

COUNCIL MEETING

AGENDA

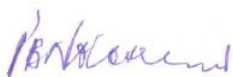


For the Ordinary Meeting of Council to be held on

15 April 2020

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 15 April 2020 Via Videoconference - eMeeting 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 Horrocks will declare the meeting open at pm.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

President	Cr PL (Phil) Horrocks
Deputy President	Cr ER (Ruth) Bigwood
Councillors	Cr PM (Peter) Beech
	Cr PW (Peter) Slater
	Cr P (Peter) Denton
	Cr DS (David) Carey
	Cr VN (Vanessa) Fiegert
	Cr JA (Jennifer) Quick
	Cr RW (Robert) Johnson

Chief Executive Officer	Mr PB (Peter) Northover
Manager of Finance & Administration	Mrs PA (Trish) Standish
Manager of Works	Mr JE (Jeff) Alderton

Members of the Public	Nil
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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

Nil

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 – 18 March 2020

That the minutes from the ordinary meeting of Council held on 18 March 2020, 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: Madeleine Brady – Finance Admin Officer

FILE REFERENCE: FM2

APPLICANT: N/A

DATE OF REPORT: 06 April 2020

ATTACHMENTS: List of Payments – 1 March 2020 to 31 March 2020

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 March 2020 to 31 March 2020.

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 \$748,803.22 as per the attachment be noted:

- **Electronic Funds Transfers EFT10630 to EFT10738 - \$607,406.16;**
- **Municipal Fund Cheque No's 12202 – 12203 - \$11,041.04;**
- **Internal Account Transfers (Payroll) - \$105,814.88; and**
- **Direct Debit - \$24,541.14.**

10.1.2 MONTHLY FINANCIAL REPORT – MARCH 2020

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 April 2020
ATTACHMENTS:	Financial Statements for March 2020

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 March 2020.

Background

The Local Government (Financial Management) Regulations 1996 require a statement of financial activity to be prepared each month and prescribe the contents of that report and accompanying documents. The report is to be presented at an ordinary meeting of the Council within two months after the end of the month to which the report relates.

Officers Comment

The Monthly Financial Report (Containing the Statement of Financial Activity) complies with industry standards and all statutory reporting requirements are contained within the report.

The attached March 2020 Monthly Financial Report represents nine (9) months, or 75% of the financial year. The following items are worthy of noting on the March 2020 report:

- Closing surplus position of \$916,456 (shown on page 5);
- Cash and cash equivalents of \$3.315m, of which \$2.6m is held in cash backed reserve accounts (shown on page 9);
- Outstanding rates of \$130,702 equates to 5% of 2019/2020 rates levied (shown on page 10); and
- Explanation of material variances is shown on page 24.

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 \$10,000 to be reported.

Financial Implications

The attached report represents the financial position of the Council at the end of the previous month and 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 Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 March 2020 be received.

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 CHIEF EXECUTIVE OFFICER - RECRUITMENT

RESPONSIBLE OFFICER:	Cr Phil Horrocks – Shire President
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	HR501
APPLICANT:	N/A
DATE OF REPORT:	2 April 2020
ATTACHMENTS:	Appointing a CEO Local Government Operational Guideline

Purpose

The purpose of this report is for the Council to consider and endorse the process which is proposed to be used for the recruitment of a new Chief Executive Officer (CEO).

Background

The Shire's current Chief Executive Officer Mr Peter Northover has advised Council of his pending retirement in November of this year.

Mr Northover has been the Shire's CEO since November 2011 and has performed his duties in an exemplary manner during this time.

President's Comment

Regulation 18C of the *Local Government (Administration) Regulations 1996* states that the local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

The CEO recruitment process can be undertaken in-house or outsourced to a recruitment consultant. As the Shire do not have a dedicated human resources team to undertake this process in-house, it is recommended that a recruitment consultant be appointed to assist Council in undertaking the proposed process in a professional and efficient manner.

It is suggested that a CEO Recruitment Panel consisting of the Shire President, Deputy Shire President and one other Councillor be formed to undertake all the necessary requirements of the process.

The position description, selection criteria and contract of employment all need to be revised to ensure transparency in the process undertaken to define the type of person Council is seeking to appoint.

Regulation 18A (2) of the *Local Government (Administration) Regulations 1996* outlines the minimum requirements for advertising a CEO position. The advertisement is to contain –

- a. the details of the remuneration and benefits offered; and
- b. details of the place where applications for the position are to be submitted; and
- c. the date and time for the closing of applications for the position; and
- d. the duration of the proposed contract; and
- e. contact details for a person who can provide further information about the position; and
- f. any other information that the local government considers is relevant.

It is expected that the recruitment consultant will develop the job advertisement in accordance with Regulation 18A and develop the information package for prospective applicants as per the Council approved position description and selection criteria.

Preliminary assessments and background checks of prospective applicants will be conducted by the recruitment consultant as per the Council approved selection criteria, after which interviews will take place.

Section 5.36(2) of the *Local Government Act 1995* states that a person is not to be employed in the position of CEO unless the council —

- a. believes that the person is suitably qualified for the position; and
- b. is satisfied with the provisions of the proposed employment contract.

The CEO recruitment process steps recommended to Council have been developed in reference to the *Local Government Operational Guideline– Appointing a CEO* (Attached).

The following timeline is proposed:

Milestone	Completed By
Council to appoint a CEO Recruitment Panel	15 April 2020
CEO Recruitment Panel to appoint recruitment consultant	24 April 2020
Recruitment Consultant to review position description, selection criteria and contract of employment in conjunction with the CEO Recruitment Panel	8 May 2020
Council to approve position description, selection criteria and contract of employment	20 May 2020
Advertise the position for a minimum period of two (2) weeks	23 May 2020
CEO Recruitment Panel to assess applications and conduct interviews resulting in a recommendation to Council	30 June 2020
Council to appoint CEO	15 July 2020
CEO to commence duties	2 November 2020

Statutory Environment

Local Government Act 1995

Section 5.36 contains provisions for the employment of CEOs.

