

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

21 September 2016

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Cunningham declared the meeting open at 3.09pm. The Shire President alerted 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 PL (Phil) Horrocks Cr HC (Helen) Parsons

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

Members of the Public	One
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LEAVE OF ABSENCE

Nil

APOLOGIES

Councillor	Cr TC (Tom) Standish
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3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President, Cr Cunningham announced that the following people who were either residents or past residents of the Shire had passed away since the last meeting:

Betty Sarich

A moments silence was observed as a mark of respect.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTION TIME

Nil

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DISCLOSURE OF INTEREST

Cr P Denton

Item 10.2.5

Type: Indirect Financial Interest pursuant to Section 6.51 of the Local Government Act 1995

Nature: Owner of the Cranbrook Post Office

Cr P Denton

Item 13.1

Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995

Nature: Owner of land adjacent to Cranbrook Community Hub

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

The meeting will be closed to discuss item 13.1

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 17 AUGUST 2016

Motion 01092016

Moved Cr Denton, seconded Cr Egerton-Warburton that the minutes from the ordinary meeting of Council held on 17 August 2016, be confirmed as a true and correct record.

Carried 8/0

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:	Vanessa Fiegert Finance Administration Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	1 September 2016
ATTACHMENTS:	List of Payments – 6 August 2016 to 1 September 2016

Purpose

The purpose of this report is to advise the Council of payments made during the period 6 August 2016 to 1 September 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/COUNCIL DECISION

Motion 02092016

Moved Cr Adams, seconded Cr Parsons that the payment of accounts totalling \$439,460.20 as per the attachment be noted:

- **Electronic Funds Transfers EFT 6921 to EFT 6992 - \$297,771.05;**
- **Municipal Fund Cheque No's 11904 – 11911 - \$18,018.96;**
- **Internal Account Transfers (Payroll) - \$112,602.56;**
- **Direct Debit - \$11,067.63.**

Carried 8/0

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 September 2016
ATTACHMENTS:	Financial Statements August 2016

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 August 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 August financial statements report on 2 months, or 17% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 58% of our expected operating income. This higher percentage is due to the fact that property rates are recognised as revenue when they are raised and not when they are paid;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 10% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$2,593,078 (surplus), which is mainly made up of rates receivable and cash at bank; and
- The 'Variance Report' on page 9 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/COUNCIL DECISION

Motion 03092016

Moved Cr Denton, seconded Cr Adams that the attached financial statements for the period ending 31 August 2016 be noted.

Carried 8/0

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 SUBJECT	KENT RIVER LAND CONSERVATION DISTRICT COMMITTEE – PROPOSED WINDING UP
RESPONSIBLE OFFICER:	Peter Northover Chief Executive Officer
REPORT AUTHOR:	Trish Standish Manager of Finance and Administration
FILE REFERENCE:	ED108
APPLICANT:	Kent River Land Conservation District Committee
DATE OF REPORT:	7 September 2016
ATTACHMENTS:	Nil

Purpose

The purpose of this report is to consider a request from the Kent River Land Conservation District Committee (LCDC) regarding the proposed winding up of this LCDC.

Background

The Shire of Cranbrook is in receipt of a letter from the Secretary for the Kent River LCDC to request support for the winding up of the Kent River LCDC.

Officers Comment

The letter received indicates that:

“The Kent River LCDC passed a resolution on 9 December 2015 recommending to the Minister for Agriculture, Forestry and Fisheries that the LCDC be wound-up. The LCDC passed the resolution because the activities of the LCDC have been taken up principally by the Gillamii Centre, Cranbrook. Also other incorporated groups such as the Stirlings to Coast Farmers have some similar activities. This has resulted in a lack of interest in being involved with the narrower focus of the LCDC.”

The Manager of Finance and Administration has spoken to the Executive Officer of the Gillamii Centre in Cranbrook, Mrs Helen Parsons, with regard to the winding up. Mrs Parsons indicated that the Gillamii Centre support the winding up of the Kent River LCDC.

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 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 Reputational

The consequence of this risk is considered to be Insignificant

The likelihood is Rare

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

Risk mitigation includes consultation with the Gillamii Centre who are well regarded in natural resource management and land conservation.

Strategic Community Plan Reference

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

Consultation

Consultation for this report included discussion with the Gillamii Centre's Executive Officer, Mrs Helen Parsons. It can also be noted that the Kent River LCDC advertised in the recent Cranbrook Newsletter to ascertain community objections to the winding up of the organisation.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 04092016

Moved Cr Denton, seconded Cr Parsons that the Council support the winding up of the Kent River Land Conservation District Committee.

Carried 8/0

10.2.2 SUBJECT

LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) - REQUEST FOR COUNCILLOR REPRESENTATION AND DRAFT MINUTES – 30 AUGUST 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:	5 September 2016
ATTACHMENTS:	Draft 30 August 2016 Minutes – Local Emergency Management Committee

Purpose

The purpose of this report is for Council to consider the Local Emergency Management Committee's (LEMC) recommendation for a Councillor to be appointed as a representative to the LEMC committee, and to present to Council the draft minutes of the 30 August 2016 LEMC meeting.

Background

The Shire of Cranbrook 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 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 LEMC consists of representatives from the following agencies:

- Shire – CEO, ESRO, MOW 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

At the 30 March 2016 LEMC meeting the ESRO informed the committee that in discussions with members of the Shire Executive Management Team, and while in the process of reviewing Shire local emergency management plans, it had been identified that it would be advantageous to have a Councillor representative as a member of the LEMC. This would ensure that there is a firm level of understanding regarding legislative requirements and responsibilities around emergency management plans, policies and procedures at all levels of the local government.

Having a Council representative would improve the emergency preparedness of the Shire and the LEMC by:

- Ensuring that elected members have a direct representative to raise emergency management and preparedness concerns with the LEMC;
- Be able to provide feedback to Council on emergency preparedness within the local government area; and
- Undertake the role of Deputy Shire Recovery Officer if the nominated officer (Shire CEO) is unavailable.

The following recommendation to Council was made, that:

“The Shire of Cranbrook Council appoint the Shire President as a member of the Local Emergency Management Committee.”

