

COUNCIL MEETING

AGENDA



For the Ordinary Meeting of Council to be held on

20 June 2018

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 20 June 2018 at the Cranbrook Council Chambers commencing at 3.00pm.

Peter Northover
Chief Executive Officer

DISCLAIMER

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

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AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

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

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

Nil

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

There will be a presentation by the Gillamii Centre

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. DISCLOSURE OF INTEREST

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 16 MAY 2018

That the minutes from the ordinary meeting of Council held on 16 May 2018, be confirmed as a true and correct record.

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: 8 June 2018

ATTACHMENTS: List of Payments – 1 May 2018 to 31 May 2018

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 May 2018 to 31 May 2018.

Background

Nil

Officers Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulation 13 states:

13. List of accounts

(1) If the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer is to be prepared each month showing for each account paid since the last such list was prepared:

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

Policy Applicable – Implications

Council Policy 4.8 – 'Purchasing', states that:

"The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:

- a) The payee's name*
- b) The amount of the payment*
- c) The date of the payment*
- d) Sufficient information to identify the transaction.*

The list referred to above is to be presented to the Council at each ordinary meeting of the Council and is to be recorded in the minutes of the meeting at which it is presented.

It is considered appropriate to delegate this authority to the Chief Executive Officer as the payment of accounts is the final process after debts have been incurred through other processes and systems in place."

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is Rare

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

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

Strategic Community Plan Reference

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

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

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

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

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the payment of accounts totalling \$961,531.42 as per the attachment be noted:

- **Electronic Funds Transfers EFT8701 to EFT8806 - \$824,885.17;**
- **Municipal Fund Cheque No's 12098 – 12106 - \$14,747.32;**
- **Internal Account Transfers (Payroll) - \$98,936.18; and**
- **Direct Debit - \$22,962.75;**

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:	5 June 2018
ATTACHMENTS:	Financial Statements for May 2018

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 May 2018.

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 May financial statements report on 11 months, or 92% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 91% of our expected operating income;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 72% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$2,015,955 (surplus), which is mainly made up of cash on hand; 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

That the attached financial statements for the period ending 31 May 2018 be noted.

10.1.3 RESERVE ACCOUNTS - REVIEW

RESPONSIBLE OFFICER: Trish Standish – Manager of Finance and Administration
REPORT AUTHOR: Trish Standish – Manager of Finance and Administration
FILE REFERENCE: FM3
APPLICANT: N/A
DATE OF REPORT: 22 May 2018
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider a review of the Shire’s reserve accounts.

Background

Council currently has sixteen (16) reserves that have been set aside for the following purposes:

Reserve Name	Current Purpose of Reserve
Leave Reserve	To be used to fund long service leave, paid parental leave scheme or annual leave requirements
Plant Replacement Reserve	To be used for the replacement of major plant and equipment
Building Asset Management Reserve	To be used to fund major asset maintenance requirements on Council owned public buildings
Community Associations Financial Assistance Reserve	To be used in the provision of interest free loans to community organisations
Office and Sundry Equipment Reserve	To be used for the acquisition or replacements of office equipment, furniture and major software/hardware
Waste and Water Management Reserve	To be used for funding the establishment and/or improvements of waste and water sites
Acquisition and Development of Land Reserve	To be used for the acquisition and development of land
Frankland River Sporting Facilities Reserve	To be used for the upgrading of sporting facilities in Frankland River
Housing Reserve	To be used for funding the building of new and major maintenance of Council housing
Community Bus Reserve	To be used for the purchase of future community buses
Asset Replacement Fund - Frankland River Bowling Green	To be used for the replacement of the synthetic bowling green at Frankland River
Asset Replacement Fund - Cranbrook Bowling Green	To be used for the replacement of the synthetic bowling green at Cranbrook
Rate Discount Reserve	To be used for assisting to fund improvements to existing and new community facilities
Strategic Community Plan Projects Reserve	To be used for assisting to fund projects identified in the Strategic Community Plan
WANDRRA Reserve	To be used towards the Shire's contribution in the event of a WANDRRA claim
Works Depot Reserve	To be used for assisting to fund works depot upgrades

Officers Comment

During a recent draft budget workshop, discussions were held regarding the purpose of each of the Shire’s reserve accounts and the need for the purpose to be clear and precise. There is a legislative requirement that the utilisation of funds from any reserve must be for the purpose that the reserve is set aside for.

It is imperative that the purpose of each reserve is correctly defined in order to ensure that there can be no misinterpretation of what the reserve is actually set aside for.

A review of all reserves has been undertaken and it is recommended that some of the purposes are re-worded to ensure there can be no misunderstanding as to the purpose of the reserve.

The review also looked at all reserve names and it is recommended that some minor change to reserve names be undertaken.

As mentioned during the draft budget workshop, the replacement of the two community buses has now been included in the ten year plant replacement program. As such it is recommended that the associated Community Bus Reserve be closed and the balance of this reserve be placed into the Plant Reserve.

Statutory Environment

Section 17 and 18 of the Local Government (Financial Management) Regulations 1996 states that:

17. Reserve accounts

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.

18. Circumstances in which local public notice not required for change of use of money in reserve account — 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 authorized 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

Council Policy 4.2 Financial Strategy, is applicable to this report.

Financial Implications

This report refers to the purpose and naming of the Shire's reserve accounts and does not have any financial implications. All transfers to and from reserves are included in annual budgets.

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 Insignificant

The **likelihood** is Rare

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

Risk mitigation includes ensuring the Council clearly identify the purpose of each reserve account.

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 for this report included Council and the Executive Management Team

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Absolute Majority

OFFICERS RECOMMENDATION

That Council:

1. Approve the name and purpose of each reserve account in the 2018/2019 budget to be as follows:

Reserve Name	Purpose of Reserve
Leave Reserve	To be used to meet employees long service and annual leave liabilities
Plant Reserve	To be used for the purchase or replacement of capital plant and equipment
Building Asset Management Reserve	To be used for capital maintenance on Shire owned public buildings
Community Associations Financial Assistance Reserve	To be used for the provision of interest free loans to community organisations
Furniture and Equipment Reserve	To be used for the purchase or replacement of capital furniture and equipment and computer hardware and software
Waste and Water Management Reserve	To be used for the establishment or improvements of waste sites and water harvesting and re-use initiatives
Land Reserve	To be used for the acquisition and development of land
Frankland River Sporting Facilities Reserve	To be used for upgrading or improvements to sporting facilities in Frankland River
Housing Reserve	To be used for the provision of new housing and capital maintenance and improvements of existing housing
Asset Replacement Fund - Frankland River Bowling Green	To be used for the replacement of the synthetic bowling green at Frankland River
Asset Replacement Fund - Cranbrook Bowling Green	To be used for the replacement of the synthetic bowling green at Cranbrook
Rate Discount Reserve	To be used for the upgrade of existing and construction of new community facilities
Strategic Community Plan Projects Reserve	To be used to assist with funding projects identified in the Shire's Strategic Community Plan

WANDRRA Reserve	To be used to assist with funding the Shire's contribution in the event of a WANDRRA claim
Works Depot Reserve	To be used for upgrading and improvements to the Shire's works depot

- 2. Close the Community Bus Reserve and transfer the balance to the Plant Reserve in the 2018/2019 budget.**

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1	COUNCIL MEETING – JULY 2018 – CHANGE OF DATE
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	GO26
APPLICANT:	N/A
DATE OF REPORT:	22 May 2018
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider a change of date for the July 2018 ordinary meeting of Council.

