

# COUNCIL MEETING

## AGENDA

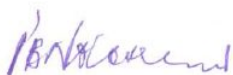


For the Ordinary Meeting of Council to be held on

**20 March 2019**

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday **20 March 2019** at the **Frankland River Community Centre** commencing at **3.00pm**.



Peter Northover  
Chief Executive Officer

## **DISCLAIMER**

This agenda has yet to be dealt with by the Council. The recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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## CONTENTS

<b>1.</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....</b>	<b>4</b>
<b>2.</b>	<b>ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE .....</b>	<b>4</b>
2.1	ATTENDANCE .....	4
2.2	APOLOGIES.....	4
2.3	APPROVED LEAVE OF ABSENCE .....	4
<b>3.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION .....</b>	<b>4</b>
<b>4.</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>4</b>
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4.2	PUBLIC QUESTIONS.....	4
<b>5.</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....</b>	<b>4</b>
<b>6.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>4</b>
<b>7.</b>	<b>DISCLOSURE OF INTEREST .....</b>	<b>5</b>
<b>8.</b>	<b>MATTERS FOR WHICH MEETING MAY BE CLOSED .....</b>	<b>5</b>
<b>9.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>5</b>
9.1	ORDINARY MEETING – 20 February 2019 .....	5
<b>10.</b>	<b>REPORTS OF OFFICERS .....</b>	<b>6</b>
10.1	FINANCE & ADMINISTRATION .....	6
10.1.1	LIST OF PAYMENTS.....	6
10.1.2	MONTHLY FINANCIAL STATEMENTS.....	8
10.1.3	ANNUAL REPORT 2017/2018.....	10
10.2	GOVERNANCE & EXECUTIVE SERVICES.....	13
10.2.1	COMPLIANCE AUDIT RETURN - 2018.....	13
10.2.2	LOT 286 (5) PHILLIPS CRESCENT, CRANBROOK – OFFER TO PURCHASE .....	15
10.2.3	PLANNING APPLICATION - PROPOSED STRATA – LOT 1 GRENFELL STREET,CRANBROOK (DARWINIA COTTAGES) .....	18
10.2.4	PLANNING APPLICATION - PROPOSED OUTBUILDING – LOT 6 (No 17) GRENFELL STREET CRANBROOK.....	22
10.3	WORKS.....	27
10.3.1	LAKE NUNIJUP – AQUATIC USE.....	27
10.3.2	TENDER 01/19 - ABLUTION BLOCK - HEAVY VEHICLE REST BAY.....	29
<b>11.</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>33</b>
<b>12.</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING . .....</b>	<b>33</b>
<b>13.</b>	<b>MATTERS BEHIND CLOSED DOORS.....</b>	<b>33</b>
<b>14.</b>	<b>CLOSURE OF MEETING .....</b>	<b>33</b>

# AGENDA

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Egerton-Warburton will declare the meeting open at   pm. The Shire President will alert the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

## 2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

### 2.1 ATTENDANCE

President	Cr CY (Colin) Egerton-Warburton
Deputy President	Cr PL (Phil) Horrocks
Councillors	Cr DJ (David) Adams
	Cr PM (Peter) Beech
	Cr ER (Ruth) Bigwood
	Cr P (Peter) Denton
	Cr PW (Peter) Slater

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

Members of the Public

### 2.2 APOLOGIES

Manager of Works	Mr JE (Jeff) Alderton
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### 2.3 APPROVED LEAVE OF ABSENCE

Councillors	Cr DS (David) Carey
	Cr VN (Vanessa) Fiegert

## 3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

## 4. PUBLIC QUESTION TIME

### 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 4.2 PUBLIC QUESTIONS

## 5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

**7. DISCLOSURE OF INTEREST**

**8. MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**9.1 ORDINARY MEETING – 20 February 2019**

**That the minutes from the ordinary meeting of Council held on 20 February 2019, be confirmed as a true and correct record.**

## 10. REPORTS OF OFFICERS

### 10.1 FINANCE & ADMINISTRATION

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#### 10.1.1 LIST OF PAYMENTS

<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Jodi Vitler – Finance Admin Officer
<b>FILE REFERENCE:</b>	FM2
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	11 March 2019
<b>ATTACHMENTS:</b>	List of Payments – 1 February 2019 to 28 February 2019

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#### **Purpose**

The purpose of this report is to advise the Council of payments made during the period 1 February 2019 to 28 February 2019.

#### **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
- 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 Low

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 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

*Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth*

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION**

**That the payment of accounts totalling \$658,428.59 as per the attachment be noted:**

- **Electronic Funds Transfers EFT9453 to EFT9537 - \$532,632.20;**
- **Municipal Fund Cheque No's 12158 – 12159 - \$231.38;**
- **Internal Account Transfers (Payroll) - \$103,158.63; and**
- **Direct Debit - \$22,406.38.**

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**10.1.2**

**MONTHLY FINANCIAL STATEMENTS**

<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Trish Standish – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	FM12
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	12 March 2019
<b>ATTACHMENTS:</b>	Financial Statements for February 2019

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**Purpose**

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 28 February 2019.

**Background**

The Local Government (Financial Management) Regulations 1996 require the preparation of monthly financial statements and presentation of these statements to the Council.

**Officers Comment**

The February financial statements report on 8 months, or 67% of the financial year. It is worthy to note:

- The ‘Municipal Fund Summary’ on page 2 shows that we have raised 84% 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 61% of the budgeted operating expenditure for the year;
- The ‘Municipal Fund Summary’ on page 3 shows a net current assets position of \$2,047,121 (surplus), which is mainly made up of \$2m cash on hand. and
- The ‘Variance Report’ on page 8 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
- 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 Medium

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 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

*Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth*

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION**

**That the attached financial statements for the period ending 28 February 2019 be noted.**

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**10.1.3 ANNUAL REPORT 2017/2018**

<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Trish Standish – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	AD4/GO4
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	10 March 2019
<b>ATTACHMENTS:</b>	1. 2017/2018 Annual Report 2. Management Letter – OAG

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**Purpose**

The purpose of this report is to adopt the 2017/2018 Shire of Cranbrook Annual Report and to set a date for the annual electors meeting.

