

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

19 April 2017

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Deputy Shire President, Cr Egerton-Warburton declared the meeting open at 3.07pm. The Deputy Shire President alerted the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

Deputy President	Cr CY (Colin) Egerton-Warburton
Councillors	Cr DJ (David) Adams Cr PM (Peter) Beech Cr ER (Ruth) Bigwood 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	4

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Councillors	Cr JT (Twynam) Cunningham Cr P (Peter) Denton
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3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

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

Margaret Stubber
Lyll Wilkinson
Josie Kleemann
Doug Worth

A moments silence was observed as a mark of respect.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Motion 01042017

Moved Cr Adams, seconded Cr Beech that:

- 1. Cr Standish be granted a leave of absence for the 17 May 2017 ordinary meeting of Council; and**
- 2. Cr Parsons be granted a leave of absence for the 19 July 2017 ordinary meeting of Council.**

Carried 7/0

7. DISCLOSURE OF INTEREST

Closely Associated Persons Interest

Cr CY Egerton-Warburton

Item 10.2.4

Type: Closely Associated Persons interest pursuant to Section 5.62 of the Local Government Act 1995

Nature: Father of listed Fire Control Officers

Extent: Impartial

Closely Associated Persons Interest

Cr PL Horrocks

Item 10.2.4

Type: Closely Associated Persons interest pursuant to Section 5.62 of the Local Government Act 1995

Nature: Listed as a Fire Control Officer

Extent: Impartial

Impartiality Interest

Cr DJ Adams

Item 10.2.4

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

Nature: Council Representative of the Bush Fire Advisory Committee

Financial Interest

Cr HC Parsons

Item 10.2.5

Type: Financial Interest pursuant to Section 5.60A Local Government Act 1995

Nature: Vineyard Owner

Indirect Financial Interest

Cr PM Beech

Item 10.2.5

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

Nature: Owner of Bluegum Plantation

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 15 MARCH 2017

Motion 02042017

Moved Cr Parsons Cr Beech that the minutes from the ordinary meeting of Council held on 15 March 2017, be confirmed as a true and correct record.

Carried 7/0

10. REPORTS OF OFFICERS

10.1 FINANCE & ADMINISTRATION

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: 12 April 2017

ATTACHMENTS: List of Payments – 3 March 2017 to 11 April 2017

Purpose

The purpose of this report is to advise the Council of payments made during the period 3 March 2017 to 11 April 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/COUNCIL DECISION

Motion 03042017

Moved Cr Parsons, seconded Cr Adams that the payment of accounts totalling \$951,634.34 as per the attachment be noted:

- **Electronic Funds Transfers EFT 7509 to EFT 7627 - \$813,396.71;**
- **Municipal Fund Cheque No's 11979 – 11995 - \$24,796.68;**
- **Internal Account Transfers (Payroll) - \$93,509.94;**
- **Direct Debit - \$19,931.01.**

Carried 7/0

10.1.2	MONTHLY FINANCIAL STATEMENTS
RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	7 April 2017
ATTACHMENTS:	Financial Statements March 2017

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 March 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 March financial statements report on 9 months, or 75% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 78% of our expected operating income;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 67% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$781,142 (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/COUNCIL DECISION

Motion 04042017

Moved Cr Horrocks, seconded Cr Adams that the attached financial statements for the period ending 31 March 2017 be noted.

Carried 7/0

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1	LEASE – RESERVE 52284 - CRANBROOK DISTRICTS MOTORCYCLE CLUB INC
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	R52284
APPLICANT:	Cranbrook Districts Motorcycle Club Inc
DATE OF REPORT:	8 April 2017
ATTACHMENTS:	Draft Lease Document

Purpose

The purpose of this report is for the Council to consider a draft lease document for the lease of Reserve 52284 to the Cranbrook Districts Motorcycle Club Inc (CDMC).

Background

The Shire of Cranbrook have a Management Order over Reserve 52284 for the purpose of ‘Recreation and Community’. Flora and fauna surveys have been completed to ensure no endangered species are present in this reserve. A feasibility study and business case have also been completed to ensure it is viable for the CDMC to operate a motocross facility from this reserve. To enable this to occur, it is necessary that the Council consider leasing this reserve to the CDMC.

