

# COUNCIL MEETING

## AGENDA



For the Ordinary Meeting of Council to be held on

**17 February 2021**

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 17 February 2021 at the Cranbrook Council Chambers commencing at 3.00pm.



Greg Blycha  
Chief Executive Officer

## **DISCLAIMER**

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

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# 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 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

Chief Executive Officer	Mr GP (Greg) Blycha
Manager of Finance & Administration	Mrs PA (Trish) Standish
Manager of Works	Mr JE (Jeff) Alderton
Minute Taker	Mrs MJ (Maddison) Pavlovich

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

At the 16 December 2020 Ordinary Meeting of Council, Mr Bruce Watt asked a question in relation to the proposed use of Reserve 18902.

The Chief Executive Officer has provided the following response to Mr Watt.

#### Question:

**Mr Watt is concerned that if Council approve Item 10.2.5 these animals will no longer be able to enter each of the properties due to the fox proof fencing that Ms Van Santen proposes to erect for her wildlife rehabilitation program. Furthermore, Mr Watt expressed his concern in relation to the fencing that is proposed, asking the Council how this fencing can be allowed in a Rural Residential Zone.**

**Response:**

It is important to note that the request lodged by Ms Maggie Van Santen was to seek advice on whether the Shire used the Reserve, or required ongoing access to the Reserve. Any formal exclusive access to the Reserve would ultimately require approval by the Department of Planning, Lands and Heritage as it is crown land.

Ms Van Santen provided an indication of what she proposed in the future, should she be successful in obtaining approval to access the Reserve. Initially she advised she would like to erect fox proof fencing around the Reserve. Once she became aware there was concern over the fencing, she amended the proposition and proposed standard rural fencing.

The issue of fencing has become somewhat redundant, as Ms Van Santen has now withdrawn the proposal to use or access Reserve 18902 (which means no fencing is now proposed). It should be noted, the Shire received a number of submissions on this issue as the proposal was advertised for public comment, and a number of local landowners raised concern that fencing of the reserve would make it inaccessible to some local wildlife and for use by local residents.

**4.2 PUBLIC QUESTIONS**

**5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**7. DISCLOSURE OF INTEREST**

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

Nil

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

**9.1 ORDINARY MEETING – 16 December 2020**

**That the Minutes from the ordinary meeting of Council held on 16 December 2020, be confirmed as a true and correct record.**

## 10. REPORTS OF OFFICERS

### 10.1 FINANCE & ADMINISTRATION

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#### 10.1.1 LIST OF PAYMENTS

<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Madeleine Brady – Finance Admin Officer
<b>FILE REFERENCE:</b>	FM2
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	2 February 2021
<b>ATTACHMENTS:</b>	1. List of Payments -1 December 2020 2. List of Payments - 31 January 2021

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#### Purpose

The purpose of this report is to advise Council of payments made during the period 1 December 2020 to 31 January 2021.

#### Background

Nil

#### Officers Comment

Nil

#### Statutory Environment

Local Government (Financial Management) Regulation 13 states:

##### 13. List of accounts

(1) If the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer is to be prepared each month showing for each account paid since the last such list was prepared:

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

#### Policy Applicable – Implications

Council Policy 4.8 – 'Purchasing', states that:

*"The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:*

- a) The payee's name*
- b) The amount of the payment*
- c) The date of the payment*
- d) Sufficient information to identify the transaction.*

*The list referred to above is to be presented to the Council at each ordinary meeting of the Council and is to be recorded in the minutes of the meeting at which it is presented.*

*It is considered appropriate to delegate this authority to the Chief Executive Officer as the payment of accounts is the final process after debts have been incurred through other processes and systems in place."*

### **Financial Implications**

There are no financial implications for this report.

### **Risk Implications**

The risks associated with matters in this report are:

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

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

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

The **likelihood** is Rare

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

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

### **Strategic Community Plan Reference**

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

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

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

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

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That the payment of accounts totalling \$2,096,506.30 as per the attachment be noted:**

- **Electronic Funds Transfers EFT11520 to EFT11758 - \$1,699,025.20;**
- **Municipal Fund Cheque No's 12224 – 12228 - \$9,562.86;**
- **Internal Account Transfers (Payroll) - \$315,541.80; and**
- **Direct Debit - \$72,376.44.**

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**10.1.2 MONTHLY FINANCIAL REPORT – DECEMBER 2020 AND JANUARY 2021**

<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Madeleine Brady – Finance Administration Officer
<b>FILE REFERENCE:</b>	FM12
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	5 February 2021
<b>ATTACHMENTS:</b>	1. Financial Statements - December 2020 2. Financial Statements - January 2021

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**Purpose**

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 January 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 January 2021 Monthly Financial Report represents seven (7) months, or 58% of the financial year. The following items are worthy of noting on the January 2021 report:

- Closing surplus position of \$1.m (shown on page 5);
- Cash and cash equivalents of \$3.9m, of which \$3.1m is held in cash backed reserve accounts (shown on page 9);
- Outstanding rates of \$214,721 equates to 8.4% of 2020/2021 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**

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

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

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

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

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That the attached Monthly Financial Report (containing the Statement of Financial Activity) for the periods ending 31 December 2021 and 31 January 2021 be received.**

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**10.1.3 ANNUAL REPORT 2019/2020**

<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Trish Standish – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	AD4/GO4
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	10 February 2021
<b>ATTACHMENTS:</b>	2019/2020 Annual Report

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**Purpose**

The purpose of this report is for the Council to consider the adoption of the 2019/2020 Shire of Cranbrook Annual Report and to set a date for the Annual Electors Meeting.

**Background**

The Council's Annual Report has been prepared in accordance with the Local Government Act 1995, associated regulations, and is attached.

**Officers Comment**

The final audited financial statements were received from the auditor in February and the formal audit exit meeting was held on 9 February 2021. In attendance at this meeting (via teleconference) was:

- Ms Renuka Venkatraman, Director Financial Audit, Office of the Auditor General;
- Mr Russell Harrison, Partner, Lincolns;
- Cr Phil Horrocks, Shire President;
- Cr Peter Slater Chair of the Audit Committee;
- Mr Greg Blycha Chief Executive Officer; and
- Mrs Trish Standish Manager of Finance and Administration.

During this meeting, Mr Harrison discussed the report to the Audit Committee for the year ended 30 June 2020, which included:

- Significant Adverse Trends – The operating surplus ratio has been below the Department of Local Government Sport and Cultural Industries (DLGSI) standard for the past three years.
- Audit Report – The audit report had an unqualified opinion.
- Management Letter Findings – There were no reportable findings in the management letter.
- Uncorrected Audit Misstatements – There were two uncorrected audit misstatements, consisting of a June invoice that was received late and paid in July and the ESL Operating Grant that was received in advance was not considered a contractual liability as it contained no specific performance obligations.
- Corrected Audit Misstatements – There was one corrected audit misstatement, being reversal of an invoice as it was determined that the Shire did not have an unconditional right to receive the funds as at 30 June 2020 in accordance with new legislation.

Following the formal audit exit meeting, the Office of the Auditor General released the independent auditors report (included in the Annual Report document).

When considering the timing requirements to hold the Annual Electors' Meeting described below in Statutory Environment, the meeting needs to be held between 5 March 2021 and 15 April 2021.

### **Statutory Environment**

The Local Government Act 1995 requires the Council to accept the Annual Report by 31 December each year unless the audit report is not available. If unable to be accepted by 31 December in any given year then Council must accept the report within two (2) months of the audit report becoming available. The annual meeting of electors must then be held within fifty-six (56) days of Council accepting the Annual Report. A minimum of fourteen days local public notice is required of the date, time, place and purpose of the meeting.

### **Policy Applicable - Implications**

Council Policy 1.1 'Electors Meeting' states:

'The Annual Electors' meeting will be held within 56 days of receiving the Annual Financial Report. The Annual Electors' meeting venue will alternate between the Cranbrook and Frankland River town-sites as follows:

2019/2020	Cranbrook
2020/2021	Frankland River
2021/2022	Cranbrook

The previous Annual Electors' Meeting was held on 9 March 2020 in Frankland River.

Electors are requested to provide the Chief Executive Officer with their questions no later than one week prior to the Annual Electors Meeting to enable staff to research the matter if required.

### **Financial Implications**

There are no financial implications for this report. The Annual Report contains the annual financial statements for 2019/2020, illustrating the Council's financial performance for this period.

### **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
- Providing inaccurate advice/information
- Inadequate document management processes
- Ineffective employment practices

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

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

**The likelihood** is Unlikely

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

Risk mitigation includes ensuring staff have the appropriate security access levels for financial transactions and by implementing recommendations from the auditor.

### **Strategic Community Plan Reference**

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

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

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

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

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications for this report.

### **Voting Requirements**

#### ***Absolute Majority***

### **AUDIT COMMITTEE RECOMMENDATION**

The Audit Committee will be meeting at 12:30pm on Wednesday 17 February 2021 to discuss this report and will make a recommendation to the Council. The Officer's Recommendation for the Audit Committee to consider is:

#### **That the Audit Committee recommends to the Council:**

- 1. The attached 2019/2020 Shire of Cranbrook Annual Report be accepted; and**
- 2. The Annual Meeting of Electors be held on Wednesday 17 March 2021 at 5.00pm in Cranbrook.**

<b>10.1.4</b>	<b>AUDIT 30 JUNE 2020 – SIGNIFICANT MATTER RAISED</b>
<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Trish Standish – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	FM 9
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	10 February 2021
<b>ATTACHMENTS:</b>	Nil

**Purpose**

The purpose of this report is to provide the Council with a report addressing a matter identified as ‘significant’ in the 2019/2020 Audit Report, pursuant to section 7.12A of the Local Government Act 1995.

**Background**

The Council have just considered the Annual Financial Statements and the Office of the Auditor General (OAG) independent audit report for the year ending 30 June 2020 earlier in this meeting. Section 7.12A (4) (a) of the Local Government Act 1995 dictates the submission of a report to the Minister regarding the significant adverse trend noted by the OAG in their independent auditor’s report.

The OAG identified the Operating Surplus Ratio that has been below the Department of Local Government, Sport and Cultural Industries (DLGSCI) standard for the past three years as a significant adverse trend. This was discussed during the formal audit exit meeting in February 2021.

**Officer’s Comment**

The operating surplus ratio is a measure of the Shire’s ability to cover its operational costs and have revenues available for capital funding or other non-operating purposes. The calculation method is:

$$\frac{\text{operating revenue minus operating expenses}}{\text{own source operating revenue}}$$

A basic standard is met between 0.01 and 0.15. An advanced standard is met if the ratio is greater than 0.15. Over the past seven years the Shire’s operating surplus ratio has been as follows:

2020	(0.34)
2019	(0.38)
2018	(0.52)
2017	(0.27)
2016	(0.73)
2015	0.08
2014	(0.24)

This ratio is the most difficult to address, as it requires Council to ensure that its revenue sources grow at the same or a greater rate than its operating expenses, including depreciation. The introduction of fair value of all assets resulted in Council increasing the value of its assets which has caused a negative flow on effect to the amount of depreciation booked due to the increase in carrying values of assets.

