industrial areas that may constrain industrial activities.

Description of Application

There are two existing large shed like structures on the lot which the applicant describes as a 'showroom' and a 'shed/workshop' providing light, rural and industrial services. No site plan has been provided so a Landgate aerial is included below.



According to the sketch provided by the applicant, the 'shed /workshop' has an approximate floor area of 448m² and the 'showroom' has an approximate floor area of 210m².



Landuse Classification – Workshop (and mechanical repairs)

The applicant advises they purchased the business 'Bill's of Tenterden' in March 2002, and it included a workshop for mechanical repairs and light engineering.

The landuse definitions are summarised below.

Officer Comment	Permissibility
<p>A General Industry is simply defined as 'means an industry other than a cottage, extractive, light, mining, rural or service industry'.</p> <p>A Service Industry is defined as 'means – (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or (b) premises having a retail shop front and used as a depot for receiving goods to be serviced'.</p>	<p>Council has discretion to approve either general or service industry landuses in the Industrial zone.</p>
<p>A Light Industry means an Industry; (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality; (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;</p>	<p>If the workshop is construed as a Light Industry' then it is permitted in the Industrial zone.</p>
<p>A Rural Industry means: (a) an industry handling, treating, processing or packing rural products; or (b) a workshop servicing plant or equipment used for rural purposes.</p>	<p>If the workshop is construed as Rural industry, then it is permitted in the Industrial zone.</p>

<p>Motor vehicle repairs means premises used for or in connection with — (a) electrical and mechanical repairs, or overhauls, to vehicles; or (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;</p>	<p>Motor vehicle repairs are permitted in the Industrial zone.</p>
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As is typical of small businesses in rural communities, Bill's of Tenterden offer a range of services to the community.

The 'shed/workshop' providing light and rural services are a permitted use under the Shire's Town Planning Scheme No 4, as is the provision of motor vehicle repairs.

Landuse Classification – Shop / Showroom and Post Office

Post Office

The applicant has advised that they added the 'post office / stuff and post' in early June 2014 as the Tenterden General Store had closed.

The General Store previously operated from a lot zoned 'Town Centre' under the Shire of Cranbrook Town Planning Scheme No 4 (on the corner of Brooking Street and Albany Highway).

The Council have been advised that the post office is considered to be an 'office' use which is not permitted in the Industrial zone and cannot be approved by Council.

An 'Office' is defined as '*means premises used for administration, clerical, technical, professional or other like business activities*'.

Shop / Showroom

The applicant advises the shop / showroom includes the sale of products ranging from automotive parts, hardware, fencing supplies, pumps, animal husbandry, oils, garden supplies, pet food and bulky rural goods.

A 'Showroom' is defined as '*means a premises used to display, sell, by wholesale or retail, or hire, automotive parts or accessories, camping equipment, electrical light fittings, equestrian supplies, ... or goods of a bulky nature*'.

This is a 'Use Not Listed' therefore Council has discretion over the landuse.

Landuse Classification – Receipt and storage of freight parcels and items

This is also a 'Use Not Listed' therefore Council has discretion over the landuse.

Council has 3 options when dealing with a 'Use Not Listed' in accordance with Clause 4.4.2 of the Scheme as follows;

- (a) determine that the use is consistent with the objectives of the Industrial zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the Industrial zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the Industrial zone and is therefore not permitted.'*

It is recommended that Council pursue Option (a) as the showroom and the receipt and storage of freight items are a relatively benign use which are generally consistent with the objectives of the industrial use.

It is recommended the applicant be advised that the sale of convenience items would be applicable to the definition of a 'shop' which is not consistent with the landuse objectives of the industrial zone and therefore would not be permitted.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme') – outlined in the body of this report.

Planning and Development Act 2005 – The applicant has a right to lodge an application for a review of any decision within 28 days of determination of the application.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees for planning and legal advice.

Risk Implications

The risks associated with matters in this report are

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

The impact of the risk is Non-Compliance and Reputational

The consequences of these risks are considered to be Moderate

The likelihood is Unlikely

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

Risk mitigation includes seeking professional planning and legal advice for complex planning applications.

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

Strategy: 5.1.1 Perform at the highest levels of corporate governance, responsibility and accountability.

