

# COUNCIL MEETING

## MINUTES



For the Ordinary Meeting of Council held on

**21 October 2015**

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## MINUTES

### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Cunningham declared the meeting open at 3.08pm. The Shire President alerted the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

### 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

#### ATTENDANCE

Shire President	Cr JT (Twynam) Cunningham
Deputy Shire President	Cr CY (Colin) Egerton-Warburton
Councillors	Cr ER (Ruth) Bigwood
	Cr TC (Tom) Standish
	Cr PM (Peter) Beech
	Cr DJ (David) Adams
	Cr PL (Phil) Horrocks
	Cr HC (Helen) Parsons
	Cr P (Peter) Denton

Chief Executive Officer	Mr PB (Peter) Northover
Manager of Finance & Administration	Mrs PA (Trish) Standish
Manager of Works	Mr JE (Jeff) Alderton

Members of the Public	One
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#### LEAVE OF ABSENCE

Nil

#### APOLOGIES

Manager of Economic & Community Development	Ms CM (Cas) Hughes
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### 3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President, Cr Cunningham announced that the following people who were either residents or past residents of the Shire had passed away since the last meeting:

Don Smith  
Alan Hunt

A moments silence was observed as a mark of respect.

#### **4. PUBLIC QUESTION TIME**

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

Nil

##### **4.2 PUBLIC QUESTION TIME**

###### **Mr Brendan Watterson – Smoke Taint and Burning of Bluegums – BF7 & BF9**

Mr Watterson asked why the Council is not seeking independent advice prior to making decisions on the burning of bluegum trash. Item 10.2.1 of today's Council meeting will discuss the Bushfire Advisory Committee minutes and within those minutes there is a proposal to change the timing of the burning of bluegum trash due to the possibility of smoke tainting the vineyards. Why have Bluegum farmers not been contacted regarding this issue?

The Shire President, Cr Cunningham advised Mr Watterson that the Council were not rushing anything and were very concerned about this issue.

The Chief Executive Officer, Mr Northover advised Mr Watterson that no decision had been made on this issue as yet. Several meetings have been held with various groups and the Council have been seeking independent advice as well as legal advice. Mr Northover advised that there is lots of good information on the Australian Wine Research Institute, Department of Parks and Wildlife and Department of Agriculture and Food websites. Council is endeavouring to obtain as much information as possible prior to any decision being made.

###### **Mr Brendan Watterson – Restriction of Restricted Access Vehicles on Cranbrook Frankland East Road – RO531**

Mr Watterson asked if a south bound slip lane was going to be constructed on Albany Highway at the intersection of Great Southern Highway, now that the Cranbrook Frankland East Road was closed to heavy vehicles?

The Manager of Works, Mr Alderton advised that these roads were not under the control of the Shire, they were under the control of Main Roads WA. Mr Alderton advised that he had received advice from Main Roads advising that a slip lane will not be constructed in time for this years harvest however it was hopeful that one may be in place for next year.

The Chief Executive Officer, Mr Northover advised that it was Council's decision to restrict the movements of heavy vehicles on the Cranbrook Frankland East Road, subject to Main Roads WA approval. Mr Northover advised that Main Roads had placed a road train turning template at the Albany / Great Southern Highway intersection and it was a legally safe road train turning corner.

Mr Watterson then asked how he could legally access the northern part of the Cranbrook townsite in a heavy vehicle.

The Manager of Works advised this question would need to be taken on notice.

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

Nil

## 6. APPLICATIONS FOR LEAVE OF ABSENCE

### Motion 03102015

Moved Cr Adams, seconded Cr Standish that Cr Denton be granted a leave of absence from the 18 November 2015 ordinary meeting of Council.

Carried 9/0

## 7. DISCLOSURE OF INTEREST

### Cr PL Horrocks

Item: 10.1.4

Type: Section 5.61 Local Government Act 1995

Nature: Member of Cranbrook Sporting Club

### Cr P Denton

Item 10.1.4

Type: Section 5.61 Local Government Act 1995

Nature: Member and Vice President of Cranbrook Sporting Club

### Cr JT Cunningham

Item 10.1.4

Type: Section 5.61 Local Government Act 1995

Nature: Member of Cranbrook Sporting Club

### Cr TC Standish

Item 10.1.4

Type: Section 5.61 Local Government Act 1995

Nature: Member of Cranbrook Sporting Club

### Cr ER Bigwood

Item 10.1.4

Type: Section 5.61 Local Government Act 1995

Nature: Member of Frankland River District Country Club

### Cr HC Parsons

Item 10.1.4

Type: Section 5.61 Local Government Act 1995

Nature: Member of Frankland River District Country Club

### Mr Jeffrey Alderton

Item 10.1.4

Type: Section 5.61 Local Government Act 1995

Nature: Member of Cranbrook Sporting Club

### Mr Peter Northover

Item 10.1.4

Type: Section 5.61 Local Government Act 1995

Nature: Member of Cranbrook Sporting Club

### Cr HC Parsons

Item 10.2.1

Type: Financial Interest Section 5.60A Local Government Act 1995

Nature: Vineyard Owner

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

The meeting will be closed to discuss Item 13.1

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

**9.1 ORDINARY MEETING – 16 SEPTEMBER 2015**

**Motion 04102015**

**Moved Cr Egerton-Warburton, seconded Cr Denton that the minutes from the ordinary meeting of Council held on 16 September 2015, be confirmed as a true and correct record.**

**Carried 9/0**

## 10. REPORTS OF OFFICERS

### 10.1 FINANCE & ADMINISTRATION

#### 10.1.1 SUBJECT

#### LIST OF PAYMENTS

<b>RESPONSIBLE OFFICER:</b>	Trish Standish Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Jessica Standish Finance Officer
<b>FILE REFERENCE:</b>	FM2
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	2 October 2015
<b>ATTACHMENTS:</b>	List of Payments – 3 September 2015 to 2 October 2015

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#### **Purpose**

The purpose of this report is to advise the Council of payments made during the period 3 September 2015 to 2 October 2015.

