

# COUNCIL MEETING

## AGENDA



For the Ordinary Meeting of Council to be held on

**17 November 2021**

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 17 November 2021 at the Frankland River Community Centre commencing at 3.00pm.



Linda Gray  
Chief Executive Officer

## **DISCLAIMER**

This agenda has yet to be dealt with by the Council. The recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

In certain circumstances members of the public are not entitled to inspect material, which in the opinion of the Chief Executive Officer is confidential, and relates to a meeting or a part of a meeting that is likely to be closed to members of the public.

No responsibility whatsoever is implied or accepted by the Shire of Cranbrook for any act, omission, statement or intimation occurring during Council or Committee meetings.

The Shire of Cranbrook disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Cranbrook during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Cranbrook.

The Shire of Cranbrook advises that anyone who has any application lodged with the Shire of Cranbrook must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application and any conditions attaching to the decision made by the Shire of Cranbrook in respect of the application.

The Shire of Cranbrook advises that any plans or documents contained within this agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

## CONTENTS

<b>1.</b>	<b>DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....</b>	<b>4</b>
<b>2.</b>	<b>ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE .....</b>	<b>4</b>
2.1	ATTENDANCE .....	4
2.2	APOLOGIES.....	4
2.3	APPROVED LEAVE OF ABSENCE .....	4
<b>3.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION .....</b>	<b>4</b>
<b>4.</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>4</b>
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE .....	4
4.2	PUBLIC QUESTIONS.....	4
<b>5.</b>	<b>PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS.....</b>	<b>4</b>
<b>6.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE.....</b>	<b>4</b>
<b>7.</b>	<b>DISCLOSURE OF INTEREST .....</b>	<b>4</b>
<b>8.</b>	<b>MATTERS FOR WHICH MEETING MAY BE CLOSED .....</b>	<b>5</b>
<b>9.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>5</b>
9.1	SPECIAL COUNCIL MEETING – 20 October 2021.....	5
9.2	ORDINARY MEETING – 20 October 2021 .....	5
<b>10.</b>	<b>REPORTS OF OFFICERS .....</b>	<b>6</b>
10.1	CORPORATE AND COMMUNITY SERVICES.....	6
10.1.1	LIST OF PAYMENTS.....	6
10.1.2	MONTHLY FINANCIAL REPORT – OCTOBER 2021 .....	8
10.1.3	2021/2022 BUDGET AMENDMENT .....	10
10.2	GOVERNANCE AND EXECUTIVE SERVICES .....	13
10.2.1	POLICY 1.16 - EMPLOYEE GRATUITY PAYMENTS .....	13
10.2.2	PLANNING APPLICATION- PROPOSED SEA CONTAINER (OUTBUILDING) – LOT 116 (NO 12) MOORE . STREET, TENTERDEN .....	16
10.2.3	COUNCIL MEETINGS – SETTING 2022 ORDINARY MEETINGS OF COUNCIL DATES.....	22
10.3	WORKS.....	24
10.3.1	DEDICATION OF LAND - ALBANY HIGHWAY – WEIR ROAD TO PINJALUP CREEK BRIDGE.....	24
<b>11.</b>	<b>ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....</b>	<b>26</b>
<b>12.</b>	<b>NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING . .....</b>	<b>26</b>
<b>13.</b>	<b>MATTERS BEHIND CLOSED DOORS.....</b>	<b>26</b>
<b>14.</b>	<b>CLOSURE OF MEETING .....</b>	<b>26</b>

# AGENDA

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Horrocks will declare the meeting open at pm. The Shire President will alert the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

## 2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

### 2.1 ATTENDANCE

President	Cr PL (Phil) Horrocks
Deputy President	Cr G (George) Pollard
Councillors	Cr PM (Peter) Beech
	Cr PW (Peter) Slater
	Cr JA (Jennifer) Quick
	Cr RW (Robert) Johnson
	Cr LM (Lee) Casson
	Cr DM (Daisy) Egerton-Warburton
	Cr P (Perin) Mulcahy

Chief Executive Officer	Ms LA (Linda) Gray
Manager Corporate and Community	Mrs PA (Trish) Standish
Manager of Works	Mr JE (Jeff) Alderton

Members of the Public

### 2.2 APOLOGIES

### 2.3 APPROVED LEAVE OF ABSENCE

Nil

## 3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

## 4. PUBLIC QUESTION TIME

### 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

### 4.2 PUBLIC QUESTIONS

## 5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

## 7. DISCLOSURE OF INTEREST

**8. MATTERS FOR WHICH MEETING MAY BE CLOSED**

Nil

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**9.1 SPECIAL COUNCIL MEETING – 20 October 2021**

That the minutes from the Special Council Meeting held on 20 October 2021, be confirmed as a true and correct record.

