

COUNCIL MEETING

AGENDA



For the Ordinary Meeting of Council to be held on

15 November 2023

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 15 November 2023 at the Frankland River Community Centre commencing at 3.00pm.



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 Pollard 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 G (George) Pollard
Deputy President	Cr DM (Daisy) Egerton-Warburton
Councillors	Cr RW (Robert) Johnson
	Cr LM (Lee) Casson
	Cr P (Peter) Denton
	Cr P (Perin) Mulcahy

Chief Executive Officer	Ms LA (Linda) Gray
Manager of Finance	Mrs DE (Diana) Marsh
Executive Officer	Miss JL (Jo) Scott

Members of the Public

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

Cr PW (Peter) Slater – 15 November 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 items 13.1 and 13.2

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 18 October 2023

That the minutes from the ordinary meeting of Council held on 18 October 2023, be confirmed as a true and correct record.

9.2 SPECIAL COUNCIL MEETING – 21 October 2023

That the minutes from the Special Meeting of Council held on 21 October 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:	08/11/2023
ATTACHMENTS:	List of Payments – 1 October to 31 October 2023

Purpose

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

Background

Nil

Officer's Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulation 13 and 13A 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.

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared — (a) the payee's name;

- (b) the amount of the payment;
- (c) the date of the payment;
- (d) sufficient information to identify the payment.

(2) A list prepared under sub regulation (1) must be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

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 \$976,305.26 as per the attachment be noted:

- **Electronic Funds Transfers EFT 14645 to EFT 14758 - \$707,851.04, including fuel card purchases of \$780.18;**
- **Internal Account Transfers (Payroll) - \$223,118.70;**
- **Direct Debit - \$44,035.52, including credit card purchases of \$6,155.86; and**
- **Cheque Payments. Cheque 12270 to 12271 - \$1,300.00**

10.1.2 MONTHLY FINANCIAL REPORT – OCTOBER 2023

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Chelsea Paterson – Finance Officer
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	08/11/2023
ATTACHMENTS:	Financial Statements for October 2023

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 October 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 October 2023 Monthly Financial Report represents four (4) months of the financial year. The following items are worthy of noting on the October 2023 report:

- Closing surplus position of \$3,953,750 (shown on page 2).
- Cash and cash equivalents of \$7,231,364 of which \$3,170,117 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$149,851 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 October 2023 be received.

10.1.3	NEW BANK ACCOUNT
RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	FM3
APPLICANT:	N/A
DATE OF REPORT:	9/11/2023
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider opening a new bank account with an authorised deposit taking institution in accordance with the Local Government (Financial Management) Regulations 1996, for the purpose of facilitating online payments for the Shire of Cranbrook.

Background

Since early 2021 the Shire of Cranbrook has offered online payment and booking services for the Cranbrook Caravan Park. A large amount of work was undertaken by staff at this time to identify and implement the best booking system for the shire's needs and RMS Cloud was the provider settled on.

For customers to pay online using RMS booking a payment gateway provider is required. Until recently, Windcave was successfully used as the payment gateway provider between Bendigo Bank and RMS, however, Bendigo Bank has moved its online payment solutions to Tyro and our ability to take online payments and bookings has ceased. Bendigo Bank have advised their system does not support Windcave and their suggested payment gateway options are not supported by RMS Cloud.

The online booking system has been a popular option for travellers staying at the Cranbrook Caravan Park, and staff would be keen to see it extended to the Frankland River Caravan Park also. Online booking has become the industry norm for caravan parks. For the Shire of Cranbrook, it is also seen as an integral part of running our parks in the future, allowing flexibility with staffing solutions while still maintaining an acceptable standard of operation.

Negative feedback has been received from customers about the system not working, particularly over weekends when no staff are available onsite to take payment or give the code for the ablution block. Having an online booking system that works will address these issues and remove the need for staff to be on call or having to come in to work out of hours.

The move to Tyro by Bendigo Bank has also stopped the Shire from being able to take online rates payments via the Shire's website.

Officer's Comment

Communication with Bendigo Bank, Windcave, Tyro and RMS Cloud have effectively ended in a stalemate and it appears that the simplest option to move forward will be to open a bank account with another bank that is compatible with Windcave.

Funds in a new bank account will remain municipal funds and it is proposed that a sum of \$500 be transferred from the Bendigo Bank Municipal Account to the new bank account on opening and that the signatories be allowed in accordance with Council Delegation 1.30 Investments.

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

A separate bank account for online payments will allow for ease of monitoring online payment use.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays

The **impacts** of the risk are: Financial, Service Interruption, Reputational

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 monthly bank reconciliations and ongoing updating and monitoring of the RMS Cloud system by staff.

Strategic Community Plan Reference

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

Key Pillar: Visit

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

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

Outcome 12 – Brand: A growing distinguishable regional brand.

Deliverable 12.1: A defined brand which is translated consistently across the region and is celebrated as a community.

Key Pillar: Connect

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

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

Consultation

Consultation for this report included the Executive Management Team.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council approve the Chief Executive Officer to open a bank account with an authorised deposit taking institution in accordance with the Local Government (Financial Management) Regulations 1996, for the purpose of facilitating online payments for the Shire of Cranbrook.

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 REVIEW OF LOCAL LAWS UNDER S3.16 OF THE LOCAL GOVERNMENT ACT 1995

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Chris Liversage – Conway Highbury Pty Ltd
FILE REFERENCE:	LEO
APPLICANT:	N/A
DATE OF REPORT:	20 October 2023
ATTACHMENTS:	Nil

Purpose

Section 3.16 of the Local Government Act 1995 requires local governments to undertake a review of their local laws every eight years. The Shire's local laws are due for review.