Officers Comment

Attached is a proposed draft lease document that has been discussed with the CDMC committee who are agreeable to enter into a lease arrangement with the Shire for Reserve 52284.

It is proposed to lease the entire area of Reserve 52284 for a peppercorn lease for a term of 21 years. There will be no operating costs for the Shire as these will be paid by the CDMC, as will all insurance costs. It is proposed that there are no restrictions on the use of Reserve 52284, providing the use is in accordance with the lease documents.

It is worthy to note that the lease document makes reference to the CDMC Noise Management Plan for Reserve 52284 that is currently being advertised as part of a planning development application for the construction of a track and associated buildings which will form an agenda report to the 17 May 2017 Council meeting.

Statutory Environment

Section 3.58 of the Local Government Act 1995, states that a Council may dispose of property in one of three ways. This proposed lease will require an advertising process in accordance with this section of the Act as follows:

- (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 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.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The leasing of this facility to the CDMC ensures that all outgoings and utility charges for the running of this venue are met by the CDMC and not the Council.

Risk Implications

The risks associated with matters in this report are:

- Inadequate Environmental Management
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Engagement Practices

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

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 a current lease is in place.

Strategic Community Plan Reference

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

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

Objective: 1.5 Develop a Healthy Place to Grow and Age

Strategy: 1.5.3 Support a sporting and active community

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

Objective: 4.3 Outstanding Public Facilities

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

Consultation

Consultation for this report included representatives from the Cranbrook Districts Motorcycle Club Inc

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 05042017

Moved Cr Parsons, seconded Cr Standish that the intent to lease Reserve 52284 to the Cranbrook Districts Motorcycle Club Inc for a period of 21 years at a peppercorn rental of \$1.00 per annum be advertised as per section 3.58 of the Local Government Act 1995 and inviting submissions for the consideration of the Council at the 17 May 2017 ordinary meeting.

Carried 7/0

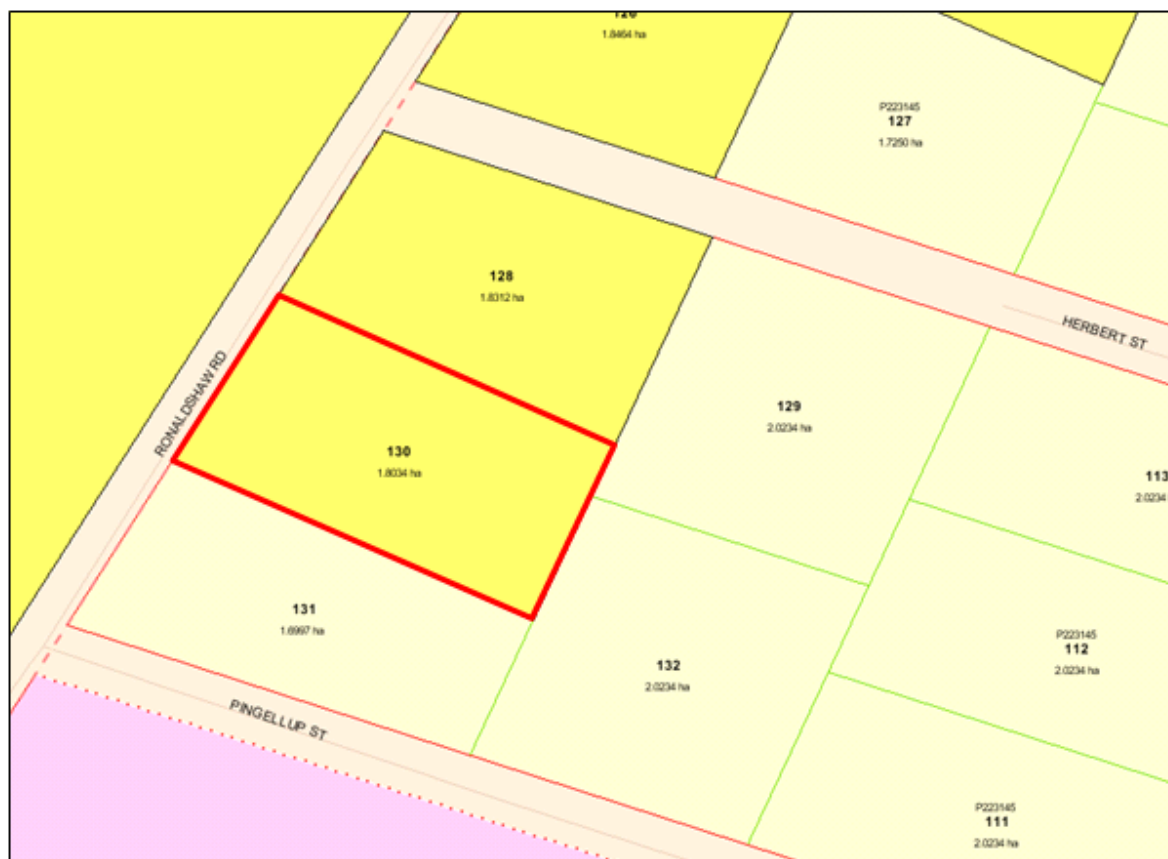
10.2.2	PLANNING APPLICATION - PROPOSED EXTENSION TO EXISTING DWELLING – LOT 130 RONALDSHAW ROAD, TENTERDEN
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Gray & Lewis Landuse Planners
FILE REFERENCE:	A992
APPLICANT:	Mr Norman Pattinson
DATE OF REPORT:	11 April 2017
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider an application for an extension to an existing dwelling on Lot 130 Ronaldshaw Road, Tenterden.

