

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

16 October 2019

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Egerton-Warburton declared the meeting open at 3.00pm. The Shire President alerted the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

President	Cr CY (Colin) Egerton-Warburton
Deputy President	Cr PL (Phil) Horrocks
Councillors	Cr DJ (David) Adams Cr PM (Peter) Beech Cr ER (Ruth) Bigwood Cr P (Peter) Denton 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	Mrs SA (Shelley) Askevold
Members of the Public	Six

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Councillors	Cr PW (Peter) Slater
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3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The president, Cr Egerton-Warburton announced that the following people who were either residents or past residents of the Shire had passed away since the last meeting:

Mrs Annabel Capp
Mr David Wood
Mr Ken Pech

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

Mr Clive Hughes – Private Works – PE1

Mr Hughes advised the Council that he had been in the contracting business in Cranbrook for the past six years. Mr Hughes advised that he has had no work recently as he believes the Shire is now undertaking work that he should be doing.

The Chief Executive Officer, Mr Peter Northover advised that the Shire undertakes private works for ratepayers who request the Shire to do so. The Shire does not set out to undermine private enterprise and ultimately it is up to the individual who they choose to contract to do their work.

The Manager of Works, Mr Jeff Alderton advised that he makes a conscious effort not to take any works away from private contractors.

Mr Hughes advised that he cannot live in Cranbrook if he cannot work and asked if the Shire requested ratepayers to make payment up-front before works were undertaken as this is what he had been told.

The Manager of Works, Mr Jeff Alderton advised that payment was not requested up-front and this information was incorrect.

Mr Peter Morris – 21 Armstrong Street Cranbrook – A3003

Mr Morris advised the Council that he was concerned about bushfires in the townsite of Cranbrook. He explained that all his neighbours have asbestos houses and asked that if he wanted to stay and defend his house during a fire, how should he protect himself from asbestos fibres?

The Chief Executive Officer, Mr Peter Northover advised that all residents should make sure they are safe at all times during a fire and it was Mr Morris' own responsibility to do so if he chose to stay and defend his home. Mr Northover stated that Mr Morris should have the correct protective clothing and respirators on hand and individuals need to be responsible for themselves.

Mr Morris stated that protective clothing and respirators were expensive and asked how the Council could help him.

The Chief Executive Officer, Mr Peter Northover advised that the alternative is to leave early and ensure that everyone is out of the house before the fire gets too close. Mr Northover also advised he would find some information on safety in bushfires and ensure it was included in the local newsletters.

Mr Twynam Cunningham – Councillors – GO121 & GO119

Mr Cunningham read out the following:

"I have come today to acknowledge Councillors Adams and Egerton-Warburton. Both have been fantastic contributors to the Shire of Cranbrook and as a former councillor myself I just wanted to say what a pleasure it was for me to have worked with them.

I might add if I may, a little history of how the pair of them got to be on Council. Back in 2010 former Councillor Jon Beasley and I decided we needed to get some new blood onto the Council, some progressive and clear thinking community members. We came up with Messrs Adams, Beech, Pope and Egerton-Warburton, I think we go the quadrella because

all of them came on board and the Cranbrook Shire has been all the better for their contribution.

I wish David and Colin well with their life after Council.”

Mrs Jan Pope – Councillors – GO121 & GO119

Mrs Pope said that further to Mr Cunningham’s words she too, found both Councillors Adams and Egerton-Warburton had been a pleasure to work with and thanked them for their contribution. At the same time as these Councillors came on board the Shire welcomed a new Chief Executive Officer to the team who was also great to work with. Mrs Pope went on to wish both Councillors Beech and Horrocks all the very best in the upcoming election.

The Shire President, Mr Colin Egerton-Warburton thanked Mrs Pope and Mr Cunningham for their kind words.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DISCLOSURE OF INTEREST

Cr P Denton

Item 10.2.3

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Men’s Shed

Mr PB Northover

Item 10.2.3

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Men’s Shed

Cr PM Beech

Item 13.1

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

Nature: Owner of land adjoining the strata

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

The meeting will be closed to discuss item 13.1

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 18 September 2019

Motion 01102019

Moved Cr Carey, seconded Cr Denton that the minutes from the ordinary meeting of Council held on 18 September 2019, be confirmed as a true and correct record.