**Background**

The Councils annual report has been prepared in accordance with the Local Government Act 1995 and associated regulations and is attached (separate to the agenda document).

**Officers Comment**

It should be noted that whilst every effort was made to have the annual report presented to the Council prior to 31 December 2018, the auditor was unable to finalise the report by this date. Shire staff had all required documents to the auditor as per regulations and the auditor was in attendance in the administration office in September 2018.

The final audit report was received on 1 March 2019 and was discussed during a teleconference exit interview with Cr Adams, Cr Slater, the Chief Executive Officer, the Manager of Finance and Administration, Mr Russell Harrison from Lincolns and Ms Efthalia Samaras from the Office of the Auditor General.

After discussion during this teleconference, it is considered this meeting was sufficient to meet the requirements of the Local Government Act 1995 which states the Council must meet with the Auditor at least once each year.

When considering the timing requirements to hold the annual electors' meeting described below in Statutory Environment, the meeting needs to be held between 9 April 2019 and 15 May 2019.

**Statutory Environment**

The Local Government Act 1995 requires the Council to accept the Annual Report by 31 December each year unless the audit report is not available. If unable to be accepted by 31 December in any given year then Council must accept the report within two (2) months of the audit report becoming available. The annual meeting of electors must then be held within fifty-six (56) days of Council accepting the Annual Report. A minimum of fourteen days local public notice is required of the date, time, place and purpose of the meeting.

### **Policy Applicable - Implications**

Council Policy 1.1 'Electors Meeting' states:

'The Annual Electors' meeting will be held within 56 days of receiving the Annual Financial Report. The Annual Electors' meeting venue will alternate between the Cranbrook and Frankland River town-sites as follows:

2017/2018	Cranbrook
2018/2019	Frankland River
2019/2020	Cranbrook

The previous annual electors' meeting was held on 21 March 2018 in Frankland River.

Electors are requested to provide the Chief Executive Officer with their questions no later than one week prior to the Annual Electors Meeting to enable staff to research the matter if required.

### **Financial Implications**

There are no financial implications for this report. The Annual Report contains the annual financial statements for 2017/2018, illustrating the Council's financial performance for this period.

### **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
- Providing inaccurate advice/information
- Inadequate document management processes
- Ineffective employment practices

**The impact** of the risk is Financial and Reputational.

**The consequences** of these risks are considered to be Extreme.

**The likelihood** is Unlikely

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

Risk mitigation includes ensuring staff have the appropriate security access levels for financial transactions and by implementing recommendations from the auditor.

### **Strategic Community Plan Reference**

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

*Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth*

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications for this report.

### **Voting Requirements**

**Absolute Majority**

**AUDIT COMMITTEE RECOMMENDATION**

The audit committee will be meeting at 1:30pm on Wednesday 20 March 2019 to discuss this report and will make a recommendation to the Council. The Officers recommendation for the Audit Committee to consider is:

**That the Audit Committee recommends to the Council that:**

- 1. The attached 2017/2018 Shire of Cranbrook Annual Report be accepted; and**
- 2. The annual meeting of Electors be held on Wednesday 17 April 2019 at 5.00pm in Cranbrook.**

## 10.2 GOVERNANCE & EXECUTIVE SERVICES

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<b>10.2.1</b>	<b>COMPLIANCE AUDIT RETURN - 2018</b>
<b>RESPONSIBLE OFFICER:</b>	Peter Northover – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Trish Standish – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	AD5
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	10 March 2019
<b>ATTACHMENTS:</b>	2018 Compliance Audit Return

---

### **Purpose**

The purpose of this report is for the Council to consider the Compliance Audit Return (CAR) for the 2018 calendar year as required by the Local Government Act 1995.

### **Background**

The CAR is one of the tools that allow the Council to monitor how the organisation is functioning. Each Local Government is required to carry out a compliance audit for the period 1 January – 31 December 2018 against the requirements included in the Local Government (Audit) Regulations.

### **Officers Comment**

The current structure of the CAR is restricted to the areas of compliance of those considered high risk. The Audit Committee is required to review the CAR and report the results of that review to the Council prior to adoption by the full Council and submission to the Department of Local Government Sport and Cultural Industries.

After the CAR has been presented to the Council, a certified copy of the return together with the relevant section of the minutes and any additional information explaining or qualifying the Compliance Audit is to be submitted to the Executive Director of the Department of Local Government Sport and Cultural Industries by 31 March 2019.

### **Statutory Environment**

The Local Government (Audit) regulations define the process and requirements for the compliance audit return.

### **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

The **impact** of the risk is Non-Compliance

The **consequences** of these risks are considered to be Insignificant

The **likelihood** is Rare

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

Risk mitigation includes ensuring the CAR is completed on time each year.