Background

The lot is zoned ‘Rural Residential’ under the Shire of Cranbrook Town Planning Scheme No 4 (‘the Scheme’). It has been developed with a single house and ancillary outbuilding. The lot has an approximate area of 1.8 hectares.



Officers Comment

Description of Application

The application proposes an extension to the south of the existing dwelling. The extension will measure approximately 11.5 metres by 3 metres.

The extension will be setback approximately 68 metres from the Ronaldshaw Road frontage so it will be in line with the existing house. The proposed extension is minor and will not have any adverse impact on streetscape or neighbourhood amenity.

Requirement for Planning Approval

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

Building Setbacks

The proposed extension complies with the minimum setbacks required by the Scheme for the Rural Residential zone, being 30 metres front and 10 metres side / rear.

Relevant State Planning Policies and Guidelines – Bushfire Prone Areas

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

All of Lot 130 is within the declared bushfire prone area (pink area), including the existing dwelling.



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

Under SPP3.7 all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment. A BAL has not been lodged with the application.

Gray & Lewis recommends that the application be determined without a BAL for the following reasons:

- Planning Bulletin No 111/2016 released in October 2016 clarifies Council has discretion over this matter and states that ‘*Exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker.*’
- Whilst SPP3.7 requires lodgement of a BAL assessment for the proposed development, a BAL is not likely required as part of the separate building permit process.
- In Western Australia, the *Building Regulations 2012* outlines the applicable building standards for various buildings and incidental structures. For building in designated bush fire prone areas

Regulation 31BA defines “excluded building work” as: *building work that is the renovation, alteration, extension, improvement or repair of a relevant building if –*

- (a) the estimated value of the building work is less than \$20 000; or*
- (b) the renovation, alteration, extension, improvement or repair does not increase the risk of ignition from bushfire attack for the relevant building.*

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

- The proposed extension / improvement is “excluded building work” and is therefore not required to meet the higher construction standards for building in designated bush fire prone areas under the *Building Regulations 2012*.

Notification on Title

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

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

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

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

Statutory Environment

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

Clause 5.18 outlines controls in the Rural Residential zone.

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

Planning and Development (Local Planning Schemes) Regulations 2015 –

The Regulations have ‘deemed provisions’ that automatically apply statewide. Where there is a conflict between the Shires Scheme and the Regulations, the Regulations prevail.

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

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.

Building Regulations 2012 – explained in the body of 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 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 the use of 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

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 06042017

Moved Cr Standish, seconded Cr Adams that Council:

1. Having given due regard to the requirements of State Planning Policy 3.7 determine that a Bushfire Attack Level (BAL) Assessment is not required as part of the planning application for extensions to the existing dwelling on Lot 130 Ronaldshaw Road Tenterden, as the development is exempted from a BAL under the *Building Regulations 2012*.
2. Approve the application lodged by Norman Pattinson for an extension to the existing dwelling on Lot 130 Ronaldshaw Road Tenterden subject to the following conditions and footnote advice notes:
 - a. The plans lodged with this application received on the 5 April 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. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve. .

