

COUNCIL MEETING

AGENDA



For the Ordinary Meeting of Council to be held on

16 March 2022

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 16 March 2022 at the Cranbrook Council Chambers commencing at 3.00pm.



Linda Gray
Chief Executive Officer

DISCLAIMER

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

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AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

President	Cr PL (Phil) Horrocks
Deputy President	Cr G (George) Pollard
Councillors	Cr PM (Peter) Beech
	Cr PW (Peter) Slater
	Cr JA (Jennifer) Quick
	Cr RW (Robert) Johnson
	Cr LM (Lee) Casson
	Cr DM (Daisy) Egerton-Warburton
	Cr P (Perin) Mulcahy

Chief Executive Officer	Ms LA (Linda) Gray
Manager of Finance and Administration	Mrs DE (Diana) Marsh
Manager of Works	Mr JE (Jeff) Alderton

Members of the Public

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

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

This meeting will be closed to discuss item 13.1 and 13.2

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 16 February 2022

That the minutes from the ordinary meeting of Council held on 16 February 2022, 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 and Administration

REPORT AUTHOR: Courtney Wilson – Finance Officer

FILE REFERENCE: FM2

APPLICANT: N/A

DATE OF REPORT: 3 March 2022

ATTACHMENTS: List of Payments – 1 February to 28 February 2022

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 February 2022 to 28 February 2022.

Background

Nil

Officer's Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulation 13 states:

13. List of accounts

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

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

Policy Applicable – Implications

Council Policy 4.8 – 'Purchasing', states that:

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

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

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

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

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Rare

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

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

Strategic Community Plan Reference

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

Key Pillar: Connect

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

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

Consultation

Consultation was not required for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the payment of accounts totalling \$426,050.52 as per the attachment be noted:

- **Electronic Funds Transfers EFT12875 to EFT12972 - \$253,125.09;**
- **Municipal Fund Cheque Nil - \$0;**
- **Internal Account Transfers (Payroll) - \$139,784.80; and**
- **Direct Debit - \$33,140.63**

10.1.2	MONTHLY FINANCIAL REPORT – FEBRUARY 2022
RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance and Administration
REPORT AUTHOR:	Diana Marsh – Manager of Finance and Administration
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	10 March 2022
ATTACHMENTS:	Financial Statements for February 2022

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 28 February 2022.

Background

The Local Government (Financial Management) Regulations 1996 require a statement of financial activity to be prepared each month and prescribe the contents of that report and accompanying documents. The report is to be presented at an ordinary meeting of the Council within two months after the end of the month to which the report relates.

Officers Comment

The Monthly Financial Report (Containing the Statement of Financial Activity) complies with industry standards and all statutory reporting requirements are contained within the report.

The attached February 2022 Monthly Financial Report represents eight (8) months, or 67% of the financial year. The following items are worthy of noting on the February 2022 report:

- Closing surplus position of \$1,495,903 (shown on page 5)
- Cash and cash equivalents of \$4.66m, of which \$3m is held in cash backed reserve accounts (shown on page 9);
- Outstanding rates of \$150,637 equates to 5.7.7% of 2021/2022 rates levied (shown on page 10); and
- Explanation of material variances is shown on page 24.

Statutory Environment

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

Policy Applicable – Implications

Council Policy 4.1 Defining Material Variances, states that:

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

Financial Implications

The attached report represents the financial position of the Council at the end of the previous month and the adoption of the recommendation below does not have a financial impact.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is Rare

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

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

Strategic Community Plan Reference

The 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 28 February 2022 be received.

10.1.3 BUDGET REVIEW 2021/2022

RESPONSIBLE OFFICER: Diana Marsh – Manager of Finance and Administration
REPORT AUTHOR: Diana Marsh – Manager of Finance and Administration
FILE REFERENCE: FM6
APPLICANT: N/A
DATE OF REPORT: 10 March 2022
ATTACHMENTS: 2021/2022 Budget Review Report

Purpose

To consider the Shire of Cranbrook’s financial position as at 28 February 2022 and performance for the period 1 July 2021 to 28 February 2022 in relation to the adopted budget and projections estimated for the remainder of the financial year.