Section 5.39 contains provisions for the contracts of CEOs.

Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

Local Government (Administration) Regulations 1996

18A contains provisions for advertising requirements.

18B contains provisions for the contracts of CEOs.

18C contains provisions for the selection and appointment process for CEOs.

18E contains provisions for the qualifications of CEOs.

18F contains provisions for the remuneration and benefits as advertised.

Policy Applicable – Implications

Council Policy 2.0 - Recruitment and Selection, Policy 2.1 – Appointments and Policy 4.8 – Purchasing are all applicable to this report.

Financial Implications

The 2019/2020 adopted budget has capacity in accounts 042053 – HR Expenses and/or 041021 – Professional Services to be able to contract a recruitment consultant. The CEO remuneration package will be included in the 2020/2021 budget.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Engagement Practices
- Ineffective Employment Practices

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

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

The **likelihood** is Possible

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

Risk mitigation includes entering into a contract with a proven and highly regarded recruitment consultant to facilitate the CEO recruitment process.

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

Strategy 4.1.2: Maintain organisational policies and strategies for the attraction and retention of quality employees

Outcome 4.2: Demonstrate strong leadership and civic responsibility

Strategy 4.2.1: Provide leadership to the community, staff and wider region

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

SHIRE PRESIDENT'S RECOMMENDATION

That Council approves the following process to be used for the recruitment, selection and appointment of a new Chief Executive Officer prior to the position being advertised:

- 1. Appoint a CEO Recruitment Panel consisting of the Shire President, Deputy Shire President and Councillor Slater;**
- 2. Contract an external recruitment consultant to assist the CEO Recruitment Panel in completing their objective;**
- 3. Review the existing position description, selection criteria and contract in consultation with the external recruitment consultant;**
- 4. Request the external recruitment consultant in conjunction with the CEO Recruitment Panel to:
 - a. draft a job advertisement and information package;**
 - b. conduct preliminary assessments and background checks of applicants;**
 - c. co-ordinate and conduct interviews;****
- 5. A decision of full Council will be made to appoint the preferred applicant.**

10.2.2	PROPOSED DELEGATION TO CHIEF EXECUTIVE OFFICER – EXEMPTIONS FROM PLANNING APPROVAL FOR TEMPORARY LAND USES
RESPONSIBLE OFFICER:	Peter Northover - Chief Executive Officer
REPORT AUTHOR:	Liz Bushby - Town Planning Innovations
FILE REFERENCE:	N/A
APPLICANT:	Shire of Cranbrook
DATE OF REPORT:	1 April 2020
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider granting delegated authority to the Chief Executive Officer giving powers to exempt temporary land uses from the need to obtain planning approval.

The delegation is proposed for a 12 month period to provide flexibility to assist local businesses and deal with any temporary land uses needed as a result of the Coronavirus and government restrictions.

Background

The Coronavirus has resulted in a number of restrictions for businesses such as the restaurant/ café industry. It is likely that further government restrictions may apply in the future.

Officers Comment

Planning Regulations and the Shires Local Planning Scheme continue to operate as existing regulatory statutory documents.

Due to the impact of current restrictions, it is noted that local restaurants and cafes can only provide takeaway food in a form to be eaten off site. This is one example where restrictions are resulting in existing businesses having to look at changing how they operate and implementing new business models.

Under the *Planning and Development (Local Planning Schemes) Regulations 2015* there is an ability to exempt temporary land uses from the need to obtain any planning approval, for a maximum period of 12 months.

There is an expectation that planning requests be made in writing to the Chief Executive Officer who in turn would exercise due consideration and discretion in determining the application.

It is recommended that Council grant delegated authority to the Chief Executive Officer so he can apply this exemption where required. It may be useful to apply to any temporary uses which will assist the local community and/or businesses with temporary changes to operations.

Council can grant the delegation for any stipulated time period. TPI recommends that it be granted for 12 months after which it can be reviewed.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 4 – the Scheme will continue to operate however the proposed delegation will provide greater opportunity for the Shire Chief Executive Officer to apply planning exemptions for any temporary land use.

Planning and Development (Local Planning Schemes) Regulations 2015 – Regulation 60 of the ‘deemed provisions’ requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government or it is exempt from the requirement for planning.

Clause 61 of the Regulations lists ‘development for which development approval is not required’. Under Clause 61(2)(d) the local government can exempt any ‘*temporary use which is in existence for less than 48 hours, or a longer period agreed to by the local government, in any 12 month period*’.

Clause 82(1) gives the local government the ability to delegate its powers to the Chief Executive Officer. Clause 82(2) requires any delegation to be by Absolute Majority.

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:

- Business and Community Disruption
- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes receiving professional planning advice from the Shires consultant planner.

Strategic Community Plan Reference

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

Objective 2: Economic – To be an innovative, diverse, prosperous and growing economy

Outcome 2.1: A diverse, prosperous economy

Strategy 2.1.1: Support local business and promote further investment in the district, including opportunities for industry growth and development

Objective 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

Outcome 4.2: Demonstrate strong leadership and civic responsibility

Strategy 4.2.1: Provide leadership to the community, staff and wider region

Consultation

Consultation included the Executive Management Team and the Shires consultant planner.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Absolute Majority (delegated authority)

OFFICERS RECOMMENDATION

That Council:

1. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer;
 - a. To exercise discretion to exempt temporary land uses from the need for development approval in accordance with Clause 61(2)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Grant the above delegated authority to the Chief Executive Officer for a period of 12 months ceasing on 15 April 2021.

