

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

19 OCTOBER 2016

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Cunningham declared the meeting open at 3.08pm. 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 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 Works	Mr JE (Jeff) Alderton

Members of the Public	Nil
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LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

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:

Mrs Ella Bickell
Mr John Clapin
Mr Ryan King

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 JT Cunningham

Item: 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Cr P Denton

Item: 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Cr PL Horrocks

Item 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Cr TC Standish

Item: 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Mr PB Northover

Item: 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Mr JE Alderton

Item: 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Cr HC Parsons

Item: 12.1

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

Nature: Employee of the Gillamii Centre Inc

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 21 SEPTEMBER 2016

Motion 01102016

Moved Cr Parsons, seconded Cr Denton that the minutes from the ordinary meeting of Council held on 21 September 2016, be confirmed as a true and correct record.

Carried 9/0

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:	11 October 2016
ATTACHMENTS:	List of Payments – 2 September 2016 to 10 October 2016

Purpose

The purpose of this report is to advise the Council of payments made during the period 2 September 2016 to 10 October 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 02102016

Moved Cr Egerton-Warburton, seconded Cr Adams that the payment of accounts totalling \$844,489.35 as per the attachment be noted:

- **Electronic Funds Transfers EFT 6922 to EFT 7144 - \$718,378.76;**
- **Municipal Fund Cheque No's 11912 – 11923 - \$13,876.59;**
- **Internal Account Transfers (Payroll) - \$90,852.82;**
- **Direct Debit - \$21,381.18.**

Carried 9/0

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:	11 October 2016
ATTACHMENTS:	Financial Statements - September 2016

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 September 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 September financial statements report on 3 months, or 25% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 59% 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 28% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$1,986,159 (surplus), which is made up of \$1.7 million cash on hand and \$700,000 rates receivable; 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 03102016

Moved Cr Parsons, seconded Cr Beech that the attached financial statements for the period ending 30 September 2016 be noted.

Carried 9/0

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 SUBJECT	BOKARUP NATURE RESERVE AND BOKARUP SWAMP – CHANGE OF SPELLING
RESPONSIBLE OFFICER:	Peter Northover Chief Executive Officer
REPORT AUTHOR:	Trish Standish Manager of Finance and Administration
FILE REFERENCE:	R35307 & R14739
APPLICANT:	Geographic Names Committee - Landgate
DATE OF REPORT:	5 October 2016
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider supporting the change of spelling from Bokarup Nature Reserve, to Bokerup Nature Reserve and from Bokarup Swamp, to Bokerup Swamp.

Background

At the 15 April 2015 meeting of Council it was resolved:

“That the Council:

- 1. Consents to, and supports the addition of Reserve 35307 and the Unallocated Crown Land, as depicted on the attached map, into the Bokarup Nature Reserve A14739; and**
- 2. Request a Fire Management Plan from the Department of Parks and Wildlife for the Bokarup Nature Reserve A14739, Reserve 35307 and the Unallocated Crown Land, as depicted on the attached map.”**

When this matter was discussed by Council in April 2015, the spelling of *Bokarup* was raised as it was considered that it should be spelt *Bokerup*. This was brought to the attention of the Department of Parks and Wildlife (DPAW) with the following paragraph added to their correspondence. *“The Council also wish to bring to your attention the spelling of ‘Bokarup Nature Reserve’, with the consensus being that ‘Bokarup’ is in fact spelt ‘Bokerup’. A number of our Councillors are long term residents of the district and firmly believe that Bokerup is spelt with an ‘e’ and not an ‘a’. The locality of Bokerup within the Shire of Cranbrook has always been spelt with and ‘e’.”*

The response from DPAW included:

“With regards to the spelling of Bokarup/Bokerup - Parks and Wildlife would like to thank the Council for highlighting the differences in spelling Bokarup Nature Reserve and Bokerup (the locality). When the reserve name was gazetted in 1982 it was spelt Bokarup and Parks and Wildlife have been using that spelling since. We have no objections to updating the spelling to Bokerup but to change the name we will need to go through the Nomenclature Committee and the name will need to be gazetted again. A representative from the district or region will meet with the Shire to discuss the proposed changes and start the naming processes.”

Officers Comment

Shire staff have now had a telephone call and subsequent email from the Geographical Names Committee at Landgate stating:

“As discussed we have been asked by DPaW to change the spelling of the Bokarup Nature Reserve to Bokerup Nature Reserve. To ensure that all the relevant naming in the immediate is correct, Landgate believe that the name of the swamp – Bokarup Swamp, should be changed to Bokerup Swamp.

