

COUNCIL MEETING

AGENDA



For the Ordinary Meeting of Council to be held on

20 September 2023

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 20 September 2023 at the Cranbrook Council Chambers commencing at 3.00pm.

A handwritten signature in black ink, appearing to read 'L Gray', with a stylized flourish at the end.

Linda Gray
Chief Executive Officer



PUBLIC QUESTION TIME – RULES AND PROCEDURES

The Shire of Cranbrook provides the public with the opportunity to raise questions (as per Section 5.24 of the Local Government Act 1995), or to make a brief statement on issues of concern at all Ordinary Meetings, Special Meetings and Standing Committee Meetings of Council.

The Local Government (Administration) Regulations 1996 requires that a minimum of 15 minutes is to be provided at the beginning of the meeting for question time (where members of the public wish to ask questions).

Question time is the first item on the agenda and the following procedures apply:

1. Council encourages input from the public but will not debate any issue with those in attendance at meetings.
2. Questions should be directed to the Shire President (or Chairman at Committee Meetings). If the answer is not known and requires further investigation, questions will be taken on notice and a written response will be provided at a later date and such responses be recorded in the Minutes of the next ordinary meeting of Council.
3. The President (or Chairman) has the right to determine any address, question or statement made by a member of the public to be out of order if it is considered to be:
 - (i) a personal attack or adverse reflection on the integrity of Elected Members or Employees;
 - (ii) inappropriate behaviour and use of public question time. **Such behaviour will not be permitted or tolerated.**
4. Prevention of Disturbance (refer to Standing Order Local Law clause 8.6)
 - a) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so. (Penalty \$1,000)
 - b) No person observing a meeting is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means. (Penalty \$1,000)
5. Taped recording of meetings is not permitted.
6. Copies of “Public Question Time – Rules and Procedures” will be distributed at each Council/Committee Meetings where members of the public are in attendance.

DISCLAIMER

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

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

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

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AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

| | |
|------------------|------------------------|
| President | Cr PL (Phil) Horrocks |
| Deputy President | Cr G (George) Pollard |
| Councillors | Cr PM (Peter) Beech |
| | Cr JA (Jennifer) Quick |
| | Cr RW (Robert) Johnson |
| | Cr P (Perin) Mulcahy |

| | |
|-------------------------|-----------------------|
| Chief Executive Officer | Ms LA (Linda) Gray |
| Manager of Finance | Mrs DE (Diana) Marsh |
| Manager of Works | Mr JE (Jeff) Alderton |
| Executive Officer | Ms JL (Jo) Scott |

Members of the Public

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

| | |
|---------------------------------|-------------------|
| Cr LM (Lee) Casson | 20 September 2023 |
| Cr DM (Daisy) Egerton-Warburton | 20 September 2023 |
| Cr PW (Peter) Slater | 20 September 2023 |

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. DISCLOSURE OF INTEREST

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

The Meeting will be closed to discuss confidential item 13.1.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 16 August 2023

That the minutes from the Ordinary Meeting of Council held on 16 August 2023 be confirmed as a true and correct record.

10. REPORTS OF OFFICERS

10.1 CORPORATE AND COMMUNITY SERVICES

10.1.1 LIST OF PAYMENTS

| | |
|-----------------------------|---|
| RESPONSIBLE OFFICER: | Diana Marsh – Manager of Finance |
| REPORT AUTHOR: | Madeleine Hammond – Finance Officer |
| FILE REFERENCE: | FM2 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 04 September 2023 |
| ATTACHMENTS: | List of Payments – 1 August to 31 August 2023 |

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 August to 31 August 2023.