#### **Background**

Nil

#### **Officers Comment**

Nil

#### **Statutory Environment**

Local Government (Financial Management) Regulation 13 states:

##### *13. List of accounts*

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

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

#### **Policy Applicable – Implications**

Council Policy 4.8 – 'Purchasing', states that:

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

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



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

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

### **Financial Implications**

There are no financial implications for this report.

### **Risk Implications**

The risks associated with matters in this report are:

- Misconduct;
- Errors, Omissions and Delays;
- Failure of IT and or Communication Systems and Infrastructure;
- Failure to fulfil statutory, regulatory or compliance requirements;
- Inadequate document management processes; and
- Inadequate supplier / contract management.

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

**The consequence/s** of these risks are considered to be Major

**The likelihood** is rare

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

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 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

*Aspiration 5.0: by 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth*

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and Accountable Financial Management

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

**OFFICERS RECOMMENDATION/COUNCIL DECISION**

**Motion 05102015**

**Moved Cr Egerton-Warburton, seconded Cr Adams that the payment of accounts totalling \$348,632.00 as per the attachment be noted:**

- **Electronic Funds Transfers EFT 5951 to EFT 6010 - \$201,439.16;**
- **Municipal Fund Cheque No's 11757 – 11771 - \$16,126.87;**
- **Internal Account Transfers (Payroll) - \$104,144.89;**
- **Corporate Credit Card - \$3,994.89;**
- **Direct Debit - \$21,626.16;**
- **Trust Account Payments - \$1,300.**

**Carried 9/0**

<b>10.1.2 SUBJECT</b>	<b>MONTHLY FINANCIAL STATEMENTS</b>
<b>RESPONSIBLE OFFICER:</b>	Trish Standish Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Jessica Standish Finance Officer
<b>FILE REFERENCE:</b>	FM12
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	12 October 2015
<b>ATTACHMENTS:</b>	Financial Statements September 2015

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#### **Purpose**

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 September 2015.

#### **Background**

The Local Government (Financial Management) Regulations 1996 require the preparation of monthly financial statements and presentation of these statements to the Council.

#### **Officers Comment**

The September financial statements report on 3 months, or 25% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 76% of our expected operating income;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 28% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$2,622,102 (surplus), which is mainly made up of cash on hand; and
- The 'Variance Report' on page 9 and 10 defines the major variances between budget and actual figures as required by the regulations.

#### **Statutory Environment**

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

#### **Policy Applicable – Implications**

Council Policy 4.1 Defining Material Variances, states that:

*When dividing the actual figures with the annual budget figure, a variance of plus or minus 10% of the percentage of the year elapsed will be reported. In addition, a variance must be greater than \$1,000 to be reported.*

#### **Financial Implications**

Whilst the financial statements report on the current position of the Council, 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; and
- 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 Moderate

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 2013 -2023 Shire of Cranbrook, Strategic Community Plan states that:

*Aspiration 5.0: By 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth*

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and Accountable Financial Management

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION/COUNCIL DECISION**

**Motion 06102015**

**Moved Cr Parsons, seconded Cr Beech that the attached financial statements for the period ending 30 September 2015 be noted.**

**Carried 9/0**

**10.1.3 SUBJECT**

**ANNUAL REPORT 2014/2015**

<b>RESPONSIBLE OFFICER:</b>	Trish Standish Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Trish Standish Manager of Finance and Administration
<b>FILE REFERENCE:</b>	AD4/GO4
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	9 October 2015
<b>ATTACHMENTS:</b>	1. 2014/2015 Annual Report 2. Management Report – Lincolns

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**Purpose**

The purpose of this report is to adopt the 2014/2015 Shire of Cranbrook Annual Report and to set a date for the Annual Electors Meeting.

**Background**

The Council's annual report has been prepared in accordance with the Local Government Act 1995 and associated regulations and is attached (separate to the agenda document).

**Officers Comment**

When considering the timing requirements to hold the Annual Electors' Meeting described below (Statutory Environment), the meeting needs to be held between 10 November 2015 and 16 December 2015.

**Statutory Environment**

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

**Policy Applicable - Implications**

Council Policy 1.1 'Electors Meeting' states:

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

2014/2015	Frankland River
2015/2016	Cranbrook
2016/2017	Frankland River and so on

The previous Annual Electors' Meeting was held on 16 December 2014 in Cranbrook.

### **Financial Implications**

There are no financial implications for this report. The Annual Report contains the annual financial statements for 2014/2015, illustrating the Council's financial performance for this period.

### **Risk Implications**

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Providing inaccurate advice/information
- Inadequate document management processes
- Ineffective employment practices

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

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

**The likelihood** is Unlikely

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

Risk mitigation includes ensuring staff have the appropriate security access levels for financial transactions and by the use of professional qualified auditors.

### **Strategic Community Plan Reference**

*Aspiration 5.0: By 2023 the Shire of Cranbrook will demonstrate Strong Governance, Leadership and Organisational Growth*

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and accountable financial management

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications for this report.

### **Voting Requirements**

***Absolute Majority***

### **AUDIT COMMITTEE RECOMMENDATION**

The audit committee will be meeting at 1.30pm on Wednesday 21 October 2015 to discuss this report and will make a recommendation to the Council. The Officers recommendation for the Audit Committee to consider is:

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

**Cr Adams Cr Horrocks**

- 1. The attached 2014/2015 Shire of Cranbrook Annual Report be accepted; and**
- 2. The annual meeting of Electors be held on Wednesday 18 November 2015 at 6.00pm in the Frankland River Community Centre.**

**OFFICERS RECOMMENDATION/COUNCIL DECISION**

**Motion 07102015**

**Moved Cr Adams, seconded Cr Horrocks that:**

- 1. The attached 2014/2015 Shire of Cranbrook Annual Report be accepted; and**
- 2. The annual meeting of Electors be held on Wednesday 18 November 2015 at 6.00pm in the Frankland River Community Centre.**

**Carried 9/0**  
***By Absolute Majority***

Cr Horrocks, Cr Denton, Cr Cunningham, Cr Standish, Cr Bigwood and Cr Parsons declared an interest in this item as members of the clubs referred to in the report. All Councillors requested that their interest be considered a share in common and asked to be able to participate fully in the discussion and decision making. Mr Northover and Mr Alderton also declared an interest in this item as members of the clubs referred to in the report. They too, requested that their interest be considered a share in common and asked to be able to participate in the discussion.

