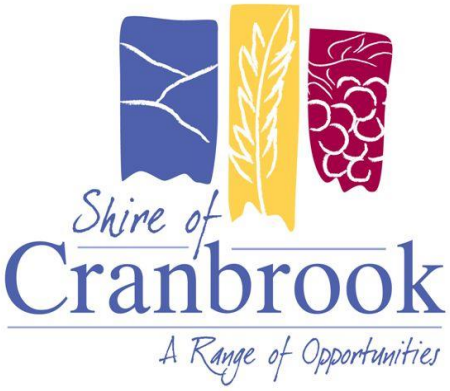
COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

20 September 2017

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Cunningham declared the meeting open at 3.10pm. The 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

President	Cr JT (Twynam) Cunningham
Deputy President	Cr CY (Colin) Egerton-Warburton
Councillors	Cr DJ (David) Adams
	Cr PM (Peter) Beech
	Cr P (Peter) Denton
	Cr HC (Helen) Parsons
	Cr TC (Tom) Standish
	Cr PL (Phil) Horrocks
Chief Executive Officer	Mr PB (Peter) Northover
Manager of Finance & Administration	Mrs PA (Trish) Standish
Manager of Works	Mr JE (Jeff) Alderton
Members of the Public	Nil

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Councillor	Cr ER (Ruth) Bigwood

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

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

Ross Bird
Johnny Parsons
Shirley Smith
Mary Hitchins

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

Nil

7. DISCLOSURE OF INTEREST

Proximity Interest
Cr P Denton
Item 10.1.4
Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995
Nature: Owns business directly opposite the Cranbrook Regional Community Hub

Proximity Interest
Cr P Denton
Item 10.2.1
Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995
Nature: Owns business directly opposite the Cranbrook Regional Community Hub

Impartiality Interest
Cr TC Standish
Item 10.2.2
Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)
Nature: Future use of the daycare facility

Proximity Interest
Cr P Denton
Item 10.2.2
Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995
Nature: Owns business directly opposite the Cranbrook Regional Community Hub

Indirect Financial Interest
Cr P Denton
Item 10.2.7
Type: Indirect Financial Interest pursuant to Section 6.51 of the Local Government Act 1995
Nature: Owner of the Cranbrook Post Office

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 16 AUGUST 2017

Motion 01092017

Moved Cr Parsons, seconded Cr Beech that the minutes from the ordinary meeting of Council held on 16 August 2017, be confirmed as a true and correct record.

Carried 8/0

10. REPORTS OF OFFICERS

10.1 FINANCE & ADMINISTRATION

10.1.1	**2017/2018 BUDGET AMENDMENT**
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	FM6
APPLICANT:	Nil
DATE OF REPORT:	5 September 2017
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider an amendment to the 2017/2018 adopted budget.

Background

At the 19 July 2017 meeting of Council it was resolved that:

"The attached 2017/2018 Annual Budget be adopted."

When the Manager of Finance and Administration returned from Long Service Leave it was found that the budget that was adopted in July had some errors that would require to be rectified. During informal Council discussions it was considered appropriate to present a budget amendment report to Council in September 2017.

Officers Comment

The table below details the accounts that require amendments:

GENERAL LEDGER NUMBER	DESCRIPTION	CURRENT BUDGET AMOUNT	AMENDED BUDGET AMOUNT	COMMENTS
	30/06/2017 Closing Balance	$463,496	$1,137,085	Majority was receipted incorrectly as income in advance
032100	Financial Assistance Grant	$672,108	$340,201	Advance payment received in 16/17
032101	Local Roads Grant	$604,883	$284,349	Advance payment received in 16/17
042107	Paid Parental Leave	$12,107	$5,318	Some PPL received in 16/17, remainder to be received in 17/18
051100	ESL Grant	$56,170	$42,128	Advance payment received in 16/17
143103	Insurance & Licence Plant Reimbursement	$22,000	$28,000	Advised of increased reimbursement
111301	CRCH Lotterywest Funding	$298,795	$228,666	Receipted as income in advance incorrectly
122308	Commodity Route Funding	$374,000	$370,000	Advised of CRF decrease
123301	RSC Funding	$57,348	$0	Income received in 16/17
121203	Roads to Recovery Construction	$627,224	$703,247	Carryover funds not accounted for correctly
121216	Commodity Route Construction	$561,000	$555,000	Advised of CRF decrease
502000	Community Assoc. Loan Payment	$500	$13,000	CB Sporting Club & CB Golf Club Loans not included
305000	Community Assoc. Loan Income	$9,100	$14,600	Not all community assistance loans accounted for

Reserve transfers that require amending are as follows:

RESERVE	CURRENT BUDGET AMOUNT	AMENDED BUDGET AMOUNT	COMMENTS
Transfers To Reserve			
Community Assoc Financial Assistance	$500	$11,000	Incorrect amount included in budget
FR Sporting Facilities	$0	$3,600	Incorrect amount included in budget
Transfers From Reserve			
Leave	$0	$38,000	Incorrect amount included in budget
Community Assoc Financial Assistance	$8,000	$13,000	Incorrect amount included in budget
FR Sporting Facilities	$64,207	$86,600	Incorrect amount included in budget
Rate Discount	$238,822	$143,925	Incorrect amount included in budget

Making the amendments above to the 2017/2018 Budget will result in a $245,787 deficit. Following Council briefing session discussions, it is recommended to make the following additional transfers from reserve accounts in order to achieve a balanced budget.

RESERVE	CURRENT BUDGET AMOUNT	AMENDED BUDGET AMOUNT	COMMENTS
Transfers From Reserve			
WANDRRA	$100,000	$50,000	This is a new reserve created in 2017/2018 to assist with the Shire's contribution in the event of a new WANDRRA claim
Works Depot	$284,513	$88,726	This is a new reserve created in 2017/2018 to assist with funding works depot upgrades in the future

When a reserve account is created it must have a purpose for which the money in the account is set aside. The purpose of each reserve account is clearly identified in the annual budget. There are statutory requirements associated for a proposed change of use of money in a reserve account that includes giving local public notice. This is detailed in the Statutory Environment below.

Statutory Environment

Local Government Act 1995, Part 6 Financial Management, Division 4 General Financial Provisions.

Section 6.8 - 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 —

(a) is incurred in a financial year before the adoption of the annual budget by the local government;

(b) is authorised in advance by resolution*; or

(c) is authorised in advance by the mayor or president in an emergency."

** Absolute majority required.*

(1a) In subsection (1) —

"additional purpose" means a purpose for which no expenditure estimate is included in the local government's annual budget."

Local Government (Financial Management) Regulations 1996 Part 2 General financial management – s. 6.10

Regulation 17. - Reserve accounts, title of etc.

"(1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.

(2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —

(a) in the information required by regulations 27(g) and 38, by its full title; and

(b) otherwise, by its full title or by an abbreviation of that title."

[Regulation 17 amended in Gazette 20 Jun 1997 p. 2839.]

Regulation 18. - When local public notice not required for change of use of money in reserve account (Act s. 6.11(3)(b))

"A local government is not required to give local public notice of a proposed change of use of money in a reserve account —

(a) where the money is to be used to meet expenditure authorised by the mayor or president under section 6.8(1)(c); or

(b) where the total amount to be so used does not exceed $5 000 in a financial year."

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The recommended changes to the 2017/2018 Budget will ensure the budget is once again balanced.

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
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 included the Manager of Finance and Administration acting upon discrepancies immediately, advising Council, discussing the matter with the Department of Local Government, Sport and Cultural Industries as well as the Council's Auditor.

Strategic Community Plan Reference

The annual budget reflects the programs and projects identified in the Corporate Business Plan which in turn reflects the aspirations contained within the Strategic Community Plan.

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

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

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

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

Consultation
Consultation for this report included the Executive Management Team, Council, the Department of Local Government, Sport and Cultural Industries as well as the Council's Auditor

VROC Implications
There are no strategic VROC implications from this report

Voting Requirements
Absolute Majority (Budget Amendment)

OFFICERS RECOMMENDATION/COUNCIL DECISION
Motion 02092017
Moved Cr Egerton-Warburton, seconded Cr Adams that:

1. **Council authorise the following amendments to the 2017/2018 Budget:**

GENERAL LEDGER NUMBER	DESCRIPTION	CURRENT BUDGET AMOUNT	AMENDED BUDGET AMOUNT
	30/06/2017 Closing Balance	$463,496	$1,137,085
032100	Financial Assistance Grant	$672,108	$340,201
032101	Local Roads Grant	$604,883	$284,349
042107	Paid Parental Leave	$12,107	$5,318
051100	ESL Grant	$56,170	$42,128
143103	Insurance & Licence Plant Reimbursement	$22,000	$28,000
111301	CRCH Lotterywest Funding	$298,795	$228,666
122308	Commodity Route Funding	$374,000	$370,000
123301	RSC Funding	$57,348	$0
121203	Roads to Recovery Construction	$627,224	$703,247
121216	Commodity Route Construction	$561,000	$555,000
502000	Community Assoc. Loan Payment	$500	$13,000
305000	Community Assoc. Loan Income	$9,100	$14,600

2. **Council authorise the following amendments to Reserve transfers in the 2017/2018 Budget:**

RESERVE	CURRENT BUDGET AMOUNT	AMENDED BUDGET AMOUNT
Transfers To Reserve		
Community Associations Financial Assistance Reserve	$500	$11,000
Frankland River Sporting Facilities Reserve	$0	$3,600
Transfers From Reserve		
Leave Reserve	$0	$38,000
Community Associations Financial Assistance Reserve	$8,000	$13,000
Frankland River Sporting Facilities Reserve	$64,207	$86,600
Rate Discount Reserve	$238,822	$143,925
WANDRRA Reserve	$100,000	$50,000
Works Depot Reserve	$284,513	$88,726

3. **Council note that the WANDRRA Reserve and the Works Depot Reserve were created in the 2017/2018 financial year with excess funds; and**
4. **Council advertise the proposed withdrawal of $50,000 from the WANDRRA Reserve and $195,787 from the Works Depot Reserve to assist with the changes required to balance the 2017/2018 Budget.**

Carried 8/0
By Absolute Majority

10.1.2	**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:	8 September 2017
ATTACHMENTS:	List of Payments – 9 August 2017 to 8 September 2017

Purpose
The purpose of this report is to advise the Council of payments made during the period 9 August 2017 to 8 September 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 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth
Outcome 4.1: Excellence in governance, compliance, regulation and reporting
Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation
Consultation was not required for this report.