**9.2 ORDINARY MEETING – 20 October 2021**

That the minutes from the Ordinary Council Meeting held on 20 October 2021, be confirmed as a true and correct record.

## 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:** Courtney Wilson – Finance Officer

**FILE REFERENCE:** FM2

**APPLICANT:** N/A

**DATE OF REPORT:** 2 November 2021

**ATTACHMENTS:** List of Payments – 1 October to 31 October 2021

---

#### **Purpose**

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

**That the payment of accounts totalling \$406,530.58 as per the attachment be noted:**

- **Electronic Funds Transfers EFT12491 to EFT12574 - \$261,014.14;**
- **Municipal Fund Cheque No - Nil**
- **Internal Account Transfers (Payroll) - \$117,396.49; and**
- **Direct Debit - \$28,119.95.**

---

<b>10.1.2</b>	<b>MONTHLY FINANCIAL REPORT – OCTOBER 2021</b>
<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager Corporate and Community
<b>REPORT AUTHOR:</b>	Madeleine Hammond – Finance Administration Officer
<b>FILE REFERENCE:</b>	FM12
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	9 November 2021
<b>ATTACHMENTS:</b>	Financial Statements for October 2021

---

### **Purpose**

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 October 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 October 2021 Monthly Financial Report represents four (4) months, or 33% of the financial year. The following items are worthy of noting on the October 2021 report:

- Closing surplus position of \$2,856,117 (shown on page 5)
- Cash and cash equivalents of \$5.3m, of which \$3m is held in cash backed reserve accounts (shown on page 9);
- Outstanding rates of \$635,342 equates to 24.1% 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**

#### **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

### **OFFICERS RECOMMENDATION**

**That the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 October 2021 be received.**

---

**10.1.3 2021/2022 BUDGET AMENDMENT**

<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager Corporate and Community
<b>REPORT AUTHOR:</b>	Trish Standish – Manager Corporate and Community
<b>FILE REFERENCE:</b>	FM6
<b>APPLICANT:</b>	Nil
<b>DATE OF REPORT:</b>	28 October 2021
<b>ATTACHMENTS:</b>	Nil

---

**Purpose**

The purpose of this report is for the Council to consider an amendment to the 2021/2022 adopted budget.

**Background**

At the 21 July 2021 meeting of Council it was resolved that:

***“Pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopts the Annual Budget as contained in the attachment to this report for the 2021/2022 financial year.”***

Since the adoption of the budget in July, staff have been notified by third parties of some amendments to the original budget amounts and it has been determined that a budget amendment should be adopted to incorporate these into the adopted budget.

**Officers Comment**

A brief explanation of recommended amendments is as follows:

- When the budget is adopted in July, the amount of Financial Assistance and Local Roads Grants are unknown. A conservative approach is usually taken with last year’s actual figures being used. This year there was an additional amount totalling \$154,761.
- There was an error in the amount of expenditure and revenue allocated to a Regional Road Project Grant for Stockyard Road. This funding is two-thirds state government funded and one-third Shire funded, therefore there is an additional \$20,000 of revenue and \$30,000 of expenditure.
- An amount of \$14,692 of income for a Black Spot road project was originally omitted from the budget in error as this related to a 2020/2021 project however was not paid until 2021/2022.
- An amount of \$25,000 for preparation of a lakes master plan and \$34,453 for preparation of a Cranbrook Caravan Park master plan was initially in the budget, however was later removed to assist in balancing the budget. It is recommended that these two projects are re-instated.
- Due to the imminent transfer of Lot 8 Wingebellup Road from the Frankland River District Country Club to the Shire, an amount of \$20,000 has been included to demolish the house and clear the land in readiness to construct a house there in 2022/2023.
- Staff are preparing an expression of interest for grant funding to the Stronger Communities grant round for pathways and landscaping at the new skate park in Cranbrook, therefore an amount \$20,000 of matching funds is required and has been included.
- Due to imminent town planning scheme amendments it is being recommended that an extra \$10,000 be allocated to assist with this process.
- To continue with the linkage of the Cranbrook townsite pathways, it is recommended that an amount of \$50,000 be allocated to footpaths.