Background

Nil

Officer's Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulation 13 states:

13. List of accounts

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

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

Policy Applicable – Implications

Council Policy 4.8 – 'Purchasing', states that:

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

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

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

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

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

The **impacts** of the risk are: Financial, Non-Compliance and Reputational,

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

The **likelihood** is: Rare

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

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

Strategic Community Plan Reference

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

Key Pillar: Connect

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

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

Consultation

Consultation was not required for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the payment of accounts totalling \$407,706.29 as per the attachment be noted:

- **Electronic Funds Transfers EFT 14464 to EFT 14560 - \$236,397.91;**
- **Internal Account Transfers (Payroll) - \$130,106.10; and**
- **Direct Debit - \$41,202.28.**

10.1.2 MONTHLY FINANCIAL REPORT – AUGUST 2023

RESPONSIBLE OFFICER: Diana Marsh – Manager of Finance
REPORT AUTHOR: Darren Long – Finance Consultant
FILE REFERENCE: FM12
APPLICANT: N/A
DATE OF REPORT: 13 September 2023
ATTACHMENTS: Financial Statements for August 2023

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 August 2023.

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

In the Local Government (Financial Management) Regulations 1996, part 4, which outlines the monthly financial reporting requirements, has recently been amended with changes effective from 1 July 2023. The statement of financial activity in the monthly report is now required to be structured in the same way as the annual budget and is to be shown according to nature classification. The monthly report must also include a statement of financial position as at the last day of the previous month. These reports must be presented within 2 months after the end of the previous month and be recorded in the minutes of the meeting at which it is presented.

The template for the Monthly Financial Report has been updated to comply with industry standards and all statutory reporting requirements are contained within the report.

The attached August 2023 Monthly Financial Report represents two (2) months of the financial year. The following items are worthy of noting on the August 2023 report:

- Closing surplus position of \$5,140,449 (shown on page 2).
- Cash and cash equivalents of \$5,951,681 of which \$3,156,047 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$2,390,088 equates to the 2023/2024 rates levied and arrears from previous years (shown on page 15); and
- Explanation of material variances is shown by nature on page 6.

Statutory Environment

The Local Government (Financial Management) Regulations 1996 define the requirements for monthly financial reporting (Regulations 34 and 35).

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

Key Pillar: Connect

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

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

Consultation

Consultation was not required for this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 August 2023 be received.

10.1.3**BUDGET AMENDMENT**

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Linda Gray – Chief Executive Officer
FILE REFERENCE: FM6
APPLICANT: N/A
DATE OF REPORT: 13 September 2023
ATTACHMENTS: 2019 MARKYT Catalyst Scorecard

Purpose

The purpose of this report is for the Council to consider approving an amendment to the 2023/24 adopted budget.

Background

At the 19 July 2023 meeting of Council it was resolved that:

“That pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopts the Annual Budget as contained in the attachment to this report for the 2023/2024 financial year...”

Since the adoption of the budget in July staff have been notified by third parties of some amendments to the original budgeted amounts and this has resulted in a small surplus.

Officer’s Comment

Explanations for the recommended amendments are as follows:

- On adoption of the budget each year, the amount of Financial Assistance and Local Roads Grants is typically unknown. A conservative approach is taken with last year’s actual figures being used. This year there was an additional amount totaling \$88,037.
- There was an error in the allocation of funds to the re-configuration of the Frankland River Self Contained units which included the purchase of new beds and bedside furniture to suit. The total cost will be \$10,000 to go into Frankland River Caravan Park Job Number CP203/132004 Economic Services.
- Health/Building Services – there has been a gap in our service delivery in these areas. We have appointed a Health/Building Services Officer, Laura Pikoss, but have found over the last eighteen months that she has not been available when required due to her workload and being based in Perth, and there have been no onsite visits. This gap has also been exacerbated by a lack of Health Officers overall in Western Australia. In order to provide the level of service, I have appointed Mr David Hadden, an experienced Health and Building Officer who has already made himself known to the community and attended most of the Shire’s food vendor premises. However, we will need to increase the Health and Building cost centres as follows to cover the travel required as he will attend the Shire in person at least four times a year. Therefore, increase the current approved budget amount in Building Surveyor expenses 11330100 from \$6,084 to \$10,084 (increase of \$4,000) Law Order & Public Safety, and increase the current budget amount in Health Admin Contract EHO expenses 10740010 from \$5,000 to \$13,000 (increase of \$8,000) due to increased workload.