Background

Nil

Officers Comment

Council Policy 1.1 Meetings of Council, states that all Council meetings will be held at 3.00pm on the third Wednesday of every month (excluding January).

The July 2018 Council meeting is scheduled to be held at 3.00pm on Wednesday 18 July 2018 in Cranbrook. This is also the meeting where the 2018/2019 annual budget will be presented to Council for adoption.

As some key staff will be unavailable at the beginning of July and as discussed informally prior to the May Council Meeting, it is proposed to alter the date of the ordinary council meeting to Wednesday 25 July 2018 starting at 3.00pm to allow extra time to finalise the annual budget.

Statutory Environment

Section 12 of the Local Government (Administration) Regulations 1996, Public notice of council or committee meetings – s5.25(g) states that:

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 is applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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 change to meeting dates are advertised as per statutory environment above.

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 for this report included Council and the Executive Management Team.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the ordinary Council meeting of Wednesday 18 July 2018 be changed to Wednesday 25 July 2018 starting at 3.00pm.

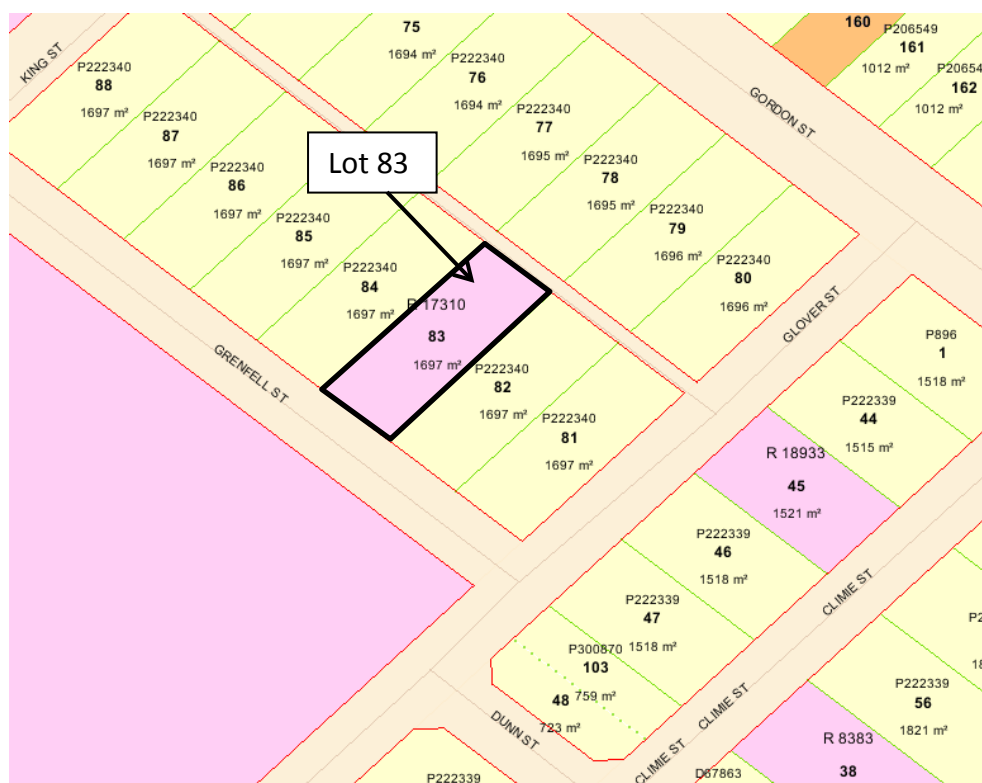
10.2.2	RESERVE 17310 – SURRENDER MANAGEMENT
RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	R17310
APPLICANT:	Darwinia Cottages Cranbrook Committee Inc
DATE OF REPORT:	9 June 2018
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider surrendering management of Reserve 17310, Lot 83 Grenfell Street, Cranbrook.

Background

Reserve 17310 adjoins the current Darwinia Cottages independent living units, in Grenfell Street Cranbrook. This site is where the old Community Centre, which has now been demolished, was located. The reserve is set aside for the purpose of “Community Centre” with a management order to the Shire of Cranbrook. See location map below.



At the 17 June 2015 meeting of Council, it was resolved:

“That Council:

- 1. Approve the planning application lodged by the Darwinia Cottages Cranbrook Committee Inc for 12 grouped dwellings on Lots 81 – 83 Grenfell Street, Cranbrook subject to the following conditions:**
 - a. Landscaping shall be installed in accordance with a landscaping plan to be submitted and approved by the Chief Executive Officer.**
 - b. Vehicle parking, manoeuvring and circulation areas shall be designed and constructed in accordance with the approved plan, or any modified plan approved separately in writing by the Chief Executive Officer.**
 - c. Visitor parking bays as shown on the approved plans are to be provided and constructed.**

- d. All access ways, parking areas and hard stand areas shall be maintained to the satisfaction of the Chief Executive Officer.*
 - e. The applicant to lodge a detailed fencing plan for separate written approval by the Chief Executive Officer. No fencing shall be constructed unless in accordance with an approved fencing plan.*
 - f. Each dwelling unit is to be provided with a storeroom as shown on the plans submitted with the application.*
 - g. No clothes drying devices shall be erected or clothes dried outside any private courtyard, which is visible from a street or public place.*
 - h. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.*
- 2. Include a footnote on the planning approval to state as follows:**
- i. A planning consent is not an approval to commence any works. A building permit must be obtained for all works. A separate demolition permit also needs to be obtained prior to any demolition works.*
 - ii. The applicant is requested to liaise with the Shire in regards to the location of any services such as transformers, prior to their installation. The Shire seeks to ensure services are located in a position on the site so as not to detract from development or interfere with sightlines from driveways."*

Officers Comment

Since this planning approval was granted, Darwinia Cottages, in conjunction with the Shire have constructed three independent living units at the back of the original units. The Shire is currently awaiting the outcome of a grant application that has been submitted to enable the construction of up to another five units, creating a seniors precinct that is close to all amenities in the town.

Now that the demolition of the old Cranbrook Community Centre is now complete, Darwinia Cottages Cranbrook Committee Inc have applied to the Department of Planning Lands and Heritage (DPLH) to purchase Lot 83 Grenfell Street, in order to continue with the construction of these units for seniors wishing to remain living in the Shire.

DPLH has requested that Darwinia Cottages seek written approval from the Shire of Cranbrook stating that the Shire wishes to surrender management over Reserve 17310.

As the Council have been moving towards this outcome for a number of years now, it is considered appropriate to support the request.

Statutory Environment

Section 87 of the Land Administration Act 1997 relates to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report. Any Shire contribution towards the construction of independent living units will be budgeted for appropriately in annual budgets.

Risk Implications

The risks associated with matters in this report are:

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

The **impact** of the risk is Reputational

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

The **likelihood** is Rare

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

Risk mitigation includes recognising the need to surrender management of this reserve to enable the sale to Darwinia Cottages.

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

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

Consultation

Consultation for this report included Council, Darwinia Cranbrook Cottages Committee Inc and the Executive Management Team.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council provide written confirmation to Darwinia Cottages Cranbrook Committee Inc, that it wishes to surrender the management of Reserve 17310, Lot 83 Grenfell Street Cranbrook.

