

COUNCIL MEETING

AGENDA



For the Ordinary Meeting of Council to be held on

20 April 2016

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 20 April 2016 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 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 P (Peter) Denton
	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

Nil

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 item 13.1.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 16 MARCH 2016

That the minutes from the ordinary meeting of Council held on 16 March 2016, 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 April 2016
ATTACHMENTS:	List of Payments – 3 March 2016 to 5 April 2016

Purpose

The purpose of this report is to advise the Council of payments made during the period 3 March 2016 to 5 April 2016.

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 \$792,833.92 as per the attachment be noted:

- **Electronic Funds Transfers EFT 6517 to EFT 6599 - \$601,741.96;**
- **Municipal Fund Cheque No's 11856 – 11866 - \$23,237.79;**
- **Internal Account Transfers (Payroll) - \$143,938.07;**
- **Direct Debit - \$23,616.10;**
- **Trust Payments - \$300.00.**

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:	8 April 2016
ATTACHMENTS:	Financial Statements March 2016

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 March 2016.

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 February financial statements report on 9 months, or 75% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 85% of our expected operating income;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 91% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$1,019 (deficit), 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 March 2016 be noted.

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 SUBJECT	BUSHFIRE ADVISORY COMMITTEE AGM DRAFT MINUTES 4 APRIL 2016 AND BUSHFIRE CONTROL OFFICER – APPOINTMENTS FOR 2016/2017
RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Toni Melia Emergency Services and Recreation Officer
FILE REFERENCE:	BF 1
APPLICANT:	N/A
DATE OF REPORT:	11 April 2016
ATTACHMENTS:	Minutes of the Bushfire Advisory Committee AGM Held on 4 April 2016

Purpose

The purpose of this report is to appoint Bush Fire Control Officers for 2016/2017 in accordance with the Bush Fires Act 1954 and to present to Council the minutes of the 4 April 2016 Bushfire Advisory Committee (BFAC) Annual General Meeting (AGM) for consideration.

Background

The Shire of Cranbrook BFAC was established in accordance with the Bushfires Act 1954 Part 5, Section 67 which states:

Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee; and
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.

Officers Comment

The committee meets biannually in April and October and consists of representatives from each of the 12 local brigades, the Chief Bush Fire Control Officer, two Deputy Chief Bush Fire Control Officers, the Base Radio Operator and a nominated Shire Councillor. Representatives from the Shire of Cranbrook and the Department of Fire and Emergency Services Area Manager also attend the meetings as observers and administration support.

The BFAC held their AGM on 4 April 2016 at the Frankland River Community Resource Centre. The main purpose for the April meeting of BFAC each year is to nominate and elect the Shire Bushfire Control Officers and nominate the various brigade office bearers for the year. During this meeting the contents of the Shire of Cranbrook annual firebreak notice is also decided upon. General business including information from the Great Southern District Operations Advisory Group (DOAC), the Association of Volunteer Bush Fire Brigades of WA Incorporated and Department of Fire and Emergency Services (DFES) Safety Circulars are also discussed. Members can raise any issues encountered during the previous season; discuss training and anything that may impact on a brigade's ability to fulfil their duties etc.

In accordance with the Bushfires Act 1954 the Council is required to approve and appoint the BFAC nominated Bush Fire Control Officers, Fire Weather Advisory Group and Dual Registration Officers each year.

In accordance with Section 24 of the Bush Fires Act, burning to collect clover burr must be completed with a special permit. Council must appoint authorised officers to issue these special permits as Bush Fire Control Officers do not have the authority to do so.

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:

- Misconduct
- Errors, Omissions and Delays
- Failure to fulfil statutory, regulatory or compliance requirements
- Providing inaccurate advice/information
- Inadequate document management processes
- Inadequate engagement practices
- Inadequate safety and security practices

The impact of these risks are Non-Compliance and Reputational

The consequences of these risks are considered to be Minor

The likelihood is Possible

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

Risk mitigation includes the existence of an effective Local Emergency Management Committee, BFAC and Emergency Services and Recreational Officer support role.

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.

