

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

15 November 2017

ATTENTION/DISCLAIMER

These minutes will be confirmed at the next Ordinary Council Meeting. The minutes should be read to ascertain the decision of the Council.

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Cranbrook for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Cranbrook disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Cranbrook during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Cranbrook.

The Shire of Cranbrook advises that anyone who has any application lodged with the Shire of Cranbrook must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Cranbrook in respect of the application.

The Shire of Cranbrook advises that any plans or documents contained within these minutes may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	4
2.	ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	4
2.1	ATTENDANCE	4
2.2	APOLOGIES.....	4
2.3	APPROVED LEAVE OF ABSENCE	4
3.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
4.	PUBLIC QUESTION TIME	4
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	4
4.2	PUBLIC QUESTIONS	4
5.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....	5
6.	APPLICATIONS FOR LEAVE OF ABSENCE.....	5
7.	DISCLOSURE OF INTEREST	5
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED	5
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	5
9.1	ORDINARY MEETING – 18 OCTOBER 2017.....	5
9.2	SPECIAL MEETING – 24 OCTOBER 2017	5
10.	REPORTS OF OFFICERS	6
10.1	FINANCE & ADMINISTRATION.....	6
10.1.1	LIST OF PAYMENTS.....	6
10.1.2	MONTHLY FINANCIAL STATEMENTS	8
10.2	GOVERNANCE & EXECUTIVE SERVICES	10
10.2.1	TOWN PLANNING SCHEME - PROPOSED AMENDMENT NO 6 TO THE SHIRE OF CRANBROOK TOWN PLANNING SCHEME NO 4.....	10
10.2.2	BUSHFIRE ADVISORY COMMITTEE DRAFT MINUTES 9 OCTOBER 2017.....	18
10.2.3	CRANBROOK REGIONAL MOTOCROSS FACILITY STAGE ONE – TENDERS – SCRUTINEERING & FIRST AID AND COVERED START	20
10.3	WORKS	25
10.4	ECONOMIC & COMMUNITY	25
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	25
12.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING .	25
12.1	COUNCIL MEETING – DECEMBER 2017 – CHANGE OF DATE	25
13.	MATTERS BEHIND CLOSED DOORS.....	27
14.	CLOSURE OF MEETING	27

AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Egerton-Warburton declared the meeting open at 3.16pm. 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 CY (Colin) Egerton-Warburton
Deputy President	Cr PL (Philip) Horrocks
Councillors	Cr DJ (David) Adams Cr PM (Peter) Beech Cr ER (Ruth) Bigwood Cr P (Peter) Denton Cr PW (Peter) Slater Cr DS (David) Carey Cr VN (Vanessa) Fiegert
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 0

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Nil

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The 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:

Mick Jones
Bluey Dorman

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 01112017

Moved Cr Denton, seconded Cr Bigwood that Cr Horrocks be granted a leave of absence for the 18 December 2017 ordinary meeting of Council.

Carried 9/0

7. DISCLOSURE OF INTEREST

Proximity Interest

Cr PM Beech

Item 10.2.1

Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995

Nature: Owner of adjoining land

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 18 OCTOBER 2017

Motion 02112017

Moved Cr Beech, seconded Cr Adams that the minutes from the ordinary meeting of Council held on 18 October 2017, be confirmed as a true and correct record.

Carried 9/0

9.2 SPECIAL MEETING – 24 OCTOBER 2017

Motion 03112017

Moved Cr Denton, seconded Cr Bigwood that the minutes from the special meeting of Council held on 24 October 2017, be confirmed as a true and correct record.

Carried 9/0

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 Admin Officer

FILE REFERENCE: FM2

APPLICANT: N/A

DATE OF REPORT: 3 November 2017

ATTACHMENTS: List of Payments – 1 October 2017 to 31 October 2017

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 October 2017 to 31 October 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 04112017

Moved Cr Horrocks, seconded Cr Adams that the payment of accounts totalling \$486,546.41 as per the attachment be noted:

- **Electronic Funds Transfers EFT8149 to EFT8217 - \$339,037.11;**
- **Municipal Fund Cheque No's 12048 – 12053 - \$15,020.25;**
- **Internal Account Transfers (Payroll) - \$106,049.35; and**
- **Direct Debit - \$26,439.70;**

Carried 9/0

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:	2 November 2017
ATTACHMENTS:	Financial Statements October 2017

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 October 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 October financial statements report on 4 months, or 33% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 70% 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 37% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$2,353,047 (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 05112017

Moved Cr Bigwood, seconded Cr Slater that the attached financial statements for the period ending 31 October 2017 be noted.