10.2.3 PLANNING APPLICATION - PROPOSED RAINWATER TANK - LOT 2 (NO 30) MOIR STREET, FRANKLAND RIVER

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Consultant Planner (Town Planning Innovations)
FILE REFERENCE: A1090
APPLICANT: Ms C Hadley
DATE OF REPORT: 1 April 2020
ATTACHMENTS: Nil

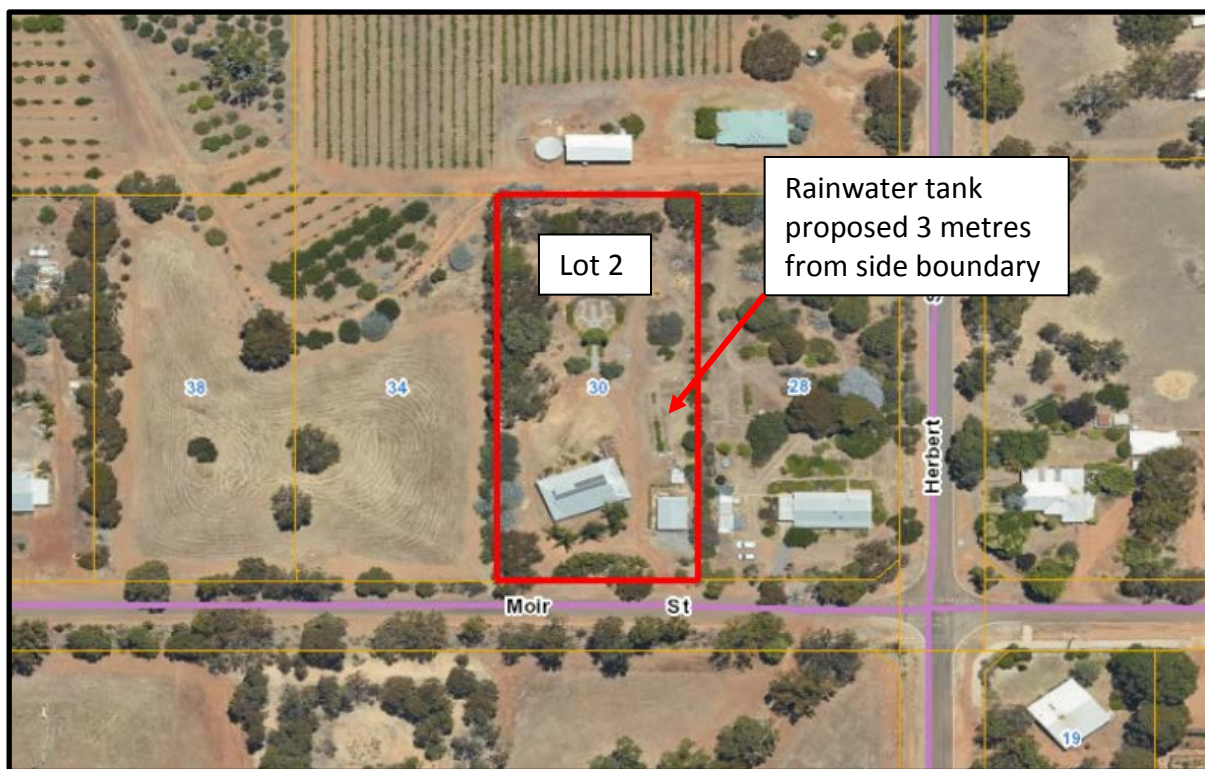
Purpose

The purpose of this report is for the Council to consider granting delegated authority to allow the Chief Executive Officer to determine a planning application for a rainwater tank on Lot 2 (No 30) Moir Street, Frankland River.

The application has been referred to the adjacent landowner for comment.

Background

Lot 2 is zoned 'Residential' with an R2 code under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme).



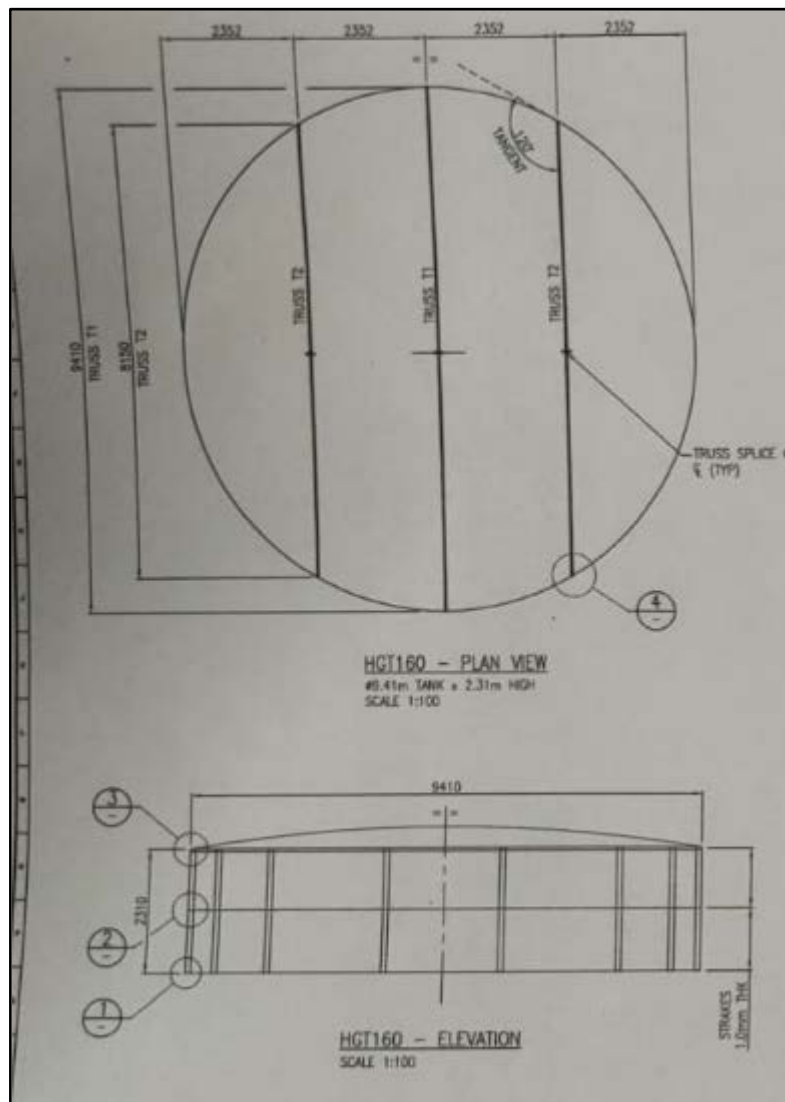
There is an existing house and outbuilding located on the property.