Making the amendments above to the 2021/2022 adopted budget will result in maintaining a balanced budget.

### **Statutory Environment**

Local Government Act 1995, Part 6 Financial Management, Division 4 General Financial Provisions.

#### **Section 6.8 - 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 —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.”

\* *Absolute majority required.*

- (1a) In subsection (1) —  
“**additional purpose**” means a purpose for which no expenditure estimate is included in the local government’s annual budget.”

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

The recommended changes to the 2021/2022 adopted budget will ensure the budget is once again balanced.

### **Risk Implications**

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- 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 discussion with the Executive Management Team and presentation of budget amendments to the Council.

### **Strategic Community Plan Reference**

The annual budget reflects the programs and projects identified in the Corporate Business Plan which in turn reflects the aspirations contained within the Strategic Community Plan.

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**

Consultation for this report included the Executive Management Team.

**VROC Implications**

There are no strategic VROC implications from this report

**Voting Requirements**

*Absolute Majority (Budget Amendment)*

**OFFICERS RECOMMENDATION**

That the Council authorise the following amendments to the 2021/2022 Budget:

<b>COA/GL</b>	<b>DESCRIPTION</b>	<b>ORIGINAL BUDGET</b>	<b>AMENDED BUDGET</b>
032100	Operating Revenue - Financial Assistance Grant	\$419,575	\$537,965
032101	Operating Revenue - Local Roads Grant	\$303,891	\$340,262
122300	Capital Revenue - Regional Roads Grant	\$936,667	\$956,667
122305	Capital Revenue - Black Spot Grant	\$0	\$14,692
091007	Operating Expenditure - Clean-up Housing Blocks	\$0	\$20,000
106001	Operating Expenditure - Town Planning Fees	\$35,000	\$45,000
112001	Operating Expenditure - Lakes Master Plan	\$0	\$25,000
113220	Operating Expenditure - CB Community Precinct	\$516,550	\$536,550
132018	Operating Expenditure - CB Caravan Park Master Plan	\$0	\$34,453
121201	Capital Expenditure - Road Projects Grant	\$1,405,000	\$1,435,000
121212	Capital Expenditure – Footpaths	\$0	\$50,000

## 10.2 GOVERNANCE AND EXECUTIVE SERVICES

<b>10.2.1</b>	<b>POLICY 1.16 - EMPLOYEE GRATUITY PAYMENTS</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray– Chief Executive Officer
<b>REPORT AUTHOR:</b>	Linda Gray– Chief Executive Officer
<b>FILE REFERENCE:</b>	GO17
<b>APPLICANT:</b>	Nil
<b>DATE OF REPORT:</b>	9 November 2021
<b>ATTACHMENTS:</b>	New Policy - Employee Gratuity Payments – Human Resources

### Purpose

The purpose of this report is to determine the manner in which Council may grant a gratuity payment or farewell gift, in addition to any amount to which the employee is entitled under a contract of employment or award at the completion of their service with the Shire of Cranbrook, and to publish these guidelines for a “gratuity payment” in a policy in accordance with Section 5.50(1) of the Local Government Act 1995 as well as noting the limitations set by Regulation 19A of the Local Government (Administration) Regulations 1996.

### Background

It is a requirement under the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 to prepare a policy that details the circumstances in which it can approve a “gratuity payment” that recognises a payment to a long serving departing employee. Other Local Governments set out the guidelines based on dollar amounts to purchase “gifts” based on length of service or have a policy that does not recognise length of service of departing employees at all.

