

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

11 December 2019

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Horrocks declared the meeting open at 3.05pm. The Shire President alerted the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

| | |
|-------------------------------------|--|
| President | Cr 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 RW (Robert) Johnson Cr JA (Jennifer) Quick |
| 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 | Nil |

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Nil

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

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

Paul Parsons

A moments silence was observed as a mark of respect.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DISCLOSURE OF INTEREST

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 20 November 2019

Motion 01122019

Moved Cr Slater seconded Cr Bigwood that the minutes from the ordinary meeting of Council held on 20 November 2019, be confirmed as a true and correct record.

Carried 9/0

10. REPORTS OF OFFICERS

10.1 FINANCE & ADMINISTRATION

10.1.1 LIST OF PAYMENTS

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | Trish Standish – Manager of Finance and Administration |
| REPORT AUTHOR: | Jodi Vitler – Finance Admin Officer |
| FILE REFERENCE: | FM2 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 2 December 2019 |
| ATTACHMENTS: | List of Payments – 1 November 2019 to 30 November 2019 |

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 November 2019 to 30 November 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/ COUNCIL DECISION

Motion 02122019

Moved Cr Beech seconded Cr Slater that the payment of accounts totalling \$414,685.53 as per the attachment be noted:

- **Electronic Funds Transfers EFT10270 to EFT10347 - \$263,265.62;**
- **Municipal Fund Cheque No's 12191 – 12193 - \$8,091.95;**
- **Internal Account Transfers (Payroll) - \$113,111.87; and**
- **Direct Debit - \$30,216.09.**

Carried 9/0

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: | 3 December 2019 |
| ATTACHMENTS: | Financial Statements for November 2019 |

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 November 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 November financial statements report on 5 months, or 42% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 86% of our expected operating income; this higher percentage is due to the fact that property rates are recognised as revenue when they are raised and not when they are paid.
- The 'Municipal Fund Summary' on page 2 shows that we have spent 44% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 3 shows a net current assets position of \$2,526,741 (surplus), which is mainly made up of \$2.51m cash on hand; and \$649,258 rates debtors.
- 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/ COUNCIL DECISION

Motion 03122019

Moved Cr Carey seconded Cr Quick that the attached financial statements for the period ending 30 November 2019 be noted.

Carried 9/0

| | |
|-----------------------------|--|
| 10.1.3 | LEASE - LOT 256 (9) MASON STREET CRANBROOK |
| RESPONSIBLE OFFICER: | Trish Standish – Manager of Finance and Administration |
| REPORT AUTHOR: | Trish Standish – Manager of Finance and Administration |
| FILE REFERENCE: | CP115 |
| APPLICANT: | Department of Communities (Housing Authority) |
| DATE OF REPORT: | 28 November 2019 |
| ATTACHMENTS: | Nil |

Purpose

The purpose of this report is for the Council to consider a request from the Department of Communities (Housing Authority) to renew the lease agreement for Lot 256 (9) Mason Street, Cranbrook for a period of one (1) year with an option of a further one (1) year at the existing weekly rent of \$280.00.

Background

At the 20 February 2019 meeting of Council it was resolved:

“That:

- 1. The Department of Communities be advised that:**
 - a. The Council wish to enter into a new residential tenancy agreement with the Housing Authority for Lot 256 (9) Mason Street, Cranbrook for a period of one (1) year with an option of a further one (1) year, subject to:**
 - i. Similar lease conditions to the current lease agreement;**
 - ii. The weekly rent to be \$280.00; and**
 - iii. The provision by Council of a current Electrical Compliance Certificate to confirm all hard wired smoke alarms and safety switches have been installed and are functioning correctly.**
 - b. Quotations will be obtained for the following items:**
 - i. The installation of a reverse cycle air conditioner to the living area; and**
 - ii. The replacement of the reticulation.**
 - c. These items will be placed into the 2019/2020 draft budget for consideration and will be prioritised against all other competing projects and operating requirements; and**
 - d. The Council will advise the Housing Authority of the outcome of the Council’s budget deliberations once the 2019/2020 budget is adopted on 17 July 2019.**

- 2. The Chief Executive Officer and Shire President be authorised to affix the Council’s common seal to the new lease document if the Department of Communities accept the Council’s terms and a formal lease document is approved.”**

The Department of Communities accepted the Council’s terms and a reverse cycle air conditioner was installed in the property in early November 2019. The reticulation did not make the final budget cut therefore was not installed.