It is well known that regional Councils struggle to fully cash fund asset depreciation as their revenue sources are limited. The only major source of funding that Council can control is rates. The challenge that faces Council is in order to achieve an operating surplus ratio result that is within the benchmarks established by the DLGSCI is striking a balance between how much of a rate burden should be placed on ratepayers and how much of a reduction in service levels should occur to contain rising operating expenses.

In 2020, all Local Governments were strongly encouraged to freeze rates, fees and charges and requested to bring forward capital projects, where possible, in light of the coronavirus pandemic.

Depreciation rates have been reviewed and they are considered appropriate.

Knowing that the Shire has received \$1,000,000 in drought funding for capital projects and further funding through the Local Roads and Community Infrastructure funding stream, which will see more capital projects being constructed, and in turn further depreciation being applied it is not anticipated that this ratio will alter significantly in the near future unless the calculation method is changed.

Whilst this ratio is deemed to measure the Shire's ability to cover its operational costs and have revenues available for capital funding and the ratio is below the Departments standard, the Shire of Cranbrook are in a sound financial position, with good cash reserves and are able to undertake capital projects that are relevant to our community.

Both the OAG and Lincolns advised during the audit exit meeting that the DLGSCI are now reviewing this ratio. It is hoped that some changes to the calculation of this ratio will be adopted in the not too distant future.

If not, it is quite possible that this ratio will remain at a level below the DLGSCI standard due to cost pressures and limited revenue sources.

### **Statutory Environment**

The Local Government Act 1995 Section 7.12A states that:

“(4) The Local Government must:

- (a) prepare a report addressing any matters identified as significant by the auditor in the audit report and stating what action the local government has taken or intends to take with respect to each of those matters; and
  - (b) give a copy of that report to the Minister within 3 months after the audit report is received by the local government.
- (5) Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.”

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

There are no financial implications from this report.

### **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 Insignificant

The **likelihood** is Possible

Hence the **risk rating** is Low

Risk mitigation includes reporting to Council and the Department of Local Government Sport and Cultural Industries.

### **Strategic Community Plan Reference**

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

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

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

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

### **Consultation**

Consultation for this report included Lincolns, Office of the Auditor General and the Council.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **AUDIT COMMITTEE RECOMMENDATION**

The Audit Committee will be meeting at 12:30pm on Wednesday 17 February 2021 to discuss this report and will make a recommendation to the Council. The Officer's Recommendation for the Audit Committee to consider is:

**That the Audit Committee recommends to the Council that this report be accepted and forwarded to the Minister.**

## 10.2 GOVERNANCE & EXECUTIVE SERVICES

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### 10.2.1 CORPORATE BUSINESS PLAN 2017 - 2021 QUARTERLY REPORT

<b>RESPONSIBLE OFFICER:</b>	Greg Blycha – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Trish Standish – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	AD3
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	31 January 2021
<b>ATTACHMENTS:</b>	October to December 2020 Quarterly Report

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#### **Purpose**

The purpose of this report is for the Council to consider the October to December 2020 Quarterly Report against the Shire’s Corporate Business Plan 2017 – 2021.

#### **Background**

The Local Government (Administration) Regulations 1996 requires that Council prepares a Corporate Business Plan which reflects the aspirations of the Strategic Community Plan and translates these into Council priorities and operations within available resources.

The Corporate Business Plan covers the first four years of the Strategic Community Plan 2017-2027. A major review is completed at the end of the four-year period in conjunction with the major review of the Strategic Community Plan. A yearly desktop review is also conducted to review the financial implications for the year ahead in context of the annual budget, Strategic Resource Plan and other informing documents.

Council adopted the Corporate Business Plan 2017-2021 at the 17 May 2017 Ordinary Meeting. Whilst an annual review of the Plan is completed, it is considered good practice for a quarterly progress report to be provided for Council’s information.

#### **Officer’s Comment**

As Council will be aware, staff participated in the regional Peer Support Program, which was initiated to provide support in the development and maintenance of Integrated Planning documents as required under the Local Government Act 1996.

An outcome of the Program was the development of a reporting template to provide Council with a snapshot of progress towards achieving the community aspirations of the Strategic Community Plan. Objectives and strategies have been imported from the Strategic Community Plan, and actions and timelines from the Corporate Business Plan are referenced. A ‘traffic light’ status and comments are assigned to each action, based on the following:

#### **Action Status**

- Action is on track. Includes actions that are considered ‘day to day’ including advocacy, identified support, ongoing liaison, routine and scheduled reporting and activities, and progress on specific projects.
- Action is being monitored. Includes actions that are awaiting further information or consideration by staff or Council, initiatives that are planned, and actions where there has been little or no progress or activity.

- Action is on hold. Generally includes actions that are planned for a future financial year (refer to 'Delivery Timelines' column), or if it has been determined through review that an action is no longer relevant.
- Action is complete. Will generally relate to discrete time, or funding-specific projects and initiatives.

The Executive Management Team and other appropriate staff have provided input into the October to December 2020 quarterly report attached. Most actions have had some progress to the end of December and are 'on-track', and a number noted as 'Monitored' have actions that are planned for 2020-2021 and have not yet commenced or are subject to funding.

It should be noted that the Coronavirus pandemic and subsequent restrictions that were in place have had an impact on staff being able to undertake activities, however it is hoped that all planned events and programs will be held this financial year.

### **Statutory Environment**

Local Government (Administration) Regulations 1996: r. 19DA. Corporate business plans, requirements for (Act s. 5.56) relates to this report.

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

Provision for actions contained within the Corporate Business Plan is made in the adopted annual budget or will be considered as part of future budget deliberations.

### **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 Possible

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

Risk mitigation includes presenting quarterly reports to Council to monitor progress against the Corporate Business Plan.

### **Strategic Community Plan Reference**

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

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

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

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

Outcome 4.2: Demonstrate strong leadership and civic responsibility

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

**Consultation**

Consultation for this report included Shire staff and the Executive Management Team.

**VROC Implications**

There are no strategic VROC implications from this report.

**Voting Requirements**

Simple Majority

**OFFICERS RECOMMENDATION**

**That the attached Corporate Business Plan 2017 - 2021 quarterly report for the period October to December 2020 be received.**

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<b>10.2.2</b>	<b>GREAT SOUTHERN TREASURES MEMORANDUM OF UNDERSTANDING - SUPPORT</b>
<b>RESPONSIBLE OFFICER:</b>	Greg Blycha – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Greg Blycha – Chief Executive Officer
<b>FILE REFERENCE:</b>	ED8
<b>DATE OF REPORT:</b>	8 February 2021
<b>ATTACHMENTS:</b>	1. Memorandum of Understanding, Great Southern Treasures Strategic Plan 2. Great Southern Treasures Operating Guidelines 3. Great Southern Treasures Strategic Plan and Activity Plan

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### **Purpose**

The purpose of this report is for Council to consider supporting the Great Southern Treasures' (GST) Memorandum of Understanding (MOU).

### **Background**

The GST are a local tourism group that covers 19 inland rural towns and communities of the upper Great Southern. The purpose of the GST is to build the brand and awareness of the tourism assets within Great Southern Treasures locally, nationally and worldwide. The GST mission is to collectively plan and equally promote the tourism assets, experiences and events across Member Councils.

Eight Member Councils of the Great Southern (Shire of Cranbrook included) expressed an interest to formalise an agreement with the GST by way of a MOU. Member Councils agreed that the Memorandum shall not create any legal obligations and, whilst recognising that there are no enforceable obligations between them and the Member Councils, agreed to perform their obligations pursuant to the Memorandum in good faith and to the best of their abilities.

The purpose of the MOU is to affirm the partnership and collaboration of the local governments and to further the aims as detailed below:

- To maximise the economic return from tourists and visitors to the participant local governments;
- To promote and develop the tourism assets of the participant local governments;
- To cooperate and take an active interest in tourism matters affecting the participant Communities; and
- Nurture industry partners.

The proposed term of the Memorandum shall be three (3) years. The proposed MOU commenced on 1 January 2021. The term shall be reviewed by the Member Councils not more than twelve (12) months and not less than six (6) months prior to the MOU expiration.

Each Member Council is to appoint the Chief Executive Officer, or the CEOs nominated representative, to the GST Membership Committee and to delegate such powers to the representatives as are required to give effect to the MOU and the Operating Guidelines. Councillor Slater is the representative for the Shire of Cranbrook on the GST Membership Committee.

The MOU states that Member Councils agree to commit to the term (3yrs) of the MOU. If a Member Council of the Great Southern Treasures wishes to no longer participate, that Council must give twelve (12) months written notice to the other Member Councils at the commencement

(first month) of the final year of the MOU. Notwithstanding withdrawing from the GST Membership Committee that Council shall still be liable for its contribution to all costs as per the Cost Schedule for the duration of the Notice Period (12 months).

The annual subscription (12 months) for Member Councils is for the life of the MOU (ex GST). Subscriptions will be reviewed at the end of the MOU by Member Councils. Subscription costs are as follows:

- Member Council - Tier 1 (under 1000 population) \$7,000 pa
- Member Council - Tier 2 (1001 – 2000 population) \$11,000 pa
- Member Council - Tier 3 (2001 plus population) \$17,500 pa

The Shire of Cranbrook is recognised as a Tier 2 Council.

### **Officers Comment**

The GST has demonstrated mixed results in recent years in terms of promoting tourist activities for the Shire of Cranbrook and associated subscription costs have increased over time. Some Council Members have already presented the MOU to their respective Council and the GST MOU has been endorsed.

The GST have developed the GST 2020-2023 Strategic Plan and Operating Guidelines to provide requisite direction. The Shire of Cranbrook has limited available resources to promote tourism and could leverage opportunities in conjunction with other GST Council Members.

### **Statutory Environment**

There is no specific legislation applicable to this report.

### **Policy Applicable – Implications**

There are no policy implications for this report.

### **Financial Implications**

#### ***Budget***

In 2020, the Shire paid \$9,782 to the GST. The 2021 subscription costs would be an increase of \$1,218.

### **Risk Implications**

The risks associated with matters in this report are:

- Inadequate Engagement Practices

The **impact** of the risk is Financial, 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 monitoring the annual performance of Great Southern Treasures to ensure value for money for the Shire.

### **Strategic Community Plan Reference**

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

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

Outcome 2.3: An active, innovative tourism industry

Strategy 2.3.1: Promote the hidden treasures and natural attractions of the Shire of Cranbrook

### **Consultation**

Consultation has occurred between appropriate Council Representatives across the applicable eight Shire and with the GST Chair and Executive Officer.