Carried 9/0

10.2 GOVERNANCE & EXECUTIVE SERVICES

Proximity Interest

Cr PM Beech

Item 10.2.1

Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995

Nature: Owner of adjoining land

Cr Beech left the chambers at 3:27pm

10.2.1 TOWN PLANNING SCHEME - PROPOSED AMENDMENT NO 6 TO THE SHIRE OF CRANBROOK TOWN PLANNING SCHEME NO 4

RESPONSIBLE OFFICER: Peter Northover, Chief Executive Officer

REPORT AUTHOR: Liz Bushby, Town Planning Innovations

FILE REFERENCE: FM205

APPLICANT: Ex-Urban Rural and Regional Planning

DATE OF REPORT: 3 November 2017

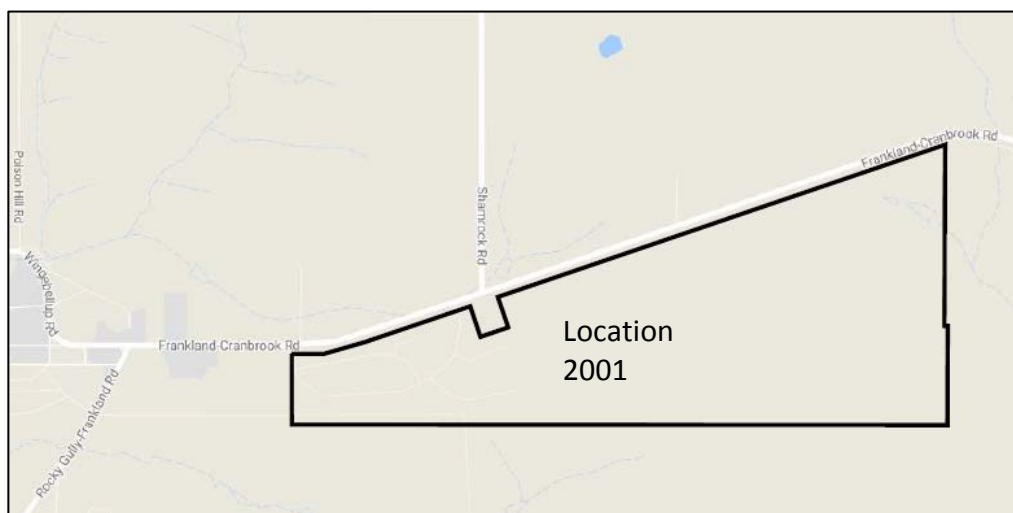
ATTACHMENTS: Scheme Amendment Document

Purpose

The purpose of this report is for the Council to consider an application for a scheme amendment to provide flexibility for future extensive agriculture on the common property of a strata in Frankland River.

Background

The scheme amendment relates to Location 2001 Frankland Cranbrook Road to the east of Frankland River town site.



Location plan Source: Ex-Urban Rural and Regional Planning

There is a strata plan applicable to Location 2001 which delineates 71 strata lots for the western portion, and common property over the eastern portion – refer plan overpage.



Strata plan super-imposed onto aerial Source: Ex-Urban Rural and Regional Planning

The common property has been developed with a tree plantation.

The land is zoned 'Special Use' under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme). Special Use zones are used to facilitate land uses that do not fit comfortably under any other zone and also enable specific conditions to be imposed for the special use.

Specific conditions apply to the special use zone under a schedule of the Scheme, and currently the permissible land uses are limited to '*grouped dwellings, home occupation, and ancillary rural use of a strata for residential purposes (excluding keeping pigs or commercial rural activity)*'.

The use of the common property is currently restricted to 'plantation' under the Scheme.

Officers Comment

Description of Scheme Amendment

Once the plantation is harvested, the strata owners would like to use the common property for the raising of stock and / or crops (ie extensive agricultural purposes).