VROC Implications
There are no strategic VROC implications from this report

Voting Requirements
Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION
Motion 03092017
Moved Cr Horrocks, seconded Cr Adams that the payment of accounts totalling $ 582,474.75 as per the attachment be noted:

- **Electronic Funds Transfers EFT 7972 to EFT 8087 - $422,502.46;**
- **Municipal Fund Cheque No's 12031 – 12043 - $31,885.93;**
- **Internal Account Transfers (Payroll) - $104,025.00;**
- **Direct Debit - $24,061.36.**

Carried 8/0

10.1.3	**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:	6 September 2017
ATTACHMENTS:	Financial Statements July 2017 and August 2017

Purpose
The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 August 2017.

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

At the 16 August 2017 meeting of Council it was resolved:

"That:

1. **The attached financial statements for the period ending 31 July 2017 be noted, subject to a thorough review of the 2017/2018 Annual Budget and the 2016/2017 actual figures; and**
2. **The 31 July 2017 financial statements be re-presented to the 20 September 2017 ordinary meeting of Council."**

Officers Comment
As per the resolution above, the 31 July 2017 financial statements have been reviewed. The major change to the statements is the 30 June 2017 closing balance together with a capital revenue amount that was incorrectly receipted as income in advance.

It is important to note that both the July and August financial statements include the amended budget figures as per the recommendation contained in agenda report 10.1.1.

The August financial statements report on 2 months, or 17% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 65% of our expected operating income. This higher percentage is due to the fact that property rates are recognised as revenue when they are raised and not when they are paid;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 12% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of $3,158,270 (surplus), which is mainly made up of cash on hand and rate debtors; and
- The 'Variance Report' on page 9 defines the major variances between budget and actual figures as required by the regulations.

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

Policy Applicable – Implications
Council Policy 4.1 Defining Material Variances, states that:

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

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

Risk Implications
The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Supplier/Contract Management

The **impact** of the risk is Financial, Non-Compliance and Reputational
The **consequences** of these risks are considered to be Major
The **likelihood** is Rare
Hence the **risk rating** for this item is Medium

Risk mitigation includes the Council having strong financial policies and procedures in place and the requirement to report to the Council on a monthly basis.

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

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

> Outcome 4.1: Excellence in governance, compliance, regulation and reporting
> Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation
Consultation was not required for this report.

VROC Implications
There are no strategic VROC implications from this report

Voting Requirements
Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION
Motion 04092017
Moved Cr Parsons, seconded Cr Egerton-Warburton that the attached financial statements for the period ending 31 July 2017 and 31 August 2017 be noted.

Carried 8/0

Proximity Interest

Cr P Denton
Item 10.1.4
Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995
Nature: Owns business directly opposite the Cranbrook Regional Community Hub

Cr Denton left the chambers at 3.24pm

10.1.4	**CRANBROOK REGIONAL COMMUNITY HUB – COMMUNITY GYM FEES**
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	CP145 & FM11
APPLICANT:	N/A
DATE OF REPORT:	4 September 2017
ATTACHMENTS:	Proposed Gym Membership Forms

Purpose

The purpose of this report is for the Council to consider setting fees for the operation of the Mobility and Wellness Centre (Community Gym) located in the Cranbrook Regional Community Hub.

Background

Prior to designing the Hub, Shire staff met with an interested community group to discuss the possibility of incorporating a gym into the proposed re-development. The gym was included in the final design on the understanding that the community group would run and manage the gym facility.

It was only after the design was approved and construction on the Hub re-development had begun that Shire staff were advised that the group was no longer keen to run or manage the gym. By this stage, the Shire had already been advised that funding had been approved for the purchase of all equipment to fitout the mobility and wellness centre in the Hub.

It was decided to continue with the original design and endeavour to create a mobility and wellness centre that catered for all ages and the Shire would take responsibility for the management of the facility.

Officers Comment

Since the Hub has been completed and the official opening and open day was held there has been quite a bit of interest in the Community Gym. The Shire has requested that interested people provide the Shire with their names and contact details.

It is considered most appropriate to have an 'unmanned' gym with 24/7 access to registered gym members. Access will be provided through a 'swipe card' that will be located on the external door to the gym that is on the Gathorne Street side of the Hub.

Shire staff have discussed this matter with the Shire's insurer, LGIS, who has advised that all users will be covered by the Shire's current Public Liability insurance, with no increase to the current premium that is paid, providing that all their risk reduction measures and requirements have been met.

LGIS has provided some templates for use, together with information on the key legal issues and risk reduction measures for the operation of a 24 hour gym facility.

These requirements include:

- General Duty of Care – ensuring that all equipment is in excellent working condition and free from defects;
- Demonstrating that the Shire has introduced **reasonable measures** to prevent the risk of injury occurring by undertaking risk reduction activities, such as:
  - Display 'equipment use' instructions*;*
  - Carry out member inductions including overview of equipment use;
  - Regularly inspect gym premises to identify improvements/observe activities;
  - Implement a regular equipment maintenance programme;
  - Remove any equipment deemed unworkable or unsafe;
  - Put in place an incident/equipment condition/feedback form or log book for patrons;
  - Document a Gym Membership Agreement; or
  - Document a Gym Use Policy*.*
- Documenting 'user' instructions or educating users as to the safe use of fitness equipment should be undertaken by a suitably qualified person.
- Documenting a Gym Membership Agreement that includes:
  - Medical Questionnaire - to identify any pre-existing illness, medical condition, disability, pregnancy or any other condition which may be regarded as serious for which medical treatment may be required;
  - Disclosing and Sharing of Information - privacy, it is good practice and prudent to have a section that covers this;
  - 'Acknowledgement of Risk' and Disclaimer;
  - Gym Participation Policy.

The above information, and more, has been included in the attached document that will be provided to everyone who is interested in becoming a member of the Community Gym. Once enough interest has been received, inductions into the gym will be held by a qualified personal trainer, who will assess each individual and induct them into safe use of all gym equipment. If someone is deemed unfit to become a member and use the equipment unsupervised, then membership will be denied.

In order for Shire staff to advertise membership to the Community Gym, the Council need to decide upon the fees that will be charged together with membership levels. These fees will need to be advertised as part of the list of fees and charges, as per the statutory environment below.

Shire staff have investigated neighbouring gym facilities to ascertain the most appropriate fees to be charged for membership to the Cranbrook Community Gym. The fees and conditions recommended below are in line with other gyms, keeping in mind the facilities and benefits of the various different membership models that are used in other gyms compared to what will be offered in the Cranbrook Community Gym.

Membership Term	Adult	Students/Concession Card Holders	Family
12 months	$200	$120	$500
6 months	$150	$100	$275
3 months	$75	$50	$150
Access Card Deposit	$30		
Access Card Replacement Fee	$30		

- A family membership includes 2 adults and 2 children OR 1 adult and 3 children.
- Concessions are applicable to the holders of a Pension Concession Card, Senior's Concession Card or a Health Care Card only.
- Student members aged 13 – 16 years must be supervised by a parent/guardian who is also a gym member.
- Student members aged 16 years and over are not required to be supervised.
- Gym membership is only available to students 13 years and over. Children under 13 years of age are not eligible for gym membership.
- Gym membership is only available to those who have successfully completed an induction program by the Shire of Cranbrook's nominated personal trainer.

Once adopted the gym fees will become a part of the fees and charges that are included in the annual budget. These fees and charges are reviewed each year and Council adopt them annually.

Statutory Environment
Section 6.19 of the Local Government Act of 1995, states that:
If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

(a) its intention to do so; and
(b) the date from which it is proposed the fees or charges will be imposed

Policy Applicable – Implications
There is no Council policy applicable to this report.

Financial Implications
The cost of advertising the proposed fees as per legislation (see Statutory Environment section above) will be approximately $200. This will be funded by 111015 Cranbrook Regional Community Hub operating expense account.