### **Strategic Community Plan Reference**

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

*Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth*

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **AUDIT COMMITTEE RECOMMENDATION**

The audit committee will be meeting at 1:30pm on Wednesday 20 March 2019 to discuss this report and will make a recommendation to the Council. The Officers recommendation for the Audit Committee to consider is:

**That the Audit Committee recommends to the Council that the Shire of Cranbrook's Compliance Audit Return for the period 1 January to 31 December 2018, as attached, be adopted.**

**10.2.2 LOT 286 (5) PHILLIPS CRESCENT, CRANBROOK – OFFER TO PURCHASE**

<b>RESPONSIBLE OFFICER:</b>	Trish Standish - Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Trish Standish - Manager of Finance and Administration
<b>FILE REFERENCE:</b>	A9546
<b>APPLICANT:</b>	Peter Kennerley Aitken
<b>DATE OF REPORT:</b>	10 March 2019
<b>ATTACHMENTS:</b>	Submission from Mr Peter Nissen

---

**Purpose**

The purpose of this report is for the Council to consider submissions received from the advertising that was required under the Local Government 1995 for the sale of Lot 286 (5) Phillips Crescent, Cranbrook.

**Background**

At the 20 February 2019 meeting of Council it was resolved:

**“That the Chief Executive Officer be authorised to advertise the sale of Lot 286 Phillips Crescent, Cranbrook for public comment in accordance with section 3.58 (3) of the Local Government Act 1995 to Peter Kennerley Aitken for the sum of \$10,000.”**

**Officers Comment**

Advertising has occurred in accordance with section 3.58 of the Local Government Act 1995. One submission was received from Mr Peter Nissen (see attachment).

Section 3.58 (3)(b) of the Act requires the Council to consider any submissions made prior to the Council making the decision to sell (refer statutory environment below).

Mr Nissen supports the sale of Lot 286 Phillips Crescent provided the purchase is for genuine reasons that ultimately benefit the wider community. Council will recall that a condition of the sale was that the purchaser develop the block within two years.

**Statutory Environment**

Section 3.58 of the Local Government Act 1995 defines the process required for the disposal of local government property. This section states:

“(2) Except as stated in this section, a local government can only dispose of property to —

- (a) the highest bidder at public auction; or
- (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

- (a) it gives local public notice of the proposed disposition —
  - (i) describing the property concerned;
  - (ii) giving details of the proposed disposition; and
  - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include-
- (a) the names of all other parties concerned;
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.”

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

The valuation for this lot is \$12,000, with the offer to purchase being \$10,000. The agent’s selling fee is \$3,000, there will also be settlement costs involved with the sale of this lot.

### **Risk Implications**

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance

The **consequences** of these risks are considered to be Minor

The **likelihood** is Unlikely

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

Risk mitigation includes ensuring the advertising process has been undertaken prior to sale of the land.

### **Strategic Community Plan Reference**

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

*Objective 2: Economic – To be an innovative, diverse, prosperous and growing economy*

Outcome 2.1: A diverse, prosperous economy

Strategy 2.1.1: Support local business and promote further investment in the district, including opportunities for industry growth and development

### **Consultation**

Consultation included the Council as well as the local public notice that was required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority



**OFFICERS RECOMMENDATION**

**That Council:**

- 1. Note that one submission was received from Mr Peter Nissen in relation to the sale of Lot 286 Phillips Crescent, Cranbrook following advertising undertaken in accordance with section 3.58 (3) of the Local Government Act 1995;**
- 2. Agree that Lot 286 Phillips Crescent, Cranbrook be sold to Peter Kennerley Aitken for the sum of \$10,000; and**
- 3. Deposits the proceeds from the sale of Lot 286 Phillips Crescent, Cranbrook into the Land Reserve.**

**10.2.3 PLANNING APPLICATION - PROPOSED STRATA – LOT 1 GRENFELL STREET, CRANBROOK (DARWINIA COTTAGES)**

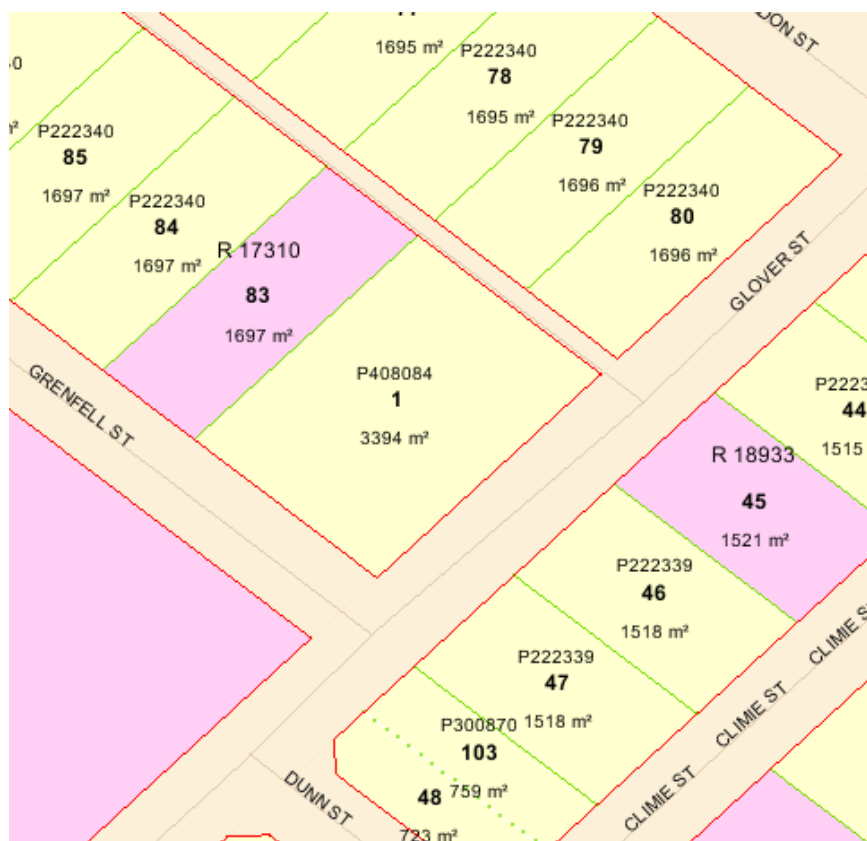
**RESPONSIBLE OFFICER:** Peter Northover – Chief Executive Officer  
**REPORT AUTHOR:** Liz Bushby – Town Planning Innovations  
**FILE REFERENCE:** A134  
**APPLICANT:** N/A  
**DATE OF REPORT:** 12 March 2019  
**ATTACHMENTS:** Nil.