Can you please advise if the Shire is supportive of both name change proposals?”

Statutory Environment

The state geographic naming policies and standards are provided for under the *Land Administration Act 1997*.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

The impact of the risk is Reputational

The consequences of these risks are considered to be Insignificant

The likelihood is Unlikely

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

Risk mitigation includes community consultation.

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: 5.2.2 Deliver services and outcomes that are considered best practice

Consultation

It is recommended that community consultation be undertaken prior to the formalisation of the change of name.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 04102016

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

- 1. Support the request from Landgate to change the spelling of Bokarup Nature Reserve to Bokerup Nature Reserve;**
- 2. Support the request from Landgate to change the spelling of Bokarup Swamp to Bokerup Swamp;**
- 3. Ask the community to comment on changing the spelling of Bokarup to Bokerup; and**
- 4. Authorise the Chief Executive Officer to advise the Geographical Names Committee at Landgate to formalise the change of spelling from Bokarup to Bokerup, subject to there being no adverse comments received from the community.**

Carried 9/0

Cr JT Cunningham

Item 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Cr P Denton

Item 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Cr PL Horrocks

Item 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Cr TC Standish

Item 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Cr Cunningham, Cr Denton, Cr Horrocks and Cr Standish declared that they will consider this matter on its merits and vote accordingly.

Mr PB Northover

Item 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

Mr JE Alderton

Item 10.2.2

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Sporting Club

10.2.2 SUBJECT	CRANBROOK SPORTING CLUB – AMENDMENT TO LEASE OF FREDERICK SQUARE
RESPONSIBLE OFFICER:	Trish Standish Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish Manager of Finance and Administration
FILE REFERENCE:	GO27
APPLICANT:	N/A
DATE OF REPORT:	30 September 2016
ATTACHMENTS:	Current Lease Document

Purpose

The purpose of this report is for the Council to consider amending the lease between the Cranbrook Sporting Club and the Shire of Cranbrook for Frederick Square.

Background

At the 21 July 2010 meeting of Council it was resolved:

“That:

- 1. The attached proposed lease agreement of the Frederick Square Bowling Green, Pavilion and Hard courts to the Cranbrook Sporting Club be endorsed and the Chief Executive Officer be authorised to negotiate this lease with the Cranbrook Sporting Club;**
- 2. The proposed lease fee of \$2,000 per annum be placed in a newly created reserve account for major maintenance requirements on the Frederick Square Pavilion;**
- 3. Upon completion of negotiations with the Cranbrook Sporting Club, the Chief Executive Officer be authorised to advertise the proposed lease in accordance with Section 3.58 of the Local Government Act inviting submissions for the consideration of the Council at a future meeting.”**

During 2011, discussions took place between the Shire executive and Cranbrook Sporting Club representatives regarding the electricity for the pump that pumps water to Frederick Square oval, in essence the Sporting Club were paying for the electricity to run the pump.

In order to assist the Sporting Club to pay for this electricity, it was decided to reduce the amount of lease payable and at the 15 February 2012 meeting of Council it was resolved:

“That:

- 1. Item 5 on page 23 of the current lease between the Cranbrook Sporting Club and the Shire of Cranbrook be amended to read “\$1,000 per annum payable in advance by equal successive quarterly payments of \$250.00 each”.**
- 2. At a minimum, \$1,000 of Council’s own funds be included in each annual budget to be transferred into the Frederick Square Maintenance Reserve Fund.”**

Officers Comment

It was thought that this arrangement had been working well, however representatives from the Cranbrook Sporting Club met with the Shire executive at the end of the last summer period to discuss this matter again.

The Sporting Club is of the opinion that the Shire is watering the oval more frequently now, therefore the electricity cost for the pump is higher. The Shire's Executive Management Team made the decision to have electricity sub-meters installed so that readings can be taken to enable the Sporting Club to bill the Shire for electricity used to pump water onto the oval.

As these sub-meters have now been installed, it is considered appropriate that the lease payment for Frederick Square is now increased again to the original amount of \$2,000.00 per annum.

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 financial implications for this report are that the lease amount that the Cranbrook Sporting Club pay to the Shire for leasing Frederick Square will increase from \$1,000 to \$2,000 per annum. The Sporting Club will now send accounts to the Shire for electricity used to pump water onto Frederick Square oval.

