

COUNCIL MEETING

AGENDA

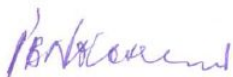


For the Ordinary Meeting of Council to be held on

19 June 2019

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 19 June 2019 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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The Shire of Cranbrook advises that anyone who has any application lodged with the Shire of Cranbrook must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Cranbrook in respect of the application.

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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
Minute Taker	Ms SJ (Samantha) O'Neill

Members of the Public

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the May 2019 Ordinary Meeting of Council, Mrs Shannon Hardingham addressed the Council and asked a number of questions in relation to the planning application by the Forest Products Commission.

The Chief Executive Officer provided the following response to Mrs Hardingham on 30 May 2019.

Question:

1. Are you aware that the proposal neglects the fact there is no RAV access to the property and with this in mind, advise how harvesting might be carried out safely and legally from this property?

Response:

Main Roads WA is responsible for administering road access for Restricted Access Vehicles (RAVs) in Western Australia. RAVs can only operate on roads approved by Main Roads, or where granted a specific permit. As part of any future Harvesting Plan, the Forest Products Commission will need to provide the local government with information on the use and management of roads.

The Forest Products Commission can apply to Main Roads WA for a "Restricted Local Access" Period Permit which provides access to the final destination of a particular transport task (journey). This may include access to a plantation.

Main Roads WA can issue a permit to a particular vehicle combination and / or length, with particular conditions (ie. traffic management, speed restriction etc.) relevant to the specific transport task which in this case would be harvesting.

Question:

2. Can you please investigate and confirm the proposal's compliance with the Code of Practice for Timber Plantations in WA, upon consideration of plans to clear?

Response:

The Timber Code of Practice is only a guideline, and is not a statutory document.

Any clearing permit application will be assessed by the Department of Water and Environmental Regulation (DWER).

A plantation can only occur in areas where a clearing permit is issued by DWER. The Department of Water and Environmental Regulation (DWER) administers the clearing provisions of the [Environmental Protection Act 1986](#). Applications for clearing permits are assessed and decisions are made to grant or refuse the application in accordance with this Act.

In the event that a planning approval is issued by the Shire, it does not negate the requirement for the Forest Products Commission to obtain separate approval for clearing from DWER.

Question:

3. Your local planning strategy 2016-2023 states on page 80 that 'guidance on land such as tree farms...will be provided by state planning policy'. Are the councillors aware of State Planning Policy 2.5 – Rural Planning Guidelines (SPP 2.5) which specifically discusses tree farms?

Response:

There is no 'Section 8 – Planning for Tree Farms' under the current State Planning Policy 2.5 produced by the Western Australian Planning Commission dated December 2016.

There is a 'Section 5.6 – Tree Farming' under the current State Planning Policy 2.5.

The WAPC policy in regard to tree farming is:

- (a) tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;
- (b) tree farming should generally not occur on priority agricultural land;
- (c) tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;

- (d) local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;
- (e) in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge, visual landscape impacts, transport impacts of tree farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses;
- (f) where tree farm proposals are integrated with farm management for the purpose of natural resource management and occupy no more than 10 per cent of the farm, the proposal should not require local government development approval; and
- (g) the establishment of tree farms does not warrant the creation of new or smaller rural lots.

The WAPC Policy includes plantations in the definition of 'agricultural land use / agricultural purposes' and classifies it as one of a subset of rural land used specifically for agricultural purposes.

Question:

4. Do you believe that a pine plantation complies with the Shire's strategic direction and if not, will you consider exercising your discretion and not grant approval?

Response:

The Shires Local Planning Strategy focused on the main town sites within the Shire. It includes a section on 'land outside of townsite boundaries', and recognises that it is mainly Rural land used for farming.

The Shires Local Planning Strategy states as follows:

"Over time there has been a diversity of other new ventures, including tree plantations, free range poultry and more recently free range pig farming (with low stocking rates per hectare).

These contemporary rural uses, and the more traditional rural activities, should be encouraged throughout the Shire and located according to land capability, suitability and servicing needs."

The Local Planning Strategy also includes the following reference to plantations:

"A wide range of different landuses can be applied for in the Rural zone such as wind farms, feedlots, intensive agriculture, solar panel farms, agroforestry, tree plantations and the like. All of these uses are controlled through the existing Shire of Cranbrook Town Planning Scheme No 4. No changes are proposed in regards to Rural related landuses, and this Strategy focuses on the main townsites within the Shire."

Response to second part of question four:

A report item on the application was laid on the table by the Shire Council at the Ordinary Meeting held on the 15 May 2019. A further report will be referred to a future Council meeting for determination.

The Shire has decided to advertise the proposal for public comment, and will consider any issues raised as part of the normal decision making process.

The Shire Council still has to make a determination on the application.”

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 – 15 May 2019

That the minutes from the ordinary meeting of Council held on 15 May 2019, 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:	10 May 2019
ATTACHMENTS:	List of Payments – 1 May 2019 to 31 May 2019

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 May 2019 to 31 May 2019.

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 \$591,021.68 as per the attachment be noted:

- **Electronic Funds Transfers EFT9610 to EFT9771 - \$457,895.31;**
- **Municipal Fund Cheque No's 12166 – 12168 - \$7,181.82;**
- **Internal Account Transfers (Payroll) - \$100,367.27; and**
- **Direct Debit - \$25,577.28.**

10.1.2 MONTHLY FINANCIAL STATEMENTS

RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Jodi Vitler – Finance Admin Officer
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	11 June 2019
ATTACHMENTS:	Financial Statements for May 2019

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 May 2019.

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 93% of our expected operating income;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 82% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 3 shows a net current assets position of \$1,078,000 (surplus), which is mainly made up of cash on hand; and
- The 'Variance Report' on page 8 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 2019 be noted.

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 PLANNING APPLICATION - PROPOSED PLANTATION – LOT 1 (NO 935) BUNNINGS LOG ROAD, FRANKLAND RIVER

RESPONSIBLE OFFICER:	Peter Northover - Chief Executive Officer
REPORT AUTHOR:	Liz Bushby - Town Planning Innovations
FILE REFERENCE:	A1023
APPLICANT:	Forest Products Commission
DATE OF REPORT:	11 June 2019
ATTACHMENTS:	1. Site Plan 2. Letter by Forest Products Commission 3. Location Plan – Ramsar site 4. Table of Submissions

Purpose

The purpose of this report is for the Council to consider an application to extend an existing plantation on Lot 1 Bunnings Log Road, Frankland River.

Background

- **Location**

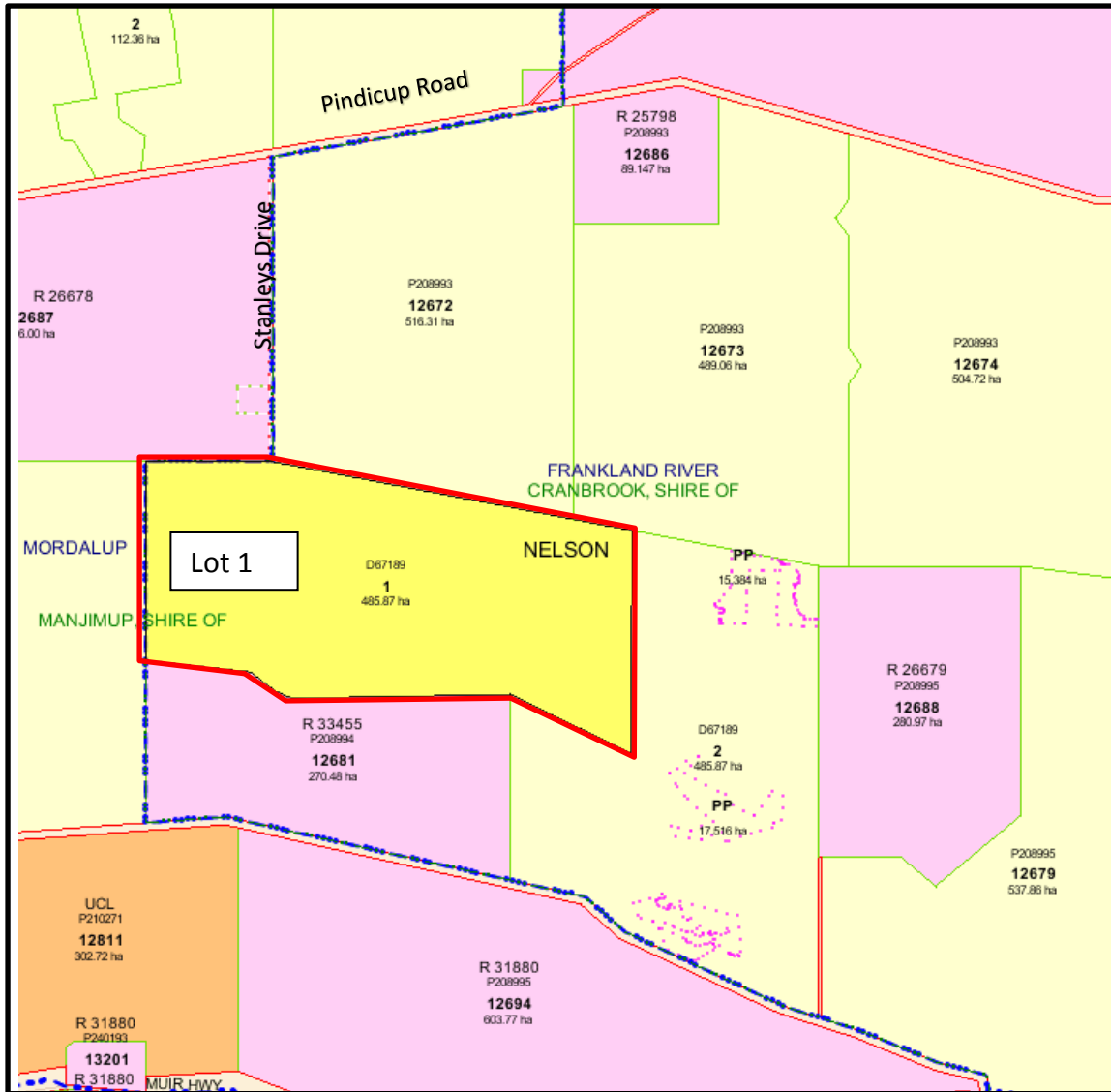
Lot 1 has an approximate area of 485.8 hectares, and contains an existing plantation area of 125 hectares.