Consultation

Consultation included meeting of the BFAC.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That

- 1. The attached minutes from the 4 April 2016 Bushfire Advisory Committee AGM be noted;**
- 2. That the following officers be appointed to the respective positions for 2016/2017 in accordance with the Bush Fires Act 1954:**

Chief Bush Fire Control Officer.....David Packard

1st Deputy Chief Bush Fire Control OfficerTom Ettridge

2nd Deputy Chief Bush Fire Control OfficerIan Lawrence

Base Radio OperatorDavid Preston

Fire Control Officer's

East Cranbrook.....Harley Smith

Fred Fiegert

Phil Horrocks

CentralKeith Wilson

Sam Lehmann

Cranbrook Town.....Joe Duina

TenterdenDavid Packard

Greg Mengler

Mark Jefferies

Jason Watterson

Ken Gibson

Tunney.....Graham Marshall

Joel Treeby

Sean Morgan

Ian Lawrence

- | | |
|--|--|
| Woolonga | Brett Smith
Mark Addis
Fred Smith |
| Nunijup | Mark Bunker
Bruce Parsons
Steven Squire
Lindsay Watterson |
| Kybellup..... | Simon Hilder
Russel Hilder
Kieron Haynes |
| Gordon | Grant Egerton–Warburton
Alvaro Alvarez De Toledo
John Egerton–Warburton |
| Frankland River | Peter Ettridge
Martin Toovey
Darcy Clode |
| Frankland River Town..... | Andrew Murray
Nathan Waterman |
| Bokerup / Unicup | Tom Ettridge
Greg Banks |
| Fire Weather Advisory Group | Sam Lehmann
Grant Egerton – Warburton
Martin Toovey
Mark Bunker
Graham Marshall
Russel Hilder
Harley Smith
Tom Ettridge |
3. The following officer be appointed as a Clover Burning Officer for 2016/2017:
David Packard;
 4. The following officers be appointed as Dual Registration Officers with the respective Shires for 2016/2017:

Shire of Gnowangerup.....	Harley Smith (East Cranbrook)
Shire of Tambellup	Keith Wilson (Central) Graham Marshall (Tunney)
Shire of Kojonup	Graham Marshall (Tunney) Grant Egerton-Warburton(Gordon) Tom Ettridge (Bokerup / Unicup)
Shire of Boyup Brook.....	Tom Ettridge (Bokerup / Unicup)
Shire of Manjimup	Tom Ettridge (Bokerup / Unicup) Greg Banks (Bokerup / Unicup)
Shire of Plantagenet.....	Peter Ettridge (Frankland River) Simon Hilder (Kybellup) Mark Bunker (Nunijup) Greg Mengler (Tenterden) Ken Gibson (Tenterden) Tom Ettridge (Bokerup / Unicup)
 5. The names of the Bushfire Control Officers listed above be advertised in the Government Gazette.

10.2.2 SUBJECT

FIREBREAK NOTICE 2016/2017

RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Toni Melia Emergency Services and Recreation Officer
FILE REFERENCE:	BF 1
APPLICANT:	N/A
DATE OF REPORT:	11 April 2016
ATTACHMENTS:	2016/2017 Firebreak Notice

Purpose

The purpose of this report is to adopt the Annual Firebreak Notice 2016/2017 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.

The Bush Fire Advisory Committee (BFAC) at its Annual General Meeting held on Monday 4 April 2016 made the following resolution:

“That the Bush Fire Advisory Committee recommends to the Council the adoption of the following Firebreak Notice for the 2016/2017 fire season.”

Officers Comment

At the Bushfire Advisory Committee Annual General Meeting the Annual Firebreak Notice was submitted to the committee with the subsequent changes being made to the following sections and highlighted in yellow in the attached notice:

Updated various year dates through out the document.

Updated General Information

Added the terminology used by the Department of Fire and Emergency Services and the Department of Parks and Wildlife (DPAW) during fire incidents. DFES and DPAW issue Community Alerts for bushfires that threaten lives and property. The Shire BFAC has decided to do the same to ensure continuity of information to the public. The alert level changes to reflect the increasing risk to life and the decreasing amount of time you have until the fire arrives are indicated below:

- **Advice (BLUE)**

A fire has started but there is no immediate danger, this is general information to keep you informed and up to date with developments.

- **Watch and Act (YELLOW)**

A fire is approaching and conditions are changing, you need to leave or prepare to actively defend to protect you and your family.

- **Emergency Warning (RED)**

You are in danger and you need to take immediate action to survive as you will be impacted by fire. An emergency warning may be supported with a siren sound called the Standard Emergency Warning Signal (SEWS).

- **All Clear (GREY)**

The danger has passed and the fire is under control, but you need to remain vigilant in case the situation changes. It may still not be safe to return home.