Officers Comment

- *Description of Proposal*

The owner seeks approval for installation of a 160,000 litre rainwater tank proposed to be located to the rear of the existing dwelling, approximately 3 metres from the eastern boundary.

The rainwater tank is proposed to have a maximum height of 2.31 metres and a diameter of 9.4 metres – refer plans below.



- *Residential Design Codes*

The Residential Design Codes ('the Codes') operate as State Planning Policy 3.1, are produced by the Western Australian Planning Commission, and apply statewide to guide assessment of residential development.

The Codes have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for 'external fixtures'. External fixtures are defined in the Codes as including rainwater tanks.

The Explanatory Notes in the R Code Guidelines indicate that apart from solar collectors, television antennae and downpipes, any other external fixtures which may have greater potential to detract from amenity and streetscape should be subject to planning control.

Based on the Explanatory Notes it is construed that the rainwater tank is not automatically 'deemed to comply'. Both the 'Deemed to Comply' criteria and 'Design Principles' for external fixtures are similar and require some exercise of discretion which can only occur through the planning process.

R Code Design Principle	R Code Deemed to Comply
Other external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of residents in neighbouring properties.	Other external fixtures provided that they are: <ol style="list-style-type: none"> i. Not visible from the primary street; ii. Are designed to integrate with the building; or iii. Are located so as not to be visually obtrusive.

The location of the proposed rainwater tank to the rear of the existing dwelling and outbuilding is generally supported. The rainwater tank will be visible from the neighbouring property at 28 Moir Street however it is ancillary to an existing house.

By virtue of its size the rainwater tank cannot be designed practically to integrate with the existing house. Design integration is only achievable for smaller tanks that can fit under the eaves of dwelling.

TPI is of the view that the rainwater tank, whilst it will be visible, will not have any adverse unacceptable visual impact.

- *Setbacks*

The R Codes have minimum setbacks for buildings. A building is defined in the R Codes as including any structure so technically the building setbacks can be applied to the rainwater tank.

Under the R Codes any building is required to be setback 10 metres from a side boundary. The rainwater tank is proposed to be setback 3 metres from the eastern side boundary.

Variations to setback requirements can be considered on merit following consultation with any affected landowner.

Due to the setback variation consultation with the adjacent landowner is underway. No submissions had been received at the time of writing this report.

- *Relevant State Planning Policies and Guidelines –Bushfire Prone Areas*

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

The Shire has a mandatory obligation to consider SPP3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

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

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 2 is within the declared bushfire prone area.

It is recommended that no Bushfire Attack Level assessment be required for this proposal as:

1. The development is a rainwater tank which is ancillary to the existing residence;
2. No significant land use intensification is proposed; and
3. Policy requirements can be applied pragmatically by the decision which is outlined under the Western Australian Planning Commission Planning Bulletin 111/2016.

Statutory Environment

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

Planning and Development (Local Planning Schemes) Regulations 2015 - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply.

Clause 61(1)(d) outlines that any external fixture entailing a variation to the Residential Design Codes requires planning approval.

Clause 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.

Clause 82(1) gives the local government the ability to delegate its powers to the Chief Executive Officer. Clause 82(2) requires any delegation to be by Absolute Majority.

Policy Applicable – Implications

There are no policy implications for this report.

Financial Implications

Budget

The Shire pays consultancy fees to 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, Reputational

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

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

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

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

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

Consultation

The application has been referred to the adjacent neighbour at 28 Moir Street for comment by the 15 April 2020.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Absolute Majority (delegated authority)

OFFICERS RECOMMENDATION

That Council:

- 1. Note that Lot 2 (No 30) Moir Street, Frankland River is located within a designated bushfire prone area and support an exemption from a Bushfire Attack Level assessment/ State Planning Policy 3.7 as part of the development application process as:
 - a. The development is a rainwater tank which is ancillary to the existing residence;**
 - b. No significant land use intensification is proposed; and**
 - c. Policy requirements can be applied pragmatically by the decision which is outlined under the Western Australian Planning Commission Planning Bulletin 111/2016.****
- 2. Note that the application has been referred to the nearest landowner (of 28 Moir Street) for comment.**
- 3. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine an application for a rainwater tank on Lot 2 (No 30) Moir Street, Frankland River**

10.2.4 PLANNING APPLICATION - PROPOSED COMMUNITY GARDEN AND CULTURAL SPACE - RESERVE 25331, LOT 293 (NO 140) CLIMIE STREET, CRANBROOK.

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Consultant Planner (Town Planning Innovations)
FILE REFERENCE: R25331
APPLICANT: Shire of Cranbrook
DATE OF REPORT: 2 April 2020
ATTACHMENTS: Concept Plan

Purpose

The purpose of this report is for the Council to consider granting delegated authority to allow the Chief Executive Officer to determine a planning application for a community garden and cultural space on Reserve 25331, Lot 293 (No 140) Climie Street, Cranbrook.