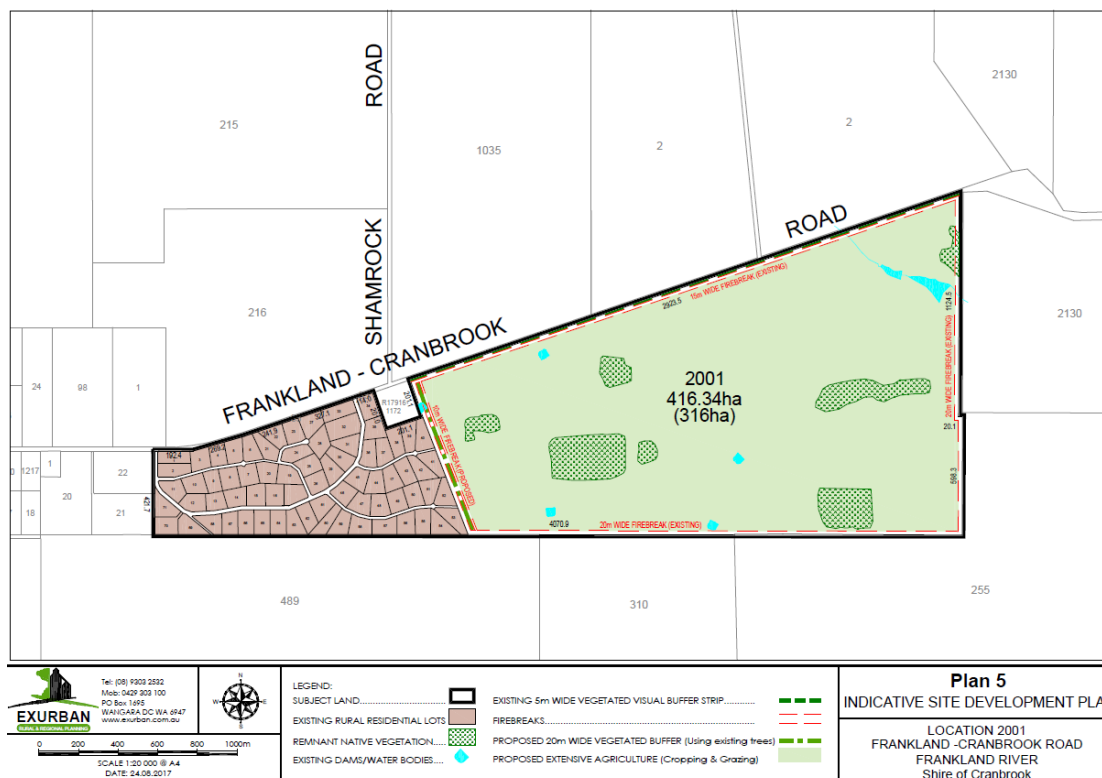
The Scheme Amendment simply seeks to delete reference to the 'plantation' allowable for the common property and replace it with 'agriculture - extensive'.

The land use of 'agriculture-extensive' is defined in the Scheme as '*means premises used for the raising of stock or crops but does not include agriculture-intensive or animal husbandry-intensive*'.

Supporting information

The applicant has prepared a comprehensive scheme amendment document demonstrating compliance with relevant state planning policies and providing justification for the amendment – as attached

In support of the amendment the applicant has lodged an indicative site development plan illustrating the location and extent of the proposed extensive agricultural use.



Under the terms of this plan the following is proposed:

- Retention of all existing stands of native vegetation for conservation purposes;
- Retention of the existing five (5) metre wide vegetated visual buffer strip along the land's frontage to Frankland-Cranbrook Road;
- Retention of all existing firebreaks along the boundaries of the common property area;
- Creation of a new fifty (50) metre wide buffer between that portion of the common property area proposed to be used for extensive agricultural purposes and the existing residential strata lots. The proposed buffer will comprise an existing 20 metre wide firebreak along the western boundary of the common property area, a new twenty (20) metre wide vegetated buffer strip comprising existing Tasmanian Blue Gum trees to be retained and a new 10 metre wide firebreak on the eastern side of the vegetated buffer strip; and
- Development and use of the majority balance portion of the common property area for extensive agricultural purposes.

It should be noted that the indicative development plan has no statutory weight, however there are conditions for the Special Use zone under the existing scheme which requires:

- (a) A 5 metre wide vegetative visual buffer strip along the Frankland-Cranbrook Road frontage; and
- (b) Areas of remnant vegetation shown on the strata plan to be retained.

The proposed scheme amendment is supported as it will provide flexibility for future development of the common property once the plantation is harvested.

