

# COUNCIL MEETING

## AGENDA

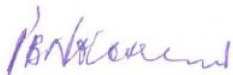


For the Ordinary Meeting of Council to be held on

**15 February 2017**

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 15 February 2017 at the Cranbrook Council Chambers commencing at 3.00pm.



Peter Northover  
Chief Executive Officer

## **DISCLAIMER**

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

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# AGENDA

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

### 2.1 ATTENDANCE

President	Cr JT (Twynam) Cunningham
Deputy President	Cr CY (Colin) Egerton-Warburton
Councillors	Cr DJ (David) Adams
	Cr PM (Peter) Beech
	Cr ER (Ruth) Bigwood
	Cr P (Peter) Denton
	Cr PL (Phil) Horrocks
	Cr HC (Helen) Parsons
	Cr TC (Tom) Standish

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

### 2.2 APOLOGIES

Nil

### 2.3 APPROVED LEAVE OF ABSENCE

Nil

## 3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

## 4. PUBLIC QUESTION TIME

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

### 4.2 PUBLIC QUESTIONS

## 5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

## 7. DISCLOSURE OF INTEREST

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

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

**9.1 ORDINARY MEETING – 21 DECEMBER 2016**

**That the minutes from the ordinary meeting of Council held on 21 December 2016, 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

**RESPONSIBLE OFFICER:** Trish Standish – Manager of Finance and Administration

**REPORT AUTHOR:** Jodi Vitler – Finance Administration Officer

**FILE REFERENCE:** FM2

**APPLICANT:** N/A

**DATE OF REPORT:** 3 February 2017

**ATTACHMENTS:** List of Payments – 7 December 2016 to 2 February 2017

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#### Purpose

The purpose of this report is to advise the Council of payments made during the period 7 December 2016 to 2 February 2017.

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

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

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and Accountable Financial Management

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION**

**That the payment of accounts totalling \$729,055.79 as per the attachment be noted:**

- **Electronic Funds Transfers EFT 7301 to EFT 7428 - \$412,235.10;**
- **Municipal Fund Cheque No's 11946 – 11968 - \$31,374.17;**
- **Internal Account Transfers (Payroll) - \$232,063.43;**
- **Trust Payments - \$480.00; and**
- **Direct Debit - \$52,903.09.**

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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>	7 February 2017
<b>ATTACHMENTS:</b>	Financial Statements December 2016 and January 2017

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**Purpose**

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 December 2016 and 31 January 2017.

**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 January financial statements report on 7 months, or 58% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 68% of our expected operating income;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 54% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$1,023,212 (surplus), which is mainly made up of cash on hand; and
- The 'Variance Report' on page 9 and 10 defines the major variances between budget and actual figures as required by the regulations.

**Statutory Environment**

The Local Government (Financial Management) Regulations 1996 define the requirements for monthly financial reporting (Regulation 34).

**Policy Applicable – Implications**

Council Policy 4.1 Defining Material Variances, states that:

*When dividing the actual figures with the annual budget figure, a variance of plus or minus 10% of the percentage of the year elapsed will be reported. In addition, a variance must be greater than \$1,000 to be reported.*

**Financial Implications**

Whilst the financial statements report on the current position of the Council, the adoption of the recommendation below does not have a financial impact.

**Risk Implications**

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- 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 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

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

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and Accountable Financial Management

**Consultation**

Consultation was not required for this report.

**VROC Implications**

There are no strategic VROC implications from this report

**Voting Requirements**

Simple Majority

**OFFICERS RECOMMENDATION**

**That the attached financial statements for the period ending 31 December 2016 and 31 January 2017 be noted.**

**10.1.3 BUDGET REVIEW 2016/2017**

**RESPONSIBLE OFFICER:** Trish Standish – Manager of Finance and Administration  
**REPORT AUTHOR:** Trish Standish – Manager of Finance and Administration  
**FILE REFERENCE:** FM6  
**APPLICANT:** N/A  
**DATE OF REPORT:** 7 February 2017  
**ATTACHMENTS:** 2016/2017 Budget Review Document

**Purpose**

The purpose of this report is for the Council to consider a review of the Annual Budget for 2016/2017.

**Background**

The Local Government (Financial Management) Regulations state that a local government must undertake a budget review annually.

Regardless of statutory requirements, conducting a budget review at least once each year is sound financial management practice. It enables the Council to analyse the financial performance of the year to date and make changes to the authorisations that it puts in place for the performance of the local government’s functions.

**Officers Comment**

The budget review papers are attached to this agenda as a separate document and individual comments are noted within these papers for major suggested changes to the budget. This budget review has been performed on a line by line basis against the January 2017 monthly financial statements.

Major Expenditure changes (greater than \$5,000) proposed are as follows:

<b>CAPITAL EXPENDITURE</b>				
<b>ACCOUNT NUMBER</b>	<b>PROJECT</b>	<b>CURRENT BUDGET AMOUNT</b>	<b>PROPOSED BUDGET AMOUNT</b>	<b>COMMENTS</b>
111206	Cranbrook Hall Major Maintenance	\$21,000	\$0	Defer this to 2017/2018
111208	Cranbrook Regional Community Hub	\$800,000	\$900,000	Contract variations + professional fees
111209	Community Hub Contents	\$300,000	\$400,000	Extra funding applied for
113223	Drainage Improvements – Frederick Square	\$10,000	\$23,815	Increased scope of works – funded from reserve
113225	Motocross Track Development	\$150,000	\$50,000	Council contribution towards road 16/17 - fully funded from reserve. Remainder will be 17/18

<b>OPERATING EXPENDITURE</b>				
<b>ACCOUNT NUMBER</b>	<b>PROJECT</b>	<b>CURRENT BUDGET AMOUNT</b>	<b>PROPOSED BUDGET AMOUNT</b>	<b>COMMENTS</b>
052002	Animal Control	\$30,000	\$25,000	Reduced budget required
106001	Town Planning Fees	\$23,500	\$33,500	Increased budget required
107007	Moonies Hill Water Project	\$84,740	\$0	Grant application was unsuccessful
111015	Cranbrook Regional Community Hub	\$17,375	\$8,000	Decreased budget required as building will not be occupied prior to 30 June 2017
113004	Frederick Square Operating	\$31,500	\$41,500	Retic issues & extra maintenance required
122016	Insurance on Bridges	\$33,600	\$27,413	Insurance was not for the full 12 months
132008	Area Promotion	\$15,000	\$10,000	Reduced budget required
132022	Food for Thought	\$106,500	\$50,356	Festival complete – under budget
136008	Signage Tourism Heritage	\$10,000	\$2,000	Reduced budget required
142012	Staff Training – Works Staff	\$30,000	\$20,000	Reduced budget required
143001	Fuel & Oils	\$200,000	\$180,000	Reduced budget required
143014	Floating Plant & Loose Tools	\$13,000	\$8,000	Reduced budget required