Background

Reserve 25331 was historically used as a bowling club until 2010, and is now utilised by the Gillamii Centre.



Officers Comment

- *Ownership*

There is a Management Order over the reserve to the Shire of Cranbrook for ‘community purposes, recreation, bowling and clubs’ with a right to lease. The reserve is leased by the Shire to the Gillamii Centre (Inc).

As the reserve is subject to a lease the Shire does not have any delegated authority from the Minister for Lands to sign the planning application form.

The Shire can only sign application forms where the development is consistent with the purpose of the reserve and is not subject to any lease.

TPI has referred the application form to the Department of Planning, Lands and Heritage Department for an owners' signature.

- *Description of Proposal*

The applicant has advised that the site still has a bowling club appearance so the proposal is to create public open space at the rear of the bowling green that then connects to the existing dam through existing bush. The proposal is for beautification of the site more in keeping with the Gillamii Centre that is already established on the reserve.

A Concept Plan has been developed however it may be subject to change – refer Attachment 1. The plan may be revised in the future to include a viewing platform at the dam edge for turtle viewing.

- *Relevant State Planning Policies and Guidelines –Bushfire Prone Areas*

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

The Shire has a mandatory obligation to consider SPP3.7 when making a decision on any application where the lot is within a designated bushfire prone area.

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

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Reserve 25331 is within the declared bushfire prone area.

It is recommended that no Bushfire Attack Level assessment be required for this proposal as:

1. The development is ancillary to the existing Gillamii Centre;
2. No buildings are proposed so no higher construction standards apply; and
3. No significant land use intensification is proposed; and
4. Policy requirements can be applied pragmatically by the decision which is outlined under the Western Australian Planning Commission Planning Bulletin 111/2016.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 4 – The subject land is a local scheme reserve for 'recreation and open space'.

Under Clause 3.4.1. A person must not:

- a) use a Local Reserve; or
- b) commence or carry out development on a Local Reserve without first having obtained planning approval under Part 9 of the Scheme.

In accordance with Clause 3.4.2 the local government is to have due regard to:

- a) the matters set out in clause 10.2; and
- b) the ultimate purpose intended for the Reserve.

A portion of Reserve 25331 is also within a Waste Water Treatment Plant Buffer Special Control Area. Under Clause 6.3.4 all applications for planning approval are to be referred to the Water Corporation and the local government is to have due regard to recommendations/advice received from the Water Corporation when determining applications.

Planning Development Regulations 2009 - regulate the maximum payable planning application fee however the Shire has discretion to charge a lesser fee if desired.

Planning and Development (Local Planning Schemes) Regulations 2015 - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply.

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.

Clause 82(1) gives the local government the ability to delegate its powers to the Chief Executive Officer. Clause 82(2) requires any delegation to be by Absolute Majority.

Policy Applicable – Implications

There are no policy implications for this report

Financial Implications

It is recommended that the Shire waive the planning application fee of \$147.00.

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, Reputational

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional planning advice.

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

Objective 2: Economic – To be an innovative, diverse, prosperous and growing economy

Outcome 2.3: An active, innovative tourism industry

Strategy 2.3.1: Promote the hidden treasures and natural attractions of the Shire of Cranbrook

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

Outcome 3.1: A protected, diverse, healthy natural environment

Strategy 3.1.1: Promote, enhance and maintain our natural attractions, parks and reserves

Consultation

The application form has been referred to the Department of Planning, Lands and Heritage for signing.

The application has been referred to the Water Corporation as required by Clause 6.3.4 of the Scheme (as the reserve is within the Waste Water Treatment Plant Special Control Area).

The Water Corporation has no objections to the proposal and has advised:

- While community uses, club premises and recreation uses are typically not compatible with odour nuisance from wastewater treatments plants, in this instance the proposed use is similar, or perhaps even less intensive than the bowling green use that it will replace.
- Most of the proposed development/use is located outside the nominal 500m radius buffer around the WWTP.
- Also, the site is located approximately 680-700m from the primary treatment pond at the Cranbrook WWTP, which is usually the main source of odour, so it is unlikely that odour impacts will be detected at this distance. The WWTP is remote from the town and surrounded by vegetation, which assists in limiting the lateral spread of any odour.
- Provided that the Shire takes appropriate steps (such as a footnote on the approval) to advise users of the facility that the area may occasionally experience odour from the WWTP, the Water Corporation has no objections or concerns with the proposal.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Absolute Majority (delegated authority)

OFFICERS RECOMMENDATION

That Council:

- 1. Note that Reserve 25331 is located within a designated bushfire prone area and support an exemption from a Bushfire Attack Level assessment/ State Planning Policy 3.7 as part of the development application process as:**
 - a. The development is ancillary to the existing Gillamii Centre;**
 - b. No buildings are proposed so no higher construction standards apply; and**
 - c. No significant land use intensification is proposed; and**
 - d. Policy requirements can be applied pragmatically by the decision which is outlined under the Western Australian Planning Commission Planning Bulletin 111/2016.**
- 2. Resolve to waive the applicable planning application fee for this application as the project will have wider benefits as open space available to visitors and the local community.**
- 3. Note that planning application form has been referred to the Department of Planning, Lands and Heritage for an owners' signature.**
- 4. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine an application for a community garden and cultural space on Reserve 25331, Lot 293 (No 140) Climie Street, Cranbrook.**