- c. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

FOOTNOTE ADVICE:

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

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

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

Carried 7/0

10.2.3	LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) DRAFT MINUTES – 14 MARCH 2017
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Toni Melia – Emergency Services and Recreation Officer
FILE REFERENCE:	BF13
APPLICANT:	N/A
DATE OF REPORT:	11 April 2017
ATTACHMENTS:	Draft 14 March 2017 Minutes – Local Emergency Management Committee

Purpose

The purpose of this report is for the Council to consider the draft minutes of the 14 March 2017 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 – President, 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 Resource Centre Manager
- Office of Emergency Management (OEM) - Great Southern District Emergency Management Advisor

Officers Comment

The draft minutes of the 14 March 2017 LEMC meeting are attached and with 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/COUNCIL DECISION

Motion 07042017

Moved Cr Bigwood, seconded Cr Adams that the attached draft minutes of the 14 March 2017 Local Emergency Management Committee meeting be received by Council.

Carried 7/0

Closely Associated Persons Interest

Cr CY Egerton Warburton

Item 10.2.4

Type: Closely Associated Persons interest pursuant to Section 5.62 of the Local Government Act 1995

Nature: Father of listed Fire Control Officers

Extent: Impartial

Closely Associated Persons Interest

Cr PL Horrocks

Item 10.2.4

Type: Closely Associated Persons interest pursuant to Section 5.62 of the Local Government Act 1995

Nature: Listed as a Fire Control Officer

Extent: Impartial

Impartiality Interest

Cr DJ Adams

Item 10.2.4

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

Nature: Council Representative of the Bush Fire Advisory Committee

Cr Egerton-Warburton, Cr Horrocks and Cr Adams declared that they will consider this matter on its merits and vote accordingly.

10.2.4	BUSHFIRE ADVISORY COMMITTEE AGM DRAFT MINUTES 27 MARCH 2017 AND BUSHFIRE CONTROL OFFICER APPOINTMENTS FOR 2017/2018
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Toni Melia – Emergency Services and Recreation Officer
FILE REFERENCE:	BF1 & BF3
APPLICANT:	Shire of Cranbrook Bushfire Advisory Committee
DATE OF REPORT:	11 April 2017
ATTACHMENTS:	Bushfire Advisory Committee AGM Draft Minutes

Purpose

The purpose of this report is:

1. To present to Council the minutes of the Bushfire Advisory Committee (BFAC) Annual General Meeting (AGM) held on 27 March 2017 for consideration; and
2. For Council to appoint Bush Fire Control Officers for 2017/2018 in accordance with the Bush Fires Act 1954.

Background

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

Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to

bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee; and
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.

The BFAC meets biannually in March/April and September/October and consists of representatives from each of the 12 local brigades, the CBFCO, two DCBFCOs, the Base Radio Operator and a nominated Shire Councillor. Representatives from the Shire of Cranbrook and the DFES Area Manager also attend the meetings as observers and administration support.

Officers Comment

The BFAC held their AGM on 27 March 2017 at the Frankland River Town Hall. The main purpose for the March/April meeting of BFAC each year is to nominate and elect the Shire Bushfire Control Officers and nominate the various brigade office bearers for the year. During this meeting the contents of the Shire of Cranbrook Annual Firebreak Notice are also decided upon. General business including information from the Great Southern District Operations Advisory Group (DOAC), the Association of Volunteer Bush Fire Brigades of WA Incorporated and DFES Safety Circulars are also discussed. Members can raise any issues encountered during the previous season; discuss training and anything that may impact on a brigade's ability to fulfil their duties etc.

This agenda item refers to:

- The appointment of BFAC nominated Bush Fire Control Officers and the Fire Weather Advisory Group as required under the Bushfires Act 1954.
- The appointment of authorised officers to issue special permits for burning to collect clover burr in accordance with Section 24 of the Bush Fires Act. Council must appoint authorised officers to issue these special permits as Bush Fire Control Officers do not have the authority to do so.

The next agenda item 10.2.5 will consider further recommendations from the BFAC AGM.