During the committees discussions it was identified by the ESRO that the reason for requesting that the nominated delegate be the Shire President, was to ensure that the nominated Councillor representative would have the authority to disperse Council funds and resources in an emergency event. This is in accordance with Section 6.8(c) of the Local Government Act 1995 (see Statutory Environment below).

The draft minutes of the 30 March 2016 LEMC meeting are attached and there were no more recommendations to Council from this meeting.

Statutory Environment

The Emergency Management Act 2005 relates to this report and the Local Government Act 1995 Section 6.8(c) states:

*“Expenditure from municipal fund not included in annual budget
(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
(c) is authorised in advance by the mayor or president in an emergency.”*

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

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, MOW and the Shire President 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/COUNCIL DECISION

Motion 05092016

Moved Cr Parsons, seconded Cr Adams that:

- 1. The Council appoint the Shire President as the Councillor representative to the Local Emergency Management Committee; and**
- 2. The attached draft minutes of the 30 August 2016 Local Emergency Management Committee meeting be received by Council.**

Carried 8/0

10.2.3 SUBJECT

**PLANNING APPLICATION – PROPOSED DWELLING –
LOT 1 (No 2786) WINGEBELLUP ROAD, FRANKLAND
RIVER**

RESPONSIBLE OFFICER:

Peter Northover
Chief Executive Officer

REPORT AUTHOR:

Liz Bushby
Gray & Lewis Landuse Planners

FILE REFERENCE:

A9635

APPLICANT:

Andrew Argyle and Bronwen Coole

DATE OF REPORT:

8 September 2016

ATTACHMENTS:

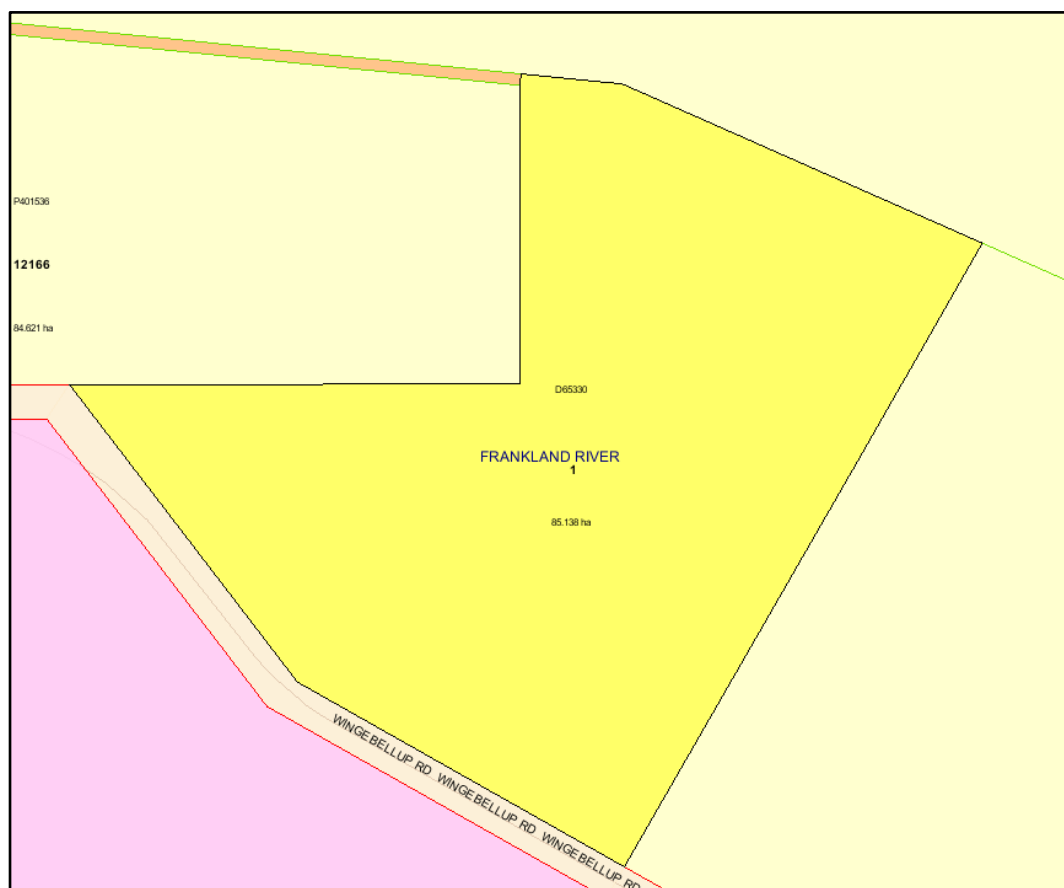
Photographs of existing disused dwelling

Purpose

The purpose of this report is for Council is to consider an application for a second dwelling and change of use for an existing dwelling to be used as an outbuilding on Lot 1 (No 2786) Wingebellup Road, Frankland River.

Background

The subject lot is located west of Frankland River townsite, and is zoned Rural under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').



The lot has an area exceeding 84 hectares and is used for agricultural purposes. There is an existing old dwelling on the lot – refer to photographs in Attachment 1.

The owner has advised that the existing old dwelling has been disused for an extended time period and is not suitable for habitation. There is also an existing 108m² outbuilding on the lot and a rainwater tank.