### **VROC Implications**

There are no strategic VROC implications for this report.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Endorse the attached Great Southern Treasures Memorandum of Understanding;**
- 2. Approve the subscription costs of \$11,000pa for the years 2021/2022 to 2023/2024 to become a paying Council Member of the Great Southern Treasures and refer this to the draft 2021/2022 draft budget; and**
- 3. Monitor the annual performance of the Great Southern Treasures in terms of value for money and the associated increases in tourist activity in the Shire of Cranbrook.**

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<b>10.2.3</b>	<b>CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES</b>
<b>RESPONSIBLE OFFICER:</b>	Greg Blycha– Chief Executive Officer
<b>REPORT AUTHOR:</b>	Greg Blycha– Chief Executive Officer
<b>FILE REFERENCE:</b>	GO15
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	9 February 2021
<b>ATTACHMENTS:</b>	1. Guidelines for the Code of Conduct for Council Members, Committee Members and Candidates 2. WALGA Info Page - New and amended Regulations 3. Local Government (Model Code of Conduct) Regulations 2021, Local Government (Administration) Amendment Regulations 2021 and Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 4. Shire of Cranbrook Code of Conduct

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### **Purpose**

The purpose of this Report is to consider revoking the current Shire of Cranbrook Code of Conduct and the adoption of the Model Code of Conduct as the new Code of Conduct will apply to the Shire of Cranbrook Council Members, Committee Members and Candidates.

### **Background**

On 2 February 2021 the Local Government (Model Code of Conduct) Regulations 2021 were proclaimed in the government gazette and took effect from 3 February 2021.

Local governments are now required to adopt a Code of Conduct for Council Members, Committee Members and Candidates that incorporates the Model Code of Conduct within three months of the gazettal of the Local Government (Model Code of Conduct) Regulations 2021.

### **Officer's Comment**

As part of the gazettal of the Model Code of Conduct Regulations there are a number of actions that local governments are required to complete within three months of the gazettal which are:

1. Adopt a Code of Conduct for Council Members, Committee Members and Candidates. This can be the Model Code of Conduct that includes additional behavioural requirements.
2. Authorise one or more Officers (employees) for the purpose of receiving complaints and withdrawal of complaints relating to the Code of Conduct (required by 24 February 2021).
3. Approving a Complaint Form in accordance with clause 11(2)(a) of the Code.
4. Develop a Complaint Handling Policy and Procedure for adoption by the Council.
5. Publish the adopted Code of Conduct and complaints form on the local government website.

Points 1-3 above will be dealt with at this Council meeting, whilst point 4 will be developed over the following three months in discussion with Council, while point 5 is an administrative function.

It should also be noted that until such time as Council adopts a Code of Conduct (Model or other version) the Model Code of Conduct applies, as it's taken to be the adopted standards from 3 February 2021.

The gazettal of the Model Code of Conduct on 2 February 2021 also resulted in the existing Local Government (Rules of Conduct) Regulations 2007 being repealed as they have now been incorporated into the Model Code of Conduct. Whilst the Rules of Conduct clauses have now been

incorporated into the Model Code of Conduct, complaints of a breach in relation to clauses 16 to 22 are still classified as a minor breach complaint and are required to be forwarded by the Complaints Officer to the Standards Panel, via the Department to deal with. The Standards Panel will be updating their minor and major breach complaints forms.

If a complaint is made under the Code of Conduct, in relation to clauses 4 to 10, the new Model Code indicates that, unless it's withdrawn, the complaint is to be dealt with by the local government [clause 12(1)] who may dismiss the complaint or determine that an alleged breach has occurred [clause 12(3)] and can then:

- a) Take no action; or
- b) Prepare and implement a plan to address the behaviour of the person to who the complaint relates [clause 12(4)].

Under the recent Local Government Act amendments, local governments are now required to have two Codes of Conduct; one for Council Members, Committee Members and Candidates, that is required to be adopted by Council and one for employees that the CEO is required to prepare, which does not require the adoption by Council.

The Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 gazetted on 2 February 2021 prescribe requirements that the CEO must include in a Code of Conduct for Employees as a minimum. It's proposed at this time, the CEO review and adopt the existing Shire of Cranbrook Code of Conduct for employees, with the removal of all references to Council Members and Committee Members and inclusion of prescribed requirements outlined in the recent amendment.

### **Statutory Environment**

Local Government Act 1995, sections 5.103 and 5.104

#### 5.103. Model code of conduct for Council Members, Committee Members and Candidates

- (1) Regulations must prescribe a Model Code of Conduct for Council Members, Committee Members and Candidates.
- (2) The Model Code of Conduct must include:
  - (a) general principles to guide behaviour; and
  - (b) requirements relating to behaviour; and
  - (c) provisions specified to be rules of conduct.
- (3) The Model Code of Conduct may include provisions about how the following are to be dealt with:
  - (a) alleged breaches of the requirements referred to in subsection (2)(b);
  - (b) alleged breaches of the rules of conduct by committee members.
- (4) The Model Code of Conduct cannot include a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).
- (5) Regulations may amend the Model Code of Conduct.

#### 5.104. Adoption of Model Code of Conduct

- (1) Within 3 months after the day on which regulations prescribing the Model Code come into operation, a local government must prepare and adopt\* a Code of Conduct to be

observed by Council Members, Committee Members and Candidates that incorporates the Model Code.

\* Absolute majority required.

- (2) Within 3 months after the day on which regulations amending the Model Code come into operation, the local government must amend\* the adopted Code of Conduct to incorporate the amendments made to the Model Code.

\* Absolute majority required.

- (3) A local government may include in the adopted Code of Conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —
- (a) can only be expressed to apply to council members or committee members; and
  - (b) are of no effect to the extent that they are inconsistent with the model code.
- (4) A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.
- (5) The Model Code is taken to be a local government's adopted Code of Conduct until the local government adopts a code of conduct.
- (6) An alleged breach of a local government's adopted Code of Conduct by a candidate cannot be dealt with under this Division or the adopted Code of Conduct unless the candidate has been elected as a council member.
- (7) The CEO must publish an up-to-date version of a local government's adopted Code of Conduct on the local government's official website.

### **Policy Implications**

The adoption of the new Code of Conduct will seek to revoke the previous Shire of Cranbrook Code of Conduct as the new Code of Conduct is now a statutory document under the Local Government Act and Regulations for Council Members, Committee Members and Candidates.

### **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 to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes the adoption of the new Model Code of Conduct for Council Members, Committee Members and Candidates

### **Legal Implications**

The adopted Code of Conduct now has legal implications for those covered by the Code as its adopted under the Local Government Act (section 5.14) and Regulations.

The Council Member, Committee Member or Candidate are legally required to comply with the requirements of any plan endorsed by the Council when the Council determines that a breach has occurred (Code of Conduct clauses 12(4) and 23).

**Strategic Community Plan Reference**

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

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

Outcome 4.1 Excellence in governance, compliance, regulation and reporting

Outcome 4.2 Demonstrate strong leadership and civic responsibility

**Voting Requirements**

***Absolute Majority***

**OFFICERS RECOMMENDATION**

**That Council:**

- 1. Revoke the Shire of Cranbrook Code of Conduct (detailed in the attachment); and**
- 2. Adopt the Code of Conduct for Council Members, Committee Members and Candidates, as detailed in the attachment, as its Code of Conduct for Council Members, Committee Members and Candidates, as required by Local Government Act 1995, section 5.104 (1).**

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<b>10.2.4</b>	<b>COMPLAINTS OFFICER – CODE OF CONDUCT – COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES</b>
<b>RESPONSIBLE OFFICER:</b>	Greg Blycha– Chief Executive Officer
<b>REPORT AUTHOR:</b>	Greg Blycha– Chief Executive Officer
<b>FILE REFERENCE:</b>	GO20
<b>APPLICANT:</b>	Nil
<b>DATE OF REPORT:</b>	9 February 2021
<b>ATTACHMENTS:</b>	Guidelines for the Code of Conduct for Council Members, Committee Members and Candidates

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### **Purpose**

The purpose of this report is for the Council to authorise the Chief Executive Officer, Shire of Cranbrook, to be the appointed Complaints Officer to receive complaints made against Council Members, Committee Members and Candidates, for any breaches of the new Code of Conduct recently gazetted.

### **Background**

On 2 February 2021, the Local Government (Model Code of Conduct) Regulations 2021 were proclaimed in the government gazette and take effect from 3 February 2021.

Local governments are now required to adopt a Code of Conduct for Council Members, Committee Members and Candidates that incorporates the Model Code of Conduct within three months.

One of the requirements of the new Code of Conduct is that local governments are required by 24 February 2021 to authorise, in writing, one or more persons to receive complaints and withdrawals of complaints.

### **Officer's Comment**

As part of the gazettal of the Model Code of Conduct Regulations, there are number of actions local government are required to complete within three months of the gazettal which are:

1. Adopt a Code of Conduct for Council Members, Committee Members and Candidates. This can be the Model Code of Conduct of Code of Conduct that includes additional behavioural requirements that are not inconsistent with the Model Code of Conduct.
2. Authorise one or more officers (employees) for the purpose of receiving complaints and withdrawal of complaints relating to the Code of Conduct (required by 24 February 2021).
3. Approving a complaint form in accordance with clause 11(2)(a) of the Code.
4. Develop a complaint handling policy and procedure for adoption by the Council.
5. Publish the adopted Code of Conduct and complaints form on the local government website.

Points 1-3 above will be dealt with at this Council meeting, point 4 will be an administration function undertaken once approved by Council and point 5 is also an administrative function.

Given that the CEO is the person who currently receives complaints about Council Members and Committee Members under the existing Code of Conduct and Local Government (Rules of Conduct) Regulations it would be deemed appropriate that the CEO is the authorised Officer to receive complaints and the withdrawal of complaints under this new Code of Conduct.

### **Statutory Environment**

Local Government (Model Code of Conduct) Regulations 2021, clause 11(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

### **Policy 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:

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

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes the appointment of a complaints officer as required by legislation.

### **Strategic Community Plan Reference**

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

*Objective Leadership: Demonstrate strong governance, leadership and organisational growth*

Outcome 4.1 Excellence in governance, compliance, regulation and reporting

Outcome 4.2 Demonstrate strong leadership and civic responsibility

### **Consultation**

Consultation was not required for this report.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council authorise the Chief Executive Officer, Shire of Cranbrook as the person to receive complaints and withdrawal of complaints, as required under clause 11(3) of the Local Government (Model Code of Conduct) Regulations 202, in regards to the Shire of Cranbrook Code of Conduct for Council Members, Committee Members and Candidates.**

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**10.2.5 COMPLAINTS FORM – CODE OF CONDUCT – COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES**

**RESPONSIBLE OFFICER:** Greg Blycha– Chief Executive Officer  
**REPORT AUTHOR:** Greg Blycha– Chief Executive Officer  
**FILE REFERENCE:** GO20  
**APPLICANT:** N/A  
**DATE OF REPORT:** 9 February 2021  
**ATTACHMENTS:** Complaints Form

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**Purpose**

The purpose of this report is to seek the endorsement of Council of the attached Complaints Form that will be required to be completed by any person who wishes to lodge a complaint against a Council Member, Committee Member or Candidates under the newly adopted Code of Conduct.

**Background**

On 2 February 2021 the Local Government (Model Code of Conduct) Regulations 2021 were proclaimed in the government gazette and take effect from 3 February 2021.