Carried 8/0

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:	7 October 2019
ATTACHMENTS:	List of Payments – 1 September 2019 to 30 September 2019

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 September 2019 to 30 September 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 02102019

Moved Cr Adams, seconded Cr Bigwood that the payment of accounts totalling \$446,479.36 as per the attachment be noted:

- **Electronic Funds Transfers EFT10092 to EFT10172 - \$308,110.95;**
- **Municipal Fund Cheque No's 12182 – 12185 - \$10,460.74;**
- **Internal Account Transfers (Payroll) - \$104,534.93; and**
- **Direct Debit - \$23,372.74.**

Carried 8/0

One member of the public left the chambers at 3.21pm

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:	7 October 2019
ATTACHMENTS:	Financial Statements for September 2019

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 September 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 September financial statements report on 3 months, or 25% of the financial year. It is worthy to note:

- The ‘Municipal Fund Summary’ on page 2 shows that we have raised 78% 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 28% of the budgeted operating expenditure for the year;
- The ‘Municipal Fund Summary’ on page 3 shows a net current assets position of \$3,473,840 (surplus), which is mainly made up of \$2.931m cash on hand; and \$885,249 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 03102019

Moved Cr Denton, seconded Cr Carey that the attached financial statements for the period ending 30 September 2019 be noted.

Carried 8/0

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 RESERVE 10004 – MANAGEMENT

RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	R10004
APPLICANT:	Dowrene Farm Aboriginal Corporation
DATE OF REPORT:	7 October 2019
ATTACHMENTS:	Letter of Request

Purpose

The purpose of this report is for the Council to consider surrendering the management of Reserve 10004 and supporting Dowrene Farm Aboriginal Corporation's request to take management of this reserve.

Background

Mrs Maude Bonshaw of Dowrene Farm Aboriginal Corporation wrote to the Shire in July 2019 seeking to utilise Reserve 10004 for cultural purposes (see attached letter).

Reserve 10004 is a 'C' Class Reserve located off Dujemerrup Road which is vested in the Shire of Cranbrook for the purpose of 'Parklands'. Whilst the Shire has management orders over this reserve, there is no power to lease and the current purpose of 'Parklands' does not constitute cultural purposes.

Officers Comment

Council will recall that this matter was the subject of informal Council discussions in August whereby Council requested further information.

Shire staff have liaised with the Department of Planning Lands and Heritage (DPLH) regarding this matter and have been advised that:

- If the organisation is an incorporated body/community group a management order can be issued to them;
- A Council resolution is required, advising that the Shire is willing to surrender management of the reserve, to enable Dowrene Farm Aboriginal Corporation to manage the reserve; and
- If the Dowrene Farm Aboriginal Corporation wish to change the purpose of the reserve, then Council must also support this change of purpose.

Mrs Bonshaw is concerned that if the Shire surrender management then the reserve could be taken up by the South West Aboriginal Land Council, however any management of the reserve must be supported by the Council.

Statutory Environment

Part 4 of the Land Administration Act 1997 is applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking the appropriate support and approval of the department of planning, lands and heritage for the change in vesting.

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

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

Outcome 3.1: A protected, diverse, healthy natural environment

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

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 the Department of Planning Lands and Heritage, Dowrene Farm Aboriginal Corporation and the Council.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 04102019

Moved Cr Horrocks, seconded Cr Adams that Council:

- 1. Advise Department of Planning Lands and Heritage that the Shire wishes to surrender the management of Reserve 10004 in order for Dowrene Farm Aboriginal Corporation to take up management of this reserve; and**
- 2. Support the change of purpose of Reserve 10004 from 'Parklands' to 'Cultural Purposes'.**

Carried 8/0

10.2.2 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MINUTES – 2 OCTOBER 2019

RESPONSIBLE OFFICER:	Peter Northover- Chief Executive Officer
REPORT AUTHOR:	Kevin Bransby- Emergency Services Officer
FILE REFERENCE:	BF13
APPLICANT:	N/A
DATE OF REPORT:	7 October 2019
ATTACHMENTS:	Draft LEMC Minutes – 2 October 2019

Purpose

The purpose of this report is for the Council to consider the draft minutes from the 2 October 2019 LEMC meeting.

Background

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

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

The function of the Local Emergency Management Committee (LEMC) is documented in the Act under section 39:

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

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

- Cr Representative – Shire President
- Shire Staff
- Chief Bushfire Control Officer (CBFCO)
- WA Police - local officers
- St John Ambulance – Cranbrook and Frankland River
- St John Ambulance Great Southern
- Department of Communities, Child Protection and Family Support (DCCP&FS)
- Plantagenet Health Service
- Red Cross
- Department of Primary Industries and Regional Development (DPIRD)
- Frankland River Community Centre Manager
- Cranbrook Primary School Principal
- Department of Biodiversity, Conservation and Attractions Western Australia
- Main Roads Great Southern
- Western Power
- Water Corporation
- Office of Emergency Management (OEM) - Great Southern District Emergency Management Advisor

Officers Comment

The draft minutes from 2 October 2019 LEMC meeting are attached with no recommendations to Council from this meeting.