Officers Comment

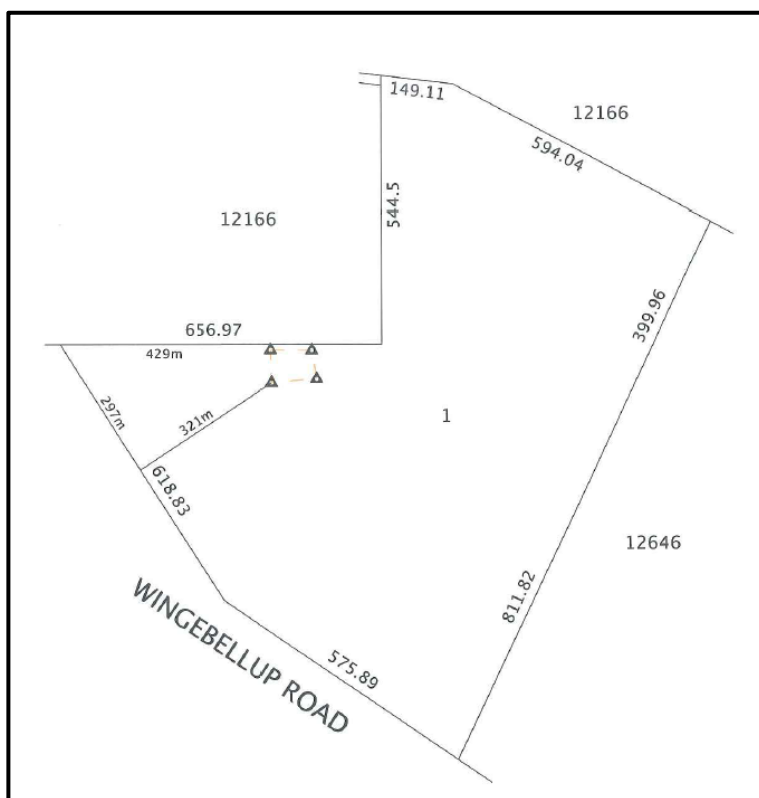
Description of Application

The owners propose to:

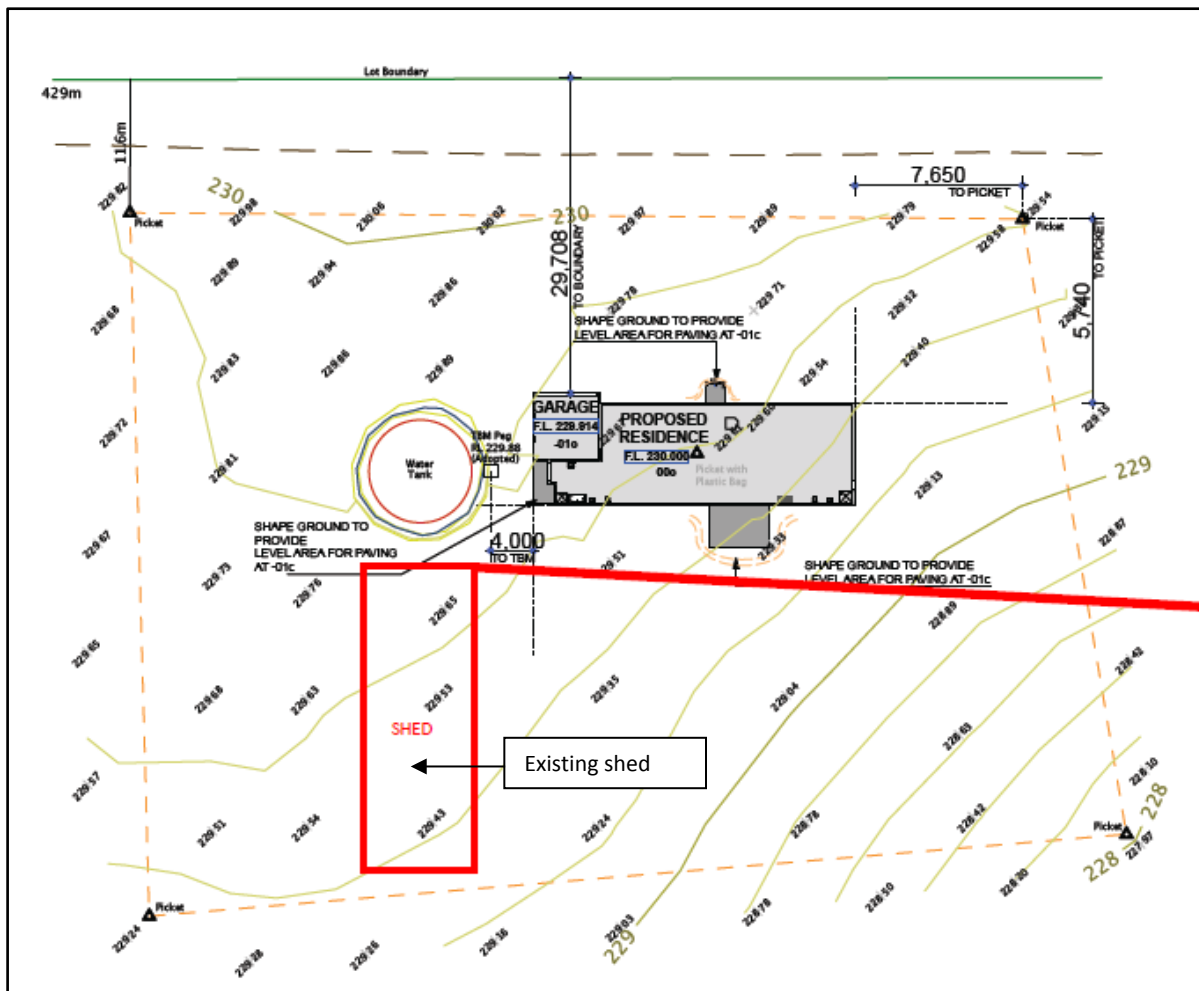
- A. Construct a new dwelling on the lot; and
- B. Retain the existing dwelling as a non habitable building.

The owners have indicated that they may use some of the timber from the existing dwelling to build other structures on the lot such as a chicken shed/ wood shed. In the longer term the owners intend to demolish the existing dwelling once they have removed all the useable wood.

The new dwelling will be setback approximately 321 metres from Wingebellup Road and 29.7 metres from the north lot boundary – refer plans below. The proposed setbacks comply with Clause 5.20.1 of the Scheme which requires a minimum front setback of 20 metres and a side setback of 10 metres.



Site Plan



Enlargement of building area

Requirement for Planning Approval

The new dwelling is not exempt from the requirement for planning approval as there is already an existing dwelling on the lot.

As the application proposes that the existing dwelling be converted into a non habitable building, ultimately the new dwelling will be a single house on the lot.

It is recommended that a condition be imposed to ensure that the existing dwelling can only be used for non habitable purposes.

Relevant State Planning Policies and Guidelines – Bushfire Prone Areas

The Western Australian Planning Commission has released new Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') and State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7). These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. The proposed development is within a declared Bushfire Prone Area.

Under Clause 5.4 of the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment. If the lot has an area less than 1100m² the BAL is required at Building Permit stage.