Clause 11(2)(a) of the Model Code of Conduct indicates that a complaint must be made ‘in writing in the form approved by the local government’.

**Officer’s Comment**

As part of the gazettal of the Model Code of Conduct Regulations, there are number of actions that local government are required to complete within three months of the gazettal which are:

1. Adopt a Code of Conduct for Council Members, Committee Members and Candidates. This can be the Model Code of Conduct of Code of Conduct that includes additional behavioural requirements that are not inconsistent with the Model Code of Conduct.
2. Authorise one or more Officers (employees) for the purpose of receiving complaints and withdrawal of complaints relating to the Code of Conduct (required by 24 February 2021).
3. Approving a Complaint Form in accordance with clause 11(2)(a) of the Code.
4. Develop a Complaint Handling Policy and Procedure for adoption by the Council.
5. Publish the adopted Code of Conduct and complaints form on the local government website.

The Department of Local Government, Sport and Cultural Industries has advised, that by 24 February 2021 local governments should authorise an Officer for the purpose of receiving complaints and withdrawal of complaints. It then follows that the new Complaints Form should be available at a similar time.

If any complaints received before a Complaints Handling Policy and Procedure is adopted by the Council, WALGA recommends that local governments acknowledge and accept the complaint, but advise the complainant that the complaint cannot be progressed until a Policy and Procedure is adopted. Complainants would need to be kept appropriately informed of a reasonable timeframe for this to occur.

There is no time frame indicated in the Model Code of Conduct in regards to dealing with complaints, but a reasonable timeframe is required. The development of the Complaints Handling Policy and Procedure should be a priority to be completed and adopted in the next three months.

### **Statutory Environment**

Local Government (Model Code of Conduct) Regulations 2021, clause 11(2)(a):

11. Complaint about alleged breach

(2) A complaint must be made —

(a) in writing in the form approved by the local government.

### **Policy Implications**

A Complaints Handling policy and procedure is to be implemented within three months.

### **Financial Implications**

There are no financial implications for this report.

### **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 and Reputational

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

The **likelihood** is Unlikely

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

Risk mitigation includes the adoption of an official complaints form.

### **Strategic Community Plan Reference**

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

*Objective Leadership: Demonstrate strong governance, leadership and organisational growth*

Outcome 4.1 Excellence in governance, compliance, regulation and reporting

Outcome 4.2 Demonstrate strong leadership and civic responsibility

### **Voting Requirements**

Simple Majority

### **Officer Recommendation**

**That Council endorse the Shire of Cranbrook 'Complaints About Alleged Breach Form – Code of Conduct for Council Members, Committee Members and Candidates' detailed in the attachment to this report.**

<b>10.2.6</b>	<b>CEO STANDARDS FOR RECRUITMENT, PERFORMANCE AND TERMINATION</b>
<b>RESPONSIBLE OFFICER:</b>	Greg Blycha– Chief Executive Officer
<b>REPORT AUTHOR:</b>	Greg Blycha– Chief Executive Officer
<b>FILE REFERENCE:</b>	GO15
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	11 February 2021
<b>ATTACHMENTS:</b>	Model Standards for CEO Recruitment, Performance and Termination

### **Purpose**

The purpose of this report is for Council to consider the adoption of the Model Standard for Chief Executive Officer (CEO) recruitment, performance and termination.

### **Background**

On 2 February 2021, the Local Government (Administration) Amendment Regulations 2021 were proclaimed in the government gazette and took effect from that day.

Local governments are now required to adopt a set of standards for CEO recruitment, performance and termination within three (3) months after 2 February 2021. Additional provisions, that are consistent with the model standards, can be included in Council’s adopted model.

### **Officer’s Comment**

The CEO Standard amends the existing Local Government (Administration) Regulations 1996 to prescribe model standards for the recruitment, selection, performance review and termination, of the local government’s CEO. The key provisions within the model standard are:

- As soon as practicable after Council decides to employ or terminate a CEO, it must by resolution certify that, the employment or termination, was in accordance with the adopted standards and then send a copy of the resolution to the DLGSC CEO within 14 days.
- The Council must approve the selection criteria and job description for recruitment of the CEO.
- The Selection Panel must include a least one (1) independent person who is not a Council Member, a Shire employee or a human resources consultant engaged by the Council.
- If the Selection Panel considers that none of the applicants are suitable to be employed as the CEO, the panel must recommend to Council that a new recruitment process be carried out or changes be made to the selection criteria and job description.
- The Selection Panel is required to verify any academic or other tertiary level qualifications the applicant, recommended to Council for appointment, claims to hold.
- If any negotiations on the contract contains terms different to those approved by Council, the negotiated contract must be approved by Council (absolute majority) before entered into.
- Once the CEO has completed a period of employment of 10 or more years, the Council is required to carry out a recruitment and selection process.
- Before terminating the employment of a CEO, the Council is required to follow a procedural fairness process that includes, informing the CEO of that person’s rights, entitlements and responsibilities in relation to the termination process, notify the CEO of any allegations against the CEO, give the CEO a reasonable opportunity to respond to the allegations and generally consider any response given.

- In relation to performance related termination, the Council is required to inform the CEO of any performance issues, give the CEO reasonable opportunity to address, and implement a plan to remedy the performance issues and determine that the CEO has not remedied the performance issues to the satisfaction of the Council, before it initiates the termination of the CEO.
- Termination of the CEO must not happen unless the Council has, within the preceding twelve (12) month period, reviewed the performance of the CEO.
- Any decision to terminate the CEO must be made by an absolute majority decision of the Council.
- Notice of termination must be given in writing to the CEO setting out the reasons for terminating the CEO's employment.

A number of the above clauses would form part of an existing process of recruitment and selection, performance review and termination, but they have been included to provide Councillors with a detailed understanding of what is in the new Standards.

Finally, as part of the Amendment Regulations a new clause 5.39C has also been added to the Local Government Act that requires a local government to prepare and adopt a policy that sets out the process to be followed by the local government in relation to the employment of a person in the position of CEO for a term not exceeding 1 year and the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

### **Statutory Environment**

Local Government Act 1995, sections 5.39A and 5.39B

#### **5.39A. Model standards for CEO recruitment, performance and termination**

- (1) Regulations must prescribe model standards for local governments in relation to the following —
  - (a) the recruitment of CEOs;
  - (b) the review of the performance of CEOs;
  - (c) the termination of the employment of CEOs.
- (2) Regulations may amend the model standards.

#### **5.39B. Adoption of model standards**

- (1) In this Section model standards means the model standards prescribed under Section 5.39A (1).
- (2) Within 3 months after the day on which Regulations prescribing the model standards come into operation, a local government must prepare and adopt standards to be observed by the local government that incorporate the model standards.
- (3) Within 3 months after the day on which Regulations amending the model standards come into operation, the local government must amend the adopted standards to incorporate the amendments made to the model standards.
- (4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.
- (5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this Section.
- (6) The CEO must publish an up to date version of the adopted standards on the local government's official website.
- (7) Regulations may provide for —
  - (a) the monitoring of compliance with adopted standards; and
  - (b) the way in which contraventions of adopted standards are to be dealt with.

### **Policy Implications**

A new policy relating to the temporary employment of a CEO for a period of not exceeding one year will be required to be developed.

### **Financial Implications**

There are no immediate financial implications for this report.

### **Budget Implications**

There are no immediate budget implications for this report, but any future CEO recruitment activities may incur additional costs to comply with the new Local Government Act and Administration Regulations.

### **Legal Implications**

The adopted CEO Standards will have legal implications as Council will be required to follow the Standards when undertaking recruitment, performance review and termination of a CEO as they are now included in the Local Government Act (section 5.39A and 5.39B) and Administration Regulations.

### **Risk Implications**

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Ineffective Employment Practices

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes the adoption of the Model CEO Standard for the recruitment, selection, performance review and termination of the CEO, together with Councillors undertaking relevant training in these matters.

### **Strategic Implications**

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

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

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

Outcome 4.2: Demonstrate strong leadership and civic responsibility.

### **Consultation**

No external consultation is required or recommended with the adoption of the Model CEO Standard.

Internally WALGA has suggested that the Council and the CEO should initiate discussions to determine whether any inconsistencies exist between the CEO Standards and the CEO's employment contract and previously agreed Performance Review arrangements. If any inconsistencies occur, it may be appropriate to seek industrial relations advice before any changes are made.

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION**

**That Council adopt the Model Standard for Chief Executive Officer, as detailed in the attachment, as its standard in regards to the recruitment, selection, performance review and termination of its Chief Executive Officer, as required by the Local Government Act 1995, section 5.39B.**

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<b>10.2.7</b>	<b>VROC INCLUSION OF ADDITIONAL FULL MEMBERS FOR THE SHIRES OF GNOWANGERUP AND KATANNING</b>
<b>RESPONSIBLE OFFICER:</b>	Greg Blycha– Chief Executive Officer
<b>REPORT AUTHOR:</b>	Greg Blycha– Chief Executive Officer
<b>FILE REFERENCE:</b>	GO22
<b>DATE OF REPORT:</b>	9 February 2021
<b>ATTACHMENTS:</b>	Nil

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### **Purpose**

The purpose of this report is for Council to consider supporting the inclusion of the Shires of Gnowangerup and Katanning to become full members of the Southern Link Voluntary Regional Organisation of Councils (VROC).

### **Background**

The Southern Link VROC represents independent communities working together to achieve mutually beneficial outcomes. VROC Member Councils include Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet. Councils have achieved good collaboration on VROC priorities such as the provision of aged housing and independent living facilities, regional records archiving, water recycling and regional road initiatives.

### **Officer's Comment**

CEOs and or Elected Members from the Shires of Gnowangerup and Katanning have, on occasions, participated in VROC meetings during 2020. At the full VROC meeting convened on 4 December 2020 in the Plantagenet Council Chambers, a motion was carried 9/0 supporting the inclusion of the Shires of Gnowangerup and Katanning as Members OF the VROC.

An action item from the 4 December 2020 VROC meeting was for VROC Councils to consider supporting the inclusion of the Shires of Gnowangerup and Katanning in the Southern Link VROC as Members.

Note: Formalising membership would allow Gnowangerup and Katanning to participate in the VROC Strategic Plan review process.

### **Policy Applicable – Implications**

There are no policy implications for this report.

### **Financial Implications**

#### ***Budget***

There are no budget implications relating to this report.

### **Risk Implications**

The risks associated with matters in this report are:

- Inadequate Engagement Practices

The **impact** of the risk is 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 approving the request for the Shires of Gnowangerup and Katanning to become members of the VROC.

**Strategic Community Plan Reference**

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

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

Outcome 4.2: Demonstrate strong leadership and civic responsibility

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

**Consultation**

Consultation has occurred at the most recent full VROC meeting with unanimous support to include the Shires of Gnowangerup and Katanning as part of the Southern Link VROC.

