

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

18 August 2021

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Horrocks declared the meeting open at 3.01pm. 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 JA (Jennifer) Quick Cr RW (Robert) Johnson
Acting Chief Executive Officer	Mr GR (Garry) Adams
Manager Corporate and Community	Mrs PA (Trish) Standish
Manager of Works	Mr JE (Jeff) Alderton

Members of the Public One

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:

Mrs Betty Witham
Mrs Margaret Higgins

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 – 21 July 2021

Motion 01082021

Moved Cr Beech, seconded Cr Denton that the minutes from the ordinary meeting of Council held on 21 July 2021, be confirmed as a true and correct record.

Carries 9/0

10. REPORTS OF OFFICERS

10.1 CORPORATE AND COMMUNITY SERVICES

10.1.1 LIST OF PAYMENTS

RESPONSIBLE OFFICER:	Trish Standish – Manager Corporate and Community
REPORT AUTHOR:	Madeleine Hammond – Finance Administration Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	2 August 2021
ATTACHMENTS:	List of Payments – 1 July to 31 July 2021

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 July 2021 to 31 July 2021.

Background

Nil

Officer's 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 **impacts** of the risk are 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 report 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 2021-2031 Shire of Cranbrook, Strategic Community Plan states that:

Key Pillar: Connect

Outcome 16 – High Performing Shire: An accountable and respected Shire, investing in its people and structures.

Deliverable 16.1: A Shire and supporting entities are well-governed with delineated roles and accountabilities.

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

Motion 02082021

Moved Cr Slater, seconded Cr Fiegert that the payment of accounts totalling \$606,526.57 as per the attachment be noted:

- **Electronic Funds Transfers EFT12193 to EFT12278 - \$472,267.75;**
- **Municipal Fund Cheque No 12289 to 12239 - \$7,985.83;**
- **Internal Account Transfers (Payroll) - \$113,137.93; and**
- **Direct Debit - \$13,135.06.**

Carried 9/0

10.1.2 MONTHLY FINANCIAL REPORT – JULY 2021

RESPONSIBLE OFFICER:	Trish Standish – Manager Corporate and Community
REPORT AUTHOR:	Madeleine Hammond – Finance Administration Officer
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	10 August 2021
ATTACHMENTS:	Financial Statements for July 2021

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 July 2021.

Background

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

Officers Comment

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

The attached July 2021 Monthly Financial Report represents one (1) month, or 8% of the financial year. The following items are worthy of noting on the July 2021 report:

- Closing surplus position of \$3,4m (shown on page 5)
- Cash and cash equivalents of \$3.1m, of which \$2.6m is held in cash backed reserve accounts (shown on page 9);
- Outstanding rates of \$2,776,376 equates to 100% of 2021/2022 rates levied (shown on page 10); and
- Explanation of material variances is shown on page 24.

Statutory Environment

The Local Government (Financial Management) Regulations 1996 define the requirements for monthly financial reporting (Regulation 34).

Policy Applicable – Implications

Council Policy 4.1 Defining Material Variances, states that:

When dividing the actual figures with the annual budget figure, a variance of plus or minus 10% of the percentage of the year elapsed will be reported. In addition, a variance must be greater than \$10,000 to be reported.

Financial Implications

The attached report represents the financial position of the Council at the end of the previous month and the adoption of the recommendation below does not have a financial impact.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is Rare

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

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

Strategic Community Plan Reference

Outcome 16 – High Performing Shire: An accountable and respected Shire, investing in its people and structures.

Deliverable 16.1: A Shire and supporting entities are well-governed with delineated roles and accountabilities.

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 RESOLUTION

Motion 03082021

Moved Cr Quick, seconded Cr Bigwood that the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 July 2021 be received.

Carried 9/0

10.1.3	DELEGATION AUTHORITY GRANTED TO CEO
RESPONSIBLE OFFICER:	Garry Adams – Acting Chief Executive Officer
REPORT AUTHOR:	Garry Adams – Acting Chief Executive Officer
FILE REFERENCE:	GO20
DATE OF REPORT:	18 August 2021
ATTACHMENTS:	Confidential Attachment One – Email Re Impact of Fee Rises

Purpose

The purpose of this report is for the Council to consider granting a delegation to the Chief Executive Officer to apply a discount to adopted Caravan Park fees and charges in certain circumstances.

Background

At the July 2021 meeting of Council it was resolved that:

Motion 08072021

Moved Cr Slater, seconded Cr Johnson that:

- 11. Pursuant to Section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges included at pages 66 to 75 inclusive, of the draft 2021/2022 budget included as an attachment to this report to be applicable from 1 August 2021; and**
- 12. Council approves the fees and charges for the current caravan park residents to be increased from 1 November 2021.**

**Carried 8/0
By Absolute Majority**

The adoption of the new fees and charges for caravan parks, whilst both necessary and appropriate has resulted in some potentially significant cost implications for people who have had long standing arrangements with the Shire. These arrangements were put in place due to unique circumstances relating to seasonal workforces and the need for local businesses to be able to house their workers at various times of the year when other accommodation options are not available.

These businesses provide services to the agricultural sector and are a vital part of the region's economy. Due to the removal of the previously implemented concession where someone staying for 7 nights would be charged for 5, together with the \$5 per day increase, the cost impact to some long-standing arrangements is significant and could adversely affect the financial viability of local businesses.

It is also apparent that there are some circumstances where long term residents of the Parks may not be able to afford the increased rates and due to lack of accommodation options may be forced to leave town.

The previous, stay 7 and pay for 5 arrangement was originally introduced as a promotional opportunity to attract more visitors (tourists) to the parks, however, it was applied to everyone staying more than 5 nights. Whilst this discount is not considered necessary to attract tourists at this time, there may be certain times of the year, where promotional campaigns may require the application of some sort of discount.

Officer's Comment

Whilst the adopted fees and charges are viewed as both reasonable and appropriate, it is recognised that there may be instances where, due to unique circumstances, there may be a valid argument for providing a discount (concession) to the fees adopted by Council.

These circumstances could include the following:

- Where multiple sites are hired by a local business for worker accommodation that contributes to economic outcomes for the local Shire region;
- Where there are welfare considerations;
- Where the Shire undertakes a promotional campaign to attract more visitors to the parks.