Background

The budget review has been prepared to include information required by the *Local Government Act 1995, Local Government (Financial Management) Regulations 1996*, and Australian Accounting Standards. The report for the period 1 July 2021 to 28 February 2022 shown in the attachment has been prepared incorporating year to date budget variations and forecasts to 30 June 2022 and is presented for council’s consideration.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document.

Officer’s Comment

The budget review report includes at Note 4 a summary of predicted variances by nature and type activities contained within the rate setting statement.

Features of the budget review include:

041005	Savings on receptions and Civic Functions	\$6,000
041020	Savings on VROC expenses – to date annual charge has been less than budgeted	\$3,000
041021	Increase in professional services expenses mainly due to engaging IT Vision to provide rates services, and additional provision for services as required	\$(42,750)
042005	Increase in computer equipment maintenance mainly due to employee changes	\$(10,000)
042009	Savings in staff training – training has tended to be as webinars and not in person due to Covid 19	\$5,000
042012	Savings in administration conferences – main conferences have been now	\$7,000
042014	Savings in contract financial services – not required now until next financial year	\$6,750
042025	Savings in software upgrades – implementation of Altus payroll delayed for now. Remaining budget available for improvements to cyber security	\$45,000
051112	Fire Mitigation Grant from Department of Fire & Emergency Services approved	\$66,920
051010	Fire Mitigation Grant expenditure from Department of Fire & Emergency Services approved	\$(66,920)
052104	Animal Welfare Grant approved	\$8,000

052002	Animal Welfare Grant expenditure and increased costs for animal pest control	\$(33,000)
053006	Savings in security expense – not occurring this year	\$2,500
082002	Savings in youth activities – no further activities planned for 2021/22	\$8,710
082004	Savings in community activities – no further activities planned for 2021/22	\$3,907
091007	Savings from clean-up of Housing Blocks not progressing	\$20,000
102002	Increase in street bins expenses – higher than expected	\$(4,000)
107001	Increase in cleaning expenses for public conveniences due to Covid-19 and training of new staff	\$(10,000)
107002	Savings in burials – less than originally budgeted	\$5,000
112002	Increased maintenance and water carting costs at lakes	\$(10,000)
113001	Reallocation of expenditure from Cranbrook Parks and Gardens to the Tourism Information Bays project	\$5,226
122002	Reallocation of Koonje Road capital project to the building maintenance budget	\$(50,000)
122003	Reduction in depot maintenance budget	\$10,000
122007	Savings in RAMM software expense	\$1,550
132002	Increased expenditure at Cranbrook Caravan Park due to additional Covid-19 cleaning and staff training	\$(10,000)
132004	Increased expenditure at Frankland River Caravan Park due to additional Covid-19 cleaning and staff training	\$(10,000)
132008	Reallocation of tourism and area promotion expenditure to Tourism Information Bays project	\$7,364
132101	Increase in Cranbrook Caravan Park income	\$15,000
133001	Savings for contract building surveyor – now employ part-time building officer	\$25,060
133010	Expenditure for part-time building officer	\$(10,000)
142008	Savings in engineering professional services – no longer required 2021/22	\$5,000
142012	Savings in works staff training costs – only first aid to complete now for 2021/22	\$10,000
143004	Increased maintenance costs on depot plant	\$(10,000)
113205	Decrease in capital expenditure for the Frankland River Community Facility – CSRFF funding declined and scope (and application to BRFF) reduced	\$1,337,375
113220	Decrease in capital expenditure for the Cranbrook Youth and Community Precinct – Lotterywest grant application unsuccessful	\$(452,768)
113303	Decrease in community contribution to the Frankland River Community Facility	\$(135,500)
113311	Decrease in non-operating grant revenue for the Frankland River Community Facility – CSRFF funding declined	\$(500,000)
113325	Decrease in non-operating grant revenue for the Cranbrook Youth and Community Precinct – Lotterywest grant application unsuccessful	\$(400,000)
113326	Decrease in non-operating grant revenue due to amended BRFF application and project scope	\$(702,072)
CF039	Reallocation of Koonje Road capital expenditure to road maintenance	\$50,000
121209	Increase to capital expenditure on the works depot due to rising costs and new specifications on recyclable water	\$(53,429)
121212	Savings on capital expenditure for footpaths	\$10,000
132201	Reallocation of operating expenses to Tourism Information Bays	\$(12,590)