Major Revenue changes (greater than \$5,000) proposed are as follows:

<b>CAPITAL REVENUE</b>				
<b>ACCOUNT NUMBER</b>	<b>PROJECT</b>	<b>CURRENT BUDGET AMOUNT</b>	<b>PROPOSED BUDGET AMOUNT</b>	<b>COMMENTS</b>
111301	Community Hub Contents Lotterywest Funding	\$300,000	\$400,000	Extra funding applied for
113320	Motocross – DSR Funding	\$50,000	\$0	No DSR Funding this year
113321	Motocross – Club contribution	\$50,000	\$0	No cash contribution from club this year

<b>OPERATING REVENUE</b>				
107102	Moonies Hill Water Project Funding	\$84,740	\$0	Funding application unsuccessful
122105	WANDRRA Funding	\$1,381,998	\$1,340,639	\$41,359 of funding will not be received as per notification in August 2016
132114	Food for Thought Funding	\$105,500	\$50,356	Festival complete – under budget – reduced funding

Proposed major (greater than \$5,000) reserve transfers are as follows:

- Reduce the transfer from the Building Asset Management Reserve by \$15,000 for a portion of the major maintenance to the Cranbrook Hall;
- Increase the transfer from the Waste and Water Management Reserve by \$13,815 for the increased expenditure to the Frederick Square Drainage project; and
- Increase the transfer from the Rate Discount Reserve by \$100,000 for the increased expenditure to the Cranbrook Regional Community Hub project.

### **Statutory Environment**

Local Government (Financial Management) Regulation 33A states:

#### **“Review of budget**

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.
- (3) A Council is to consider a review submitted to it and is to determine\* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*\*Absolute majority required.*

- (4) Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department.”

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

The budget review recommends changes to the adopted budget and, therefore, changes the projects previously authorised by the Council. Whilst individual projects have varying financial implications, the resulting changes maintain a balanced budget. See Page 5 of the Budget Review document.

### **Risk Implications**

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management

The **impact** of the risk is Financial, Non-Compliance and Reputational

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

The **likelihood** is Unlikely

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

Risk mitigation includes ensuring the Council adopt a balanced budget each year and that staff are competent in project management.

### **Strategic Community Plan Reference**

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

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

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and accountable financial management

**Consultation**

Consultation for this report included the Executive Management Team

**VROC Implications**

There are no strategic VROC implications from this report

**Voting Requirements**

***Absolute Majority (Budget Amendment)***

**OFFICERS RECOMMENDATION**

**That the 2016/2017 Annual Budget be amended in accordance with the attached 2016/2017 Budget Review document.**

## 10.2 GOVERNANCE & EXECUTIVE SERVICES

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### 10.2.1 MARCH & APRIL 2017 COUNCIL MEETINGS – CHANGE OF VENUE

<b>RESPONSIBLE OFFICER:</b>	Peter Northover – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Trish Standish – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	GO26
<b>APPLICANT:</b>	Nil
<b>DATE OF REPORT:</b>	2 February 2017
<b>ATTACHMENTS:</b>	Nil

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#### **Purpose**

The purpose of this report is for the Council to consider changing the venue of the March and April 2017 Ordinary Meetings of Council.

#### **Background**

Council Policy 1.1 – Meetings of Council states that the March, August and November Ordinary Meetings of Council will be held in the Frankland River Community Centre and all other Ordinary Meetings of Council will be held in the Cranbrook Council Chambers.

#### **Officers Comment**

This year, all Local Governments are required to review their suite of documents that were adopted in 2013 as part of the Integrated Planning & Reporting process. These documents include the Strategic Community Plan, Corporate Business Plan, Long Term Financial Plan and Asset Management Plan.

In order for the consultants reviewing these plans to have a workshop with the Council prior to the March 2017 Council meeting, it is proposed that the March 2017 Ordinary Meeting of Council be held in Cranbrook and the April 2017 Ordinary Meeting of Council be held in Frankland River. Both Council meetings would still commence at 3.00pm.

#### **Statutory Environment**

Section 12 of the Local Government (Administration) Regulations 1996, states that:

#### **12. Public notice of council or committee meetings — s. 5.25(g)**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

#### **Policy Applicable – Implications**

Council Policy 1.1 – Meetings of Council relates 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 date, venue and time of all Ordinary Meetings of Council are advertised.

### **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: 5.1.2 Develop effective policies, procedures and practices

### **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:**

- 1. The 15 March 2017 Ordinary Meeting of Council be held in the Cranbrook Council Chambers; and**
- 2. The 19 April 2017 Ordinary Meeting of Council be held in the Frankland River Community Centre.**

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<b>10.2.2</b>	<b>ANNUAL GENERAL MEETING OF ELECTORS - MINUTES</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>	GO4
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	7 February 2017
<b>ATTACHMENTS:</b>	Draft Minutes of the Annual General Meeting of Electors – 21 December 2016

---

### **Purpose**

The purpose of this report is for the Council to consider receiving the minutes of the Annual General Meeting of Electors that was held on 21 December 2016 in the Cranbrook Council Chambers.

### **Background**

Any decisions emanating from the electors meeting are required to be referred to the Council for consideration at the earliest opportunity.

### **Officers Comment**

The minutes from the Annual General Meeting of Electors are attached. There were no resolutions from the meeting.

### **Statutory Environment**

Section 5.27 of the Local Government Act 1995 requires a general meeting of electors to be held once every financial year. Regulations prescribe matters to be discussed at such meetings as the contents of the Annual Report for the previous financial year and then any other general business.

Section 5.33 of the Local Government Act 1995 states that:

"All decisions made at an electors meeting are to be considered at the next ordinary council meeting or at the first ordinary council meeting after that meeting".

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

There are no financial implications for this report.

### **Risk Implications**

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Rare

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

Risk mitigation includes ensuring an electors meeting is held each year and the minutes from the meeting are discussed at the next ordinary Council meeting.



### **Strategic Community Plan Reference**

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

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

Objective: 5.6 Listen to, Hear and Engage the Community

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

### **Consultation**

The Annual Electors Meeting is an opportunity for all residents and rate payers to communicate with the Council.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION**

**That the Council receive the minutes of the Annual General Meeting of Electors held on 21 December 2016.**

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<b>10.2.3</b>	<b>POLICY MANUAL REVIEW</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>	GO17
<b>APPLICANT:</b>	Nil
<b>DATE OF REPORT:</b>	3 February 2017
<b>ATTACHMENTS:</b>	Policy Manual, Code of Conduct, Delegations and Authorisations Registers

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### **Purpose**

The purpose of this report is for the Council to consider the adoption of the revised Policy Manual, Code of Conduct, Delegations and Authorisations Registers.

### **Background**

At the 17 February 2016 meeting of Council it was resolved that:

**“The attached revised Shire of Cranbrook Policy Manual, Code of Conduct, Delegations and Authorisations Registers be adopted.”**

### **Officers Comment**

A number of changes have been made to this manual, which include a number of new policies, amendments and improvements to existing policies as well as some minor adjustments to reflect current practice.