This involves a process of calling for public comment, which has now ended, closing on 10 October 2023. Changes required can now be made and redundant local laws repealed.

Background

The Shire has in place a number of local laws:

- Bush Fire Brigades Local law 2002;
- Standing Orders Local Law 2002;
- Dogs Local Law 2002;
- Local Government Property 2002;
- Cemeteries Local Law 2001;
- Activities on Thoroughfares and Trading in Thoroughfares and Public Places 2002; and
- Health Local Law 1998.

At its Ordinary Meeting held on 16 August 2023 Council resolved to call for public comments as required by s3.16. At the close of the period for submissions on 10 October 2023, no submissions were received.

Officer's Comment

As reported to council on 16 August 2023 a number of changes to local laws are advisable, including:

1. Dog exercise areas are now established by a council resolution and local public notice not by local law;
2. Cats are regulated under the Cat Act rather than the Public Health Act;
3. A number of local government have introduced a cut down version of Bush Fire Brigades Local Laws that deal only with what the Bush Fires Act requires must be dealt with by local laws; and
4. Local laws relating to rubbish collection, removal and disposal are now dealt with under the Waste and Resource Recovery Act under which the Shire should consider making a Waste Local Law.

In addition, while the Minister for Local Government has announced that the State intends to make a Regulation about meeting procedures it has not yet done so.

Reports to council to initiate these changes listed above using s3.12 of the Act will be submitted in due course.

Statutory Environment

Section 3.16 of the Local Government Act 1995 provides that:

3.16. Periodic review of local laws

(1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

(2) The local government is to give local public notice stating that —

(a) the local government proposes to review the local law; and

(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and

(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) When its council has considered the report, the local government may determine whether or not it considers that the local law should be repealed or amended.*

** Absolute majority required.*

The Shire has now complied with s3.16 and can make changes to its local laws using the process under s3.12 of the Act.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

Given the specialised nature of this project, the Shire has engaged Chris Liversage of Conway Highbury Consulting Pty Ltd to assist with this project. The cost to initiate the s3.16 review, advertise it for public comment, and report the outcomes to council was \$880 plus GST.

Further costs are estimated at \$6,720 plus GST to make the amendments suggested to the Shire's local laws plus any advertising and Gazettal costs. Funds are included in Expense Account E043021 - Professional Services.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Rare.

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

Risk mitigation includes simply dealing with the Shire's obligations to undertake and finalise the s3.16 review, and then implementation of any required changes.

Strategic Community Plan Reference

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

Key Pillar: Connect

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

Consultation

Any required amendments to local laws are to be advertised for public comment under s3.12, and copies sent to the Minister for Local Government.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council notes that:

1. There were no submissions about the review of the Shires local laws under s3.16 of the Local Government Act 1995; and
2. A number of changes to various local laws to ensure they are up to date will be presented to council in due course.

**10.2.2 PLANNING APPLICATION – PROPOSED OUTBUILDING – LOT 232 (NO 7)
CAMPBELL STREET, CRANBROOK**

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Consultant Planner (Town Planning Innovations)
FILE REFERENCE: A240
APPLICANT: Glenn Adams
DATE OF REPORT: 9/11/2023
ATTACHMENTS: Nil

Purpose

The purpose of this report is for Council to consider a development application for an outbuilding on Lot 232 (No 7) Campbell Street, Cranbrook.

Background

Lot 232 is zoned 'Residential' with a base R12.5 density code 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 1090m², and contains an existing house, chicken coop and outbuilding.