10.2.5 ROAD CLOSURE - CBH REQUEST (PORTION OF HARDY STREET)

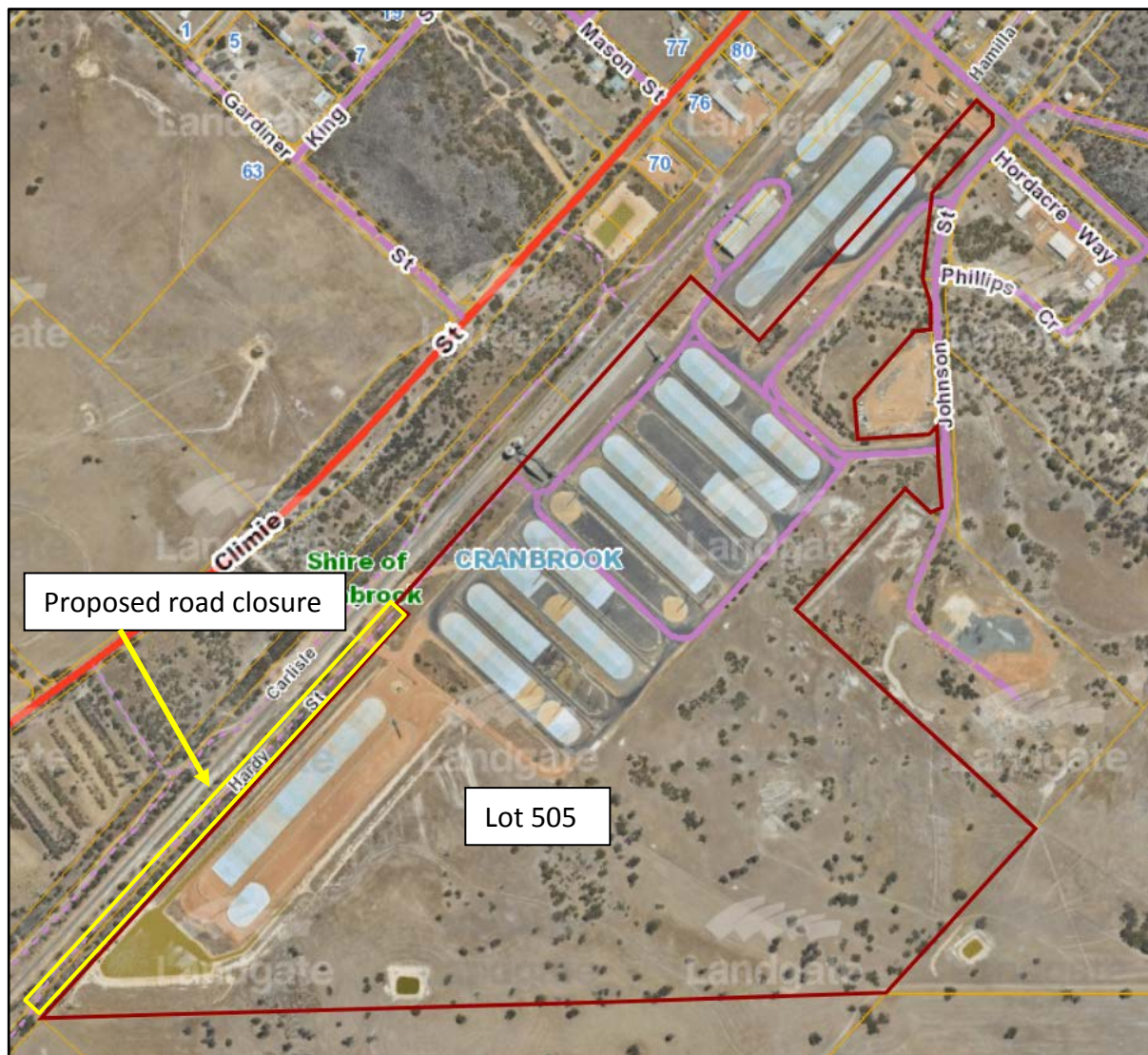
RESPONSIBLE OFFICER: Peter Northover - Chief Executive Officer
REPORT AUTHOR: Liz Bushby - Town Planning Innovations
FILE REFERENCE: RO087
APPLICANT: CBH
DATE OF REPORT: 7 April 2020
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider a request by CBH for an unconstructed portion of Hardy Street to be closed.

Background

A portion of Hardy Street subject of this road closure request is located to the immediate west of Lot 505 which is owned by CBH (Co-Operative Bulk Handling Limited).



Officers Comment

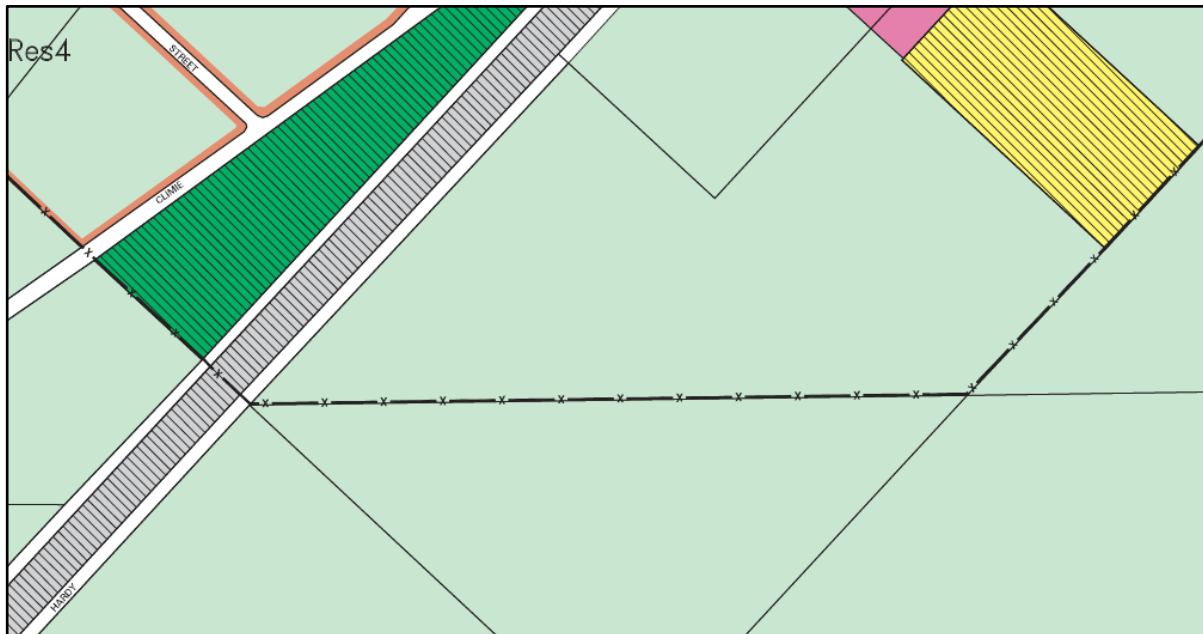
CBH has requested that the Shire commence with formal road closure procedures. The section of Hardy Street that is proposed to be closed is approximately 675.45 metres long, and CBH proposes to amalgamate it with Lot 505 in the future.