Officers Comment

The Shire received a letter on 28 November 2019 from the Department of Communities, which states:

“The Housing Authority (acting through the Government Regional Officers’ Housing Program) has leased 9 Mason Street, Cranbrook from you pursuant to a residential tenancy agreement which expires on 22 March 2020.

The Housing Authority makes an offer to renew this arrangement and enter into a new residential tenancy agreement with you for the leased premises:

- a. For a further term of one year with an option of one-year;*
- b. Commencing immediately after the current residential tenancy agreement expires;*
- c. At the weekly rent of \$280.00; and*
- d. Otherwise on the terms and conditions set out in the residential tenancy agreement attached to this letter.*

The Offer is subject to, and conditional upon, the following conditions first being agreed and/or satisfied and, failing which, the Offer will lapse or be incapable of acceptance:

- a. The Housing Authority obtaining all necessary internal approvals to enter into the new residential tenancy agreement with you within 14 days of the Offer;*
- b. You ensuring that the following upgrades are completed in the Leased Premises:*
 - i. All air-conditioning units at the premises are to be serviced at the lease commencement and thereafter on every 12-month anniversary of the lease commencement date. A copy of the receipt evidencing the service will be provided to the tenant within 14 days of such service;*
 - ii. An electrical safety certificate dated within the last 12 months (to confirm all hard-wired smoke alarms and RCD’s have been installed and are functioning correctly) is to be supplied within 1 month of lease commencement and annually thereafter. Certificate to state: the smoke alarm manufacturer, model/model number, serial number, installation date and the expiry date;*
 - iii. The replacement of carpets throughout the property within 3 months of the starting date of this agreement, subject to any extensions of that period which is agreed to by the tenant (in its sole and absolute discretion).*

If you wish to accept the Offer, please sign and return by both email or post a copy of this letter to the Housing Authority within 14 days of the date of the Offer.”

The author has advised the Department of Communities that the Council will be unable to reply within the 14 day deadline due to a Council meeting not being held in that timeframe.

The current lease agreement and tenancy for this property has operated for the majority of time without problem and for fair financial return (currently \$280 per week) since its commencement. It should be noted that the upgrade being requested, replacement of carpets throughout the property, will be unable to be completed within the three month timeframe as these items have not been included in the 2019/2020 adopted budget.

It is recommended that the carpets be assessed during the Council’s annual building inspections that are held in the lead-up to budget preparations and if considered necessary they will be placed into the 2020/2021 draft budget for consideration and be prioritised against all other competing projects and operating requirements.

Statutory Environment

The requirements of section 3.58 (Disposition of Property) do not apply to this lease agreement as it is specifically exempt through Local Government Administration Regulation 30(2)(c)(ii) – disposition to a Department or instrumentality of the Crown.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

Budget

The 2019/2020 adopted budget includes rental income for this property of approximately \$14,600 whilst the Council's maintenance and operating costs are approximately \$4,000 per annum. The reverse cycle air conditioner has been installed at a cost of \$2,170, providing for a profit of approximately \$8,430. The approximate cost of an electrical safety certificate is \$350 and has been included in the budget.

The 2019/2020 adopted budget does not include provision for the replacement of carpets throughout. This would require quotations for inclusion in the 2020/2021 draft budget, if deemed necessary after annual inspections are carried out.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Inadequate Asset Sustainability Practices

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes:

- Ensuring the lease document is correct and returned in a timely manner.
- Housing/rental inspections are carried out as required to ensure the Council's asset is being maintained adequately.

Strategic Community Plan Reference

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

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

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

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

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/ COUNCIL DECISION

Motion 04122019

Moved Cr Denton seconded Cr Johnson that:

