

COUNCIL MEETING

AGENDA

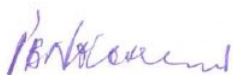


For the Ordinary Meeting of Council to be held on

21 August 2019

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 21 August 2019 at the Frankland River Community Centre commencing at 3.00pm.



Peter Northover
Chief Executive Officer

DISCLAIMER

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

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AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Deputy Shire President, Cr Horrocks will declare the meeting open at pm. The Deputy 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

Deputy President
Councillors

Cr PL (Phil) Horrocks
Cr DJ (David) Adams
Cr P (Peter) Denton
Cr PW (Peter) Slater
Cr VN (Vanessa) Fiegert

Chief Executive Officer
Manager of Finance & Administration
Works Supervisor

Mr PB (Peter) Northover
Mrs PA (Trish) Standish
Mr WM (Wayne) Toovey

Members of the Public

2.2 APOLOGIES

President
Councillors

Cr CY (Colin) Egerton-Warburton
Cr ER (Ruth) Bigwood
Cr PM (Peter) Beech
Mr JE (Jeff) Alderton

Manager of Works

2.3 APPROVED LEAVE OF ABSENCE

Councillor

Cr DS (David) Carey

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. DISCLOSURE OF INTEREST

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

The meeting will be closed to discuss all items from 13.1 to 13.3

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 17 July 2019

That the minutes from the ordinary meeting of Council held on 17 July 2019, be confirmed as a true and correct record.

10. REPORTS OF OFFICERS

10.1 FINANCE & ADMINISTRATION

10.1.1 LIST OF PAYMENTS

RESPONSIBLE OFFICER: Trish Standish – Manager of Finance and Administration

REPORT AUTHOR: Jodi Vitler – Finance Admin Officer

FILE REFERENCE: FM2

APPLICANT: N/A

DATE OF REPORT: 7 August 2019

ATTACHMENTS: List of Payments – 1 July 2019 to 31 July 2019

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 July 2019 to 31 July 2019.

Background

Nil

Officers Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulation 13 states:

13. List of accounts

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

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

Policy Applicable – Implications

Council Policy 4.8 – 'Purchasing', states that:

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

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

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

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

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is Rare

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

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

Strategic Community Plan Reference

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

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

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

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

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the payment of accounts totalling \$608,818.74 as per the attachment be noted:

- **Electronic Funds Transfers EFT9900 to EFT9996 - \$468,045.37;**
- **Municipal Fund Cheque No's 12173 – 12176 - \$7,921.56;**
- **Internal Account Transfers (Payroll) - \$100,914.90; and**
- **Direct Debit - \$31,936.91.**

10.1.2 MONTHLY FINANCIAL STATEMENTS

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | Trish Standish – Manager of Finance and Administration |
| REPORT AUTHOR: | Trish Standish – Manager of Finance and Administration |
| FILE REFERENCE: | FM12 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 13 August 2019 |
| ATTACHMENTS: | Financial Statements for July 2019 |

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 July 2019.

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 July financial statements report on 1 months, or 8% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 67% of our expected operating income. This higher percentage is due to the fact that property rates are recognised as revenue when they are raised and not when they are paid;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 7% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 3 shows a net current assets position of \$3,698,179 (surplus), which is mainly made up of cash on hand and rates debtors; and
- The 'Variance Report' on page 8 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
- Inadequate Supplier/Contract Management

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

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

The **likelihood** is Rare

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

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

Strategic Community Plan Reference

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

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

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

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

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the attached financial statements for the period ending 31 July 2019 be noted.

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 SENIORS ADVISORY GROUP (SAG) MEETING - DRAFT MINUTES 12 JULY 2019

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | Peter Northover – Chief Executive Officer |
| REPORT AUTHOR: | Samantha O’Neill – Community Development Officer |
| FILE REFERENCE: | CS211 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 8 August 2019 |
| ATTACHMENTS: | Draft Minutes – SAG Meeting 12 July 2019 |

Purpose

The purpose of this report is for the Council to consider the draft minutes of the 12 July 2019 Seniors Advisory Group Meeting

Background

At the 16 May 2018 meeting of Council it was resolved:

“That Council:

- 1. Endorse the establishment of a Seniors’ Advisory Group;**
- 2. Accept the Terms of Reference for the Seniors’ Advisory Group;**
- 3. Accept the nominations of John Gillam, Jenny Shaw, Bess O’Neill, Adrian Bridge, Judy Binet, Pat Saunders, June Roberts, Robert Andrew and the Frankland River Community Resource Centre Manager as community representatives on the Seniors’ Advisory Group; and**
- 4. Appoint Cr Slater as delegate and Cr Bigwood as proxy to the Seniors’ Advisory Group.”**

Officers Comment

A meeting of the Shire of Cranbrook Seniors’ Advisory Group was held on 12 July 2019 at the Frankland River Community Resource Centre.