The lot is located adjacent to the local boundary between the Shire of Cranbrook and Shire of Manjimup. The main access to the property is via Stanleys Drive which is located in the Shire of Manjimup.

A location plan is included over page for ease of convenience.

- **Previous Council consideration**

A report on this application was referred to Council at the Ordinary meeting held on the 15 May 2019. Council resolved to lay the item on the table in order to seek public comment and allow the application to be reviewed at a future Council meeting.



Location Plan

- **Strategic Planning**

The Shire’s Local Planning Strategy was prepared by Town Planning Innovations (TPI) in collaboration with Shire Administration and Council. Following advertising, the Local Planning Strategy was adopted by Council and has been endorsed by the Western Australian Planning Commission.

The Local Planning Strategy focused on the main town sites within the Shire. It includes a section on ‘land outside of townsite boundaries’, and recognises that it is mainly Rural land used for farming.

The Shires Local Planning Strategy states as follows:

“Over time there has been a diversity of other new ventures, including tree plantations, free range poultry and more recently free range pig farming (with low stocking rates per hectare).

These contemporary rural uses, and the more traditional rural activities, should be encouraged throughout the Shire and located according to land capability, suitability and servicing needs.”

The Local Planning Strategy also includes the following reference to plantations:

“A wide range of different landuses can be applied for in the Rural zone such as wind farms, feedlots, intensive agriculture, solar panel farms, agroforestry, tree plantations and the like. All of these uses are controlled through the existing Shire of Cranbrook Town Planning Scheme No 4. No changes are proposed in regards to Rural related landuses, and this Strategy focuses on the main townsites within the Shire.”

TPI is of the view that the proposed plantation land use is not contrary to strategic planning for the Shire of Cranbrook.

The Shire’s Local Planning Strategy recognises that there is a diverse range of contemporary rural uses such as plantations, encourages these uses in suitable locations, and does not recommend any changes to rural related land uses under the Shire of Cranbrook Town Planning Scheme No 4.

Officers Comment

- ***Description of Application***

The application has been lodged by the Forest Products Commission which is the government’s statutory authority with responsibility for management of Western Australia’s renewable timber resources.

An extension is proposed to the existing plantation on Lot 1 which is currently owned by Mr Peter Swift. The Forest Products Commission has identified that the land is suitable for additional plantation areas, and intends to purchase the land conditional on obtaining local government approval.

The applicant proposes to:

- a. Establish an 80 hectare plantation immediately in the 2019 winter;
- b. Clear fall the 125 hectare existing plantation in Autumn 2020 before re-establishing the area in the winter of 2020;
- c. Clear 68 hectares of scattered native vegetation and establish any areas approved in 2020 (subject to a separate clearing permit being obtained by the Department of Water and Environmental Regulation).

The site is to be planted with Pinus radiata seedlings sourced from the Forest Products Commission nursery in Manjimup.

The applicant has advised that the land is low lying with shallow fresh ground water in some parts. The general landscape features of the property will be maintained and include streams, water ways, rock outcrops and native vegetation cells. Buffers will be maintained or established along waterways left undisturbed.

The applicant has lodged a Fire Management Plan. External 15 metre firebreaks and 6 metre internal firebreaks are proposed as well as informal internal access tracks. All roads and breaks will be maintained in accordance with the ‘Guidelines for Plantation Fire Protection’ (FESA 2011).

A site plan is included as Attachment 1.

Additional information was lodged by the applicant on the 5 June 2019 in support of the proposal – Attachment 2. The applicant provides advice on RAV access, clearing, water useage, economic benefits and social benefits.

- **Zoning & Landuse Permissibility**

Lot 1 is zoned 'Rural' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

A plantation is defined in the Scheme as *'has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers'.*

The Code of Practice was developed by the Forest Products Commission and includes a term for plantation as being *'a stand of trees ten hectares, or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and / or environmental value. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Implicit in this definition is the recognition that plantations will be harvested.'*

A plantation is listed as a 'D' use in the Rural zone under 'Table 1 – Zoning Table', which *'means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.'*

The Scheme outlines a number of considerations for plantations as summarised below:

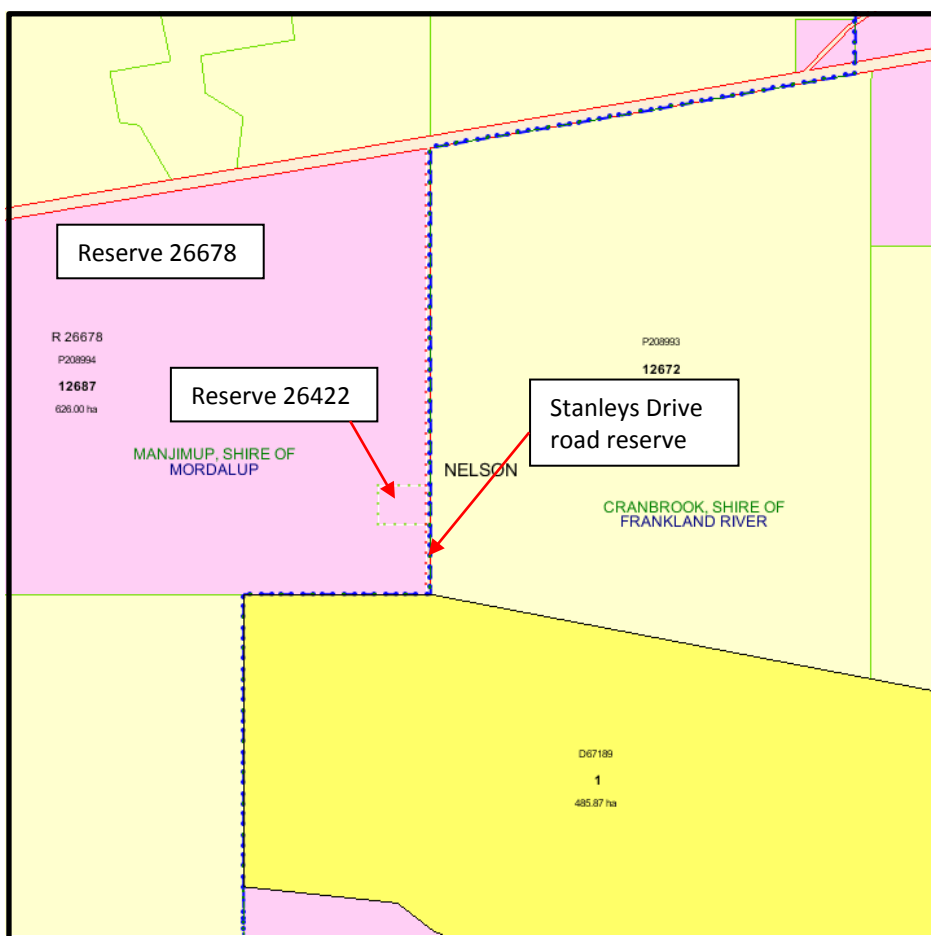
Matters for consideration under the Scheme – Clause 5.20 (a)	Comment
The Code of Practice for Timber Plantations in WA	There are applicable aspects such as weed control, provision of a fire management plan etc which the application complies with.
Submission of plantation management plan in accordance with the protocol in the Code of Practice	The applicant has lodged a management plan which examines issues such as access, plantation design, watercourse protection, soils, weed control etc. General landscape features of the lot will be maintained and includes streams, water ways, rock outcrops and native vegetation cells.
The need to encourage the commercial production of trees which is of significance to the national, regional and local economy.	Noted. The Shires Local Planning Strategy encourages contemporary rural uses.
The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.	Noted.
The role of agroforestry and plantations in protecting water quality and preventing adverse effects on ground water re-charge.	Noted.
The location of the land in relation to land zoned for residential, industrial, commercial uses.	Noted. The lot is surrounded by rural zoned land and reserves. It is not located near any residential, industrial or commercial zones.