There will be some expenses for a personal trainer to induct prospective members into the Community Gym. This is being arranged through the Shire of Plantagenet, one of our VROC partners and is in line with the VROC Strategic Plan – staff resource sharing.

There will be some income from the sale of gym memberships.

Risk Implications
The risks associated with matters in this report are:

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

Risk mitigation includes:

- Advertising of impending fees in accordance with legislation;
- Utilising the services of a qualified personal trainer to undertake gym inductions; and
- Ensuring the Shire use the forms and documentation provided by the Shire's insurer.

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

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.1: An engaged, supporting and inclusive community
Strategy 1.1.2: Facilitate, encourage and support community groups, events and initiatives
Strategy 1.1.3: Provide, maintain and improve community facilities within available resources

Outcome 1.3: A healthy place to grow and age
Strategy 1.3.1: Facilitate community health and wellbeing and support provision of services to the community
Strategy 1.3.2: Support a healthy, sporting and active community

Objective 3: Environment - Enhance, maintain, protect and promote our built infrastructure and natural environment

Outcome 3.2: A built infrastructure servicing the needs of the community
Strategy 3.2.1: Maintain and enhance our roads, built infrastructure, parks and reserves

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

Outcome 4.1: Excellence in governance, compliance, regulation and reporting
Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation
Consultation for this report included the Shire's insurer LGIS, various neighbouring Shires, members of the Executive Management Team and Shire staff.

VROC Implications
VROC Vision: *To sustain a collaborative partnership that serves as an exemplar to other Local Government groupings.*

Objectives:
Human Resources
Increase capacity through collaboration.
S1: Share systems and processes between member LGAs
S2: Develop professional specialities for each LGA

Voting Requirements
Absolute Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 05092017

Moved Cr Horrocks, seconded Cr Standish that Council:

1. **Implement the following fees for the 2017/2018 financial year for membership to the Cranbrook Community Gym;**

Membership Term	Adult	Students/Concession Card Holders	Family
12 months	$200	$120	$500
6 months	$150	$100	$275
3 months	$75	$50	$150
Access Card Deposit	$30		
Access Card Replacement Fee	$30		

2. **Advertise the implementation of the above fees as per Section 6.19 of the Local Government Act of 1995.**

Carried 6/1
By Absolute Majority

10.2 GOVERNANCE & EXECUTIVE SERVICES

Proximity Interest
Cr P Denton
Item 10.2.1
Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995
Nature: Owns business directly opposite the Cranbrook Regional Community Hub

Cr Denton remained outside the Chambers.

10.2.1	**CRANBROOK REGIONAL COMMUNITY HUB – MEMORANDUMS OF UNDERSTANDING FOR REGULAR TENANTS**
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	CP145
APPLICANT:	N/A
DATE OF REPORT:	4 September 2017
ATTACHMENTS:	**1. MOU – Cranbrook Art Group** **2. MOU – Cranbrook Seniors Lunch Group** **3. MOU – Cranbrook Knit and Stitch Group** **4. MOU – Home and Community Care (HACC)**

Purpose
The purpose of this report is for the Council to consider the various Memorandums of Understanding (MOUs) for regular tenants of the newly completed Cranbrook Regional Community Hub (the Hub).

Background
Prior to and during construction of the Hub, Shire staff met with various community groups to discuss their requirements to enable them to move into the Hub. Discussions included what each group needed in terms of space required in the Hub, the amount of storage required, type of equipment needed to be purchased as well as the final fitout of rooms.

Officers Comment
The Hub has now been completed and community groups are taking up occupancy. It is prudent that the Council have MOUs with the regular tenants so all involved, both Shire staff and tenants are aware of the responsibilities of each party in order for the Hub to run smoothly. This will also ensure that when there is a turnover of Shire staff or group members, everyone will have an understanding of their responsibilities.

Shire staff have met with representatives from individual groups who will be regular tenants of the Hub, in recent weeks to go through their proposed MOU in detail. All groups are now aware that the attached MOU is being presented to Council for consideration and are happy with the content of the MOU's.

All of the attached MOUs follow the same format, although some reflect minor differences to accommodate various groups' individual requirements.

Statutory Environment
There is no specific legislation applicable to this report.

Policy Applicable – Implications
Council Policy 7.3 Community Facilities - Usage Title, states that:
Council's community facilities are available free of charge to local community groups located in or in support of the Shire of Cranbrook.

Financial Implications
Budget
The 2017/2018 adopted budget includes both an operating expenditure and revenue budget for the Hub.

Long Term
Ongoing Council budget considerations will be required for the operating and maintenance costs for the Hub as well as for revenue received each year.

Whole of Life
The whole of life financial implications including depreciation, maintenance and operating costs for all Council owned public facilities are included in budgets annually.

Risk Implications
The risks associated with matters in this report are:

- Business and Community Disruption
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Inadequate Document Management Processes
- Inadequate Engagement Practices
- Inadequate Asset Sustainability Practices
- Inadequate Safety and Security Practices
- Ineffective Management of Facilities/Venues/Events

The **impact** of the risk is Financial, Service Interruption, 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 having MOU's in place with all regular tenants of the Hub.

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

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.1: An engaged, supporting and inclusive community
Strategy 1.1.1: Welcoming to all residents, celebrating cultural and social diversity
Strategy 1.1.2: Facilitate, encourage and support community groups, events and initiatives
Strategy 1.1.3: Provide, maintain and improve community facilities within available resources

Outcome 1.2: A safe place to live
Strategy 1.2.1: Retain a strong focus on community safety and crime prevention
Strategy 1.2.2: Advocate and actively support emergency management and services

Outcome 1.3: A healthy place to grow and age
Strategy 1.3.1: Facilitate community health and wellbeing and support provision of services to the community
Strategy 1.3.2: Support a healthy, sporting and active community

Outcome 1.4: A place to learn and develop
Strategy 1.4.1: Provide youth and early childhood development opportunities
Strategy 1.4.2: Support current and new technologies and provide opportunities for the community

Objective 3: Environment - Enhance, maintain, protect and promote our built infrastructure and natural environment

Outcome 3.2: A built infrastructure servicing the needs of the community
Strategy 3.2.1: Maintain and enhance our roads, built infrastructure, parks and reserves

Consultation
Consultation for this report included Shire staff and representatives from the Cranbrook Art Group, Cranbrook Seniors Lunch Group, Cranbrook Knit and Stitch Group and Home and Community Care.

VROC Implications
There are no strategic VROC implications from this report.

Voting Requirements
Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION
Motion 06092017
Moved Cr Adams, seconded Cr Standish that:

1. **Council approve the attached Memorandums of Understanding between the:**
   a. **Shire of Cranbrook and Cranbrook Art Group;**
   b. **Shire of Cranbrook and Cranbrook Seniors Lunch Group;**
   c. **Shire of Cranbrook and Cranbrook Knit and Stitch Group; and**
   d. **Shire of Cranbrook and Home and Community Care (HACC);**
2. **The Chief Executive Officer be authorised to execute the said documents.**

Carried 7/0

Impartiality Interest
Cr TC Standish
Item 10.2.2
Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)
Nature: Future use of the daycare facility

Cr Standish declared that he will consider this matter on its merits and vote accordingly.

Proximity Interest
Cr P Denton
Item 10.2.2
Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995
Nature: Owns business directly opposite the Cranbrook Regional Community Hub

Cr Denton remained outside the Chambers.

10.2.2	**CRANBROOK REGIONAL COMMUNITY HUB - LEASE FOR THE PURPOSE OF DAY CARE**
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	CP145 & CS205
APPLICANT:	Mary Gillam
DATE OF REPORT:	4 September 2017
ATTACHMENTS:	Proposed Lease Document

Purpose
The purpose of this report is to consider a proposed lease for the Cranbrook Regional Community Hub Daycare facility.

Background
Mrs Mary Gillam currently operates Mare Bear's Daycare from the Cranbrook Community Centre building in Grenfell Street.

Prior to and during construction of the Hub, Shire staff met with Mrs Gillam on numerous occasions to discuss requirements to enable the daycare to move into the Hub upon completion. Discussions included what was needed in terms of space required in the Hub, the amount of storage required, type of equipment needed to be purchased as well as the final fitout of rooms.

Mrs Gillam currently has her business licensed through Wanslea as a family daycare and must adhere to the strict requirements regarding daycare facilities. Wanslea ensures compliance, training and professional development is provided to the day care operator.

Officers Comment
The Hub has now been completed and community groups are taking up occupancy. Mrs Gillam has indicated that she is unable to have two licensed premises at the same time, therefore she would like to move the daycare into the Hub during the September 2017 school holidays in order to be open in the new facility for the beginning of Term four (4) this year.

Shire staff have met with Mrs Gillam recently to go through the proposed lease in detail. Mrs Gillam is aware that the attached lease document is being presented to Council for consideration and she is happy with the content of the lease.

It is important to note that the market value of the daycare facility has been valued at $7,000; however the proposed lease document indicates that the facility will be leased to Mrs Gillam for $1,700 per annum for a period of five (5) years.

The applicant, Mrs Gillam currently pays $1,525 per annum for the existing premises and has indicated that her expenses have recently increased and to pay any more for the lease will make her business unviable.