Brigade Contact Details

Updated phone numbers and roles for current members have been included in the Fire Control Officers and Brigades 2016/2017 list contained in the Firebreak Notice.

Statutory Environment

The Bushfires Act 1954 is applicable to this report.

Policy Applicable – Implications

Council Policies 6.0 'Bushfire Control' and 6.1 'Bushfire Control – Unsupervised Stationary Engines' is applicable to this report.

Financial Implications

The total cost of this item will be approximately \$2,600 for printing of firebreak notices and \$200 for advertising costs that can be funded from Account 051010 (Fire Prevention).

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
- Inadequate document management processes
- Inadequate engagement practices

The impact of these risks are Health, Non-Compliance, Reputational, Property and Environment

The consequences of these risks are considered to be Catastrophic

The likelihood is Possible

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

Risk mitigation includes the preparation of a comprehensive Firebreak Notice and the timely and detailed annual review by the Emergency Service and Recreation Officer, Bushfire Advisory Committee, Senior Management Team and Council.

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

Consultation

Consultation for this report was undertaken with the Bushfire Advisory Committee at its Annual General Meeting held on 4 April 2016.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That that the Firebreak Notice 2016/2017, as attached:

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

10.2.3 SUBJECT	REVOCATION OF COUNCIL MOTION 06112015 AND DISCONTINUATION OF THE PRESCRIBED BURN REGISTER – PLANTATION
RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Toni Melia Emergency Services and Recreation Officer
FILE REFERENCE:	BF 7
APPLICANT:	Bushfire Advisory Committee
DATE OF REPORT:	11 April 2016
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for Council to consider revoking Council Motion 06112015, and in accordance with the Bushfire Advisory Committee's (BFAC) recommendation to Council, discontinue the Prescribed Burn Register – Plantation, within the Shire of Cranbrook.

Background

Based on the legal opinion received from Civic Legal with regards to the development of a Plantation Burn Register, Council at the 18 November 2015 meeting discussed the following 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.

At the 18 November 2015 meeting of Council it was resolved:

"That:

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

In accordance with this recommendation a form containing the information required from plantation owners was developed by the Shire. This form was uploaded on 18 February 2016 to the Shire website, 10 days prior to the opening of the restricted burning period within the Shire.

The form was also advertised on the Shire Facebook page and in the two community newsletters – The Cranbrook Newsletter and The Franklander. Forms were uploaded on the day that they were received by the Shire, or the following business day if they were received out side of normal business hours. The completed forms were emailed out immediately upon being uploaded onto the Shire website to the captains and secretaries of the brigade area in which the burn was to occur. They were also emailed to the CBFCO and Deputy CBFCO (west) for their information. It was then the responsibility of the local vigneron to check the Shire website for this documentation and if required, contact the person responsible for submitting the burn form to discuss their concerns.

Throughout the most recent restricted burning period (1 March 2016 – 12 April 2016), seven plantation burns were registered within the Shire.

Officers Comment

The Prescribed Burn Register has been a contentious issue for all industries involved through out the most recent restricted burning period. Issues identified by the BFAC at the 4 April 2016 Annual General Meeting included:

- Register used unfairly – information contained within the document was used to issue legal notices
- No compromise or engagement during this time period from the vineyards to the other industries
- No information provided by the grape growers and wine producers on how the 2016 grape harvest was progressing
- Reports of inappropriate phone calls and threats of legal action to other industries and individuals
- Concerns that this process was escalating and that there would be opposition to all prescribed burning within the Shire during this time period in the future
- Fire Control Officers receiving harassing phone calls from lawyers representing grape growers and wine producers with regards to the permits issued during this time period.

It was also mentioned at the BFAC Meeting that plantation owners and the Forest Industries Federation of WA (FIFWA) had expressed concern that the Plantation Burn Register unfairly targets and discriminates against their industry. FIFWA is of the view that the register should be either a general burn register or discontinued all together

In light of these discussions the Shire of Cranbrook BFAC made the following recommendation to Council:

“That this committee recommends to Council the discontinuation of the Prescribed Burn Register – Plantations.”

Based on previous legal advice received by the Shire on this issue, it was noted that 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.

The Prescribed Burn Register – Plantations was implemented as a good will gesture on behalf of the Shire to open the lines of communication between affected industries. Advice received cautioned that the Shire should consider doing less, rather than more, to mitigate against the potential for smoke taint.

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.