Statutory Environment

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

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

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** Rare

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

Risk mitigation includes the well managed operations of the LEMC including membership by the CEO, ESO, MOW, MFA and the Shire President on the committee.

Strategic Community Plan Reference

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

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

Outcome 1.2: A safe place to live

Strategy 1.2.2: Advocate and actively support emergency management and services

Consultation

Consultation for this report included members of the LEMC.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 05102019

Moved Cr Bigwood, seconded Cr Fiegert that the attached draft minutes of the 2 October 2019 Local Emergency Management Committee meeting be received by Council.

Carried 8/0

Cr P Denton

Item 10.2.3

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Men's Shed

Cr Denton declared that he will consider this matter on its merits and vote accordingly.

Mr PB Northover – Chief Executive Officer

Item 10.2.3

Type: Impartiality Interest pursuant to Regulation 11, Local Government (Rules of Conduct Regulations 2007)

Nature: Member of the Cranbrook Men's Shed

The Chief Executive Officer Mr Northover, is a non-voting officer therefore did not leave the meeting.

10.2.3 PLANNING APPLICATION - EXTENSION TO EXISTING CLUB PREMISES (MEN'S SHED) – LOT 109 (NO 52) GRANTHAM STREET, CRANBROOK

RESPONSIBLE OFFICER: Peter Northover- Chief Executive Officer

REPORT AUTHOR: Liz Bushby - Town Planning Innovations

FILE REFERENCE: A9233

APPLICANT: Cranbrook Community Men's Shed Inc

DATE OF REPORT: 4 October 2019

ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider an application for an extension to the existing Men's Shed building located at Lot 109 (No 52) Grantham Street, Cranbrook.

Background

Lot 109 has an approximate area of 2010m² and has been developed with an existing building used as a local 'Men's Shed'.



Lot 109 is owned by the Shire and was specifically purchased for a community Men's Shed.

The lot is zoned 'Town Centre' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

Council approved a change of use for the building to be a 'club premises' for the Mens Shed at the meeting held on the 17 February 2016. Minor alterations to the building were approved by Council in November 2016 and December 2016.

Officers Comment

- **Description of Application**

The application proposes a 96.3m² extension to the rear of the existing building. The applicant has advised that the building is used for wood work, metal work and other hobbies.

The increase in floor area is proposed to provide separation between the wood work activities and metal work activities.

The extension will continue the existing colour scheme with a custom orb zinculume roof, custom orb 'classic cream' cladding on the walls with a 'cottage cream' dado.

The proposed extension is of a minor nature and TPI is of the view that the lot still has sufficient areas available for on site car parking.

Statutory Environment

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

The land use of ‘club premises’ has already been approved in 2016.

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.

Regulation 67 outlines ‘matters to be considered by Council’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The application has been lodged without payment of a planning application fee. It is recommended that no planning fee be charged as the proposal is to benefit a local community group.

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

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 1.3: A healthy place to grow and age

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

Consultation

Consultation 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 06102019

Moved Cr Horrocks, seconded Cr Carey that Council:

- 1. Authorise the Chief Executive Officer to sign a planning application form for an extension to the existing building on Lot 109 (No 52) Grantham Street, Cranbrook as the land is owned by the Shire.**
- 2. Grant planning approval for additions to the existing Club Premises (Men's Shed) building on Lot 109 (No 52) Grantham Street, Cranbrook subject to the following condition:**
 - a. The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the application as submitted unless otherwise approved in writing by the Chief Executive Officer.**
- 3. Resolve not to charge a planning application fee as the Men's Shed is a community group.**

FOOTNOTE ADVICE

A separate building permit is required to be obtained by the Men's Shed prior to commencement of work.

Carried 8/0

10.2.4

PLANNING APPLICATION - PROPOSED EXTENSION TO AN EXISTING RONALDSHAW ROAD, TENTERDEN

RESPONSIBLE OFFICER: Peter Northover - Chief Executive Officer
REPORT AUTHOR: Liz Bushby - Town Planning Innovations
FILE REFERENCE: A984
APPLICANT: Harmony Chipperfield
DATE OF REPORT: 8 October 2019
ATTACHMENTS: Nil

Purpose

The purpose of this report is for Council to consider an application seeking planning approval for an extension to an existing single house on Lot 122 Ronaldshaw Road, Tenterden.