Recommended Modifications

It is recommended that some additional modifications be required as detailed below:

Proposal	Recommended modified wording	Reason
SPECIAL USE: (2) Common property Agriculture – extensive	SPECIAL USE: (2) Common property Agriculture – Extensive (excluding the keeping of pigs and poultry)	The Shire has previously had legal advice confirming that agriculture-extensive also allows for free range pigs and poultry (with low stocking rates). The keeping of pigs and poultry may be less appropriate in this location due to the proximity of the strata lots to the common property.
New modification recommended:		
The existing Special Use zone allows for ‘home occupations’.	It is recommended that the existing land use definition for ‘home occupation’ in the Scheme be deleted, and replaced with the revised ‘home occupation’ land use definition contained in the Model Scheme Text of the Planning and Development (Local Planning Schemes) Regulations 2015.	The definition for home occupation contained in the Model Scheme Text is more modern and allows for retail internet sales. The definition update will provide increased flexibility for potential home occupations as an employment source within the strata, and for the wider community.
New modification recommended:		
The existing Special Uses listed are very restrictive.	It is recommended that the following be included as Special Uses under (1) Strata Lots: (iv) Ancillary outbuildings subject to the approval of the local government. (v) Incidental development and infrastructure as approved or endorsed by the local government.	The minor text modification makes it clear that the Shire can approve ancillary development such as outbuildings and incidental development.

Types of amendments

Under the Planning and Development (Local Planning Schemes) Regulations 2015 there are three different categories of scheme amendments including basic, standard and complex.

The process for each type of amendment is slightly different. The main difference is the advertising requirements.

The Shire is required to determine which category applies to the scheme amendment. Both the applicant and Town Planning Innovations agree that it is a ‘standard’ amendment.

Planning for Bushfire Protection

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).

Whilst a Bushfire Management Plan can be required to support scheme amendments, in this case a Bushfire Management Plan was previously prepared prior to the approval of the strata.

Planning Bulletin No 111/2016 released by the Western Australian Planning Commission (WAPC) 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.*'

The proposed scheme amendment will not facilitate any intensification of land-use and consequently there is no increase in the threat of bushfire to people, property and infrastructure. Hence, supporting this scheme amendment without requiring further consideration of the bushfire risk is not contrary to the intent or the main objective of SPP 3.7.

It could be argued that removal of the plantation and replacement with extensive agriculture will actually decrease the bushfire risk associated with vegetation in the common property.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 3 – explained in the body of this report.

Copies of the existing special use conditions applicable to Location 2001 are available to Councillors on request.

Planning and Development (Local Planning Schemes) Regulations 2015 outlines the statutory Scheme amendment process which is summarised below:

- i. Council resolution to adopt the amendment (for the purpose of initiating advertising).
- ii. Scheme amendment documents to be signed by the Chief Executive Officer and Shire President.
- iii. Referral of amendment to the Environmental Protection Authority (EPA). Once EPA has confirmed no environmental assessment is required advertising can commence.
- iv. Advertising of the amendment for no less than 42 days.
- v. Report item to Council to consider whether to adopt the amendment (with or without modifications). Council has to consider each submission lodged during public advertising.
- vi. Documents to be signed by the Chief Executive Officer and Shire President. Documents also to be stamped with the Shire seal.
- vii. Formal lodgement of scheme amendment to the Western Australian Planning Commission seeking final approval by the Minister for Planning.
- viii. Formal approval by the Minister for Planning (with or without modifications).
- ix. Publication of the Ministers decision in the Government Gazette, and notification to any person or agency that lodged a submission.

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 (TPI) to provide planning advice. Fees for advertising of the scheme amendment will apply.

The strata owners are required to pay a scheme amendment fee which will result in partial cost recovery.

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 the use of professional planning services. TPI guarantees that the Shire meets statutory obligations in processing the scheme amendment.

Strategic Community Plan Reference

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

The scheme amendment has to be advertised for a minimum of 42 days. Advertising cannot commence until the amendment is first referred to the Environmental Protection Authority (EPA) and the EPA confirms in writing that no environmental assessment is required.

The advertising time will be extended if it includes the Christmas / New Year period.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

Motion 06112017

Moved Cr Denton, seconded Cr Bigwood that standing orders be suspended at 3.29pm in order to discuss this item in further detail.

Carried 9/0

Motion 07112017

Moved Cr Bigwood, seconded Cr Denton that standing orders be resumed at 3:31pm.