Above: Location Plan

Officer's Comment

- *Description of Proposal*

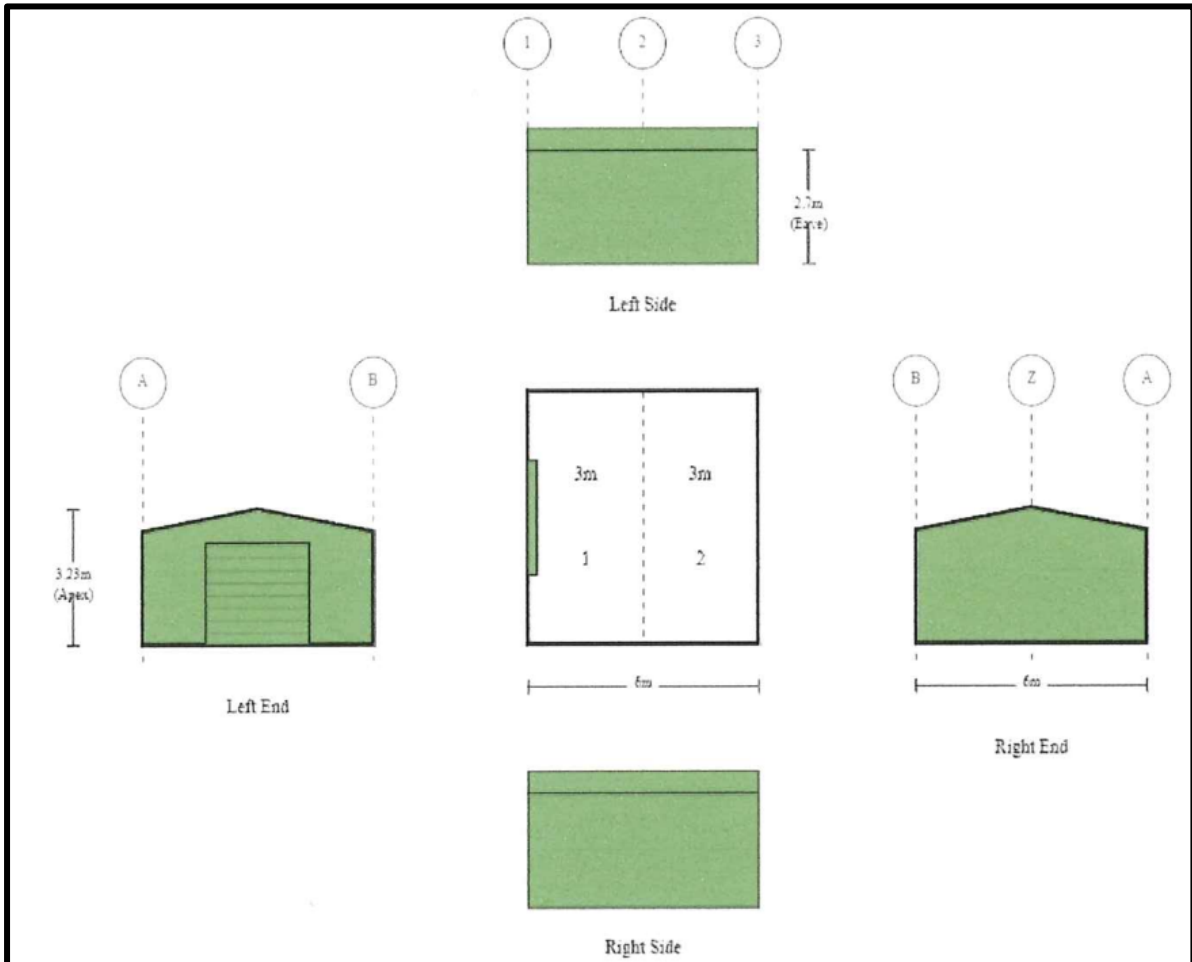
The owner proposes an outbuilding on the lot for additional storage.

The outbuilding is proposed to the north west of the existing house. It is proposed to be setback 2 metres from the nearest north west side boundary and 8 metres from the Campbell Street lot boundary.

The site plan is included below for ease of reference.



The elevations are included below for ease of reference.



• **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 one variation 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	Complies. The proposed outbuilding has a floor area of 36m ² . Minor Variation – with existing shed. Even taking into account the existing outbuilding on site (33.75m ²), only a minor variation is proposed. The existing shed is proposed to be removed.
(ii) setback in accordance with Table 2a.	Complies.
(iii) does not exceed a wall height of 2.4 metres	Variation. A wall height of 2.7 metres is proposed.
(iv) does not exceed a ridge height of 4.2 metres	Complies. The maximum ridge height is 3.23 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 a variation 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 supports the proposed development, noting that the only variation is that the wall height is 30 centimetres higher than permissible under the Codes.

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.

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

Policy Applicable – Implications

There is no Council policy applicable to this report.

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:

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.

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

The Shire is advertising the application for public comment. Advertising closes on 23 November 2023.

Voting Requirements

Absolute Majority (for delegated authority)

OFFICER'S RECOMMENDATION

That Council:

- 1. Note that the application for an outbuilding on Lot 232 (No 7) Campbell Street, Cranbrook is being advertised for public comment until 23 November 2023.**

- 2. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for an outbuilding on Lot 232 (No 7) Campbell Street, Cranbrook.**

10.2.3	PLANNING APPLICATION – APPLICATION SEEKING RETROSPECTIVE PLANNING APPROVAL FOR AN EXISTING PATIO – LOT 108 (No 87) CLIMIE STREET, CRANBROOK
RESPONSIBLE OFFICER:	Linda Gray - Chief Executive Officer
REPORT AUTHOR:	Liz Bushby, Town Planning Innovations (TPI)
FILE REFERENCE:	A9232
APPLICANT:	J & B Horrocks
DATE OF REPORT:	8/11/2023
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider an application seeking retrospective planning approval for a patio constructed on Lot 108 (87) Climie Street, Cranbrook.

Background

Lot 108 is zoned ‘Town Centre’ under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme’).

The lot has an area of 2012m² and has been developed with a single house, associated outbuildings and a patio. The current owners have recently purchased Lot 108 and require planning approval for the patio, so that they can then apply for a Building Certificate for the unauthorised structure.

An aerial is included below.