Part 10, Section 1 (a), (b) and (1a) and Section 2 (a) and (b) of the Local Government (Administration) Regulations 1996, states that:

Revoking or changing decisions (Act s. 5.25(1)(e))

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or

(b) in any other case, by an absolute majority.

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:

- 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 Reputational.

The consequence of these risks are considered to be Minor

The likelihood is Possible

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

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 the Bushfire Advisory Committee, Senior Management Team and the Emergency Services and Recreation Officer.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Absolute Majority

COMMITTEE RECOMMENDATION

That:

- 1. In accordance with Part 10, Section 1 (a), (b) and (1a) and Section 2 (a) and (b) of the Local Government (Administration) Regulations 1996 that Council Motion 06112015 be revoked by an absolute majority vote; and**
- 2. The recommendation made by the Shire of Cranbrook Bushfire Advisory Committee at the 4 April 2016 AGM, that the Prescribed Burn Register – Plantation, be discontinued, be accepted by Council.**

10.2.4 SUBJECT	LOCAL EMERGENCY MANAGEMENT COMMITTEE DRAFT MINUTES – 29 MARCH 2016
RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Toni Melia Emergency Services and Recreation Officer
FILE REFERENCE:	BF13
APPLICANT:	N/A
DATE OF REPORT:	12 April 2016
ATTACHMENTS:	Draft March 2016 Minutes – Local Emergency Management Committee

Purpose

The purpose of this report is to present to Council the draft minutes of the 29 March 2016 Local Emergency Management Committee.

Background

The Shire of Cranbrook Local Emergency Management Committee (LEMC) was established in accordance with the Emergency Management Act 2005 section 38 which states:

- (1) A Local government is to establish one or more local emergency management committees for the local government's district.

The function of the Local Emergency Management Committee (LEMC) is documented in the Act under section 39:

- a) to advise and assist the local government in ensuring that the local emergency management arrangements are established for its districts;
- b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

The Shire of Cranbrook Local Emergency Management Committee consists of representatives from the following agencies:

- Shire – Chief Executive Officer, Emergency Services and Recreation Officer, Manager of Works and Ranger
- Chief Bushfire Control Officer (CBFCO)
- WA Police - local officers
- St John Ambulance – Cranbrook and Frankland River
- Department for Child Protection and Family Support (DCP&FS)
- Plantagenet Health Service
- Red Cross
- Department of Agriculture and Food (DAFWA)
- Great Southern State Emergency Management Committee – Community Emergency Management Officer (SEMC-CEMO)

Officers Comment

There were no recommendations from the 29 March 2016 meeting for Council to consider.

Statutory Environment

The Emergency Management Act 2005.

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
- Inadequate engagement practices

The impact of these risks is Non-Compliance

The consequences of these risks is considered to be Minor

The likelihood is Rare

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

Risk mitigation includes the well managed operations of the LEMC including membership by the CEO, ESRO and MOW on the committee.

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.

Consultation

Consultation for this report included members of the LEMC.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the attached draft minutes of the 29 March 2016 Local Emergency Management Committee meeting be received by Council.

10.3 WORKS

Nil

10.4 ECONOMIC & COMMUNITY

10.4.1 SUBJECT

CRANBROOK PUBLIC LIBRARY

RESPONSIBLE OFFICER:	Cassandra Hughes Manager of Economic and Community Development
REPORT AUTHOR:	Cassandra Hughes Manager of Economic and Community Development
FILE REFERENCE:	CS104
APPLICANT:	The Gillamii Centre Inc.
DATE OF REPORT:	12 April 2016
ATTACHMENTS:	Nil

Purpose

The purpose of this report is to consider a request from the Gillamii Centre Inc to reduce the operating hours of the Cranbrook Public Library.

Background

At the 17 March 2010 meeting of Council it was resolved that:

“The Chief Executive Officer & Shire President be authorised to negotiate lease details with the Gillamii Centre for the lease of the Cranbrook Sporting Club building (located on reserve 25331) that incorporates:

- **Co-location of the Shire Library;**
- **Operating the Shire Library on a fee for service basis similar to the Frankland River Community Centre;**
- **Minimal lease fee payable per annum;**
- **All outgoings and minor maintenance to be completed by the Gillamii Centre; and**
- **An acknowledgement that the remainder of reserve 25331, whilst being available for Gillamii Centre activities, is not available for sole use and other community activities may be located there in the future.”**

The Memorandum of Understanding between the Shire of Cranbrook and the Gillamii Centre Inc, for the operation of the Cranbrook Library was signed on 17 July 2012. The purpose as listed in the MOU is:

“The above listed parties will cooperate to provide a professional and efficient library service to the residents of Cranbrook and the wider community on behalf of the Shire of Cranbrook”

Officers Comment

On 6 April 2016 the Shire of Cranbrook received a letter from Mr Michael Walsh, Chairperson of the Gillamii Centre Inc. The letter requests a reduction in operating hours of the Cranbrook Public Library, proposing to close the library on Tuesday and Friday.