Carried 9/0

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 08112017

Moved Cr Adams, seconded Cr Carey that Council:

1. Pursuant to Section 75 of the Planning and Development Act 2005, resolve to prepare or adopt Amendment No 6 to the Shire of Cranbrook Town Planning Scheme No. 4 by modifying Special Use No. 4 in Schedule 4 of the Scheme Text as it applies specifically to a portion of Hay Location 2001 Frankland-Cranbrook Road, Frankland River as follows:
 - a. Inserting the following under Clause '(1) Strata Lots' under the schedule heading 'Special Use' as follows:
 - (iv) Ancillary outbuildings subject to the approval of the local government.

- (v) Incidental development and infrastructure as approved by the local government.'
- b. Deleting the use class 'Plantation' in clause '(2) Common Property' under the schedule heading 'Special Use' and inserting the use class 'Agriculture-Extensive (excluding the keeping of pigs and poultry)';
- c. Deleting the existing land use definition for 'home occupation' in 'SCHEDULE 1 – DICTIONARY OF DEFINED WORDS AND EXPRESSIONS' under '2. Land use definitions' which states as follows:

"home occupation" means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 square metres;
- (d) does not display a sign exceeding 0.2 square metres;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone;

And inserting as follows:

"home occupation" means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that –

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done by means of the Internet; and
- (f) does not –
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

- 2. Resolve that the Amendment is 'standard' under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):
 - the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and

- the amendment does not result in any significant environmental, social, economic or governance impacts in the scheme area.
- 3. Authorise the Chief Executive Officer and Shire President to execute the Scheme Amendment documents.
- 4. Pursuant to Section 81 of the Planning and Development Act 2005 authorise Liz Bushby of Town Planning Innovations to refer Amendment No. 6 to the Environmental Protection Authority (EPA) on behalf of the Shire.
- 5. Pursuant to Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 resolve to advertise Amendment No. 6 as a 'standard' amendment for a period not less than 42 days.
- 6. Note that formal advertising will not commence until the EPA has confirmed in writing that no environmental assessment is required.
- 7. Authorise the Chief Executive Officer to advertise the amendment following advice from the EPA. Advertising to include the following:
 - A Notice on the Shire's Public Noticeboard;
 - Newspaper advertising
 - Letters to relevant service authorities and government agencies.
 - Letters to nearby and adjacent landowners.
- 8. Note that the advertising time will be extended if it includes the Christmas / New Year period.
- 9. Authorise the Chief Executive Officer to advise Ex-Urban Rural and Regional Planning (the applicant) of the Council resolution and request that 4 revised hardcopies be submitted to the Shires consultant (Town Planning Innovations).

Carried 8/0

Cr Beech re-entered the chambers at 3.32pm

10.2.2	BUSHFIRE ADVISORY COMMITTEE DRAFT MINUTES 9 OCTOBER 2017
RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Toni Melia – Emergency Services and Recreation Officer
FILE REFERENCE:	BF1
APPLICANT:	N/A
DATE OF REPORT:	8 November 2017
ATTACHMENTS:	Draft Bushfire Advisory Committee Minutes

Purpose

The purpose of this report is to present to Council the minutes of the 9 October 2017 Bushfire Advisory Committee (BFAC) Meeting for consideration.

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.

Officers Comment

The committee meets biannually in March/April and September/October and consists of representatives from each of the 12 local brigades, the Chief Bushfire Control Officer, two Deputy Chief Bushfire Control Officers, the Base Radio Operator and a nominated Shire Councillor. Representatives from the Shire of Cranbrook and the Department of Fire and Emergency Services (DFES) Area Manager also attend the meetings as observers and administration support.

At the 9 October 2017 BFAC meeting outcomes from the most recent Great Southern District Operations Advisory Group (DOAC) were discussed, DFES updates were provided and discussions about local brigade matters were raised.

General business was discussed as per the attached minutes. No recommendations from the BFAC were forthcoming to Council.

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 are Non-Compliance

The consequences of these risks are considered to be Insignificant

The likelihood is Unlikely

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

Risk mitigation includes the existence of an effective BFAC and Emergency Services and Recreation Officer support role.

Strategic Community Plan Reference

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

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

Outcome 1.2: A safe place to live

Strategy 1.2.2: Advocate and actively support emergency management and services

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 09112017

Moved Cr Adams, seconded Cr Bigwood that the attached minutes from the 9 October 2017 Bushfire Advisory Committee meeting be noted.