- 1. The Department of Communities be advised that:**
 - a. The Council wish to enter into a new residential tenancy agreement with the Housing Authority for Lot 256 (9) Mason Street, Cranbrook for a period of one (1) year with an option of a further one (1) year, subject to:**
 - i. Similar lease conditions to the current lease agreement;**
 - ii. The weekly rent to be \$280.00; and**
 - iii. The provision by Council of a current Electrical Compliance Certificate to confirm all hard wired smoke alarms and safety switches have been installed and are functioning correctly.**
 - b. The carpets will be assessed during the Council's annual building maintenance inspections and quotations will be obtained for the replacement of such if deemed necessary.**
 - c. If carpets are deemed necessary, they will be placed into the 2020/2021 draft budget for consideration and will be prioritised against all other competing projects and operating requirements; and**
 - d. The Council will advise the Housing Authority of the outcome of the Council's budget deliberations once the 2020/2021 budget is adopted in July 2020.**
- 2. The Chief Executive Officer and Shire President be authorised to affix the Council's common seal to the new lease document if the Department of Communities accept the Council's terms and a formal lease document is approved.**

Carried 9/0

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 TOWN PLANNING SCHEME NO 4 / SCHEME AMENDMENT - REVIEW

| | |
|-----------------------------|---|
| RESPONSIBLE OFFICER: | Peter Northover - Chief Executive Officer |
| REPORT AUTHOR: | Liz Bushby - Town Planning Innovations |
| FILE REFERENCE: | TP5 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 3 December 2019 |
| ATTACHMENTS: | Nil |

Purpose

The purpose of this report is to inform Council of a Scheme Review and future Amendment to the existing Shire of Cranbrook Town Planning Scheme No 4. Council is also requested to consider granting delegated authority to the Chief Executive Officer to allow an exemption for temporary workers accommodation at 5 Grantham Street, Cranbrook.

Background

In November 2014, a discussion and draft consultation paper was released for the proposed Planning and Development (Local Planning Schemes) Regulations.

The new Regulations replace the previous *Town Planning Regulations 1967* which were recognised as being outdated and needing improvement. The Regulations were a result of an initiative of the State Government's planning reform agenda.

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

The Regulations have introduced 'Deemed Provisions' that automatically apply to every Local Planning Scheme in Western Australia including the Shire of Cranbrook Town Planning Scheme No 4. The 'Deemed Provisions' apply to the Shire without the need for any Scheme Amendment.

The 'Deemed Provisions' cover matters that are generally administrative and are common to most town planning schemes throughout Western Australia, including;

- i. Information to be lodged for development applications (including a development application form)
- ii. What requires planning approval
- iii. Advertising of applications
- iv. Matters to be considered by the local government
- v. Powers of the Scheme
- vi. Offences
- vii. Planning Policies – advertising and adoption process
- viii. Delegation powers
- ix. Entry powers for officers

The Regulations also contain 'Model Provisions for local planning schemes' ('Model Provisions') which is essentially a template for a modern scheme format with cross referencing to relevant Deemed Provisions. The Model Provisions are contained in Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Model Provisions also include model land use terms and definitions.

Officers Comment

• **Scheme Review**

Under current legislation the Shire is required to carry out a review of its Town Planning Scheme No. 4 ('the Scheme') and prepare a report of review, within two years of the Regulations being adopted.

TPI has liaised with the Department of Planning, Lands and Heritage ('DPLH') who will provide resources free of charge and prepare:

1. A revised Shire of Cranbrook Town Planning Scheme No 4 text (which will be renamed to the Shire of Cranbrook Local Planning Scheme No 4). The text will be updated to comply with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. A report of review to be referred to a future Council meeting.
3. A statutory list of modifications to the Scheme which TPI will use to prepare a Scheme Amendment document.

Preparation of a Draft Revised Scheme Text by the DPLH will save the Shire significant expense, however TPI will be closely involved in the project to ensure that Council's interests are protected.

It is expected that changes to the existing Scheme will be pursued in the form of a Scheme Amendment.

• **Impact of *Planning and Development (Local Planning Schemes) Regulations 2015***

The Regulations essentially mean that there are entire clauses, parts, and appendices in the existing Scheme which have become superseded by the Deemed Provisions of the Regulations and/ or outdated as a result of the new Regulations.

A Scheme Review / Amendment will:

- A. Update the terms and land use definitions so that they are consistent with those contained in the Regulations.
- B. Generally update the format of the Scheme to ensure consistency with Schedule 1 of the Regulations which contains the 'Model Provisions for Local Planning Schemes'. The result will be a modern Scheme format.
- C. Delete sections of the Scheme that have been replaced by similar provisions in the Regulations.

• **Other Local Issues**

Recently there have been a number of planning issues identified that can be examined as part of a review including:

1. Transport Depots
Currently a transport depot is only permissible in an Industrial zone however it is known that several operate from other zones under the Scheme.