The continuation of day care services provides an invaluable service to the Cranbrook community, allowing greater participation in the workforce and participation in other community activities. In addition, this is an opportunity to assist with the continuation of another small business in the Shire of Cranbrook.

Statutory Environment
Section 3.58 of the Local Government Act of 1995, states that:

"(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
Financial implications for this report include advertising the proposed lease together with the operating expenses of the daycare facility, eg electricity and water. The proposed income from the lease will be $1,700.

Risk Implications
The risks associated with matters in this report are:

- Business and Community Disruption
- External Theft and Fraud
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Asset Sustainability Practices
- Ineffective Management of Facilities/Venues/Events

The **impact** of the risk is Service Interruption, Reputational and Property
The **consequences** of these risks are considered to be Minor
The **likelihood** is Unlikely

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

Risk mitigation includes ensuring the proposed day care operator is qualified and a member of an approved service provider, like Wanslea, together with having a current lease in place.

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

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities
Outcome 1.1: An engaged, supporting and inclusive community
Strategy 1.1.3: Provide, maintain and improve community facilities within available resources

Outcome 1.4: A place to learn and develop
Strategy 1.4.1: Provide youth and early childhood development opportunities

Objective 2: Economic – To be an innovative, diverse, prosperous and growing economy
Outcome 2.1: A diverse, prosperous economy
Strategy 2.1.1: Support local business and promote further investment in the district, including opportunities for industry growth and development

Objective 3: Environment - Enhance, maintain, protect and promote our built infrastructure and natural environment
Outcome 3.2: A built infrastructure servicing the needs of the community
Strategy 3.2.1: Maintain and enhance our roads, built infrastructure, parks and reserves

Consultation
Consultation has included Shire staff and Mrs Mary Gillam. There will also be consultation undertaken in the form of advertising the proposed lease as detailed under Statutory Environment.

VROC Implications
There are no strategic VROC implications from this report.

Voting Requirements
Simple Majority

Motion 07092017
Moved Cr Adams, seconded Cr Parsons that standing orders be suspended at 3.28pm in order to discuss this item in further detail.

Carried 7/0

Motion 08092017
Moved Cr Parsons, seconded Cr Adams that standing orders be resumed at 3:42pm

Carried 7/0

OFFICERS RECOMMENDATION

That:

1. **The intent to lease the Cranbrook Regional Community Hub Daycare to Mrs Mary Gillam for a period of five (5) years, with the rental being $1,700 per annum, be advertised as per section 3.58 of the Local Government Act; and**
2. **If no submissions are received, the Chief Executive Officer be authorised to execute the attached lease document for the purpose of operating a day care centre from the Cranbrook Regional Community Hub Daycare facility.**

COUNCIL DECISION

Motion 09092017

Moved Cr Parsons, seconded Cr Adams that:

1. **The intent to lease the Cranbrook Regional Community Hub Daycare to Mrs Mary Gillam for a period of three (3) years, subject to a review after 12 months to determine the service demand, with the rental being $1,700 per annum, be advertised as per section 3.58 of the Local Government Act; and**
2. **If no submissions are received, the Chief Executive Officer be authorised to execute the attached lease document for the purpose of operating a day care centre from the Cranbrook Regional Community Hub Daycare facility.**

Carried 7/0

Reason for Change

Council felt that a review of the demand for the Daycare was warranted after 12 months.

Cr Denton re-entered the chambers at 3.44pm

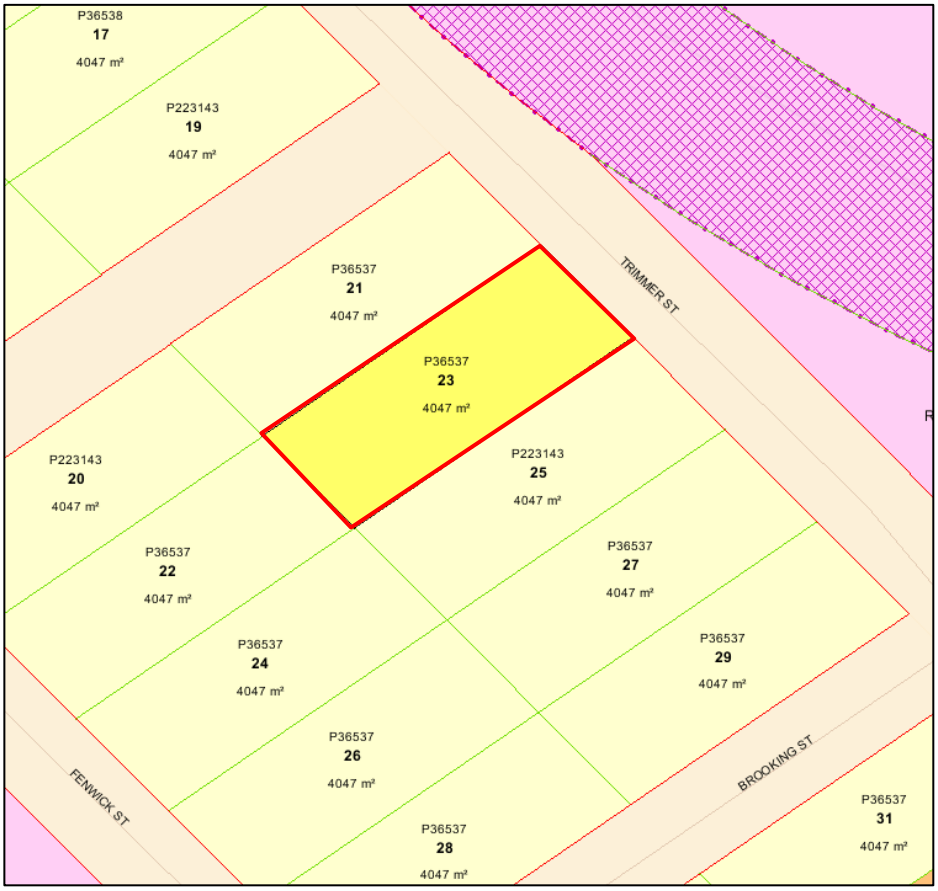
10.2.3	**PLANNING APPLICATION – RETROSPECTIVE PLANNING APPROVAL FOR TWO EXISTING OUTBUILDINGS – LOT 23 (No 43) TRIMMER STREET, TENTERDEN**
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Town Planning Innovations
FILE REFERENCE:	A1014
APPLICANT:	Gregory Ederveen
DATE OF REPORT:	7 September 2017
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider an application seeking retrospective planning approval for two existing outbuildings on Lot 23 (No 43) Trimmer Street, Tenterden.

Background

The lot is zoned 'Residential' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme') and has a density code of R2.5. It has been developed with two outbuildings.



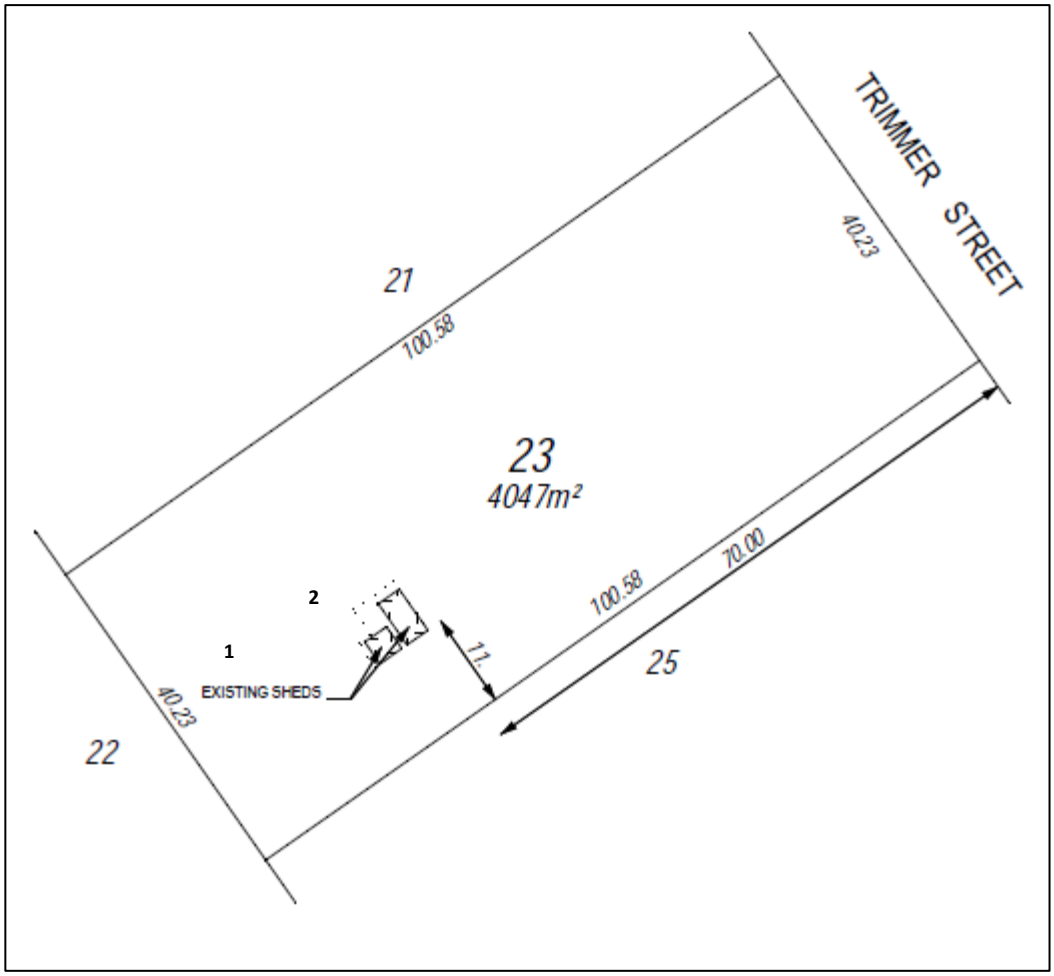
Officers Comment

Description of Application

The application seeks approval for two existing outbuildings as follows:

- Outbuilding 1 has a floor area of 9.4m^2.
- Outbuilding 2 has a floor area of 16.9m^2.