Carried 9/0

10.2.3	CRANBROOK REGIONAL MOTOCROSS FACILITY STAGE ONE – TENDERS – SCRUTINEERING & FIRST AID AND COVERED START
RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	R52284
APPLICANT:	N/A
DATE OF REPORT:	8 November 2017
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider the tenders received for the construction of the Scrutineering and First Aid Building and Covered Start Area at the Cranbrook Regional Motocross Facility.

Background

At the 17 May 2017 meeting of Council it was resolved:

“That Council:

- 1. Authorise the Chief Executive Officer to sign the planning application form for the proposed motocross and ancillary development on Reserve 52284.**
- 2. Approve the application lodged by the Shire of Cranbrook on behalf of the Cranbrook Districts Motorcycle Club for a motocross track and ancillary development on Reserve 52284 subject to the following conditions and advice notes:**

Conditions:

- (i) The applicant to lodge a detailed site plan showing the location of ancillary development (scrutineer/first aid area and a covered start area) for separate written approval of the Chief Executive Officer prior to the issue of a Building Permit. In the event that any amenities need to be included (to comply with the Health (Public Building) Regulations 1992) they may be approved as part of the detailed plan stage as ancillary development.**
- (ii) All development to be generally in accordance with the approved plans to the satisfaction of the Chief Executive officer.**

Advice Notes:

- (a) This is a planning consent only for the motocross track and ancillary development including parking areas, scrutineer/first aid area, a covered start area, and supporting water supply in the form of dams, a standpipe and water tanks. This is not an approval for any future stages of development such as a clubroom, camping areas etc**
- (b) A separate Building Permit needs to be obtained prior to placement of any building on the reserve. Separate approval is also required under the Health (Public Building) Regulations 1992.**
- (c) It is noted that the applicant is liaising with the Department of Environment and Regulation (DER) in regards to future clearing of the reserve.”**

The Cranbrook District Motorcycle Club Steering Committee has been actively progressing the design, planning and construction of the Cranbrook Regional Motocross Facility for some months now.

Stage one of the facility includes, track construction (foundations), scrutineering and first aid facility, toilet, water sources, starting area, fencing and access road. The Shire was successful

with a grant application through the Great Southern Development Commission's Regional Grants Scheme to the value of \$200,000 to assist with funding some of stage one.

The funding agreement states the \$200,000 is for the construction of a Scrutineering and First Aid Building and Covered Start Area and the final acquittal of this project is due 1 June 2018.

The track construction (foundations) and fencing have been completed by the Cranbrook Districts Motorcycle Club to the value of approximately \$66,000. The Shire is nearing completion of the access road which will cost approximately \$38,000.

In addition to the access road, the Shire have spent approximately \$43,500 on the flora survey, contour survey, boundary fencing, 3D imaging, soil testing, clearing permit, black cockatoo habitat survey and architect costs to date.

A water grant was applied for to construct dams, install tanks, a generator and irrigation for the track, however this was unsuccessful due to the change to the recent Royalties for Regions grant funding through the Department of Water. Grant funding will be applied for again for this portion of the project if and when it becomes available.

Stages two and three of the project will include

- Construction of a clubhouse and scorers house;
- Storage;
- Developing additional water sources across the site;
- Track enhancements to create a track accredited for national events;
- Establishing the camping facilities;
- Car parks and internal tracks;
- External lighting; and
- Fencing the perimeter of the track.

Officers Comment

As the total anticipated cost of construction of both the Scrutineering and First Aid Building and Covered Start Area was in excess of \$150,000 which is the current Local Government tender threshold, individual tenders were called for both items. The tender document stated that if a company chose to tender for both and were successful, the tenderer was to indicate if a discount would be offered.

At the close of tenders the following tenders were received:

CB Motocross	Covered Start	Scrutineering & First Aid	Total
	Exclusive of GST		
Smith Constructions	\$77,670.00	\$195,580.00	\$273,250.00
Discount if constructing both	\$24,200.00		
	\$249,050.00		
Auspan Pty Ltd	\$98,847.00	\$207,546.00	\$306,393.00
Discount if constructing both	\$1,850.00		
	\$304,543.00		
Orixon Pty Ltd	\$99,882.52	\$264,652.72	\$364,535.24
Discount if constructing both	\$29,090.90		
	\$335,444.34		

Roberts Gardiner Architects have reviewed the tenders received and have confirmed they are all conforming tenders and have recommended that the tender from Smith Constructions be accepted. In response to Roberts Gardiner Architects telephone discussions with Smith Constructions, they have reviewed their current workload and confirm their opinion that Smith Constructions have sufficient resources available to complete the works within the specified timeframe. They also confirm Smith Constructions have successfully completed numerous construction projects in the Great Southern Region & Southwest Region and they are assessed as suitable to undertake the works associated with this tender.