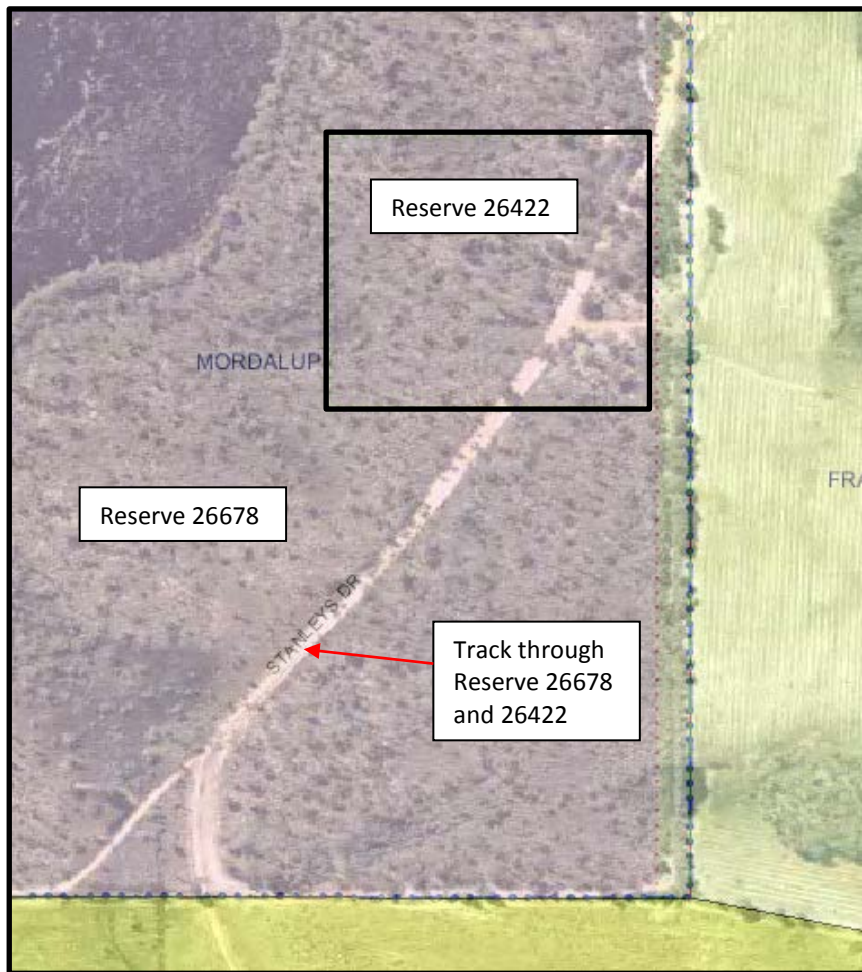
The suitability of the current and future road systems.	Conditions can be imposed relating to harvesting. Access is discussed separately in this report.
Any Local Planning Policy adopted by the local government.	There is no existing local planning policy. The Shire has a Local Planning Strategy which is discussed in the background section of this report.
Any objective of the Rural zone under Part 4.	<p>Noted. Whilst the main objective is for continuation of broad-hectare agriculture in the Rural zone, Council has discretion under the Scheme to consider a wide range of other agricultural land uses in the rural zone.</p> <p>A plantation is a form of agricultural land use (as defined in State Planning Policy 2.5).</p>

- **Road access – Stanleys Drive**

The lot is accessed from the north via Stanleys Drive.

There is an issue as the southern portion has been constructed outside of the formal road reserve within adjacent Reserve 26422 and Reserve 26678 which are in the Shire of Manjimup – refer plans below.





Map Enlargement (aerial)

Reserve 26422 is crown land for a timber mill, and Reserve 26678 is managed by the Department of Biodiversity Conservation and Attractions (DBCA) for conservation.

Access is important for fire management, emergency services and any future harvesting plan.

TPI has liaised with the Forest Products Commission (FPC) who were aware of the access issue, and corresponded with DBCA on the matter whilst investigating potential purchase of the lot, to seek assurances that they could continue to access the track through Reserve 26678.

The Forest Products Commission has provided an email from DBCA dated 24 May 2019 that states that:

- The Warren Region has no issue with FPC continuing using the section of Stanley Road that goes through the south east corner of the nature reserve. The gazetted part of Stanley Road that runs along the nature reserve boundary to the south east corner is only trafficable in summer.
- The only proviso is that DBCA would still need to authorise a haulage plan before FPC carts on the DBCA section of Stanley Road.

TPI has no planning concerns over access as:

- The lot has legal frontage to a gazetted road reserve.
- There is inter-departmental co-operation between the Forest Products Commission and the Department of Biodiversity, Conservation and Attractions over use of the track through Reserve 26678.

- A condition can be imposed requiring lodgement of a Harvesting Plan which will need to address access, and include a heavy haulage route map. The Shire can at that stage also require updated proof of approval to use the track by DBCA.
- The Forest Products Commission has committed to provision of a Harvesting Management Plan prior to any harvesting event; and restitution of roads where damage has resulted from heavy vehicle usage associated with management of the plantation.
- The Forest Products Commission will require a separate Permit from Main Roads WA for road access by any Restricted Access Vehicles.
- The Forest Products Commission has to provide a haulage plan to the Department of Biodiversity Conservation and Attractions in accordance with their conditional agreement to allow access through Reserve 26678.
- When any harvesting plan is lodged, the Shire has the ability to consult with any authority deemed necessary.

- ***Restricted Access Vehicles***

Main Roads WA are responsible for administering road access for Restricted Access Vehicles (RAVs) in Western Australia. RAVs can only operate on roads approved by Main Roads, or where granted a specific permit.

As part of any future Harvesting Plan, the Forest Products Commission will need to provide the local government with information on the use and management of roads.

TPI liaised with Main Roads WA who advised that the applicant could apply for a 'Restricted Local Access' Period Permit which provides access to the final destination of a particular transport task (journey). This can cater for access to a plantation.

Main Roads WA can issue a permit to a particular vehicle combination and / or length, with particular conditions (ie. traffic management, speed restriction etc.) relevant to the specific transport task, which in this case would be harvesting.

The Forest Products Commission has also liaised directly with Main Roads WA on this matter who has confirmed in writing that they can apply by lodging a 'Forestry Access Permit Application'.

The Permit application must be completed for each prime mover intended to be used on this road, and specify the exact combination and length of the vehicle.

- ***Clearing of native vegetation***

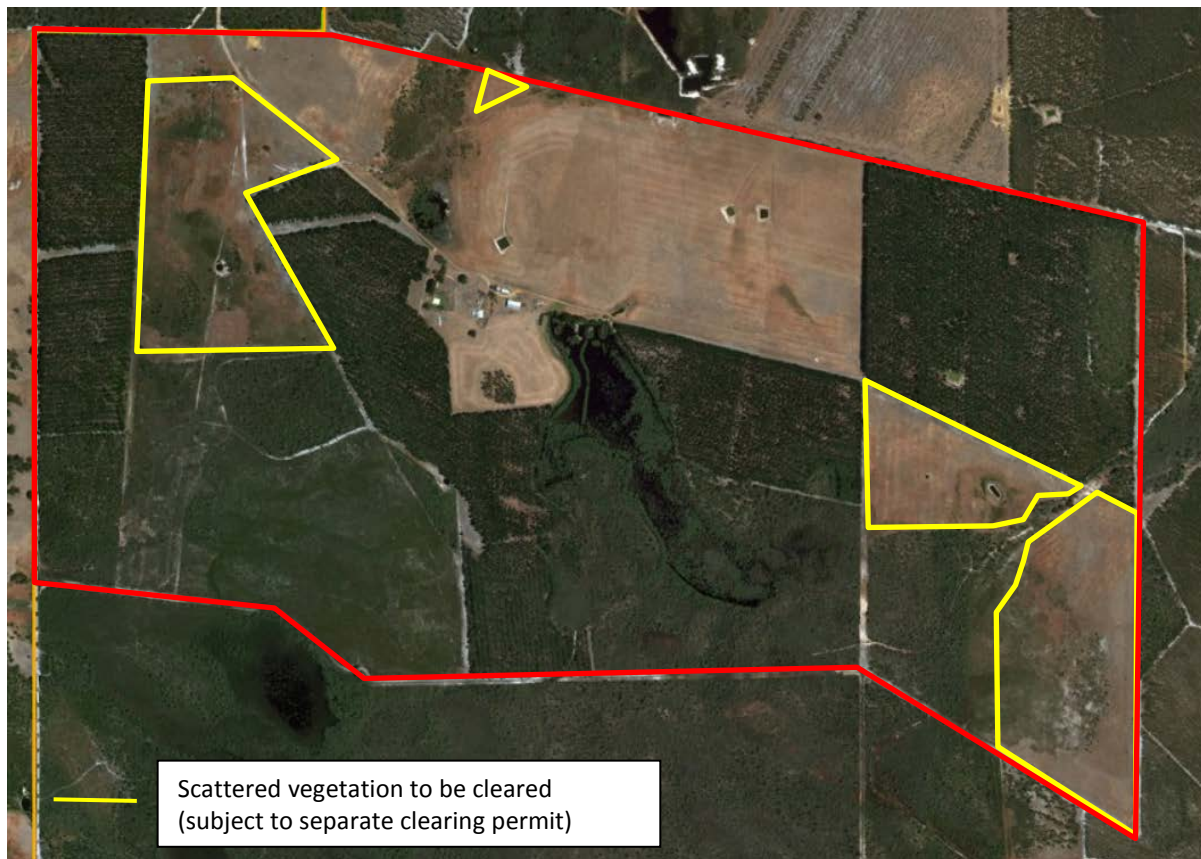
The Forest Products Commission has confirmed that it does not propose to clear any existing intact native vegetation.