A BAL determines a proposed buildings potential for bushfire exposure and is used to establish the construction requirements owners/ builders can use to improve the protection of any habitable building from bushfire attack.

A BAL assessment examines factors such as slope, types of vegetation and distance to vegetation to determine a BAL rating.

Bushfire Attack Level Report

The applicant has lodged a BAL assessment completed by an accredited fire consultant.

The report findings are summarised below:

- (i) The area around the proposed dwelling is 'managed grassland' which is excluded vegetation (ie vegetation that is considered low threat).
- (ii) The report assesses the dwelling location as BAL – LOW which means there is insufficient risk to warrant specific construction standards.
- (iii) It recommends that all grasses within 20 metres around the proposed dwelling be maintained to a 100mm height to comply with Asset Protection zone standards. An Asset Protection zone is a low fuel zone immediately surrounding a habitable building and is designed to minimise the likelihood of flame contact with buildings.

Notification on Title

SPP 3.7 states that 'a notice on title' advising that the site is located in a bushfire prone area should be required as a condition of any planning approval.

Council can impose a condition on any approval requiring a notification to be placed on the Certificate of Title of Lot 1 to alert any future purchaser that it is in a bushfire prone area.

Council has to have 'due regard' for SPP 3.7, however Gray & Lewis does not recommend any notification on the title for the following reasons:

- a) A notification would need to be compiled by a solicitor and there are costs associated with lodging any notification on a title.
- b) Bushfire mapping will be reviewed annually and the existing vegetation on site is a snapshot in time.

Bushfire mapping is readily available to purchasers through the DFES website. Any purchaser needs to undertake due diligence when buying land.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 4 – Clause 5.20.5 controls dwelling in the Rural zone and provides discretion for a maximum of 2 dwellings per lot.

Planning and Development (Local Planning Schemes) Regulations 2015 – Regulation 60 of the 'deemed provisions' requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government or it is exempt from the requirement for planning.

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 these risks are Non-Compliance and Reputational

The consequence of these risks are considered to be Minor

The likelihood is Unlikely

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

Risk mitigation includes 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

Discussed in the body of this report.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 06092016

Moved Cr Beech, seconded Cr Horrocks that Council:

- 1. Approve the application lodged by Concept Building Design for a new dwelling and retention of the existing dwelling (as an outbuilding) on Lot 1 (No 2786) Wingebellup Road, Frankland River subject to the following conditions and footnote advice notes:**
 - a. The plans lodged with this application dated 23.9.2016 shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
 - b. The existing dwelling shall only be utilised for non habitable purposes at all times.**
 - c. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land.**
 - d. The Bushfire Management Plan by 'Working with Fire' dated 15 August 2016 forms part of this planning approval.**
 - e. The owner to maintain a 20 metre area around the proposed dwelling (measured from each external wall) to the standard of an Asset Protection zone in accordance with the recommendation of the Bushfire Management Plan. Grassland within this 20 metre area shall be maintained and kept below 100mm.**
 - f. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**

FOOTNOTE ADVICE:

- (i) The owner is advised that an Asset Protection zone is a low fuel area designed to minimise the likelihood of flame contact with buildings. Features such as driveways, isolated trees, vegetable patches, lawn or landscaped gardens may be retained in the Asset Protection zone.**
- (ii) It is recommended that the owner consider decommissioning any septic tanks / effluent disposal that may be associated with the existing old dwelling on the lot. The reason this is recommended is that any second effluent disposal system would require approval by the Department of Health WA. It is recommended that the applicant discuss this matter with the Shire's Environmental Health Officer.**

Carried 8/0

10.2.4 SUBJECT

PLANNING APPLICATION – PROPOSED PATIO – LOT 149 (No 62) TOWNSEND STREET, TENTERDEN

RESPONSIBLE OFFICER:

Peter Northover
Chief Executive Officer

REPORT AUTHOR:

Liz Bushby
Gray & Lewis Landuse Planners

FILE REFERENCE:

A3014

APPLICANT:

Matson Fabrications

DATE OF REPORT:

13 September 2016

ATTACHMENTS:

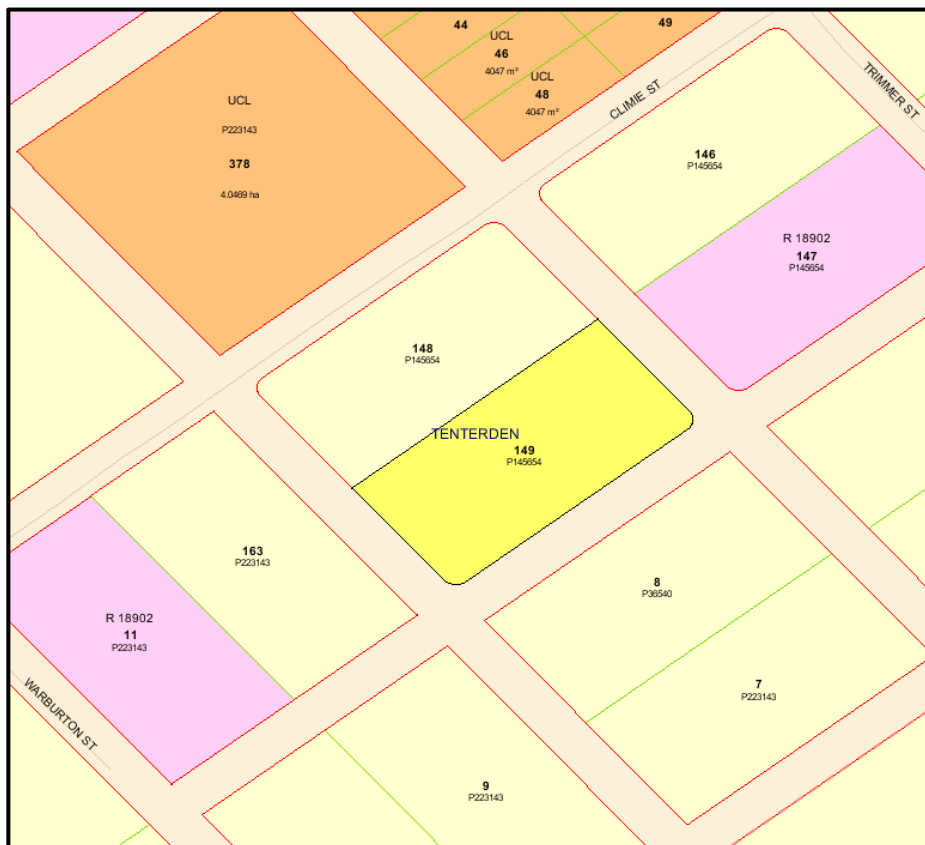
Nil.