A site plan is included below for ease of reference.



Requirement for Planning Approval

The outbuildings require planning approval because they are not ancillary to an existing house. Outbuildings in the residential zone are only exempt from the need for planning approval where they are ancillary development, and comply with all aspects of the Residential Design Codes.

Building Setbacks

The outbuildings comply with the minimum setbacks required under the Residential Design Codes for an R2.5 density, being 15m front, 7.5m rear and 1m side.

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 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:	**Consultant Officer Comment**
(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,	Complies. 26.3m^2 proposed.

whichever is the lesser	
(iv) do not exceed a wall height of 2.4 metres	Complies. Wall heights of 1.91m and 1.95m are proposed.
(v) do not exceed a ridge height of 4.2 metres	Complies. The roof heights are 2.145m and 2.25m.
(vi) are not within the primary street setback area;	Complies.
vi) do not reduce the open space required in table 1; and	Complies. There is still adequate site open space as per table 1 of the Codes.
vii) comply with the siting and design requirements for the dwelling, but do not need to meet the rear setbacks requirements of table 1.	Complies.

The outbuildings comply with the Residential Design Codes.

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).

Under SPP3.7 all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment.

All of Lot 23 is within a designated bushfire prone area however a BAL has not been lodged with the application.

It is recommended 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.

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 Town Planning Innovations 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.

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.

Policy Applicable – Implications
There is no Council policy applicable to this report.

Financial Implications
The Shire pays consultancy fees to Liz Bushby - Town Planning Innovations for planning advice.

Risk Implications
The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance
The **consequences** of these risks are considered to be Minor
The **likelihood** is Unlikely
Hence the **risk rating** for this item is Low

Risk mitigation includes seeking professional planning advice

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

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth
Outcome 4.1: Excellence in governance, compliance, regulation and reporting
Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation
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 10092017
Moved Cr Adams, seconded Cr Egerton-Wartburton 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 outbuildings on Lot 23 (No 43) Trimmer Street, Tenterden, as the development is exempted from a BAL under the *Building Regulations 2012.***
2. **Grant retrospective planning approval for the existing outbuildings on Lot 23 (No 43) Trimmer Street, Tenterden subject to the following conditions and footnote advice notes:**
   a. **The plans lodged with this application dated 3 August 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.**

FOOTNOTE ADVICE:

(i) The applicant and owner is advised that this is only a planning consent. A separate building permit is required.

(ii) The subject lot is located in a bushfire prone area. Mapping showing the bushfire areas is available for viewing on the Department of Fire and Emergency Services website – www.dfes.wa.gov.au

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

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

Carried 8/0

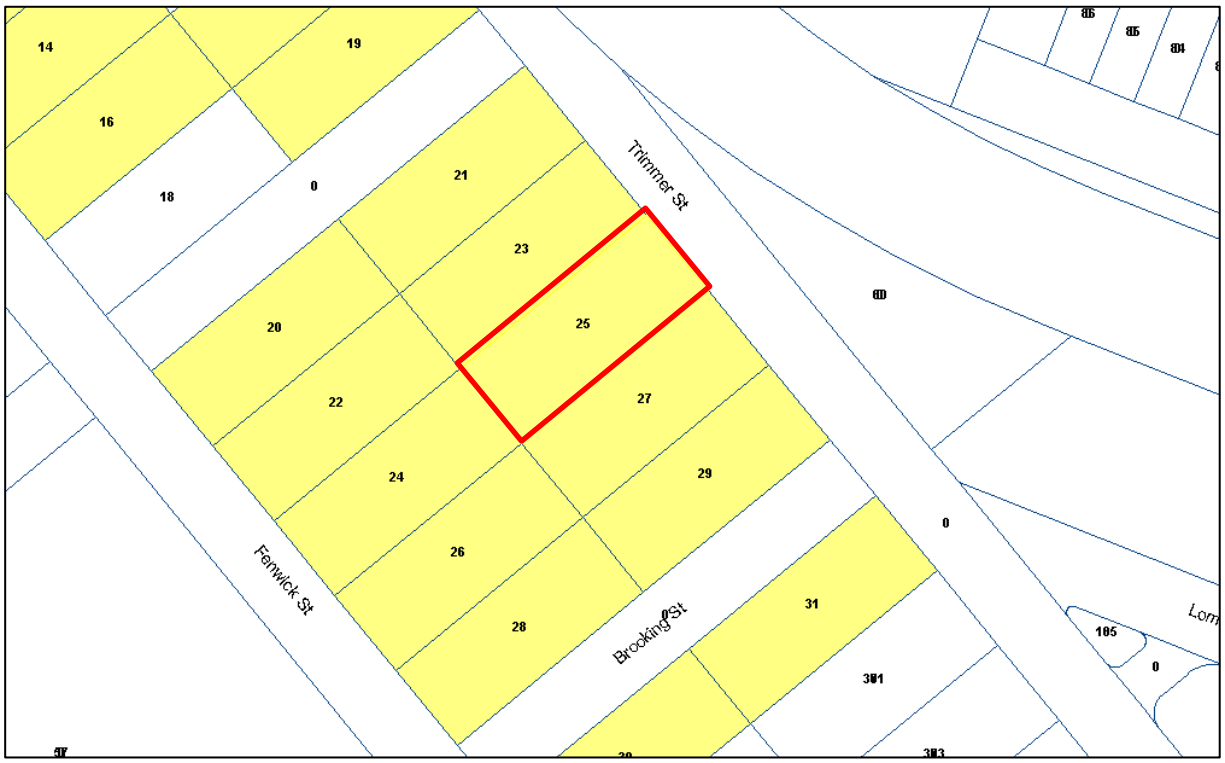
10.2.4	**PLANNING APPLICATION – SEA CONTAINER TO BE USED AS AN OUTBUILDING – LOT 25 (No 95) TRIMMER STREET, TENTERDEN**
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Town Planning Innovations
FILE REFERENCE:	A9617
APPLICANT:	Lara McCarthy
DATE OF REPORT:	8 September 2017
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider an application seeking planning approval to utilise a sea container as an outbuilding on Lot 25 (No 95) Trimmer Street, Tenterden.

Background

The lot is zoned 'Residential' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme') and has a density code of R2.5. It is vacant land.



Officers Comment

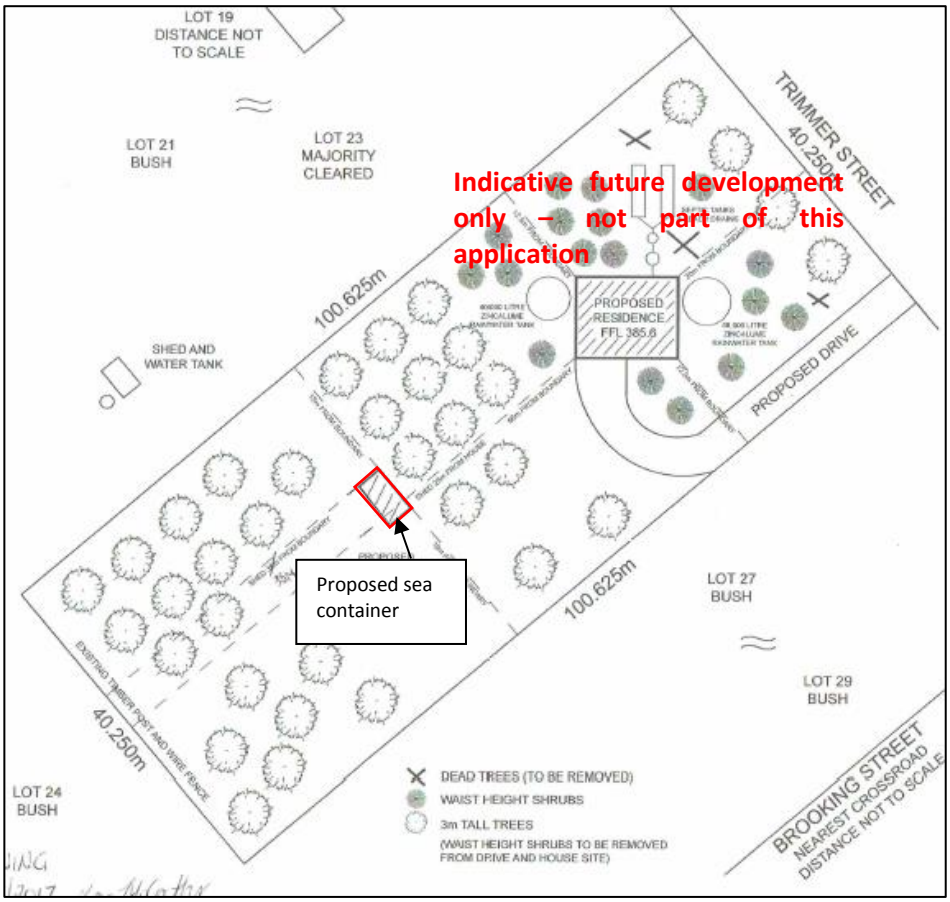
Description of Application

The application seeks approval to place a second hand sea container on the rear portion of the lot to be used for future storage of building materials.