The account expenses increase will be balanced from the additional FAGs funding of \$88,037 with \$10,000 being allocated to Contract Financial Services 10420140 Governance, \$46,037 to Professional Services expenses 10430210 Governance and \$10,000 to Legal Expenses 10420080

Governance. This can be re-allocated if not required at Budget Review, but we are re-negotiating two enterprise bargaining agreements at the moment, and due to the changeover from Federal to State Industrial legislation, there will be increased legal fees. We are also updating our local laws and will be doing our Community Strategic Plan in early 2024 with a Survey being circulated by MARKYT Catalyst in November 2023 at a cost of approximately \$10,000. This will give us a comparison result with the MARKYT Catalyst scorecard done by the Shire of Cranbrook in 2019 (pre-covid) as attached.

I am very keen to get an understanding and a benchmark of how we are travelling, and the perception of the Council's work by the Tenterden, Cranbrook and Frankland River communities. This will assist the new Council going forward for the next two to four years.

Statutory Environment

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

Section 6.8 – Expenditure from municipal fund not included in annual budget.

- “(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –
- (a) Is incurred in a financial year before the adoption of the annual budget by the local government;
 - (b) Is authorized in advance by resolution*; or
 - (c) Is authorized in advance by the mayor or president in an emergency.”

*Absolute majority required

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

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The recommended changes to the 2023/2024 adopted budget will ensure the budget is once again balanced.

Risk Implications

The risks associated with matters in this report are: Errors, Omissions and Delays

- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impacts** of the risk are: Financial, Non-Compliance

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

The **likelihood** is: Unlikely

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

Risk mitigation includes discussion with Executive Management Team and presentation of budget amendments to Council.

Strategic Community Plan Reference

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

Key Pillar: Live

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

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

Consultation

Consultation for this report included the Executive Management Team

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

That Council approve the following amendments to the 2023/2024 budget:

| GL Code | Description | Classification | \$ Original Budget | \$ Amended Budget |
|----------|---------------------------------------|-----------------------|--------------------------|-------------------------|
| 10321000 | Financial Assistance Grant adjustment | Operating Income | 0 | 48,120 |
| 10321010 | Local Roads Grant adjustment | Operating Income | 0 | 39,917 |
| CP203 | Frankland River Caravan Park | Operating Expenses | 65,991 | 75,991 |
| 11330100 | Building Surveyor Employee Expenses | Operating Expenses | 6,084 | 0 |
| 11330010 | Contract Building Surveyor Expenses | Operating Expenses | 0 | 10,084 |
| 10740010 | Contract EHO Expenses | Operating Expenses | 5,000 | 13,000 |
| 10430210 | Contract Financial Services | Operating Expenses | 20,000 | 30,000 |
| 10420080 | Legal Expenses | Operating Expenses | 20,000 | 30,000 |
| 10430210 | Professional Services | Operating Expenses | 120,000 | 166,037 |

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 PLANNING APPLICATION – PROPOSED OUTBUILDING – LOT 2 (NO 25) GRENFELL STREET, CRANBROOK

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Consultant Planner (Town Planning Innovations)
FILE REFERENCE: A143
APPLICANT: Terry Warren
DATE OF REPORT: 14 September 2023
ATTACHMENTS: Nil

Purpose

The purpose of this report is for Council to consider a development application for an outbuilding on Lot 2 (No 25) Grenfell Street, Cranbrook.

Background

Lot 2 is zoned 'Residential' under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme).

An aerial is included below as a location plan. The lot has an approximate area of 2023m², and contains an existing house.