Giving the Chief Executive Officer the delegation to apply a discount up to a certain limit enables some flexibility to react to different and changing circumstances and may, in fact, result in increased revenues due to higher occupancy rates at certain times of the year.

It is recommended that Council grant a delegation that enables the CEO to apply a concession up to a maximum of 20% conditional on the reasons for any application of a concession being fully documented. It is also recommended that the concession is for a maximum of one year at a time so that all concessions granted must be reviewed annually.

Statutory Environment

Section 5.42 of the Local Government Act 1995 provides Council with the power to delegate. Section 6.12 (1) (b) of the same Act provides the power to grant concessions on any amount of money.

Policy Applicable – Implications

Policy 4.12 fees and charges application.

Financial Implications

The financial implications for this report are likely to be minimal, however, this will depend on how often the delegation is used and for what purpose.

In the present circumstances, and for this financial year, if exercised, the estimated total cost of the matters in this report will be between \$4,000 and \$6,000. This figure is based on regular users having the same usage patterns as the previous year.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- External Theft and Fraud
- Errors, Omissions and Delays

The **impacts** of the risk are People and Financial.

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

The **likelihood** is Unlikely.

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

Risk mitigation includes documentation of the delegation approved by Council and the conditions imposed on the CEO in exercising it. No sub-delegation beyond the CEO and documentation of all reasons for exercising the delegation.

Strategic Community Plan Reference

The 2021-2031 Shire of Cranbrook, Strategic Community Plan states:

Key Pillar: Live

Outcome 1 - Community: A safe and friendly community that is known for support, which can be defined with a measurement of 'proud'.

Deliverable 1.1: A community and enterprise safety and security system.

Deliverable 1.2: A culture-enhancement program where all community members are proud of living in and around our region.

Key Pillar: Work

Outcome 7 – Enabled Economy: A business system is well-functioning through partnerships and alliances.

Deliverable 7.1: Extra flexible housing options for various working needs.

Outcome 8 – Business Attraction: Attracted new business and industry to our region.

Deliverable 8.1: Additional business or micro-production has commenced or expanded in the region.

Key Pillar: Visit

Outcome 10 – Tourism: A strong positioning as a destination for external visitors.

Deliverable 10.1: A unique, well-known, regarded, accessible and measured tourism destination across the Shire of Cranbrook.

Key Pillar: Connect

Outcome 16 – High Performing Shire: An accountable and respected Shire, investing in its people and structures.

Deliverable 16.1: A Shire and supporting entities are well-governed with delineated roles and accountabilities.

Consultation

Consultation for this report included the receipt of information from current users of the Caravan Park highlighting the potential financial impacts of the prices rises.

VROC Implications

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

Objectives:

Regional Economic Development

Stimulate economic growth and business opportunity.

S1: Support the implementation of wider regional initiatives

S2: Collaborate on safe and efficient road networks

S3: Improve the provision and maintenance of infrastructure

S4: Develop uniformity across planning schemes

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. In accordance with s5.42 and s6.12 1 (b) of the Local Government Act 1995, delegates to the Chief Executive Officer, the ability to grant concessions of no more than 20% on the adopted Fees and Charges for the Cranbrook and Frankland River Caravan Parks; and
2. Imposes a condition that any time this delegation is exercised, the Chief Executive Officer must clearly document the reasons for the concession being applied, the amount of the concession as a percentage and the length of time the concession is applicable for, which may not be for more than one year at a time.

NOT MOVED

COUNCIL RESOLUTION

Motion 04082021

Moved Cr Horrocks, seconded Cr Johnson that Council:

3. In accordance with s5.42 and s6.12 1 (b) of the Local Government Act 1995, delegates to the Chief Executive Officer, the ability to grant concessions of no more than 30% on the adopted Fees and Charges for the Cranbrook and Frankland River Caravan Parks; and
4. Imposes a condition that any time this delegation is exercised, the Chief Executive Officer must clearly document the reasons for the concession being applied, the amount of the concession as a percentage and the length of time the concession is applicable for, which may not be for more than one year at a time.

Carried 9/0

Cr Horrocks moved and Cr Johnson seconded that the proposed 20% concession be increased to 30% because there may be instances where a 30% concession is required to reduce the potential impact on local businesses that service the agricultural sector who accommodate workers in the Shire's Caravan Parks.

Even with the 30% concession, it will still be a significant rise to the original amount payable before the increase in the adopted Fees and Charges because the amount has increased by \$5 per day and the pay for 5 stay for 7 day promotion has been removed.

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) DRAFT MINUTES – 28 July 2021

RESPONSIBLE OFFICER:	Garry Adams – Acting Chief Executive Officer
REPORT AUTHOR:	Jo Scott – Personal Assistant to the Chief Executive Officer
FILE REFERENCE:	BF13
APPLICANT:	N/A
DATE OF REPORT:	28 July 2021
ATTACHMENTS:	<ol style="list-style-type: none">1. Draft LEMC Minutes - 28 July 20212. Local Emergency Management Arrangements 2021 - 2026 and Appendices3. Local Emergency Recovery Plan 2021 - 20264. Local Emergency Evacuation Plan 2021 - 20265. Local Emergency Welfare Plan July 2021

Purpose

The purpose of this report is for the Council to consider the draft minutes and associated recommendations from the 28 July 2021, 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.

Officer's Comment

The draft minutes of the 28 July 2021 LEMC meeting are attached with a recommendation to Council to endorse the Local Emergency Management Arrangements (LEMA) and Appendices, Local Emergency Recovery Plan, Local Emergency Evacuation Plan, and Local Emergency Welfare Plan that were endorsed at this meeting.

In accordance with relevant legislation the plans have been reviewed by the LEMC and this report seeks Council's endorsement. Endorsement of the plans will ensure the Shire remains compliant with legislative responsibilities in accordance with the Emergency Management Act 2005 and relevant State Emergency Management Plans and Policies.

Once endorsed by Council, the LEMA must be submitted to the State Emergency Management Committee (SEMC) to complete the approval process.

Statutory Environment

The Emergency Management Act relates to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is Rare

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

Risk mitigation includes the well managed operations of the LEMC and ensuring all relevant plans are current and reviewed as required.