**VROC Implications**

The Shire of Plantagenet approved the inclusion of the Shires of Gnowangerup and Katanning at their January 2021 Council meeting. Remaining VROC Councils will consider the inclusion of the Shires of Gnowangerup and Katanning in the VROC at their respective February 2021 Council meetings.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**That Council approves the request of the Shires of Gnowangerup and Katanning to become full members of the Southern Link Voluntary Regional Organisation of Councils.**

**10.2.8 PLANNING APPLICATION GENERAL REPORT - RESERVE 18902 TRIMMER STREET, TENTERDEN**

**RESPONSIBLE OFFICER:** Greg Blycha– Chief Executive Officer  
**REPORT AUTHOR:** Liz Bushby – Consultant Planner (Town Planning Innovations)  
**FILE REFERENCE:** R18902  
**APPLICANT:** Shire of Cranbrook  
**DATE OF REPORT:** 9 February 2021  
**ATTACHMENTS:** Nil

**Purpose**

The purpose of this item is to report on the results of public advertising of potential use of Reserve 18902, and for Council to note that Maggie Van Santen has advised that she does not intend to proceed with any proposal to access or use the reserve due to community opposition.

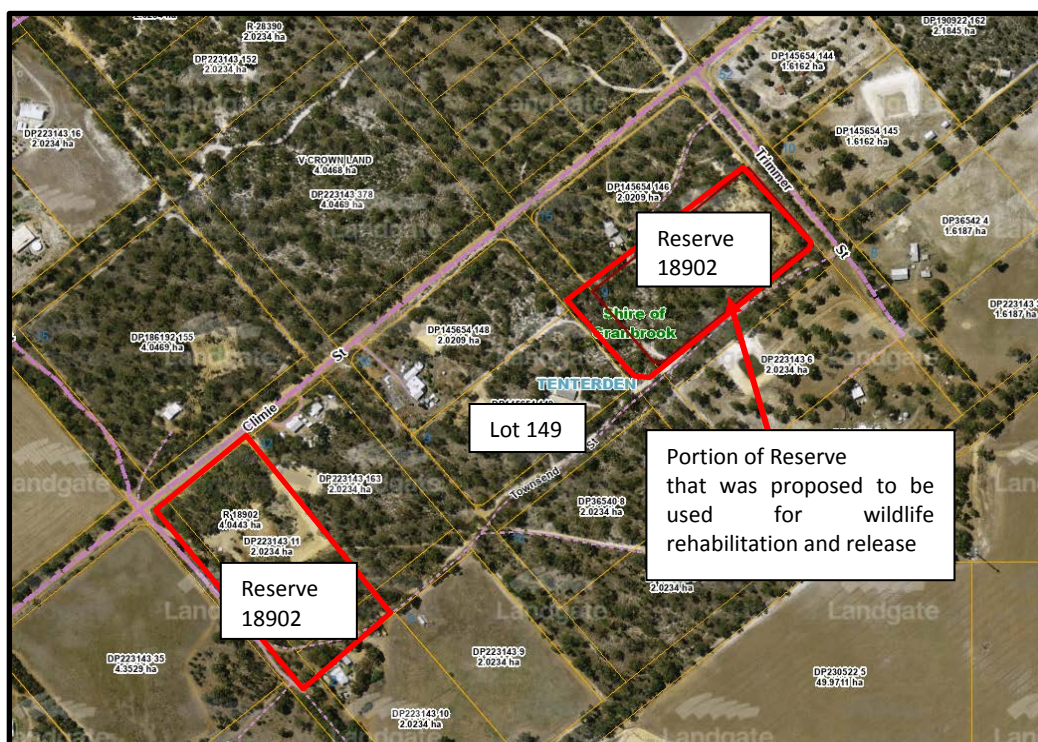
**Background**

The owner of Lot 149 (No 9) Townsend Street in Tenterden, Maggie Van Santen, cares for and rehabilitates possums and kangaroos on a small scale.

Ms Van Santen liaised with the Department of Planning, Lands and Heritage and expressed interest in applying to utilise a portion of Reserve 18902 for further wildlife rehabilitation work. Prior to proceeding, Ms Van Santen contacted the Shire to ascertain whether the Shire requires any continued access to the Reserve. A report on this matter was referred to Council on the 16 December 2020.

In December 2020 Council resolved to conduct community consultation as some local residents expressed interest in the matter.

Reserve 18902 falls under the jurisdiction of the Department of Planning, Lands and Heritage (DPLH). The Reserve has a total of approximately 4 hectares – refer location plan below.



Above: Location Plan

### **Officers Comment**

- *Description of Proposal*

As explained in the background section of this report, the proponent sought the Shires advice as to whether the Shire used or required ongoing access to Reserve 18902.

Since the proposal was advertised for public comment, and objections have been received, the proponent has confirmed that she does want to proceed with the matter or 'cause any upset to neighbours'.

- *Public Advertising*

The Shire advertised the proposal through a local newsletter and by writing to owners of lots near to the Reserve.

During advertising a total of 11 submissions were received consisting of 10 objections and one letter of support.

The main issues raised included and are not limited to:

- The Reserve provides locals with an area where local flora and fauna can be enjoyed;
- The level of increased local kangaroo population and impacts of this on local gardens, farmers, native orchids, and traffic. Concern was also raised over kangaroos being territorial and aggressive;
- Fencing will prevent use of the reserve by other native wildlife, prevent access for emergency vehicles, and increase the number of wildlife on the local roads;
- Concerns that wildlife is being released in town and that possums are causing impacts on powerlines/blackouts;
- Concern over fire access tracks being blocked by fencing increasing risk to residents and homes;
- Views that the reserve could be better developed for use by the local community (eg walking trails / footpaths);
- Concern over increased animal excrement on water supply as the reserve is a catchment for a dam;
- General concern over the reserve being fenced, being used for exclusive use and it becoming unavailable to the wider community; and
- Concerns were raised over the impact on property values.

Full copies of submissions are available to Councillors on request.

- *Conclusion*

Having regard that Ms Van Santen is not going to pursue any use of Reserve 18902, there is now no need for Council to consider its position on whether the Shire requires any continued use or access to the Reserve.

It is recommended that that Council authorise the Chief Executive Officer to write to all the submitters and advise that the proposal is not proceeding.

### **Statutory Environment**

Local Government Act 1995 – The Shire can access Lot 147 (Reserve 18902) to take any native growing or dead timber, earth, stone, sand or gravel.

Shire of Cranbrook Town Planning Scheme No 4 – Reserve 18902 is zoned Rural Residential under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

### **Policy Applicable – Implications**

There are no policy implications for this report.

### **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 community views.

### **Strategic Community Plan Reference**

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

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

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

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

### **Consultation**

The proposal has been advertised as explained in the body of this report.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council:**

1. **Note that during public advertising ten objections and one letter of support were received over the initial proposal lodged by Ms Maggie Van Santen to apply to the Department of Planning, Lands and Heritage to use and access Reserve 18902 (Lot 147).**
2. **Note that after public advertising Ms Maggie Van Santen has advised that she is not going to proceed with any proposal to use and access Reserve 18902 (Lot 147).**
3. **Authorise the Chief Executive Officer to write to all persons who lodged a submission and inform them that the proposal is not being pursued any further.**

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**10.2.9 PLANNING APPLICATION - PROPOSED OUTBUILDING AND WATER TANK – LOT 40 ALBANY HIGHWAY, TENTERDEN**

**RESPONSIBLE OFFICER:** Greg Blycha– Chief Executive Officer  
**REPORT AUTHOR:** Liz Bushby – Consultant Planner (Town Planning Innovations)  
**FILE REFERENCE:** A991  
**APPLICANT:** Dylan Mantach  
**DATE OF REPORT:** 5 February 2021  
**ATTACHMENTS:** Nil

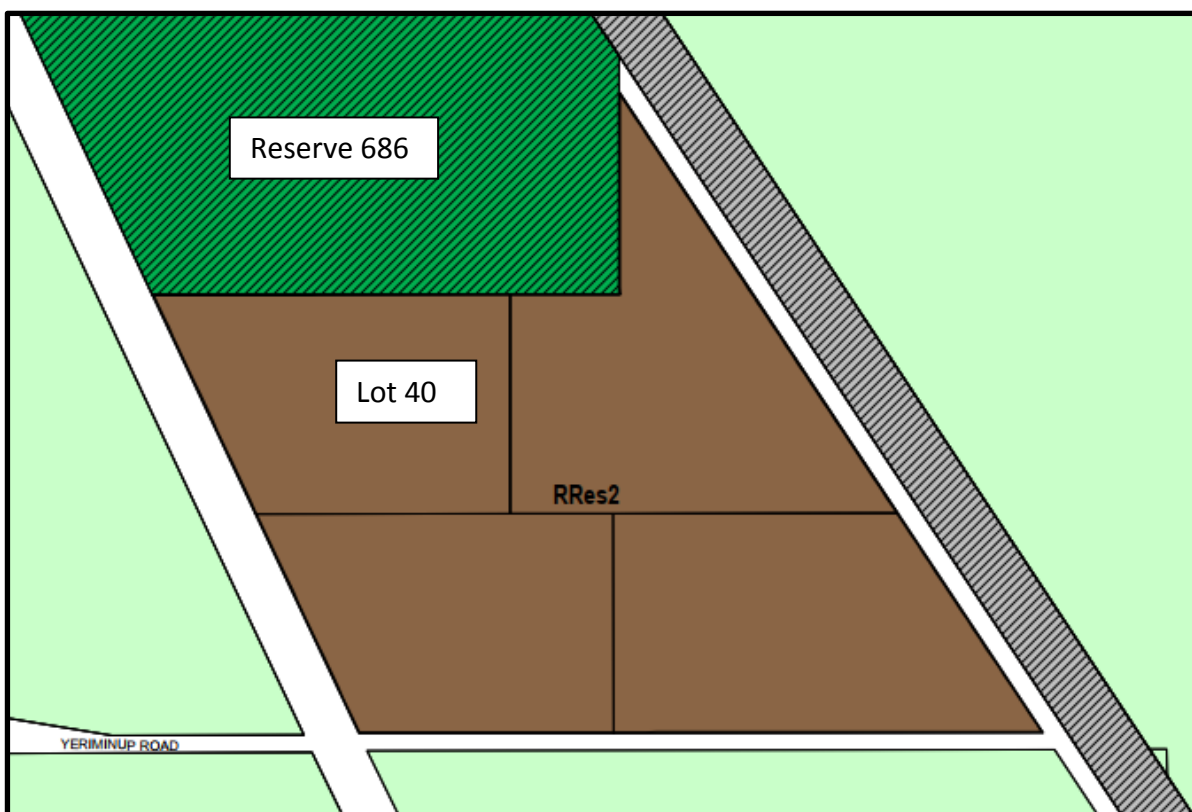
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**Purpose**

The purpose of this report is for Council to consider a development application for an outbuilding and water tank on Lot 40 Albany Highway, Tenterden.

**Background**

Lot 40 is zoned ‘Rural Residential’ under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme) – refer map below.



*Above: Extract of Shire of Cranbrook Town Planning Scheme No 4 zoning map*

The applicant has indicated that there are two existing dams on the lot however it does not contain any existing buildings. TPI has liaised with the Shires’ Manager of Works and the lot has an existing crossover to Albany Highway that has been approved by the Shire and Main Roads Western Australia.