**Purpose**

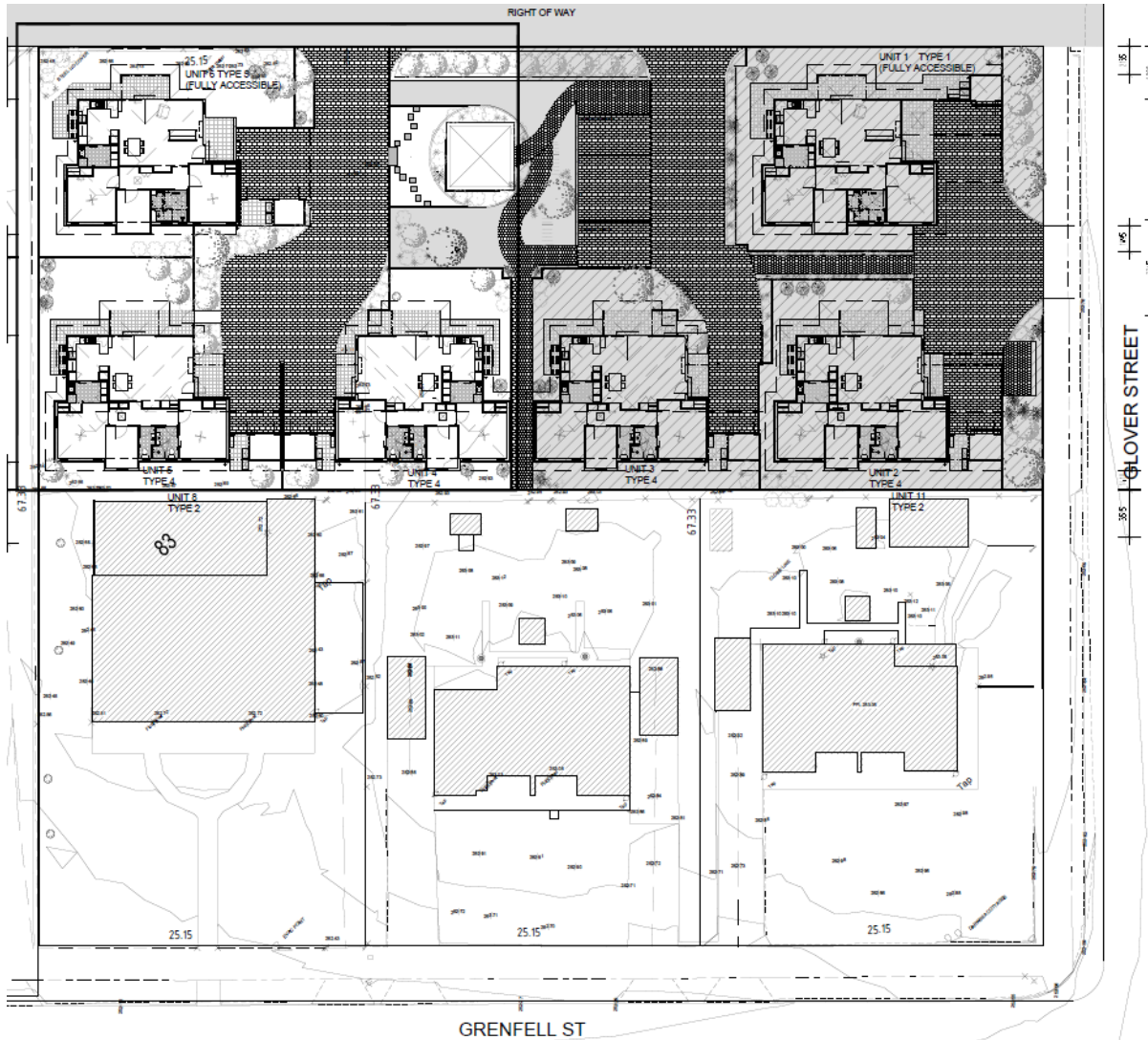
The purpose of this report is for the Council to consider a strata application for existing units on Lot 1 Grenfell Street, Cranbrook.

**Background**

Lot 1 is located on the corner intersection of Grenfell Street and Glover Street. There is a rear laneway access – refer location plan below.



In June 2015, Council approved a planning application for a total of 12 units on then Lots 81 – 83 Grenfell Street, Cranbrook. Development was to occur in stages – refer plan below.