The criteria used by the Shire of Cranbrook is based on years of service with the payment linked to a formula based on the employee’s accrued personal leave at the time of departure. The formula is set out below:

Unused Sick Leave	Entitlement
1 – 200 hours	20%
201 – 400 hours	40%
401 – 600 hours	60%
601 hours +	80%

On resignation, retirement or redundancy, an employee is entitled to a bonus in accordance with the following formula:  $(LR - LC) \times EP \times RP$

Where

LR = Sick leave entitlement on resignation/retirement

LC = Sick leave entitlement at the commencement of the scheme

EP = Entitlement percentage

RP = Hourly rate of pay at resignation/retirement

In addition, a “gratuity payment” must meet the following legislation requirements:

“A local government is to prepare a policy in relation to employees, whose employment with the local government is finishing, setting out:

- a) The circumstances in which the local government will pay an employee an amount in addition to any amount to which the employee is entitled under a contract of employment or award relating to the employee; and
- b) The manner of assessment of the additional amount, and cause local public notice to be given in relation to the policy.”

Section 5.50(2) of the Local Government Act states that:

- (2) A local government may make a payment —
  - (a) to an employee whose employment with the local government is finishing; and
  - (b) that is more than the additional amount set out in the policy prepared under subsection (1) and adopted by the local government,but local public notice is to be given in relation to the payment made.
- (3) The value of a payment or payments made to a person under this section is not to exceed such amount as is prescribed or provided for by regulations.
- (4) In this section a reference to a payment to a person includes a reference to the disposition of property in favour of, or the conferral of any other financial benefit on, the person.
- (5) The CEO must publish the policy prepared under subsection (1) and adopted by the local government on the local government’s official website.

In addition, Local Government (Administration) Regulations 1996 Part 4 19A states:

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
  - (a) the value of the person’s final annual remuneration, if the person —
    - (i) accepts voluntary severance by resigning as an employee; and
    - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39; or
  - (b) in all other cases, \$5 000.

#### **Officers Comment**

It is intended to include the gratuity payment process listed in this report in the new Shire of Cranbrook Enterprise Bargaining Agreements.

The CEO is authorised to approve expenditure for the purpose of gratuity payments in accordance with this Policy.

#### **Statutory Environment**

Section 5.50 (1) *Local Government Act 1995*

*Local Government (Administration) Regulations 1996* Part 4 19A

### **External Consultation**

No external consultation is required for this appointment.

### **Financial Implications**

Provision for a “gratuity payment” based on accrued personal leave is included in the Shire of Cranbrook’s budget.

### **Policy Implications**

This report is recommending a new Policy 1.16 Employee Gratuity Payments be adopted.

### **Strategic Community Plan Reference**

The Shire of Cranbrook’s Strategic Community Plan 2021 – 2031 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.

Accordingly, the recommended outcome for this report aligns with the Shire of Cranbrook Strategic Community Plan 2021 - 2031.

### **VROC Implications**

There are no VROC implications with this report.

### **Voting Requirements**

**Absolute Majority**

### **OFFICERS RECOMMENDATION**

**That Council adopt the Shire of Cranbrook’s Employee Gratuity Payments Policy 1.16 as included within the Shire of Cranbrook Policy Manual as at Attachment One, and authorise the Chief Executive Officer to approve expenditure for the purpose of gratuity payments in accordance with this Policy.**

---

<b>10.2.2</b>	<b>PLANNING APPLICATION- PROPOSED SEA CONTAINER (OUTBUILDING) – LOT 116 (NO 12) MOORE STREET, TENTERDEN</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray– Chief Executive Officer
<b>REPORT AUTHOR:</b>	Liz Bushby – Consultant Planner (Town Planning Innovations)
<b>FILE REFERENCE:</b>	A1000
<b>APPLICANT:</b>	Mr Allan Gregory Drake-Brockman
<b>DATE OF REPORT:</b>	9 November 2021
<b>ATTACHMENTS:</b>	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 116 (No 12) Moore Street, Tenterden.

The application is being advertised for public comment. To streamline the process, it is recommended that Council consider granting delegated authority to allow the Chief Executive Officer to determine the application following completion of advertising.

### Background

Lot 116 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 as a location plan. The lot has an approximate area of 2.02 hectares.





There is an existing house on the south west portion of the lot.

It should be noted that Council approved a similar sized sea container on adjacent Lot 116 Moore Street (corner Brewer Street) at the Ordinary Meeting held on the 18 August 2021.

### **Officers Comment**

- *Description of Proposal*

The owner proposes to place a second hand sea container on the lot for additional storage.