Purpose

Council is to consider an application for a patio proposed to be attached to an existing dwelling on Lot 149 (No 62) Townsend Street, Tenterden.

Background

The subject lot is located in the south portion of Tenterden townsite, and is zoned Rural Residential under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').



The lot has an area of approximately 2 hectares and has been developed with an existing house. Access to the lot is from a track within the Townsend Street road reserve. The track is not maintained by the Shire so access is from an unconstructed road.



Officers Comment

Description of Application

The application proposes a patio to the north west of the existing dwelling. The patio will measure approximately 7.8 metres by 5.65 metres, with a peak roof height of 3.67 metres.

The proposed development is minor, ancillary to the existing dwelling and complies with the Scheme setbacks applicable to the Rural Residential zone.

The applicant has advised that the patio will be constructed out of colorbond sheeting in a 'wilderness' colour (which is a dark green).

Requirement for Planning Approval

All development in the Rural Residential zone requires planning approval under Clause 5.18 of the Scheme.

Relevant State Planning Policies and Guidelines – Bushfire Prone Areas

Under the 'deemed provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning Policy 3.7: Planning in Bushfire Prone Areas' (SPP 3.7).

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 149 is within the declared bushfire prone area (pink area).



Extract of bushfire mapping – Source: www.dfes.wa.gov.au

Under SPP3.7 all planning applications in Bushfire Prone Areas are to be accompanied by a Bushfire Attack Level (BAL) assessment. If the lot has an area less than 1100m² the BAL is required at the Building Application stage.

A BAL examines the location of proposed development, distance to vegetation, type of vegetation within 100 metres, slope and determines whether higher construction standards should be imposed to reduce bushfire risk.

The applicant has not submitted a BAL assessment therefore Council needs to consider the best way to proceed. The bushfire requirements are relatively new, and the situation is complicated by the fact that there are inconsistencies over the requirement for a BAL through the planning and separate building application process.

For this reason Gray & Lewis provides 3 options for Council consideration:

OPTION 1 – *Defer determination of the application and request lodgement of a Bushfire Attack Level assessment consistent with SPP3.7.*

Due to potential for bushfires in Tenterden and having regard for the amount of vegetation on the lot, a BAL could be required consistent with SPP3.7.

Conditions can be imposed on any planning approval to implement the recommendations of a BAL, however higher construction standards are not required under the Building Codes of Australia (BCA) for this patio.

The BCA contains specific bush fire construction requirements for certain residential buildings in designated bush fire prone areas that aim to reduce the risk of ignition from a bush fire. There is a transitional period whereby the patio is not required to meet any bushfire construction standards under the BCA (as explained in Option 2 below).

OPTION 2 – Determine the application without a BAL assessment.

Ordinarily Gray & Lewis would recommend consistent application of the requirements of SPP 3.7 to maximise bushfire safety for new development.

However, current inconsistencies between the planning requirements and building requirements for certain alterations and additions creates an unusual situation.

It is recommended that Council pursue Option 2 for the following reasons:

- Whilst SPP3.7 requires lodgement of a BAL assessment for the proposed development, a BAL is not required as part of the separate building permit process.
- In Western Australia, the *Building Regulations 2012* outlines the applicable building standards for various buildings and incidental structures. For building in designated bush fire prone areas Regulation 31BA defines “excluded building work” as: *building work that is the renovation, alteration, extension, **improvement** or repair of a relevant building if –*
(a) the estimated value of the building work is less than \$20 000; or
(b) the renovation, alteration, extension, improvement or repair does not increase the risk of ignition from bushfire attack for the relevant building.

The bush fire performance requirements do not apply if an application for a building permit for excluded building work is made before 1 May 2018.

- The proposed patio improvement is “excluded building work” and is therefore not required to meet the higher construction standards for building in designated bush fire prone areas. All other applicable building standards apply (e.g. structural, weatherproofing, stormwater management).

OPTION 3 – Determine the application and require a BAL assessment as a condition.

Council can require a BAL consistent with SPP3.7 as a condition of any planning approval.

Council may decide this is the best option given that the requirements of SPP3.7 hold significant weight and having regard that there was a major fire in Tenterden in 2003.

The applicant would have a right to lodge an application for review to the State Administrative Tribunal (SAT).

Option 3 is not recommended as the existing dwelling on Lot 149 has not been built to a higher construction standard, the patio is a minor ancillary structure, and the patio is not required to meet any higher constructions standards under the BCA.

Notification on Title

SPP 3.7 states that ‘a notice on title’ advising that the site is located in a bushfire prone area should be required as a condition of any planning approval.

Council can impose a condition on any approval requiring a notification to be placed on the Certificate of Title of Lot 149 to alert any future purchaser that it is in a bushfire prone area.

Council has to have 'due regard' for SPP 3.7, however Gray & Lewis does not recommend any notification on the title for the following reasons:

- a) A notification would need to be compiled by a solicitor and there are costs associated with lodging any notification on a title.
- b) Bushfire mapping will be reviewed annually and the existing vegetation on site is a snapshot in time.
- c) Bushfire mapping is readily available to purchasers through the DFES website. Any purchaser needs to undertake due diligence when buying land.

Access Arrangements

The lot does not have access to a constructed road, however the Shire has already approved a single house on the lot which indicates support for the existing informal access via a track within the Townsend Street road reserve.

There are specific Scheme provisions relating to lots abutting unconstructed roads as outlined in the Statutory Environment section of this report.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 4 – Clause 5.18 outlines controls in the Rural Residential zone.

Clause 5.18.1 requires a front setback of 30 metres, and a side/rear setback of 10 metres.

Under Clause 5.18.4 Council may have regard to the colour of external building materials, building size and roof pitch, architectural details and relationship to surrounding development.