Strategic Community Plan Reference

The 2021-2031 Shire of Cranbrook, Strategic Community Plan states that:

Key Pillar: Live

Outcome 1 - Community: A safe and friendly community that is well-known for support, which can be defined with a measurement of 'proud'.

Deliverable 1.1: A community and enterprise safety and security system.

Outcome 3 - Health: A well-defined primary and emergency health positioning, focussed attention on mental health and proactive leadership on next-frontier health provisions.

Deliverable 3.1: A well-defined health positioning, formed of strong partnerships, alliances and volunteerism.

Outcome 16 – High Performing Shire: An accountable and respected Shire, investing in its people and structures.

Deliverable 16.1: A Shire and supporting entities are well-governed with delineated roles and accountabilities.

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

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

Motion 05082021

Moved Cr Carey, seconded Cr Slater that Council:

- 1. Receive the attached draft minutes of the 28 July 2021 Local Emergency Management Committee meeting;**
- 2. Adopt the attached Local Emergency Management Arrangements 2021 – 2026 and Appendices;**
- 3. Adopt the attached Local Emergency Recovery Plan 2021 - 2026;**
- 4. Adopt the attached Local Emergency Evacuation Plan 2021 - 2026; and**
- 5. Adopt the attached Local Emergency Welfare Plan July 2021.**

Carried 9/0

10.2.2	BUSHFIRE RISK MANAGEMENT PLAN - ADOPTION
RESPONSIBLE OFFICER:	Garry Adams – Acting Chief Executive Officer
REPORT AUTHOR:	Garry Adams – Acting Chief Executive Officer
FILE REFERENCE:	BF20
APPLICANT:	N/A
DATE OF REPORT:	10 August 2021
ATTACHMENTS:	1. Bushfire Risk Management Plan 2. Office of Bushfire Risk Management Endorsement Letter 3. Confidential Attachment

Purpose

The purpose of this report is for the Council to consider the adoption of the Shire of Cranbrook Bush Fire Risk Management Plan 2021-2026.

Background

The Shire of Cranbrook Bushfire Risk Management Plan 2021-2026 has been developed in accordance with the requirements of the (DFES) Guidelines for Preparing a Bushfire Risk Management Plan (BRMP), which align to the policies of the State Emergency Management Committee.

The BRMP is a strategic document that identifies assets at risk from bushfire and their priority for treatment. The resulting 'Treatment Schedule' sets out a broad program of coordinated multi-agency treatments to address risks identified in the BRMP. Government agencies, and other land managers responsible for implementing treatments, participate in developing the BRMP to ensure treatment strategies are collaborative and efficient, regardless of land tenure. Treatments will be guided by risk priority, not land tenure, and will not be limited to local government managed lands. Mitigation Activity Funds (MAF) can, however, only be used on local government vested/managed land /reserves.

The objectives of the BRMP are to:

- Guide and coordinate a tenure blind, multi-agency bushfire risk management program over a five-year period;
- Document the process used to identify, analyse and evaluate risk, determine priorities and develop a plan to systematically treat risk;
- Facilitate the effective use of the financial and physical resources available for bushfire risk management activities;
- Integrate bushfire risk management into the business processes of local government, land owners and other agencies;
- Ensure there is integration between land owners and bushfire risk management programs and activities;
- Monitor and review the implementation of treatments to ensure treatment plans are adaptable and risk is managed at an acceptable level.

The OBRM has assessed the BRMP and confirmed in its letter dated 16 July 2021 (Attachment 2), that it meets the required standard as per the Bushfire Risk Management Planning – Guidelines for Preparing a Bushfire Risk Management Plan. The BRMP will require Council's approval and formal adoption.

Officer's Comment

There was a total of 264 assets identified for the BRMP assessments covering four (4) Asset Categories (Human Settlement (56.1%), Economic (23.4%), Environmental (15.2%) and Cultural (5.2%)). The assets were assessed using a standard risk assessment methodology that evaluated the likelihood rating and the consequence. The assessment also took into consideration the Bushfire Hazard based on the Classification of Vegetation, Separation Distance and the Slope rating of the topography. From this assessment, a Risk Evaluation was formulated identifying the risk category and the treatment priority for each of the assets. Assets listed as High, Very High and Extreme will require treatment and this will be developed in consultation with land owners and other stakeholders, with a treatment schedule to be completed within six months of the BRMP being endorsed by Council.

There are a total of 171 assets listed as High (55), Very High (46) and Extreme (70) which require treatments. Details of these specific assets are listed in **Confidential Attachment 3**.

At the end of each financial year, the Shire is to prepare and submit a report to OBRM detailing progress against the BRMP. On the endorsement of the BRMP by the Council and the submission of treatment priority for the assets that are listed as High, Very High and Extreme, the Shire will be able to source funding from Mitigation Activity Funding (MAF).

Within six months of adoption by the Council, the Shire of Cranbrook is required to finalise the Treatment Schedule in the Bushfire Risk Management System (BRMS) and provide written notification to OBRM.

Statutory Environment

The following Acts and Legislation apply:

- Aboriginal Heritage Act 1972
- Building Act 2011
- Bush Fires Act 1954
- Bush Fires Regulations 1954
- Conservation and Land Management Act 1984
- Country Areas Water Supply Act 1947
- Emergency Management Act 2005
- Emergency Management Regulations 2006
- Environmental Protection Act 1986
- Environmental Protection and Biodiversity Conservation Act 1999
- Fire and Emergency Service Act 1998
- Fire Brigades Act 1942

Policy Applicable – Implications

Council Policy 6.0 Emergency Services – Bushfire Control deals with the Shire's approach to Bushfire Management.

Financial Implications

There is funding available annually through the Mitigation Activity Funding (MAF) and this will be the primary source of funding. However, it must be noted that the funding available is for the initial treatment to reduce the fire risk and thereafter any maintenance will be the responsibility of the Shire.

It is acknowledged that successful implementation of the treatment over the next five years will have a resource implication for the Shire's Volunteer Bushfire Brigades and our respective volunteers.

The ongoing costs to maintain Shire assets following initial treatment will be able to be accommodated with modest increases to future budgets.