Major changes include:

1. The creation of three new policies:
  - **Policy 1.12 Governance - Gifts, Benefits, Hospitality** – This policy has been created to ensure transparency and establish guidelines for the appropriate conduct in circumstances where Elected Members or Employees are offered gifts, benefits, hospitality, or are recipients of awards or win prizes whether part of their official duties or while attending functions as Council representatives;
  - **Policy 2.22 Workforce - Secondary Employment** – This policy has been created to ensure Shire of Cranbrook employees make application to the Chief Executive Officer if they wish to engage in secondary employment; and
  - **Policy 7.3 Community - Community Facilities – Usage** – This policy is to ensure equitable use of community facilities located in the Shire of Cranbrook.
2. The proposed deletion of **Policy 7.1 Community – Youth Advisory Council** – The Youth Advisory Council (YAC) policy was created in February 2014 and whilst there was some response to nominations from local youth, the Manager responsible did not form a formal Youth Council. It is therefore recommended that this policy be deleted.
3. Changes to **Policy 1.1 Governance – Meetings of Council** – The main change to this policy include a request to electors to provide the CEO with their questions prior to the Annual Electors Meeting.
4. Changes to **Policy 2.13 Workforce – Council Vehicles Use** – A section has been included in this policy regarding the Rangers use of Council vehicles.

5. Changes to **Policy 3.0 Administration – Administration Centre Visitors** – A section has been included in this policy regarding the expectation of behaviour of visitors to the Shire office.
6. Changes to **Policy 6.0 Emergency Services – Bushfire Control** – to include a section about spring burning as per Council Motion 20112016

The Code of Conduct remains unchanged and the Delegations' Register has some minor changes to reflect monetary limits that have changed in associated policies. The only change to the Authorisations' Register is to update relevant employee names.

Other minor changes, including grammatical correction, have been made throughout the policy manual.

### **Statutory Environment**

Section 2.7(2b) of the Local Government Act 1995, states that:

*The Council is to determine the Local Government's policies.*

Delegations and authorisations are designated by various acts and regulations as specified in the manual.

### **Policy Applicable – Implications**

This report proposes adoption of the revised Policy Manual, Code of Conduct and Delegations and Authorisations registers.

### **Financial Implications**

There are various financial implications from this report, all of which are considered as part of the budget process.

### **Risk Implications**

The risks associated with matters in this report are varied and include:

- Misconduct
- Business and Community Disruption
- External Theft and Fraud
- 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 Engagement Practices
- Inadequate Asset Sustainability Practices
- Inadequate Safety and Security Practices
- Ineffective Employment Practices
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management
- Ineffective Management of Facilities/Venues/Events

The **impact** of the risk is People, Financial, Service Interruption, Non-Compliance, Reputational, Property and Natural Environment

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

The **likelihood** is Likely

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

Risk mitigation includes:

- Councillors having a clear understanding of the content of the policies in the attached policy manual; and
- The successful execution of the policies, delegations and authorisations by the Executive Management Team and staff.

### **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 1.2: Develop Community Leadership

*Aspiration 2.0: By 2023 the Shire of Cranbrook will have an Innovative, Diverse, Prosperous and Growing Economy*

Objective 2.2: Support Economic Growth and Development

*Aspiration 3.0: By 2023 the Shire of Cranbrook will Maintain, Protect, Enhance and Promote its environment*

Objective 3.1: Have a Healthy Environment

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

Objective 4.2: Deliver Safe and Appropriate Roads and Road Infrastructure

*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

Objective 5.2: Demonstrate Strong Leadership

Objective 5.4: Demonstrate Sound Financial Planning and Management

Objective 5.5: Provide Outstanding People and Service

Objective 5.6: Listen to, Hear and Engage the Community

Objective 5.7: Effectively Represent the Shire of Cranbrook

### **Consultation**

Consultation for this report included the Executive Management Team.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

***Absolute Majority***

### **OFFICERS RECOMMENDATION**

**That the attached revised Shire of Cranbrook Policy Manual, Code of Conduct, Delegations and Authorisations Registers be adopted.**

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<b>10.2.4</b>	<b>DEVELOPMENT ASSESSMENT PANELS – COUNCIL REPRESENTATION</b>
<b>RESPONSIBLE OFFICER:</b>	Peter Northover – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Kellie Evans – Personal Assistant to Chief Executive Officer
<b>FILE REFERENCE:</b>	TP6
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	18 January 2017
<b>ATTACHMENTS:</b>	Nil

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### **Purpose**

The purpose of this report is to appoint two Council representatives and two alternate (proxy) representatives on the Great Southern Joint Development Assessment Panel.

### **Background**

Fifteen Development Assessment Panels (DAP) came into operation on 1 July 2011 to determine development applications that meet a certain threshold value. Each DAP comprises five members, three specialist members, one of which is the presiding member, and two local government members.

At its meeting of 17 February 2015, the Council resolved:

**“That:**

- 1. Cr Beech and Cr Adams be appointed as the Council’s representatives on the Great Southern Joint Development Assessment Panel in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011; and**
- 2. Cr Egerton-Warburton and Cr Bigwood be appointed as the Council’s deputy representatives on the Great Southern Joint Development Assessment Panel in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011.”**

Appointments of all local government DAP members expire on 26 April 2017. Members whose term has expired will be eligible for re-consideration at this time.

### **Officers Comment**

Under regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations), Council is requested to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on the local DAP as required.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a three year term, expiring on 26 April 2020.

All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training, but are encouraged to attend refresher training.

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate

(deputy) local members are not re-elected, the local government will need to re-nominate for the Minister's consideration of appointment.

The Council should consider the above matters in selecting nominees as local DAP members.

Local DAP members are entitled to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment.

Local representation is vital to DAPs. If no nominations are received, the Director General of Planning Western Australia has the power to include a person who is an eligible voter of the local government and who has relevant knowledge or experience that will enable that person to represent the interest of the local community.

### **Statutory Environment**

Section 171C (Establishes Development Assessment Panels) of the Planning and Development Act 2005, as amended by the Approvals and Related Reforms (No.4) (Planning) Act 2010, applies to this item.

The Shire of Cranbrook is grouped into the Great Southern Joint Development Assessment Panel with:

- City of Albany;
- Shire of Broomehill-Tambellup;
- Shire of Denmark;
- Shire of Gnowangerup;
- Shire of Jerramungup;
- Shire of Katanning;
- Shire of Kent;
- Shire of Kojonup;
- Shire of Plantagenet; and
- Shire of Woodanilling.

Planning and Development (Development Assessment Panels) Regulations 2011 also applies to this item.

### **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 and Reputational

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

The **likelihood** is Rare

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

Risk mitigation includes ensuring that the Shire has representation on the DAP.