Clause 5.7 relating to 'development of lots abutting unconstructed roads' states as follows:

'Despite anything elsewhere appearing in the Scheme planning approval is required for development of land abutting an unconstructed road or a lot that does not have frontage to a constructed road. In considering such an application the local government is to either:

- (a) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;*
- (b) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any conditions it thinks fit to impose; or*
- (c) require such other arrangements are made for permanent access to the satisfaction of the local government.'*

Planning and Development (Local Planning Schemes) Regulations 2015 – main requirements discussed in the body of this report.

The Regulations have 'deemed provisions' that automatically apply statewide. Where there is a conflict between the Shire's Scheme and the Regulations, the Regulations prevail.

The 'deemed provisions' of the Regulations outline the requirement for planning approval, exemptions for planning approval, the form of planning applications, information to be lodged, matters to be considered by Council, advertising requirements, and the form of a planning determination.

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 these risks are Non-Compliance and Reputational

The consequence of these risks are considered to be Minor

The likelihood is Unlikely

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

Risk mitigation includes 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

Gray & Lewis have liaised with the Shire's Environmental Health Officer/ Building Surveyor in regards to BCA requirements.

No public consultation has been undertaken.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

Motion 07092016

Moved Cr Parsons, seconded Cr Adams that standing orders be suspended at 3.19pm to discuss this matter in further detail.

Carried 8/0

Motion 08092016

Moved Cr Parsons, seconded Cr Adams that standing orders be resumed at 3.24pm

Carried 8/0

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 09092016

Moved Cr Bigwood, seconded Cr Denton that Council:

1. **Having given due regard for the requirements of State Planning Policy 3.7 determine to proceed with Option 2 as outlined in this report, and note the unusual situation**

that there are inconsistencies over the requirement for a Bushfire Attack Level assessment through the planning and separate Building Application process.

2. Approve the application lodged by Matson Fabrications for a patio addition to the existing dwelling on Lot 149 (No 62) Townsend Street subject to the following conditions and footnote advice notes:
 - a. The plans lodged with this application dated 20.8.2016 shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.
 - b. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.
 - c. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

FOOTNOTE ADVICE:

- (i) The applicant and owner is advised that this is only a planning consent and is not authorisation to commence any construction works. A separate building permit is required.
- (ii) The subject lot is located in a bushfire prone area. Mapping showing the bushfire areas is available for viewing on the Department of Fire and Emergency Services website – www.dfes.wa.gov.au

The bush fire prone areas have been designated by the Fire and Emergency Services Commissioner. Owners within bushfire prone areas may consider whether to build new structures to a higher construction standard.

Information on being bushfire ready and how to develop a bushfire plan is available through the website - <http://areyouready.wa.gov.au>.

Carried 8/0

Cr P Denton

Item 10.2.5

Type: Indirect Financial Interest pursuant to Section 6.51 of the Local Government Act 1995

Nature: Owner of the Cranbrook Post Office

Cr Denton left the chambers at 3.25pm

10.2.5 SUBJECT	PLANNING APPLICATION – PROPOSED POSTAL AGENCY (CIVIC USE) AND CHANGE OF USE FROM SHOWROOM TO CONVENIENCE STORE – LOT 5 (NO 24) NUNIJUP ROAD TENTERDEN
RESPONSIBLE OFFICER:	Peter Northover Chief Executive Officer
REPORT AUTHOR:	Liz Bushby Gray & Lewis Landuse Planners
FILE REFERENCE:	A1372
APPLICANT:	Able Planning & Project Management
DATE OF REPORT:	9 September 2016
ATTACHMENTS:	1. Applicants submission 2. Floor plan 3. Photographs 4. Confidential - Summary of legal advice 5. Confidential - Full copy of legal advice 6. Minor sales plan

Purpose

The purpose of this report is for Council to consider a planning application seeking approval for a change of use from 'showroom' to 'convenience store' and 'civic use' for a 210m² portion of floor area within an existing building.

The applicant has applied for the landuse of 'convenience store' and 'civic use' however Council has to determine which landuse classifications apply to the proposal under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

Background

Location Plan

The lot has an area exceeding 8.7 hectares, is predominantly cleared and contains two existing buildings.



Zoning

Lot 5 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.

Existing Planning Approval

In November 2015, the owners of Lot 5 lodged a planning application seeking retrospective planning approval for a business that had been operating on the site for some time (with the exception of the post office component which commenced in June 2014).

The business entailed a range of activities including and not limited to a mechanical workshop, light industry, the sale of bulky items such as fencing supplies and steel, freight handling, and operation of a post office.

A report was referred to the December 2015 Council meeting whereby Council resolved as follows:

- "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 receival 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."**

Formal planning approval, including the showroom, was issued on the 18 December 2015.

A Showroom 'means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.'

The approved showroom is in the most eastern building. This same building is subject of this new application for a convenience store.



Unauthorised Activities

The post office and sale of convenience goods continued on Lot 5 following the December 2015 Council decision.

A confidential report on unauthorised activities was more recently referred to Council on the 20 July 2016 due to receipt of a written complaint.

As part of the July decision Council resolved to *'confirm and reiterate that the Council has no discretion to approve any office (CPA) or shop use on Lot 5 under the provisions of the Shire of Cranbrook Town Planning Scheme No 4'*.

The Shire wrote to the owners of Lot 5 on 22 July 2016 requesting that they commit to cessation of unauthorised activities within 3-6 months, and provide advice on their intentions within 28 days.

The owners of Lot 5 Ninijup Road, Tenterden wrote to the Shire on the 26 July 2016 advising of their intention to lodge a new planning application.