The applicant advises she plans to build a new dwelling on the lot in the next 3 years and the sea container will be removed after the dwelling is constructed. The applicant proposes to replace the sea container with a purpose built shed in the longer term.

The applicant has shown the proposed future house location on the site plan to demonstrate that the sea container will not constrain the lots ability to be developed with a future dwelling. There is no current approval for a dwelling.

A site plan is included below for ease of reference.



The sea container will measure 6.05 metres in length, 2.44 metres in width and 2.59 metres in height.

The applicant has provided a photograph of the sea conatiner as follows:

Requirement for Planning Approval

The sea container (proposed as an outbuilding) requires planning approval because it is not ancillary to an existing house, and it is a transported building in a town site.

Building Setbacks

The proposed location of the sea container complies with the minimum setbacks required under the Residential Design Codes for an R2.5 density, being 15m front, 7.5m rear and 1m side.

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 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 overpage.

Clause 5.4.3 C3 'deemed to comply' criteria / Outbuildings that:	**Consultant Officer Comment**
(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	Complies. 14.76m^2 proposed.
(iv) do not exceed a wall height of 2.4 metres	Variation. Wall height of 2.59 metres proposed.
(v) do not exceed a ridge height of 4.2 metres	Complies. The roof height is 2.59 metres.
(vi) are not within the primary street setback area;	Complies.
vi) do not reduce the open space required in table 1; and	Complies. There is still adequate site open space as per table 1 of the Codes.
vii) comply with the siting and design requirements for the dwelling, but do not need to meet the rear setbacks requirements of table 1.	Complies.

The outbuilding complies with the Residential Design Codes with the exception that a wall height variation is proposed. As the application proposes a variation to the 'Deemed to Comply' requirements 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*".

At an officer level, it is considered that the outbuilding complies with the abovementioned Design Principle as it is proposed to the rear of the lot, is setback over 15 metres from neighbours, and will partially screened by existing vegetation.

The sea container will not be visible from the street due to existing vegetation, therefore will have no impact on streetscape – refer photograph below.

View from Trimmer Street

The applicant has advised the sea container is a temporary storage proposal and will be removed once a new dwelling is constructed. Accordingly it is recommended that a temporary planning approval be granted with a 3 year limitation.

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).

Under SPP3.7 all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment.

All of Lot 25 is within a designated bushfire prone area however a BAL has not been lodged with the application.

It is recommended 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.

The proposed structure is temporary and will be removed within 3 years.

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 Town Planning Innovations 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 – Clause 5.9 outlines that a transported building in a town site requires planning approval, matters for Council consideration such as amenity and whether the building is in a satisfactory condition, and that upgrading of a transported building can be required.

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.

Policy Applicable – Implications
There is no Council policy applicable to this report.

Financial Implications
The Shire pays consultancy fees to Liz Bushby (Town Planning Innovations) for planning advice.

Risk Implications
The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance
The **consequences** of these risks are considered to be Minor
The **likelihood** is Unlikely
Hence the **risk rating** for this item is Low

Risk mitigation includes seeking professional planning advice

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

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth
Outcome 4.1: Excellence in governance, compliance, regulation and reporting
Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation
Temporary approval is proposed and no consultation has occurred with adjacent landowners. Council has discretion to defer determination of the application to allow for neighbour consultation if concerned that the outbuilding may negatively impact on amenity.

VROC Implications
There are no strategic VROC implications from this report

Voting Requirements
Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 11092017

Moved Cr Standish, seconded Cr Beech 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 a sea container to be used an outbuilding on Lot 25 (No 95) Trimmer Street, Tenterden, as the development is exempted from a BAL under the *Building Regulations 2012* and is proposed to be a temporary structure.**
2. **Grant temporary planning approval for the sea container (outbuilding) on Lot 25 (No 95) Trimmer Street, Tenterden subject to the following conditions and footnote advice notes:**
   a. **The plans lodged with this application dated 24 August 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. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.**
   c. **This approval is valid for a maximum of three years from the date of this planning consent. The approval shall expire and be of no further effect after the three year period.**
   d. **The sea container shall be removed from the lot within 3 years from the date of this planning consent.**

FOOTNOTE ADVICE:

(i) The applicant and owner is advised that this is only a planning consent. 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. Please be advised that any future application for a dwelling will need to be accompanied by a Bushfire Attack Level assessment prepared by a suitably qualified fire consultant.

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

Carried 8/0

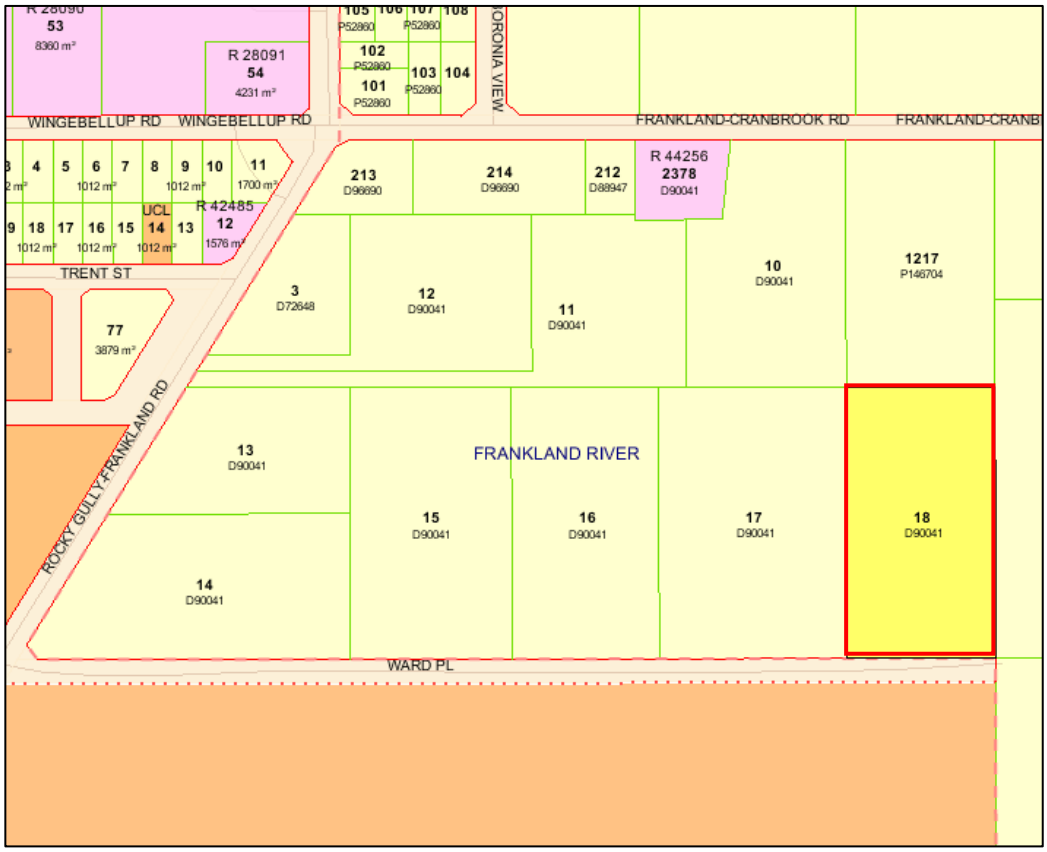
10.2.5	**PLANNING APPLICATION – PROPOSED SINGLE HOUSE / TRANSPORTED BUILDING – LOT 18 (No 53) WARD PLACE, FRANKLAND RIVER**
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Town Planning Innovations
FILE REFERENCE:	A1104
APPLICANT:	Iain Williams
DATE OF REPORT:	8 September 2017
ATTACHMENTS:	Engineers Report

Purpose

The purpose of this report is for the Council to consider a planning application proposing to use a transported building as a single house on Lot 18 (No 53) Ward Place, Frankland River.