No reason was stated in the letter for the reduction in hours. The Manager of Economic and Community Development has spoken to Mr Walsh and he has advised the following:

“With low numbers of library visitors, having a Gillamii Staff member present 35 hours per week to enable library use is not utilising Gillamii resources to their full capacity.”

When the Gillamii Centre Inc agreed to operate the library in 2012, it was seen as an opportunity for the Gillamii to keep its doors open during the week. The Shire has increased both the payment to Gillamii and Library for the provision of services in recent years.

With the change to the Gillamii operating structure in the second quarter of 2015, there has been less focus on the library, and the Gillamii is now keen to close their office two days a week, hence reducing library services.

Today’s Public Libraries offer a range of services to their communities. Many are co-located with other services in the community to assure the continuance of library services, hence the MOU with the Gillamii to provide the service. Libraries are now activity hubs within communities offering office services, community computer access, workshops and gathering places.

The Gillamii has stated there are not enough people coming into the library. In an effort to determine the reasons for the possible reduction in visitation to the Cranbrook Library, the following research of two local neighbouring public libraries, and discussion with the Albany Regional Library Manager, the following information was gathered and compared:

Gnowangerup –Shire - 1307	Tambellup – Shire 1139	Cranbrook – Shire 1179
Advertise fortnightly in newsletter (Samples attached)	Advertise monthly in local newsletter	Do not advertise
Utilise Facebook and Website regularly	Utilise Facebook and Website regularly	Since September the FB page has been posted to monthly. No information has been submitted to Shire for Website.
Visiting Authors	Visiting authors – almost always children’s authors – engage with school to bring groups into library	No visiting authors since early 2015. No interaction with school
Rhyme Time for little visitors	Story Time little visitors	No activity
Huge stock turnover – 120 books per week.		Books per month- 84
1000 DVDs in collection		
Large “Library” Owned collection – source donations, second hand books and purchase books not yet available through SLS.		

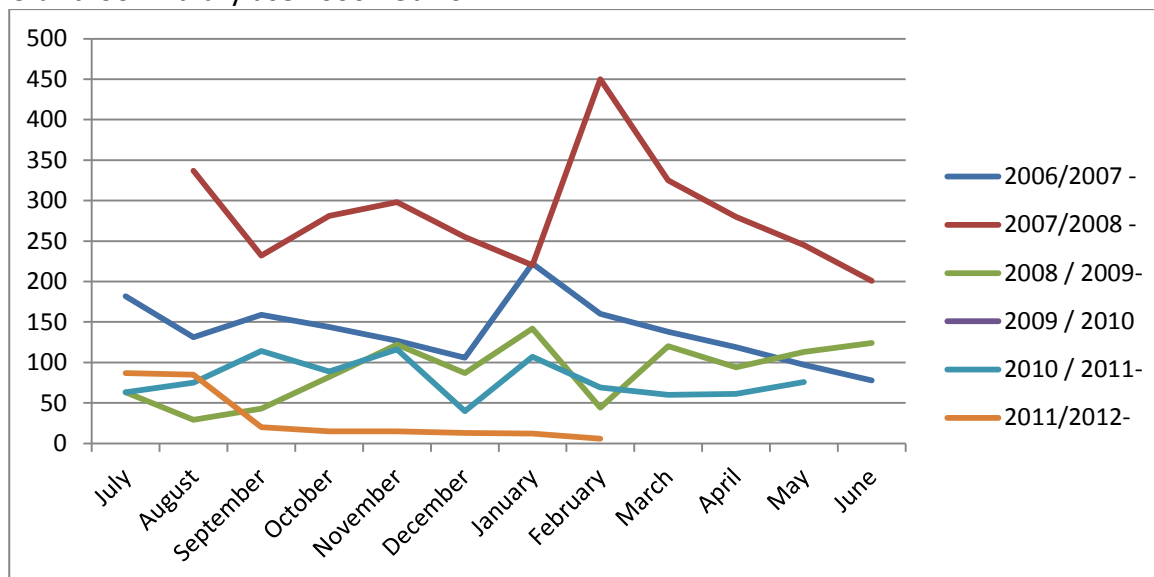
Operate 5 days per week. 2 Full days (1 Librarian) 9.30-4.30 2 Half days (Librarian) 1-.5pm Borrow only service on 5 th day. Returns left for librarian. Open CRC Hours 9.30-4.30	Open 5 Days	
Offer digital books and audio books	Offer digital books and audio books	Not offered
Run workshops -	Mindful colouring workshop Soups and Sweets for lunch for seniors for winter library visits	Not offered
Through CRC offer copying, office services, computer	Through CRC offer copying, office services, computer	Library public computer not advertised as being available
Provide book recommendations		
On average 10 visitors a day minimum	On average 20 visitors per week below.	
Home delivery service. Librarian delivers books to those who can't drive.		