The Shire Administration is going to map as many of the known operating transport depots as possible so that increased flexibility can be introduced as part of the review / amendment.

2. Workers Accommodation

The Shire only has discretion to consider workers accommodation in the Rural and Rural Smallholding zone under the current Scheme.

Workers accommodation has been an issue recently as:

- (a) There was increased demand for accommodation as significant expansion works proceeded at CBH; and
- (b) There is a need for accommodation to cater for contractors that do work at the CBH site, such as covering bulk heads.

One of the contractors for CBH has purchased a lot located at 5 Grantham Street in the Residential zone. They are interested in using transportables for workers accommodation, however workers accommodation is not permitted in the Residential zone (so Council does not have any discretion to consider the development).

They have written to the Shire seeking an exemption from the need to obtain planning approval to allow them to have transportables as temporary development for a 12 month period. They have been advised that the land use permissibility issue will be examined as part of the scheme review process.

Delegated authority is sought from Council to allow the Shire Chief Executive Officer to consider granting the requested exemption for transportables at 5 Grantham Street.

• **Council involvement**

The DPLH has provided a draft Scheme Text which requires review and feedback from TPI. As specific issues arise further interim reports may be referred to Council on specific issues, or through some form of Councillor workshop.

Statutory Environment

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

Planning and Development (Local Planning Schemes) Regulations 2015 – The Regulations include ‘Deemed Provisions’ that automatically apply and override parts of the Shire of Cranbrook Town Planning Scheme No 4.

Clauses 65 and 66 requires local governments to carry out a review of their Town Planning Scheme and prepare a report of review, within two years of the Regulations being adopted.

Clause 82(1) and 82(2) allow Council to grant delegated authority to the Chief Executive Officer however it must be an Absolute Majority.

Clause 61(2)(d) states that *‘Development approval of the local government is not required for the following uses -(d) 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’*.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy costs to Town Planning Innovations for planning advice. Services by the DPLH are being provided free of charge.

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 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

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 was not required for this report. Any scheme amendment will be advertised in the future.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Absolute Majority (for delegated authority)

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 05122019

Moved Cr Fiegert seconded Cr Slater that:

- 1. Council note that the Department of Planning, Lands and Heritage will assist the Shire to progress a Local Town Planning Scheme Review/ Scheme Amendment.**
- 2. Council note that a future report will be referred to Council for consideration. This report is to keep Councillors updated.**
- 3. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council grant (by Absolute Majority) delegated authority to the Chief Executive Officer to grant an exemption for transportable workers accommodation at 5 Grantham Street, Cranbrook as a 'temporary use' as allowable under Clause 61(2)(d) of the Regulations for a 12 month period.**

**Carried 9/0
By Absolute Majority**

10.2.2 PROPOSED LOCAL PLANNING POLICY – PLANTATIONS

| | |
|-----------------------------|---|
| RESPONSIBLE OFFICER: | Peter Northover - Chief Executive Officer |
| REPORT AUTHOR: | Liz Bushby - Town Planning Innovations |
| FILE REFERENCE: | TP107 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 3 December 2019 |
| ATTACHMENTS: | Nil |

Purpose

The purpose of this report is for Council to consider widespread advertising to seek broad community comment on plantations as a pre-cursor to potentially developing a Local Planning Policy.

Background

In June 2019 Council considered and refused an application to extend an existing plantation on Lot 1 Bunnings Log Road, Frankland River. An application for review was lodged to the State Administrative Tribunal and a conditional approval was subsequently granted through the reconsideration process.

Officers Comment

- **Local Planning Policy**

It is understood that the Shire is interested in developing a Local Planning Policy to guide future plantation applications. At this juncture, the Shire is aware of opposition to the Bunnings Log Road application that was evident through submissions made by members of the Unicup community.

Prior to developing a Local Planning Policy that will apply to the entire local government area, it is recommended that the Shire widely advertise and seek broad community input to gauge whether other stakeholders have concerns over plantations and to clarify the nature of those concerns.

If a Local Planning Policy is based on broad community feedback and input, it is likely to hold greater weight in the event that there are any future SAT applications. It also provides the general local community the opportunity to have input 'up front'.

TPI and Shire Administration anticipate that advertising could proceed early next year and include open community workshops.