The initial application included an enclosed pool/ spa area, 2 new bedrooms and a laundry addition. The application has been amended and now only includes the enclosed pool/ spa room.

Background

Lot 122 is zoned 'Rural Residential' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme'). The lot has an area exceeding 1.6 hectares and is on the corner of Ronaldshaw Road and Brewer Street.



Location Plan

Officers Comment

- **Description of Application**

There is an existing dwelling on the lot and an extension is proposed to the north east of the house. The extension is proposed to accommodate an indoor spa/ lap pool.



The extension will have a total floor area of 33.33m² (6.91m x 4.68m). It will be constructed out of the same colours and materials as the existing house. The existing roof pitch will be continued so that extension blends in with the existing house elevations.

The proposed development complies with the setbacks and site requirements applicable to the Rural Residential zone under the Scheme.

- **Planning for Bushfire Protection**

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 and have been amended from time to time.

The house extension is proposed within a declared bushfire prone area and State Planning Policy 3.7 recommends that a Bushfire Attack Level assessment be provided.

TPI does not recommend that a Bushfire Attack Level (BAL) report be required as part of the planning process in this specific case for the following reasons:

- Whilst SPP3.7 requires lodgement of a BAL assessment for the proposed development, a BAL is not required as part of the separate Building Permit process.
- A BAL is not required for any extension that has an estimated cost less than \$20,000 (which is the case for this application) under the current building requirements.
- Planning Bulletin No 111/2016 clarifies Council has discretion over this matter and states that alterations and extensions are exempt.

The Planning Bulletin states that *'The deemed provisions exempt renovations, alterations, extensions, improvements or repair of a building, and incidental uses (including outbuildings, verandas, unenclosed swimming pools, carports, patios and storage sheds).*

State Planning Policy 3.7 also states that 'a notice on title' advising that the site is located in a bushfire prone area should be required as a condition of any planning approval.

Council can impose a condition on any approval requiring a notification to be placed on the Certificate of Title of Lot 122 to alert any future purchaser that it is in a bushfire prone area.

Council has to have 'due regard' for SPP 3.7, however Town Planning Innovations does not recommend any notification on the title for the following reasons:

- a) A notification would need to be compiled by a solicitor and there are costs associated with lodging any notification on a title.
- b) Bushfire mapping is reviewed annually and the existing vegetation on site is a snapshot in time.
- c) Bushfire mapping is readily available to purchasers through the DFES website. Any purchaser needs to undertake due diligence when buying land.

Statutory Environment

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

Clause 5.18.1 requires a front setback of 30 metres and side / rear setbacks of 10 metres.

Clause 18.3 (a) states that *'planning approval is required for all development including a single house and such application is to be made in accordance with the provisions of the Scheme'*.

Clause 5.18.4 sets out the following development standards:

'To achieve a high standard of development within a Rural-Residential zone, and to minimise the visual impacts of development the local government will have regard to the following:

- a) *the colour and texture of external building materials;*
- b) *building size, height, bulk, and roof pitch;*
- c) *setback and location of the building on its lot;*
- d) *architectural style and design details of the building;*
- e) *relationship to surrounding development; and*
- f) *other characteristics considered by the local government to be relevant.'*

Planning and Development (Local Planning Schemes) Regulations 2015 – Regulation 67 outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to Liz Bushby of Town Planning Innovations for planning advice.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

There is no strategic plan reference associated with this report.

Consultation

No consultation has been undertaken.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 07102019

Moved Cr Denton, seconded Cr Adams that Council:

1. **Approve the application lodged by Harmony Chipperfield for an extension (new lap pool / spa room) to the existing house on Lot 122 Ronaldshaw Road, Tenterden subject to the following conditions and footnote advice notes:**
 - a. **All development shall be in accordance with the approved plans. This approval is only for a new lap spa area and does not include Bedroom 1, Bedroom 2 or an extension to the existing laundry.**
 - b. **All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.**
 - c. **If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**

FOOTNOTE ADVICE:

- (i) **The owner is advised that this is only a planning consent and is not authorisation to commence any construction works. A separate building permit is required prior to commencement of works.**
- (ii) **The Shire notes that the plans initially included 2 new bedrooms and a laundry addition. The application was then amended to only apply for the new lap spa room.**

Please be advised that a Bushfire Attack Level report may be required for any separate future applications as the lot is within a designated bushfire prone area.