When located in the Cranbrook Shire, the library operated whilst the Shire was open.

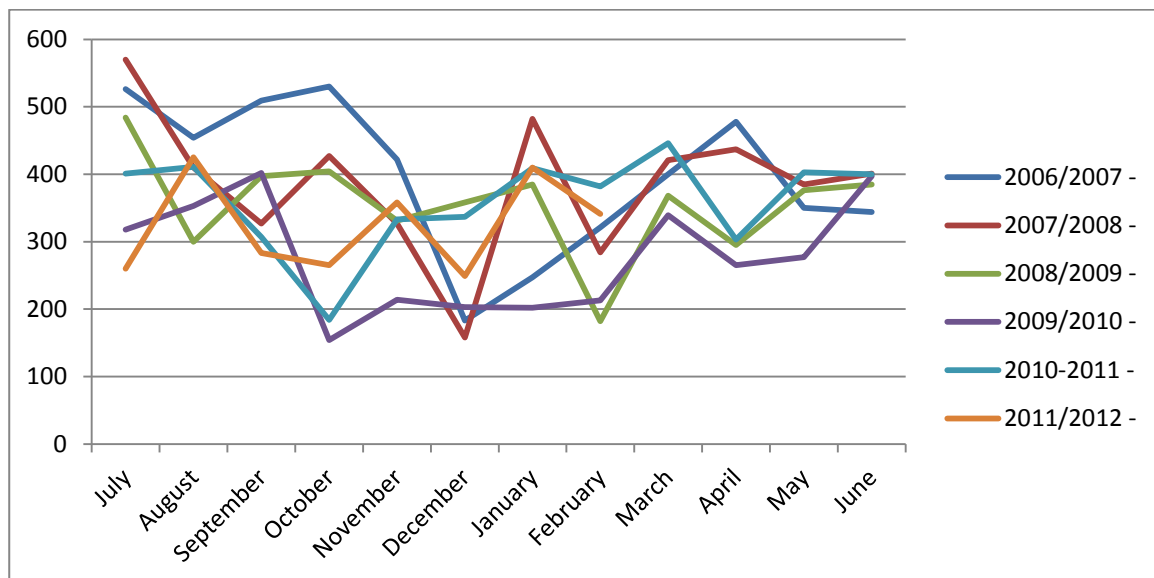
The Cranbrook library has been located at the Gillamii Centre since 2012. Between 2012 and 2015 the librarian undertook a sporadic range of activities including story time, visiting authors and engagement with Play in the Park. Since early 2015 no promotional or community activities have been held in the Library.

Libraries have been changing for a number of years, and now have to undertake additional activities to bring people to the library. As can be seen from the following graphical representations, library use is fickle and varies dramatically month to month, year to year, however the gradual decline, prior to locating at the Gillamii is obvious.