10.2.3	CRANBROOK REGIONAL COMMUNITY HUB – MEMORANDUM OF UNDERSTANDING FOR YMCAWA
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:	9 June 2018
ATTACHMENTS:	MOU – YMCAWA

Purpose

The purpose of this report is for the Council to consider the Memorandum of Understanding (MOU) with YMCAWA for the use of Office 1 in the Cranbrook Regional Community Hub (the Hub).

Background

During construction of the Hub, Shire staff met with YMCAWA staff to discuss if it would be practical for them to move into the Hub. Discussions included what was needed in terms of space and equipment required as well as what would be charged if they were to move into the Hub.

Officers Comment

When the Hub was completed and charges were set by Council for the hire of the facilities, Shire staff met once again with YMCAWA staff to discuss the possible tenancy of one of the offices. Whilst YMCAWA staff were keen to move into the Hub, the cost to do so was prohibiting them.

As Council are aware YMCAWA are the providers of the 'A Smart Start' Program which is funded by the Shire. Louise Sprigg, the current 'A Smart Start' Co-ordinator gave a presentation at the May 2018 Council meeting where she indicated that she was keen to increase the services provided for this program however she was limited with the current funding that was provided by the Shire.

In light of the above, YMCAWA are seeking extra funding for the 2018/2019 financial year and an increase has been factored into the draft 2018/2019 budget, however will be subject to prioritisation by the Council during budget discussions.

YMCAWA currently rent office space in town and one way to assist them to reduce costs would be to offer the Hub to them at no cost for the 'A Smart Start' program and at a reduced cost for the other programs that they currently run.

If the Council wish to go ahead with this, it is prudent that the Council have an MOU with YMCAWA so all involved, both Shire staff and YMCAWA are aware of their responsibilities in order for the Hub to run smoothly. This will also ensure that when there is a turnover of Shire staff or YMCAWA staff, everyone will have an understanding of their responsibilities.

Shire staff have met with YMCAWA staff in recent weeks to go through the draft MOU in detail and they are happy with the content. YMCAWA are aware that the attached draft MOU is being presented to Council for consideration.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

Council Policy 7.3 Community Facilities – Usage, relates to this report.

Financial Implications

Budget

The 2018/2019 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 an MOU in place with YMCAWA.

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 1.3.1: Facilitate community health and wellbeing and support provision of services to the community

Outcome 1.4: A place to learn and develop

Strategy 1.4.1: Provide youth and early childhood development opportunities

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 Council, Shire staff and YMCAWA.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That:

- 1. Council approve the attached Memorandum of Understanding between the Shire of Cranbrook and YMCAWA; and**
- 2. The Chief Executive Officer be authorised to execute the said document.**

10.2.4	PROPOSED SUBDIVISION / BOUNDARY REALIGNMENT – LOTS 24 AND 403 FRANKLAND - KOJONUP ROAD, FRANKLAND RIVER
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Town Planning Innovations (TPI)
FILE REFERENCE:	A9686
APPLICANT:	Denmark Survey and Mapping
DATE OF REPORT:	8 June 2018
ATTACHMENTS:	Applicants Letter

Purpose

The purpose of this report is for the Council to consider an application for a subdivision / boundary realignment on Lots 24 and 403 Frankland Kojonup Road, Frankland River.

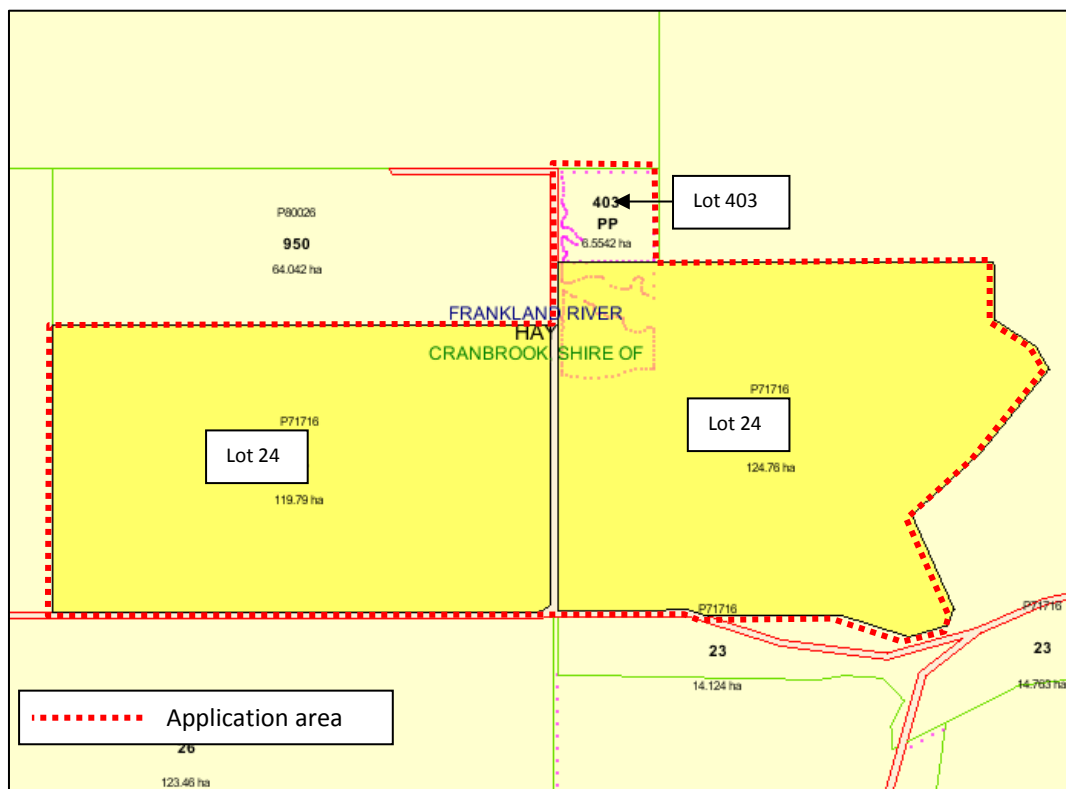
Background

The application has been lodged with the Western Australian Planning Commission (WAPC) who is the determining authority. The WAPC has requested the Shires recommendation and comments.

Lots 24 and 403 are zoned ‘Rural’ under the Shire of Cranbrook Town Planning Scheme No 4 (‘the Scheme’).

Lot 24 has an approximate area of 244 hectares. It contains native vegetation and a small area of bluegum plantation. It is divided by a road reserve and no significant clearing of the lot has occurred.

Lot 403 has an area of 8 hectares and contains a blue gum plantation. The applicant indicates that the blue gum plantation has been harvested so the lot is now cleared. It is not clear whether the plantataion on a portion of Lot 24 has also been harvested.