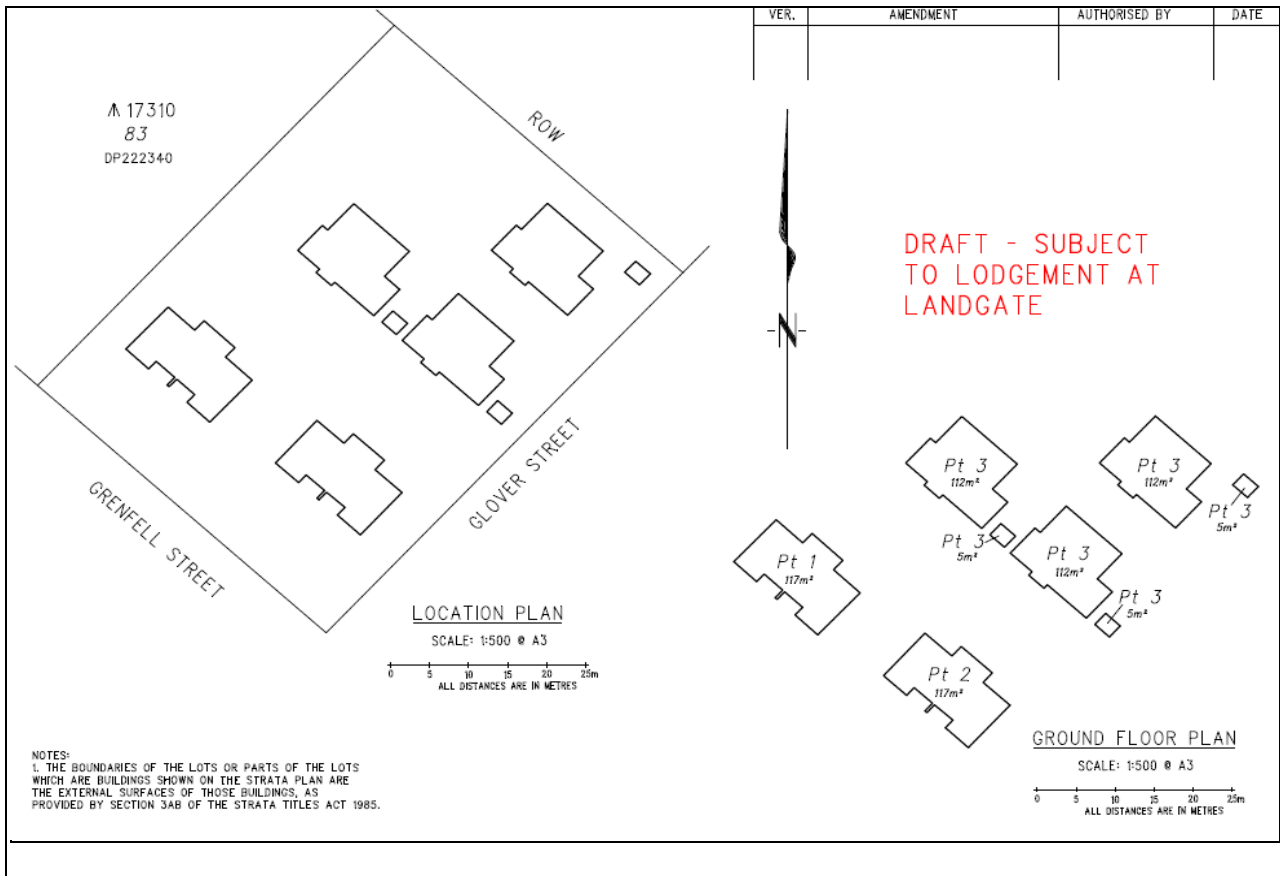
Since the 2015 planning approval was issued, Lots 81 to 82 have been amalgamated and are now known as Lot 1.

**Officers Comment**

An application has been lodged through the Shire to create a built strata lot boundary around each of the 5 units already developed on Lot 1, and their associated storerooms – refer plan overpage.

The term ‘built strata’ refers to a strata plan for existing dwellings or buildings (or a building which is proposed to be constructed) and where there are no vacant lots.

Applications for built strata’s used to be determined by the Western Australian Planning Commission.



**Proposed strata plan 78644**

The Western Australian Planning Commission has delegated its power to determine built strata applications to all local governments, although it retains call in powers where the WAPC determines the type of development or land is within an area of state or regional significance (which is not the case for this application).

The proposed strata plan is supported and simply reflects existing development on the property.

**Statutory Environment**

*Shire of Cranbrook Town Planning Scheme No 4* – The strata is consistent with an existing planning approval already granted in 2015.

*Strata Titles Act 1985* – Section 25 outlines the process to be followed to obtain approval

**Policy Applicable – Implications**

There is no Council policy applicable to this report.

The Western Australian Planning Commission have published:

- (a) Planning Bulletin 52/2009 which outlines the process for seeking approval under the Strata Titles Act 1985 for strata titles and delegation to local government of built strata applications;
- (b) Planning Bulletin 110/2013 which provides guidance on processing certain classes of built strata title applications and WAPC delegation to local government.

**Financial Implications**

The Shire pays consultancy fees to Liz Bushby of Town Planning Innovations for planning advice.

### **Risk Implications**

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance

The **consequences** of these risks are considered to be Minor

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional planning advice.

### **Strategic Community Plan Reference**

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

*Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth*

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

### **Consultation**

No public consultation has been undertaken.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **Officers Recommendation**

**That Council:**

1. **Advise the Darwinia Cottages Cranbrook Committee Inc that the Shire of Cranbrook certifies the Form 24 and approves the Strata Plan 78644 unconditionally in accordance with the Strata Titles Act 1985 and the Strata Titles General Regulations 1996.**
2. **Authorise the Chief Executive Officer to complete any further form(s) if required to endorse the approval and assist in finalisation of the strata process.**