Cranbrook Library use 2006-Feb 2012



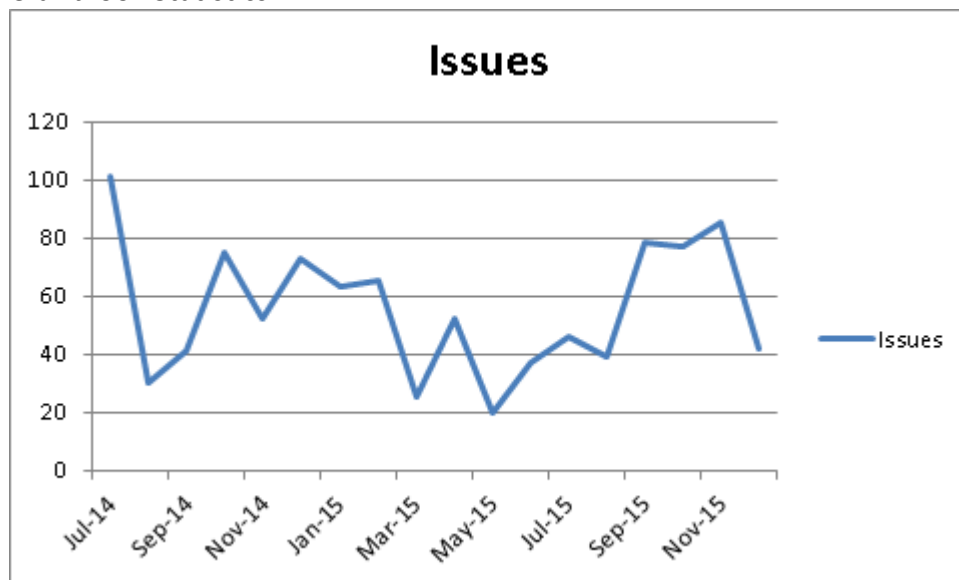
These statistics show a gradual decline in visitors to Cranbrook Library from 2008/9 onwards. Compared with the Frankland River library to the same period.



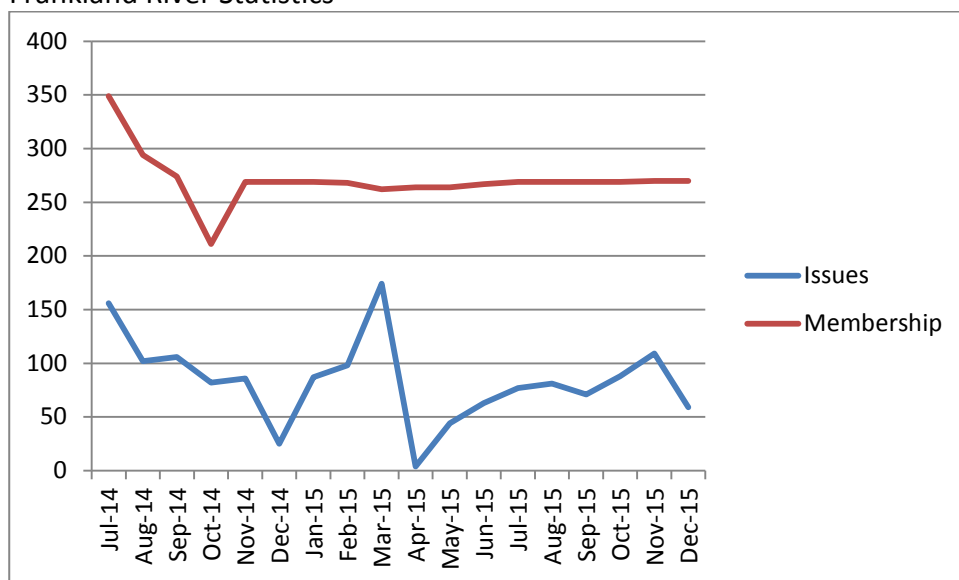
Whilst Cranbrook levels fall lower, the peak borrowing is consistent with Frankland River. However, Frankland River has maintained a reasonably consistent borrowing level. It is obvious that borrowing numbers are related to both level of activity and promotion, and also the borrowers in the community at the time.

With a change in staffing at both Gillamii and Frankland River CRC, statistic were not provided for the balance of 2012 or 2013, however the following comparisons for 2014 and 2015 are provided.

Cranbrook Statistics



Frankland River Statistics



Cost to operate

Annual Amlib Fee –	\$661	(based on 2014/2015 figures invoiced in June)
Regional Libraries Fee -	\$694	(based on 2014/2015 figures invoiced in June)
Freight –	\$1,200	(\$100 per month average)
Subtotal -	\$2,555	

The Shire paid the Gillamii \$11,000 to operate the library and its expenses. This was increased from \$10,000 in the 2015/2016 budget, due to a request from the Gillamii that the payment was not covering expenses.

It would be advisable if the Gillamii allowed an allocation of overheads and allowance for replacement of equipment.

The balance would be labour cost.