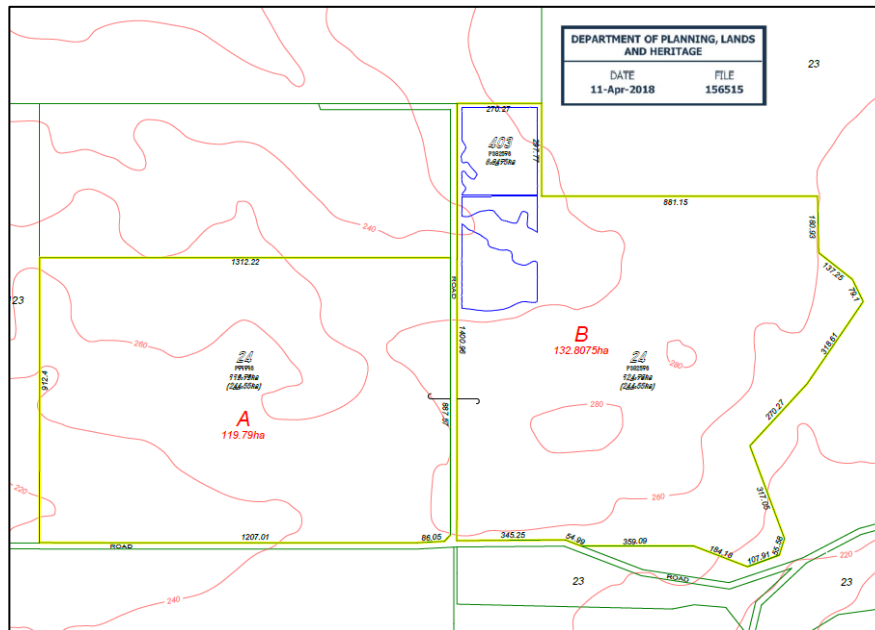


Officers Comment

Description of Application

The application seeks to realign the boundaries between two existing lots to create 2 lots with new areas of 119.79 hectares and 132.8 hectares. The application does not seek any increase in lot yield; rather it proposes two lots of a more uniform size.

The new boundary is logical and is based on the existing road reserve which currently traverses existing Lot 24 – refer subdivision plan below. Proposed Lot A is to the west of the road reserve and proposed Lot B is to the east.



WAPC Development Control Policy 3.4

The WAPC has a Development Control Policy 3.4 which provides guidance on the requirements for subdivision of rural land.

Subdivision of agricultural land can be considered under exceptional circumstances including ‘to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses’.

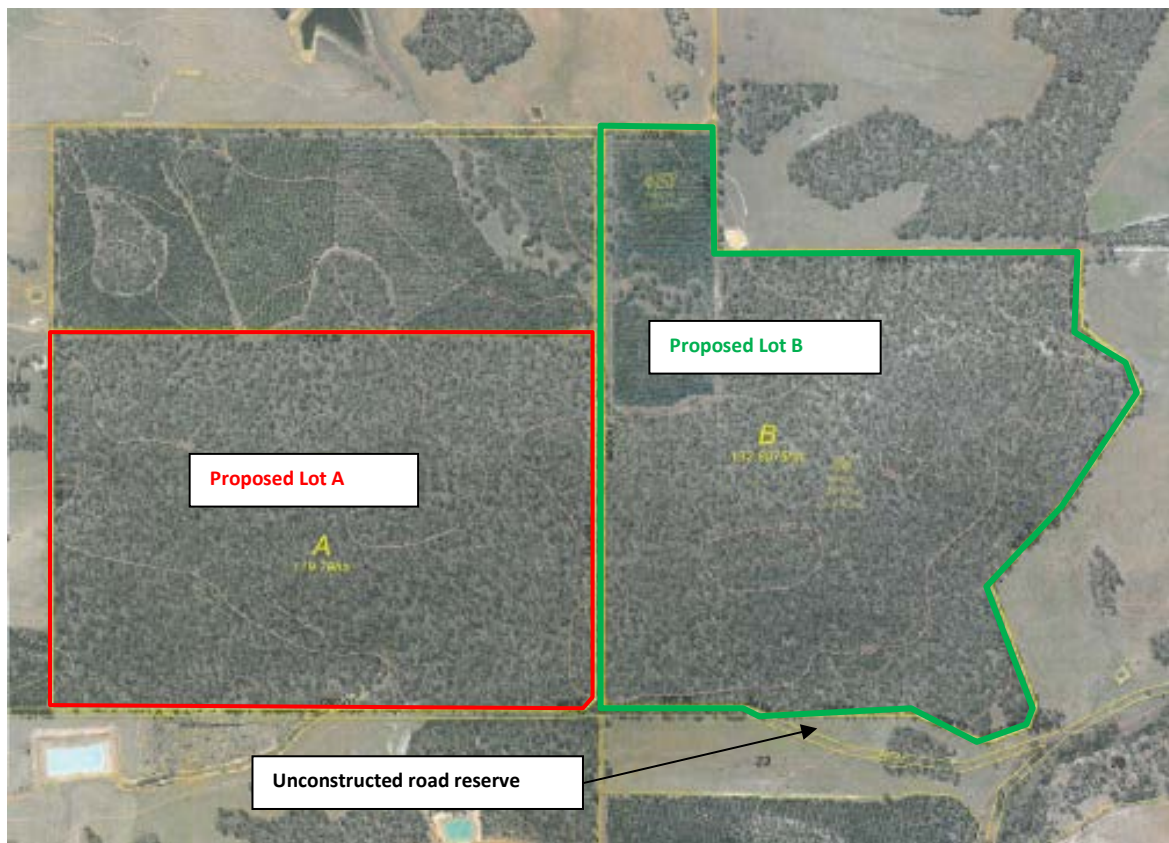
An assessment of the application against relevant policy criteria is included in the table below.

Policy Criteria	Officer Comment
a) there is no increase in the number of lots;	Complies
b) the new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use;	Complies. The resultant lot sizes are more commensurate of those in the surrounding rural area.
c) no new roads are created, unless supported by the local government;	Road access is an issue discussed separately in this report
d) new vehicle access points on State roads are minimised; and	Complies. The lots are not adjacent to any state roads.
e) rural living sized lots (1-40ha) created as a result of the rationalisation have appropriate buffers from adjoining farming uses and may have notifications placed on title advising that the lot is in a rural area and may be impacted by primary production.	Complies. Only large sizes above 100 hectares are proposed.

Planning for Bushfire Protection

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all land identified as Bushfire Prone and have been amended.