**10.2.4 PLANNING APPLICATION - PROPOSED OUTBUILDING – LOT 6 (No 17) GRENFELL STREET, CRANBROOK**

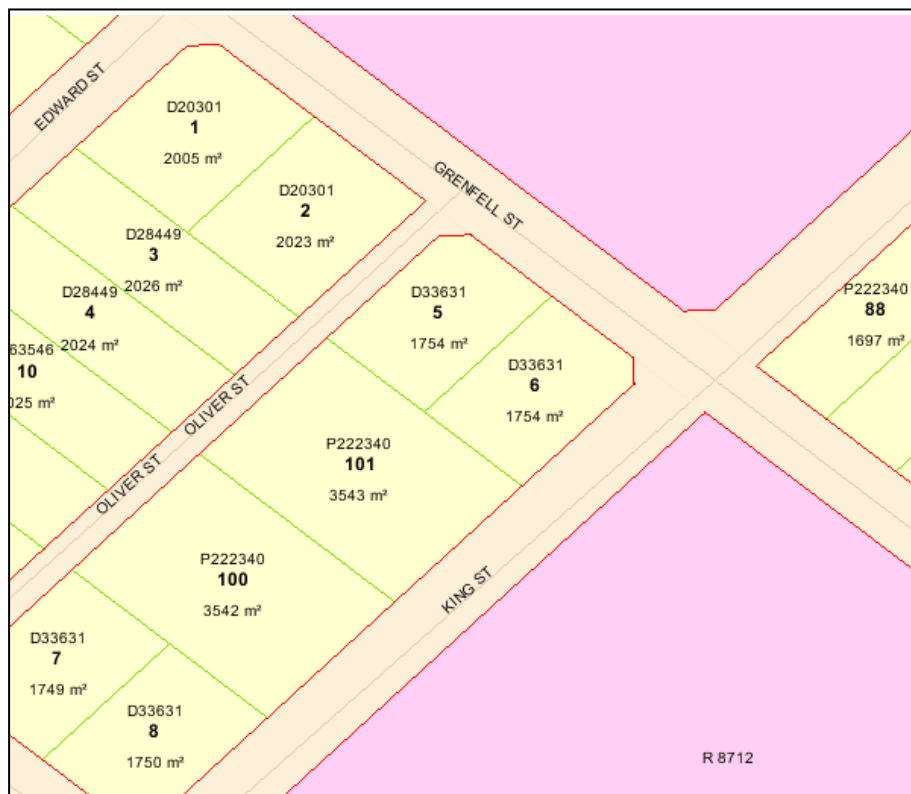
**RESPONSIBLE OFFICER:** Peter Northover – Chief Executive Officer  
**REPORT AUTHOR:** Liz Bushby – Town Planning Innovations  
**FILE REFERENCE:** A249  
**APPLICANT:** Julie Jones  
**DATE OF REPORT:** 12 March 2019  
**ATTACHMENTS:** Nil.

**Purpose**

The purpose of this report is for the Council to consider application seeking planning approval for an outbuilding on Lot 6 (No 17) Grenfell Street, Cranbrook.

**Background**

Lot 6 is zoned 'Residential' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme'). The lot has an area of approximately 1754m<sup>2</sup> and is on the corner of Grenfell Street and King Street.



Location Plan

**Officers Comment**

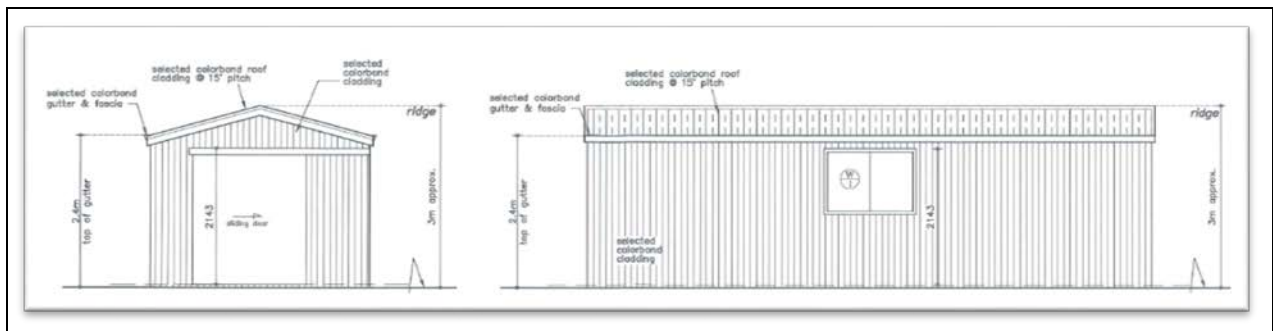
- Description of Application**

There is an existing dwelling and outbuilding on the lot. A new outbuilding is proposed parallel to the existing outbuilding, which is being retained.



The outbuilding is proposed to setback 2.5 metres from the north west boundary and 3.8 metres from the rear boundary. It will have a total floor area of 31.5m<sup>2</sup> (9m x 3.5m).

It will be constructed with external colorbond cladding – refer elevations overpage.



*Elevations*

- **Residential Design Codes – Outbuilding Assessment**

The Residential Design Codes have two separate options for the assessment of development including ‘Deemed to Comply’ criteria and ‘Design Principles’.

Where an application proposes a variation to the ‘Deemed to Comply’ criteria of the Codes, then planning approval is required for the development, and a more detailed subjective assessment has to be made based on ‘Design Principles’ in the Codes.

Under the Residential Design Codes there are specific ‘Deemed to Comply’ requirements for outbuildings as summarised in the table below.

Clause 5.4.3 C3 ‘deemed to comply’ criteria / Outbuildings that:	Officer Comment (TPI)
(i) are not attached to the building	Complies.
(ii) are non habitable	Complies.
(iii) collectively do not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. The collective floor area of the existing and proposed outbuilding is 87.9m <sup>2</sup> .
(iv) do not exceed a wall height of 2.4 metres	Complies. A 2.4m wall height is proposed.
(v) do not exceed a ridge height of 4.2 metres	Complies. The maximum height of the roof is 3 metres.
(vi) are not within the primary street setback area;	Complies.
vi) do not reduce the open space required in table 1; and	Complies. There is still adequate site open space as per table 1 of the Codes.
vii) comply with the siting and design requirements for the dwelling, but do not need to meet the rear setbacks requirements of table 1.	Complies.

The application proposes variations to the ‘Deemed to Comply’ requirements therefore the decision maker has to determine if the outbuilding complies with the design principle which is:

*“Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties”.*

TPI is generally supportive of the application as it complies with the ‘deemed to comply’ heights under the Residential Design Codes and the larger combined floor area proposed will not have a negative impact on the amenity of the area.