Council currently budgets in the order of \$119,000 (excluding depreciation) net of revenues received per annum, through the ESL and CESM grants for Fire Prevention/Burning Control at present.

Risk Implications

The risks associated with matters in this report are:

- Inadequate Environmental Management
- Business and Community Disruption
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Engagement Practices
- Inadequate Asset Sustainability Practices
- Inadequate Safety and Security Practices

The **impacts** of the risk are People, Financial, Service Interruption, Non-Compliance, Reputational, Property, Natural Environment

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

The **likelihood** is Possible

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

Risk mitigation includes consultation with stakeholders and assistance in the preparation of the plan from DFES staff.

Strategic Community Plan Reference

The 2021-2031 Shire of Cranbrook, Strategic Community Plan states that:

Key Pillar: Live

Outcome 1 - Community: A safe and friendly community that is well-known for support, which can be defined with a measurement of 'proud'.

Deliverable 1.1: A community and enterprise safety and security system.

Deliverable 1.2: A culture-enhancement program where all community members are proud of living in and around our region.

Outcome 2 - Utilities: A strong base for modern living with adequate amenities such as water, energy, roads and digital.

Deliverable 2.1: A solution to water access which has enabled further economic success.

Deliverable 2.2: A long-term plan for equitable digital connectivity for increased safety and remote working.

Outcome 3 - Health: A well-defined primary and emergency health positioning, focussed attention on mental health and proactive leadership on next-frontier health provisions.

Deliverable 3.1: A well-defined health positioning, formed of strong partnerships, alliances and volunteerism.

Outcome 4 - Priority Amenities: A strong knowledge base on amenity usage and asset management, and a focussed support for aged-care, youth, disabilities facilities and programs.

Deliverable 4.1: A transparent and accessible facility use analysis.

Deliverable 4.2: An ideal service provision for aged-care, youth and people living with a disability.

Key Pillar: Connect

Outcome 14 – Environment: A connected community driving a united contribution to the environment both locally and globally.

Deliverable 14.1: A well-defined and talked about environmental point-of-difference for the Shire of Cranbrook.

Outcome 16 – High Performing Shire: An accountable and respected Shire, investing in its people and structures.

Deliverable 16.1: A Shire and supporting entities are well-governed with delineated roles and accountabilities.

Consultation

Consultation for this report was carried out in accordance with the Communications Plan included as Appendix A of the BRMP. Consultation will be required throughout the life of the Plan.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

Motion 06082021

Moved Cr Bigwood, seconded Cr Quick that Council:

- 1. Adopts the Shire of Cranbrook Bushfire Risk Management Plan 2021-2026 as included at Attachment 1; and**
- 2. Requests the Chief Executive Officer to advise the Office of Bushfire Management of the outcome.**

Carried 9/0

10.2.3 PLANNING APPLICATION - PROPOSED CLEARING – LOT 24 KOOJYANUP ROAD, FRANKLAND RIVER

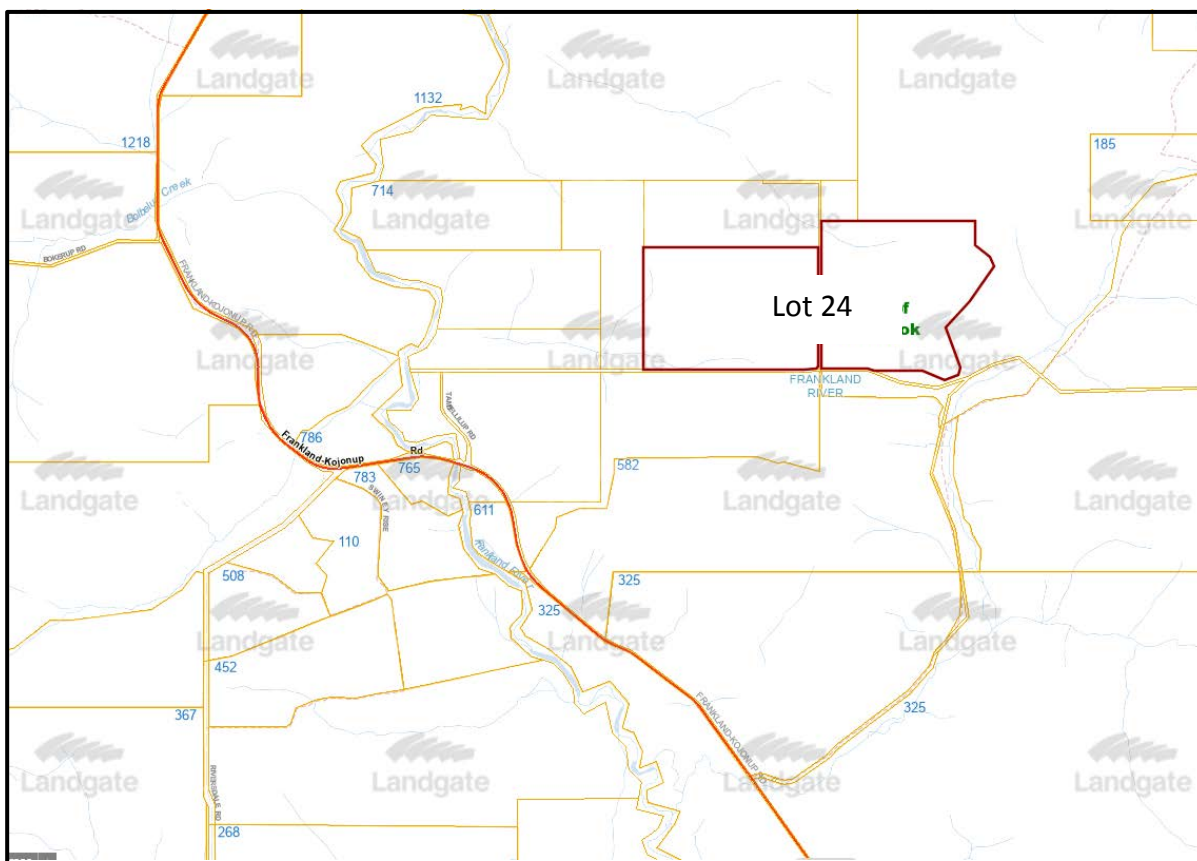
RESPONSIBLE OFFICER: Garry Adams – Acting Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Consultant Planner, Town Planning Innovations (TPI)
FILE REFERENCE: A9686 & A366
APPLICANT: Doug Rowe
DATE OF REPORT: 28 July 2021
ATTACHMENTS: Letter from Bio Diverse Solutions

Purpose

The purpose of this report is for Council to consider an application seeking approval to clear native vegetation on a portion of Lot 24 Koojyanup Road, Frankland River.