As there would be no quorum to continue the meeting, this item was deferred pending the Chief Executive Officer requesting Ministerial approval in accordance with section 5.69 of the Local Government Act 1995.

<b>10.1.4 SUBJECT</b>	<b>ASSET REPLACEMENT FUND – CRANBROOK SPORTING CLUB AND FRANKLAND RIVER DISTRICT COUNTRY CLUB</b>
<b>RESPONSIBLE OFFICER:</b>	Trish Standish Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Trish Standish Manager of Finance and Administration
<b>FILE REFERENCE:</b>	CP120, CP209
<b>APPLICANT:</b>	Cranbrook Sporting Club Frankland River District Country Club
<b>DATE OF REPORT:</b>	9 October 2015
<b>ATTACHMENTS:</b>	1. Letter from Cranbrook Sporting Club 2. Letter from Frankland River District Country Club

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### **Purpose**

The purpose of this report is to consider a request from the Cranbrook Sporting Club and the Frankland River District Country Club to reduce the amount that each club pay into their respective asset replacement funds for the replacement of their synthetic bowling greens.

### **Background**

At the 15 July 2009 meeting of Council it was resolved:

**“That:**

- 1. In accordance with Local Government (Functions and General) Regulation 11 (2)(f), no tender process be required for the purchase of two ‘DryMax Pro’ bowling greens;**
- 2. The Chief Executive Officer, in conjunction with the Cranbrook Sporting Club and Frankland River District Country Club be authorised to purchase two ‘DryMax Pro’ bowling greens in accordance with the attached quotes and 2009/2010 budget provisions;**
- 3. An Interest Free Loan be offered to the Cranbrook Sporting Club of up to \$35,000 with the term of the loan not to exceed 10 years and with repayments being each six months;**



4. **The Interest Free Loan be offered on the condition that an annual contribution of not less than \$7,000 be made by the Cranbrook Sporting Club to the Shire's Asset Replacement Fund for the replacement of the synthetic bowling green, to be reviewed each five (5) years;**
5. **The Loan referred to in point 3 above to be funded from the Community Associations reserve account;**
6. **The Council perform the works as requested by the Frankland River District Country Club (items 2 & 3 – Attachment 2) to an approximate value of \$9,000 to be funded from the Frankland River Sporting Facilities reserve account;**
7. **An Interest Free Loan be offered to the Frankland River District Country Club of up to \$36,000 with the term of the loan not to exceed 10 years and with repayments being each six months;**
8. **The Interest Free Loan be offered on the condition that an annual contribution of not less than \$7,000 be made by the Frankland River District Country Club to the Shire's Asset Replacement Fund for the replacement of the synthetic bowling green to be reviewed each five (5) years;**
9. **The Loan referred to in point 7 above to be funded from the Frankland River Sporting Facilities reserve account."**

#### **Officers Comment**

The Cranbrook Sporting Club received funding through the Department of Sport and Recreation's Community Sport and Recreation Facilities Fund (CSRFF) to construct their bowling green. The creation of the Asset Replacement Fund was a condition of the CSRFF grant funding. Although the Frankland River District Country Club did not receive CSRFF funding to construct their bowling green, the Council considered it prudent to request the country club to contribute funds to an Asset Replacement Fund in the same manner as Cranbrook Sporting Club.

As per point 4 and 8 of the above Council resolution, both the Cranbrook Sporting Club and the Frankland River District Country Club have been paying an annual amount of \$7,000 each into their respective Asset Replacement Fund Reserve Accounts. At 30 June 2015 each reserve account had a balance of \$37,682, made up of \$35,000 club contribution and \$2,682 interest.

As funding to assist small local clubs with their projects is becoming increasingly more difficult to source, it is imperative that the clubs continue to contribute funds to their respective Asset Replacement Fund Reserve Accounts.

The Cranbrook Sporting Club has written to the Shire to request an annual reduction of \$2,000, bringing the amount they pay into their reserve account to \$5,000 per year, to be reviewed after three years. The club believe there is at least fifteen years left in the current playing surface.

The Frankland River District Country Club has written to the Shire to request an annual reduction of \$4,000, bringing the amount they pay into their reserve account to \$3,000 per year, to be reviewed after five years. The club believe there is at least ten years left in the current playing surface.

For ease of managing the asset replacement funds, it is thought that both clubs should be paying the same amount into their respective reserve accounts.

In conversation with a representative from the Cranbrook Sporting Club it was indicated that a replacement synthetic green would be in the vicinity of \$150,000, however the Frankland River District Country Club indicate a replacement synthetic green would cost \$65,000.

In an official Bowls Australia "Bowling Green Construction Guidelines 2011", a 2004 report by Victoria Greenkeepers Association provided some in-sight to the costs of building and maintaining both natural and synthetic turf greens. The report noted the cost of replacement of a synthetic turf carpet/mat is estimated at \$75,000 to \$90,000 (giving an annual depreciation figure of around \$8,000, assuming a 10-year life).

In a more recent publication, (Dec 2010), the Smart Connection Company advised that between \$9,000 and \$11,700 per annum be set aside for replacement of a synthetic surface.

At a recent workshop on synthetic greens organised by Bowls Australia it was advised that a figure of around \$15,000 per annum be set aside/invested to fund the renovation/replacement of a synthetic surface at the end of its useful life (assumed about 10 years).

Both bowling greens were constructed during 2009/2010 making them five years old. Considering they most likely have less use than the greens used in the comparative figures for the Bowls Australia publication, it could be assumed that both would have a longer useful life than ten years.

Taking all of the above into consideration, it is thought that the greens would have at least another fifteen (15) years of useful life taking their total useful life to twenty (20) years. If each replacement green is going to cost approximately \$150,000 and there is already \$37,682 in each reserve account, then each club will require another \$112,318 in order to be able to fund a replacement green.

Assuming a similar interest rate is available as the previous five years, each reserve account could attract approximately \$8,500 in interest over the next 15 years bringing the approximate total that each club will need to contribute to \$103,000. This means that each club would need to continue to add \$6,800 to their respective reserve accounts each year.