- **High Priority Agriculture Mapping**

One of the tools that would assist in any future Policy preparation would be reliable mapping identifying high priority agricultural areas that may warrant a higher level of protection from 'whole of farm' plantations.

TPI has approached the Department of Planning, Lands and Heritage about mapping resources however no positive response has been forthcoming. TPI will investigate mapping further through the Department of Food and Agriculture WA.

Statutory Environment

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

Planning and Development (Local Planning Schemes) Regulations 2015 – The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Cranbrook Town Planning Scheme No 4.

Division 2 outlines the process to adopt any Local Planning Policy.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy costs 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 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 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 was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/ COUNCIL DECISION

Motion 06122019

Moved Cr Denton seconded Cr Carey that Council resolve to advertise in early 2020 and invite community comment on the Shires intention to develop a local planning policy governing plantations and any associated issues that may require consideration in the future.

Carried 9/0

10.3 WORKS**10.3.1 PLANT REPLACEMENT – 6 WHEELER SIDE TIPPING TRUCK**

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | Jeff Alderton – Manager of Works |
| REPORT AUTHOR: | Stevie Egerton-Warburton – Works Admin Officer |
| FILE REFERENCE: | PE220 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 29 November 2019 |
| ATTACHMENTS: | Photograph of the 6 Wheeler Side Tipping Truck |

Purpose

The purpose of this report is for the Council to consider replacing the Shire's Isuzu 6 Wheeler Side Tipping Truck as part of the 2019/2020 plant replacement program.

Background

At the budget meeting, conducted in July 2019, Council approved the replacement of the Isuzu 6 Wheeler Side Tipping Truck for the 2019/2020 financial year.

Officers Comment

The current Isuzu 6 Wheeler Side Tipping Truck is a 2014 model which has done 150,000 kilometres. The best practice for truck change overs is 5 years or 180,000 kilometres whichever comes first. The current 6 Wheeler Side Tipping Truck has reached 5 years and this truck has been causing issues due to poor ergonomics of the cab. This has an effect on the operators Well Being, Safety & Health which has been a common problem with this truck.

At the budget meeting, conducted in July 2019, Council advised that they would like to see the trade plant to be put to tender locally for the purpose of outright purchase, as well as purchase with trade. No local tenders were received for the outright purchase of this plant, resulting in only tenders for the purchase with trade being considered.

The purchase with trade tenders were called using the WALGA's e-quote process, which has a list of preferred suppliers. Compliant tenders were received from South West Isuzu, Daimler Trucks, WA Hino, Albany City Isuzu and Truck Centre WA Pty Ltd. Non-Compliant tenders were received from Volvo Group Australia Pty Ltd and Truck Centre WA. Some of the suppliers included more than one tender as they quoted on different models and sizes. Only the compliant tenders are shown. See table below.

6 Wheeler TRUCK – COMPLIANT QUOTES

| COMPANY NAME | MAKE | MODEL | PURCHASE PRICE | TRADE IN PRICE | FINAL NET CHANGE OVER PRICE |
|------------------------------|--------------------|---------------------|-------------------------|-------------------------|-----------------------------|
| South West Isuzu | Isuzu | CXZBA-D18 | \$185,775 | \$92,138 | \$93,637 |
| <i>Daimler Trucks</i> | <i>FUSO</i> | <i>FV51S</i> | <i>\$205,280</i> | <i>\$100,000</i> | <i>\$105,280</i> |
| Albany City Isuzu | Isuzu | CXBA-D18 | \$187,193 | \$70,455 | \$116,738 |
| WA Hino | Hino | FS1ELLA-MXA | \$192,400 | \$66,409 | \$125,991 |
| Truck Centre WA | UD | GW26460KAL | \$209,323 | \$81,818 | \$127,505 |

The preference of the Senior Outside Works Crew is the FUSO FV51S 6 Wheeler Truck supplied by Daimler Trucks due its features meeting all of the Shires requirements and competitive pricing structure. The Shire currently operates the same model truck which was purchased last financial year and it is performing as expected.

Statutory Environment

Division 2 of the Local Government (Functions and General) Regulations 1966 details the tender requirements for the provision of Goods and Services.

Policy Applicable – Implications

Policy 4.8 Purchasing applies to this report.