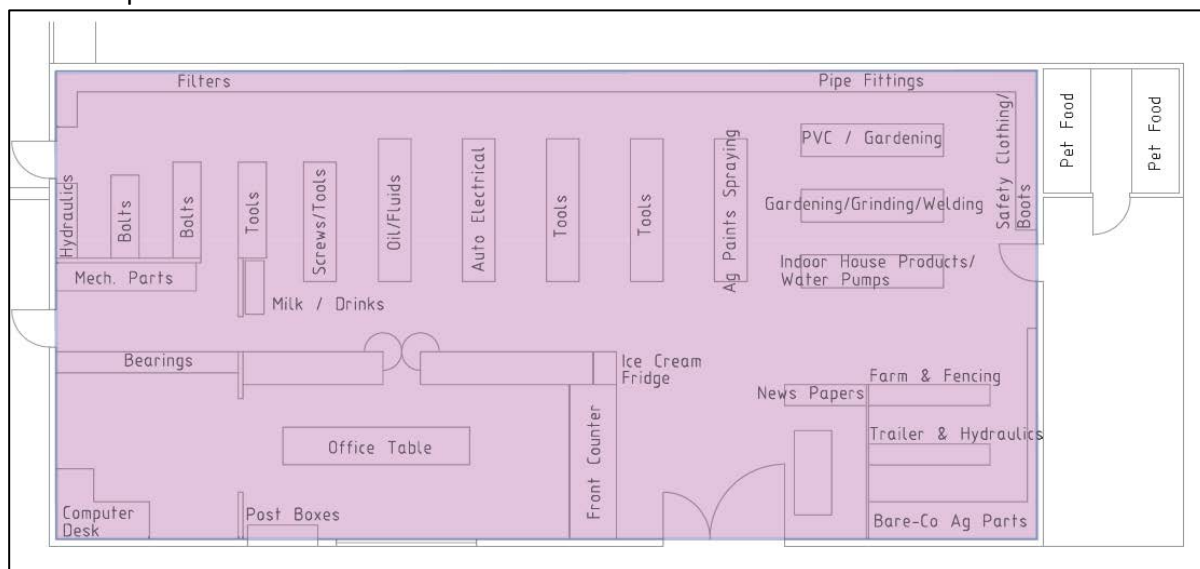
Officers Comment

New Application

A new application has been lodged for a ‘convenience store’ and ‘civic use’ on the subject lot.

The applicant has lodged written information, an internal floor plan, and photographs in support of the proposal – refer Attachments 1-3.

The floor plan is included below for ease of reference:



Note: Applicant has shaded the convenience store purple

Shire Administration has advised that they consider the existing showroom approval covers the sale of all goods from within the existing building with the exception of the milk/drinks, newspapers, and ice creams.

Whilst the floor plan only shows a milk/drinks fridge, newspapers, and ice creams, the applicant has advised they seek to utilise a 210m² area within the existing building as a ‘convenience store’. They also advise the goods proposed to be sold will cover most of those under the spectrum of the convenience store definition.

The applicant is of the view that the proposal is a ‘convenience store’ which means premises-

- (a) used for the retail sale of **convenience goods commonly sold in supermarkets, delicatessens or newsagents**, or the retail sale of petrol and those convenience goods;
- (b) operated during hours which include, but may extend beyond, normal trading hours;
- (c) which provide associated parking; and
- (d) the floor area of which does not exceed 300 square metres net lettable area.’

The applicant is also of the view that the post office is a ‘civic use’ defined in the Scheme as means ‘premises **used by a government department**, an instrumentality of the crown, or the local government, for administrative, recreational or other purposes’.

Legal Advice on Landuse Classification

The Shire received comprehensive legal advice from McLeods Barristers in December 2015.

The applicant, Able Planning, alleges that the Shire has taken a narrow view of the available landuse definitions under the Shires Scheme and that the application should be processed as a 'convenience store' and 'civic use'.

This new application and information provided by Able Planning was referred to McLeods Barristers and Solicitors for advice. A summary of the legal advice is included as Confidential Attachment 4.

A full copy of the legal advice is included as Confidential Attachment 5.

Options Available to Council

Option 1 – Refuse the application

Council can refuse the application on the basis that the convenience store is a shop which is not permitted in the Industrial zone, and the postal agency is an office which is not permitted in the Industrial zone.

Gray & Lewis recommends Option 1.

Option 2 – Approve part of the application

Council can construe that the convenience store is a use not listed under the Scheme. Options for dealing with a use not listed are explained in the statutory part of this report.

Gray & Lewis does not recommend Option 2 as it would be difficult to sustain any argument that a convenience store is not a form of shop, which is a landuse both defined and listed in the Zoning Table of the Scheme.

Gray & Lewis also does not recommend Option 2 as it is considered that Council does not have discretion to construe the development as a convenience store as opposed to a shop. If Council pursues Option 2 refusal of the post office is still recommended.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme') – Clause 4.4.2 of the Scheme outlines options for a use not listed as follows:

'If a person proposes to carry out on any land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use, the local government may:

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

Planning and Development Act 2005 –

Section 2.11 : any person who is aggrieved by the failure of a local government to enforce or implement effectively the provisions of a town planning scheme can make representation to the Minister for Planning.

If the Minister considers it appropriate the matter can be referred to the State Administrative Tribunal (SAT) to provide a report and recommendations to the Minister for Planning.

The Minister has powers to order a local government to all things necessary for enforcing the observance of the scheme or any of the provisions of the scheme.

Planning and Development (Local Planning Schemes) Regulations 2015 –

Under Regulation 64 (1) (b) an application must be advertised if the proposed development relates to a use if:

- (i) the use is not specifically referred to in the zoning table for this Scheme in respect of the zone in which the development is located ; and
- (ii) the local government determines the use may be consistent with the objectives of the zone and that notice of the application should be given.

Regulation 67 outlines the ‘matters to be considered by Council’ including ‘*the aims and provisions of this Scheme*’.

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. The Shire also pays fees to McLeods for legal advice.

Legal complexities

There are legal complexities associated with the landuses on Lot 5 which is the reason the Shire obtained legal advice from McLeods Barristers and Solicitors in December 2015 and on the current application in August 2016.

Local Complaint

The Shire has already received a complaint about activities on Lot 5 Nunijup Road, Tenterden which was considered by Council at the July 2016 meeting.

Ministerial complaint

Following the July meeting, Gray & Lewis was contacted by the Department of Planning in Albany as a formal complaint about the situation was referred to the Honourable Minister for Planning. Gray & Lewis does not have details of the complaint.

Any advice and recommendation of the Department of Planning to the Minister is a closed process, however Gray & Lewis is of the view that the Department seemed satisfied with the approach taken by the Shire thus far.