Annual Amlib Fee –	\$661	(based on 2014/2015 figures invoiced in June)
Regional Libraries Fee -	\$694	(based on 2014/2015 figures invoiced in June)
Freight –	\$1,200	(\$100 per month average)

Overhead	\$1,000
Reserve funds	\$500
Petty Cash for library expense	\$500
Subtotal	\$4,555

Labour \$6,445 (for 12 months based on 35 hours per week)

It should be noted that this cost is significantly reduced due to being co-located with the Gillamii. Should full time library services have to be met as an independent service the labour cost would be approximately \$50,000

If there was a reduction in hours of the library the wages component of the costs would have to be reduced. If that was done prior to 30 June 2016 the Gillamii would be responsible for a refund to the Shire of the period of reduced hours.

Distance from town

Given the ongoing discussion that the Gillamii Centre and Library are located too far from the town centre the attached map is provided.

This map demonstrates that if a resident were to walk to the Centre, it is a maximum of 1.5km and a minimum of 200m. The Post Office which in any community is deemed the physical centre of the town is located 450m from the Library.



Opportunities

From discussion with other libraries and comparison with past activities, it seems that there could be a significant increase in library activities to try to improve the patronage.

Suggestions.

- Provide the digital e-book and audio book service
- Advertising – undertake monthly advertising in CB newsletter
- Increase DVD stock and promote
- Story time
- Community Volunteers
- Seniors days, encourage partnership with HACC
- Partnership with School
- Partnership with Daycare
- Utilise the relationship with the Early Years Coordinator located in Gillamii Office
- Regular use of Facebook
- Promote the Facebook site in the newsletter
- Encourage community book reviewers to write reviews
- Engage with other libraries as to what they are doing

Recommendations

The Library was moved with the Gillamii under agreement to provide a professional and accessible library service. It is recommended that the request to close the library two days per week not be supported without first trying other strategies to increase patronage.

Should the Council wish to reduce the level of service to the Cranbrook Library Community, it is recommended that a less drastic reduction be considered and that the community is consulted prior to any reduction in service.

Regardless of operating hours, it is recommended that the Gillamii Centre Inc.;

- Be requested to improve the level of public engagement with the library.
- Offer digital e-books and audio books
- Run a public survey of Cranbrook library users and residents to determine their preferred hours and activities

Statutory Environment

The Library Board of Western Australia Act 1951 governs the operations of Libraries in Western Australia. It is implemented by the State Library Board.

Policy Applicable – Implications

Council Policy 7.0, Community Engagement, states that:

“To ensure that the framework for the way we engage our community in decisions which affect them are in line with best practice and ensure that all members of the community have the opportunity to participate in meaningful engagement with the Council on decisions and issues which affect them.”

Financial Implications

Should there be any reduction in opening hours of the Gillamii centre, there will need to be a corresponding reduction in the funding required.

Risk Implications

The risk/s associated with matters in this report are:

- Business and Community Disruption
- Providing inaccurate advice/information
- Inadequate document management processes
- Inadequate engagement practices
- Inadequate supplier / contract management

The impact of the risks are Service Interruption, Non-Compliance, and Reputational

The consequences of these risks are considered to be Moderate

The likelihood is Likely

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

Risk mitigation includes the requirement for Gillamii to engage the community and report to council before any reduction in hours is approved.

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 1.6: Create a Place to Learn and Develop

Strategy 1.6.1: Provide ongoing support for libraries

Strategy 1.6.3: Provide learning opportunities for the community

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

Objective: Enter the relevant number and objective/s

Strategy: Enter the relevant number and strategies

Consultation

Consultation was undertaken with the Gillamii Centre Inc, Gnowangerup Public Library/CRC, the Tambellup Public Library / CRC, Albany Regional Library Manager and State Library staff.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

- 1. Does not agree to reduce Library hours at this time;**
- 2. Requests the Gillamii Centre Inc. to undertake a public survey in consultation with the Shire to determine preferred hours and activities to be undertaken in the library;**
- 3. Requests that the Gillamii Centre increases public engagement for the library activities to increase visitation; and**
- 4. Requests the Gillamii Centre to report back to Council on the outcomes of the survey by 31 May 2016.**

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

13.1 SUBJECT	LOT 1 ON STRATA PLAN 58670, 8A CURRIE STREET CRANBROOK - STAFF HOUSING DISPOSAL
RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish Manager of Finance and Administration
FILE REFERENCE:	CP142
APPLICANT:	N/A
DATE OF REPORT:	21 March 2016
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 (c) of the Local Government Act 1995, to discuss 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.

14. CLOSURE OF MEETING

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