There are some areas of scattered native vegetation that the Department of Water and Environmental Regulation (DWER) has identified as requiring a permit if those areas were to be cleared mechanically.

The Forest Products Commission has identified that a number of these areas do not contain any native vegetation, and they intend to engage with DWER over the potential to develop these areas with plantation (represented by the 68 hectares on the Plantation Management Plan).

TPI has outlined the approximate location of the areas proposed to be cleared on an aerial map over page.

The Forrest Products Commission has an aerial underlay on their Operations Map however the aerial is lightened so the map below has been included for clarity.



Aerial with overlay by TPI

The Department of Water and Environmental Regulation (DWER) administers the clearing provisions of the *Environmental Protection Act 1986*. They assess applications for clearing permits and decide whether to grant or refuse the application in accordance with the above Act.

The DWER assessment is a judgment in accordance with the requirements of the *Environmental Protection Act 1986* on whether or not a clearing permit application is likely to have a significant effect on the environment.

If planning approval is granted for a plantation, it does not negate the need for the Forest Products Commission to obtain a separate clearing permit. In other words, the applicant will only be able to establish a plantation in areas approved for clearing under a clearing permit.

It is not uncommon for clearing permits to be processed by DWER after a planning approval has been granted by a local authority.

This was the case for an extractive industry approved by the Shire on Lot 8078 Climie Road Cranbrook in December 2017. The quarry operators are currently seeking a clearing permit through DWER.

If a clearing permit is granted by DWER the combined total plantation area would be 273 hectares, comprising of 125 hectares existing plantation and 148 hectares of proposed plantation.

The balance lot area of 212.8 hectares would remain in its natural state. The Forest Products Commission has advised that the majority is relatively intact and of good quality, however some areas have been grazed by livestock from time to time.

- **Ramsar Site**

A number of submissions make reference to the area being environmentally sensitive, the proximity of the plantation to a Ramsar site and raise concerns over impacts that the plantation may have on the environment.

There is an intergovernmental treaty that provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources. It is known as the Ramsar Convention.

The 'Muir-Byenup System' Ramsar site is located to the south of Muirs Highway – refer Attachment 3.

The Australian Government Department of Environment and Energy website identifies that:

'Ramsar wetlands are those that are representative, rare or unique wetlands, or are important for conserving biological diversity. These are included on the List of Wetlands of International Importance developed under the Ramsar Convention.'

There is a comprehensive management plan for the Ramsar site and extensive monitoring of groundwater and water quality occurs.

Whilst the Shire does not have access to an environmental officer, TPI is of the view that environmental impact is not an impediment to the proposal for the following reasons:

- i. Any clearing can only occur if a clearing permit is issued by Department of Water and Environmental Regulation who also assess any environmental impact.
- ii. There is already an established plantation on the lot. The application is to extend an existing land use so it is not introducing a new land use.
- iii. The plantation is adjacent to a conservation reserve managed by the Department of Biodiversity Conservation and Attractions. The applicant has liaised with DBCA who has not expressed any concerns over the land use, and have agreed to allow continued access through their reserve to provide access to the lot.
- iv. Lot 1 is located approximately 2 kilometres from the Ramsar site, so there would be a buffer between the plantation and Ramsar site.
- v. There is no substantiated scientific evidence that the plantation will have a negative impact.
- vi. The applicant proposes to retain existing intact native vegetation, vegetation along creeks and retain existing landform features.

The subject lot is in an environmentally sensitive area, and it is for this reason that any clearing requires specific approval from DWER. DWER has the appropriate expertise to assess environmental considerations as part of the clearing permit process.

- **Priority Agricultural Land**

A number of State Planning Policies and Strategies place emphasis on the importance of protecting priority agricultural land, and ensuring that priority agricultural land is protected from other more intensive uses, such as plantations.

The Lower Great Southern Strategy, produced by the Western Australian Planning Commission (WAPC), encourages local governments to give greater permissibility for land uses that provide for food production than other land uses in priority agricultural areas. This can be achieved through local planning strategies, scheme reviews and local planning policies.

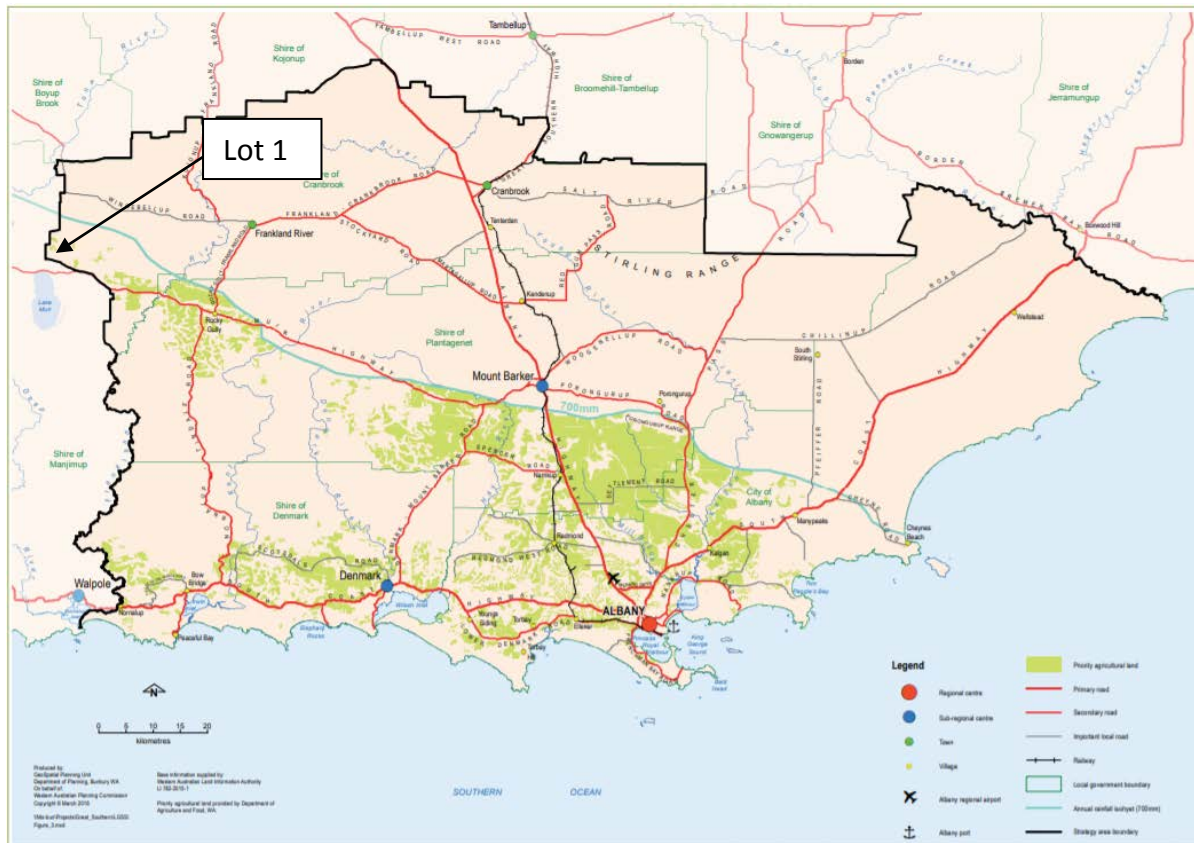


Figure 3: Priority agricultural land

Lot 1 is to the north of Muir Highway and Lake Muir. It has not been substantially identified as being within ‘priority agricultural land’ in the Lower Great Southern Strategy (which is represented as light green in Figure 3 above). Most of the ‘priority agricultural land’ appears to be closer to Rocky Gully and south of Mount Barker towards Albany, however the mapping is very broad, so it is difficult to view individual lot locations.