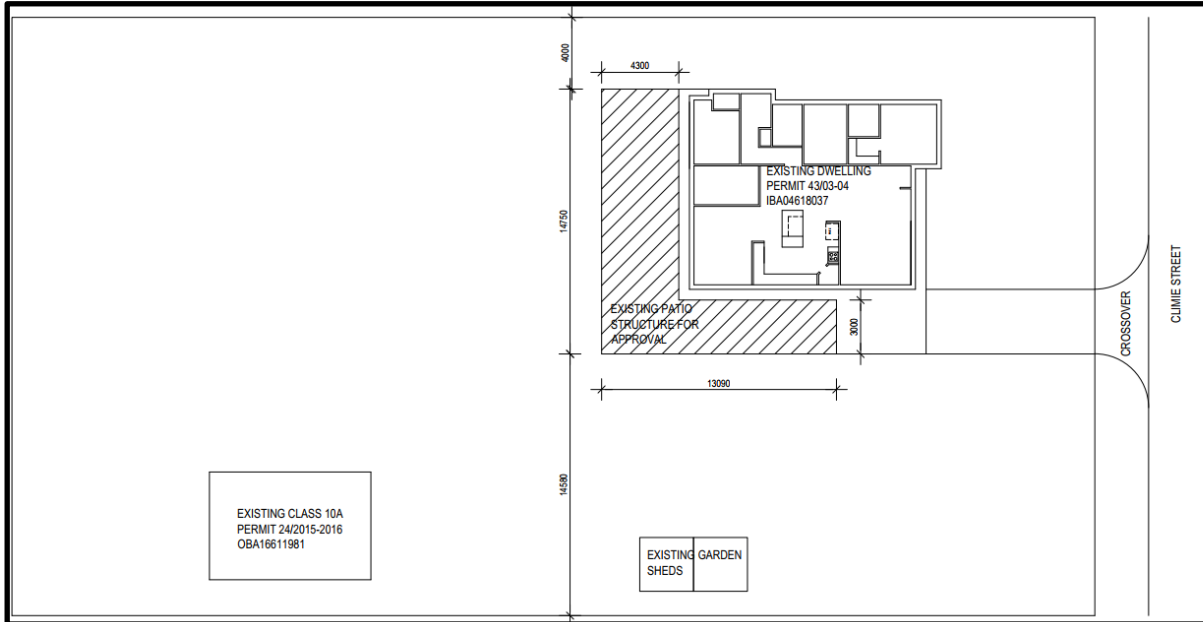
Above: Aerial Plan

Officer’s Comment

The patio has been constructed to the south west side and rear of the existing house. It has a total roof cover area of 89.31m².

The patio is setback 14.5 metres from the south west lot boundary and 4 metres for the nearest north east lot boundary.

A site plan and elevations are included over page for ease of reference.



The patio is attached to the house, has adequate setbacks, has a pitched roof to complement the existing house and has no negative amenity impact. Accordingly, it is recommended that the application be conditionally approved.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 65 provides local governments with the ability to consider an application for approval where the development has already commenced or been carried out.

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

Shire of Cranbrook Town Planning Scheme No 4 –

The patio requires planning approval as it is on a lot zoned Town Centre under the Shire of Cranbrook Town Planning Scheme No 4.

Under Clause 5.16.1 all site requirements and setbacks are to the discretion of the local government.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

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

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **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:

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.

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 Council approve the application seeking retrospective approval for a patio on Lot 108 (87) Climie Street, Cranbrook subject to the following conditions and footnotes:

- 1. 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.**

- 2. 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.**

Footnote:

- (i) Please be advised that you will need to apply for a separate Building Approval Certificate.**

10.2.4	PLANNING APPLICATION – PROPOSED PATIO – LOT 1 (No 3) DUNN STREET, CRANBROOK
RESPONSIBLE OFFICER:	Linda Gray - Chief Executive Officer
REPORT AUTHOR:	Liz Bushby, Town Planning Innovations (TPI)
FILE REFERENCE:	A200
APPLICANT:	Shire of Cranbrook
DATE OF REPORT:	8/11/2023
ATTACHMENTS:	Site Plan

Purpose

The purpose of this report is for the Council to consider an application seeking planning approval for a patio on Lot 1 (No 3) Dunn Street, Cranbrook.

Background

Lot 1 is zoned 'Town Centre' under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme').

The lot has been developed with a Regional Community Hub which includes a gym, day care and has a variety of rooms that can be hired out.



An aerial map is included over page.



Above: Aerial Plan

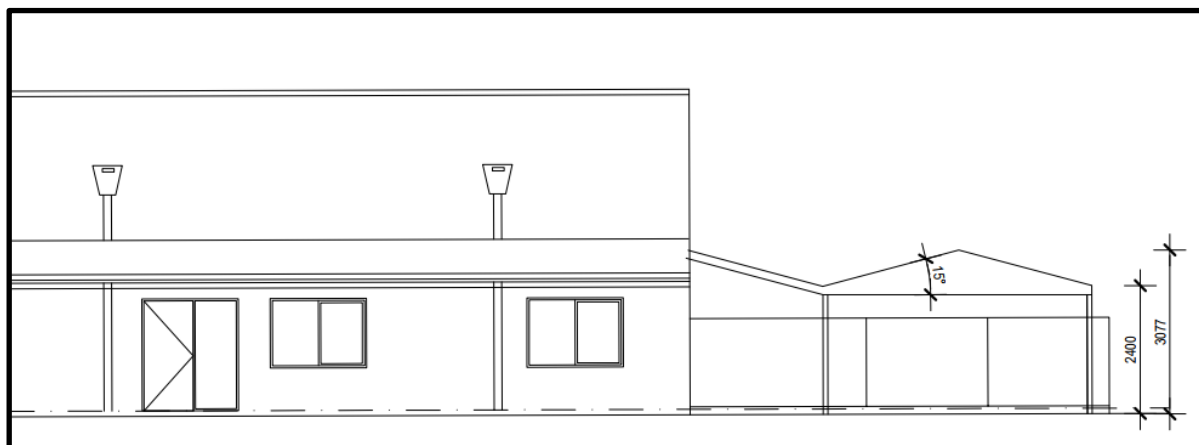
Officer's Comment

A patio is proposed to the south west of the existing building, and will provide shade for existing outdoor play areas associated with the day care centre.