143201	Increase to capital expenditure on plant items due to rising costs and addition of ATV for Frankland River to plant held	\$(65,524)
721000	Transfer to Plant Reserve from council funds cancelled	\$43,990
721000	Transfer from Plant Reserve increased	\$129,351
721000	Transfer to Plant reserve from Works Depot Reserve	\$100,000
725000	Transfer from Building Asset Management Reserve for 46 Edward Street included – omitted in original budget although intent included	\$5,000
744000	Reduced transfer from Rate Discount Reserve for Cranbrook Precinct as matching expenditure not included in original budget	\$50,000
747000	Transfer from Works Depot Reserve to back Plant Reserve	\$(100,000)
747000	Transfer from Works Depot Reserve for depot upgrade increased costs	\$(55,000)
143300	Increased proceeds from disposal of assets due to grader changeover	\$17,750
408000	Increased expenditure for lease payments not included in budget – Isuzu D-Max	\$(18,540)
	Movement in opening funding surplus brought forward on receipt of audited annual financial statements.	\$(163,897)
	Overall change in surplus	\$0

In considering the above adjustments, the closing position remains the same with council maintaining a balanced budget. While working to achieve this outcome some potential issues were identified:

- Factors such as Covid-19 and the global environment are beginning to impact on our costs and are expected to impact future budgets. The Shire must have funds put aside to limit the spread of infection within the workplace and to support the community in the order of \$15,000. Once savings are further identified this may require another budget amendment.
- Previous budget amendments, prompted by extra untied funding received, did not bring to account the movement in the opening funding surplus before committing further expenditure, making it difficult to achieve a balanced budget review and resulted in additional funds coming out of reserves. The deficit identified in the final audited financials was \$163,897 and have made rebalancing the budget very difficult, and the consequences are detailed below.
- Plant reserve is very low. Recommend increasing in future budgets to a minimum level of \$400k-\$500k that would allow a major plant be replaced quickly if needed. A quick comparison of other Band 4 councils show plant reserves of approximately \$340k Shire of Cuballing, \$400k Shire of Dumbleyung, and \$1.3m Shire of Lake Grace.
- It is likely to take many years for Works Depot Reserve to be sufficient to fund the main upgrade of the facility. This type of expenditure does not typically attract grant funding so will need to be funded by council either by way of reserves and/or borrowings.

Following completion of the budget review and to properly consider the impact of estimated projections at 30 June 2022, the items in the table above have been identified as requiring a budget amendment to account for these variances where appropriate. Required budget amendments have been included in Note 5 of the attached budget review document for information, and also presented as a separate recommendation to the budget review for council consideration.

Statutory Environment

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:

1. Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- 2A (a) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
(b) Consideration and review is to be given to the local government's financial position as at the review date.
(c) Review of the outcomes for the end of the financial year that are forecast in the budget is to be undertaken.
2. Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
3. A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
*Absolute majority required.
4. Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Section 6.8(1) (b) of the Local Government Act 1995 provides that expenditure can be incurred when not included in the annual budget provided it is authorised in advance by resolution (absolute majority required).

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

Authorisation of expenditure through budget amendments recommended. Other specific implications arising from this report.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management

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

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

The **likelihood** is: Unlikely

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

Risk mitigation includes ensuring Council adopt a balanced budget each year and that staff are competent in project management.

Strategic Community Plan Reference

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

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

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

Consultation

Consultation for this report included the Executive Management Team

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopt the attached budget review document and amend the 2021/2022 budget accordingly:

041005	Savings on receptions and Civic Functions	\$6,000
041020	Savings on VROC expenses – to date annual charge has been less than budgeted	\$3,000
041021	Increase in professional services expenses mainly due to engaging IT Vision to provide rates services, and additional provision for services as required	\$(42,750)
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408000	Increased expenditure for lease payments not included in budget – Isuzu D-Max	\$(18,540)

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 TENTERDEN TENNIS CLUB – CSRFF APPLICATION

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Samantha O’Neill – Community Development Manager
FILE REFERENCE:	CP203
APPLICANT:	N/A
DATE OF REPORT:	4 March 2022
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider:

- Setting the priority ratings of funding applications to be submitted to the Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants Round; and
- Financially supporting the application

Background

In 2020/2021 the Tenterden Tennis Club (TTC) advised that their tennis courts were rapidly deteriorating. Following the competition of the 2021 season the TTC wrote to the Shire of Cranbrook to advise of this deterioration. They advised that they were developing an action plan to ensure that they could replace the courts in a timely manner that would not have long lasting effects on the club.