In light of the above information it is recommended that each club add \$5,000 each year to their reserve accounts and that this be reviewed again in five (5) years.

### **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**

There are no direct financial implications for the Shire from this report. The funds that are paid to the Shire by the Cranbrook Sporting Club and the Frankland River District Country Club each year are placed into two separate reserve accounts that are held for the purpose of the replacement of the synthetic bowling green at each club.

### **Risk Implications**

The risks associated with matters in this report are:

- Providing inaccurate advice/information
- Inadequate asset sustainability practices
- Ineffective management of facilities / venues / events

**The impact** of the risk is Financial, Reputational and Property

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

**The likelihood** is Unlikely

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

Risk mitigation includes not drastically reducing the amount paid into the reserve account and ensuring it is reviewed regularly.

### **Strategic Community Plan Reference**

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

*Aspiration 1.0: By 2023 the Shire of Cranbrook will be respected for its Friendly, Vibrant, Connected and Safe Communities*

Objective: 1.5 Develop a Healthy Place to Grow and Age

Strategy: 1.5.3 Encourage a sporting and active community

*Aspiration 4.0: By 2023 the Shire of Cranbrook will have Enviably Quality Infrastructure, Roads and Facilities*

Objective: 4.3 Provide Outstanding Public Facilities

Strategy: 4.3.2 Continue development of recreational and tourism facilities across Shire

### **Consultation**

Consultation for this report included Cranbrook Sporting Club, Frankland River District Country Club and Bowls Australia.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION**

**That:**

- 1. An annual contribution of not less than \$5,000 be made by the Cranbrook Sporting Club to the Shire's Asset Replacement Fund for the replacement of the synthetic bowling green in Cranbrook, to be reviewed each five (5) years; and**
- 2. An annual contribution of not less than \$5,000 be made by the Frankland River District Country Club to the Shire's Asset Replacement Fund for the replacement of the synthetic bowling green in Frankland River, to be reviewed each five (5) years.**

**10.1.5 SUBJECT MICRO-CHIPPING FEE**

**RESPONSIBLE OFFICER:** Jeff Alderton  
Manager of Works

**REPORT AUTHOR:** Jeff Alderton  
Manager of Works

**FILE REFERENCE:** LE101

**APPLICANT:** N/A

**DATE OF REPORT:** 12 October 2015

**ATTACHMENTS:** Nil

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**Purpose**

The purpose of this report is for Council to consider including a fee for micro-chipping in the 2015/2016 list of Fees and Charges.

**Background**

The Shire of Cranbrook's part time Ranger, Joe Duina has attended a number of training courses to help him perform his duties as Ranger. The Ranger is now qualified to perform micro-chipping on cats and dogs.

**Officers Comment**

Effective from 1 November 2015 under the current Dog and Cat Acts, it is a requirement that all new registrations and any renewals of cat and dog licences require the pet to be micro-chipped. Currently the only provision for this service is through a private veterinary practice.

It is considered that a fee of \$55 inclusive of GST will recover the cost of this service. This is comparable with private industry fees for this service.

As per section 6.19 of the Local Government Act 1995, prior to being able to charge this fee the Council must advertise the intent to do so.

**Statutory Environment**

Section 21 (2) of the Dog Act of 1976, states that: on and after 1 November 2015, the owner of a dog that has reached 3 months of age must ensure that the dog is micro-chipped.

Section 14 (1) of the Cat Act of 2011, states that: the owner of a cat that has reached six months of age must ensure that the cat is micro-chipped, unless the cat is exempt from micro-chipping.

Section 6.19 of the Local Government Act 1995, states that, if a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

**Policy Applicable – Implications**

Council Policy 4.12, Fees and Charges relates to this report.

### **Financial Implications**

There will be a small advertising cost as per Section 6.19 of the Local Government Act 1995. It is anticipated that the micro-chipping service will be provided at cost recovery and hence there will be no negative implications for providing this service.

### **Risk Implications**

The risks associated with matters in this report are:

- Failure to fulfil statutory, regulatory or compliance requirements
- Providing inaccurate advice/information
- Inadequate document management processes

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

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

**The likelihood** is Rare.

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

Risk mitigation includes the provision of fully trained staff in the practice of micro-chipping animals.

### **Strategic Community Plan Reference**

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

### **Consultation**

Consultation for this report included the WA Rangers Association and the Shire's Senior Management Team.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION/COUNCIL DECISION**

**Motion 08102015**

**Moved Cr Denton, seconded Cr Parsons that:**

- 1. The 2015/2016 List of Fees and Charges be amended to include a fee of \$55 (inclusive of GST) for animal micro-chipping; and**
- 2. This fee be advertised as per Section 6.19 of the Local Government Act 1995.**

**Carried 9/0**

Cr HC Parsons

Item: 10.2.1

Type: Financial Interest Section 5.60A Local Government Act 1995

Nature: Vineyard Owner

Cr Parsons left the meeting at 3.34pm and did not participate in discussion or vote on Item 10.2.1.

## 10.2 GOVERNANCE & EXECUTIVE SERVICES

### 10.2.1 SUBJECT **BUSH FIRE ADVISORY COMMITTEE DRAFT MINUTES - 29 SEPTEMBER 2015**

<b>RESPONSIBLE OFFICER:</b>	Trish Standish Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Toni Melia Emergency Services and Recreation Officer
<b>FILE REFERENCE:</b>	BF1
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	12 October 2015
<b>ATTACHMENTS:</b>	Draft Bush Fire Advisory Committee Minutes – 29 September 2015

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#### **Purpose**

The purpose of this report is to present to Council the minutes of the 29 September 2015 Bush Fire Advisory Committee (BFAC) meeting for consideration.

#### **Background**

The Shire of Cranbrook BFAC was established in accordance with the Bushfires Act 1954 Part 5, Section 67 which states:

#### Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.

- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
- (a) make rules for the guidance of the committee; and
  - (b) accept the resignation in writing of, or remove, any member of the committee; and
  - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.

### **Officers Comment**

The committee meets biannually in April and October and consists of representatives from each of the 12 local brigades, the Chief Bush Fire Control Officer (CBFCO), two Deputy Chief Bush Fire Control Officer's (DCBFCO), the Base Radio Operator and a nominated Shire Councillor. Representatives from the Shire of Cranbrook and the Department of Fire and Emergency Services (DFES) Area Manager also attend the meetings as observers and administration support.