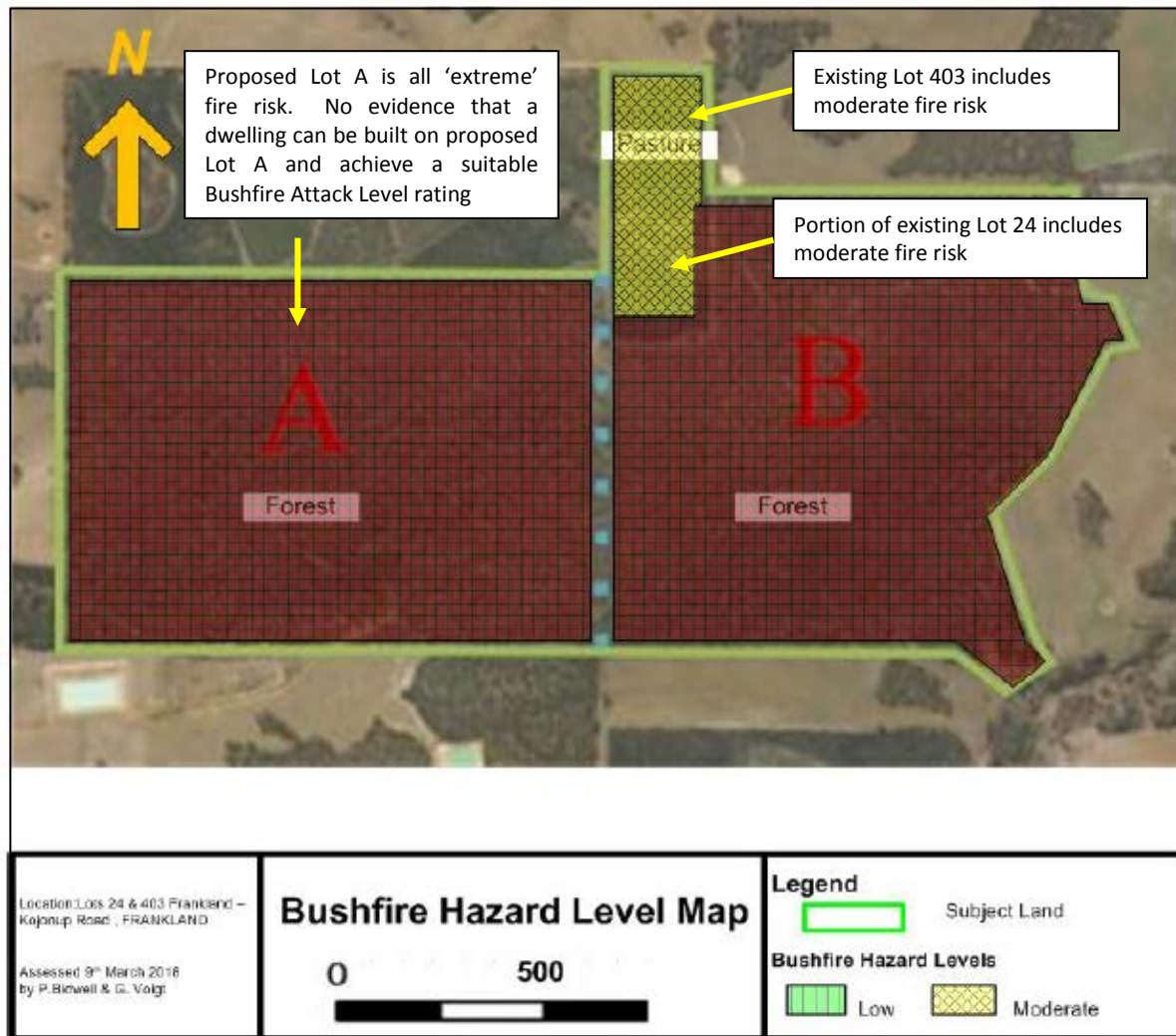
As the subdivision is proposed within a bushfire prone area a Bushfire Management Plan (BMP) has been lodged. The lots contain significant vegetation – refer aerial overpage.



The Bushfire Management Plan states that –

- a) There is an extreme bushfire risk for both proposed lots;
- b) There appears to be no current bushfire management practiced on this site. It is a requirement of the Shire of Cranbrook Firebreak Notice 2017/2018 to establish and maintain a 2.5 metre wide firebreak on the boundary of each lot.
- c) Neither lot has been fuel reduced for some time. Both have fuels greater than 10 tonnes per hectare in most places. Lot 24 has Jarrah and Marri forest that is mostly greater than 12 tonnes per hectare. Both lots should ideally be fuel reduced to protect adjoining land owners assets and the forest itself from wildfire.

The BMP identifies that the vegetation on proposed Lot A is classified as 'Open Forest 03' and has an Extreme fire hazard. It also states that Lot B also has 'Open Forest 03' areas classified as Extreme fire hazard and a smaller area of 'Sown Pasture 26' that is classified as Moderate fire hazard – refer map overpage.



There is a portion of 'moderate' fire hazard areas on existing Lots 403 and 24 which could potentially accommodate any future dwellings. The boundary realignment will result in all of proposed Lot A being in an 'Extreme' bushfire risk area.

Whilst TPI is generally supportive of the subdivision, there is concern that the Bushfire Management Plan does not adequately demonstrate that a single house can be constructed on both lots and achieve a suitable BAL rating. It basically requires that all bushfire management issues be addressed by any future purchaser, so there is no guarantee that a new owner could develop the lots in compliance with current bushfire requirements.

TPI has concerns that all of proposed Lot A is identified as 'extreme' bushfire risk, whether a dwelling can be built on the lot and meet the necessary bushfire standards, and the lack of information contained in the Bushfire Management Plan submitted.

It is acknowledged that there are bushfire risk issues associated with the 2 existing lots, however that is an existing situation which the Shire has no control over.

TPI is of the view that the Bushfire Management Plan (BMP) does not demonstrate compliance with State Planning Policy 3.7 and the associated guidelines as follows:

- All BMP's are required to include mapping showing vegetation within 100 metres of the lots. The BMP assessment is very limited and does not examine vegetation in the surrounding area.

- The BMP is required to include a BAL contour plan showing that any future dwelling can achieve a Bushfire Attack Level rating of BAL-29 or less. It does not include any BAL contour plan.
- There is no evidence that a BAL-29 rating can be achieved for any future dwellings, particularly on proposed Lot A which has been identified as having 'extreme' fire risk.
- Bushfire Management Plans should include site photographs to demonstrate how the vegetation classification was determined. The BMP includes no site photographs so the classifications are not verified.
- The BMP recommends that any future dwellings be protected by an Asset Protection zone however does not make any recommendations on a suitable building envelope location that demonstrates the extent of clearing required.
- The BMP identifies that if either lot is developed they will need to construct access within the existing road reserve (to provide two emergency egresses). As planning approval is not required for any future dwelling there is no way to implement this recommendation other than through the subdivision process.
- The BMP also states that any future dwelling will need to be provided with water supply for fire fighting. As planning approval is not required for any future dwelling there is no way to implement this recommendation.

It is recommended that the WAPC be requested to require a revised Bushfire Management Plan that demonstrates compliance with State Planning Policy 3.7.

SPP 3.7 states that 'a notice on title' advising that the site is located in a bushfire prone area can be required as a condition of any subdivision approval. TPI supports this as it can also notify any future purchaser of any (revised) Bushfire Management Plan.

Exemptions from Bushfire requirements

The WAPC released Planning Bulletin 111/2016 in October 2016 to clarify some of the requirements under the deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 and SPP3.7.

The Planning Bulletin states that:

'Exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker. If the proposal does not result in the intensification of development (or land use), does not result in an increase of residents or employees; or does not involve the occupation of employees on site for any considerable amount of time, then there may not be any practicable reason to require a BAL Assessment. Planning Bulletin 111/2016

The deemed provisions exempt renovations, alterations, extensions, improvements or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios and storage sheds). SPP 3.7 does not specify these exemptions, however where the proposal is exempt under the deemed provisions or local planning scheme and does not:

- *result in the intensification of development (or land use);*
- *result in an increase of residents or employees;*
- *involve the occupation of employees on site for any considerable amount of time; or*
- *result in an increase to the bushfire threat;*

the proposal may also be exempt from the provisions of SPP 3.7.'

TPI has discussed bushfire management with the Commission and it is complicated as there are 2 options:

Option 1 – Grant an exemption as the subdivision will not result in any increased intensification of development, because there are 2 existing lots (with potential for 2 single dwellings), and the proposal will not increase development potential.

Option 2 – Require Bushfire Management to be addressed.