Carried 8/0

10.2.5	CODE OF CONDUCT AND CEO STANDARDS - CONSULTATION
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Peter Northover – Chief Executive Officer
FILE REFERENCE:	GO15
APPLICANT:	N/A
DATE OF REPORT:	8 October 2019
ATTACHMENTS:	<ol style="list-style-type: none">1. Draft WALGA Submission - Code of Conduct2. Draft WALGA Submission - CEO Standards3. DLGSCI Standards and Guidelines – CEO Recruitment and Selection, Performance Review and Termination4. DLGSCI Mandatory Code of Conduct for Council Members, Committee Members and Candidates

Purpose

The purpose of this report is for Council to consider the Draft Western Australian Local Government Association (WALGA) submissions on the proposed Code of Conduct for Council Members, Committee Members and Candidates and the Standards and Guidelines for CEO Recruitment and Selection, Performance Review and Termination.

Background

The *Local Government Legislation Amendment Act 2019* will introduce new requirements in relation to Codes of Conduct (Sections 5.102A, 5.103 and 5.104) and CEO recruitment, performance and termination (Sections 5.39A and 5.398).

In support of the changes, the Department of Local Government, Sport and Cultural Industries (DLGSCI) has released two papers for consultation:

1. Mandatory Code of Conduct for Council Members, Committee Members and Candidates:
and
2. Standards and Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination.

Both these papers are attached.

Officers Comment

While WALGA and other interested parties participated in two separate working groups to develop the documents, both documents prepared by the Department have been released without WALGA's endorsement.

WALGA has prepared draft submissions in relation to the guidelines for sector consideration and feedback. DLGSCI has extended the consultation timeframe on both consultation papers until Friday, 6 December 2019.

WALGA is seeking feedback on its two draft submissions by Friday, 25 October 2019 – following which the submissions will be included in the December State Council Agenda for consideration at November Zone meetings, before being finally considered and endorsed at the 4 December, 2019 meeting of State Council.

Statutory Environment

Legislation in relation to this item is currently being developed.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is People, 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 providing appropriate training and following correct procedure.

Strategic Community Plan Reference

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

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

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

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

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

Outcome 4.2: Demonstrate strong leadership and civic responsibility

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

Consultation

Consultation for this report included members of the Executive Management Team and Council.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 08102019

Moved Cr Carey, seconded Cr Beech that Council authorises the Chief Executive Officer to provide a submission to WALGA highlighting those matters of concern addressed at the Briefing Session on 16 October, 2019.

Carried 8/0

10.3 WORKS

Nil

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

Nil

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

Nil

13. MATTERS BEHIND CLOSED DOORS

****CONFIDENTIAL****

13.1 LOT 25 (71) FOLLY ROAD, FRANKLAND RIVER – OFFER TO PURCHASE

RESPONSIBLE OFFICER: Trish Standish - Manager of Finance and Administration
REPORT AUTHOR: Trish Standish - Manager of Finance and Administration
FILE REFERENCE: A1164
APPLICANT: Amber Management Pty Ltd
DATE OF REPORT: 8 October 2019
ATTACHMENTS: Valuation Report

Statutory Environment

Section 5.23 of the Local Government Act 1995 allows the Council to close all or part of a Council Meeting to members of the public if the meeting or the part of the meeting deals with a range of issues, dealing with any of the following; (a) a matter affecting an employee or employees; (b) the personal affairs of any person; (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; (e) a matter that if disclosed, would reveal — (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; (f) a matter that if disclosed, could be reasonably expected to — (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government’s property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and (h) such other matters as may be prescribed.

As such it is recommended that the meeting be closed to the public in order deal with these items.

A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 09102019

Moved Cr Carey, seconded Cr Adams that the meeting be closed to members of the public at 3.33pm in accordance with section 5.23 (2)(c), of the Local Government Act 1995 to discuss a contract which may be entered into.

Carried 8/0

Cr PM Beech

Item 13.1

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

Nature: Owner of land adjoining the strata

Cr Beech left the chambers at 3.33pm

Five members of the public left the chambers at 3.33pm

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 10102019

Moved Cr Bigwood, seconded Cr Fiegert that Council accept the offer of \$18,000 from Amber Management Pty Ltd for Lot 25 (71) Folly Road Frankland River, subject to satisfactory legal advice being received.

Carried 7/0

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 11102019

Moved Cr Denton, seconded Cr Carey that the meeting be reopened to the public at 3.38pm

Carried 7/0

Cr Beech re-entered the chambers at 3.38pm

14. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Egerton-Warburton declared the meeting closed at 3.39pm.