The WAPC mapping identifies priority agricultural land in areas which, combined with adequate rainfall (greater than 700mm annually), provide the best and most flexible opportunities for agricultural production.

TPI is aware that the Department of Primary Industries and Regional Development also identifies high quality agricultural land (HQAL) using a methodology that combines soil and water qualities valuable to agriculture.

The HQAL methodology was developed as part of a pilot project, at a regional and local scale, however it only covered the Geraldton planning region.

TPI has not identified any mapping showing Lot 1 as being significantly within an area of ‘priority agricultural land’.

That does not mean that the land does not have capability to be used for more traditional farming activities, or that it could not operate as a successful valuable productive farm.

- ***Options available to Council***

Option 1 – Approve the application subject to conditions

In the absence of any Local Planning Policy providing guidance on plantations, TPI recommends Option 1.

The fact that the lot is zoned Rural does not in itself limit the use of the land to traditional broad acre farming activities or preclude the land from being utilised for another type of agricultural use, such as a plantation, subject to the applicant obtaining all the necessary approvals.

The Shires Local Planning Strategy recognises that there are a wide range of different agricultural activities established in the existing Rural zone.

The land use itself has already been well established on Lot 1 since the 1990's. The application is not introducing a new land use, it simply seeks to extend an existing use.

It is recognised that the local community has concerns over the potential economic and social issues as a result of past wide spread plantations in the Unicup area. Many submissions identify objections based on concerns that more applications may be lodged to use entire farming properties for plantations, and that it will ultimately result in a loss of productive farmland for traditional farming activities in the Unicup locality.

It is not known at this stage whether there will be an increase of plantation applications in the Shire, however TPI recommends that the Shire consider development of a Local Planning Policy to set out clear planning guidelines for future proposals. Concerns over future applications are not substantiated and a planning decision on this application cannot be made based on unknown factors.

The objections identify issues that go beyond this individual application. The long term impacts of 'whole of farm' plantations is a broader strategic issue which the Shire can seek to address separately by:

1. Undertaking broader community consultation such as a community survey on the issue of plantations and widely engaging with key stakeholders;
2. Identifying land that is considered to be priority agricultural land at a local level;
3. Developing a community based Local Planning Policy which sets out guidelines and criteria for the assessment of plantation applications. A Policy may, for example, seek to limit the extent of plantation areas so that parts of a lot or farm can continue to be used for traditional farming activities.

The Shire of Jerramungup successfully developed a Local Planning Policy on plantations in 2009/2010 after becoming concerned about the number and extent of 'whole of farm' plantations being pursued, both for harvesting and carbon sequestration. Their Local Planning Policy is aimed at protecting rural land and was tested at the State Administrative Tribunal. Jerramungup Shire successfully defended a decision to refuse a whole lot plantation application in 2011 as the plantation proposal did not comply with their Policy.

TPI is of the view this singular application will not have a wide reaching impact, and that Council is not in a strong position to justify a refusal of the application based purely on planning considerations and the current planning framework. If a local planning policy was developed with community input, then the Shire will be in a stronger position in dealing with any future plantations applications.

Option 2 – Refuse the application

The proposed landuse is discretionary therefore Council has the ability to refuse the application, however Council would need to provide justifiable valid planning reasons for making such a decision.

Council may form the view that the plantation extension is not consistent with the state planning framework's underlying theme to protect productive agricultural land, and the planting of an entire lot / farm is contrary to the objective of the Rural zone '*to ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.*'

Statutory Environment

The Shire of Cranbrook Town Planning Scheme No 4 includes objectives for the Rural zone as follows:

- To ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.
- To provide for intensive agricultural use in suitable areas.
- To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- To allow for facilities for tourists and travellers, and for recreation uses.
- To help protect rural land from land degradation and further loss of biodiversity by:
 - minimising clearing of remnant vegetation
 - encouraging retention and protection of remnant vegetation
 - encouraging development and protection of vegetation corridors
 - encouraging development of sustainable surface and sub-surface drainage works
 - encouraging rehabilitation of salt-affected land
 - encouraging soil conservation through land management measures
 - encouraging identification and protection of wetlands.
- To promote the sustainable management of natural resources, and the prevention of land degradation.
- To have regard to use of adjoining land at the interface of the rural zone with other zones to avoid adverse effects on local amenities.

Policy Applicable – Implications

There is no Local Planning Policy applicable to this report. If Council has reservations over 'whole lots' being used for plantation purposes then it can canvas the wider community for their views, and consider using the results to formulate a Local Planning Policy.

If the Shire seeks to progress a Local Planning Policy it is recommended that there be extensive community consultation, and consideration should be given to different types of tree farming including plantations for harvesting and plantations for carbon sequestration.

- ***State Planning Policy 2.5 – Rural Planning***

TPI notes that there was a public question presented at the May 2019 Council meeting relating to plantations, and how they are addressed in the current 'State Planning Policy 2.5 – Rural Planning', which is produced by the Western Australian Planning Commission (December 2016).

There is a 'Section 5.6 – Tree Farming' under the current State Planning Policy 2.5.

State Planning Policy 2.5	Consultant Planner comment (TPI)
The WAPC policy in regard to tree farming is:	
(a) tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;	Noted. The Shire's Local Planning Strategy recognises that there is a range of contemporary rural uses throughout the Shire.
(b) tree farming should generally not occur on priority agricultural land;	Noted. TPI has not identified mapping showing that the land is priority agricultural land. That does not mean that Lot 1 could not be used productively for traditional farming.
(c) tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;	Noted. The Local Planning Strategy and / or Scheme do not identify any specific local circumstances. A Fire Management Plan has been lodged as required under the Timber Code of Practice.
(d) local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;	Noted. The Scheme makes reference to a Local Planning Policy for plantations in case one is developed/ adopted by the Shire in the future. The Shire does not have any specific local planning policy on plantations.
(e) in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge, visual landscape impacts, transport impacts of tree farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses;	Noted. These matters are discussed in the agenda report and / or in the applicants' management plan.
(f) where tree farm proposals are integrated with farm management for the purpose of natural resource management and occupy no more than 10 per cent of the farm, the proposal should not require local	Noted. This is not applicable as the proposed plantation area exceeds 10%.

government development approval; and	
(g) the establishment of tree farms does not warrant the creation of new or smaller rural lots.	Noted.

The Policy discusses ‘priority agricultural land’ as land of State, regional or local significance for food production purposes due to its comparative advantage in terms of soils, climate, water (rain or irrigation) and access to services. Priority agricultural land is derived from High Quality Agricultural Land data that has been subject to consultation and refinement, and has removed land required for existing and future urban/development areas, public use areas and land required for environmental purposes.

The WAPC Policy includes plantations in the definition of ‘agricultural land use / agricultural purposes’ and classifies it as one of a subset of rural land used specifically for agricultural purposes.

The Policy definition for ‘Agricultural land use / agricultural purposes’ means ‘*a subset of rural land used specifically for agricultural purposes including agriculture – extensive, agriculture – intensive, pastoral uses, plantations and agro forestry. May include industry – primary production. Does not include rural living.*’

Financial Implications

- *Planning fees*

The Shire pays consultancy fees to TPI for planning advice.

- *Shire Rates*

It is the Shire’s understanding that the Forest Products Commission would not be required to pay shire rates if it acquired the property. The 2018/2019 rates on this property were approximately \$2,300.00.

- *State Administrative Tribunal*

If an appeal is lodged to the State Administrative Tribunal for a review of the Council’s decision, then the Shire will need to engage an independent planning consultant and / or solicitor to represent Councils position.

As the officer recommending approval of the application, the Shires consultant planner could only attend an initial directions hearing, and would not be able to represent Council at any mediation or for any formal hearing.

When town planners attend the Tribunal, they have to provide their professional view, not the Council’s view. The Shire would need to engage a town planner whose views aligned with Council if the application is refused.

If any review is referred to a full hearing, the Shire may need to engage expert witnesses to provide evidence that the land is ‘priority agricultural land’.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

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

Objective 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

Outcome 2.2: A progressive, vibrant sustainable agricultural industry

Strategy 2.2.2: Actively engage and support local agricultural and allied industries

Consultation

The application was advertised for public comment until the 10 June 2019. At the time of writing this report 20 submissions had been received including 18 objections and 2 non objections.