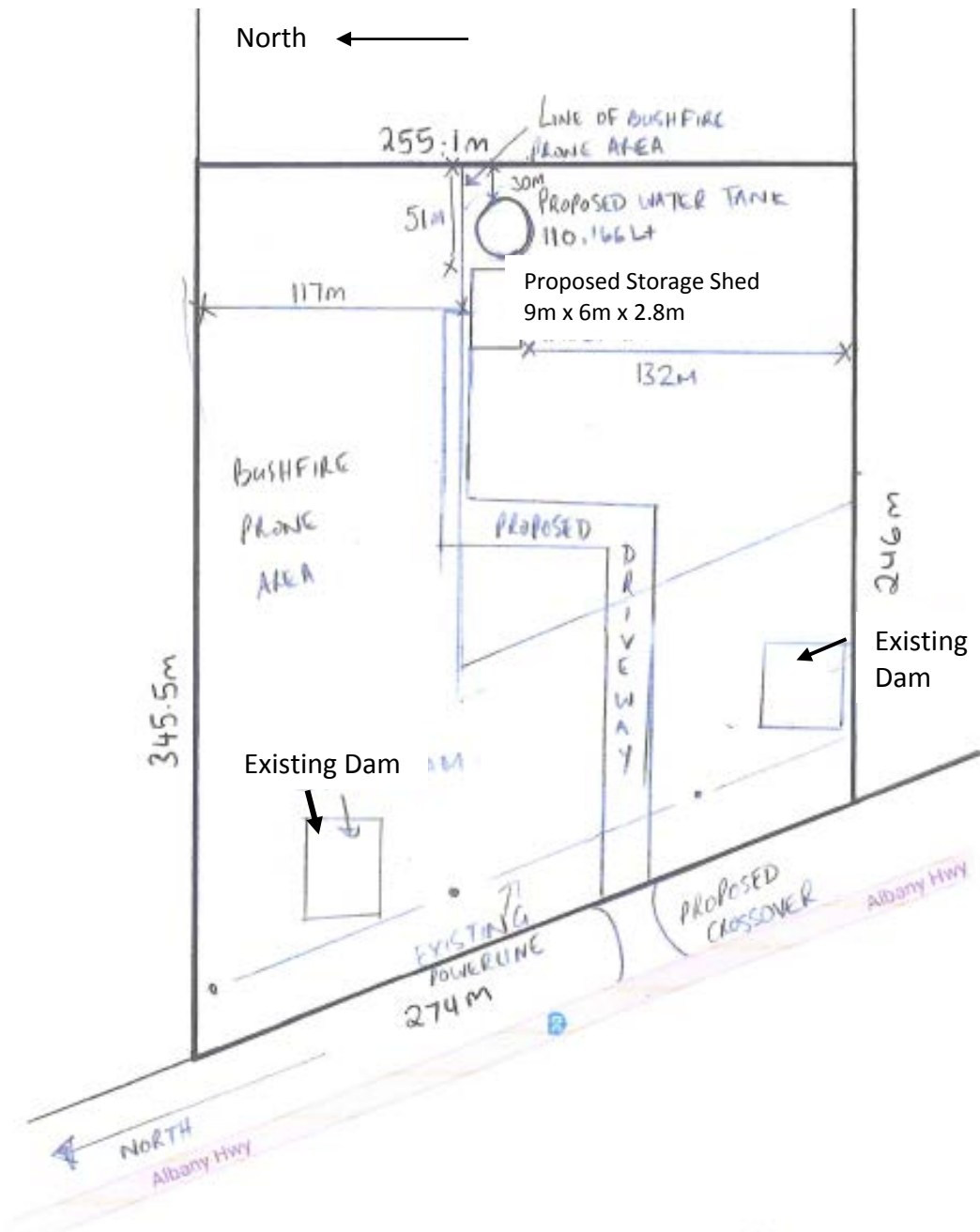
**Officers Comment**

- Description of Proposal*

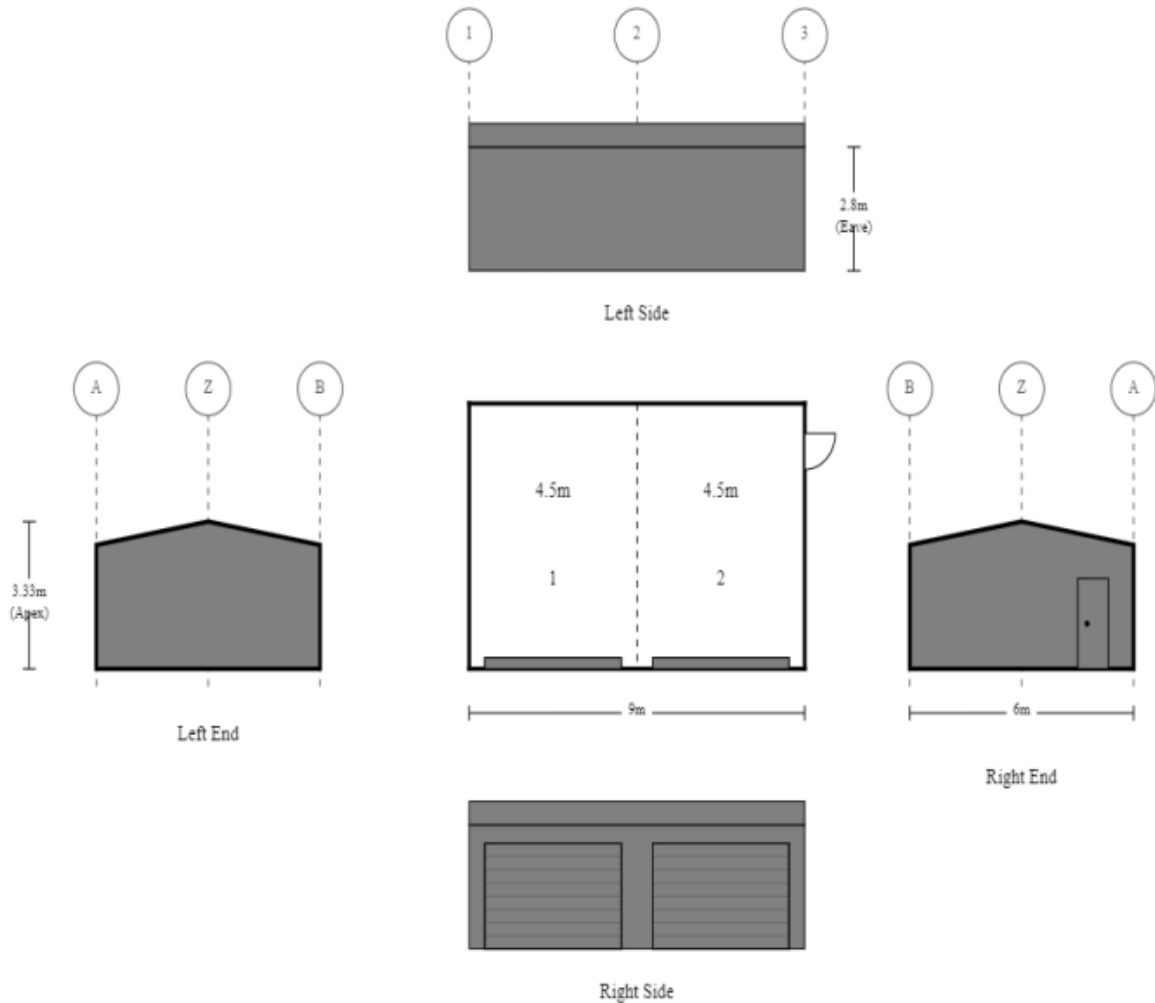
The owner proposes to construct a 54m<sup>2</sup> outbuilding and a water tank to the rear of the lot.

The outbuilding is proposed approximately 117 metres from the north lot boundary and 51 metres from the east lot boundary – refer site plan below. The water tank will be located approximately 30 metres from the east lot boundary.

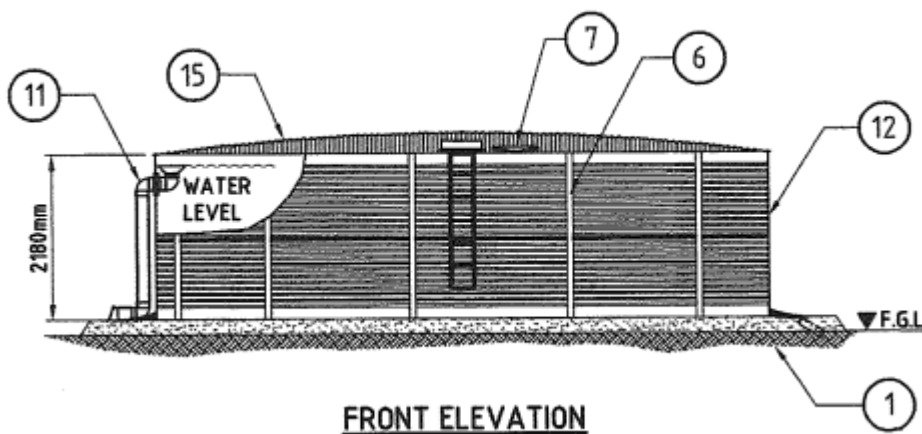
The proposed location of both structures complies with the setback requirements of the Shires Scheme, being 30 metres to the front boundary and 10 metres to the side and rear lot boundary.



The outbuilding is proposed to have a wall height of 2.8 metres and a maximum height to the roof peak of 3.33 metres. The outbuilding is proposed to be constructed out of zinculume material – refer elevations below.



The water tank will have an 8 metre diameter and 2.18 metre height – refer elevation below.



The owner has also indicated that they propose a new internal driveway for access to the proposed outbuilding.

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

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.

A portion of Lot 40 is within the declared bushfire prone area. Based on the owners site plan which shows that the outbuilding will be more than 117 metres from the north boundary, the development is not proposed in the bushfire prone part of the lot.



*Above: Bushfire Mapping with measurement by TPI  
Source: DFES website (bushfire prone area shown in pink)*

Accordingly, no Bushfire Attack Level assessment is required as part of the planning application process.

- *Variation of Scheme Requirement*

Clause 5.18.3 of the Scheme applicable to the Rural Residential zone states that 'a single house is to be developed on a lot prior to commencement of development or use of that lot for any other purpose which requires the planning approval of the local government under the Scheme'.

The application seeks a variation to the above requirement as they propose an outbuilding on a vacant Rural Residential zoned lot. The Shire Council has discretion to vary Clause 5.18.3, with or without conditions, under a separate Clause 5.5 under the Scheme.

If Council considers that the Scheme variation has potential to affect any adjacent owners, then the variation can be advertised for public comment.

Where Council supports a variation to a Scheme requirement it needs to be satisfied that the approval would be appropriate having regard for normal planning matters, and that the non-compliance will not adversely affect owners and occupiers in the locality.

It is not uncommon for owners to seek approval for outbuildings on vacant lots, and the proposed application is supported at an officer level.