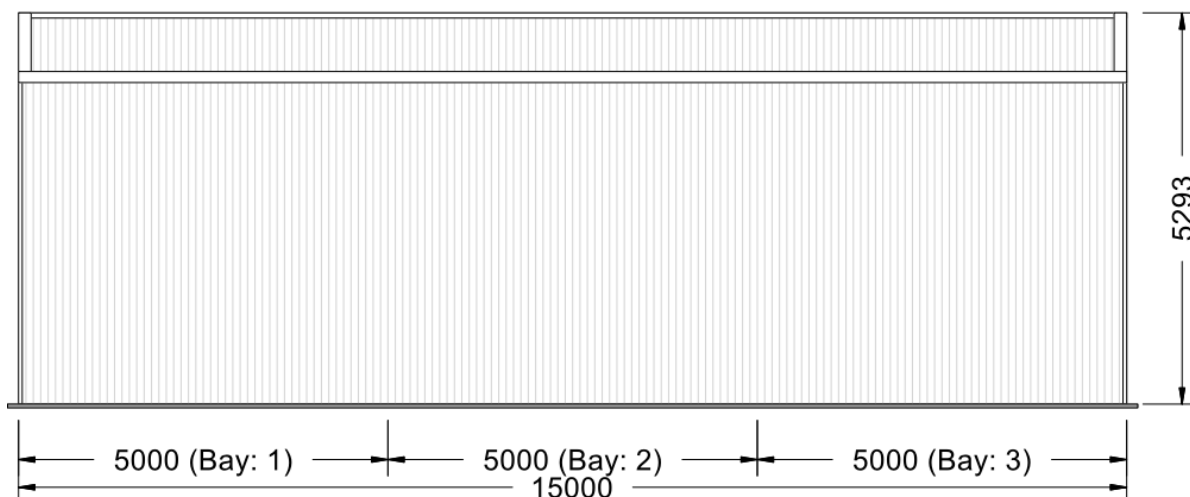
Above: Location Plan

Officer's Comment

- *Description of Proposal*

The owner proposes an outbuilding on the lot for additional storage.

The outbuilding is proposed to the south west of the existing house. It is proposed to be setback 3 metres from the nearest side boundary and 2 metres from the rear boundary.



- **Residential Design Codes**

The Residential Design Codes ('the Codes') operate as a state planning policy and have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Under the Residential Design Codes there are specific 'Deemed to Comply' requirements for outbuildings. Where an application complies with the 'deemed to comply' criteria it doesn't need planning approval if ancillary to a dwelling.

The proposed outbuilding seeks variations to the Residential Design Codes as detailed below:

| Clause 5.4.3 C3 B 'deemed to comply' criteria / Outbuildings that: | Officer Comment (TPI) |
|---|--|
| (i) individually or collectively does not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser | Variation. The proposed outbuilding has a floor area of 135m ² . |
| (ii) setback in accordance with Table 2a. | Complies. |
| (iii) does not exceed a wall height of 2.4 metres | Variation. A wall height of 4.5 metres is proposed. |
| (iv) does not exceed a ridge height of 4.2 metres | Variation. The maximum ridge height is 5.23 metres. |
| (vi) not located within the primary or secondary street setback area; and | Complies. |
| (vi) do not reduce the open space and outdoor living area requirements in table 1. | Complies. |

As the application proposes variations to the 'Deemed to Comply' requirements Council has to determine if the outbuilding complies with the 'Design Principle' (5.4.3 P3) of the Codes which is:

"Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties".

TPI has reservations over the wall and roof height proposed. Most dividing fences are 1.8 metres high, which means the outbuilding will be visible from neighbouring lots.

Notwithstanding the above, support is recommended having regard for the larger lot size, lack of neighbour objections, the location of the new structure behind the house, and that the outbuilding has a large setback to the street.

It is recognised that the 'deemed to comply' requirements of the R Codes apply without taking into account the size of the lot. In this case the lot has an area exceeding 2000m².

From a streetscape perspective, outbuildings that are setback behind dwellings tend to have a lesser public visual impact. Below is a photograph of an outbuilding setback from the street, with a wall height of 4.5 metres, roof peak height of 5.029 metres and floor area of 54m².



Outbuildings located beside a dwelling tend to have a larger streetscape impact. The outbuilding above has a wall height of 4 metres, a roof peak height of 4.6 metres and a floor area of 94m². It is not as high as the structure in photo 1, but is more visible from the street.

- **Alternative Options Available to Council**

Approval of the outbuilding will set a precedent in terms of size and heights. Council may defer determination of the application and request the owner lodge revised plans with a lower wall and roof height.

Alternatively, if Council does not consider that the application meets the 'Design Principle' (5.4.3 P3) of the Codes the application can be refused based on the potential negative visual impact on neighbouring lots.