Financial Implications

Budget

The 2019/2020 adopted budget includes financial consideration for the provision of funding for this item within the Plant Replacement Program which includes a net changeover of \$130,000 for the truck.

Long Term

Ongoing Council budget considerations will be required for the operating costs of this plant in subsequent years.

Whole of Life

The whole of life financial implications including depreciation, maintenance and operating costs are included in budgets annually.

Risk Implications

The risks associated with matters in this report are:

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

The **impact** of the risk is Financial, 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 included the use of the WALGA e-quote process.

Strategic Community Plan Reference

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

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

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

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

Consultation

Consultation for this report included the Shire's Outside Works Crew, other neighbouring Shire's works departments and WALGA's Preferred Suppliers.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/ COUNCIL DECISION

Motion 07122019

Moved Cr Slater seconded Cr Quick that Council accept the tender from Daimler Trucks for the purchase of a FUSO FV51S 6 Wheeler Truck for a net change over price of \$105,280.

Carried 9/0

| | |
|-----------------------------|--|
| 10.3.2 | PLANT REPLACEMENT – ALL-TERRAIN VEHICLE |
| RESPONSIBLE OFFICER: | Jeff Alderton – Manager of Works |
| REPORT AUTHOR: | Stevie Egerton-Warburton – Works Admin Officer |
| FILE REFERENCE: | PE199 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 29 November 2019 |
| ATTACHMENTS: | Photograph of the All-Terrain Vehicle |

Purpose

The purpose of this report is for the Council to consider replacing the Shire’s Rustler All-Terrain Vehicle as part of the 2019/2020 plant replacement program.

Background

At the budget meeting, conducted in July 2019, Council approved the purchase of a new All-Terrain Vehicle for the 2019/2020 financial year.

Officers Comment

The current Rustler All-Terrain Vehicle is a 2010 model which has done 400 hours. This item is showing signs of wear and tear and has exceeded the recommended service life of 8 years by 2 years.

At the budget meeting, conducted in July 2019, Council advised that they would like to see the trade plant to be put to tender locally for the purpose of outright purchase, as well as the purchase with trade. Three local tenders were received for the outright purchase of this plant. Only two were compliant and are summarised in the table below.

ALL-TERRAIN VEHICLE – COMPLIANT LOCAL TENDERS

| NAME | NET PURCHASE PRICE |
|-------------|--------------------|
| Steven Hale | \$2,500.00 |
| Megan Best | \$150.00 |

These prices were considered as non-competitive against values tendered for trade, therefore the best option for the Shire is to consider tenders for purchase with trade only.

The purchase with trade tenders were called using the WALGA’s e-quote process, which has a list of preferred suppliers. Compliant tenders were received from John Deere Limited - AFGRI Equipment Pty Ltd (Guildford Branch), ADH Golf & Utility Vehicles, T-Quip, E & MJ Rosher Pty Ltd and McIntosh & Son. Non-Compliant tenders were received from ADH Golf & Utility Vehicles only. Some of the suppliers included more than one tender as they quoted on different models and sizes. Only compliant tenders with an option of trade are shown and all include the supply of a spray unit. See table below.

ALL-TERRAIN VEHICLE – COMPLIANT QUOTES

| COMPANY NAME | MAKE | MODEL | PURCHASE PRICE | TRADE IN PRICE | FINAL CHANGE OVER PRICE |
|---|----------------|------------------------|-----------------------|-----------------------|--------------------------------|
| John Deere Limited - AFGRI Equipment Pty Ltd | Gator | XUV835E | \$25,728 | \$4,000 | \$21,728 |
| John Deere Limited - AFGRI Equipment Pty Ltd | Gator | XUV825M | \$27,228 | \$4,000 | \$23,228 |
| John Deere Limited - AFGRI Equipment Pty Ltd | Gator | XUV560 | \$18,360 | \$4,000 | \$14,360 |
| John Deere Limited - AFGRI Equipment Pty Ltd | Gator | HPX 615E | \$22,228 | \$4,000 | \$18,228 |
| ADH Golf & Utility Vehicles | Ingersoll Rand | Carryall 1500 - Petrol | \$24,321 | \$3,500 | \$20,821 |
| ADH Golf & Utility Vehicles | Ingersoll Rand | Carryall 1500 - Diesel | \$26,221 | \$3,500 | \$22,721 |
| T-Quip | LandBoss | 1100D | \$22,860 | \$6,000 | \$16,860 |
| E & MJ Rosher Pty Ltd | Kubota | 16HP Petrol ROPS | \$17,182 | \$3,182 | \$14,000 |
| McIntosh & Son | Cushman Hauler | 1200 | \$25,000 | \$4,000 | \$21,000 |

The preference of the Leading Hand Parks & Gardens is the Gator HPX615E All-Terrain Vehicle complete with SILVAN TK200-S10 Spraying Unit supplied by John Deere due to the vehicles features meeting all of the Shires requirements and competitive pricing structure.