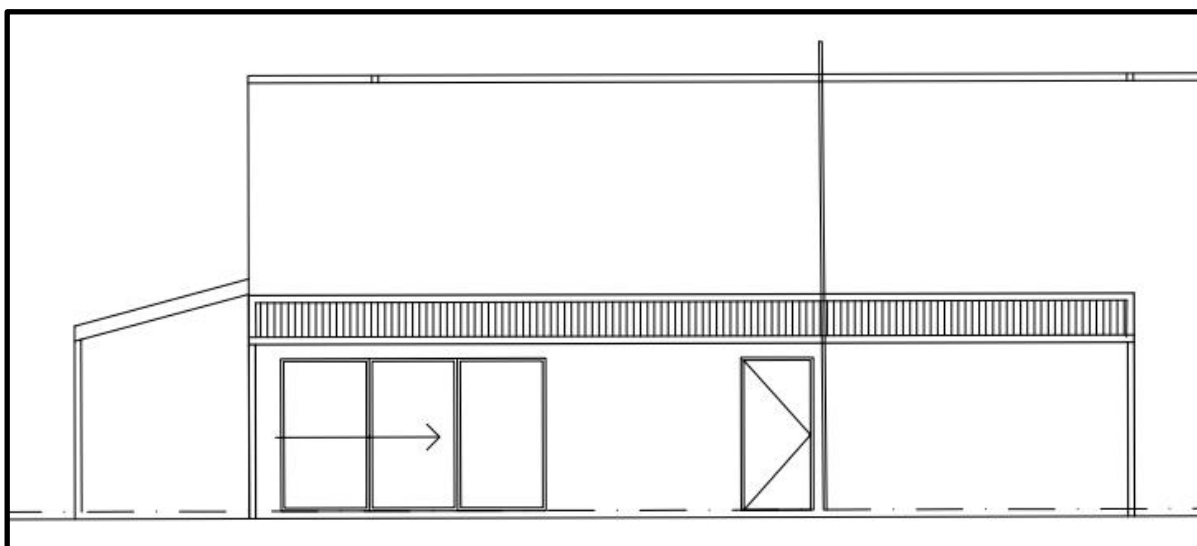
Gate access will be provided at both ends of the patio to maintain good vehicular access.

A site plan is included as Attachment 1.

The patio will be open-sided – refer to elevations below and over page.



Above: View from North-West



Above: View from South-West

The patio will be attached to the existing building, have a pitched roof to complement the existing building façade, and will not have any negative amenity impact.

Accordingly, it is recommended that the application be conditionally approved.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 –

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

Shire of Cranbrook Town Planning Scheme No 4 –

The patio requires planning approval as it is on a lot zoned Town Centre under the Shire of Cranbrook Town Planning Scheme No 4.

Under Clause 5.16.1 all site requirements and setbacks are to the discretion of the local government.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

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

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **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:

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.

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 Council:

- A. Authorise the Chief Executive Officer to sign the planning application form on behalf of the Shire as the owner of Lot 1.

- B. Approve the application for a patio on Lot 1 (No. 3) Dunn Street, Cranbrook subject to the following conditions and footnotes:
 1. 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.

 2. 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.

 3. 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:

- (i) Please be advised that a separate Building Permit approval is required.

10.2.5 PLANNING APPLICATION - PROPOSED OPEN SIDED ROOFED STRUCTURE – LOT 77 (No 1) TRENT STREET, FRANKLAND RIVER

RESPONSIBLE OFFICER: Linda Gray - Chief Executive Officer
REPORT AUTHOR: Liz Bushby, Town Planning Innovations (TPI)
FILE REFERENCE: A353
APPLICANT: Frankland Rural
DATE OF REPORT: 8/11/2023
ATTACHMENTS: Nil

Purpose

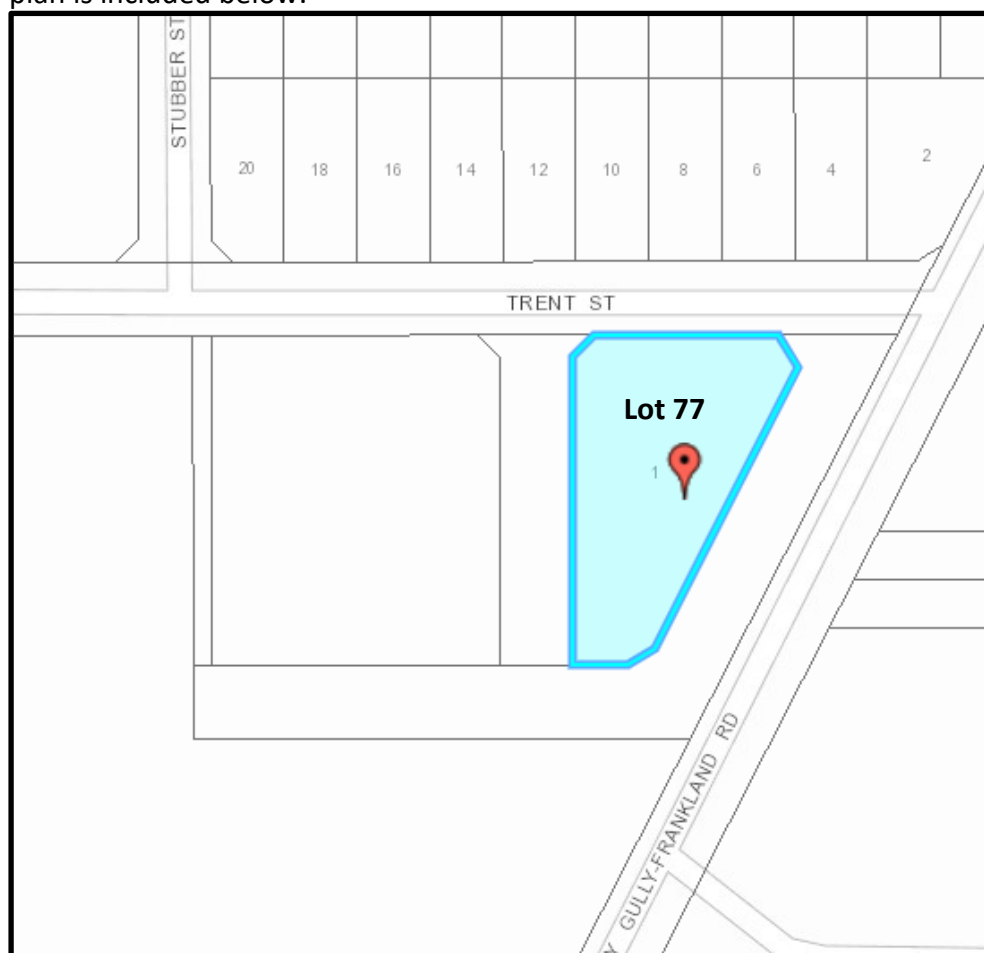
The purpose of this report is for the Council to consider an application seeking planning approval for an open sided roofed structure on Lot 77 (No 1) Trent Street, Frankland River.