The sea container is proposed to be located in front of the existing house– refer to site plan below.

The applicant has advised that the sea container will be 6 metres long, 2.4 metres wide, and 2.6 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.

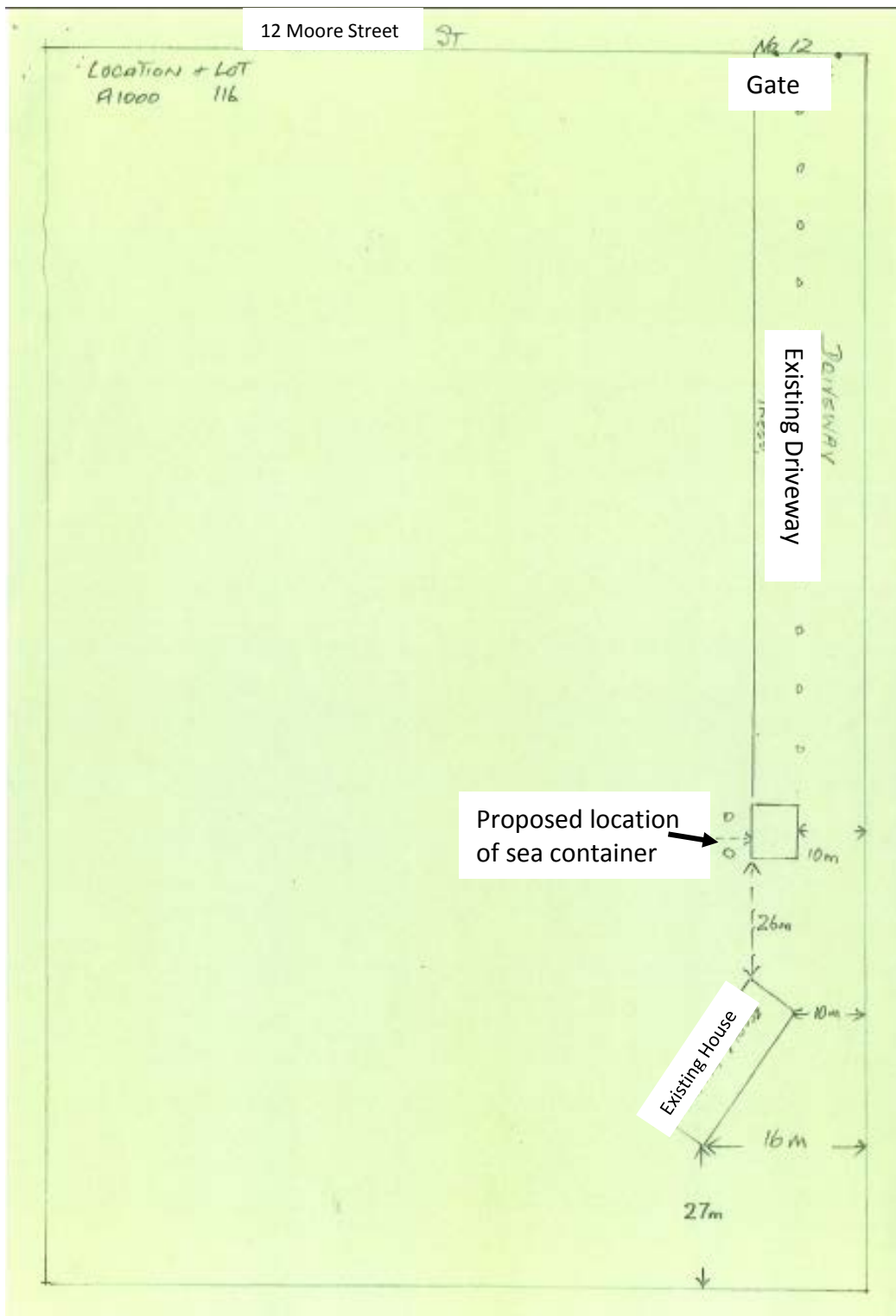
- *Visual Appearance*

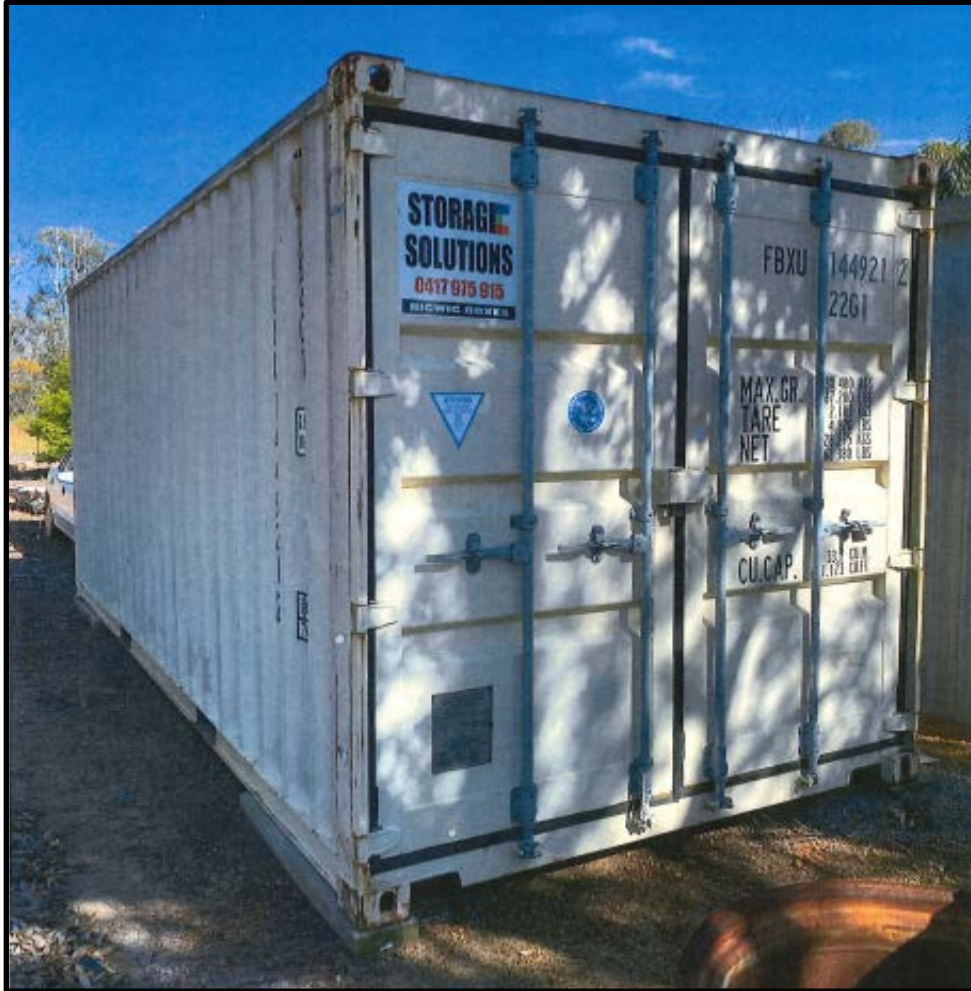
The owner has supplied the photograph below. The appearance is that of a typical sea container.