The following is a list of topics that were discussed during the meeting;

- Community Buses – Addition of Step
- Cranbrook Town Footpath Audit
- Horse Paddocks in Cranbrook
- Crossing Albany Highway in Tenterden
- Community Nurse – Frankland River
- Tenterden Townscape
- Cranbrook Newsletter
- Cranbrook Sporting Club Lighting
- Independent Living Units (ILU) and Staff Housing
- Digital Learning Funding
- HACC Bus
- Seniors Lunch Outings
- SAG Elections in October 2019
- Frankland River Community Gym
- Street Lights, Glover Street
- Seniors Fitness Classes
- Street Numbering
- Tenterden Signage
- Ambulance Callouts

The draft minutes of the 12 July 2019 meeting are attached with no recommendations to Council.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

Council Policy 7.2, Disability Access and Inclusion, states that:

“Ensure that all members of the community, regardless of race, ability, age, religion, education or gender have equal access to all Council services, events, service, information, buildings and facilities. It will also ensure that, in line with the Shire of Cranbrook Community Engagement Policy, all members of the community are able to be included in the public consultation process where required.”

Financial Implications

There are no financial implications for this report. Any recommendations from the SAG that have a financial impact will be submitted to Council for consideration as part of the annual budget process.

Risk Implications

The risks associated with matters in this report are:

- Inadequate Engagement Practices

The **impact** of the risk is Reputational

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

The **likelihood** is Rare

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

Risk mitigation includes the well managed operations of the SAG as a forum for community feedback participation including Shire staff and Councillor representation on the committee.

Strategic Community Plan Reference

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

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

Outcome 1.1: An engaged, supporting and inclusive community

Strategy 1.1.2: Facilitate, encourage and support community groups, events and Initiatives

Outcome 1.3: A healthy place to grow and age

Strategy 1.3.1: Facilitate community health and wellbeing and support provision of services to the community

Strategy 1.3.2: Support a healthy, sporting and active community.

Consultation

Consultation was not required for this report.

VROC Implications

There are no VROC implications relating to this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council receive the attached draft minutes of the 12 July 2019 Seniors Advisory Group meeting.

10.3 WORKS

10.3.1 BUDGET 2019-2020 AMENDMENT

| | |
|-----------------------------|----------------------------------|
| RESPONSIBLE OFFICER: | Jeff Alderton – Manager of Works |
| REPORT AUTHOR: | Jeff Alderton – Manager of Works |
| FILE REFERENCE: | RO320 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 25 July 2019 |
| ATTACHMENTS: | Nil |

Purpose

The purpose of this report is for the Council to consider a budget amendment by including an extension to an existing road construction project for the financial year 2019/2020.

Background

Currently there are two Roads to Recovery (RTR) projects budgeted for in the 2019/2020 financial year. Re-sheeting of the Boyup Brook Cranbrook Road from Straight Line Kilometre (SLK) 15.10 to 19.10 and re-sheeting of the Yeriminup Road from SLK 31.30 to 36.30.

Officers Comment

The Shire has recently been informed that the five (5) year RTR budget allocation has increased from \$1,618,610 to \$2,023,260. Therefore the Shires allocation has increased from \$323,722 to \$404,652 an increase of \$80,930 per annum.

It is recommended that the Shire continue the re-sheeting of the Boyup Brook Cranbrook Road from SLK 19.10 to 21.50 to utilise these extra funds this year. This will allow for a total of 6.4km of the Boyup Brook Cranbrook Road to be re-sheeted in the current financial year.

Statutory Environment

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

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

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

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

* *Absolute majority required.*

(1a) In subsection (1) —

“**additional purpose**” means a purpose for which no expenditure estimate is included in the local government’s annual budget.”

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

This report recommends the following change to the 2019-2020 adopted budget:

| GENERAL LEDGER - JOB NUMBER | DESCRIPTION | CURRENT BUDGET AMOUNT | PROPOSED BUDGET AMOUNT | DIFFERENCE |
|----------------------------------|--|-----------------------------|------------------------------|------------------|
| CAPITAL EXPENDITURE | | | | |
| 121203 – AU047 | Roads To Recovery Construction – Boyup Brook Cranbrook Rd | \$120,000 | \$200,930 | +\$80,930 |
| 121203 – AU001 | Roads To Recovery Construction – Yeriminup Rd | \$203,722 | \$203,722 | \$0 |
| TOTAL CAPITAL EXPENDITURE | | \$323,722 | \$404,652 | +\$80,930 |
| CAPITAL REVENUE | | | | |
| 121301 | Roads To Recovery Grants | \$323,722 | \$404,652 | +\$80,930 |

The additional cost of the extra RTR project is fully funded through the RTR Roads Grants therefore there is no impact on the budget.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Asset Sustainability Practices
- Inadequate Project/Change Management

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking appropriate authorisation to expend the additional funding on the Boyup Brook Cranbrook Road.