Background

Lot 77 is zoned ‘Town Centre’ under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme’). The lot has an area of 3879m² and has been developed with a large shed and separate office. Frankland Rural operates from the site. The existing business entails the purchase, storage and sale of agricultural products such as stock requisites, fencing, fertiliser, oils, herbicides, fungicides, pipes, seed and farm equipment.

Customers purchase stock directly from Lot 77, however the business also provides a delivery service. Frankland Rural operates from 7.30am to 5.00pm Mondays to Fridays, and between 9.00am and 12.00pm on Saturdays. Currently there are 7 permanent employees.

A location plan is included below.



Above: Location Plan

Officer's Comment

- **Description of Proposed Development**

A free standing open sided roofed structure is proposed to the south of the existing building, and will provide weather protection for existing products stored outside. It will also provide shade for staff and customers.

The shelter will have a total roof area of approximately 240m², with a height of 4 metres.

The zincalume steel roof will be supported by steel poles.

A site plan is included below.



The owners have provided photographs of the proposed structures' location – over page.



Above: Photograph taken from east



Above: Photograph taken from south of existing shed building

- **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 77 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.

There is no specific exemption for 'shade' structures, however the Policy can be applied pragmatically by the Shire.

TPI recommends that the application be determined without a BAL for the following reasons:

- Whilst SPP3.7 requires lodgement of a BAL assessment for the proposed development, a BAL is not required as part of the separate Building Permit process.
- The development will simply provide shade and weather protection for the existing business, and is not an intensification of development.
- No increase in staff levels is proposed.
- The structure is a non habitable building.

• **Conclusion**

The proposed structure will be free standing, will have a flat roof, and will not have any negative amenity impact.

Accordingly, it is recommended that the application be conditionally approved.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 –

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

Shire of Cranbrook Town Planning Scheme No 4 –

The patio requires planning approval as it is on a lot zoned Town Centre under the Shire of Cranbrook Town Planning Scheme No 4.

Under Clause 5.16.1 all site requirements and setbacks are to the discretion of the local government.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

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

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

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

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **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:

Key Pillar: Work

Outcome 6 – Stimulated Economy: A strong relationship between our business community and the Shire.

Deliverable 6.2: Advanced local regulation which has encouraged start-up or expansion and diversity of local business.

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 Council:

A. Approve the application for an open sided roof structure on Lot 77 (No. 1) Trent Street, Frankland River subject to the following conditions and footnotes:

1. 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.
2. 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.
3. 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:

- (i) Please be advised that a separate Building Permit approval is required.

10.2.6 PLANNING APPLICATION TO MODIFY EXISTING PLANNING APPROVAL FOR A 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: 9 November 2023
ATTACHMENTS: Existing Planning Approval dated 2 October 2023

Purpose

The purpose of this report is for Council to consider an application to delete two conditions of an existing planning approval granted 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.



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

Council considered an application for a single house and associated works on Lot 14 at the Ordinary Council Meeting held 20 September 2023.

Council resolved to approve the development subject to the following conditions:

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 be 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 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.

A footnote also advised that:

- (i) Please ensure that you have complied with Condition 1 prior to lodging any separate application for a Building Permit.

The plans lodged with the application indicated that no water connection was available, therefore conditions were placed on the approval to require water tanks for drinking water supply and firefighting.

A formal planning determination letter was issued by the Shire on 2 October 2023 – refer Attachment 1.

Officer's Comment

The owners of Lot 14 have lodged a planning application proposing to delete Conditions 1 and 2 of the existing planning approval.

The owners have advised that a water connection is available to the lot, and they have provided a copy of their water bill from September 2023, as well as their meter number.

As the lot has been connected to water, Conditions 1 and 2 requiring water tanks are not required.

Statutory Environment

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.

Clause 77 allows a local government to amend an existing approval.

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:

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.

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

Nil

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- A. Approve the application to modify the existing planning approval dated 2 October 2023 for a single house and associated works on Lot 14 (No 17) Ward Place, Frankland River; and
 - (i) Delete Conditions 1 and 2;
 - (ii) Delete Footnote (i).

- B. Advise the owners that all other conditions and requirements detailed on the original approval dated 2 October 2023 shall remain (except where modified by this application).

10.2.7 REQUEST FOR ROAD CLOSURE – FRANKLAND RURAL

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Linda Gray – Chief Executive Officer
FILE REFERENCE: A353
APPLICANT: Shire of Cranbrook
DATE OF REPORT: 9/11/2023
ATTACHMENTS: 1. Option 4 road closure plan
 2. Submission received

Purpose

The purpose of this report is for Council to consider a written request seeking the closure of unmade roads adjacent to Frankland Rural in the Frankland River.