Consultation

Consultation included the Senior Management Team and the Shire's planners and solicitors.

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 Rural Aspirations Pty Ltd for retrospective planning approval on Lot 5 Nunijup Road, Tenterden subject to the following conditions:**
 - a. Advise the applicant in writing that the workshop and mechanical repairs are a permitted use in the Industrial zone and do not require planning approval.**
 - b. Determine that the 'receipt and storage of freight parcels and items' (goods receipt facility) is consistent with the objectives of the Industrial zone and is therefore permitted.**
 - c. Determine that the 'showroom' is consistent with the objectives of the Industrial zone and is therefore permitted.**
 - d. Approve the Service Industry Land use which is a discretionary use in the industrial zone.**
- 2. Advise the applicant in writing that it has no discretion to approve the post office or sale of convenience items that are consistent with the 'shop' definition under the provisions of the Shire of Cranbrook Town Planning Scheme No 4.**

10.2.4 SUBJECT

**INTEGRATED PLANNING & REPORTING
BI ANNUAL REPORT: JULY 2015 – DECEMBER
2015**

RESPONSIBLE OFFICER:	Peter Northover Chief Executive Officer
REPORT AUTHOR:	Peter Northover Chief Executive Officer
FILE REFERENCE:	AD3
APPLICANT:	N/A
DATE OF REPORT:	8 December 2015
ATTACHMENTS:	IPR Bi Annual Report 2015 - 2016

Purpose

The purpose of this report is to consider and adopt the Integrated Planning and Reporting (IPR) Bi Annual Report for the period 1 July 2015 to 31 December, 2015.

Background

As Council is aware, local governments were required to have developed and adopted a Strategic Community Plan and Corporate Business Plan by 30 June, 2013. These two plans constituted the new Plan for the Future under the Local Government Act 1995 from that date onwards.

The IPR Framework was introduced across the State to address identified long term sustainability issues. The Framework, together with associated guidelines and the IPR Advisory Standard, was developed to assist local governments develop their Strategic Community Plans, Corporate Business Plans and associated plans (Asset Management, Workforce and Long Term Financial Plans).

Since the IPR process commenced on 1 July 2013, quarterly reports have been provided to Council on a regular basis. In 2014 – 2015 an annual report was provided to Council in lieu of regular quarterly reports. The change in format was for two main reasons - one being the time and effort required to complete the quarterly report and the other related to the frequency of such an exercise given that most projects identified in year two of the Corporate Business Plan were either ongoing projects and work in progress, or projects subject to grant funding – for which funding applications were subject to grant rounds and timing considerations. Nevertheless, the benefit of submitting a regular report to Council to measure performance against agreed outcomes is considered necessary and important.

Following the desk top review of our Strategic Community Plan in September 2015, the Senior Management Team has agreed that a more frequent reporting format should be trialled in 2015 – 2016. The attached report therefore covers the two first two quarters of the 2015 -2016 financial year in one report.

Although there is no statutory requirement to provide quarterly or annual reports to government, the adoption of a regular reporting regime is consistent with best practice within the IPR framework.

Officers Comment

In July 2015, Council adopted the Budget for 2015 – 2016 which detailed the expenditure required to deliver the strategies and actions of year three of the Corporate Business Plan.

The attached report provides a snapshot of the Shire's performance against each of the five community aspirations and associated strategic objectives identified within the Corporate Business Plan. The report lists those strategies and actions identified under each strategic objective and measures performance to date.

Statutory Environment

The Local Government Administration Regulations define the requirements of the Integrated Planning and Reporting Framework.

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 risk associated with matters in this report is

- Failure to fulfil statutory, regulatory or compliance requirements

The impact of the risk is Non-Compliance

The consequence of this risk is considered to be Insignificant

The likelihood is Rare

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

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 5.3: Develop Strategic Plans and Projects

Strategy 5.3.2: Ensure delivery, monitoring, evaluation and reporting of strategic planning outcomes.

Consultation

This report was prepared in consultation with the Senior Management Team.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council adopts the attached IPR Bi Annual Report for the period 1 July 2015 to 31 December 2015.

10.3 WORKS

Nil

10.4 ECONOMIC & COMMUNITY

Nil

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

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

13. MATTERS BEHIND CLOSED DOORS

14. CLOSURE OF MEETING

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