The road is unmade and does not provide access to any other land. It is recommended that the proposed road closure request be supported for the purpose of conducting public advertising.

It is also recommended that written confirmation be obtained confirming that CBH intends to meet all costs associated with the road closure process, prior to commencement of formal advertising.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 4 – Hardy Street road reserve is reflected on the Scheme Map.



Land Administration Act 1997 - A partial or full road reserve closure is regulated by Section 58 of the Land Administration Act 1997 ('the Act'). To amalgamate that land into an adjoining property Section 87 of the Act is applied.

Land Administration Regulations 1998 – Section 9 of the Regulations outlines the information that needs to be provided as part of any road closure request lodged to the Minister including copies of relevant Council resolutions, sketch plans showing the road closure location / proposed amalgamation, copies of any submissions lodged during advertising, and the Shires comments on submissions.

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

Budget

All costs associated with a Road Reserve closure are to be borne by CBH who seeks to acquire the land.

Costs that may be included in the road reserve closure process are outlined as follows:

- Advertising costs payable to the local government;
- Preparation of road closure map;

- Costs involved in modifying or relocating service utilities infrastructure are payable to the service authorities who have assets that may be affected by the closure;
- Costs associated with any easements that may be required to formalise access to any service infrastructure;
- All costs associated with a amalgamation application, survey lodgement, plan preparation, land purchase and stamp duty are payable to the relevant State Government agencies;
- The costs associated with the purchase of the land. The purchase price is determined by the Office of the Valuer General on behalf of the Department of Planning, Lands and Heritage. The Shire does not receive any proceeds from the sale of the land and is not involved in the determination of its value.

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 Unlikely

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

Risk mitigation includes receiving professional planning advice and referral of the application to the Department of Planning, Lands and Heritage for determination.

Strategic Community Plan Reference

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

Objective 2: Economic – To be an innovative, diverse, prosperous and growing economy

Outcome 2.2: A progressive, vibrant sustainable agricultural industry

Strategy 2.2.1: Maintain strong relationship with CBH and support future expansion

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 in the form of public advertising is a requirement of the *Land Administration Act 1997*.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

- 1. Resolve to advertise the proposed closure of a portion of Hardy Street for a minimum of 35 days in accordance with Section 58 (3) of the *Land Administration Act 1997*.**
- 2. Prior to commencement of advertising, seek written confirmation from CBH that they will be responsible for all reasonable costs associated with the road closure process including**
 - Advertising costs payable to the Shire;**
 - Preparation of scaled road closure map;**
 - Costs involved in modifying or relocating service utilities infrastructure payable to any service authorities who have assets that may be affected by the closure;**
 - Costs associated with any easements that may be required to formalise access to any service infrastructure;**
 - All costs associated with a amalgamation application, survey lodgement, plan preparation, land purchase and stamp duty are payable to the relevant State Government agencies;**
 - The costs associated with the purchase of the land. The purchase price is determined by the Office of the Valuer General on behalf of the Department of Planning, Lands and Heritage. The Shire does not receive any proceeds from the sale of the land and is not involved in the determination of its value.**

10.2.6	LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) DRAFT MINUTES
RESPONSIBLE OFFICER:	Peter Northover - Chief Executive Officer
REPORT AUTHOR:	Kevin Bransby - Emergency Services Officer
FILE REFERENCE:	BF13
APPLICANT:	N/A
DATE OF REPORT:	8 April 2020
ATTACHMENTS:	1. Special LEMC COVID-19 Minutes - 25 March 2020 2. Special LEMC COVID-19 Minutes - 1 April 2020 3. Special LEMC COVID-19 Minutes - 8 April 2020

Purpose

The purpose of this report is for the Council to consider the draft minutes from the Special LEMC COVID-19 meetings held on 25 March 2020, 1 April 2020 and 8 April 2020.

Background

The Shire of Cranbrook Local Emergency Management Committee (LEMC) was established in accordance with the Emergency Management Act 2005 section 38 which states:

(1) A Local government is to establish one or more local emergency management committees for the local government's district.

The function of the LEMC is documented in the Act under section 39:

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

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

- Cr Representative – Shire President
- Shire Staff
- Chief Bushfire Control Officer (CBFCO)
- WA Police - local officers
- St John Ambulance – Cranbrook and Frankland River
- St John Ambulance Great Southern
- Department of Communities
- Plantagenet Cranbrook Health Service
- Red Cross
- Department of Primary Industries and Regional Development (DPIRD)
- Frankland River Community Centre
- Cranbrook Primary School
- Department of Biodiversity, Conservation and Attractions
- Main Roads Great Southern
- Western Power
- Water Corporation
- Department of Fire and Emergency Services

Officers Comment

The draft minutes from the three Special LEMC COVID-19 meetings held on 25 March 2020, 1 April 2020 and 8 April 2020, are attached with no recommendations to Council from these meetings.