Risk Implications

The risks associated with matters in this report are:

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

The impact of these risks are Non-Compliance and Reputational

The consequence of these risks is considered to be Moderate

The likelihood is Possible

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

Risk mitigation includes obtaining professional planning and legal 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

Consultation included the Executive Management Team, Gray & Lewis Land Use Planners and McLeod's Barristers and Solicitors.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 10092016

Moved Cr Adams, seconded Cr Egerton-Warburton that Council:

- 1. Refuse the application lodged for a convenience store and a postal agency on Lot 5 Nunijup Road, Tenterden as the uses are construed respectfully as a 'shop' and an 'office' which are not permitted in the Industrial zone.**
- 2. Advise the applicant that:**
 - (i) They may lodge an application for review to the State Administrative Tribunal (SAT) however as the Tribunal can only make a decision within the confines of the *Shire of Cranbrook Town Planning Scheme No 4*, it is not considered that they will have discretion to approve the proposal.**
 - (ii) Shire Administration has confirmed it considers that the sale of all the goods shown on the floor plan submitted (except the milk/drinks fridge, ice cream freezer and newspapers) form part of the existing showroom approval dated 18 December 2015.**
 - (iii) If the showroom continues to operate, the Shire advises that the sale of milk/drinks fridge, ice creams in a freezer and newspapers (as shown on the site plan submitted) can continue without the need for any planning approval – Attachment 6. The existing sales areas of convenience goods however cannot be increased.**

Carried 7/0

Cr Denton re-entered the chambers at 3.27pm

10.3 WORKS

10.3.1 SUBJECT **BUDGET AMENDMENT - PLANT REPLACEMENT**

RESPONSIBLE OFFICER:	Jeff Alderton Manager of Works
REPORT AUTHOR:	Jeff Alderton Manager of Works
FILE REFERENCE:	FM6
APPLICANT:	Not Applicable
DATE OF REPORT:	10 September 2016
ATTACHMENTS:	Plant Replacement Program

Purpose

The purpose of this report is for Council to consider changes to the Plant Replacement Budget for 2016/2017.

Background

At the 20 July 2016 Council Meeting, Council adopted the 2016/2017 Budget which included the replacement of a CAT Grader, Isuzu Crew Cab Truck and a SAM Trailer.

Officers Comment

During pre Budget discussions between the Shire's Outside Works Crew and the Shire's Manager of Works it was thought that the CAT Backhoe could be nursed through the 2016 -2017 financial year and be replaced in 2017 – 2018. Unfortunately the CAT Backhoe is deteriorating at an alarming rate with major repairs required in the near future. It is conceivable that the CAT Backhoe without these repairs would not last and therefore could be a financial as well as an operational burden on the Shire.

The Manager of Works has revaluated the Plant Replacements for the 2016 – 2017 financial year and recommends that the SAM Trailer of \$35,000 be removed as the Shire will be receiving two Multi Media Sign Trailers courtesy of the Road Safety Commission. Also, remove the Isuzu Crew Cab Truck as this is in reasonable condition and can be replaced in the 2017 -2018 financial year. Also, the former Manager of Economic & Community Developments Colorado 7 will be purchased by Station Motors for approximately \$35,000 and the Shire will not purchase two of these vehicles this financial year which has been budgeted for. The approximate amount of money not spent or transferred back into the Plant Replacement Reserve Account will be \$115,000. It is anticipated that the net changeover of the CAT Backhoe would be in the vicinity of \$140,000 which is therefore, an additional cost of approximately \$25,000 for the Plant Replacement Budget for 2016 – 2017.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The total cost of this report will be approximately \$25,000. This can be funded from the Plant Replacement Reserve Account

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Providing inaccurate advice/information
- Inadequate asset sustainability practices

The impact of the risk is Financial, Service Interruption, Reputational and Property

The consequences of these risks are considered to be Major

The likelihood is Almost Certain

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

Risk mitigation includes the minimal use of effected plant.

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: 5.2 Demonstrate Strong Leadership and Management

Strategy: 5.2.5 Improvement in asset management capability

Consultation

Consultation for this report included Outside Works Crew, local Mechanic and the Executive Management Team.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Absolute Majority (Budget Amendment)

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 11092016

Moved Cr Parsons, seconded Cr Egerton-Warburton that Council amend the 2016/2017 adopted budget by removing the plant replacement program and replacing it with the attached amended plant replacement program.

**Carried 8/0
By Absolute Majority**

10.4 ECONOMIC & COMMUNITY

Nil

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

Nil

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

Nil

13. MATTERS BEHIND CLOSED DOORS

13.1 SUBJECT	TENDER – CRANBROOK REGIONAL COMMUNITY HUB
RESPONSIBLE OFFICER:	Peter Northover Chief Executive Officer
REPORT AUTHOR:	Peter Northover Chief Executive Officer
FILE REFERENCE:	FM 21
APPLICANT:	N/A
DATE OF REPORT:	15 September 2016
ATTACHMENTS:	Tender Assessment by Roberts Gardiner Architects

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:

Motion 12092016

Moved Cr Beech, seconded Cr Adams that the meeting be closed to members of the public at 3.36pm 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.

Carried 8/0

One member of the public left the chambers at 3.36pm

Cr P Denton

Item 13.1

Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995

Nature: Owner of land adjacent to Cranbrook Community Hub

Cr Denton left the chambers at 3.36pm

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 13092016

Moved Cr Beech, seconded Cr Horrocks that Council:

- 1. Accepts the tender from Tectonics Construction Group Pty Ltd for the alterations and additions to the Cranbrook Regional Community Hub at a cost of \$861,086 (including GST);**
- 2. Delegates authority to the Chief Executive Officer to authorise additional contingency expenditure provided it is within the 2016/2017 budget allocation; and**
- 3. Authorise the Chief Executive Officer to undertake due diligence on Tectonics Construction Group Pty Ltd which includes their financial position and their ability to complete the project.**

Carried 7/0

Motion 14092016

Moved Cr Parsons, seconded Cr Bigwood that the meeting be re-opened to the public at 3.53pm

Carried 7/0

Cr Denton re-entered the chambers at 3.54pm

14. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Cunningham declared the meeting closed at 3.55pm.