The BFAC met on 29 September 2015 and the draft minutes from this meeting are attached. A recommendation to Council from the BFAC for item - 3.3 Succession Planning - Trainee Deputy Bush Fire Control Officers - has been made in these minutes, this is the subject of a separate agenda item.

Council should also take particular note of item - 3.5 Restricted Burning Periods - as no recommendation has been put forward to Council from the BFAC for this item. Council may wish to discuss this matter further.

### **Statutory Environment**

Part 5, Section 67.4c of the Bush Fires Act 1954, states that:

- (4) A committee appointed under this section —
- (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

### **Policy Applicable – Implications**

Council Policy 6.0 Bushfire Control is applicable to this report.

### **Financial Implications**

There are no financial implications for this report.

### **Risk Implications**

The risks associated with matters in this report are:

- Failure to fulfil statutory, regulatory or compliance requirements
- Providing inaccurate advice/information
- Inadequate document management processes
- Inadequate safety and security practices

**The impact** of these risks are Financial, Non-Compliance, Reputational and Property

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

**The likelihood** is Unlikely

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

Risk mitigation includes the existence of an effective Local Emergency Management Committee (LEMC), BFAC and the Emergency Services and Recreation Officer (ESRO) support role.

### **Strategic Community Plan Reference**

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

*Aspiration 1.0: By 2023 the Shire of Cranbrook will be respected for its Friendly, Vibrant, Connected and Safe Communities*

Objective: 1.4 Create a safe place to live

Strategy: 1.4.2 Support strong community interaction with emergency organisations.

### **Consultation**

Consultation included members of the BFAC.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION/COUNCIL DECISION**

**Motion 09102015**

**Moved Cr Adams, seconded Cr Egerton-Warburton that the attached minutes from the 29 September 2015 Bushfire Advisory Committee meeting be noted.**

**Carried 8/0**

Cr Beech advised that he would be seeking an amendment to the minutes referred to at the next meeting of the Bushfire Advisory Committee meeting to be held in April 2016.

Cr Parsons returned to the meeting at 3.35pm



**10.2.2 SUBJECT**

**BUSH FIRE CONTROL OFFICERS**

<b>RESPONSIBLE OFFICER:</b>	Trish Standish Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Toni Melia Emergency Services and Recreation Officer
<b>FILE REFERENCE:</b>	BF3
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	12 October 2015
<b>ATTACHMENTS:</b>	Nil

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**Purpose**

The purpose of this report is for Council to consider the revised recommendation from the Bush Fire Advisory Committee (BFAC) regarding the appointment of two trainee Deputy Chief Bush Fire Control Officers to work with the elected Deputy Chief Bush Fire Control Officers (DCBFCO), as part of the committee's ongoing succession planning.

**Background**

Succession planning for the BFAC has been discussed by both the Council and the BFAC for the past twelve months.

In accordance with the Bushfires Act 1954 the Council is required to approve and appoint the BFAC nominated Bush Fire Control Officers for the local government area.

At the 20 May 2015 meeting of Council it was resolved:

***“That:***

- 1. Council requests that the Bush Fire Advisory Committee recommends the appointment of two Trainee Deputy Bush Fire Control Officers to work with the elected Deputy Bush Fire Control Officers for the 2015/2016 fire season; and***
- 2. The above recommendation be submitted to the Council Meeting immediately following the October 2015 BFAC meeting for endorsement.”***

**Officers Comment**

The Shire of Cranbrook currently has two Deputy Bush Fire Control Officers – one located at the eastern end of the Shire, the other at the western end of the Shire. This arrangement assists with ensuring that senior BFAC members are spread across the Shire and are able to assist at a fire incident if required.

At the 29 September 2015 meeting of the BFAC the Council's recommendation was discussed at length by the BFAC, with several concerns raised and noted in the draft minutes including:

- Would the trainee deputies be working just with the two elected deputies and not the CBFCO?
- How would they be selected and how would it work – particularly if the deputy and the trainee were from different brigades?

- Wasn't the point of the succession planning discussed at the last BFAC to educate senior members of all the brigades on the CBFCO role, rather than just the deputies?
- What meetings would they be expected to attend and how often do these meetings occur?

The BFAC members requested an alternative recommendation back to the Council and requested that the ESRO make up a rostered schedule for the brigades to attend the DOAC, LEMC and any other meeting that the CBFCO attends. It was suggested that this would then form the basis of the recommendation to Council, rather than the nomination of two trainee deputies, as it would be more practical.

At the conclusion of the discussions the BFAC then made the following recommendation to Council for their consideration:

#### **RECOMMENDATION**

**Moved: I Lawrence**

**Seconded: J Duina**

**That this committee recommends that a senior brigade member from the nominated brigade listed in the meeting rostering schedule to be developed by the Shire ESRO, attend meetings with the Shire of Cranbrook CBFCO – this includes DOAC, LEMC and any other regular meeting that the CBFCO carries out within his role as the CBFCO for the Shire of Cranbrook.**

#### **Statutory Environment**

Part 5, Section 67.4c of the Bush Fires Act 1954, states that:

(4) A committee appointed under this section —

- (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

#### **Policy Applicable – Implications**

Council Policy 6.0 Bushfire Control is applicable to this report.

#### **Financial Implications**

There are no financial implications for this report.

#### **Risk Implications**

The risk associated with matters in this report is inadequate engagement practices

**The impact** of the risk is Reputational

**The consequence** of this risk is considered to be Moderate

**The likelihood** is Unlikely

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

Risk mitigation includes sufficient engagement and consultation with the BFAC.

#### **Strategic Community Plan Reference**

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

*Aspiration 1.0: By 2023 the Shire of Cranbrook will be respected for its Friendly, Vibrant, Connected and Safe Communities*

Objective: 1.4 Create a safe place to live

Strategy: 1.4.2 Support strong community interaction with emergency organisations.