Statutory Environment

Division 2 of the Local Government (Functions and General) Regulations 1966 details the tender requirements for the provision of Goods and Services.

Policy Applicable – Implications

Policy 4.8 Purchasing applies to this report.

Financial Implications**Budget**

The 2019/2020 adopted budget includes financial consideration for the provision of funding for this item within the Plant Replacement Program which includes a net cost of \$25,000 inclusive of trade.

Long Term

Ongoing Council budget considerations will be required for the operating costs of this plant in subsequent years.

Whole of Life

The whole of life financial implications including depreciation, maintenance and operating costs are included in budgets annually.

Risk Implications

The risks associated with matters in this report are:

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

The **impact** of the risk is Financial, 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 included the use of the WALGA e-quote process.

Strategic Community Plan Reference

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

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

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

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

Consultation

Consultation for this report included the Shire's outside works crew, other neighbouring Shire's works departments and WALGA's Preferred Suppliers.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/ COUNCIL DECISION

Motion 08122019

Moved Cr Denton seconded Cr Johnson that Council accept the tender from John Deere – AFGRI Equipment Pty Ltd for the purchase of a Gator HPX615E All-Terrain Vehicle for a net change over price of \$18,228.

Carried 9/0

| | |
|-----------------------------|--|
| 10.3.3 | PLANT REPLACEMENT – GARDENERS TRUCK |
| RESPONSIBLE OFFICER: | Jeff Alderton – Manager of Works |
| REPORT AUTHOR: | Stevie Egerton-Warburton – Works Admin Officer |
| FILE REFERENCE: | PE211 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 29 November 2019 |
| ATTACHMENTS: | Photograph of the Gardeners Truck |

Purpose

The purpose of this report is for the Council to consider replacing the Shire’s Isuzu Gardeners Truck as part of the 2019/2020 plant replacement program.

Background

At the budget meeting, conducted in July 2019, Council approved the purchase of a new Gardeners Truck for the 2019/2020 financial year.

Officers Comment

The current Isuzu Gardeners Truck is a 2013 model which has done 124,000 kilometres. The best practice for truck change overs is 5 years or 180,000 kilometres whichever comes first. The current Gardeners Truck has exceeded 5 years.

At the budget meeting, conducted in July 2019, Council advised that they would like to see the trade plant to be put to tender locally for the purpose of outright purchase, as well as purchase with trade. No local tenders were received for the outright purchase of this plant, resulting in only tenders for purchase with trade being considered.

The purchase with trade tenders were called using the WALGA’s e-quote process, which has a list of preferred suppliers. Compliant tenders were received from Albany City Isuzu, South West Isuzu, Daimler Trucks and WA Hino. Non-Compliant tenders were received from Daimler Trucks and WA Hino. Some of the suppliers included more than one tender as they quoted on different models and sizes. Only the compliant tenders are shown. See table below.

GARDENERS TRUCK – COMPLIANT QUOTES

| COMPANY NAME | MAKE | MODEL | PURCHASE PRICE | TRADE IN PRICE | FINAL CHANGE OVER PRICE |
|-------------------------|--------------|------------------|-----------------|-----------------|-------------------------|
| Albany City Isuzu | Isuzu | NQRAC-D18 | \$83,890 | \$24,091 | \$59,799 |
| Albany City Isuzu | Isuzu | NQRAC-D18 | \$87,790 | \$24,091 | \$63,699 |
| South West Isuzu | Isuzu | NPSAB-D18 | \$96,755 | \$29,924 | \$66,831 |
| South West Isuzu | Isuzu | NQRBC-D18 | \$74,015 | \$29,924 | \$44,091 |
| South West Isuzu | Isuzu | NQRAC-K18 | \$89,125 | \$29,924 | \$59,201 |
| South West Isuzu | Isuzu | NPRAC-K18 | \$84,485 | \$29,924 | \$54,561 |
| Daimler Trucks | FUSO | Canter 918 | \$86,490 | \$31,800 | \$54,690 |
| WA Hino | Hino | XJC710R-HKTTJQ3 | \$83,080 | \$27,773 | \$55,307 |
| WA Hino | Hino | XKU710R-HKUTSQ3 | \$86,080 | \$27,773 | \$58,307 |