Background

• **Location**

Frankland Rural is an established business located on Lot 77 (No 1) Trent Road in Frankland River townsite.

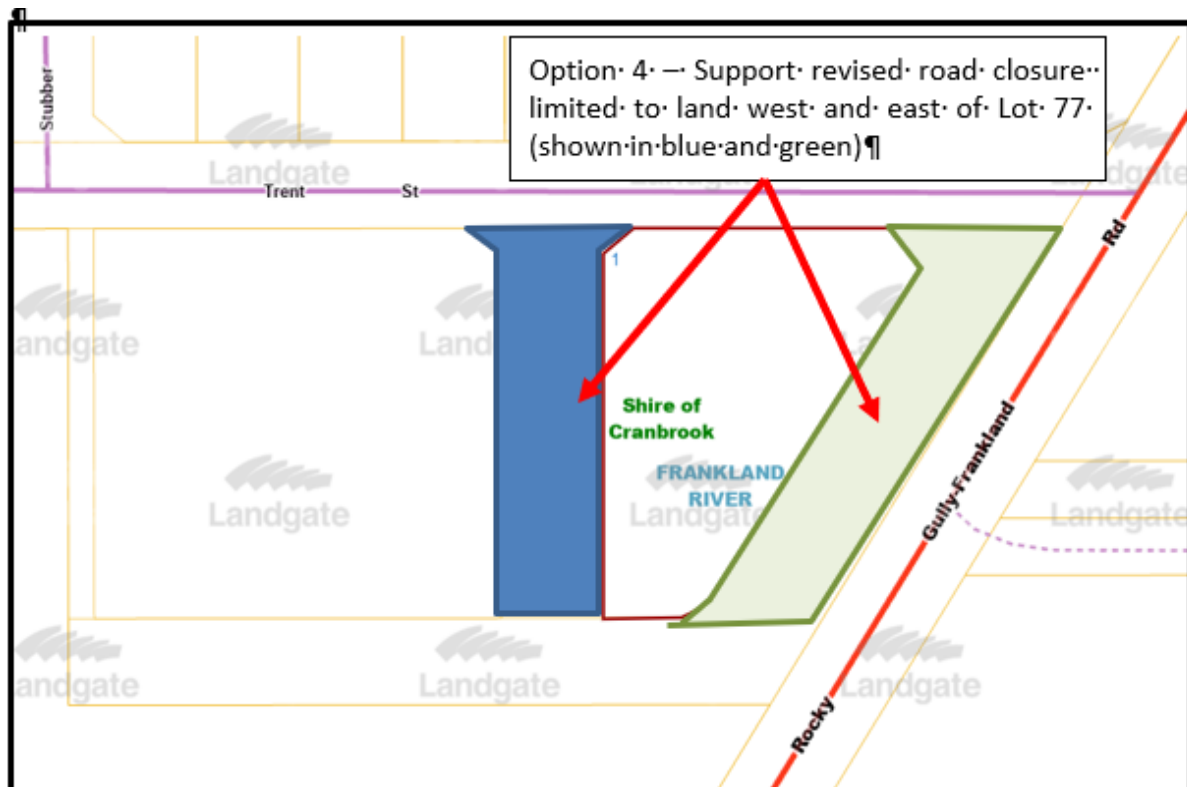


• **Road Closure Request and Council Briefing Session**

The owners of Lot 77 lodged a written request on 8 May 2023 seeking the Shire’s support for the closure of two unconstructed public roads adjacent to their property.

The location and size of unmade road reserves adjacent to Lot 77 meant there were several options that Council could consider.

Four options were discussed at a pre-Council briefing in May 2023. Council favoured Option 4 which was a revised road closure plan limited to land to the west and east of Lot 77.



- **Preliminary Consultation**

The proposed 'Option 4' road closure was advertised informally to gain feedback from the wider local community.

Advertising included placing a Public Notice on the Shires website and at the Frankland River Community Resource Centre. Four advertising signs were also erected to face both Trent Street and Rocky Gully Frankland Road.

One owner of land opposite the 'blue' unmade road reserve lodged an objection to that part of the road closure based on:

- When they purchased the property one of the features that influenced their decision was it's location and views looking towards the woodland on the southern side of Trent Street.
- They highly value the view of existing bushland, and were of the understanding that it may form part of a larger area being made into a nature reserve.
- There is a large number of orchid species in this area and nearby golf course.
- They advise they contacted the Shire prior to purchasing their property, and were assured that Frankland Rural would not expand to the west.
- They raise concern over clearing and replacement of bush views with a noisy, busy and visually unappealing business.
- They are opposed to the 'blue' portion of the road closure being cleared of woodland that they value for its habitats, flora, wildlife and its intrinsic natural beauty.

A full copy of the submission is included as Attachment 2.

Officer's Comment

A portion of the unconstructed road to the east of Lot 77 is cleared, however part of the west road reserve is vegetated.

Whilst Council needs to consider the impact of a decision to support a road closure proposal on nearby residents, it also must consider the economic benefit of supporting growth of a business located in a small regional town, which has in the last two years, doubled its staffing rate.

For this reason, Council is open to initiate a road closure procedure based on the 'Option 4' map, for the road reserves to the west and east of Lot 77, which is the preference of Frankland Rural.

This will allow the containment of Frankland Rural and increased security through the fencing of their work site.

The owners of Frankland Rural have confirmed that they would like to proceed with the 'Option 4' road closure plan.