Statutory Environment

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

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

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

Clause 61(1)(d) only exempts outbuildings from the need for planning approval where no variation to the 'deemed to comply' provisions of the Residential Design Codes are proposed.

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 is no Council policy applicable to this report. Some local governments have developed local planning policies on outbuildings which allow increased heights and sizes for larger lots.

The Residential Design Codes operate as a State Planning Policy.

Financial Implications

The Shire pays consultancy fees to TPI for general planning advice.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impacts** of the risk are: Non-Compliance

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

The **likelihood** is: Unlikely

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

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

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

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

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

Consultation

Consultation for the application included:

- (a) Letters to nearby and surrounding landowners;
- (b) Publication of the proposed plans on the Shire website.

Advertising has closed and there were no submissions received.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Note that the application for an outbuilding on Lot 2 (No 25) Grenfell Street, Cranbrook has been advertised for public comment, and no submissions have been received.
2. Determine that the outbuilding meets the alternative Design Principle 5.4.3 P3 of the Residential Design Codes as *'it does not detract from the streetscape or the visual amenity of residents of neighbouring properties'*.
3. Approve the Outbuilding and ancillary water tank on Lot 2 (No 25) Grenfell Street, Cranbrook subject to the following conditions and footnote:
 - (i) The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.
 - (ii) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.
 - (iii) The building is only approved for non habitable purposes.
 - (iv) 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:

- (a) Please be advised that this is a planning consent only. A separate application for a Building Permit needs to be lodged to the Shire.

| | |
|-----------------------------|--|
| 10.2.2 | PLANNING APPLICATION – PROPOSED SINGLE HOUSE – LOT 14 (NO 17) WARD PLACE, FRANKLAND RIVER |
| RESPONSIBLE OFFICER: | Linda Gray – Chief Executive Officer |
| REPORT AUTHOR: | Liz Bushby – Consultant Planner (Town Planning Innovations) |
| FILE REFERENCE: | A1100 |
| APPLICANT: | James Alexander & June Roberts |
| DATE OF REPORT: | 13 September 2023 |
| ATTACHMENTS: | Development Plans |

Purpose

The purpose of this report is for Council to consider a development application for a single house on Lot 14 (No 17) Ward Place, Frankland River.

Background

Lot 14 is zoned 'Rural Residential' under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme). All development in the Rural Residential zone requires planning approval.

The lot has an approximate area of 2.29 hectares, and contains an existing outbuilding.

The lot is located on the corner of Rocky Gully Frankland Road and Ward Place in Frankland River.

An aerial is included below, and a location page is included over page.



Above: Location Plan showing Lot 14 (in red outline)



Above: Broader Location Plan showing Lot 14 (in blue)

Officer's Comment

- ***Description of Proposal***

The owners of Lot 14 have lodged a planning application proposing to place a new transportable single house on the abovementioned lot. The house is proposed to the rear of an existing outbuilding.

The building will measure 13 metres in length, 4 metres in width and have a maximum height of approximately 3.5 metres.

The front façade will have a combination of building materials including glass, horizontal merbau, and vertical trim deck wall cladding.

Ancillary development including two water tanks and a retaining wall for the existing outbuilding are also proposed.

- ***Setbacks***

The Scheme requires a front setback of 30 metres and a 10 metre setback to any side and rear lot boundaries.

The application complies with the minimum setback requirements. The house is proposed to be setback approximately 80 metres from the Ward Place lot boundary and over 20 metres from the eastern side boundary.

• **State Planning Policy 3.7 : Planning for 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. Lot 14 is within the declared bushfire prone area.

Under the WAPC Bushfire Guidelines all planning applications in Bushfire Prone Areas are to be accompanied by a BAL (Bushfire Attack Level) assessment.

A Bushfire Attack Level (BAL) assessment has been lodged with the application, and BAL-29 can be achieved for the dwelling, which is acceptable under current bushfire policy requirements.