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

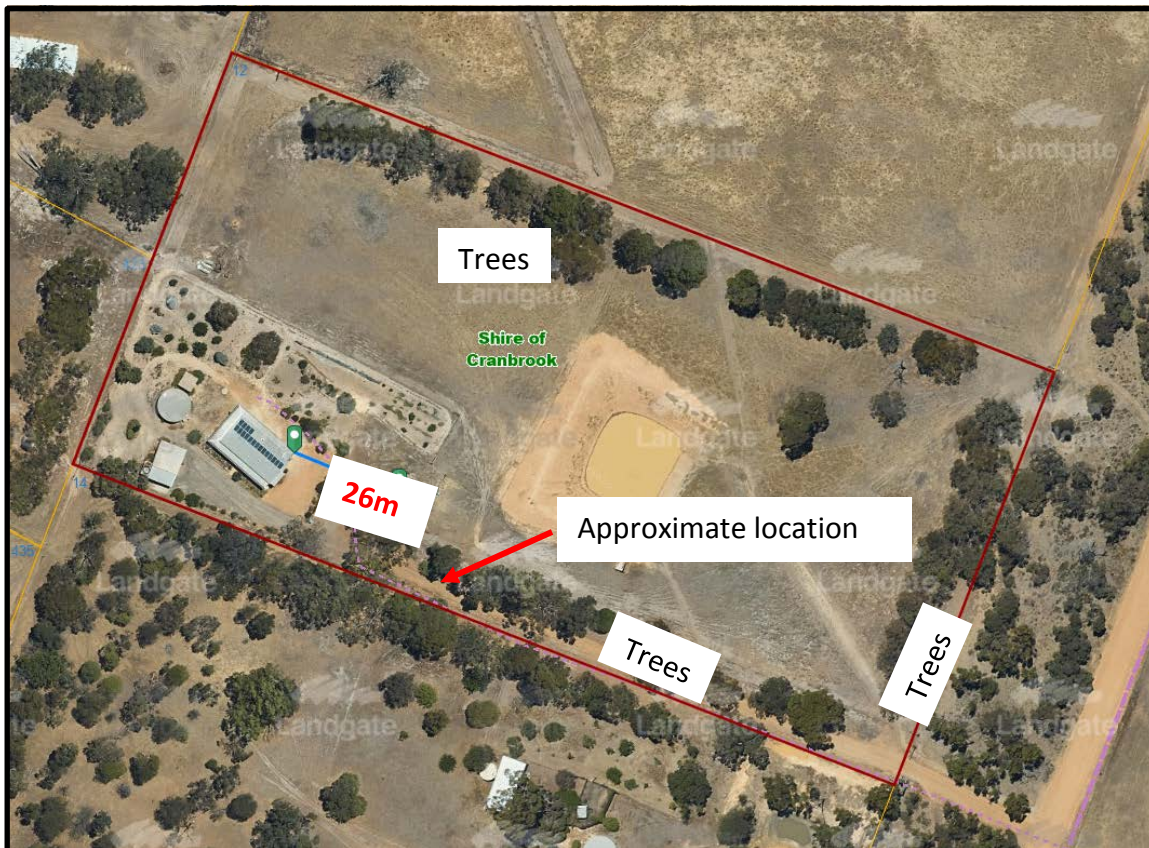
Although it cannot be guaranteed that the sea container will not be completely screened from all roads and neighbouring lots it is noted that:

- The existing house is approximately 154 metres from the front lot boundary. Based on the site plan distances, the sea container is proposed approximately 118 metres from the front lot boundary.
- The sea container is not being proposed close to any dwelling on any neighbouring lot.
- There are trees along the driveway, the front lot boundary and the north lot boundary.





Below is an aerial photograph with context notes.



- *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. 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;
2. The development is for a non-habitable structure which will be ancillary to the existing residence;
3. No significant land use intensification is proposed;
4. 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.

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

### **Policy Applicable – Implications**

There are no policy implications for this report. 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**

No strategic plan references relevant to this report have been identified.

### **Consultation**

This application is being advertised for public comment.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

***Absolute Majority*** (delegated authority)

### **OFFICERS RECOMMENDATION**

That Council:

- A. Note that Lot 116 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. 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;
  2. The development is for a non-habitable structure which will be ancillary to the existing residence;
  3. No significant land use intensification is proposed;
  4. 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. Note the application is being advertised for 14 days and advertising closes on the 22 November 2021.
- C. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for a sea container (outbuilding) on Lot 116 (No 12) Moore Street, Tenterden.

**10.2.3 COUNCIL MEETINGS – SETTING 2022 ORDINARY MEETINGS OF COUNCIL DATES**

**RESPONSIBLE OFFICER:** Linda Gray – Chief Executive Officer  
**REPORT AUTHOR:** Trish Standish – Manager Corporate and Community  
**FILE REFERENCE:** GO26  
**APPLICANT:** N/A  
**DATE OF REPORT:** 10 November 2021  
**ATTACHMENTS:** Nil

**Purpose**

The purpose of this report is for the Council to set the Ordinary Meeting dates for 2022 as per Council Policy 1.1.

**Background**

Nil

**Officer’s Comment**

Council Policy 1.1 – Meetings of Council states that all Ordinary Council Meetings will be held at 3:00pm on the third Wednesday of each month (excluding January).