### **Consultation**

This subject has been discussed at length by both the Council and BFAC on several occasions.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **COMMITTEE RECOMMENDATION**

**Moved Cr Egerton-Warburton, seconded Cr Horrocks that a senior brigade member from the nominated brigade listed in the meeting rostering schedule to be developed by the Shire Emergency Services and Recreation Officer, attend meetings with the Shire of Cranbrook Chief Bush Fire Control Officer (CBFCO) – this includes the District Operations Advisory Committee, Local Emergency Management Committee and any other regular meeting that the CBFCO carries out within his role as the CBFCO for the Shire of Cranbrook.**

**Lost 3/6**

### **OFFICERS RECOMMENDATION/COUNCIL DECISION**

#### **Motion 10102015**

**Moved Cr Adams, seconded Cr Parsons that:**

- 1. A senior brigade member from the nominated brigade listed in the meeting rostering schedule to be developed by the Shire Emergency Services and Recreation Officer, attend meetings with the Shire of Cranbrook Chief Bush Fire Control Officer (CBFCO) – this includes the District Operations Advisory Committee, Local Emergency Management Committee and any other regular meeting that the CBFCO carries out within his role as the CBFCO for the Shire of Cranbrook; and**
- 2. This arrangement be reviewed by the Council in 18 months time.**

**Carried 9/0**

#### Reason for Change

The Council decided that a review of the structure being put in place should be reviewed in 18 months to determine if the arrangement was working.

**10.2.3 SUBJECT**

**PLANNING APPLICATION - PROPOSED  
TELECOMMUNICATIONS INFRASTRUCTURE –  
LOT 3 PARSONS ROAD, TENTERDEN**

**REPORT AUTHOR:** Liz Bushby  
Gray & Lewis Landuse Planners

**FILE REFERENCE:** A754

**APPLICANT:** Aurecom Australia

**DATE OF REPORT:** 7 October 2015

**ATTACHMENTS:** Plans

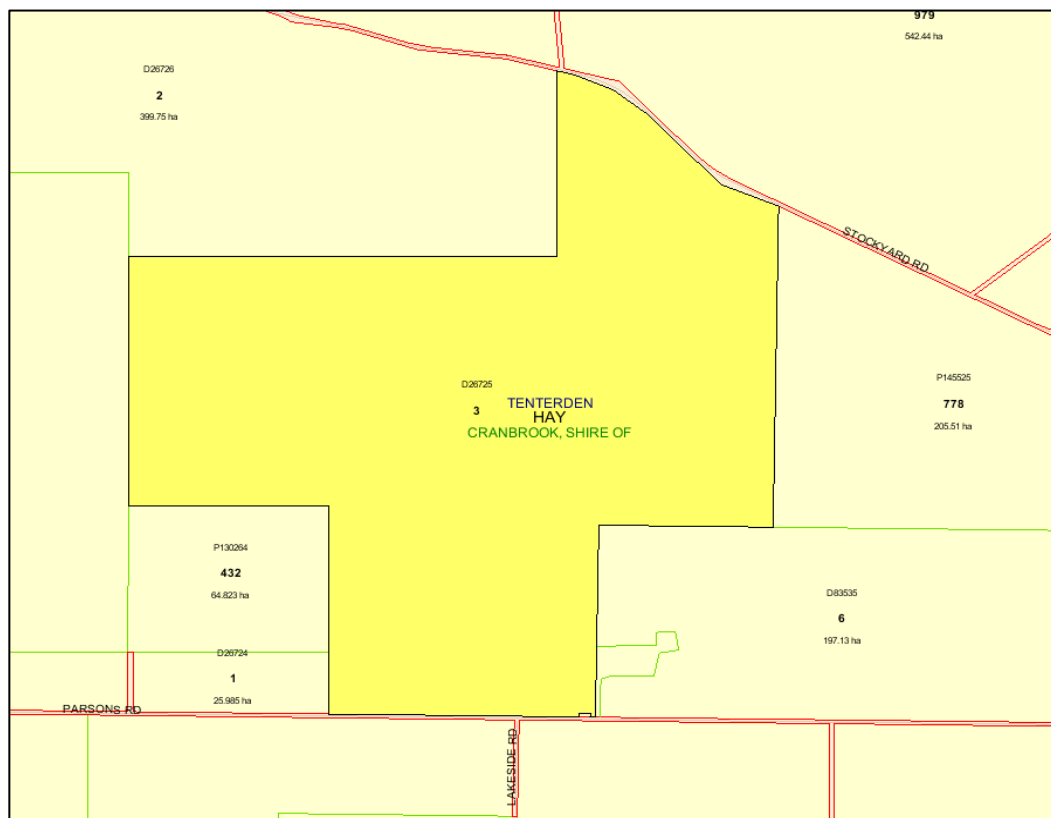
**Purpose**

The purpose of this report is for the Council to consider an application for telecommunications infrastructure on Lot 3 Parsons Road, Tenterden.

**Background**

The subject lot is located to the east of Frankland River townsite and is utilised for agricultural purposes. The lot has been partially cleared and includes sections of remnant vegetation.

A 24 metre Telstra telecommunications tower is located on the lot, near to the Parsons Road frontage.



## Officers Comment

- **Zoning**

The lot is zoned 'Rural' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

The objectives of the Rural zone include *'to ensure the continuation of broad hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities'* and *'to consider non rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources of the environment'*.

- **Description of Application**

The application is for a 65 metre high lattice tower to provide high speed wireless broadband coverage. The tower includes ancillary components such as antennas and 2 outdoor units which will be enclosed in a secure fenced compound.

The applicant has advised as follows:

- NBN Co is a government business enterprise and is a wholly federal government owned company established to design, build and operate the National Broadband Network.
- The tower will provide a fixed wireless network which is like a fixed broadband network but delivered over air instead of fibre optic cable.
- The tower will provide services locally (west of Tenterden) and to Frankland River.
- A number of candidate sites were examined for in depth investigation and this site was considered the preferred option in Tenterden.
- The compound will be setback approximately 21 metres to Parsons Road.
- No removal of trees or other native vegetation is required.
- The nearest dwelling is approximately 400 metres from the proposed facility.
- The tower will be located approximately 50 metres west of an existing Telstra tower already located on the lot.

A copy of the applicants planning report is available to Councillors on request.