Background

Lot 24 is zoned ‘Rural’ under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme). A location plan is included below for ease of reference.



Officers Comment

- *Description of Proposal*

The applicant has lodged a planning application seeking approval to clear native vegetation on a portion of Lot 24. A separate application has been lodged to the Department of Water and Environmental Regulation (DWER) as a clearing permit is also required.

The applicant proposes a reduced clearing area than originally proposed, based on recommendations already provided by DWER, and has applied to clear 54.8ha (23% of the 236 hectare lot area). The clearing area includes a 0.23ha in the south east of the site to allow for vehicle access to and from the adjacent farming land in the same ownership.



Clearing area shown in green hatch (54.8 hectares). Lot boundary shown in blue outline.

The clearing is proposed so that a portion of the lot can be used for general agriculture.

Bio Diverse Solutions have prepared a letter of support for the proposed clearing with information on topography, soils, hydrology, vegetation types, and land capability – Attachment 1.

The letter identifies two pre-European vegetation systems being:

1. Jingalup 3 Forest mainly consisting of jarrah and marri *Eucalyptus marginata* and *Cory calophyllia*
2. Jingalup 4 woodland south west mainly consisting of jarrah, marri and wandoo *Eucalyptus marginata*, *Cory calophyllia* and *E wandoo*.

The letter also states :

“The trees in the woodland are sparse with no understorey or midstory. It is understood that the site was previously cleared for timber milling and few older trees (with trunk diameters <500mm) remain. The area has also historically been used for livestock grazing. Photographs of the vegetation are shown below.”



Photograph 1: Vegetation on site, a sparse woodland with no mid-story or understorey.



Photograph 2: Aerial view of site vegetation, showing sparse woodland.

- *Environmental Considerations*

Although the Shire can have regard for environmental impacts as part of the planning process, this is difficult without seeking independent advice from a suitably qualified environmental expert or environmental consultant.

In the absence of access to an environmental expert, it is recognised that DWER will consider environmental issues as part of their separate assessment for the clearing permit application.

Having regard that the proposed land use is for general agriculture which aligns with the Rural Zoning under the Scheme, it is recommended that application be supported. It is also recommended that the applicant be advised that the Shire will rely on DWER to assess relevant environmental matters.

- *Bushfire Prone Areas*

The Western Australian Planning Commission released State Planning Policy 3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents apply to all development proposed within a Bushfire Prone Area.

Mapping identifying Bushfire Prone Areas is available through the Department of Fire and Emergency Services website. Lot 24 is within a declared bushfire area.

If any dwelling is proposed on the lot in the future, then clearing will likely decrease the bushfire risk.

Statutory Environment

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

The Regulations include 'Deemed Provisions' that automatically apply.

Clause 61 outlines 'development for which development approval is not required'. There is no specific exemption for clearing of native vegetation.

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

Shire of Cranbrook Town Planning Scheme No 4 –

The objectives of the Rural Zone are:

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

Environmental Protection Act (1986) - All clearing of native vegetation is prohibited unless a clearing permit is granted by the Department of Water and Environmental Regulation (DWER) or the clearing is for an exempt purpose, as defined under the Act or the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

Policy Applicable – Implications

There are no policy implications for this report. As part of a future scheme amendment the Shire Council may wish to consider whether to exempt clearing from the need for planning approval.

Financial Implications

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

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

The 2021-2031 Shire of Cranbrook, Strategic Community Plan states that:

Outcome 16 – High Performing Shire: An accountable and respected Shire, investing in its people and structures.

Deliverable 16.1: A Shire and supporting entities are well-governed with delineated roles and accountabilities.

Consultation

No consultation has been conducted in regards to this proposal.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL RESOLUTION

Motion 07082021

Moved Cr Slater, seconded Cr Denton that Council:

Approve the application to clear a portion of Lot 24 Koojyanup Road, Frankland River subject to the following conditions and footnote advice:

1. All clearing shall generally be in accordance with the approved plans and documents lodged as part of the application unless otherwise approved in writing by the Chief Executive Officer; and
2. 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. A separate clearing permit is required from the Department of Water and Environmental Regulation. The Shire relies on DWER to assess any environmental matters associated with the proposal.

Carried 9/0

10.2.4	PLANNING APPLICATION - PROPOSED SEA CONTAINER (OUTBUILDING) – LOT 117 (NO 8) MOORE STREET, TENTERDEN
RESPONSIBLE OFFICER:	Garry Adams – Acting Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Consultant Planner (Town Planning Innovations)
FILE REFERENCE:	A981
APPLICANT:	I & J Williams
DATE OF REPORT:	29 July 2021
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider a development application for a second hand sea container (outbuilding) on Lot 117 (No 8) Moore Street, Tenterden.