If Council supports the written road closure request 'as is' then it can:

- "1. *Resolve to formally initiate advertising procedures to advise of the intention to potentially close portions of unconstructed road reserve to the immediate west and east of Lot 77 pursuant to Section 58 of the Land Administration Act 1997.*

Advertising shall be for a minimum of 35 days and shall include a:

- i) Notice in a local newspaper;*
 - ii) Notice on Shire Public Noticeboard and website;*
 - iii) A3 advertising signs visible from Trent Street and Rocky Gully Frankland Road.*
 - iv) Letters to relevant service authorities; and*
 - v) Letters to nearby local residents.*
2. *Authorise the Chief Executive Officer to advertise the proposed road closures to action the Council resolution."*

Statutory Environment

Land Administrative Act 1997 – Part 5 deals with matters relating to public roads. The procedures for road closures are set out under Section 52.

The formal road closure procedure includes:

1. Initiation of advertising and formal procedures by the local government to comply with the *Land Administrative Act 1997* and *Land Administration Regulations 1998*.
2. Advertising for 35 days including a newspaper advert and letters to service authorities.

A service authority may require an easement to protect assets, or relocation of services at the applicant's expense.

3. Report to Council to consider submissions and determine whether to proceed to lodge a road closure request to the DPLH for formal consideration of the Minister of Planning, Lands and Heritage.
4. Consideration by Department of Planning, Lands and Heritage.
5. Completion of road closure and disposal actions by DPLH, including the lodgement of a road closure order and amalgamation order for registration in Landgate.

The road closure area would need to be surveyed near the end of the process as ultimately the closed road(s) will need to be amalgamated with Lot 77.

Land Administrative Regulations 1998 – Regulation 9 outlines information required to be lodged with a road closure request to the Minister of Lands. It includes copies of Council resolutions, advertising details, submissions and Local Governments comments on submissions.

Shire of Cranbrook Town Planning Scheme No 4 – Lot 77 is zoned ‘Town Centre’ and the adjacent unconstructed roads are ‘Local Scheme Reserves’ for ‘roads’ on the zoning map.

If any roads are closed and amalgamated with Lot 77, then the scheme would need to be amended to zone the closed roads as ‘Town Centre’. The owners of Lot 77 have advised that they will pursue a scheme amendment in the future if a road closure proceeds.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The owners of Lot 77 are willing to pay the costs associated with the road closure process.

Risk Implications

The risks associated with matters in this report are:

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

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

The **consequences** of these risks are considered to Minor (as the final steps of the road closure process is by the Department of Planning, Lands and Heritage).

The **likelihood** is: minor

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

Risk mitigation included conducting preliminary informal consultation with the local community.

Strategic Community Plan Reference

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

Key Pillar: Work

Outcome 6 – Stimulated Economy: A strong relationship between our business community and the Shire.

Deliverable 6.2: Advanced local regulation which has encouraged start-up or expansion and diversity of local business.

Key Pillar: Visit

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

Town Planning Innovations and Frankland Rural Staff.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Note that the 'Option 4' road closure plan was advertised informally. Advertising closed on 25 August 2023 and one objection was received – refer Attachment 2.**
- 2. Resolve to formally initiate advertising procedures to advise of the intention to potentially close a portion of unconstructed road reserve to the immediate west and east of Lot 77 pursuant to Section 58 of the Land Administration Act 1997.**

Advertising shall be for a minimum of 35 days and shall include a:

- i) Notice in a local newspaper;**
 - ii) Notice on Shire Public Noticeboard and website;**
 - iii) A3 advertising signs visible from Trent Street and Rocky Gully Frankland Road.**
 - iv) Letters to relevant service authorities; and**
 - v) Letters to nearby local residents.**
- 3. Authorise the Chief Executive Officer to advertise the proposed road closures to action the Council resolution.**

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 CRANBROOK REGIONAL COMMUNITY HUB – LEASE FOR THE PURPOSE OF DAYCARE

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Jenny Cristinelli – Community Development Manager
FILE REFERENCE: CP145 and CS205
APPLICANT: Mary Gillam
DATE OF REPORT: 7/11/2023
ATTACHMENTS: Draft Lease Agreement

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 (c) of the Local Government Act 1995, to discuss a contract to be entered into, or which may be entered into, by the local government.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That:

- 1. The Intent to lease the Cranbrook Regional Community Hub Day Care to Mrs Mary Gillam for a period of three (3) years, with the rental being \$1,700 per annum, as per the attached Draft Agreement with the intention to lease to be advertised as per section 3.58 of the Local Government Act; and**
- 2. If no submissions are received, the Chief Executive Officer be authorised to execute the attached lease document for the purpose of operating a day care centre from the Cranbrook Regional Community Hub Day Care facility.**

Confidential

13.2	FRANKLAND RIVER COMMUNITY CENTRE CRECHE – LEASE FOR THE PURPOSE OF DAYCARE
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Jenny Cristinelli – Community Development Manager
FILE REFERENCE:	CP202 and CS205
APPLICANT:	Lucinda Ettridge
DATE OF REPORT:	7 November 2023
ATTACHMENTS:	Lease Agreement

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:

- 1. The Intent to lease the Frankland River Community Centre Crèche to Ms Lucinda Ettridge for a period of three (3) years, with the rental being \$1,700 per annum, be advertised as per section 3.58 of the Local Government Act; and**
- 2. If no submissions are received, the Chief Executive Officer be authorised to execute the attached lease document for the purpose of operating a day care centre from the Frankland River Community Centre Crèche.**

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 Pollard will declare the meeting closed at pm.