Statutory Environment

Part 5, Section 67.4c of the Bush Fires Act 1954, states that:

- (4) A committee appointed under this section —
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Policy Applicable – Implications

Council Policy 6.0 Bushfire Control is applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are Failure to fulfil statutory, regulatory or compliance requirements

The impact of these risks 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 the existence of an effective LEMC, BFAC and ESRO support role.

Strategic Community Plan Reference

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

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

Objective: 1.4 Create a safe place to live

Strategy: 1.4.2 Support strong community interaction with emergency organisations.

Consultation

Consultation for this report was undertaken with the Bushfire Advisory Committee at its Annual General Meeting held on 27 March 2017.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

Motion 08042017

Moved Cr Adams, seconded Cr Standish that standing orders be suspended at 3.31pm in order to discuss this item in further detail.

Carried 7/0

Motion 09042017

Moved Cr Parsons, seconded Cr Adams that standing orders be resumed at 3.36pm

Carried 7/0

BUSHFIRE ADVISORY COMMITTEE RECOMMENDATION/COUNCIL DECISION

Motion 10042017

Moved Cr Bigwood, seconded Cr Standish that:

- 1. The attached minutes from the 27 March 2017 Bushfire Advisory Committee AGM be noted;**
- 2. That the following officers be appointed to the respective positions for 2017/2018 in accordance with the Bush Fires Act 1954:**

Chief Bush Fire Control Officer..... David Packard
1st Deputy Chief Bush Fire Control Officer Tom Ettridge
2nd Deputy Chief Bush Fire Control Officer Ian Lawrence
Base Radio Operator David Preston

Fire Control Officer's

East Cranbrook..... Harley Smith
Fred Fiegert

	Phil Horrocks
Central	Keith Wilson
	Sam Lehmann
Cranbrook Town.....	Joe Duina
Tenterden	David Packard
	Greg Mengler
	Mark Jefferies
	Jason Watterson
	Ken Gibson
Tunney.....	Graham Marshall
	Joel Treeby
	Sean Morgan
	Ian Lawrence
Woolonga	Brett Smith
	Mark Addis
	Fred Smith
	Anthony Warham
Nunijup	Mark Bunker
	Bruce Parsons
	Steven Squire
	Lindsay Watterson
Kybellup.....	Simon Hilder
	Russel Hilder
	Kieron Haynes
Gordon.....	Grant Egerton–Warburton
	Alvaro Alvarez De Toledo
	John Egerton–Warburton
Frankland River	Peter Ettridge
	Martin Toovey
	Darcy Clode
Frankland River Town.....	Andrew Murray
	Nathan Waterman
Bokerup / Unicap	Tom Ettridge
	Greg Banks
Fire Weather Advisory Group	David Packard
	Sam Lehmann
	Grant Egerton – Warburton
	Martin Toovey
	Mark Bunker
	Graham Marshall
	Russel Hilder
	Harley Smith
	Tom Ettridge

3. The following officer be appointed as a Clover Burning Officer for 2017/2018:
David Packard; and
4. The names of the Bushfire Control Officers listed above be advertised in the Government Gazette

Carried 7/0

Financial Interest

Cr HC Parsons

Item 10.2.5

Type: Financial Interest pursuant to Section 5.60A Local Government Act 1995

Nature: Vineyard Owner

Indirect Financial Interest

Cr PM Beech

Item 10.2.5

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

Nature: Owner of Bluegum Plantation

Cr Parsons and Cr Beech left the chambers at 3.36pm

10.2.5	FIREBREAK NOTICE 2017/2018 – CHANGE OF RESTRICTED AND PROHIBITED BURNING PERIODS
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Toni Melia – Emergency Services and Recreation Officer
FILE REFERENCE:	BF1 & BF8
APPLICANT:	Shire of Cranbrook - Bushfire Advisory Committee
DATE OF REPORT:	11 April 2017
ATTACHMENTS:	2017/2018 Annual Firebreak Notice

Purpose

The purpose of this report is for the Council to consider the Bushfire Advisory Committee's (BFAC) recommendation to Council regarding proposed changes to the restricted and prohibited burning periods within the Shire of Cranbrook for the 2017/2018 fire season, and to adopt the Annual Firebreak Notice 2017/2018 for publication and distribution to owners and occupiers of land in the Shire.