The Shire of Cranbrook have since been working with the club, developing the most appropriate, cost effective and sustainable action for the courts moving forward.

Officer’s Comment

The Tenterden Tennis Club are going to be rebuild 4 of their 6 existing courts. The project entails the removal of existing courts, site establishment of new court bases including road base, sealing, kerbing, asphalt, and hard-court surface. Upon completion of this construction a new professional tennis court fencing will be installed to complete the project.

It is important to note that the current courts have deteriorated significantly and this has occurred at a rapid rate. Should this project not go ahead it will be detrimental to the club.

For this application, the Shire will be applying for \$82,160 ex GST and requests that Council support the following budget:

FUNDING	AMOUNT EX GST
CSRFF	\$82,160.00
Shire of Cranbrook - Cash	\$82,160.00
Tenterden Tennis Club Cash	\$78,710.00
Tenterden Tennis Club In-kind – Skilled Labour	\$1,200.00
Tenterden Tennis Club In-kind – Unskilled Labour	\$2,250.00
TOTAL	\$246,480.00

Once the Council have considered this request and if the Officer’s Recommendation is adopted, the grant application is sent to DLGSCI. Notification of the outcome should be received from DSR by mid June 2022. The Council’s contribution will then be included in the 2022/2023 draft budget considerations.

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

It is anticipated that the Shire's contribution towards this project will be \$82,160.00, a third of the project cost as per the CSRFF application guidelines. This amount will be included in the 2022/2023 draft budget considerations.

Risk Implications

The risks associated with matters in this report are:

- Inadequate Asset Sustainability Practices
- Inadequate Supplier/Contract Management

The **impacts** of the risk are: Financial, Reputational, Property

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

The **likelihood** is: Unlikely

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

Risk mitigation includes working with reputable contractors.

Strategic Community Plan Reference

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

Key Pillar: Live

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

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

Outcome 3 - Health: A well-defined primary and emergency health positioning, focussed attention on mental health and proactive leadership on next-frontier health provisions.

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

Deliverable 4.1: A transparent and accessible facility use analysis.

Consultation

Consultation for this report included liaising with Department of Local Government, Sport and Cultural Industries to best assess which grant round this application should be entered into for the best chance of a successful outcome, as well as site visits and meetings with members of the Tenterden Tennis Club.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Approves the application for the Tenterden Tennis Club as the number one priority for funding in the current 2022/2023 CSRFF Small Grants Round; and**
- 2. Subject to the successful funding application, agree to contribute \$82,160 ex GST in the 2022/2023 financial year budget.**

10.2.2 COMPLIANCE AUDIT RETURN - 2021

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Linda Gray – Chief Executive Officer
FILE REFERENCE: AD5
APPLICANT: N/A
DATE OF REPORT: 8 March 2022
ATTACHMENTS: 2021 Compliance Audit Return

Purpose

The purpose of this report is for the Council to consider the Compliance Audit Return (CAR) for the 2021 calendar year as required by the Local Government Act 1995.

Background

The CAR is one of the tools that allow the Council to monitor how the organisation is functioning. Each Local Government is required to carry out a compliance audit for the period 1 January – 31 December 2021 against the requirements included in the Local Government (Audit) Regulations. Due to staffing changes and a very short timeframe a consultant was engaged to complete the 2021 CAR.

Officers Comment

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

After the CAR has been presented to the Council, a certified copy of the return together with the relevant section of the minutes and any additional information explaining or qualifying the Compliance Audit is to be submitted to the Executive Director of the Department of Local Government Sport and Cultural Industries by 31 March 2022.