### **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 was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION**

**That:**

1. Cr \_\_\_\_\_ and Cr \_\_\_\_\_ be appointed as the Council's representatives on the Great Southern Joint Development Assessment Panel in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011; and
2. Cr \_\_\_\_\_ and Cr \_\_\_\_\_ be appointed as the Council's deputy representatives on the Great Southern Joint Development Assessment Panel in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011.

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<b>10.2.5</b>	<b>LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) DRAFT MINUTES – 29 NOVEMBER 2016</b>
<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Toni Melia – Emergency Services and Recreation Officer
<b>FILE REFERENCE:</b>	BF13
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	25 January 2017
<b>ATTACHMENTS:</b>	Draft 29 November 2016 Minutes – Local Emergency Management Committee

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### **Purpose**

The purpose of this report is for the Council to consider the draft minutes of the 29 November 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 Local Emergency Management Committee (LEMC) is documented in the Act under section 39:

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

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

- Shire – 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)
- Frankland River Community Centre - Manager
- Office of Emergency Management (OEM) - Great Southern District Emergency Management Advisor

### **Officers Comment**

The draft minutes of the 29 November 2016 LEMC meeting are attached and there are no 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 the risk is Non-Compliance

The **consequences** of these risks are 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**

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

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<b>10.2.6</b>	<b>RESERVE 29057 – VESTING AND CONSTRUCTION OF FIRE SHED</b>
<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Toni Melia – Emergency Services and Recreation Officer
<b>FILE REFERENCE:</b>	BF17 & BF110 & R29057
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	6 February 2017
<b>ATTACHMENTS:</b>	1. Letter from Tunney Bushfire Brigade 2. Map of Reserve 29057 3. DFES Footprints

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### **Purpose**

The purpose of this report is for the Council to consider the Tunney Bushfire Brigades request to change the vesting of Reserve 29057 from “Parklands and Recreation” purposes to “Parklands, Recreation and Community” purposes, to allow for the construction of a new fire shed and training room to house the Tunney heavy duty fire truck and fast fill unit.

### **Background**

The Tunney Bushfire Brigade has raised and discussed at Bushfire Advisory Committee (BFAC) meetings throughout 2015 and 2016 the need for a new fire shed to house the Tunney heavy duty fire truck, as for a number of years it has been housed on private property owned by the former Chief Bushfire Control Officer, which has since been sold. It is currently stored on another brigade member’s private property in the Tunney area.

### **Officers Comment**

The brigade has identified a 3000 square metre portion of the southern aspect of Reserve 29057, on the corner of Albany Highway and Tunney Hall Road, Tunney as the preferred location for the new fire shed and training room. The reserve is currently vested to the Shire of Cranbrook for “Parklands and Recreation” purposes, however this will need to be changed through the Department of Lands to “Parkland, Recreation and Community” purposes for the construction of a new fire shed to take place.

If the Council agrees to the change of land vesting purposes for Reserve 29057, the Tunney brigade are also requesting permission for the brigade to construct a 2 bay metal clad fire shed in accordance with the Department of Fire and Emergency Services (DFES) facility “Footprint” plans (please see attached design). DFES has developed a suite of 14 standard designs commonly called ‘Footprints’, for operational emergency service facilities. They provide varied accommodation options for volunteer and career emergency services and provide flexibility to meet the needs of the different combinations of DFES supported services. The footprints design assist in annual Local Government Grants Scheme (LGGs) applications and capital works processes by providing a choice of designs that are fit for purpose.

This new fire shed will house the Tunney heavy duty fire unit and the new fast fill trailer as well as providing a meeting and training area for the brigade. It includes a small meeting room, kitchen, shower / toilet facilities and communications area.

The Tunney brigade has indicated that they would like the fire shed and training room project to be included as a capital works project in the Shire’s 2017/2018 LGGs application. The LGGs annual grant round facilitated by DFES determines each local governments Emergency Services Levy (ESL) allocation towards operational and capital projects for the financial year. This annual allocation of funds is used by the local governments to fund brigade related operational

expenses such as the purchase of personal protective equipment, volunteer insurance, and vehicle maintenance etc., however additional funds can be requested to cover large capital works projects such as the construction of new bushfire brigade sheds.

The LGGS 2017/2018 guidelines state that:

“Approvals for Capital Grants for new facilities are conditional upon suitable land being immediately available so as to facilitate construction. The land can be owned freehold by the Local Government (with title) or crown land under management order with the Local Government. The land provided by the Local Government is to be in close proximity to utilities (power, water & communications) and;

The cost in providing these utilities to the site boundary is the responsibility of the Local Government, connection costs from the site boundary to the facility are eligible for LGGS funding.”

With these guidelines in mind this new site was chosen by the brigade and DFES Great Southern Area Manager for Cranbrook due to its proximity to a permanent power source and because the land is already vested to the Shire of Cranbrook.

As site works are not included under the LGGS, the Tunney brigade members have indicated in their letter to the Shire dated 20 January 2017 that they will undertake the construction site works required for the project.

In addition, as the local government is responsible for utility connection to the premises, the Shire ESRO has spoken to an electrical contractor about the associated electrical connection costs. Based on previous experience in providing the electrical requirements for a “Footprints” fire shed in a neighbouring Shire, the contractor has stated that the cost for electrical connection including the Western Power component for the new fire shed, would be between \$10,000 and \$15,000. The ESRO will be applying for smaller grants from other grant providers to assist with this cost, however if unsuccessful this amount will need to be referred to the Shire 2017/2018 draft annual budget.

### **Statutory Environment**

Both the Fire and Emergency Services Act 1998 and the Emergency Services Levy Act 2002 apply to this report.

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

#### ***Budget***

The only direct cost the Shire of Cranbrook will have in relation to this report is for the electricity connection to the new fire shed. Once a definitive quote has been received it will be referred to the 2017/2018 draft budget for Council’s consideration. It is anticipated that this will be in the vicinity of \$10,000 to \$15,000. Grant funding will be sourced in an effort to reduce the Councils cost for this.

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

Ongoing Council budget considerations will be required for the operating costs of this new facility in subsequent years, this will include the provision of boundary firebreaks and electricity

and maintenance of the building. It is anticipated that these will be covered by the Shire's ESL allocation.

### **Whole of Life**

The whole of life financial implications including depreciation, maintenance and operating costs are included in the Shire budget annually, with funding from the Shire of Cranbrook ESL allocation to cover direct costs.

### **Risk Implications**

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Engagement Practices
- 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, Non-Compliance, Reputational and Property.

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

The **likelihood** is Unlikely

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

Risk mitigation includes:

- Ensuring the vesting of Reserve 29057 is altered to allow construction of a new fire shed, prior to the commencement of any site works; and
- Ensuring quotes from reputable contractors are obtained.