Background

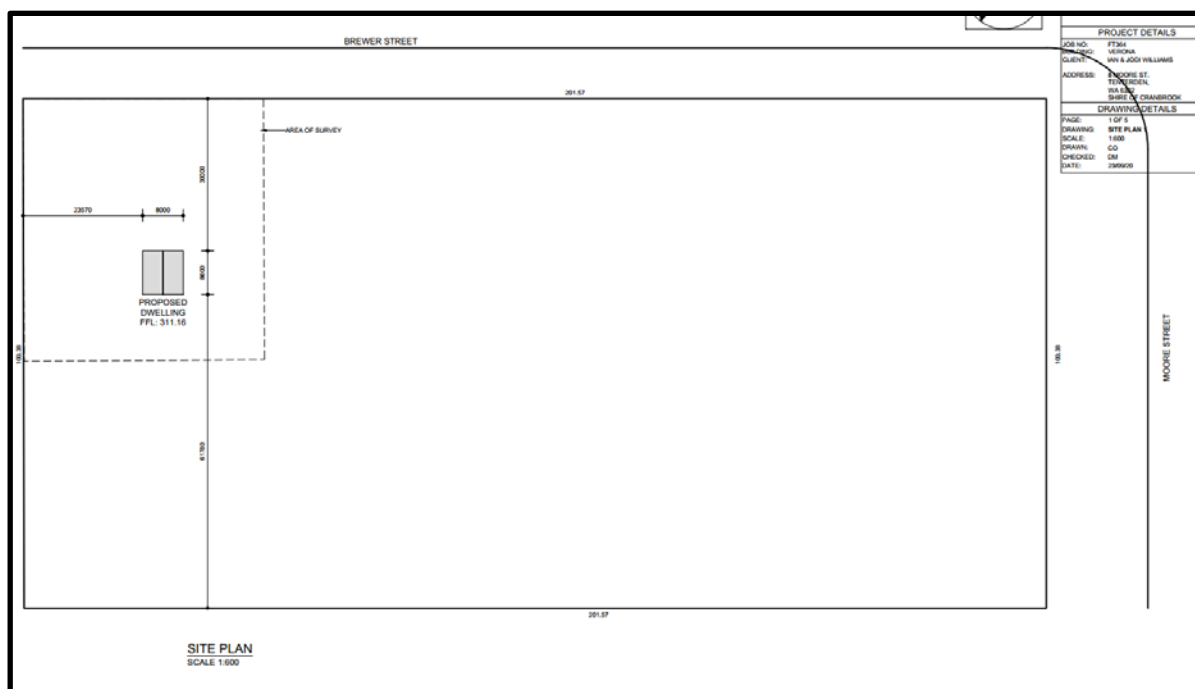
Lot 117 is zoned 'Rural Residential' under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme). All development in the Rural Residential zone requires planning approval.

An aerial is included below as a location plan. The lot has an approximate area of 2.02 hectares.



There is an existing house on the property, which was approved by Council at the Ordinary meeting held on the 18 November 2020.

The approved house site plan is included below as background information.



At the July 2021 Ordinary Meeting, Council approved two outbuildings to the south of the existing dwelling.

Officers Comment

- *Description of Proposal*

The owners propose to place a second hand sea container on the lot for additional storage.

The sea container is proposed to be located to the south of the existing house, and to the north of the planned approved outbuildings – refer to site plan over page.

The applicant has advised that the sea container will be 6.05 metres long, 2.43 metres wide, and 2.59 metres high.

From a planning perspective, a sea container for storage is treated the same as an outbuilding.

This is consistent with the Department of Planning, Lands and Heritage Fact Sheet on Outbuildings which states *'As a shipping container is a structure that is typically enclosed and not used for habitable purposes, it falls within the definition of an outbuilding.'*

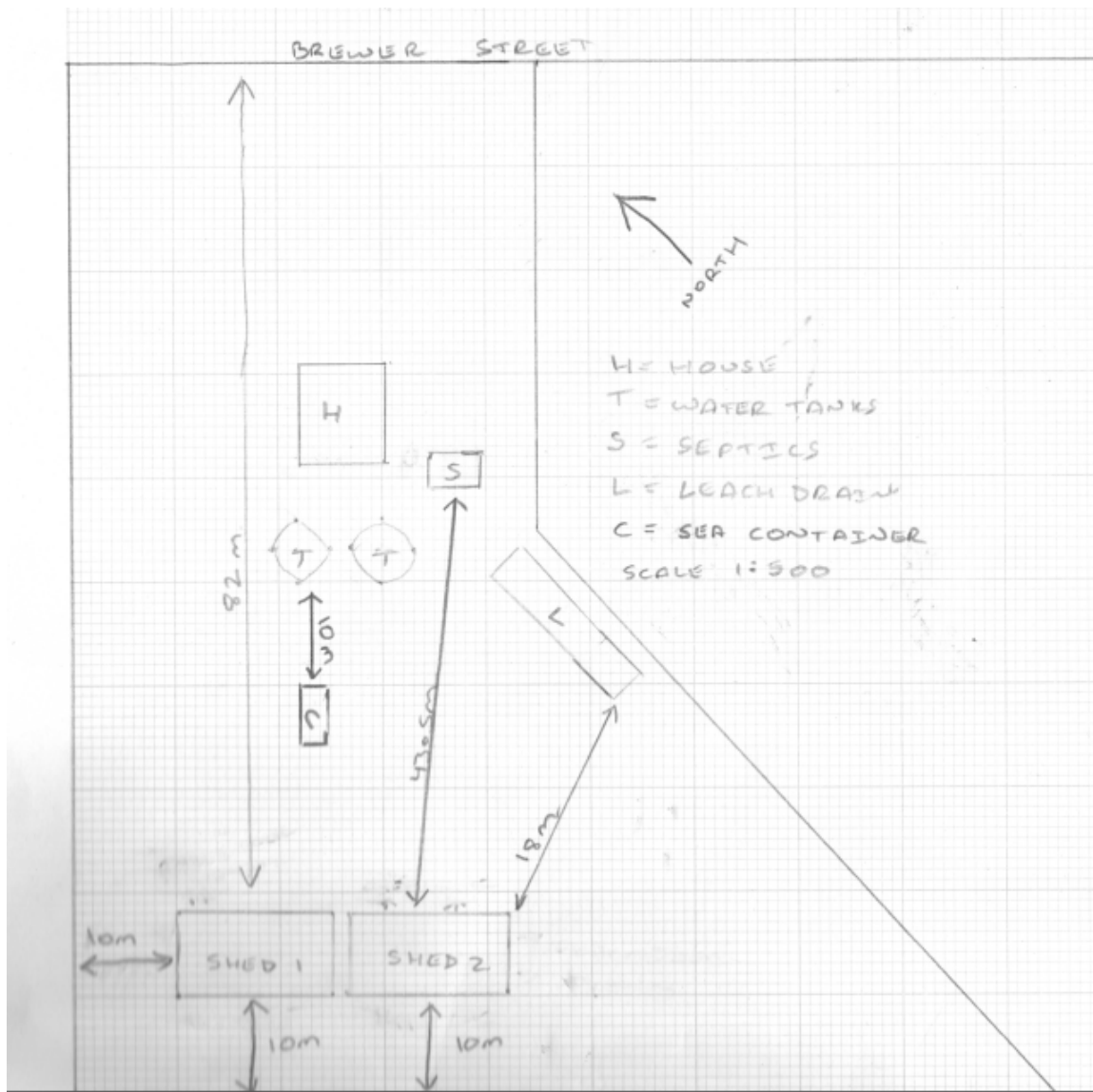
- *Setbacks*

The Scheme requires a front setback of 30 metres and a 10 metre setback to any side and rear lot boundary. The proposed sea container (outbuilding) complies with the setbacks required by the Scheme.