The Compliance Audit Return is attached and it should be noted by Council that there are some negative findings this year being a total of 5/98 being 5%, all of these have been addressed:

Tenders	2 out of 22
Commercial Trading Activities	0 out of 5
Delegations of Power	3 out of 13
Disclosure of Interest	0 out of 25
Disposal of Property	0 out of 2
Elections	0 out of 3
Integrated Planning	0 out of 3
Finance	0 out of 7
LG Employees	0 out of 6
Official Conduct	0 out of 3
Optional Questions	0 out of 9

Statutory Environment

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

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Rare

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

Risk mitigation includes ensuring the CAR is completed on time each year and any errors identified are rectified immediately and processes put in place to ensure the sustainability of the corrections. By employing a consultant on occasions also ensures that fresh eyes can refresh the process.

Strategic Community Plan Reference

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

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

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

Consultation

Diana Marsh, Manager of Finance and Administration

Jeff Alderton, Manager of Works

Steven Tweedie, Consultant

Voting Requirements

Simple Majority

AUDIT COMMITTEE RECOMMENDATION

The Audit Committee will discuss this report and will make a recommendation to the Council. The Officer's Recommendation for the Audit Committee to consider is:

That the Audit Committee recommends to the Council that the Shire of Cranbrook's Compliance Audit Return for the period 1 January to 31 December 2021, as attached, be adopted.

10.2.3 PROPOSED OUTBUILDING – LOT 34 (NO 16) CLIMIE STREET, TENTERDEN

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Consultant Planner (Town Planning Innovations)
FILE REFERENCE: A1076
APPLICANT: Ian and Gail Wornum
DATE OF REPORT: 3 March 2022
ATTACHMENTS: Nil

Purpose

The purpose of this report is for Council to consider a development application for an outbuilding on Lot 34 (No 16) Climie Street, Tenterden.

As the proposal is being advertised until the 14 March 2022, it is recommended that Council consider granting delegated authority to the Chief Executive Officer to determine the application.

Background

Lot 34 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.

An aerial is included below as a location plan. The lot has an approximate area of 8.7 hectares, and contains an existing house and outbuilding.