### **Strategic Community Plan Reference**

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

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

Objective: 1.4 Create a Safe Place to Live

Strategy: 1.4.2 Support strong community interaction with emergency organisations

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

Objective: 4.1 Develop and Deliver Suitable and Innovative Infrastructure

Strategy: 4.1.1 Review and plan for additional community group infrastructure

### **Consultation**

Consultation for this report included meetings held by the Tunney bushfire brigade to discuss locations and DFES facility "Footprint" plans prior to approaching the Shire formally about progressing the project, as well as raising and discussing the plans for the project at the Shire of Cranbrook Bushfire Advisory Committee meetings throughout 2015 /16.

Shire staff also liaised with and conducted site visits with the DFES Great Southern Area Manager to identify the best possible site for grant success.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION**

That:

1. Council request the Department of Lands to change the vesting of Reserve 29057 from “Parklands and Recreation” to “Parklands, Recreation and Community”;
2. Council apply for capital works funding for the construction of a new fire shed and training facility for the Tunney Bushfire Brigade on Reserve 29057 in the 2017/2018 Local Government Grants Scheme;
3. If successful with the above grant, Council permit the Tunney Bushfire Brigade to utilise 3000 square metres of Reserve 29057 for the purpose of constructing a new fire shed and training facility in accordance with the Local Government Grants Scheme Grants Manual 2017/2018;
4. The costs associated with the connection of electricity to the proposed new fire shed and training facility be referred to the 2017/2018 annual draft budget; and
5. Suitable grants be applied for to assist with the cost of the electricity connection mentioned above.

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<b>10.2.7</b>	<b>PLANNING APPLICATION - PROPOSED OUTBUILDINGS – LOT 8 (No 47) KING STREET, CRANBROOK</b>
<b>RESPONSIBLE OFFICER:</b>	Peter Northover – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Liz Bushby – Gray & Lewis Landuse Planners
<b>FILE REFERENCE:</b>	A236
<b>APPLICANT:</b>	David and Anne Wood
<b>DATE OF REPORT:</b>	3 February 2017
<b>ATTACHMENTS:</b>	Nil

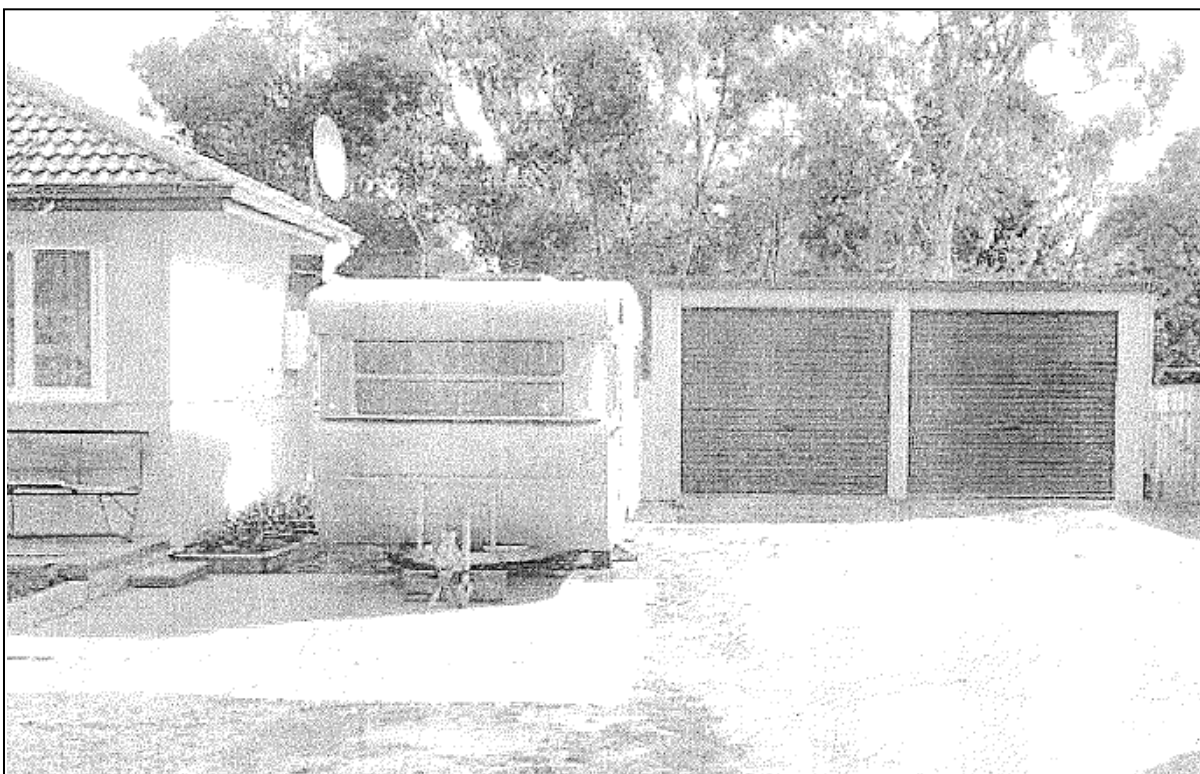
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**Purpose**

The purpose of this report is for the Council to consider an application for two outbuildings (shed and carport) on Lot 8 (No 47) King Street, Cranbrook.