The preference of the Leading Hand Parks & Gardens is the Isuzu NQRAC-D18 2 Way Tipping Gardeners Truck supplied by South West Isuzu due to the trucks features meeting all of the Shires requirements.

Statutory Environment

Division 2 of the Local Government (Functions and General) Regulations 1966 details the tender requirements for the provision of Goods and Services.

Policy Applicable – Implications

Policy 4.8 Purchasing applies to this report.

Financial Implications

Budget

The 2019/2020 adopted budget includes financial consideration for the provision of funding for this item within the Plant Replacement Program which includes a net changeover cost of \$65,000 for the truck.

Long Term

Ongoing Council budget considerations will be required for the operating costs of this plant in subsequent years.

Whole of Life

The whole of life financial implications including depreciation, maintenance and operating costs are included in budgets annually.

Risk Implications

The risks associated with matters in this report are:

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

The **impact** of the risk is Financial, 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 included the use of the WALGA e-quote process.

Strategic Community Plan Reference

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

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

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

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

Consultation

Consultation for this report included the Shire's Outside Works Crew, other neighbouring Shire's works departments and WALGA's Preferred Suppliers.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/ COUNCIL DECISION

Motion 09122019

Moved Cr Bigwood seconded Cr Slater that Council accept the tender from South West Isuzu for the purchase of an Isuzu NQRAC-K18 2 Way Tipping Gardeners Truck for a net change over price of \$59,201.

Carried 9/0

10.3.4 TENDER - SUPPLY, DELIVERY & SPRAYING OF BITUMEN

RESPONSIBLE OFFICER: Jeff Alderton – Manager of Works
REPORT AUTHOR: Jeff Alderton – Manager of Works
FILE REFERENCE: FM21
APPLICANT: N/A
DATE OF REPORT: 28 November 2019
ATTACHMENTS: Tender Evaluation – Confidential

Purpose

The purpose of this report is for the Council to consider the Tenders received for the supply, delivery, spraying of bitumen and associated works for the Shire’s road construction program.

Background

Tenders were called using the WALGA e-quote process which has a list of preferred suppliers.

Officers Comment

The Tender for the supply, delivery and spraying of bitumen and associated works is for a three year term plus and option of a further two years. The previous Tender, which was awarded to Bitutek Pty Ltd, was for a period of two years with an option of a further two years. This contract expired at the end of the last financial year. The previous contract worked well for both parties.

Tenders were received from Bitutek, Boral and Downer Infrastructure. Details of which are attached.

Bitutek has the cheapest tender but importantly they have provided a reliable service to the Shire of Cranbrook for the past six years and there is no reason for this relationship to change.

Statutory Environment

Division 2 of the Local Government (Functions and General) Regulations 1966 details the tender requirements for the provision of Goods and Services.

Policy Applicable – Implications

Council Policy 4.8 Purchasing applies to this item.

Financial Implications

The Shire requests unit and hourly rates as the amount of materials and equipment required varies from year to year. The cost of which is accounted for in the various road construction projects and forms part of the current year’s budget.

Long Term

Having a three year plus an option for a further two years bitumen supplier contract enables some surety of supply and also a better project costing process.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Asset Sustainability Practices
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes contracting the works to a reputable spraying contractor.

Strategic Community Plan Reference

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

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

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

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

Consultation

Consultation for this report included discussions with the Executive Management Team, other Regional Shires and the Outside Works Crew.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/ COUNCIL DECISION

Motion 10122019

Moved Cr Slater seconded Cr Carey that Council award the tender for the Supply, Delivery, Spraying of Bitumen and associated works to Bitutek Pty Ltd for a three-year term commencing 1 January 2019 with an option of a further two years in accordance with the tender documentation provided.

Carried 9/0

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

Nil

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

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Horrocks declared the meeting closed at 3.38pm.