Additional guideline requirements are assessed and summarised in the table below.

| Summary of Bushfire Guideline Requirements | Officer Comment |
|---|---|
| As the driveway is more than 70 metres long, a 20 metre long passing bay is required, along with a turnaround area. | There is a 30 metre section of driveway that has sufficient area for vehicles to pass near the Ward Place lot boundary. Emergency vehicles can turnaround near the main entrance into the lot or circle around the existing outbuilding – refer aerial over page. |
| Driveways to have a minimum trafficable driveway width of 4 metres with a 6 metre horizontal clearance. | There is a clear defined existing gravel driveway with good access around the existing outbuilding. |
| A 10, 000 litre water supply dedicated to firefighting purposes is required. | Two 27,500 litre water tanks are proposed adjacent to the existing outbuilding. The owners have advised that area south of the proposed water tanks/ existing outbuilding is trafficable, accessible hardstand. |



Above: Enlargement of existing outbuilding with driveway turnaround/ passing areas

Shire of Cranbrook Town Planning Scheme No 4 –

Clause 5.18.4 sets out development requirements and states:

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

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

Schedule 11 requires a dwelling to be provided with a rainwater tank with a minimum capacity of 90 kilolitres, and for a water supply tank to have camlock fittings providing access to some of the tank capacity for fire fighting.

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

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

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

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to TPI for general planning advice.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impacts** of the risk are: Non-Compliance

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

The **likelihood** is: Unlikely

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

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

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

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

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

Consultation

Consultation was not required for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- A. Approve the application for a single house and associated works (retaining and water tanks) on Lot 14 (No 17) Ward Place, Tenterden subject to the following conditions and footnotes:**
- 1. Lodgement of a revised site plan prior to the issue of a Building Permit for separate written approval by the Shire Chief Executive Officer that includes:**
 - (a) The size and location of all existing and proposed rainwater tanks to achieve a combined minimum capacity of 90 kilolitres; and**
 - (b) Provision to made for one water tank accessible from a driveway to maintain a minimum of 10 kilolitres of water dedicated to fire fighting. The water tank to be fitted with 50mm male camlock coupling with a full flow valve.**
 - 2. All water tanks shown on any revised site plan approved by the Shire in writing in accordance with Condition 1 shall be installed prior to occupation of the proposed dwelling.**
 - 3. The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.**
 - 4. All driveway, turnaround areas and water tank(s) shall be always maintained to the satisfaction of the Shire Chief Executive Officer.**
 - 5. An Asset Protection Zone around the proposed dwelling shall be maintained at all times by the owners of the lot, and managed in accordance with the 'Standards for Asset Protection Zones' contained in the Bushfire Attack Level Assessment prepared by Bio Diverse Solutions dated the 28 June 2023.**
 - 6. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into road reserve unless otherwise approved in writing by the Chief Executive Officer.**
 - 7. 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.**

Footnotes:

- (i) Please ensure that you have complied with Condition 1 prior to lodging any separate application for a Building Permit.**
- (ii) The owners are advised that they need to apply to the Shire for separate approval for installation of any on site effluent disposal.**

| | |
|-----------------------------|--|
| 10.2.3 | CRANBROOK AND FRANKLAND RIVER LIBRARIES – FUNDING AGREEMENT |
| RESPONSIBLE OFFICER: | Linda Gray – Chief Executive Officer |
| REPORT AUTHOR: | Jenny Cristinelli – Community Development Manager |
| FILE REFERENCE: | R25331 & GO27 |
| APPLICANT: | Nil |
| DATE OF REPORT: | 14 September 2023 |
| ATTACHMENTS: | 1. Cranbrook Library Funding Agreement 2. Frankland River Library Funding Agreement |

Purpose

The purpose of this report is for the Council to consider renewing the library funding agreement for the Cranbrook and Frankland River Libraries.