Background

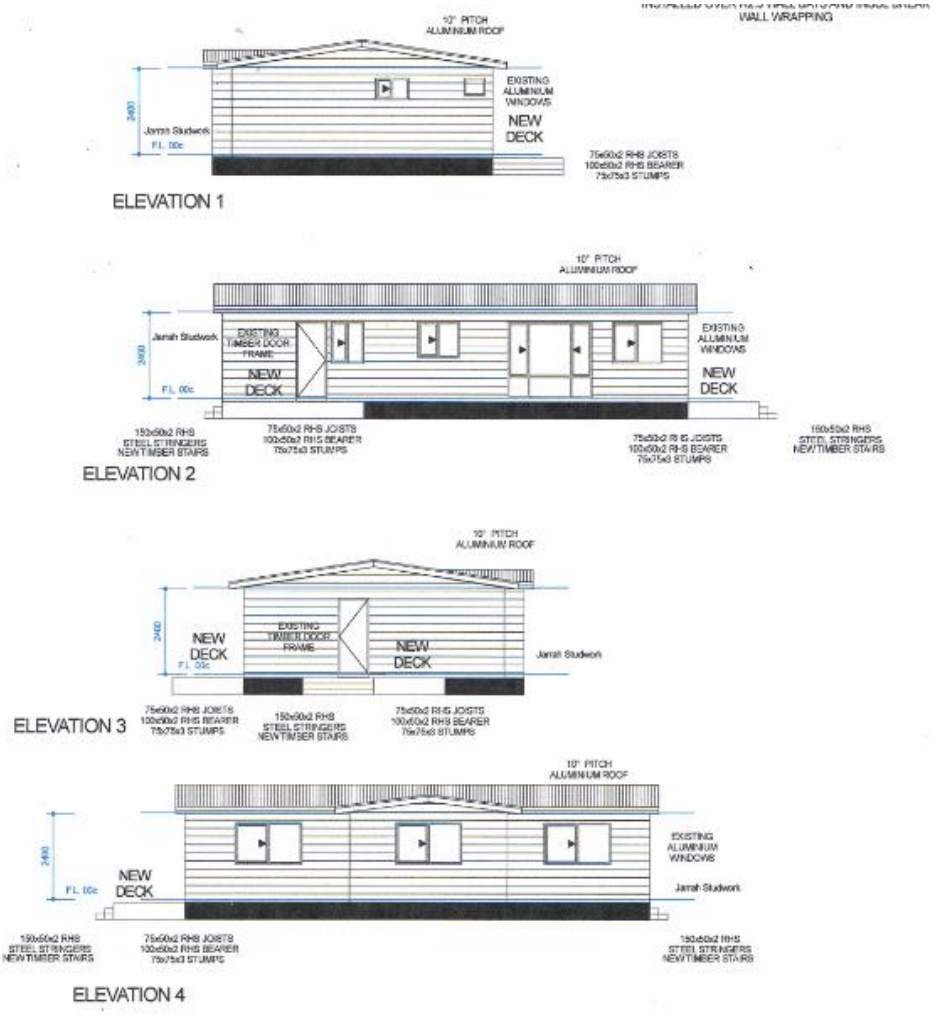
The lot is zoned 'Rural Residential' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme'). The lot has an approximate area of 2.2 hectares and contains an existing outbuilding.



Officers Comment

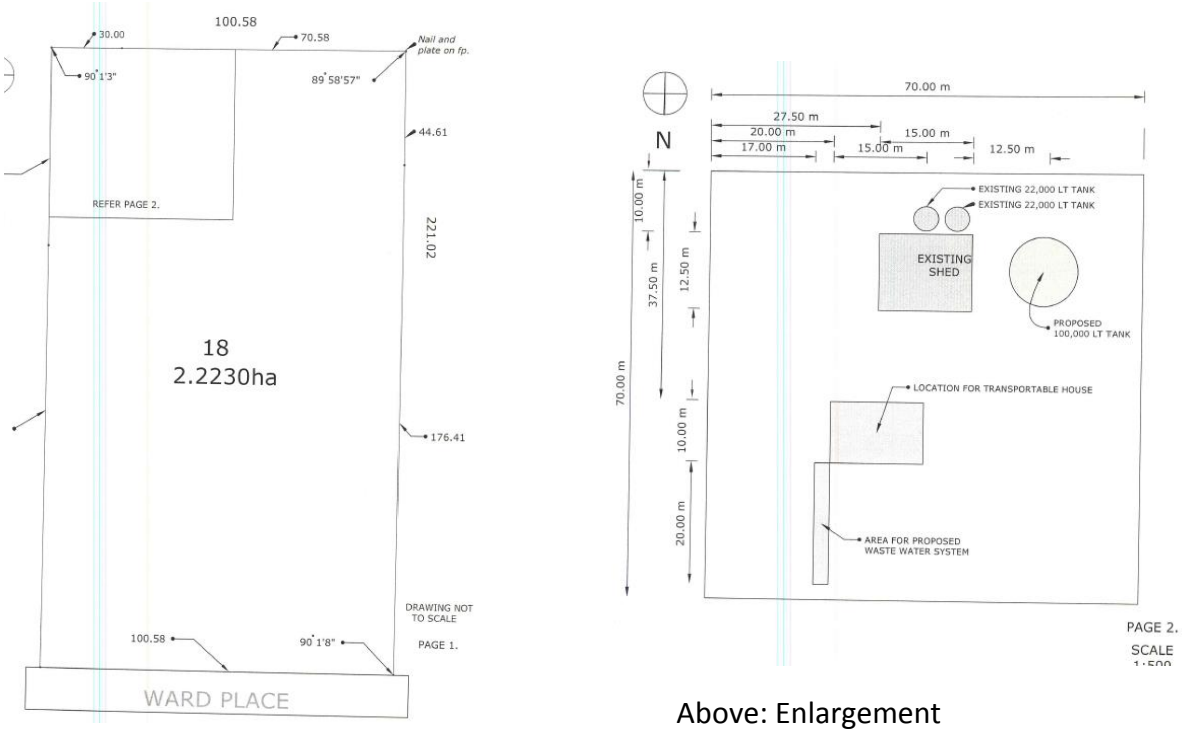
Description of Application

The application proposes to utilise a second hand transported building as a dwelling. All existing asbestos will be removed prior to transportation. The applicant proposes substantial upgrading including external recladding with woodgrain hardiplank and new decks – refer elevations over page.



The dwelling has been inspected by an engineer who confirms that the building is structurally adequate, suitable for transportation and appears in good condition, refer to the attachment

The transported building / dwelling will be located in the north west rear portion of the lot.



Above: Enlargement

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 development 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

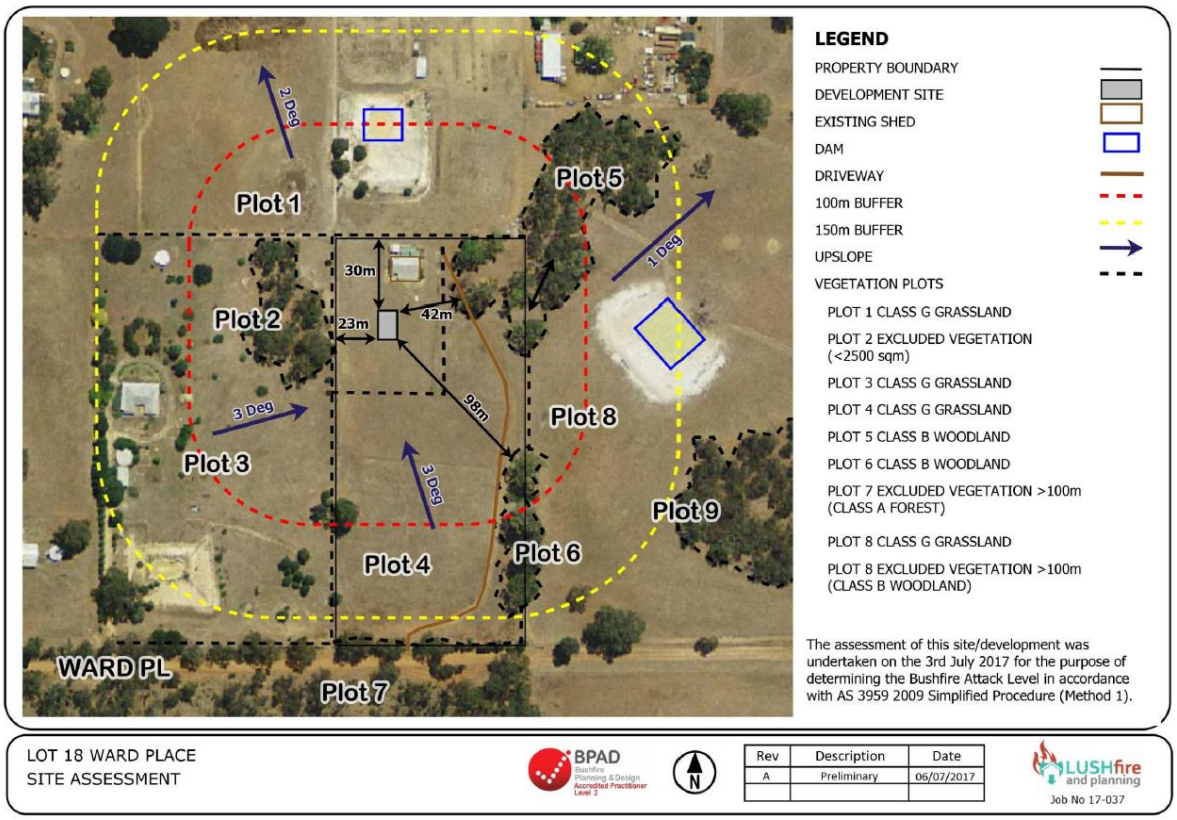
Under the 'deemed provisions' of the Planning and Development (Local Planning Schemes) Regulations 2015 Council is to have 'due regard' to any state planning policy. This essentially means Council has an obligation to give proper, genuine and realistic consideration to the requirements of 'State Planning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

All of Lot 18 is within the declared bushfire prone area (pink area) – refer plan overpage.