Above: Location Plan

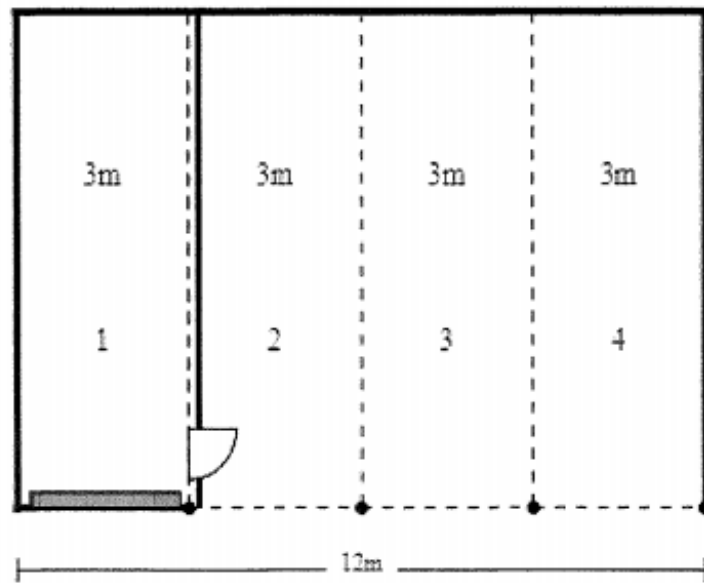
Officer's Comment

- Description of Proposal*

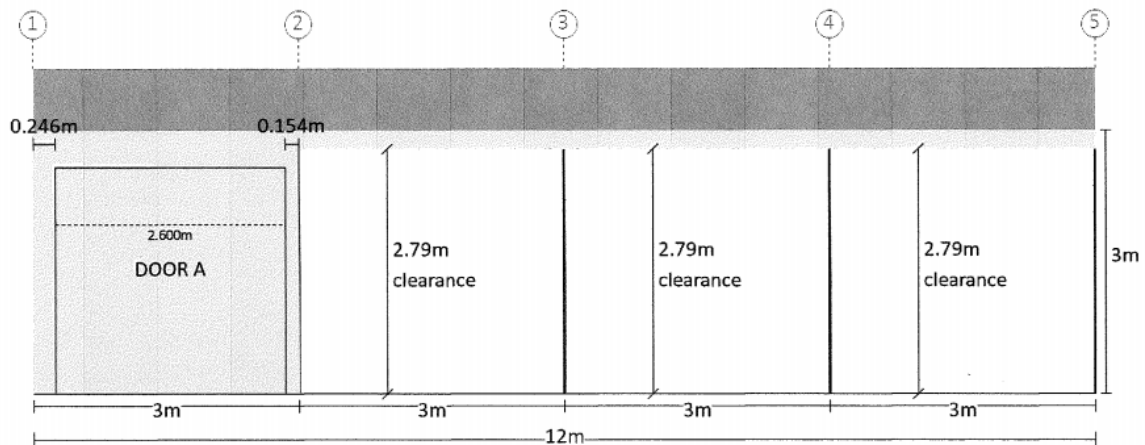
The owners propose to place a second outbuilding on the lot for additional storage.

The zinculume outbuilding is proposed to be located to the north west of the existing house, and to the north of an existing outbuilding already developed on the lot.

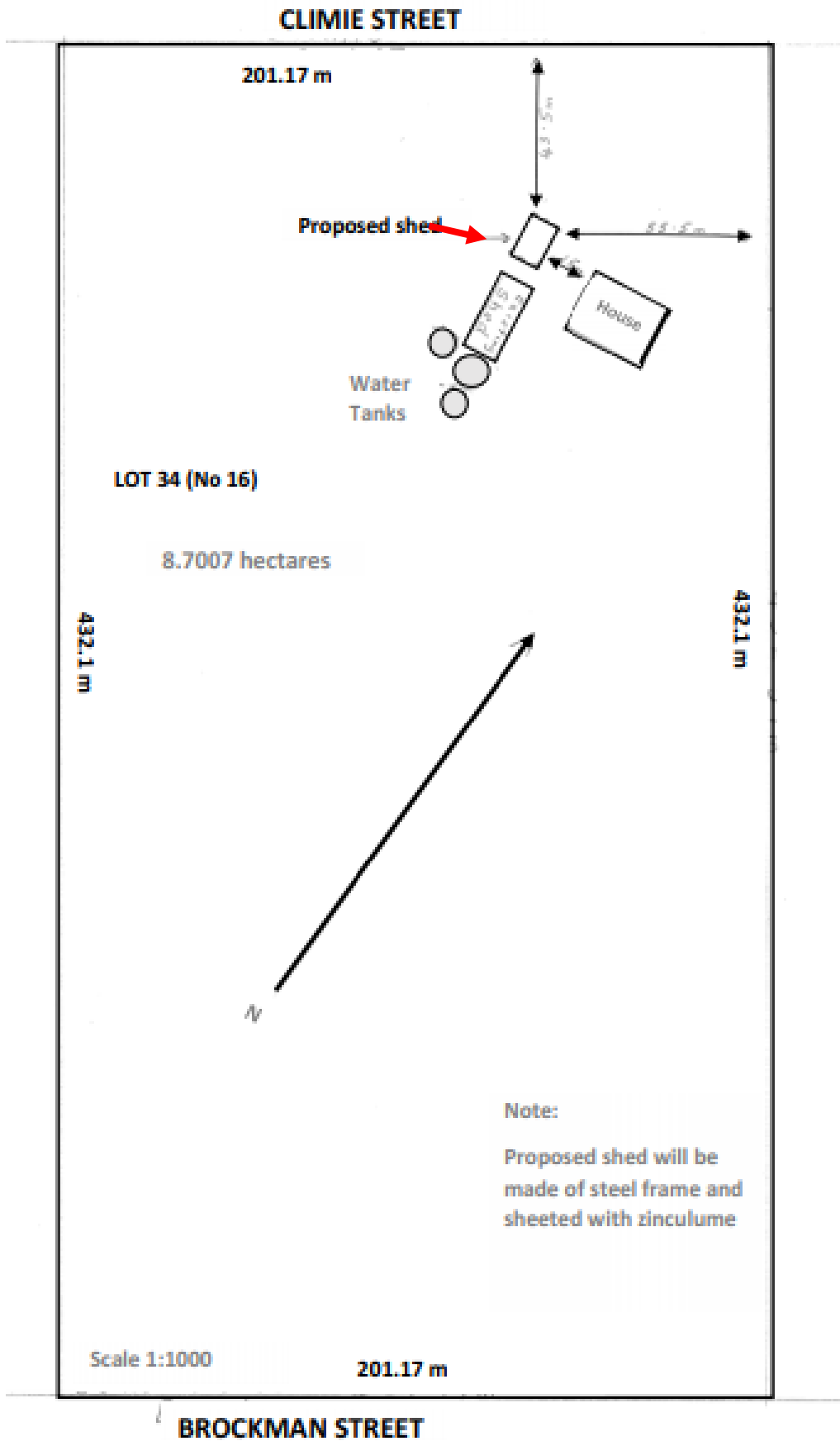
The outbuilding has a proposed floor area of 96m², and consist of 4 'bays'. Three of the bays are proposed to be open on one side for machinery storage, and one bay is proposed to be enclosed and used as a garage. The floor plan and elevation are included below.