- *Visual Appearance and site photographs*

The owners have not purchased any sea container yet therefore the condition and external visual appearance cannot be fully quantified at this time.

The applicant/owner has advised that *'the sea container would be a light, hopefully earthy colour as opposed to a bright colour so that it will fit in nicely with our property.'*



TPI recommended that the owners lodge site photographs in support of the application.

The photograph below is taken from the south lot boundary looking towards two existing water tanks and to the rear of the existing house (which fronts Brewer Street).



The photograph below is of the proposed sea container location to the rear of the water tanks.

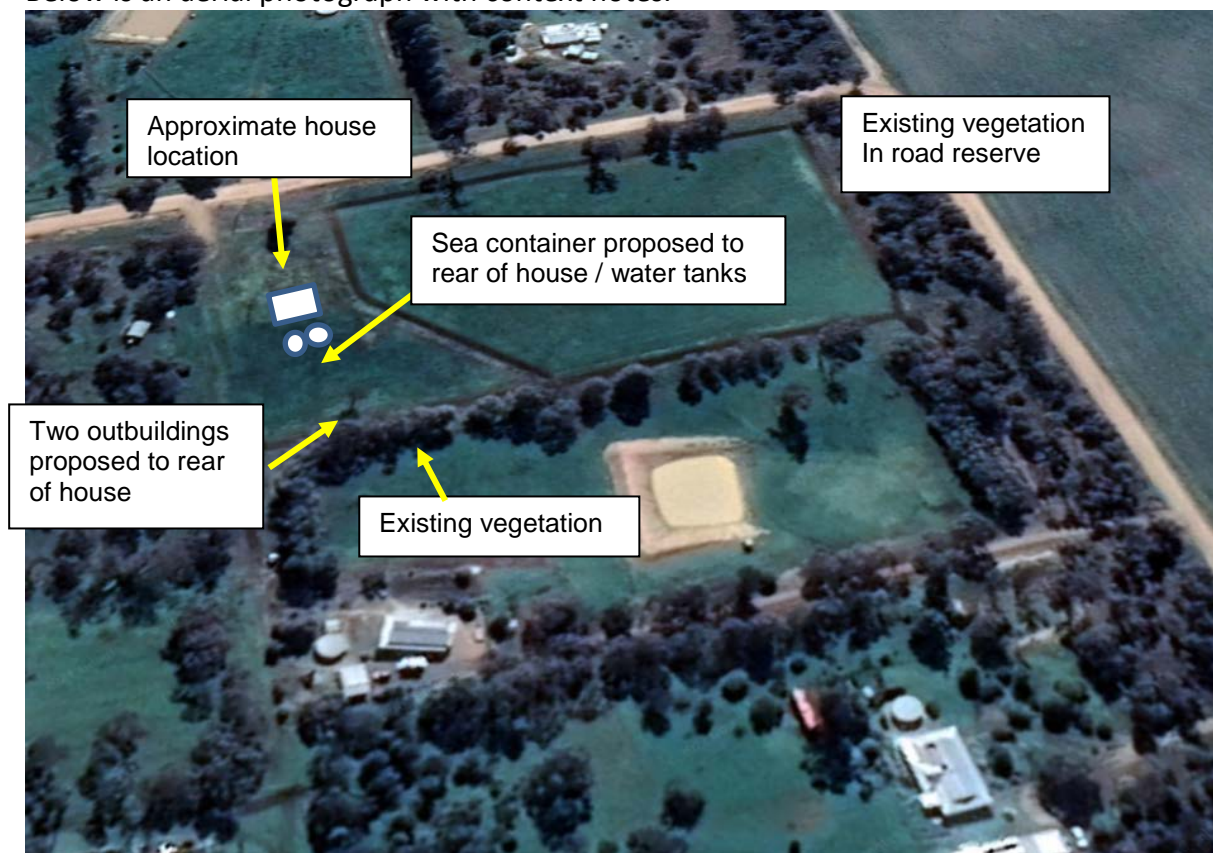


Council can consider the appearance of any sea container in context of any potential negative impact on visual amenity and / or streetscape.

Although it cannot be guaranteed that the sea container will not be completely screened from all roads and neighbouring lots it is noted that:

- The sea container is proposed to the rear of the existing house and water tanks, which will limit it's visibility from Brewer Street.
- The sea container is proposed between the existing house and proposed outbuildings. The outbuildings will screen the sea container from the lot to the south.
- The sea container is proposed a significant distance from the Moore Street frontage where there is vegetation in the road reserve.
- The sea container is not being proposed close to any dwelling on any neighbouring lot.

Below is an aerial photograph with context notes.



TPI recommends that Council consider imposing the following condition if there are reservations about the condition that any sea container may be in and / or its potential visual impact:

‘Prior to the issue of a Building Permit, the owner shall lodge detailed photographs of the sea container to the Shire Chief Executive Officer for separate written approval. The sea container needs to be of a reasonable quality, colour, and finish that complements existing development on the lot to the satisfaction of the local government. ‘

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

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

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

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

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

Whilst the Shire can require a Bushfire Attack Level (BAL) assessment for the proposed sea container (outbuilding) as part of the planning application process, it is not recommended for this proposal as:

1. The owners lodged a Bushfire Attack Level assessment prepared by a bushfire consultant, as part of their 2020 application for a dwelling on the lot.
2. The Shires Building Consultant (Statewide Building) has advised that a BAL is not required as part of the separate building permit application process as the outbuilding is proposed more than 6 metres from the house;
3. The development is for a non-habitable structure which will be ancillary to the existing residence;
4. No significant land use intensification is proposed;
5. The State Planning Policy requirements can be applied pragmatically by the Shire Council as the decision maker which is outlined under the Western Australian Planning Commission Planning Bulletin 111/2016.