**Background**

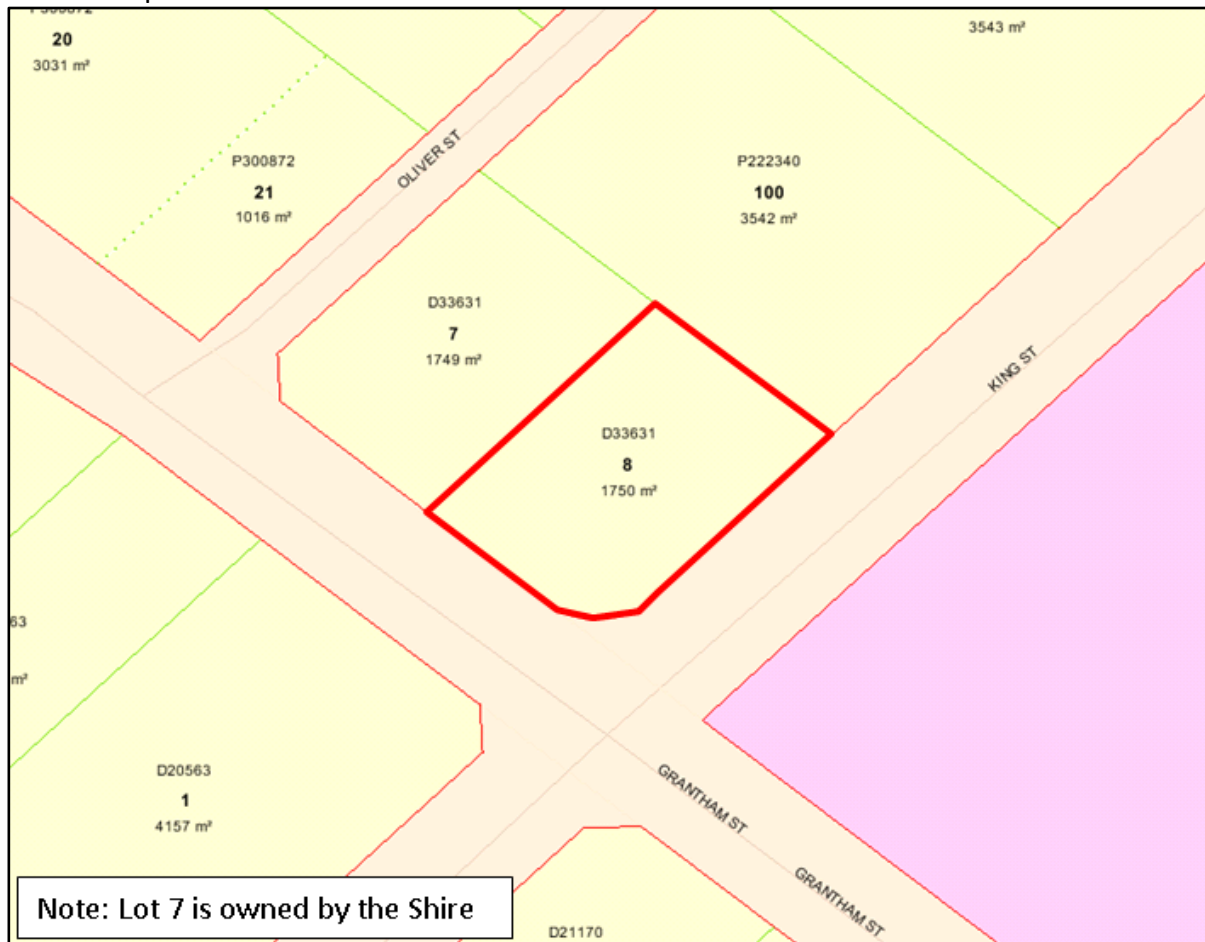
Lot 8 is located on the corner of King Street and Grantham Street in Cranbrook. The lot has been developed with a single house (which faces King Street) and ancillary 36m<sup>2</sup> flat roof outbuilding. The lot has an approximate area of 1750m<sup>2</sup>.



Above: Photograph by applicant of existing outbuilding facing King Street

The lot is zoned 'Residential' under the Shire of Cranbrook Town Planning Scheme No 4 with a flexible density code of R5/R12.5/R30.

A location plan is included below for ease of reference.



**Officers Comment**

**Description of Application**

The applicant proposes to construct a 48m<sup>2</sup> extension to an existing outbuilding located to the north east of the existing house, and a new 60m<sup>2</sup> outbuilding to the north west of the existing house.

The 48m<sup>2</sup> outbuilding is proposed immediately adjacent to an existing outbuilding on the lot, will be to the north east side of the existing house, and 1.2 metres from the boundary shared with Lot 100.

The 60m<sup>2</sup> outbuilding will be located to the rear of the existing dwelling, will be setback 18.7 metres from Grantham Street and 3 metres from the boundary shared with Lot 7.



The approximate outbuilding locations are illustrated on the aerial below:



**State Planning Policy 3.1 - Residential Design Codes ('the Codes')**

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 assessment has to be made based on 'Design Principles' in the Codes.

Under the 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 (Gray & Lewis)
(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 combined area of the existing and proposed outbuildings is 144m <sup>2</sup> .
(iv) do not exceed a wall height of 2.4 metres	Variation – The 60m <sup>2</sup> outbuilding proposes a wall height of 2.6/2.7 metres.
(v) do not exceed a ridge height of 4.2 metres	Complies.
(vi) are not within the primary street setback area;	Complies.
vii) 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	Variation – a 1.2 metre side setback is



for the dwelling, but do not need to meet the rear setbacks requirements of table 1.	proposed in lieu of 1.5 metres (for the 48m <sup>2</sup> outbuilding).
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The application proposes variations to the ‘Deemed to Comply’ requirements therefore Council has to determine if the development complies with the design principle which is:

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

Gray & Lewis recommends that the application be supported as it will not have any negative visual impact on neighbours or the existing streetscape.

### **Statutory Environment**

Shire of Cranbrook Town Planning Scheme No 4 – Clause 8.2(b) only exempts ancillary outbuildings from requiring planning approval where they comply with the Residential Design Codes.

Planning and Development (Local Planning Schemes) Regulations 2015 – Regulations 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.

Regulation 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.

### **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 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**

The owners of adjacent Lot 100 King Street have written a non objection to the proposed plans. The letter of non objection was lodged with the application.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION**

#### **That Council:**

- 1. Approve the application lodged by David and Anne Wood for two ancillary outbuildings on Lot 8 (No 47) King Street, Cranbrook subject to the following conditions and footnote advice notes:**
  - a. The plans lodged with this application dated 18 January 2017 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 outbuildings shall only be utilised for non habitable purposes at all times.**
  - c. The external colours and materials of the outbuildings shall harmonise with the colours and materials of existing development on site to the satisfaction of the Chief Executive Officer.**
  - d. 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.**
  - e. 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:**

**This is a planning consent only and a separate Building Permit is required.**

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**10.2.8 PLANNING APPLICATION - PROPOSED CARPORT- LOT 3 (NO 14)  
NUNIJUP ROAD, TENTERDEN**

**RESPONSIBLE OFFICER:** Peter Northover – Chief Executive Officer  
**REPORT AUTHOR:** Liz Bushby – Gray & Lewis Landuse Planners  
**FILE REFERENCE:** A749  
**APPLICANT:** Mr Murray Pope - Stirling Bulk Distributors Pty Ltd  
**DATE OF REPORT:** 9 February 2017  
**ATTACHMENTS:** Nil