- **Landuse classification and permissibility**

When an application is lodged, part of the planning assessment involves examining the landuse definitions in the Scheme, and determining the 'best fit' landuse classification.

There is a specific landuse definition for 'telecommunications infrastructure' under the Shire of Cranbrook Town Planning No 4 ('the Scheme') and it is defined as *'means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in connection with, a telecommunications network'*.

Whilst the 'telecommunications infrastructure' landuse is defined in the Scheme, it is not listed in the Zoning Table. It is therefore recommended that Council process the 'telecommunications infrastructure' as a 'Use Not Listed'.

Council has 3 options when dealing with a 'Use Not Listed' in accordance with Clause 4.4.2 of the Scheme as follows;

- (a) *determine that the use is consistent with the objectives of the Rural zone and is therefore permitted;*
- (b) *determine that the use may be consistent with the objectives of the Rural zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or*

- (c) *determine that the use is not consistent with the objectives of the Rural zone and is therefore not permitted.* ‘

It is recommended that Council pursue Option (b) as:

- The proposed tower will not prevent the remainder of the land being continued to be used for Farming.
- Option (b) allows for public advertising so surrounding landowners can be consulted.
- Option (a) will set an undesirable precedent for similar applications to be treated as a permitted use in the Rural zone.

- ***Western Australian Planning Commission Statement of Planning Policy No 5.2 on ‘Telecommunications Infrastructure’.***

The Western Australian Planning Commission (WAPC) has an adopted Statement of Planning Policy No 5.2 for Telecommunications Infrastructure (‘SPP 5.2’) (March 2004) (which predates the NBN).

The WAPC Policy discusses issues such as the need to meet the communication needs of the community and minimising potential adverse visual impact.

The objectives of SPP5.2 include:

*‘To facilitate the provision of telecommunications infrastructure in an efficient, cost-effective and environmentally responsible manner to meet community needs and*

*To minimise disturbance to the environment and loss of amenity in the provision of telecommunications infrastructure.* ‘

The Policy includes a series of guiding principles for the location, siting, and design of telecommunications infrastructure such as *“Telecommunications facilities should be located and designed to meet the communication needs of the community”*.

The Policy discusses the long term benefits of telecommunications infrastructure, however still includes guiding principles aimed to minimise adverse impacts on the visual character and amenity of the surrounding area and minimising potential adverse visual impact. In particular, impacts on prominent landscape features, general views in the locality, and individual significant views.

It is important to acknowledge the Policy references *“to minimise”* and that SPP2.5 does not require a tower to be invisible or have no visual impact.

From a practical perspective, height is an essential attribute of telecommunications infrastructure and is integral to the development being able to provide a service to the community.

Importantly, one of the guiding principles of SPP 5.2 is *‘unless it is impractical to do so telecommunications towers should be located within commercial, business, industrial and rural areas and areas outside identified conservation areas’*.

### **Statutory Environment**

Shire of Cranbrook Town Planning Scheme No 4 – Clause 9.4.1 (a) states that an application which involves a ‘use not listed in the zoning table’ is to be advertised in accordance with Clause 9.4.3. Clause 9.4.3 requires a 14 day advertising period.

**Policy Applicable – Implications**

There is no Council policy applicable to this report.

**Financial Implications**

The Shire pays consultancy fees to Gray & Lewis for planning advice.

**Risk Implications**

The risk associated with matters in this report providing inaccurate advice/information.

**The impact** of the risk is Reputational

**The consequence** of this risk is considered to be Minor

**The likelihood** is Unlikely

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

Risk mitigation includes utilising the service of a professional planner.

**Strategic Community Plan Reference**

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

**Consultation**

This report recommends that consultation be undertaken.

**VROC Implications**

There are no strategic VROC implications from this report.

**Voting Requirements**

Simple Majority

**OFFICERS RECOMMENDATION/COUNCIL DECISION**

**Motion 11102015**

**Moved Cr Standish, seconded Cr Adams that Council:**

- 1. Determine that the proposed telecommunication infrastructure may be consistent with the objectives of the Rural zone and thereafter follow the advertising procedures of Clause 9.4.3 in considering an application for planning approval;**
- 2. Authorise the Chief Executive Officer to write to nearby landowners and Telstra seeking comment on the application within 14 days in accordance with Clause 9.4.3 (a) of the Shire of Cranbrook Town Planning Scheme No 4; and**
- 3. Note that a further report will be referred to Council following formal advertising.**

**Carried 9/0**

**10.3 WORKS**

**10.3.1 SUBJECT**

**PLANT REPLACEMENT**

**RESPONSIBLE OFFICER:** Jeff Alderton  
Manager of Works

**REPORT AUTHOR:** Jeff Alderton  
Manager of Works

**FILE REFERENCE:** PE176 and PE191

**APPLICANT:** N/A

**DATE OF REPORT:** 12 October 2015

**ATTACHMENTS:** Nil

**Purpose**

The purpose of this report is for Council to consider the quotes received to replace the Shire’s Amman Rubber Tyred Roller and CAT Skid Steer Loader.

**Background**

The 2015/2016 Budget includes the replacement of the Shire’s Amman Rubber Tyred Roller for a net change over of \$130,000 and the CAT Skid Steer Loader with a net change over of \$70,000.

**Officers Comment**

Quotes were requested for the two items of plant utilizing WALGA’s e-Quote system. After quotes were received, the Amman Rubber Tyred Roller suffered significant damage to the differential. A replacement differential would have to be sourced from Czechoslovakia and has been estimated at \$20,000 excluding labour costs. The trade value of the Amman had been priced between \$15,000 and \$40,000.

It is the opinion of the Senior Management Team that there is no value in repairing the Amman. The trade value of the damaged Amman is approximately \$3,000 and it is recommended that this item should not be repaired and should be offered for auction in its current state.

The CAT Skid Steer Loader was budgeted to be replaced in the current financial year, and quotes received are well under budget.