The specific wording of Clause 5.5.1, 5.5.2 and 5.5.3 are included in the statutory section of this report. The Shire obtained legal advice outlining that Council has discretion to approve development on vacant Rural Residential zoned lots (from McLeods Barristers and Solicitors) on the 30 January 2020.

### **Statutory Environment**

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

All development in the Rural Residential zone requires development approval under the Shires Scheme.

Clause 5.18.4 of the Scheme states that *‘To achieve a high standard of development within a Rural-Residential zone, and to minimise the visual impacts of development the local government will have regard to the following:*

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

Clause 5.5 of the Scheme outlines ‘variations to site and development standards’ as follows:

- 5.5.1 Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.
- 5.5.2 In considering an application for planning approval under this clause, where, in the opinion of local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the local government is to:
  - a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and
  - b) have regard to any expressed views prior to making its determination to grant the variation.
- 5.5.3 The power conferred by this clause may only be exercised if the local government is satisfied that:
  - a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
  - b) the non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

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 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.

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

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

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

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

#### **Consultation**

This application has not been advertised for public comment. The Shire has discretion to advertise the application to surrounding landowners if desired by Council.

It should be noted that the land to the immediate north is a reserve managed by the Shire.

#### **VROC Implications**

There are no strategic VROC implications from this report.

#### **Voting Requirements**

Simple Majority

## **OFFICERS RECOMMENDATION**

### **That Council:**

- A. Note that a portion of Lot 40 Albany Highway, Tenterden is within a designated bushfire prone area however the proposed outbuilding and water tank is outside of the bushfire prone area.**
- B. Note and support a variation to a Scheme Requirement in accordance with Clause 5.5.1 to allow development on a vacant Rural Residential lot, and resolve that Council is satisfied that:**
- i) Approval of the proposed development is appropriate and it is not uncommon for owners to build on a vacant lot before construction of any dwelling; and**
  - ii) The non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.**
- C. Approve the application for an outbuilding and water tank on Lot 40 Albany Highway, 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 on-site. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve.**
  - 3. The structure 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.**
- (ii) Please be advised that a Bushfire Attack Level report may be required for any separate future applications as portions of the lot are within a designated bushfire prone area.**

**10.2.10 PLANNING APPLICATION - PROPOSED DWELLING – STRATA LOT 52  
HAMMERSTON WAY, FRANKLAND RIVER**

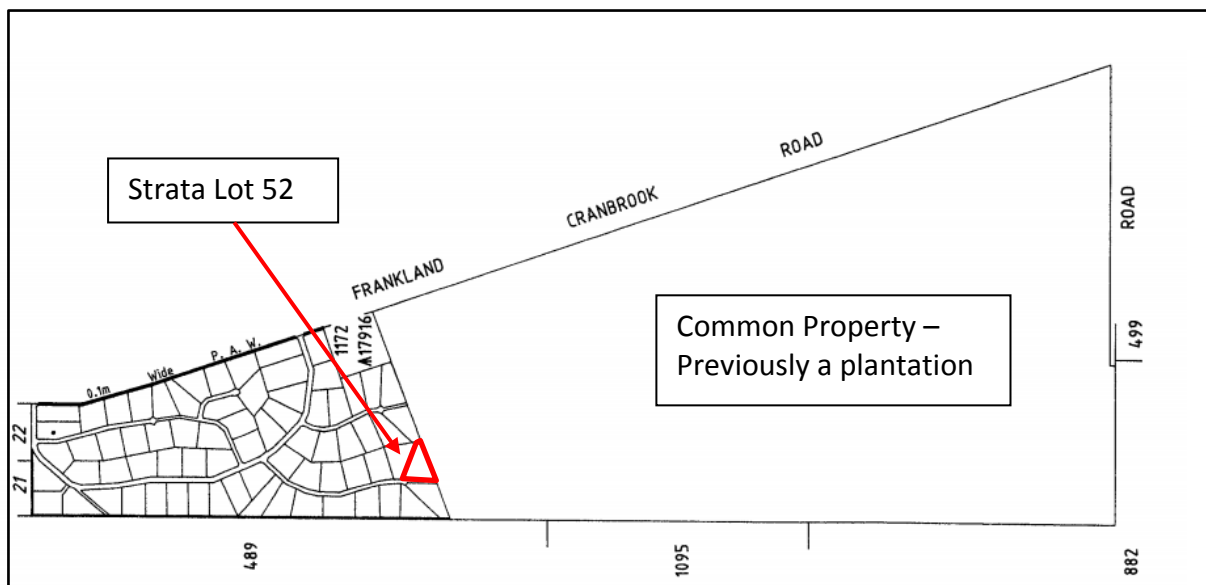
**RESPONSIBLE OFFICER:** Greg Blycha– Chief Executive Officer  
**REPORT AUTHOR:** Liz Bushby – Consultant Planner (Town Planning Innovations)  
**FILE REFERENCE:** A1191  
**APPLICANT:** Samuel Yeoman  
**DATE OF REPORT:** 4 February 2021  
**ATTACHMENTS:** Nil

**Purpose**

The purpose of this report is for the Council to consider a development application for a dwelling on Strata Lot 52 Hammerston Way, Frankland River.

**Background**

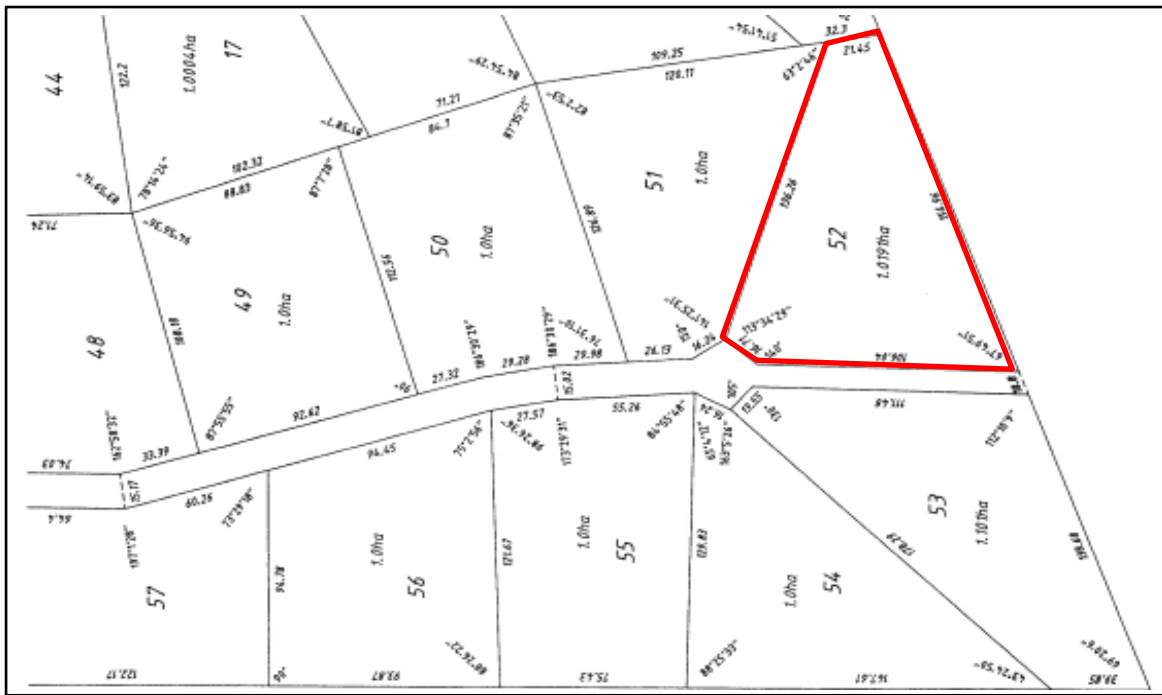
In 1995 an application was lodged to the Western Australian Planning Commission to create strata lots within Lot 2001, and to include a plantation as common property. The application was referred to Council on the 14 December 1995 and was conditionally supported. Subsequently the application was approved by the Commission, and the strata lots created – refer plan below.



The plantation that was on the common property has been harvested. On the 22 September 2020 the Western Australian Planning Commission granted conditional approval for the common property to be separated out of the strata and be created as a green title lot.

This application relates to Strata Lot No 52 which has an area of approximately 1 hectare. Strata Lot No 52 fronts an internal accessway known as ‘Hammerston Way’.

An enlargement of the strata plan showing Strata Lot 52 is included overpage.