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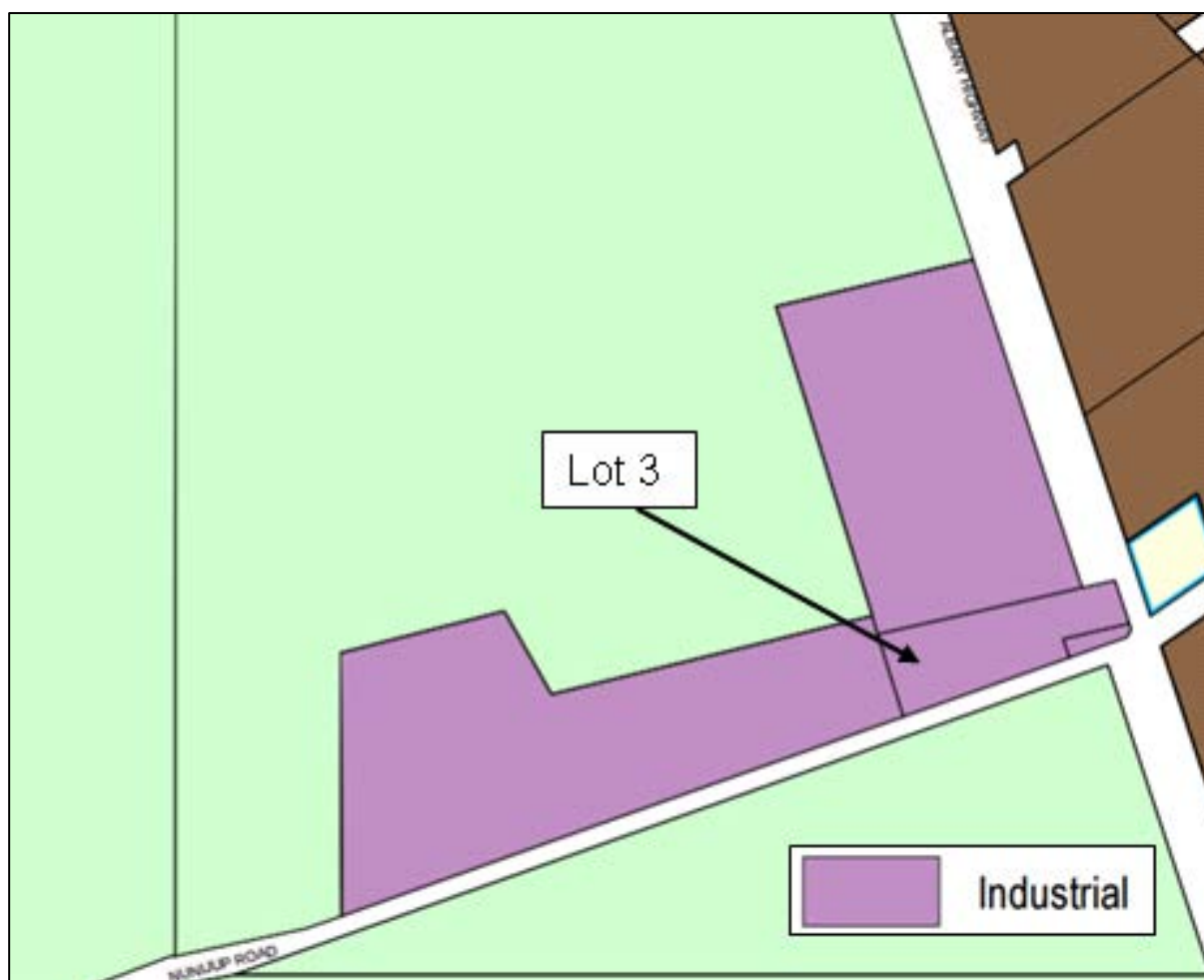
**Purpose**

The purpose of this report is for Council to consider an application for a carport adjacent to an existing office / industrial building on Lot 3 (No 14) Nunijup Road, Tenterden.

**Background**

Lot 3 has been developed with three existing industrial buildings (inclusive of an office) and has an area of approximately 1.5302 hectares. The applicant has advised that the existing business entails the distribution of fertiliser, stock feed and fish food.

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



**Officers Comment**

**Description of Application**

The applicants propose a 10 metre x 6 metre carport to the west of the existing office to provide covered carparking. It is proposed to be setback over 20 metres from Nunijup Road.



The carport is proposed to have a zinculume roof to match the colours and materials of the existing buildings.



Above: Photograph of proposed location



### State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)

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. A portion of Lot 3 is within the declared bushfire prone area (pink area).

The carport is proposed outside of the designated 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. Where the lot is partially within the bushfire prone area but the development is proposed outside of the designated bushfire prone area, there is an allowance for a Basic Bushfire Attack Level (BAL) assessment to be undertaken by the landowner (rather than a fire consultant).

Since the introduction of SPP 3.7 the Western Australian Planning Commission (WAPC) has released 'Planning Bulletin 111/2016 – Planning in Bushfire Prone Areas' in October 2016 to clarify some of the requirements.

Relevant to this application Planning Bulletin 111/2016 states as follows:

- Exemptions from the requirements of SPP 3.7 should be applied pragmatically by the decision maker.
- If the proposal does not result in the intensification of development (or land use), does not result in an increase of residents or employees; or does not involve the occupation of employees on site for any considerable amount of time, then there may not be any practicable reason to require a BAL Assessment.

It is recommended that the proposed carport be exempted from a BAL assessment for the following reasons:

- The carport will not result in any intensification of development or staff increases and is simply a structure over an existing carparking area.
- The development will not result in any increase of bushfire risk.
- The carport is proposed outside of the designated bushfire prone area on the DFES maps.
- It is clear from aerial photography that the surrounding area mainly constitutes cleared pasture and industrial lots.

### **Comment**

The proposed development is ancillary to existing development on site, and will simply provide a structure for weather protection of vehicles. The area is already utilised for carparking on the lot, and the structure will not adversely impact on internal access and loading areas within the site.

### **Statutory Environment**

Shire of Cranbrook Town Planning Scheme No 4 – The proposed development complies with the minimum setbacks required under Clause 5.17.1 (b) of the Scheme which is 7.5 metres front and 5.0 metres on one side.

### 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.

Regulation 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.

### **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 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 2.0: By 2023 the Shire of Cranbrook will have an Innovative, Diverse, Prosperous and Growing Economy*

Objective: 2.2 Support Economic Growth and Development

Strategy: 2.2.2 Provide business support and development

*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 was not required for this report.

#### **VROC Implications**

There are no strategic VROC implications from this report.

#### **Voting Requirements**

Simple Majority

#### **OFFICERS RECOMMENDATION**

1. **Approve the application lodged by Mr Murray Pope for a carport on Lot 3 (No 14) Nunijup Road, Tenterden subject to the following conditions and advice notes:**
  - a. **The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.**
  - b. **All stormwater from the carport roofed area 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 unless otherwise approved in writing by the Chief Executive Officer.**
  - 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 Notes:**

**A planning consent is not an approval to commence any works. A separate building permit must be obtained for all works.**

**10.3 WORKS**

Nil

**10.4 ECONOMIC & COMMUNITY**

Nil



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

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<b>11.1</b>	<b>BURN PERIODS - CR BIGWOOD</b>
<b>RESPONSIBLE OFFICER:</b>	Peter Northover – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Peter Northover – Chief Executive Officer
<b>FILE REFERENCE:</b>	BF5
<b>APPLICANT:</b>	Cr Bigwood
<b>DATE OF REPORT:</b>	2 February 2017
<b>ATTACHMENTS:</b>	Nil

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### **Purpose**

The purpose of this report is for the Council to consider a notice of motion submitted by Cr Bigwood regarding the burning of bluegum trash.