Quotes were received for both items as follows;

**MULTI TYRED ROLLER EVALUATION**

SUPPLIER	MAKE	A/C CAB	ENG	Op WEIGHT	NETT	TRADE	C/OVER
Wirtgen	HAMM GRW280-16	Yes	Deutz	14935kg	\$146,570	\$0	\$146,570
Atlas Copco	Dynapac CP224W	Yes	Cummins	14145kg	\$150,500	\$0	\$150,500
Westrac	CAT CW34	Yes	ACERT	15000kg	\$137,625	\$0	\$137,625
Tutt Bryant	Bomag BW25 RH	Yes	Deutz	15000kg	\$149,000	\$0	\$149,000



**SKID STEER EVALUATION**

SUPPLIER	MAKE	A/C CAB	ENG KW	WEIGHT	NETT	TRADE	C/OVER
McIntosh & Son	New Holland L218	Yes	45	2660kg	\$52,370	\$20,000	\$32,370
Westrac	CAT 226B3AC	Yes	45.5	2641kg	\$49,790	\$16,500	\$33,290
McIntosh & Son	CASE SV185	Yes	44	2980kg	\$54,540	\$20,000	\$34,540
Bunbury Machinery	JCB 175	Yes	42	3200kg	\$59,520	\$20,000	\$39,520
Bunbury Machinery	JCB 190	Yes	46	3350kg	\$64,360	\$20,000	\$44,360
Bunbury Machinery	JCB 205	Yes	62	3460kg	\$65,410	\$20,000	\$45,410
Bunbury Machinery	JCB 155	Yes	44.7	2883kg	\$58,955	\$20,000	\$38,955
Hitachi	JD 318E-S	Yes	49.4	3178kg	\$65,200	\$20,000	\$45,200
McIntosh & Son	CASE TR270 (Tracks)	Yes	55	3720kg	\$65,700	\$20,000	\$45,700
Westside Equipment	Bobcat S590	Yes	45	3054kg	\$63,500	\$17,000	\$46,500
Westrac	CAT 236DAC	Yes	55.4	2975kg	\$62,915	\$16,500	\$46,415
Komatsu	Komatsu SK820-5SF	Yes	39.9	2940kg	\$65,000	\$15,000	\$50,000
Tutt Bryant	Mustang 1900R	Yes	51.7	3121kg	\$64,500	\$0	\$64,500

The CAT CW34 Multi Tyred Roller from Westrac provides the Shire with the best value for money and is the preferred item of the Shire's Outside Works Crew. The JCB 175 Skid Steer Loader from Bunbury Machinery has a side entry/exit which makes it ergonomically better and is also the preferred item of the Shire's Outside Works Crew. The purchase of both items as recommended is within budget.

**Statutory Environment**

Division 2 of the Local Government (Functions and General) Regulations 1996 state the requirements for the entire tender process.

**Policy Applicable – Implications**

Council Policy 4.8, Purchasing is applicable to this report.

**Financial Implications**

The net change over cost of this item will be \$177,145 (exclusive of GST) which is \$22,855 under budget.

**Risk Implications**

The risks associated with matters in this report are

- Errors, Omissions and Delays
- Failure to fulfil statutory, regulatory or compliance requirements
- Providing inaccurate advice/information
- Inadequate asset sustainability practices
- Inadequate supplier / contract management
- Inadequate safety and security practices.

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

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

**The likelihood** is Unlikely

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

Risk mitigation includes utilizing WALGA's Panel of Preferred Suppliers and performing risk assessments on plant items.

### **Strategic Community Plan Reference**

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

*Aspiration 5.0: By 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth*

Objective: 5.2 Demonstrate Strong Leadership and Management

Strategy: 5.2.5 Improvement in asset management capability

### **Consultation**

Consultation for this report included the Shire's Outside Works Crew, other Shires and WALGA's Panel of Preferred Suppliers.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION/COUNCIL DECISION**

**Motion 12102015**

**Moved Cr Adams, seconded Cr Standish that Council:**

- 1. Purchase a CAT CW34 Multi Tyred Roller from Westrac for \$137,500;**
- 2. Place the Amman Multi Tyred Roller with Pickles Auctions for Auction;**
- 3. Purchase a JCB 175 Skid Steer Loader from Bunbury Machinery for \$59,520; and**
- 4. Trade the CAT Skid Steer Loader to Bunbury Machinery for \$20,000.**

**Carried 9/0**

**10.4 ECONOMIC & COMMUNITY**

Nil

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

Nil

One member of the public and the Manager of Works left the meeting at 3.57pm

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

**Motion 13102015**

**Moved Cr Denton, seconded Cr Parsons that:**

- 1. Council discuss Item 13.1 Tender for the Construction of Three Independent Living Units in Cranbrook now; and**
- 2. That the meeting be closed to members of the public in accordance with section 5.23 (2)(c) of the Local Government Act 1995 to discuss a contract which may be entered into.**

**Carried 9/0**

**13. MATTERS BEHIND CLOSED DOORS**

**13.1 SUBJECT**

**TENDER FOR THE CONSTRUCTION OF THREE  
INDEPENDENT LIVING UNITS IN CRANBROOK**

**RESPONSIBLE OFFICER:**

Peter Northover  
Chief Executive Officer

**REPORT AUTHOR:**

Peter Northover  
Chief Executive Officer

**FILE REFERENCE:**

A134

**APPLICANT:**

N/A

**DATE OF REPORT:**

19 October 2015

**ATTACHMENTS:**

H+H Architects Tender Recommendation

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**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

The Manager of Works returned to the meeting at 4.04pm

### **OFFICERS RECOMMENDATION/COUNCIL DECISION**

#### **Motion 14102015**

**Moved Cr Denton, seconded Cr Beech that Council:**

- 1. Accepts the tender from White Building Co Pty Ltd for the construction of three (3) Independent Living Units at a cost of \$768,636 (excluding GST); and**
- 2. Delegates authority to the Chief Executive Officer to authorise additional contingency expenditure provided it is within the 2015/16 budget allocation.**

**Carried 9/0**

### **OFFICERS RECOMMENDATION/COUNCIL DECISION**

#### **Motion 15102015**

**Moved Cr Denton, seconded Cr Beech that the meeting be re-opened to members of the public.**

**Carried 9/0**

## **14. CLOSURE OF MEETING**

There being no further business to discuss, the Shire President, Cr Cunningham declared the meeting closed at 4.10pm.