The proposed dates for the Ordinary Council Meetings for 2022 are as follows:

16 February 2022	Cranbrook
16 March 2022	Cranbrook
20 April 2022	Frankland River
18 May 2022	Cranbrook
15 June 2022	Cranbrook
20 July 2022	Cranbrook
17 August 2022	Frankland River
21 September 2022	Cranbrook
19 October 2022	Cranbrook
16 November 2022	Frankland River
14 December 2022	Cranbrook

**Statutory Environment**

Local Government Act 1995 – Section 5.3 provides that a Council is to hold Ordinary Council Meetings and may hold Special Council Meetings.

Local Government Act 1995 – Section 5.5 requires the CEO to convene Ordinary Council Meetings by giving each Council member at least 72 hours’ notice of a date, time and place of a meeting and an agenda for the meeting.

Local Government (Administration) Regulations 1996 – regulation 12 requires that Ordinary Council Meetings to be held in the next 12 months shall be advertised.

Further, a local government is to give local public notice of any change to the date, time or place of the meeting

**Policy Applicable – Implications**

Council Policy 1.1 – Meetings of Council relates to this report.

### Financial Implications

There will be advertising costs 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 Non-Compliance

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

The **likelihood** is Rare

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

Risk mitigation includes ensuring the date, venue and time of all Ordinary Council Meetings are advertised as per the Local Government Act 1995 and Local Government (Administration) Regulations 1996.

### 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

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

That Council:

1. Approve the following Ordinary Council Meeting dates and venues for 2022:

16 February 2022	Cranbrook
16 March 2022	Cranbrook
20 April 2022	Frankland River
18 May 2022	Cranbrook
15 June 2022	Cranbrook
20 July 2022	Cranbrook
17 August 2022	Frankland River
21 September 2022	Cranbrook
19 October 2022	Cranbrook
16 November 2022	Frankland River
14 December 2022	Cranbrook

2. Request the Chief Executive Officer to advertise the approved dates.

### 10.3 WORKS

---

#### 10.3.1 DEDICATION OF LAND - ALBANY HIGHWAY – WEIR ROAD TO PINJALUP CREEK BRIDGE

<b>RESPONSIBLE OFFICER:</b>	Jeff Alderton – Manager of Works
<b>REPORT AUTHOR:</b>	Jeff Alderton – Manager of Works
<b>FILE REFERENCE:</b>	RO561
<b>APPLICANT:</b>	Main Roads WA
<b>DATE OF REPORT:</b>	3 November 2021
<b>ATTACHMENTS:</b>	1. Letter from Main Roads WA 2. Plans

---

#### **Purpose**

The purpose of this report is for Council to consider the request from Main Roads WA to support the dedication of land as shown on Land Dealings Plan 202101-0146-1 and 202101-0148-1 as part of the Albany Highway road improvements project.

#### **Background**

Main Roads WA has commenced acquiring the land for this project. The project involves realigning of Albany Highway and Rockwell Road and Albany Highway and Cranbrook Frankland Road intersections and as a result new road reserves will be created. Main Roads WA has requested that the Shire of Cranbrook accept responsibility for the ongoing management of the new road reserves and Main Roads WA will manage and re-habilitate the now redundant road reserves.

The Shire of Cranbrook is in receipt of a letter from Main Roads WA requesting that Council discuss and concur to the dedication of the land in question at the next Council meeting;

*“Council at its ordinary meeting held on 17 November 2021 passed a resolution for the dedication of the land the subject of Main Roads WA Land Dealing Plans 202101-0146-1 and 202101-148-1 as a road pursuant to section 56 of the Land Administration Act 1997.”*

#### **Officers Comment**

The change in ongoing maintenance responsibility to the Shire of Cranbrook to the new road reserves would be minimal. The benefit to the Shire and general public due to the improvement in those sections of Albany Highway with road safety far out way any costs.

#### **Statutory Environment**

Section 56 of the Land Administration Act

#### **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 risk associated with the matter in this report is:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Rare.

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

Risk mitigation includes consulting with Main Roads WA.

### **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**

Consultation for this report included Main Roads WA

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION**

**That Council resolves to agree to the dedication of the land the subject of Main Roads WA Land Dealing Plans 202101-0146-1 and 202101-0148-1 as a road pursuant to section 56 of the Land Administration Act 1997.**

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

Nil

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

**13. MATTERS BEHIND CLOSED DOORS**

Nil

**14. CLOSURE OF MEETING**

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