Risk Implications

The risks associated with matters in this report are:

- Providing inaccurate advice/information
- Inadequate document management processes
- Inadequate engagement practices
- Inadequate asset sustainability practices

The impact of the risk is Financial and Reputational

The consequences of these risks are considered to be Insignificant

The likelihood is Rare

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

Risk mitigation includes continued discussion with representatives from the Cranbrook Sporting Club.

Strategic Community Plan Reference

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

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

Objective: 4.3 Provide Outstanding Public Facilities

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

Consultation

Consultation for this report included the Cranbrook Sporting Club.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 05102016

Moved Cr Adams, seconded Cr Beech that Item 5 on page 23 of the current lease between the Cranbrook Sporting Club and the Shire of Cranbrook be amended to read “\$2,000 per annum payable in advance by equal successive quarterly payments of \$500.00 each.”

Carried 9/0

10.3 WORKS

Nil

10.4 ECONOMIC & COMMUNITY

Nil

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

11.1 SUBJECT	CR PARSONS - FRANKLAND RIVER OVAL UPGRADE
RESPONSIBLE OFFICER:	Jeff Alderton Manager of Works
REPORT AUTHOR:	Jeff Alderton on behalf of Cr Helen Parsons Manager of Works
FILE REFERENCE:	CP209
APPLICANT:	Cr Helen Parsons
DATE OF REPORT:	11 October 2016
ATTACHMENTS:	Email from Cr Helen Parsons Quote from Thinkwater

Purpose

The purpose of this report is for Council to consider an upgrade of the Frankland River townsite oval.

Background

On Monday 3 October 2016 an email was received by the Shire's Chief Executive Officer from Cr Parsons regarding concerns with reticulation, the general state and the apparent lack of water in the dam that waters the Frankland River oval. Council is aware that Cr Egerton-Warburton also raised the issue of the reticulation at the oval prior to the September 2016 Council meeting.

Cr Parsons has indicated that urgent work is required and if money cannot be found for any improvements in the current budget then it could possibly be funded via the Frankland River Sporting Facilities Reserve.

Officers Comment

Approximately two years ago the Manager of Works and Leading Hand Parks & Gardens decided that, rather than spray the weeds at the oval, staff would try to eradicate the weeds naturally and as a result the grass would eventually be more dominant. This plan appeared to be working as compliments were received from the Frankland River Cricket Club thanking the Shire for how good the oval was for the finals' series held earlier this year.

Unfortunately, the Shire has seen the wettest winter for a number of years and as a result there has been an increase in the number of weeds at the oval. If there had been a chemical spraying plan for the oval, due to the wet season, staff would not have been able to spray and the oval would still look the way that it does. As an example, the Cranbrook Oval has not been sprayed for the same reason and now has a clover problem which will be treated when conditions are favourable. Also, for Council's information, verge spraying has just commenced in all of the Shire's towns which is a month later than usual.

On Thursday 6 October, staff were able to mow the oval at Frankland River with the TORO Groundmaster and then the Perruzo was used to pick up the cuttings. The Perruzo has a roller attached and that generally rolls out any uneven surface. This is the case with the current mowing and the oval looks impressive. The oval has since been sprayed to eradicate the weeds and there should be a visible improvement within three weeks.

There are two dams at Frankland River sports ground that supply water to the oval. The Shire has been aware that one of the dams has been leaking and that dam was having the water pumped out of it into the second dam as a precaution. It has just come to our attention that the second dam is also leaking. Apparently both dams have been repaired in previous years. Current Shire staff are not aware as to the extent or timing of the previous repairs. The use of the water from the “good” dam will be monitored closely and staff are confident that this can be managed over the coming summer.

Cricket season is upon us and some of the work that Cr Parsons has suggested would not be practicable as it may cause disruption. Staff are confident that the oval can be managed to provide a good and safe playing surface this season. If it is Council’s decision to make improvements to the oval at Frankland River, it will be suggested that work commence at the end of the cricket season in 2017.

The Manager of Works has obtained an indicative quote to upgrade the oval which includes the installation of a bore, new pumps, water tank and replacement of the current reticulation system. The quote for this work is \$76,000. This does not include any repairs to the dams, the cost of which could be in the vicinity of an extra \$35,000. Shire labour and plant cost would be an additional \$9,000.