All submissions and officer comments are summarised in Attachment 4.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

- 1. Approve the application lodged by Forest Products Commission for a plantation on Lot 1 Bunnings Log Road, Frankland River subject to the following conditions;**
 - a. The applicant to implement the Fire Management Plan (FMP) at all times.**
 - b. The applicant to ensure that a copy of the approved fire management plan is stored at the main entrance to the property in a secure, weatherproof and clearly labeled container at all times.**
 - c. Internal roads / access tracks are to be adequately sign posted to provide clear direction to water points (for fire emergencies) and exit points.**
 - d. The owner to ensure that there are trafficable connections from Stanleys Drive to all water points / permanent dams required for fire management for access by emergency fire vehicles.**
 - e. The plantation is not to be harvested until a harvesting plan is lodged and approved separately in writing by the Shire. The harvesting plan should include current evidence of authorised access to the lot for haulage purposes.**
 - f. Any harvesting shall be in accordance with a harvesting plan approved in writing by the Shire and subject to any further conditions specified by the Shire.**
 - g. All works to be conducted in accordance with the Plantation Management Plan submitted with the application including measures such as weed management, retention of existing remnant vegetation and protection of creeklines.**
 - h. The owner / applicant to submit an aerial spray application management plan prior to any aerial spraying on site for the proposed plantation areas. The plan is to be in accordance with Appendix 3 of the Timber Code of Practice and should ensure protection of any watercourses from any spray drift.**

- 2. Include the following footnote advice on the approval;**
 - a. The plantation is to operate in compliance with the Code of Practice for Timber Plantations and FESA 'Guidelines for Plantation Fire Protection' as demonstrated in the application.**
 - b. The applicant is advised to liaise with the Shire of Manjimup in regards to any harvesting plan as roads within the adjacent Shire may be affected.**
 - c. Please be advised that this approval and support for the fire management plan and plantation management plan is not an approval to utilise any portion of adjacent Reserves 26422 and 26678 for access.**

The southern portion of Stanleys Drive has been constructed outside of the formal road reserve therefore access will need to be addressed as part of any harvesting plan. It is recommended that excision of the track be pursued through Parks and Wildlife Services and / or Department of Planning, Lands and Heritage.

Alternatively the harvest plan should include a new current written authorisation from relevant agencies, such as the Department of Biodiversity, Conservation and Attractions, as an attachment.

- 3. Authorise Liz Bushby of Town Planning Innovations to write to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services), the Department of Planning, Lands and Heritage and the Shire of Manjimup (on behalf of the Shire) and recommend that those authorities jointly investigate:**
 - a. Excision of the constructed track from Reserve 26422 and 26678 as formal road reserve to provide constructed road access to Lot 1 or;**
 - b. Upgrading of the southern portion of Stanley Road to achieve a constructed road within the existing legal road reserve that is trafficable all year round.**

- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.”

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The valuation for this lot is \$12,000, with the offer to purchase being \$11,000. The agent’s selling fee is \$3,000, there will also be settlement costs involved with the sale of this lot.

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 ensuring the advertising process has been undertaken prior to sale of the land.

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

Consultation

Consultation included the Council as well as the local public notice that was required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That:

- 1. It be noted that no submissions were received in relation to the sale of Lot 285 Phillips Crescent, Cranbrook following advertising undertaken in accordance with section 3.58 (3) of the Local Government Act 1995;**
- 2. Lot 285 Phillips Crescent, Cranbrook be sold to David John Witnitz for the sum of \$11,000; and**
- 3. Proceeds from the sale of Lot 285 Phillips Crescent, Cranbrook be placed into the Land Reserve.**

10.2.3 PLANNING APPLICATION - PROPOSED TUNNEY BUSHFIRE BRIGADE BUILDING – PORTION OF LOT 6212 ALBANY HIGHWAY, CRANBROOK

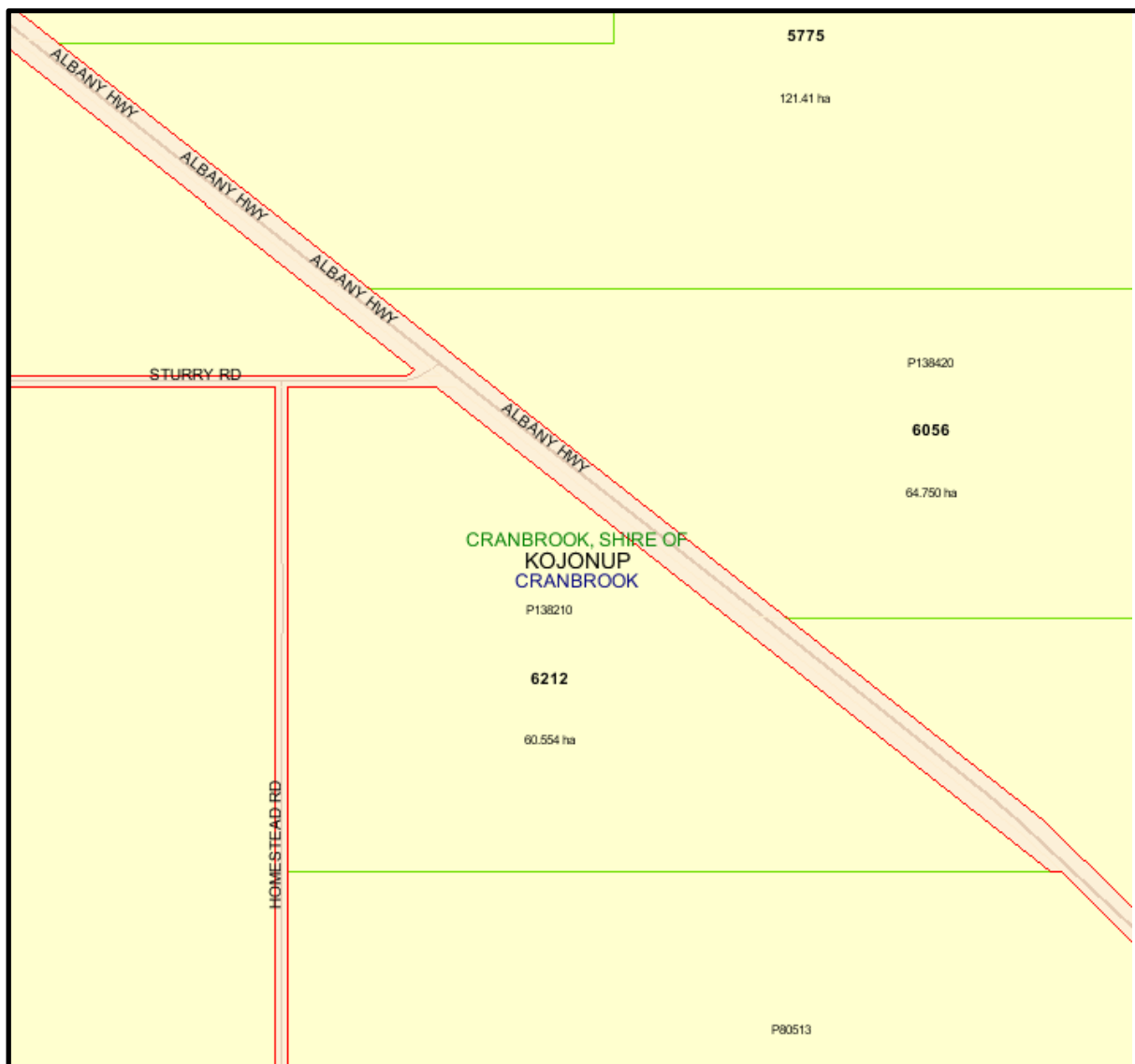
RESPONSIBLE OFFICER: Peter Northover - Chief Executive Officer
REPORT AUTHOR: Liz Bushby - Town Planning Innovations (TPI)
FILE REFERENCE: BF110
APPLICANT: Shire of Cranbrook
DATE OF REPORT: 12 June 2019
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider a planning application for a new Bush Fire Shed for the Tunney Bushfire Brigade.

Background

The building is proposed on a portion of Lot 6212 Albany Highway in Cranbrook. The lot has an approximate area of 60.5 hectares and is utilised for agricultural purposes. It has frontage to three roads.



Lot 6212 is zoned 'Rural' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

Officers Comment

- **Description of Proposed Development**

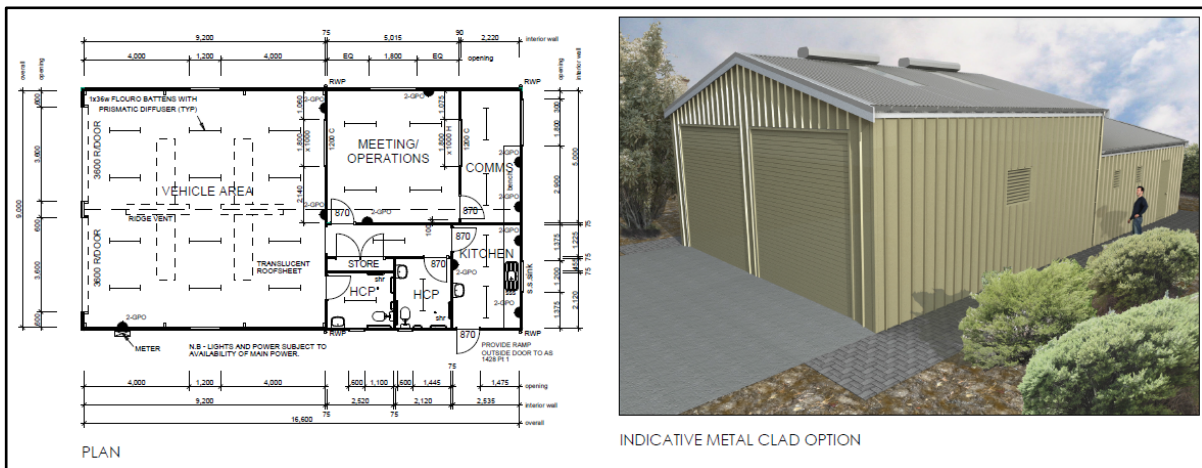
The application proposes a new fire shed on a 2,750m² portion of Lot 6212.