Background

At the 20 July 2022 Ordinary Meeting of Council, it was resolved that Council:

- 1. Endorse the attached funding agreement and associated funding commitments for the Gillamii Centre Inc for the next 12 months; and**
- 2. Authorise the Chief Executive Officer to execute the attached funding agreement described above.**

At the 21 September 2022 Ordinary Meeting of Council, it was resolved that Council:

- 1. Endorse the attached funding agreement and associated funding commitments with the Frankland River Community Resource Centre for the management and provision of services for the Frankland River Library on behalf of the Shire of Cranbrook for a one year, and**
- 2. Endorse the attached funding agreement and associated funding commitments with the Frankland River Community Resource Centre for the delivery of services to residents of Frankland River and the wider community on behalf of the Shire of Cranbrook for three years, and**
- 3. Authorise the Chief Executive Officer to execute the attached funding agreements described above.**

Officer's Comment

It is considered best practice for all community organisations that receive funding from the Shire to have similar funding agreements that are for a set period. This enables all parties to regularly review the agreements to ensure they continue to work for both parties, as well as outlining some key performance indicators (KPI's) to ensure the Council's expectations are being met.

Previously the funding agreements have been in place for 3 years. The two agreements were approved at the July and September 2022 Ordinary Council meetings to be for a one-year period. This allowed the Shire of Cranbrook and the two organisations to review throughout the financial year and work towards budgeting for the 2023/2024 financial year.

The Gillamii Centre and Frankland River Community Resource Centre received \$13,000 each for the 2022/2023 financial year to operate their libraries. Before last year, these library agreements have been included into the operational funding agreements that the Shire holds with each organisational provider, both parties have been working with the one-year agreement which is better suited for their operational alignment with State Library WA for reporting purposes.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The total cost of the matters in this report are anticipated to be \$28,000 over in the 2023/2024 Financial Year.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Business and Community Disruption
- Inadequate Engagement Practices
- Inadequate Asset Sustainability Practices

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

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

The **likelihood** is Rare

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

Strategic Community Plan Reference

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

Key Pillar: Live

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

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

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

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

Deliverable 4.1: A transparent and accessible facility use analysis.

Key Pillar: Visit

Outcome 11 – Public Spaces: Celebrated main-streets and town icons which are inviting meeting places for locals and visitors.

Key Pillar: Connect

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

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

Consultation

Consultation for this report included Shire staff and Gillamii Centre and Frankland River Community Resource Centre staff.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Endorse the attached funding agreements and associated funding commitments for the Gillamii Centre Inc. and Frankland River Community Resource Centre for the 2023/2024 financial year; and**
- 2. Authorise the Chief Executive Officer to execute the attached funding agreements described above.**

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

CONFIDENTIAL

| | |
|-----------------------------|---|
| 13.1 | SALE OF LAND – NON-PAYMENT OF RATES – LOT 38 (NO. 23) GITTINSMILL CLOSE, FRANKLAND RIVER |
| RESPONSIBLE OFFICER: | Diana Marsh – Manager of Finance |
| REPORT AUTHOR: | Alecia Taylor – Finance Officer |
| FILE REFERENCE: | A1177 |
| APPLICANT: | Shire of Cranbrook |
| DATE OF REPORT: | 11 September 2023 |
| ATTACHMENTS: | Certificate of Title |

Statutory Environment

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

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

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION:

That the meeting be closed to members of the public in accordance with section 5.23 (b) of the Local Government Act 1995, to discuss the personal affairs of any person.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council, in accordance with section 6.68(2)(b) of the Local Government Act 1995, having made reasonable efforts to locate the owner of the property and having been unable to do so:

1. Approve the disposal of property, Assessment A1177 in accordance with the provisions of Section 6.64(1)(b) of the Local Government Act 1995 to recover outstanding rates and charges, which are in arrears for a period of excess of three (3) years;
2. Approve the compliance with Form 5 legislative and Landgate requirements with proof of authority on the Title to enable the property to proceed to sale;
3. Approve the sale advertising processes in accordance with legislative requirements which must include local community public advertising formats.
4. The Council grant delegated authority to the Chief Executive Officer to set the reserve price for which the Property is to be sold, on the basis of a sworn valuation provided to the CEO in relation to the property and reserve price is to be kept confidential, other than dealing with the sales professionals.

OFFICER'S RECOMMENDATION:

That the meeting be re-opened to members of the public.

14. CLOSURE OF MEETING

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