There is funding available for projects similar to this through Watering WA Towns. A grant application will be lodged for some of this project. If successful, a Council contribution of \$40,000 which is 30% of the total cost will be required.

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 anticipated total cost of this report will be approximately \$120,000. This oval upgrade can be funded from the Frankland River Sporting Facility Reserve which has a current balance of \$289,092. A grant application for \$80,000 will be submitted to assist with funding.

Risk Implications

The risks associated with matters in this report are;

- Inadequate Environmental Management
- Business and Community Disruption
- Errors, Omissions and Delays
- Providing inaccurate advice/information
- Inadequate asset sustainability practices
- Inadequate project/change management
- Inadequate supplier / contract management
- Ineffective management of facilities / venues / events

The impact of the risk is Financial, Reputational, Property and Environment

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: Consulting with reputable Contractors.

Strategic Community Plan Reference

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

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

Objective: 1.5 Develop a Healthy Place to Grow and Age

Strategy: 1.5.3 Encourage a sporting and active community

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

Objective: 4.3 Provide Outstanding Public Facilities

Strategy: 4.3.2 Continued development of recreational and tourism facilities across the Shire

Consultation

Consultation for this report included Leading Hand Parks & Gardens, Executive Management Team, Councillors and Contractors.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Absolute Majority (Budget Amendment)

Motion 06102016

Moved Cr Adams, seconded Cr Denton that Council suspend standing orders at 3.23pm.

Carried 9/0

Motion 07102016

Moved Cr Denton, seconded Cr Adams that Council resume standing orders at 3.31pm.

Carried 9/0

CR PARSONS NOTICE OF MOTION

That Council upgrade the oval at Frankland River at an estimated cost of \$120,000 and this upgrade be funded through the Frankland River Sporting Facility Reserve and grant funding during the 2016/2017 financial year.

The Council requested that the Manager of Works obtain further information on various options to upgrade the Frankland River Oval and bring these to a future Council meeting.

Cr HC Parsons

Item 12.1

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

Nature: Employee of the Gillamii Centre Inc

Cr Parsons left the chambers at 3.34pm

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

Motion 08102016

Moved Cr Denton, seconded Cr Horrocks that Council discuss Item 12.1 Planning Application – Proposed Storage Structure – Lot 293 (Reserve 25331) Climie Street, Cranbrook now.