TPI recommends Option 2 to Council as it is clear from the Planning Bulletin that in granting any exemption there should be no increase in bushfire threat. The boundary realignment will result in an increase in bushfire threat as:

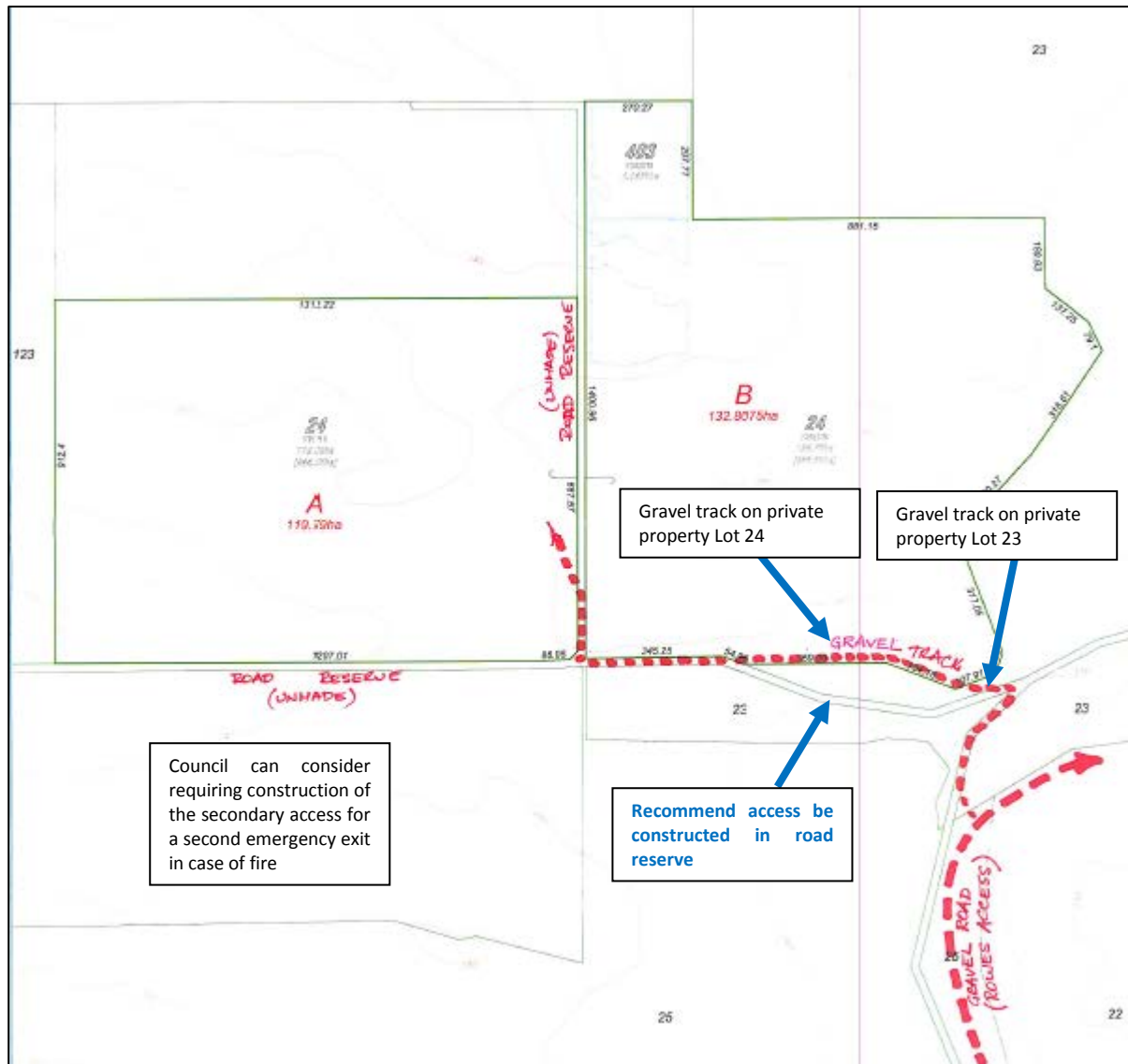
- Both lots currently have areas of moderate bushfire risk (that could be potential dwelling locations);
- The subdivision will create a proposed Lot A which is entirely in an extreme bushfire risk area.
- The Bushfire Management Plan does not demonstrate that the bushfire risk will not be increased.
- The Bushfire Management Plan, in the opinion of TPI, is inadequate and does not demonstrate that a dwelling can be built on both lots and achieve compliance with current bushfire requirements.
- Access to a constructed gazetted road has not been addressed.

Proposed Clearing

Land would need to be cleared to cater for any potential future dwelling. The extent of clearing required for bushfire management is not known and has not been identified in the Bushfire Management Plan.

Proposed Access

There is an existing gravel track known as 'Rowes Access' that services adjacent Lots 22, 23 and 25. The gravel access then extends through private property on Lot 23 and existing Lot 24 to connect to road reserve adjacent to existing Lot 24. There is no constructed road access to existing Lot 403.



Access plan provided by applicant and marked up by TPI

The subdivision process provides the only opportunity for legal access to the proposed lots to be resolved. The roads have been inspected by the Shires Manager of Works.

It is recommended that a condition be placed on the subdivision requiring each lot to be provided with constructed road access and a gravel road be constructed by the developer within the legal gazetted road reserve. As the Bushfire Management Plan recommends a second egress to the south of proposed Lot A, it is also recommended that the developer install a trafficable gravel track to implement the recommendation of their fire consultant.

Neighbours concern over access

The owner of adjacent Lot 23 has contacted the Shire and TPI and raised concern over access. They advise as follows:

- One of the accesses flagged for the subdivision is through our property on Lot 23 from Rowes Access Road. If this goes ahead we will be left with 12ha of land that will have no water for stock as there is no dam in that 12 Ha.
- This will limit our options to farm this piece of land and produce a small paddock at the farthest part of our farm from the sheds.
- If this access must go ahead it would have to be fenced as we are not living on this block and the proposed access is at the back of our property where we feel that we will be opening ourselves up to thefts and intruders if it is not fenced.

- It would not be an option to let access happen by opening and closing gates. This is for the reason above and for keeping stock in if people forget to close gate.
- If this must be an access I propose that the access road go along our southern boundary up to our western boundary where there is a road reserve going north south to prevent the splitting up of our land and limiting the amount of fencing needed.

TPI has sent a copy of the submission to the Commission and explained to the neighbour that:

- i. A road cannot be constructed on their Lot 23 as it is outside of the application area and is private land.
- ii. Whilst existing road reserves may be unconstructed they provide a mechanism for legal road access to be provided.
- iii. The concerns raised are included in the agenda for Councillors information.
- iv. The Western Australian Planning Commission is the determining authority and will make the final decision on the application and access.

It is recommended that any new road be fenced to address the neighbours concern over containment of stock in paddocks.

Statutory Environment

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

Planning and Development (Local Planning Schemes) Regulations 2015 – 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 of Town Planning Innovations for planning advice.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes the use of a professional planning consultant.

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

The Western Australian Planning Commission has referred the application to the Department of Planning, Lands and Heritage, Department of Mines Industry Regulation and Safety, the Water Corporation and Western Power.