Background

The distribution of the Annual Firebreak Notice is an opportunity to inform all landowners about their obligation to implement fire prevention and hazard reduction measures throughout the Shire.

The Bush Fire Advisory Committee at its Annual General Meeting held on Monday 27 March 2017 was asked to consider the following Council Recommendation regarding changes to the restricted and prohibited burning periods within the Shire:

“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

The BFAC discussed the Council recommendation above at length and proposed the following alternative recommendation to Council:

“That the following dates be adopted by Council for inclusion in the 2017/2018 Annual Firebreak Notice:

- 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 (Permit Required) – 15 February to 30 April - for all grain crops, and canola stubble/windrows burns. No permits to burn bluegum trash are to be issued during this period until the Shire Chief Executive Officer has been notified that the viticultural grape harvest has been completed; and**
- d. Open Burning Period for all burns (No Permit Required) – 1 May to 30 September”**

Additional changes were made to the following sections of the Annual Firebreak Notice and are highlighted in yellow in the attached notice:

Important Dates

Updated in the dates to remember section and throughout the document as required.

Council Definition of Bluegum Trash

Included in the plantations section of the notice.

Dedicated SMS Number

Information included on the cover page and in general information.

ABC Broadcast Times

Updated in the general information section.

Reports to Shire

Requirements of the landowner if a permitted fire escapes, updated in the general information section.

Brigade Contact Details

Updated phone numbers and roles for some members included in the Fire Control Officers and Brigades list.

The BFAC also made the following recommendation to Council:

“That the 2017/2018 Annual Firebreak Notice, as attached:

- a. Be adopted;**
- b. Be advertised in a newspaper circulating within the district of the Shire of Cranbrook; and**
- c. Be printed and distributed throughout the Shire of Cranbrook.”**

Statutory Environment

The Bushfires Act 1954 is applicable to this report.

Policy Applicable – Implications

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

Financial Implications

The total cost of this item will be approximately \$3,000 for printing of firebreak notices and \$250 advertising costs that can be funded from operating account 051010 (Fire Prevention) in the 2017/2018 financial year.

Risk Implications

The risks associated with matters in this report are:

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

The impact of these risks is Financial, Non-Compliance, Reputational, Property and Environment

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 consideration and discussion at the BFAC and annual review of the Firebreak Notice.

Strategic Community Plan Reference

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

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

Objective 1.4: Create a safe place to live

Strategy 1.4.2: Support strong community interaction with emergency organisations

Consultation

Consultation for this report was undertaken with the Bushfire Advisory Committee at its Annual General Meeting held on 27 March 2017.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

Motion 11042017

Moved Cr Egerton-Warburton, seconded Cr Standish that standing orders be suspended at 3.38pm in order to discuss this item in further detail

Carried 5/0

Motion 12042017

Moved Cr Adams, seconded Cr Bigwood that standing orders be resumed at 3.49pm.

Carried 5/0

BUSHFIRE ADVISORY COMMITTEE RECOMMENDATION/COUNCIL DECISION

Motion 13042017

Moved Cr Bigwood, seconded Cr Standish:

- 1. That the following dates be adopted by Council for inclusion in the 2017/2018 Annual Firebreak Notice:**
 - 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 (Permit Required) – 15 February to 30 April - for all grain crops, and canola stubble/windrows burns. No permits to burn bluegum trash are to be issued during this period until the Shire Chief Executive Officer has been notified that the viticultural grape harvest has been completed; and**
 - d. Open Burning Period for all burns (No Permit Required) – 1 May to 30 September**
- 2. That the 2017/2018 Annual Firebreak Notice, as attached:**
 - a. Be adopted;**
 - b. Be advertised in a newspaper circulating within the district of the Shire of Cranbrook; and**
 - c. Be printed and distributed throughout the Shire of Cranbrook.**

Carried 5/0

Jeff Alderton, Manager of Works left the chambers at 3.51pm

Cr Beech and Cr Parsons re-entered the chambers at 3:51pm

10.3 WORKS

Nil

10.4 ECONOMIC & COMMUNITY

Nil

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

Nil

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

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

There being no further business to discuss, the Deputy Shire President, Cr Egerton-Warburton declared the meeting closed at 3.52pm.