- **Public Consultation and Delegation**

Applications that entail variations to the Residential Design Codes are referred to adjacent neighbours who may be affected by the proposed variation. Letters regarding this proposal have been sent to adjacent neighbours however advertising does not close until the 21 March 2019.

At the time of writing this report no submissions had been received.



To expedite processing of the application, it is recommended that Council delegate authority to the Chief Executive Officer so the application can be determined after advertising is complete, without a second report being referred to a separate future Council meeting.

### **Statutory Environment**

Shire of Cranbrook Town Planning Scheme No 4 – partially explained in the body of this report.

Clause 10.2 outlines ‘matters to be considered by Council’.

Clause 11.3.1 gives Council authority to delegate it’s powers to the Chief Executive Officer.

Clause 11.3.3 requires the exercise of the power of delegation under clause 11.3.1 to be a decision of an absolute majority.

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 61(1)(d) only exempts ancillary outbuildings from requiring planning approval where they comply with the ‘deemed to comply’ requirements of the Residential Design Codes.

Clause 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Clause 82(1) and 82(2) requires an absolute majority of Council to grant delegated authority to the Chief Executive Officer.

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

The Shire pays consultancy fees to Liz Bushby of Town Planning Innovations for planning advice.

### **Risk Implications**

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance

The **consequences** of these risks are considered to be Minor

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional planning advice.

### **Strategic Community Plan Reference**

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

*Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth*

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

**Consultation**

Explained in the body of this report.

**VROC Implications**

There are no strategic VROC implications from this report.

**Voting Requirements**

***Absolute Majority (Delegation)***

**Officers Recommendation**

That pursuant to Clause 11.3.1 of the *Shire of Cranbrook Town Planning Scheme No 4* and Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council grant delegated authority to the Chief Executive Officer to determine the application for an outbuilding on Lot 6 (No 17) Grenfell Street, Cranbrook.

## 10.3 WORKS

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<b>10.3.1</b>	<b>LAKE NUNIJUP – AQUATIC USE</b>
<b>RESPONSIBLE OFFICER:</b>	Jeff Alderton – Manager of Works
<b>REPORT AUTHOR:</b>	Jeff Alderton – Manager of Works
<b>FILE REFERENCE:</b>	CP403
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	13 March 2019
<b>ATTACHMENTS:</b>	Proposed Gazettal Plan of Lake Nunijup

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### **Purpose**

The purpose of this report is for the Council to consider the aquatic use of Lake Nunijup.

### **Background**

Since mid-2017 the Department of Transport (DoT) have restricted the use of motorised vessels, including ski boats and jet skis vessels, from operating on Lake Nunijup because of an influx of aquatic bird life. In late 2018, DoT requested comment from the Shire which would enable them to formalise this restriction by having it gazetted and signs installed indicating the restriction.

### **Officers Comment**

This matter was discussed informally during the Council Briefing Session prior to the February 2019 Council meeting. At the time Council indicated that they would prefer that the status quo remain and that motorised vessels be allowed to use the lake.

On 28 February 2019, the Manager of Works relayed this information to DoT who advised that;

*“For the Department to further consider amending the current closed waters and re-gazette the lake for water skiing can you please supply a letter from the Shire supporting the gazettal of a water ski area”.*

DoT also requested that the Shire update the current gazettal plan to indicate its preferred ski area and if the current closed waters area should be amended to better represent community use.

Attached is the suggested gazettal plan showing the proposed ski area. There is no proposed change to the current closed waters area.

### **Statutory Environment**

- Regulation 48A of the Navigable Waters Regulations relates 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 risks associated with matters in this report are:

- Inadequate Environmental Management
- Ineffective Management of Facilities/Venues/Events
- Inadequate Engagement Practices

The **impact** of the risk is People, Reputational and Natural Environment

The **consequences** of these risks are considered to be Moderate

The **likelihood** is Possible

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

Risk mitigation includes placement of information signage and regular enforcement by DoT.

### **Strategic Community Plan Reference**

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

*Outcome 3.1 A protected, diverse, healthy natural environment*

3.1.1 Promote, enhance and maintain our natural attractions, parks and reserves.

### **Consultation**

Consultation for this report included EMT, Council, DoT and Stakeholders.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION**

**That Council advise Department of Transport that the Shire is in support of the gazettal of a water ski area at Lake Nunijup allowing motorised vessels including ski boats with the exception of jet skis in accordance with the attached plan.**

**10.3.2 TENDER 01/19 - ABLUTION BLOCK - HEAVY VEHICLE REST BAY**

**RESPONSIBLE OFFICER:** Jeff Alderton – Manager of Works  
**REPORT AUTHOR:** Jeff Alderton – Manager of Works  
**FILE REFERENCE:** CP146  
**APPLICANT:** N/A  
**DATE OF REPORT:** 13 March 2019  
**ATTACHMENTS:** Nil

**Purpose**

The purpose of this report is for the Council to consider the tenders received for the construction of an ablution block at the Heavy Vehicle Rest Bay on the Great Southern Highway in Cranbrook.

**Background**

Original discussions between the Shire of Cranbrook, Main Roads WA and the Road Safety Commission (RSC) for the Rest Bay included construction of an ablution block. The ablution block was to include toilets, showers and a driver reviver station as part of the Shires continuing “Speed and Fatigue” program targeting all vehicle types but with a special focus on the operations of heavy vehicles during harvest.

Main Roads WA provided a quote to the Shire and the RSC to complete the entire project with the Shire acting as Project Managers as per the requirements of the funding made available by the RSC. The RSC Project Officers provided the case study to support the project. As a result of Main Roads WA quote and the RSC case study, funds were granted from the RSC to the value of \$1,200,000 and Main Roads WA own commitment of \$465,000 to complete the project.