It should be noted that whilst the \$200,000 funding from GSDC is for both the Scrutineering and First Aid Building and Covered Start Area, the tenders received are in excess of this amount.

Shire staff met with Cranbrook Districts Motorcycle Club committee members to advise them of the shortfall in funding. Their preference is to construct the Scrutineering and First Aid Building only as the committee is reluctant to borrow funds at this stage.

Taking all of the above into consideration, it is believed that the Council have various options; some of which are:

Option 1

1. Accept the tender from Smith Constructions for the construction of the Scrutineering and First Aid Building alone at the tendered price of \$195,580.00 exclusive of GST; and
2. Request a variation to the GSDC funding agreement to exclude the covered start area.

Option 2

1. Accept the tender from Smith Constructions for the construction of the Scrutineering and First Aid Building and Covered Start Area together at the discounted tendered price of \$249,050.00 exclusive of GST; and
2. Fund the \$49,050 that is over and above the funded amount through a reserve transfer.

Option 3

Accept no tenders.

Statutory Environment

The Local Government Act 1996 and Local Government (Functions and General) Regulations legislate the tendering process for purchases generally greater than \$150,000 and therefore apply to the construction of the Frederick Square Pavilion.

Regulation 20 (1), variation of requirements before entry into contract, states:

“If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.”

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

Budget

The 2017/2018 adopted budget includes the \$200,000 grant funding and \$200,000 construction expense. If the Council choose to fund any of this project a budget amendment will be required.

Whole of Life

The whole of life financial implications including depreciation, maintenance and operating costs will be the responsibility of the Cranbrook Districts Motorcycle Club.

Risk Implications

The risks associated with matters in this report are:

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

The **impact** of the risk is Financial

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

The **likelihood** is Unlikely

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

Risk mitigation includes:

- Accepting a tendered price that is within budget;
- Utilising a well regarded construction company; and
- Utilising the services of a qualified contract project manager.

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 1.3: A healthy place to grow and age

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

Consultation

Consultation for this report included Cranbrook Districts Motorcycle Club, Roberts Gardiner Architects and Great Southern Development Commission.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 10112017

Moved Cr Horrocks, seconded Cr Slater that Council:

- 1. Accept the tender from Smith Constructions for construction of the Cranbrook Regional Motocross Facility Scrutineering and First Aid Building at the tendered price of \$195,580.00 exclusive of GST; and**
- 2. Request a variation to the Regional Grants Scheme Grant Agreement Cranbrook Regional Motocross Facility – Stage One, from the Great Southern Development Commission, to exclude the covered start area.**

Carried 9/0

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

Motion 11112017

Moved Cr Denton, seconded Cr Beech that Item 12.1 Council Meeting – December 217 – Change of Date be discussed now.

Carried 9/0

12.1 COUNCIL MEETING – DECEMBER 2017 – CHANGE OF DATE

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer

REPORT AUTHOR: Kellie Evans – Personal Assistant to Chief Executive Officer

FILE REFERENCE: GO26

APPLICANT: N/A

DATE OF REPORT: 6 November 2017

ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider a change of date for the December 2017 Ordinary Meeting of Council.

Background

Nil

Officers Comment

Council Policy 1.1 – Meetings of Council states that all Council meetings will be held at 3pm on the third Wednesday of each month (excluding January).

The December 2017 Ordinary Meeting of Council is scheduled to be held at 3:00pm on Wednesday 20 December 2017 in Cranbrook, however due to the closure of the administration office for the Christmas and New Year Break, there will not be enough time to finalise the minutes for Council and distribute related correspondence. It is proposed to alter the date to Monday 18 December 2017 starting at 3:00pm.

Statutory Environment

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

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

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and

- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

Policy Applicable – Implications

Council Policy 1.1 – Meetings of Council relates to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Rare

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

Risk mitigation includes ensuring the date, venue and time of all Ordinary Meetings of Council are advertised

Strategic Community Plan Reference

The 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 12112017

Moved Cr Adams, seconded Cr Carey that the Ordinary Council Meeting of Wednesday 20 December 2017 be changed to Monday 18 December 2017 starting at 3:00pm.

Carried 9/0

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Egerton-Warburton declared the meeting closed at 3.44pm.