Statutory Environment

The Emergency Management Act 2005 relates to this report and the Local Government Act 1995 Section 6.8(c) states:

*“Expenditure from municipal fund not included in annual budget
(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
(c) is authorised in advance by the mayor or president in an emergency.”*

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is Unlikely.

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

Risk mitigation includes continual liaison with the relevant agencies involved with the COVID-19 pandemic to ensure minimal disruption to the wider community and businesses in the Shire of Cranbrook.

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 support emergency management and services

Consultation

Consultation for this report included members of the LEMC.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the attached minutes from the 25 March 2020, 1 April 2020 and 8 April 2020 Special COVID-19 Local Emergency Management Committee meetings be received by Council.

10.2.7 BUSH FIRE ADVISORY COMMITTEE – OFFICE BEARERS

RESPONSIBLE OFFICER:	Peter Northover- Chief Executive Officer
REPORT AUTHOR:	Kevin Bransby – Emergency Services Officer
FILE REFERENCE:	BF1
APPLICANT:	Bush Fire Advisory Committee
DATE OF REPORT:	7 April 2020
ATTACHMENTS:	BFAC Office Bearers - 2020/21

Purpose

The purpose of this report is to present to Council the proposed Bush Fire Advisory Committee (BFAC) Officer Bearers for 2020/2021 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.

Due to the COVID-19 Pandemic, the April BFAC meeting, which was due to be the AGM, had to be cancelled. In consultation with the Shire’s Chief Bush Fire Control Officer and Shire CEO, members of the BFAC were given the opportunity to choose an alternative method to conduct the meeting and in particular, elect office bearers for the 2020/2021 year. Those alternatives agreed upon for consideration were:

1. The Shire to organise a teleconference
2. The nomination and voting of office bearers to be conducted via email.
3. The current office bearers to remain in office until the next AGM.

An email was sent to all BFAC members on 18 March, 2020 inviting them to indicate their preference. Responses to the email indicated a unanimous preference to retain the current office bearers until the next Annual General Meeting of the BFAC in April, 2021.

In consideration of the various options, it was noted that a number of BFAC members did not have the technology to participate in a teleconference, nor did they have the capability or capacity to undertake a videoconference. As a result of the feedback and given the restrictions around social distancing and public gatherings, it is recommended that Council endorse the carry over appointments of the current BFAC Office Bearers to 2020/2021.

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
- Inadequate Engagement Practices

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

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

The **likelihood** is Unlikely

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

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

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 included all the members of the BFAC.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council endorses the carry over appointment of the 2019/2020 Bush Fire Advisory Committee Office Bearers to the 2020/2021 financial year as per attached.

10.2.8	ANNUAL FIREBREAK NOTICE 2020/2021
RESPONSIBLE OFFICER:	Peter Northover- Chief Executive Officer
REPORT AUTHOR:	Kevin Bransby – Emergency Services Officer
FILE REFERENCE:	BF1 & BF8
APPLICANT:	Shire of Cranbrook - Bushfire Advisory Committee
DATE OF REPORT:	7 April 2020
ATTACHMENTS:	Shire of Cranbrook Annual Firebreak Notice 2020/21.

Purpose

The purpose of this report is for Council to consider the Annual Firebreak Notice 2020/2021 for publication and distribution to owners and occupiers of land in the Shire of Cranbrook.

Background

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

Officers Comment

Due to the COVID-19 Pandemic, the April Bush Fire Advisory Committee (BFAC) meeting, which was to be the Annual General Meeting, had to be cancelled. In consultation with the Shire’s Chief Bushfire Control Officer and members of the Bush Fire Advisory Committee, together with the Shire CEO, Ranger and Emergency Services Officer, it was agreed that an amendment to the firebreak notice needed to be made to define the requirement of grass height within “Town sites”.

Previously there was no mention of any height requirement for residents of the Shire to comply with. The proposed amendment states:

‘All grasses must be kept and maintained below 100mm throughout the dates mentioned in this notice’.

This amendment can be found at the end of the first paragraph, under the “Town Sites” section of the Firebreak Notice. Members of the BFAC have endorsed this amendment to the Firebreak Notice 2020/21.

Statutory Environment

The Bushfires Act 1954 is applicable to this report.

Policy Applicable – Implications

Council Policy 6.0 Bushfire Control is applicable to this report.

Financial Implications

The total cost of this item will be approximately \$2,500 for printing of the firebreak notice and \$250 advertising costs that can be funded from operating account 051010 (Fire Prevention).

Risk Implications

The risks associated with matters in this report are:

- Inadequate Environmental Management
- Business and Community Disruption
- Errors, Omissions and Delays

- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Providing Inaccurate advice / information
- Inadequate Engagement Practices

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes consideration and discussion at the BFAC and an annual review of the Firebreak Notice.

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 1.2.1: Retain a strong focus on community safety and crime prevention

Strategy 1.2.2: Advocate and actively support emergency management and services

Consultation

Consultation for this report was undertaken with members of the BFAC, including the Chief Bushfire Control Officer and responsible officers from the Shire, including the CEO.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

- 1. Adopts the attached Annual Firebreak Notice for 2020/2021**
- 2. Agrees to advertise the Annual Firebreak Notice for 2020/2021 in a newspaper circulating within the district of the Shire of Cranbrook; and**
- 3. Agrees to the printing and distribution of the Annual Firebreak Notice for 2020/2021 throughout the Shire of Cranbrook.**

10.3 WORKS

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 Horrocks will declare the meeting closed at pm.