The total land area proposed to be used will measure approximately 50 metres by 55 metres, to accommodate a new building, gravel car parking area, water tank, septic tanks and informal overflow parking.



The building itself will be setback approximately 21.4 metres from Homestead Road. It will include a fire truck vehicle parking bay, a meeting room, communications room, kitchen and amenities – refer indicative plan over page.

The plans are still being finalised, however there is sufficient information for the planning application to be processed.



- **Landuse Classification and Permissibility**

The proposed land use is construed as a 'community purpose' which *'means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit'*.

The land use is defined in the Scheme but is not listed in 'Table 1 – Zoning Table' of the Scheme.

Council has three options when considering a 'use not listed' under Clause 4.4.2 of the Scheme as follows:

- a) determine that the use is consistent with the objectives of the Rural zone and is therefore permitted;
- b) determine that the proposed use may be consistent with the objectives of the Rural zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval;
- c) determine that the use is not consistent with the objectives of the Rural zone and is therefore not permitted.

TPI recommends that Council pursue Option a) for the following reasons:

- The objectives of the Rural zone specifically allow Council *'to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.'*

The proposal will benefit the district and will not have any significant negative impact to any natural resources or the environment.

- The proposal will only utilise a portion of Lot 6212 and the remainder of the lot can continue to be used for agricultural activities.
- The proposed development is small scale and will fit in with the Rural character of the area.

- **Carparking**

A preliminary site plan has been lodged and indicates that approximately 19 -20 car parking bays can be accommodated to the front and sides of the proposed building on a proposed gravel area. An informal open area to the north of the proposed building can accommodate septic tanks and parking overflow (when required).

The Secretary of the Tunney Fire Brigade has advised that only a few vehicles would attend the site when collecting the truck and conducting a fast fill. The past meetings on 2-3 occasions per year have been attended by 15 to 40 people.

It is considered that there is sufficient area to cater for anticipated car parking needs.

The fire truck will be housed within the proposed building, and will exit the building through a rear roller door. Two crossovers are proposed to allow any fire vehicles to enter and egress via a one way internal access system.

- **Future Subdivision**

There is potential for the 2,750m² portion of Lot 6212 proposed to be developed for the fire brigade to be subdivided onto a separate lot. A planning approval by the Shire could be used to justify a future subdivision.

Development Control Policy 3.4: subdivision of rural land (DC 3.4) sets out the principles that will be used by the Western Australian Planning Commission (WAPC) in determining applications for the subdivision of rural land.

Section 6.2 of the policy discusses subdivision for other purposes. It states that:

'New lots for existing or proposed land uses such as recreation facilities, public utilities, rehabilitation of degraded land, extractive industries, or uses necessary to the rural use of the land such as abattoirs and processing works (including buffers), may be created through subdivision. The WAPC may approve subdivision for these purposes if a development approval has been granted, or where development of the intended land use has substantially commenced.'

The Shire has liaised with the Department of Planning, Lands and Heritage (DPLH) regarding potential for subdivision of Lot 6212 into two lots. The Department has advised that:

- A subdivision application could be considered under clause 6.2 'Subdivision for Other purposes', where the WAPC may approve subdivision for purposes, which in the opinion of the WAPC, do not conflict with the policy and are necessary for the public interest.
- To ensure the new lot is used for the purpose under which it was created, conditions may be imposed, for example;
 - (i) a legal agreement in place for the Shire to purchase the land;
 - (ii) a restrictive covenant benefiting the local government requiring that the use of the lot shall be for the Bushfire Brigade and should this use cease the two lots being amalgamated at the full expense of the applicant
- We would also seek that the land is reserved in the Shire's local planning scheme for Public Purpose, as an advice note.
- This is consistent with a WAPC decision in the Shire of Plantagenet (WAPC Ref 152663).
- The application would need to be accompanied by adequate justification, and address SPP3.7 Planning in Bushfire Prone Areas.

- **State Planning Policy 3.7**

The Western Australian Planning Commission released State Planning Policy 3.7 (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. The development is proposed within the declared bushfire prone area (pink area).



Mapping showing declared bushfire prone area in pink – www.dfes.wa.gov.au

Whilst SPP 3.7 requires a Bushfire Attack Level assessment to accompany planning applications, Planning Bulletin No 111/2016 clarifies that Council has discretion over this matter and states that *'Exemptions from the requirements of SPP 3.7 and the deemed provisions should be applied pragmatically by the decision maker.'*

SPP 3.7 does not specify exemptions, however provides some guidance on matters that can be considered. TPI recommends that the Shire exempt the development from a Bushfire Attack Level (BAL) assessment based on the following:

- (i) Whilst it is an intensification of land use, the development is for the Tunney Bushfire Brigade so members are highly experienced in dealing with bushfire situations and their onsite equipment can be used for fire fighting. A 90 kilolitre water tank is proposed on site.
- (ii) In the event of any fire most members will likely be out fighting fires.
- (iii) Members will not be on site for any significant long periods of time.
- (iv) The development will not increase the bushfire threat. Some existing vegetation will need to be cleared which has potential to lower any applicable BAL rating.
- (v) No higher construction standards apply at the separate Building Permit stage, therefore a BAL will not have any practical use. BAL assessments are used to determine whether higher construction standards need to apply, and the Australian Standard 3959 does not contain any such standards for non habitable development.
- (vi) The proposed use is not identified as high risk or vulnerable under SPP3.7.

It should be noted that the Western Australian Planning Commission can still require lodgement of a Bushfire Attack Assessment as part of the subdivision process. The Shire will need to use the planning approval as justification that an exemption should be applied.

Statutory Environment

The Shire of Cranbrook Town Planning Scheme No 4 includes objectives for the Rural zone as follows:

- To ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.
- To provide for intensive agricultural use in suitable areas.

- To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- To allow for facilities for tourists and travellers, and for recreation uses.
- To help protect rural land from land degradation and further loss of biodiversity by:
 - minimising clearing of remnant vegetation
 - encouraging retention and protection of remnant vegetation
 - encouraging development and protection of vegetation corridors
 - encouraging development of sustainable surface and sub-surface drainage works
 - encouraging rehabilitation of salt-affected land
 - encouraging soil conservation through land management measures
 - encouraging identification and protection of wetlands.
- To promote the sustainable management of natural resources, and the prevention of land degradation.
- To have regard to use of adjoining land at the interface of the rural zone with other zones to avoid adverse effects on local amenities.

In regards to delegation the Scheme states:

‘11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the Local Government Act 1995.’

Planning and Development (Local Planning Schemes) Regulations 2015 –

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).

Clause 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 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) and 82(2) give Council the ability to delegated authority to the Chief Executive Officer to determine the application however it must be an Absolute Majority.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to TPI for planning advice.

The application fee to lodge a two lot subdivision application to the Western Australian Planning Commission would be approximately \$3,500.00. This can be funded from 041021 – Professional Services.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Errors, Omissions and Delays

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

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

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

Outcome 1.1: An engaged, supporting and inclusive community

Strategy 1.1.2: Facilitate, encourage and support community groups, events and initiatives

Strategy 1.1.3: Provide, maintain and improve community facilities within available resources

Outcome 1.2: A safe place to live

Strategy 1.2.2: Advocate and actively support emergency management and services

Consultation

The Shire has consulted with the Department of Planning, Lands and Heritage in regards to future potential subdivision. The owner of Lot 6212 has signed the planning application form.

VROC Implications

There are no known VROC implications associated with this report.

Voting Requirements

Absolute Majority (delegated authority)

OFFICERS RECOMMENDATION

That Council:

1. **Determine that the proposed ‘community use’ is consistent with the objectives of the Rural zone and is therefore permitted, particularly as one of the objectives specifically allows for Council ‘to consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.’**

The proposal will benefit the district and will not have any significant negative impact to any natural resources or the environment.

2. **Approve the development application for a ‘community use’ (building and facilities for the Tunney Bushfire Brigade) on a portion of Lot 6212 (No 26850) Albany Highway, Cranbrook subject to the following conditions and footnotes:**

- (i) The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Shire Chief Executive Officer.
- (ii) If the development the subject of this approval is not substantially commenced within a period of 5 years, the approval shall lapse and be of no further effect.