During the construction of the Rest Bay, Main Roads WA informed the Shire that they would not be building the ablutions due to a change in their procurement requirements and therefore requested that the Shire build the ablutions. Due to this, the Shire informed the RSC that the ablutions could not be built by 30 June 2018 and requested an extension of time and a carryover of the remaining funds to enable the Shire to complete the build. After the completion of the road infrastructure, the Shire was advised by Main Roads WA that the remaining funds available for the construction of ablutions was \$284,000.

In October 2018, the Shire was advised by the RSC that the carryover requested by the Shire was approved.

Tenders were called in January 2019 with the closing date being Friday 9 February 2019 at 4.00pm. The Tender included the option for Tenderer’s to provide the Shire with an “alternative tender” as well as a conforming tender. The alternative tender allowed Tenderer’s to submit a quote for another ablution facility similar to the plans provided by the Shire.

The Shire received conforming tenders from four companies as follows:

<b>TENDERER</b>	<b>PRICE (EX GST)</b>
ACERO Construction Pty Ltd	\$358,308.55
CIVIL Engineered Construction	\$448,000.00
KBUILT Construction	\$465,000.00
Wauters Enterprises	\$345,394.44

Two Tenderer's provided alternative tenders as follows:

TENDERER	PRICE (EX GST)
ACERO Construction Pty Ltd – included: <ol style="list-style-type: none"> <li>1. Includes the verandah area onto the transportable slabs (no size nor design change)</li> <li>2. Polished/exposed concrete to verandah and building area in lieu of vinyl, and</li> <li>3. Specification change to cost effective compliant plumbing fixtures and fittings</li> </ol>	\$331,000
Wauters Enterprises – included: <ol style="list-style-type: none"> <li>1. Hydraulic fittings &amp; fixtures</li> <li>2. Timber framing in lieu of steel</li> <li>3. Delete 450(H) stone wall</li> <li>4. Delete louvres</li> <li>5. Delete verandah</li> <li>6. Delete bench seats in toilets</li> <li>7. Delete path on north side of fenced enclosure</li> <li>8. Delete path on eastern side of building</li> </ol>	\$272,140

As can be seen from the above, Wauters Enterprises alternative tender is the only tender that is within budget. Wauters are a local (Albany) company with a good reputation within the region. This has been confirmed by the referees that have been contacted.

Whilst Wauters Enterprises alternative tender is within budget with nearly \$12,000 remaining, the sewer and water connection costs were not included as part of the tender.

Over the past few weeks there have been issues with the on-site solar farm with the fuses blowing and the batteries not holding their charge, this is being investigated by Main Roads WA. To ensure there is always lighting at the ablution block, it is recommended that stand alone solar power is installed or the existing solar farm is upgraded.

At the 20 February 2019 meeting of Council it was resolved:

**“That this item lay on the table to be re-considered at the 20 March 2019 ordinary Council meeting.”**

**Officers Comment**

The Manager of Works indicated at the February council meeting that there was going to be a shortfall of funds to complete the project as originally intended. All the tenders received for this project did not include any provision for the installation of water and sewer services. Additionally, present indications are that the solar farm installed onsite by Main Roads WA will not have sufficient capacity to provide power and lights for the new ablution facility.

An approach has been made to the Road Safety Commission (RSC), to inform them of the current issues and to determine whether this project can be extended to achieve a satisfactory outcome. The Shire is still waiting to hear back from the RSC in relation to this matter.

With the exception of one tender, all the other tenders exceeded the available funding to complete the project. Council indicated that they were not prepared to meet the additional cost associated with the installation of the power, water and sewer and requested that management explore alternative options.

### **Statutory Environment**

Division 2 of the Local Government (Functions and General) Regulations 1966 details the tender requirements for the provision of goods and services.

### **Policy Applicable – Implications**

Council Policy 4.8, Purchasing states that:

*\$150,000 and above the Shire conduct a public tender process.*

### **Financial Implications**

#### ***Budget***

The 2018/2019 adopted budget includes financial consideration of \$284,000 for this project. The total cost of this project is anticipated to exceed \$284,000.

#### ***Long Term***

Ongoing Council budget considerations will be required for the operating costs of this building in subsequent years. Main Roads WA and CBH will be contributing to the operating costs through a Memorandum of Understanding that will be produced for Council's approval once the ablution block is complete.

#### ***Whole of Life***

The whole of life financial implications including depreciation, maintenance and operating costs will be included in annual budgets.

### **Risk Implications**

The risks associated with matters in this report are

- Inadequate Environmental Management
- Errors, Omissions and Delays
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management
- Ineffective Management of Facilities/Venues/Events

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

The **consequences** of these risks are considered to be Major

The **likelihood** is Unlikely

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

Risk mitigation includes consulting with experts and major stakeholders as well as contracting a reputable construction company to build the ablution block.

### **Strategic Community Plan Reference**

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

*Outcome 3.2 A built infrastructure servicing the needs of the community*

3.2.1 Maintain and enhance our roads, built infrastructure, parks and reserves

### **Consultation**

Consultation for this report included Council, EMT, Road Safety Commission and reputable contractors.

### **VROC Implications**

There are no strategic VROC implications from this report.

**Voting Requirements**

Simple Majority

**OFFICERS RECOMMENDATION**

**That Council:**

- 1. Not accept any tender for the construction of the ablution facilities at the Cranbrook Heavy Vehicle Rest Bay on Great Southern Highway; and**
- 2. Authorise the Chief Executive Officer to investigate alternative options.**



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

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

**13. MATTERS BEHIND CLOSED DOORS**

**14. CLOSURE OF MEETING**

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