### **Background**

Cr Bigwood has submitted the following notice of motion:

That Council:

1. Request the Frankland River Winemakers and Grape Growers advise the Shire of Cranbrook Chief Executive Officer as soon as the viticultural grape harvest has been completed each year;
2. Adopt the definition of 'Bluegum Trash' as *'all bluegum residue left on site from harvesting process and/or the clearing/cleanup process of the plantation - this does not include bluegum stumps'*;
3. Advise all Shire of Cranbrook Fire Control Officers that no permits to burn are to be granted in the Shire of Cranbrook to burn 'Bluegum Trash' during the Restricted Burning Period of 1 March 2017 to 12 April 2017 (unless the Chief Executive Officer has been notified that the viticultural grape harvest has been completed);
4. Authorise the Chief Executive Officer to seek Ministerial approval to extend the Restricted Burning Period to 30 April 2017 for the Shire of Cranbrook; and
5. Request the Bush Fire Advisory Committee to consider the following dates for the Shire of Cranbrook 2017/2018 Firebreak Notice to be:
  - a. Restricted Burning Period (Permit Required) – 1 October to 31 October;
  - b. Prohibited Burning Period (No Fires Permitted) – 1 November to 14 February;
  - c. Restricted Burning Period for Canola Windrows Only (Permit Required) – 14 February to 28 February;
  - d. Restricted Burning Period for all burns except Bluegum Trash (Permit Required) – 1 March to 30 April (unless the Chief Executive Officer has been notified that the viticultural grape harvest has been completed); and
  - e. Open Burning Period for all burns (No Permit Required) – 1 May to 30 September.

### **Officers Comment**

This topic has been discussed by the Council on numerous occasions over the past 18 months. Many meetings have been held with industry representatives from competing industries to try to find the best solution to mitigate the risk of smoke taint to grapes during the restricted burn period.

During the 2016 restricted burn period a Plantation Burn Register was implemented for trial, this was later discontinued upon recommendation from the Bushfire Advisory Committee.

During discussion with the Frankland River Wine Makers and Grape Growers and some Councillors, the idea of bringing forward the restricted burn period for the burning of Canola Windrows was discussed. The local vignerons within the Shire are not opposed to this idea as the smoke from a canola windrow burn quickly dissipates.

It is important to note that given the potential for this issue to become litigious, a written legal opinion was sought in November 2015. Based on that advice the Shire does not have any obligation to ensure that reasonable care is taken to avoid the risk of smoke taint damage to grapes as a result of prescribed burning. It has been suggested the Shire may wish to take some action to minimise the risks either as a sign of good will and/or to maintain good community relations with the local grape growers, however the advice also points out that should the Shire become too proactive in its approach to the problem, it may create an expectation that it will act with all due care with respect to the interest of the grape growers. The advice points out that the Shire would then run the risk of being perceived adopting some degree of responsibility to local grape growers to minimise the smoke impacts on their grapes when it exercises its statutory function of burning off. It has been pointed out that the Shire should consider doing less, rather than more, to mitigate against potential smoke taint.

### **Statutory Environment**

Part 3, Section 10 (a), (b) and (c) of the Bush Fires Act 1954, states that:

(10A) Subject to the regulations a local government may by resolution declare that within its district bush may be burnt only on such dates and by such persons as are prescribed by a schedule of burning times adopted by the local government.

(10B) A person desiring to set fire to bush within the district of the local government that has made a declaration under subsection (10A) shall, by such date as may be determined by the local government, apply to the local government for permission to set fire to the bush, and the local government shall allocate a day or days on which the burning may take place.

(10C) Any burning permitted under subsection (10B) shall be done only on the day or days and in the manner specified by the local government and subject to the conditions prescribed for the purposes of this section except that any prescribed period of notice may be varied by the local government in order to enable the schedule of burning times adopted by it to be given effect to.

Part 3, Section 18 of the Bush Fires Act 1954, states that:

(6) Subject to this Act a person shall not set fire to the bush on land within a zone of the State during the restricted burning times for that zone of the State unless —

(a) he has obtained a permit in writing to burn the bush from a bush fire control officer of the local government in whose district the land upon which the bush proposed to be burnt is situated, or from the chief executive officer of the local government if a bush fire control officer is not available; and

(b) the conditions prescribed for the purposes of this section are complied with in relation to the burning of the bush.

(7) The person issuing a permit to burn under this section may, by endorsement on the permit —

(a) incorporate therein any additional requirements and directions considered necessary by him relative to the burning; or

(b) modify or dispense with any of the conditions prescribed for the purposes of this section in so far as those conditions are applicable to the burning.

### **Policy Applicable – Implications**

Council Policy 6.0 Bushfire Control is applicable to this report.

### **Financial Implications**

There are no financial implications for this report.

### **Risk Implications**

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional legal advice in relation to this matter together with continual consultation with all interested parties.

### **Strategic Community Plan Reference**

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

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

Objective: 1.4 Create a safe place to live

Strategy: 1.4.2 Support strong community interaction with emergency organisations.

*Aspiration 2.0: By 2023 the Shire of Cranbrook will have an Innovative, Diverse, Prosperous and Growing Economy*

Objective: 2.3 Generate Communication and Engagement the Economy

Strategy: 2.3.1 Facilitate increased communication and engagement with the business community and policy makers

### **Consultation**

Consultation for this report included Councillors, Local Vignerons and Farmers

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **COUNCILLORS NOTICE OF MOTION**

To be moved by Cr Bigwood:

#### **That Council:**

1. **Request the Frankland River Winemakers and Grape Growers advise the Shire of Cranbrook Chief Executive Officer as soon as the viticultural grape harvest has been completed each year;**
2. **Adopt the definition of 'Bluegum Trash' as 'all bluegum residue left on site from the harvesting process and/or the clearing/cleanup process of the plantation - this does not include bluegum stumps';**
3. **Advise all Shire of Cranbrook Fire Control Officers that no permits to burn are to be granted in the Shire of Cranbrook to burn 'Bluegum Trash' during the Restricted Burning Period of 1 March 2017 to 12 April 2017 (unless the Chief Executive Officer has been notified that the viticultural grape harvest has been completed);**

- 4. Authorise the Chief Executive Officer to seek Ministerial approval to extend the Restricted Burning Period to 30 April 2017 for the Shire of Cranbrook; and**
- 5. Request the Bush Fire Advisory Committee to consider the following dates for the Shire of Cranbrook 2017/2018 Firebreak Notice to be:**
  - a. Restricted Burning Period (Permit Required) – 1 October to 31 October;**
  - b. Prohibited Burning Period (No Fires Permitted) – 1 November to 14 February;**
  - c. Restricted Burning Period for Canola Windrows Only (Permit Required) – 14 February to 28 February;**
  - d. Restricted Burning Period for all burns except Bluegum Trash (Permit Required) – 1 March to 30 April (unless the Chief Executive Officer has been notified that the viticultural grape harvest has been completed); and**
  - e. Open Burning Period for all burns (No Permit Required) – 1 May to 30 September.**

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

**13. MATTERS BEHIND CLOSED DOORS**

**14. CLOSURE OF MEETING**

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