Footnotes:

- (a) Planning consent is not an approval to commence construction. A building permit is required for all building work.
 - (b) It is noted that the plans are preliminary and may be further refined in consultation with the Shire. It is also noted that the exact area to be used is subject to future survey.
3. Authorise the Chief Executive Officer and the Shires Planning consultant, Liz Bushby of Town Planning Innovations, to facilitate and assist the Tunney Bushfire Brigade by preparing and lodging a two lot subdivision application to the Western Australian Planning Commission (subject to the landowners consent).
4. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 11.3.1 of the *Shire of Cranbrook Town Planning Scheme No 4* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to make recommendations to the Western Australian Planning Commission on any formal subdivision application lodged.

10.2.4

FUNDING AGREEMENTS

RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	R25331, CS205, CP202
APPLICANT:	Nil
DATE OF REPORT:	4 June 2019
ATTACHMENTS:	1. Gillamii Centre Funding Agreement 2. YMCAWA Funding Agreement 3. Frankland River Community Resource Centre Funding Agreement

Purpose

The purpose of this report is for the Council to consider renewing the funding agreements for both the Gillamii Centre and YMCA together with entering into a funding agreement with the Frankland River Community Resource Centre.

Background

At the 17 August 2016 meeting of Council it was resolved:

“That:

- 1. The attached funding agreements for the Gillamii Centre Inc and the YMCA be endorsed; and**
- 2. The Chief Executive Officer be authorised to execute the agreements discussed in number 1 above.”**

The Frankland River Community Resource Centre has had a Memorandum of Understanding with the Council for a number of years now for the management of the Frankland River Library and for offering limited shire services, with the most recent document being adopted by the Council in May 2012.

Officers Comment

It is considered best practice for all community groups that receive funding from the Shire to have similar funding agreements that are for a set period of time. This enables all parties to regularly review the agreements to ensure they continue to work for both parties, as well as outlining some key performance indicators (KPI's) to ensure the Council's expectations are being met.

Both the Gillamii Centre and YMCAWA have had funding agreements for the past three years. These agreements have operated very well and both groups have given annual presentations to the Council to keep them informed of what is happening and how the Shire's funds are being spent.

Shire staff have met with both of these groups to facilitate the renewal of their agreements for another three years. Both draft agreements (attached) have been discussed and all parties have had input into the development of the agreements.

The Gillamii Centre currently receive \$50,000 per annum to operate the Gillamii Centre and another \$10,000 to manage and operate the Cranbrook library. They have requested an extra \$10,000 per annum for the next three years to assist with increasing operating costs of the Gillamii Centre. They have also requested additional funds to purchase new shelving for the Cranbrook library, both of these have been included in the 2019/2020 draft budget for Council's consideration.

The Shire currently funds YMCAWA \$22,000 per annum to employ a co-ordinator to run the 'A Smart Start' program within the Shire. Councillors will recall that when YMCA's Support Coordinator Louise Sprigg, presented to the May 2018 Council meeting, they were requesting an additional \$10,000 per annum to assist with accessing a range of health professionals for children in the Shire that would benefit from early intervention in the areas of fine and gross motor skills, social and emotional maturity and age appropriate speech and language skills.

As their current funding agreement still had one year to run and as there was already funding through the Great Southern Development Commission's (GSDC) Community Chest funding for speech therapy, it was decided to request an increase to the scope of the speech therapy funding to include the areas of concern listed above. The GSDC granted this request and a range of both speech and occupational therapy clinics and ongoing programs are currently in place for children through both Cranbrook and Frankland River primary schools. It should be noted that this funding and therefore these programs will finish at the end of term two, 5 July 2019.

As a result of the current funding being available through GSDC, YMCA were content with a slight increase of \$1,000 per annum, to their current funding and this increase has been included in the draft funding agreement attached and the 2019/2020 draft budget for Council's consideration. Council may wish to increase the Shire's contribution as a result of the GSDC funding finishing in July this year.

The Shire currently funds the Frankland River Community Resource Centre (CRC) \$28,325 with a CPI increase per annum to manage and operate the Frankland River library and provide some limited Shire services from the CRC. Shire staff have met with representatives from the CRC to discuss implementing a funding agreement similar to the Gillamii Centre and YMCAWA. This funding agreement would replace the Memorandum of Understanding that is currently in place.

The CRC have indicated that they are seeking an increase of \$7,000 per annum for the next three years to assist with the increasing costs of employing staff, taking the Shire's contribution to \$35,000 per annum. This has been factored into the 2019/2020 draft budget for Council's consideration.

The three draft funding agreements are attached to this report.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire currently funds these three groups to a total amount of \$110,000 in the 2018/2019 financial year.

The 2019/2020 draft budget includes provision of \$128,000 to fund these groups and each budget thereafter will need to include a provision as per each individual funding agreement. Having formal funding agreements in place provides some control over the expenditure of the funds provided to each group.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Inadequate Environmental Management
- Business and Community Disruption
- External Theft and Fraud
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Engagement Practices

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

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

The **likelihood** is Possible

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

Having formal funding agreements in place significantly improves the governance of providing funding to external bodies by 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 1.1: An engaged, supporting and inclusive community

Strategy 1.1.1: Welcoming to all residents, celebrating cultural and social diversity

Strategy 1.1.2: Facilitate, encourage and support community groups, events and initiatives

Outcome 1.4: A place to learn and develop

Strategy 1.4.1: Provide youth and early childhood development opportunities

Strategy 1.4.2: Support current and new technologies and provide opportunities for the community

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

Outcome 2.2: A progressive, vibrant sustainable agricultural industry

Strategy 2.2.2: Actively engage and support local agricultural and allied industries

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

Outcome 3.1: A protected, diverse, healthy natural environment

Strategy 3.1.2: Support community environmental organisations, groups and individuals

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 representatives from YMCAWA, the Gillamii Centre, the Frankland River Community Resource Centre, Shire Councillors and Staff.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

- 1. Endorse the attached funding agreements and associated funding commitments for the Gillamii Centre Inc, YMCAWA and the Frankland River Community Resource Centre for the next three years; and**
- 2. Authorise the Chief Executive Officer to execute the attached funding agreements described above.**

10.3 WORKS

Nil

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

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

12.1 GREAT SOUTHERN HOUSING INITIATIVE – THIRD PARTY FUNDING AGREEMENT

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Trish Standish – Manager of Finance and Administration
FILE REFERENCE: CS202
APPLICANT: Shire of Broomehill Tambellup
DATE OF REPORT: 17 June 2019
ATTACHMENTS: Third Party Funding Agreement - Great Southern Housing Initiative

Purpose

The purpose of this report is for the Council to consider endorsing the attached Third Party Funding Agreement with the Shire of Broomehill Tambellup for the Great Southern Housing Initiative (GSHI).

Background

The Shire of Broomehill Tambellup is acting as the recipient for Building Better Regions funding to undertake the GSHI in which there are seven shires involved. The funding relates to the construction of 21 independent living units and 31 regional employee housing units in each of the seven shires as listed below:

- Shire of Broomehill Tambellup 12
- Shire of Cranbrook 6
- Shire of Gnowangerup 4
- Shire of Jerramungup 9
- Shire of Katanning 7
- Shire of Kent 4
- Shire of Kojonup 10

Officers Comment

The funding agreement signed by the Shire of Broomehill Tambellup requires them to enter into third party agreements with each of the other six Councils that mirror the terms of the original agreement they have signed with the Commonwealth.

The Shire of Broomehill Tambellup engaged McLeods Barristers and Solicitors to formulate a suitable agreement to meet the requirements and a copy is attached.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The cost to construct the independent living units and employee housing is in the 2018/2019 adopted budget and will be carried over into the 2019/2020 budget. The units are fully funded through grant funding, a contribution from Darwinia Cottages and a reserve transfer.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Engagement Practices
- Inadequate Asset Sustainability Practices
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management

The **impact** of the risk is Financial and Reputational

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

The **likelihood** is Unlikely

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

Risk mitigation includes engaging a reputable company to complete the construction of the housing as well as the project management component to ensure all funding milestones are met.

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

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

Outcome 3.2: A built infrastructure servicing the needs of the community

Strategy 3.2.1: Maintain and enhance our roads, built infrastructure, parks and reserves

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

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

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

Consultation

Consultation for this report included Shire of Broomehill Tambellup, Shire of Gnowangerup, Shire of Jerramungup, Shire of Katanning, Shire of Kent and Shire of Kojonup, as well as McLeods Barristers and Solicitors.

VROC Implications

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

Objectives:

Regional Community Development

Build capacity to enable communities to achieve.

S2: Collaborate on common community development projects

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council authorise the execution of the attached Third Party Funding Agreement – Great Southern Housing Initiative between the Shire of Cranbrook and Shire of Broomehill Tambellup.

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.