Carried 8/0

12.1 SUBJECT **PLANNING APPLICATION – PROPOSED STORAGE STRUCTURE – LOT 293 (RESERVE 25331) CLIMIE STREET, CRANBROOK**

RESPONSIBLE OFFICER Peter Northover
Chief Executive Officer

REPORT AUTHOR: Liz Bushby
Gray & Lewis Landuse Planners

FILE REFERENCE: R25331

APPLICANT: Gillamii Centre

DATE OF REPORT: 18 October 2016

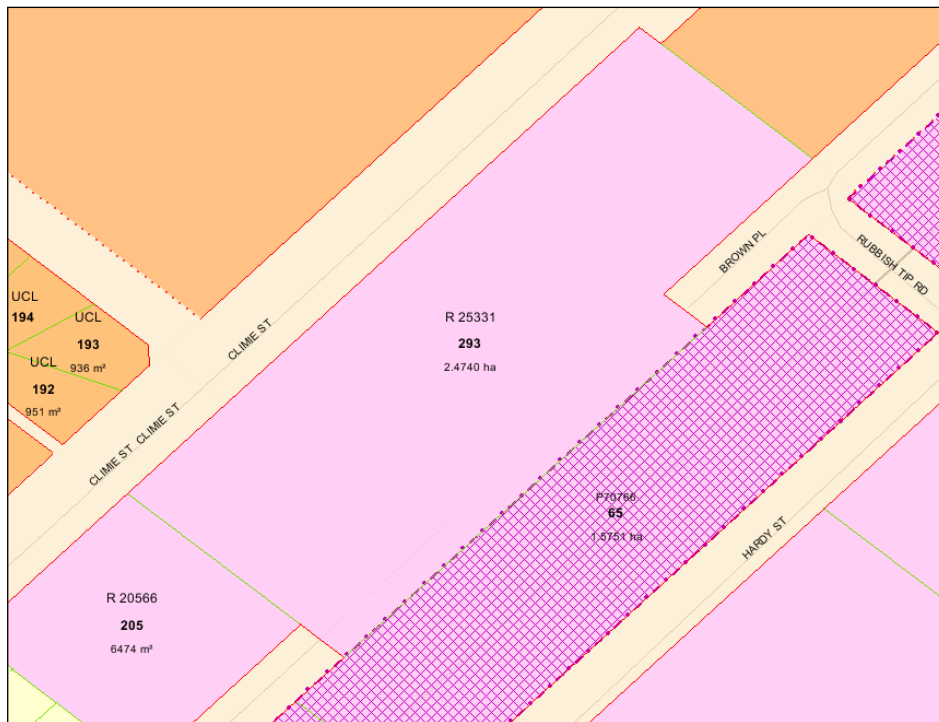
ATTACHMENTS: Shed Design

Purpose

The purpose of this report is for Council is to consider an application for a storage structure for the Gillamii Centre on Lot 293 (Reserve 25331) Climie Street, Cranbrook.

Background

Lot 293 is reserved 'recreation and open space' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme'). A portion of the reserve is within the wastewater treatment buffer. The Gillamii Centre is established on the lot.



Officers Comment

Description of Application

It is proposed to construct a 16 metre by 6 metre structure with a skillion roof – refer to attachment. The Gillamii Centre has machinery available for hire (including a Chatfield planter and Comveg seeding machine) and propose to store it on site.

Currently the machinery is stored at the Council Depot, is not undercover and is not easily accessible to Gillamii Centre staff.

The structure will be constructed on an old tennis court. It will be approximately 55 metres from Climie Street, and 46.8 metres south east from the existing building – refer site plan below.



Matters for Consideration

Under Clause 3.4.2 of the Scheme Council is to have regard to:

- (a) The matters set out in Clause 10.2 (such as orderly and properly planning, the compatibility of development with its setting, amenity, relationship to development on adjoining land etc); and
- (b) the ultimate purpose intended for the Reserve.

The Shire has a Management Order over the reserve for 'bowling, clubs, community purpose, and recreation'. It is construed that the proposed development is consistent with the 'ultimate purpose intended for the reserve'.

The proposed development will not have any negative impact on amenity, is ancillary to the existing Gillamii Centre operation and is generally supported.

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 the Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment.

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.

Gray & Lewis recommend that the application be determined without a BAL 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.
- A BAL for non habitable development only influences siting of buildings (setbacks to vegetation) because no higher construction standards apply to this type of non habitable building under the Building Code of Australia (BCA).
- Under the Bushfire Guidelines the applicant has discretion as to whether they choose to build to a higher construction standard, and it is not compulsory. In this circumstance a BAL at the planning stage is considered onerous.
- The proposed structure is not likely to increase the bushfire risk to the existing building already developed on the lot, as it is separated by at least 45 metres.

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 293 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.
- d) A footnote can be placed on the planning approval advising the applicant that the lot is within a bushfire prone area.
- e) It is a reserve and ultimately any notification would have to be agreed to by Department of Lands.

Ownership

As the Shire has a management order over Reserve 25331, any planning application would have to be endorsed by the Shire as the owner.

This report recommends that the Shire authorise the Chief Executive Officer to sign a planning application form for the proposed structure.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 4 – Clause 3.4.1 states that a person must not use a Local Reserve or commence or carry out development on a Local Reserve without first having obtained planning approval under part 9 of the Scheme.

Planning and Development (Local Planning Schemes) Regulations 2015 – Regulation 67 of the 'deemed provisions' outlines matters to be considered by the local government.

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 is considered to be Insignificant

The likelihood is Unlikely

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

Risk mitigation includes seeking independent professional planning advice.

Strategic Community Plan Reference

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

Aspiration 3.0: By 2023 The Shire of Cranbrook will Maintain, Protect, Enhance and Promote its Environment.

Objective 3.2: Support Community Environmental Organisations, Groups and Individuals

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 09102016

Moved Cr Horrocks, seconded Cr Denton that Council:

- 1. Authorise the Chief Executive Officer to sign a planning application for the proposed structure on Lot 293 (Reserve 25331) Climie Street, Cranbrook.**
- 2. Approve the application lodged for a storage structure for the Gillamii Centre on Lot 293 (Reserve 25331) Climie Street, Cranbrook and include the following conditions and footnote advice notes:**
 - a. The plans lodged with this application 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. 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) A separate building permit may be required for construction.**
- (ii) The subject reserve is within a designated bushfire prone area.**

Carried 8/0

Cr Parsons re-entered the chambers at 3.37pm

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Cunningham declared the meeting closed at 3.38pm.