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.

The applicant has lodged a BAL assessment carried out by a suitably qualified fire consultant. It assesses factors such as slope, types of vegetation and distances between the dwelling and vegetation.



The assessment identifies that a Bushfire Attack Level rating of BAL 12.5. The BAL rating determines construction standards that need to be met as part of the separate Building Permit process.

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 –

Clause 5.9 outlines that a transported building in a town site requires planning approval, matters for Council consideration such as amenity and whether the building is in a satisfactory condition, and that upgrading of a transported building can be required.

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.

Policy Applicable – Implications
There is no Council policy applicable to this report.

Financial Implications
The Shire pays consultancy fees to Liz Bushby (Town Planning Innovations) for planning advice.

Risk Implications
The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance
The **consequences** of these risks are considered to be Minor
The **likelihood** is Unlikely
Hence the **risk rating** for this item is Low

Risk mitigation includes seeking professional planning advice

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

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth
Outcome 4.1: Excellence in governance, compliance, regulation and reporting
Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation
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 12092017

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

1. **Approve the application lodged by Iain Williams for a transported building / single dwelling on Lot 18 (No 53) Ward Place, Frankland River subject to the following conditions and footnote advice notes:**
   a. **The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
   b. **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. **All asbestos shall be removed from the dwelling prior to relocation.**
   d. **The dwelling shall be re-clad with hardiplank prior to occupation of the development and placement of the dwelling onto the lot.**
   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:

(i) The applicant and owner is advised that this is only a planning consent and is not authorisation to commence any construction works. A separate building permit is required prior to commencement of development.

The dwelling will need to comply with higher construction standards due to the BAL 12.5 rating as part of the separate building permit process.

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

Carried 8/0

10.2.6	**LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) DRAFT MINUTES – 8 AUGUST 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:	12 September 2017
ATTACHMENTS:	Draft 8 August 2017 Minutes – Local Emergency Management Committee

Purpose
The purpose of this report is for the Council to consider the draft minutes of the 8 August 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 8 August 2017 LEMC meeting are attached and with no recommendations to Council. A recommendation was made from agenda item 4.3 GIVIT at the LEMC meeting, however this was addressed at the Council meeting held on 16 August 2017.

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 2017-2027 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 13092017
Moved Cr Beech, seconded Cr Adams that the attached draft minutes of the 8 August 2017 Local Emergency Management Committee meeting be received by Council.

Carried 8/0

Indirect Financial Interest

Cr P Denton

Item 10.2.7

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

Nature: Owner of the Cranbrook Post Office

Cr Denton left the chambers at 3.59pm

10.2.7	**PLANNING APPLICATION – RETROSPECTIVE PLANNING APPROVAL – PROPOSED VERANDAH – LOT 5 (NO 24) NUNIJUP ROAD TENTERDEN**
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Town Planning Innovations
FILE REFERENCE:	A1372
APPLICANT:	Bills of Tenterden
DATE OF REPORT:	13 September 2017
ATTACHMENTS:	Nil

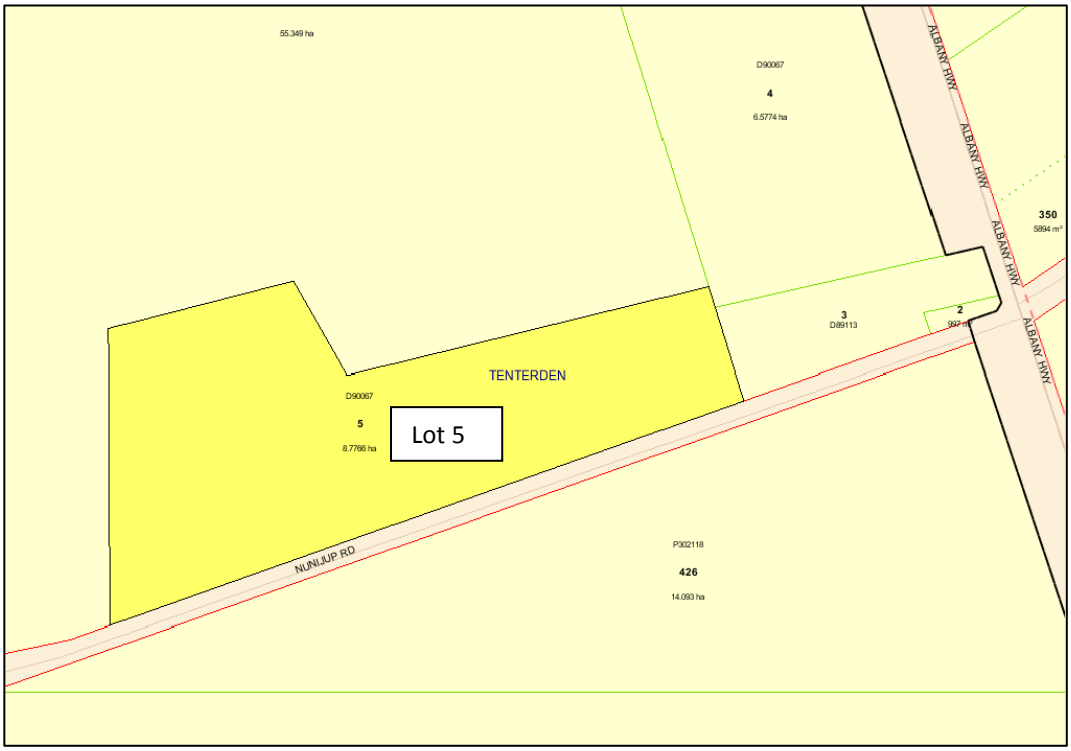
Purpose

The purpose of this report is for the Council to consider a new planning application seeking retrospective planning approval for a verandah and deck structure on Lot 5 (No 24) Nunijup Road, Tenterden

Background

Location Plan

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



Location Plan

Zoning

Lot 5 is zoned 'Industrial' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

The objectives of the Industrial zone are:

- To provide for the needs of industry to support the community.
- To provide appropriate buffers between industry and adjacent land uses, to avoid land use conflicts.
- To avoid non-industry related uses establishing in the industrial areas that may constrain industrial activities.

History

Formal planning approval for a showroom, 'receipt and storage of freight parcels and (goods receival facility) and a service industry was issued by the Shire on the 18 December 2015.

Approval to operate an office / post office has also been allowed through a decision of the State Administrative Tribunal (SAT) issued by an order dated the 20 February 2017.

Officers Comment

An application has been lodged seeking retrospective planning approval for a verandah and deck that has been partially constructed.

The applicant has advised that:

- The verandah is on the south side of the shop and it is needed to protect the main door and mailboxes from the weather and dust.
- The veranda will be approximately 20 metres long and no more than 4 metres wide.
- The approximate height of the building is 3 metres and the approximate height of the veranda post will be 2.4 metres.
- A steel and zincalume roof is proposed. Pending approval a more detailed plan will be lodged.

The proposed verandah is ancillary development, will provide protection to customers and staff attending the site, will not adversely impact on carparking or traffic movements, and is generally supported.

Statutory Environment
Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme') – explained in the body of this report.

The development complies with the minimum setbacks under the Scheme for Industrial zoned land being 7.5 metres front/rear and 5 metres 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
The Shire pays consultancy fees to Liz Bushby - Town Planning Innovations for planning advice.

Risk Implications
The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is Non-Compliance
The **consequences** of these risks are considered to be Minor
The **likelihood** is Unlikely
Hence the **risk rating** for this item is Low

Risk mitigation includes seeking professional planning advice

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

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth
Outcome 4.1: Excellence in governance, compliance, regulation and reporting
Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation
Consultation was not required for this report.

VROC Implications
There are no strategic VROC implications from this report

Voting Requirements
Simple Majority

Motion 14092017
Moved Cr Adams, seconded Cr Egerton-Warburton that standing orders be suspended at 3.59pm in order to discuss this item in further detail.

Carried 7/0

Motion 15092017
Moved Cr Parsons, seconded Cr Horrocks that standing orders be resumed at 4.08pm.

Carried 7/0

OFFICERS RECOMMENDATION/COUNCIL DECISION
Motion 16092017
Moved Cr Horrocks, seconded Cr Standish that Council:

1. **Approve the application retrospectively for a verandah on Lot 5 Nunijup Road, Tenterden subject to the following conditions and footnotes:**
   a. **The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans.**
   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 unless otherwise approved in writing by the Chief Executive Officer.**

Footnote:
(i) Planning consent is not an approval for construction. A building permit must be obtained for all work.

Carried 6/1

Cr Denton re-entered the chambers at 4.10pm

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 Shire President, Cr Cunningham declared the meeting closed at 4.11pm.