TPI has advised the Commission that a report is being referred to the June Council meeting. There was a delay in processing as TPI has been liaising with the Commission over bushfire and access issues. Additional information on access was sought from the applicant.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

1. **Recommend that the Western Australian Planning Commission approve the subdivision application to realign the boundary between Lots 24 and 403 Frankland Kojonup Road, Cranbrook subject to the following conditions and footnotes:**
 - a. **A revised Bushfire Management Plan is to be submitted that complies with State Planning Policy 3.7 and the associated bushfire guidelines. The revised Bushfire Management Plan shall demonstrate that a single house can be built on proposed Lots A and B and achieve a Bushfire Attack Level rating of BAL-29 or less, and make recommendations for implementation of bushfire recommendations in light that a single house on each lot does not require planning approval by the Shire of Cranbrook.**

The Bushfire Management Plan is to include photographs of the lots, a BAL contour plan, recommended building envelopes with Asset Protection zones and address legal constructed road access.
 - b. **Information is to be provided to demonstrate that the 'developer responsibilities' outlined in a revised bushfire management plan have been implemented during subdivisional works. This information should include a completed 'Certification by Bushfire Consultant' from the bushfire management plan and address:**
 - (i) **Identification and clearing of building envelopes and Asset Protection zones;**
 - (ii) **Constructed road frontage and constructed secondary access.**
 - c. **A notification, pursuant to Section 165 of the *Planning and Development Act 2005*, is to be placed on the certificate(s) of title of the proposed lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above, advising of the existence of a hazard or other factor.**

Notice of this notification is to be included on the diagram or plan of survey (deposited plan). The notification is to state as follows:
'This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land'
 - d. **Satisfactory arrangements being made with the local government for the full cost of construction of unmade road reserves to provide legal gazetted road access to Lots A and B (including a emergency egress). Upgrading is to include fencing where the road abuts adjacent Lot 23.**
2. **Advise the Western Australian Planning Commission that the Shire does not support an exemption being applied in regards to State Planning Policy 3.7 pertaining to bushfire**

requirements. It would be undesirable to create reconfigured lots that result in a dwelling entitlement on land with extreme bushfire risk, where there is potential for a future dwelling being in a flame zone or only being able to achieve a Bushfire Attack Level of BAL-40. Whilst there is not an increase in the number of potential dwellings, the existing lots both contain sections of 'moderate' fire risk as dwelling locations. The proposed Lot A has an 'extreme' rating and the applicant has not demonstrated that any future dwelling can achieve an acceptable Bushfire Attack Level rating. An exemption should not apply as the proposal will result in an increase of bushfire risk without a revised Bushfire Management Plan.

3. Note that the owner of adjacent Lot 23 has raised concerns over existing and proposed access to service the proposed lots. Advice on the neighbours concerns has been sent to the WA Planning Commission.

10.2.5	BUSHFIRE ADVISORY COMMITTEE AGM DRAFT MINUTES 16 APRIL 2018 AND BUSHFIRE CONTROL OFFICER APPOINTMENTS FOR 2018/2019
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Toni Melia – Emergency Services and Recreation Officer
FILE REFERENCE:	BF1 & BF3
APPLICANT:	Shire of Cranbrook Bushfire Advisory Committee
DATE OF REPORT:	12 June 2018
ATTACHMENTS:	Bushfire Advisory Committee AGM Draft Minutes

Purpose

The purpose of this report is:

1. To present to Council the minutes of the Bushfire Advisory Committee (BFAC) Annual General Meeting (AGM) held on 16 April 2018 for consideration; and
2. For Council to appoint Bush Fire Control Officers for 2018/2019 in accordance with the Bush Fires Act 1954.

Background

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

Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - a) make rules for the guidance of the committee; and
 - b) accept the resignation in writing of, or remove, any member of the committee; and
 - c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.

The BFAC meets biannually in March/April and September/October and consists of representatives from each of the 12 local brigades, the Chief Bushfire Control Officer (CBFCO), two Deputy Chief Bushfire Control Officer's (DCBFCO), 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.

Officers Comment

The BFAC held their AGM on 16 April 2018 at the Frankland River Community Centre. The main purpose for the March/April meeting of BFAC each year is to nominate and elect the Shire Bushfire Control Officers and nominate the various brigade office bearers for the year. During

this meeting the contents of the Shire of Cranbrook Annual Firebreak Notice are also decided upon. General business including information from the Great Southern District Operations Advisory Group (DOAC), the Association of Volunteer Bush Fire Brigades of WA Incorporated and DFES Safety Circulars are also discussed. Members can raise any issues encountered during the previous season; discuss training and anything that may impact on a brigade's ability to fulfil their duties etc.

During this meeting changes to the Bushfire Policy 6.0 were discussed by the committee. These changes and updates will be discussed further at the September/October 2018 BFAC meeting and an updated policy document will be presented to Council for endorsement after that meeting.

This agenda item refers to:

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

The next agenda item 10.2.6 will consider further recommendations from the BFAC AGM.

Statutory Environment

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

(4) A committee appointed under this section —

- (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Policy Applicable – Implications

Council Policy 6.0 Bushfire Control is applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

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

The impact of these risks is Non-Compliance

The consequences of these risks are considered to be Minor

The likelihood is Unlikely

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

Risk mitigation includes the existence of an effective LEMC, BFAC and ESRO support role.

Strategic Community Plan Reference

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

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

Objective: 1.4 Create a safe place to live

Strategy: 1.4.2 Support strong community interaction with emergency organisations.

Consultation

Consultation for this report was undertaken with the Bushfire Advisory Committee at its Annual General Meeting held on 16 April 2018.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That:

1. The attached minutes from the 16 April 2018 Bushfire Advisory Committee AGM be noted;
2. That the following officers be appointed to the respective positions for 2018/2019 in accordance with the Bush Fires Act 1954:

Chief Bush Fire Control OfficerDavid Packard
1st Deputy Chief Bush Fire Control Officer.....Tom Ettridge
2nd Deputy Chief Bush Fire Control Officer.....Ian Lawrence
Base Radio OperatorDavid Preston
Volunteer Bushfire Training OfficerHoward Mackay

Fire Control Officer's

East CranbrookHarley Smith
.....Fred Fiegert
.....Phil Horrocks
Central.....Keith Wilson
.....Sam Lehmann
.....Jamie Climie
Cranbrook TownJoe Duina
Tenterden.....David Packard
.....Greg Mengler
.....Mark Jefferies
.....Jason Watterson
.....Ken Gibson
TunneyGraham Marshall
.....Joel Treeby
.....Sean Morgan
.....Ian Lawrence
WoolongaBrett Smith
.....Fred Smith
.....Anthony Warham
Nunijup.....Mark Bunker
.....Bruce Parsons
.....Steven Squire
.....Lindsay Watterson
KybellupSimon Hilder
.....Russell Hilder
.....Kieron Haynes
GordonAlvaro Alvarez De Toledo
.....John Egerton-Warburton

.....	Grant Egerton-Warburton
Frankland River	Peter Ettridge
.....	Michael Bembrick
.....	Darcy Clode
Frankland River Town	Andrew Murray
Bokerup / Unicup	Tom Ettridge
.....	Greg Banks
Fire Weather Advisory Group	David Packard
.....	Sam Lehmann
.....	Alvaro Alvarez De Toledo
.....	Mark Bunker
.....	Graham Marshall
.....	Simon Hilder
.....	Harley Smith
.....	Tom Ettridge

3. The following officer be appointed as a Clover Burning Officer for 2018/2019:
David Packard; and
4. The names of the Bushfire Control Officers listed above be advertised in the Government Gazette.