Strategic Community Plan Reference

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

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

Outcome 3.2: A built infrastructure servicing the needs of the community

Strategy 3.2.1: Maintain and enhance our roads, built infrastructure, parks and reserves

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

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

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

Consultation

Consultation for this report included Executive Management Team and the Works Staff Leadership Group.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Absolute Majority (Budget Amendment)

OFFICERS RECOMMENDATION

That Council authorise the following amendment to the 2019-2020 Budget.

| GENERAL LEDGER - JOB NUMBER | DESCRIPTION | CURRENT BUDGET AMOUNT | PROPOSED BUDGET AMOUNT | DIFFERENCE |
|--|--|--------------------------------------|---------------------------------------|-------------------|
| CAPITAL EXPENDITURE | | | | |
| 121203 – AU047 | Roads To Recovery Construction – Boyup Brook Cranbrook Rd | \$120,000 | \$200,930 | +\$80,930 |
| 121203 – AU001 | Roads To Recovery Construction – Yeriminup Rd | \$203,722 | \$203,722 | \$0 |
| TOTAL CAPITAL EXPENDITURE | | \$323,722 | \$404,652 | +\$80,930 |
| CAPITAL REVENUE | | | | |
| 121301 | Roads To Recovery Grants | \$323,722 | \$404,652 | +\$80,930 |

10.3.2 HEAVY VEHICLE REST BAY LEASE - CRANBROOK

RESPONSIBLE OFFICER: Jeff Alderton – Manager of Works
REPORT AUTHOR: Jeff Alderton – Manager of Works
FILE REFERENCE: CP146
APPLICANT: State of Western Australia
DATE OF REPORT: 25 July 2019
ATTACHMENTS: Lease & Plan

Purpose

The purpose of this report is for the Council to consider entering into a Peppercorn Lease Agreement with the State of Western Australia acting through the Executive Director Finance and Commercial Services of the Commissioner of Main Roads over a portion of the road reserve controlled by Main Roads WA on the Great Southern Highway and Albany Highway intersections in Cranbrook.

Background

Council is aware that the Road Safety Commission funded the construction of a Heavy Vehicle Rest Bay on this intersection. The Heavy Vehicle Rest Bay was constructed by Main Roads WA and was to include the installation of an abluion block.

Officers Comment

Just prior to the completion of the Heavy Vehicle Rest Bay in April 2018, Main Roads WA informed the Chief Executive Officer and Manager of Works that they would not be building the abluion facility. This caused the Shire a few logistical problems with the main problem being that the Shire did not own the land and therefore could not build or contract anyone to build the abluions on that land.

This problem was raised with Main Roads WA who arranged for the State Solicitors Office to draw up a Lease Agreement over a portion of the road reserve identified as Lot 300 on Deposited Plan 412520 and being the whole land in Certificate of Crown Land title Volume LR3169 Folio 634 and is delineated and marked 300 on the Lease Agreement attached. The lease is for a period of five years with two further options of five years each under a Peppercorn Lease Agreement.

Without this Lease Agreement, the Shire would not be able to build the abluion facility.

Statutory Environment

The Land Administration Act 1997 is relevant to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes

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

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

The **likelihood** is Unlikely.

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

Risk mitigation includes consulting with Main Roads WA.

Strategic Community Plan Reference

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

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

Outcome 1.1: An engaged, supporting and inclusive community

Strategy 1.1.3: Provide, maintain and improve community facilities within available resources

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

Outcome 3.2: A built infrastructure servicing the needs of the community

Strategy 3.2.1: Maintain and enhance our roads, built infrastructure, parks and reserves

Consultation

Consultation for this report included Main Roads WA, Executive Management Team and the State Solicitors Office.

VROC Implications

There are no strategic VROC implications from this

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council enter into a Peppercorn Lease Agreement as per the attached lease document with the State of Western Australia acting through the Executive Director Finance and Commercial Services of the Commissioner of Main Roads on behalf of Main Roads WA for a period of five years with two further options of five years each for Lot 300 on Deposited Plan 412520 and being the whole land in Certificate of Crown Land title Volume LR3169 Folio 634.

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

Nil

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

13. MATTERS BEHIND CLOSED DOORS

13.1 LOT 284 (11) PHILLIPS CRESCENT, CRANBROOK – OFFER TO PURCHASE

RESPONSIBLE OFFICER: Trish Standish - Manager of Finance and Administration
REPORT AUTHOR: Trish Standish - Manager of Finance and Administration
FILE REFERENCE: A9544
APPLICANT: RJ & PD Bullock
DATE OF REPORT: 13 August 2019
ATTACHMENTS: Valuation Report

13.2 TENDER 02-19 CONSTRUCTION OF FIVE INDEPENDENT LIVING UNITS, GRENFELL STREET CRANBROOK

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Trish Standish – Manager of Finance and Administration
FILE REFERENCE: A134
APPLICANT: N/A
DATE OF REPORT: 14 August 2019
ATTACHMENTS: Tender Submissions Received

13.3 TENDER 03-19 CONSTRUCTION OF HOUSE LOT 107 KING STREET CRANBROOK

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Trish Standish – Manager of Finance and Administration
FILE REFERENCE: A273
APPLICANT: N/A
DATE OF REPORT: 14 August 2019
ATTACHMENTS: Tender Submissions Received

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

OFFICERS RECOMMENDATION

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 contracts which may be entered into.

14. CLOSURE OF MEETING

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