Above: Plan showing Strata Lot 52

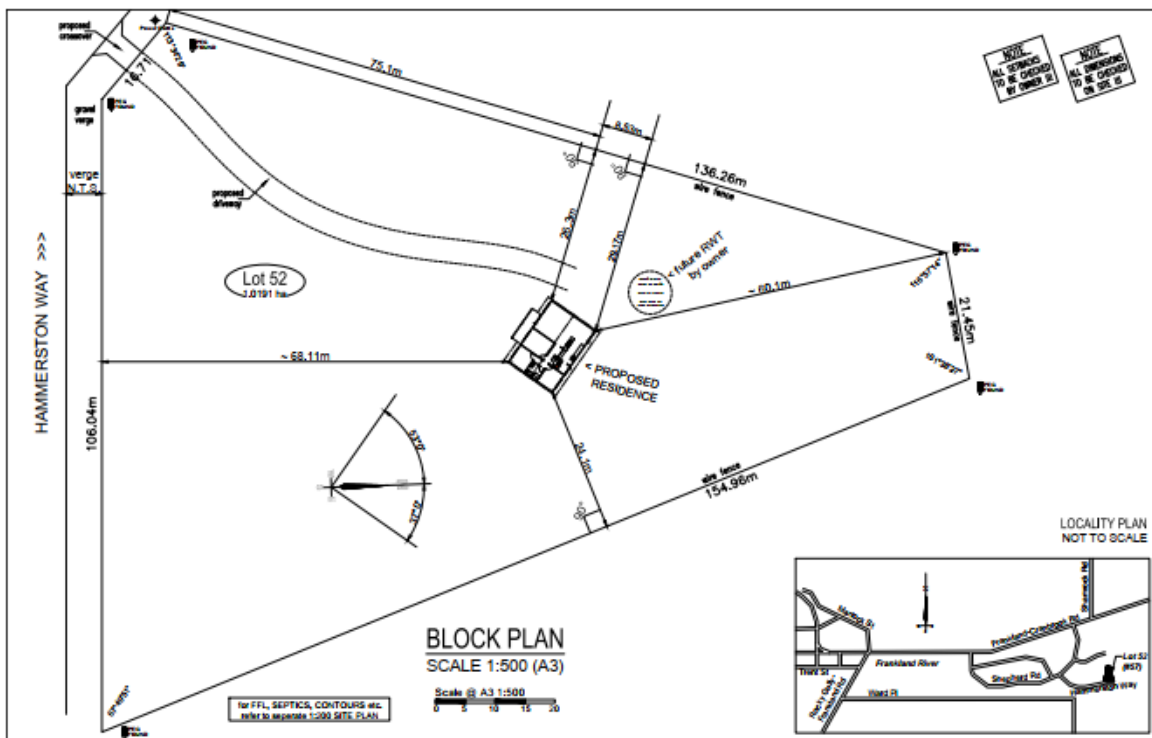
**Officers Comment**

- *Description of Proposal*

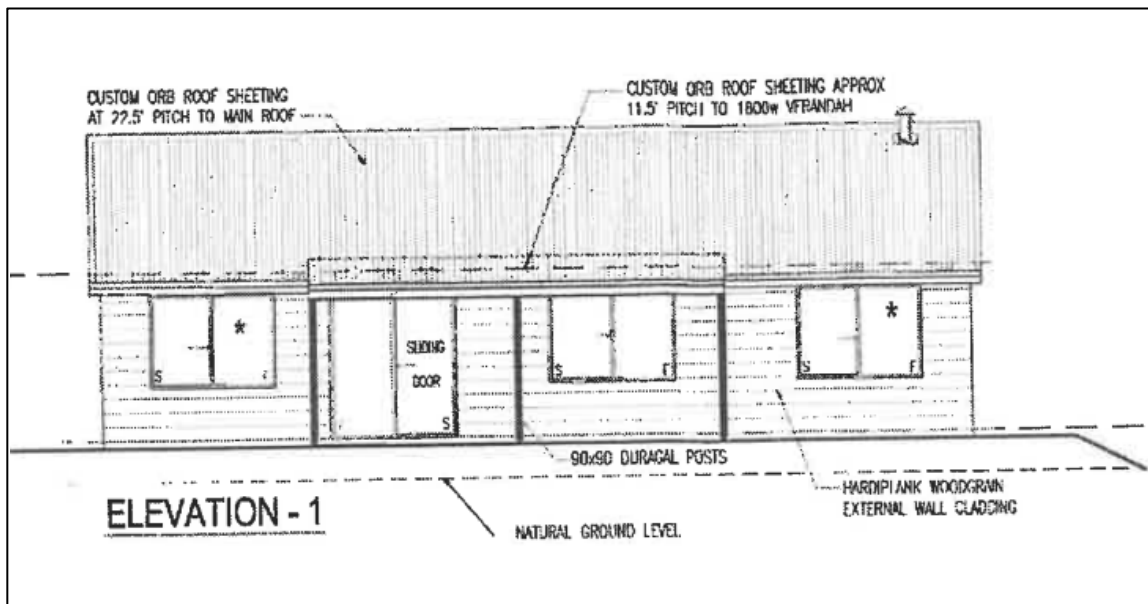
The owner proposes a three-bedroom dwelling with an approximate floor area of 136m<sup>2</sup>.

The dwelling is proposed to be setback approximately 68.11 metres from Hammerston Way, a minimum of 26.3 metres from the western strata lot boundary and a minimum of 24.1 metres from the eastern strata lot boundary. The setbacks comply with the Shire of Cranbrook Town Planning Scheme No 4 which requires 20 metre setbacks from any strata lot boundary.

Plans are included over page for ease of reference.



Above: Site Plan



Above: Front Elevation proposed to face Hammerston Way

- 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 strata lot is within the declared bushfire prone area (shown in pink).



Source: Department of Fire and Emergency Services website

The owner has lodged a Bushfire Attack Level (BAL) assessment prepared by a bushfire consultant which identifies that the dwelling is proposed in a location where a BAL 12.5 rating can be achieved. At BAL 12.5 the risk of radiant heat is considered low, and the primary risk is of ember attack. Under SPP3.7 a Bushfire Attack Level up to BAL 29 is acceptable

The BAL rating is a way of measuring the severity of a building's potential exposure to ember attack, radiant heat and direct flame contact, using increments of radiant heat expressed in kilowatts per metre squared, and the basis for establishing the requirements for construction to improve protection of building elements from attack by bushfire.

At the separate building permit stage higher construction standards will apply to assist in fire mitigation

The driveway to the proposed dwelling is approximately 80 metres long. The Western Australian Planning Commission 'Guidelines for Planning in Bushfire Prone Areas' recommend specific driveway designs where a house is more than 50 metres from a public road to maximise emergency vehicle access in the event of a bushfire.

The Guidelines require:

- a. Capability for passing bays every 200 metres with a minimum length of 20 metres and 2 metre width;
- b. A turn-around area within 50 metres of the proposed house designed to accommodate type 3.4 fire appliances and to enable them to turn around safely;
- c. A trafficable all-weather surface (i.e. compacted gravel, limestone or sealed).

TPI has liaised with the owner who has advised that (1) they intend to put gravel down as a driveway in the longer term and (2) the existing ground is trafficable all year round and they have had no issues with 2 wheel drive access over the lot. They have advised that the existing ground will be suitable for access and for the turnaround of emergency vehicles.

Council can impose conditions requiring the driveway and emergency vehicle turnaround area to be constructed out of gravel if considered appropriate and reasonable. TPI cannot inspect the existing ground conditions.

- *Water Supply and Effluent Disposal*

The Special Use Scheme provisions that apply to the Frankland River strata lots require each dwelling to be provided with a minimum of 92 kilolitre water storage tank. The site plan shows a proposed future water tank to be installed by the owner. It is recommended that a condition be imposed on any development approval requiring construction of a water tank.

It should be noted that the owner will need to lodge a separate application for on-site effluent disposal which will be assessed by the Shires Environmental Health Officer.

## **Statutory Environment**

### *Shire of Cranbrook Town Planning Scheme No 4 –*

The subject land is zoned 'Special Use' under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme). Special Use zones are used to facilitate land uses that do not fit comfortably under any other zone and also enable specific conditions to be imposed for the special use.

Land use permissibility and special conditions that apply to this zone are outlined in Schedule 4 of the Scheme. Council has discretion to approve a dwelling on any strata lot.

*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 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.

### **Financial Implications**

#### ***Budget***

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

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

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

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

### **Consultation**

The application can be advertised to surrounding landowners if desired by Council.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**That Council:**

- A. Note that Strata Lot 52 is located within a designated bushfire prone area and the owner has lodged a Bushfire Attack Level assessment as part of the development application.**
- B. Approve the application for a dwelling on Strata Lot 52 Hammerston Way, Frankland River subject to the following conditions and advice note:**
- 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 strata lot boundaries with no water discharge into adjacent land or any other strata lot.**
  - 3. An informal driveway access to the proposed house and an informal emergency vehicle turnaround area (within 50 metres of the proposed dwelling) shall be maintained to be trafficable at all times to the satisfaction of the Shire Chief Executive Officer.**
  - 4. The owner to implement the measures outlined in the Bushfire Attack Level Assessment Report dated 4 February 2021 lodged as part of the application.**
  - 5. Water tank(s) with a minimum capacity of 92 kilolitres and approved on site effluent disposal must be installed and in operation prior to any occupation of dwelling.**
  - 6. 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.**

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<b>10.2.11</b>	<b>LOCAL EMERGENCY MANAGEMENT COMMITTEE MINUTES JANUARY 2021</b>
<b>RESPONSIBLE OFFICER:</b>	Greg Blycha- Chief Executive Officer
<b>REPORT AUTHOR:</b>	Kevin Bransby - Community Emergency Services Manager
<b>FILE REFERENCE:</b>	BF13
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	9 February 2021
<b>ATTACHMENTS:</b>	LEMC Minutes 27 January 2021

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### **Purpose**

The purpose of this report is for the Council to note the Minutes from Local Emergency Management Committee (LEMC) meeting convened on 27 January 2021.

### **Background**

The Shire of Cranbrook LEMC was established in accordance with the Emergency Management Act 2005 section 38 which states: *A local government is to establish one or more LEMC for the local government's district.*

The function of the 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 LEMC or prescribed by the regulations.

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

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

### Officer's Comment

Minutes from 27 January 2021 LEMC meeting are attached with no recommendations to Council from this meeting.

### Points of Note

- No doctors in Frankland River for two consecutive visits. Doctors have been cancelling appointments
- Covid-19 issues in Welfare Centres
- Anne Parsons achievements – Cranbrook Citizen of the Year and the Ambulance Service Medal
- New 12 lead AED for Cranbrook St John Sub Centre
- Shire of Cranbrook Adverse Event Plan – LEMC consultation scheduled on 19 February 2021
- LEMC Desk Top Exercise – Level 2 Incident Management Team set up in Cranbrook.

### Statutory Environment

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

*“Expenditure from municipal fund not included in annual budget*

*(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*

*(c) is authorised in advance by the mayor or president in an emergency.”*

### Policy Applicable – Implications

There is no Council policy applicable to this report.

### Financial Implications

There are no financial implications for this report.

### Risk Implications

The risks associated with matters in this report are: Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes continual liaison with the relative agencies involved with the COVID-19 pandemic, as well as regular LEMC meetings to ensure minimal disruption to the wider community and businesses in the Shire of Cranbrook.

### Strategic Community Plan Reference

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

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

Outcome 1.2: A safe place to live

Strategy 1.2.2: Advocate and actively support emergency management and services

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

Outcome 3.1: A protected, diverse, healthy natural environment

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

**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**

**That Council notes the attached minutes from the 27 January 2021 Local Emergency Management Committee Meeting.**

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<b>10.2.12</b>	<b>COMPLIANCE AUDIT RETURN - 2020</b>
<b>RESPONSIBLE OFFICER:</b>	Greg Blycha – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Trish Standish – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	AD5
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	10 February 2021
<b>ATTACHMENTS:</b>	2020 Compliance Audit Return

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### **Purpose**

The purpose of this report is for the Council to consider the Compliance Audit Return (CAR) for the 2020 calendar year as required by the Local Government Act 1995.

### **Background**

The CAR is one of the tools that allow the Council to monitor how the organisation is functioning. Each Local Government is required to carry out a compliance audit for the period 1 January – 31 December 2020 against the requirements included in the Local Government (Audit) Regulations.

### **Officers Comment**

The current structure of the CAR is restricted to the areas of compliance of those considered high risk. The Audit Committee is required to review the CAR and report the results of that review to the Council prior to adoption by the full Council and submission to the Department of Local Government Sport and Cultural Industries.

After the CAR has been presented to the Council, a certified copy of the return together with the relevant section of the minutes and any additional information explaining or qualifying the Compliance Audit is to be submitted to the Executive Director of the Department of Local Government Sport and Cultural Industries by 31 March 2021.

### **Statutory Environment**

The Local Government (Audit) regulations define the process and requirements for the compliance audit return.

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

There are no financial implications for this report.

### **Risk Implications**

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risk is 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 CAR is completed on time each year.

### **Strategic Community Plan Reference**

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

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

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

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

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **AUDIT COMMITTEE RECOMMENDATION**

The Audit Committee will be meeting at 12:30pm on Wednesday 17 February 2021, to discuss this report and will make a recommendation to the Council. The Officer's Recommendation for the Audit Committee to consider is:

**That the Audit Committee recommends to the Council that the Shire of Cranbrook's Compliance Audit Return for the period 1 January to 31 December 2020, as attached, be adopted.**

**10.3 WORKS**

Nil

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

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

**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.