10.2.6	FIREBREAK NOTICE 2018/2019 – CHANGE OF CAMPING AND COOKING FIRE PERIODS
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Toni Melia – Emergency Services and Recreation Officer
FILE REFERENCE:	BF1, BF5 & BF8
APPLICANT:	Shire of Cranbrook - Bushfire Advisory Committee
DATE OF REPORT:	11 June 2018
ATTACHMENTS:	2018/2019 Annual Firebreak Notice

Purpose

The purpose of this report is for the Council to consider the Bushfire Advisory Committee's (BFAC) recommendation to Council regarding proposed changes to the camping and cooking periods within the Shire of Cranbrook and to adopt the Annual Firebreak Notice 2018/2019 for publication and distribution to owners and occupiers of land in the Shire.

Background

The distribution of the Annual Firebreak Notice is an opportunity to inform all landowners about their obligation to implement fire prevention and hazard reduction measures throughout the Shire. The notice is finalised and printed in June of each year for distribution with the Shire Annual Rates Notices in July.

At the 15 November 2011 Meeting of Council the following Council resolution was adopted:

- “1. Camping and cooking fires are to be prohibited within the Shire of Cranbrook from 1 October – 30 April each year or unless written permission has been expressly given by the Shire of Cranbrook as is pursuant with the Bush Fires Act 1954 Section 25.1(a) through to 1(d).
2. There be signs with the wording: “Camping and cooking fires are prohibited within the Shire of Cranbrook from 1 October – 30 April” erected on Albany Highway, Salt River Road, Great Southern Highway, Rocky Gully Road, Wingebellup Road and Martagallup Road just inside the Shire boundaries.
3. There be signs with the wording: “Camping and cooking fires are prohibited within the Shire of Cranbrook from 1 October – 30 April” erected at the entrances to Lake Unicup, Lake Poorrarecup and Lake Nunijup.”

At the 16 May 2018 Meeting of Council, it was decided that the agenda item 10.2.5 Camping And Cooking Fires – Change Of Dates, be laid on the table until after the BFAC have had a chance to further consider this matter at the October 2018 BFAC meeting.

The Shire is concerned that waiting until after the October 2018 BFAC meeting will mean that for the 2018/2019 fire season incorrect information may be included in the Annual Firebreak Notice. This could pose significant reputational and safety consequences to the Shire, should an incident similar to the one that occurred earlier this year at Lake Nunijup with an out of season cooking fire being lit, happen again.

Officers Comment

Council to consider adopting one of the following options for inclusion in the 2018/2019 Annual Firebreak Notice:

Option 1 – BFAC recommendations

RECOMMENDATION 1

That no camping or cooking fire permits be issued during the prohibited burning period within the Shire of Cranbrook 1 November – 14 February each year.

RECOMMENDATION 2

That during the restricted burning periods 1 October – 31 October and 15 February – 30 April each year a permit must be obtained from the local Bushfire Control Officer (FCO) or Chief Bushfire Control Officer (CBFCO) prior to lighting camping and cooking fires within the Shire of Cranbrook.

Option 2

Camping and cooking fires are to be prohibited within the Shire of Cranbrook from 1 October – 30 April each year or unless written permission has been expressly given by the Shire of Cranbrook (Chief Executive Officer) as is pursuant to the Bush Fires Act 1954 Section 25.1(a) through to 1(d).

Option 3

1. That no camping or cooking fire permits be issued during the prohibited burning period within the Shire of Cranbrook 1 November – 14 February each year;
2. That during the restricted burning periods 1 October – 31 October and 15 February – 30 April each year a permit must be obtained from the local Bushfire Control Officer (FCO) or Chief Bushfire Control Officer (CBFCO) prior to lighting camping and cooking fires on private property; and
3. Camping and cooking fires are prohibited within the Shire of Cranbrook from 1 October – 30 April each year on Shire owned land, Shire managed land or any other reserves located in the Shire of Cranbrook.

Option 4

Maintain the status quo and continue with the camping and cooking fire time periods outlined in the 2017/2018 Annual Firebreak Notice which are:

CAMPING AND COOKING FIRES

Camping and cooking fires are prohibited within the Shire of Cranbrook from 1 October – 30 April each year or unless written permission has been expressly given by the Shire of Cranbrook as is pursuant with the Bush Fires Act 1954 Section 25.1(a) through to 1(d).

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

Important Dates

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

Notifying Shire Of Attendance At A Fire Incident

Requesting brigade members SMS or email the Shire if they have attended a fire incident.

Brigade Contact Details

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

The BFAC also made the following recommendation to Council:

“That the 2017/2018 Annual Firebreak Notice:

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

Statutory Environment

The Bush Fires Act 1954, states that:

“Section 25. 1(a) through to 1(d) of the Bush Fires Act 1954 gives local governments the ability to prohibit camping and cooking fires during Restricted and Prohibited burning periods and or to limit the places where those fires are allowed to be.

“Section 25. 1(aa) (1a) specifically states “a local government may, by notice published in the Gazette and in a newspaper circulating in its district, prohibit the lighting of fires in the open air in its district for the purpose of camping or cooking for such period during the prohibited burning times as is specified in the notice.”

If the recommendation is adopted by Council, the Shire will be obliged to follow the requirements of the Bush Fires Act 1954 as per above. The Shire would also be required to advertise the motion in the local Newsletter (annually) and in the Government Gazette (once).

Local Government (Administration) Regulations 1996 Section 10 states that:

“Revoking or changing decisions made at council or committee meetings — s. 5.25(e)

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.”

Should council decide to support either option 1 or 3, then the motion passed by council at the ordinary meeting held 15 November 2011 would need to be rescinded.

Policy Applicable – Implications

Council Policy 6.0 – Bushfire Control relates to this item.

The current Bushfire Policy 6.0 is being reviewed and the Council resolution from this agenda report will be included in the revised Policy, which will then be presented to Council for adoption.

Financial Implications

If Council support option 1 or 3, new signs would be required.

Risk Implications

The risks associated with matters in this report are:

- Inadequate Environmental Management
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Engagement Practices
- Ineffective Management of Facilities/Venues/Events

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

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

The **likelihood** is Possible

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

Risk mitigation includes:

- Consideration and discussion at the BFAC and annual review of the Firebreak Notice; and
- The adoption of acceptable processes and procedures that reduce the likelihood of a fire incident occurring.

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 1.2: A safe place to live

Strategy 1.2.2: Advocate and actively support emergency management and services

Consultation

Consultation for this report was undertaken with the BFAC at its Annual General Meeting. Council and the Executive Management Team.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Absolute Majority (Revoking Motion)

OFFICERS RECOMMENDATION

That:

- 1. Council adopts the Shire of Cranbrook 2018/2019 Annual Firebreak Notice with the inclusion of the following:**
 - **Camping and cooking fires are to be prohibited within the Shire of Cranbrook from 1 October – 30 April each year or unless written permission has been expressly given by the Shire of Cranbrook (Chief Executive Officer) as is pursuant to the Bush Fires Act 1954 Section 25.1(a) through to 1(d).**
- 2. The 2018/2019 Annual Firebreak Notice, as attached:**
 - a. Be advertised in a newspaper circulating within the district of the Shire of Cranbrook; and**
 - b. Be printed and distributed throughout the Shire of Cranbrook.**

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

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

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