Statutory Environment

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

Schedule 11 of the Town Planning Scheme contains specific provisions relevant to this site including that "*Materials, equipment or outbuildings that are visually unsightly or could detract from the amenity of the area are not permitted on a lot unless they are screened to the local government's satisfaction.*"

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

The Regulations include 'Deemed Provisions' that automatically apply and override sections of the Shire of Cranbrook Town Planning Scheme No 4.

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

Policy Applicable – Implications

There are no policy implications for this report. The Shire can prepare a Local Planning Policy if it seeks to provide guidance on requirements for sea containers. Any Policy can include requirements such as sea containers to be located to the rear of any existing dwelling, screening fencing or vegetation be required, external walls to be painted etc

Financial Implications

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

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

The 2021-2031 Shire of Cranbrook, Strategic Community Plan states that:

Outcome 16 – High Performing Shire: An accountable and respected Shire, investing in its people and structures.

Deliverable 16.1: A Shire and supporting entities are well-governed with delineated roles and accountabilities.

Consultation

This application has been advertised for public comment. Whilst one neighbour initially made telephone enquiries about the proposal, no formal written submissions have been received.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL RESOLUTION

Motion 08082021

Moved Cr Slater, seconded Cr Denton that Council:

- A. Note that Lot 117 is located within a designated bushfire prone area and support an exemption from a Bushfire Attack Level assessment/ State Planning Policy 3.7 as part of the development application process as:**
- 1. The owners lodged a Bushfire Attack Level assessment prepared by a bushfire consultant, as part of their 2020 application for a dwelling on Lot 117.**
 - 2. The Shires Building Consultant (Statewide Building) has advised that a BAL is not required as part of the separate building permit application process as the outbuildings are proposed more than 6 metres from the house;**
 - 3. The development is for non-habitable structures which will be ancillary to the existing residence;**
 - 4. No significant land use intensification is proposed; and**
 - 5. The State Planning Policy requirements can be applied pragmatically by the Shire Council as the decision maker which is outlined under the Western Australian Planning Commission Planning Bulletin 111/2016.**
- B. Approve the application for a sea container (outbuilding) on Lot 117 (No 8) Moore Street, Tenterden subject to the following conditions and advice notes:**
- 1. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
 - 2. All stormwater from roofed and paved areas shall be collected and disposed of within the lot boundaries. All drainage to be fully contained within the lot boundaries with no water discharge into adjacent land or any other lot.**
 - 3. The sea container / outbuilding shall not be used for human habitation at any time.**
 - 4. 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.**

Carried 9/0

10.3 WORKS

10.3.1 LAND ACQUISITION – ALBANY HIGHWAY CRANBROOK

RESPONSIBLE OFFICER:	Jeff Alderton – Manager of Works
REPORT AUTHOR:	Jeff Alderton – Manager of Works
FILE REFERENCE:	A561
APPLICANT:	Main Roads WA
DATE OF REPORT:	4 August 2021
ATTACHMENTS:	Confidential Attachment

Purpose

The purpose of this report is for the Council to consider a request from Main Roads WA to support the acquisition of land as shown on Land Dealing Plans 202101-0142 – 202101-0146 and 202101-0148 as required for improvement works to be carried out on Albany Highway in the Shire of Cranbrook, SLK 307.95 to 316.23.

Background

Main Roads WA has commenced planning works for the widening of a section of Albany Highway north of the intersection of Cranbrook Frankland Road. Due to the length of the works Main Roads WA will be acquiring approximately 6.3 hectares of land as noted on the drawings.

The Shire of Cranbrook is in receipt of a letter from Main Roads WA requesting that Council discuss and agree to the dedication of land in question at the August 2021 Council meeting. Main Roads WA has specifically requested that the following paragraph form part of the Council resolution and be included in our response to them:

“Council at its ordinary meeting held on 18 August 2021 passed a resolution for the dedication of the land subject of Main Roads Land Dealing Plans (202101-0142 – 202101-0146 and 202101-0148) as a road pursuant to section 56 of the Land Administration Act 1997.”

Officer’s Comment

Main Roads WA has advised the Shire that they have contacted all of the landowners affected and all are in agreeance. Part of this land acquisition is Reserve 7639 which is vested to the Shire of Cranbrook for the purpose of Recreation and Camping. This land is directly opposite Peter Valley Road. The total of this land required is 3264sqm.

The acquisition of all this land, as identified by Main Road’s WA, is important to the success of the bitumen widening projects currently being performed along most of Albany Highway.

Statutory Environment

Section 56 of the Land Administration Act 1997:

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
- Inadequate Engagement Practices

The **impacts** of the risk are 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 report is Low.

Risk mitigation includes utilising the professional and technical services of Main Roads WA to undertake all of the required land tenure process.

Strategic Community Plan Reference

There is no reference to this report in the Council's Strategic Community Plan.

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION

Motion 09082021

Moved Cr Johnson, seconded Cr Slater that Council:

- 1. Approves the request from Main Roads WA to dedicate the land, subject of Main Roads WA Land Dealings Plans 202101-0142 – 202101-0146 and 202101-0148, as a road pursuant to section 56 of the Land Administration Act 1997; and**
- 2. Authorises the Chief Executive Officer to advise Main Roads of the outcome.**

Carried 9/0

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

Nil

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

Nil

15. MATTERS BEHIND CLOSED DOORS

Nil

16. CLOSURE OF MEETING

The President, Cr Phil Horrocks thanked Garry Adams for his time spent in the position of Acting Chief Executive Officer over the last two and a half months at the Shire of Cranbrook. We have been extremely fortunate to have Garry step into this interim role and bring his many years of knowledge and experience in Local Government with him.

Garry thanked the Council for the opportunity to join the team at the Shire of Cranbrook as Acting Chief Executive Officer and said he had enjoyed his time here.

There being no further business to discuss, the Shire President, Cr Horrocks declared the meeting closed at 3.14pm.