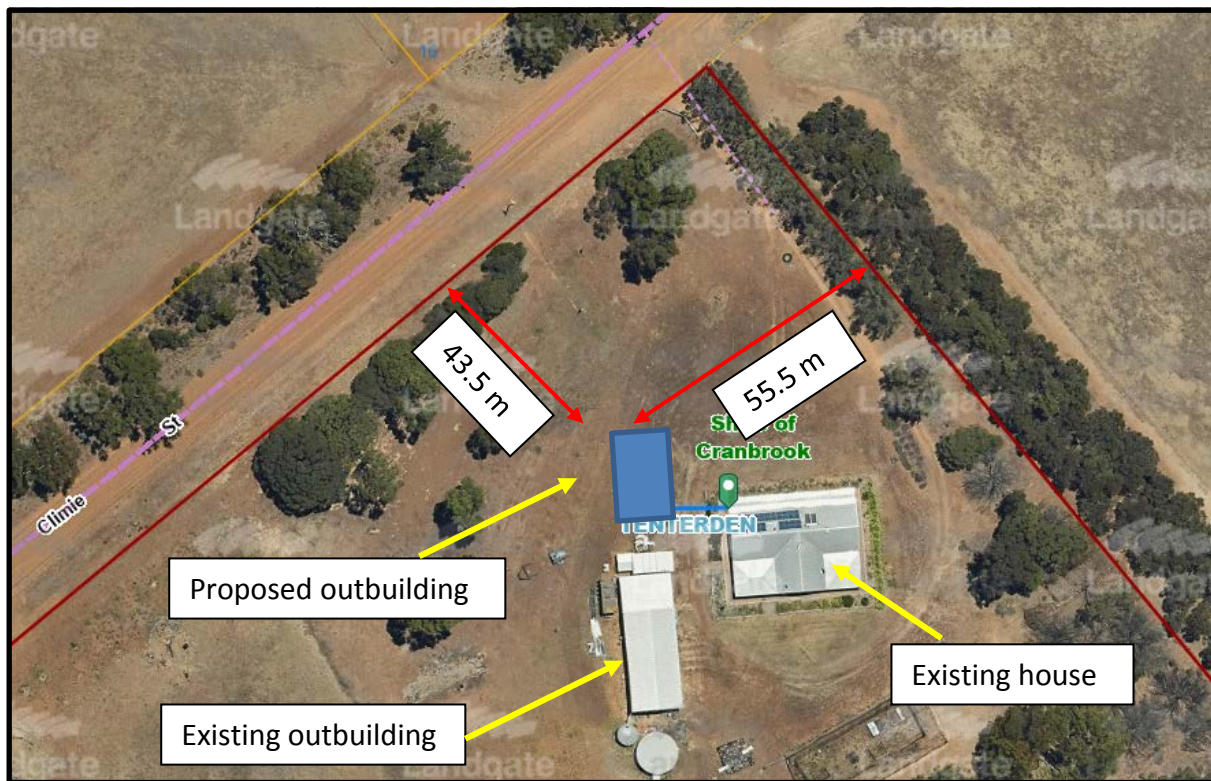
Right Side



The site plan is also included below for ease of reference.



To provide context, TPI has compiled the following aerial, however it is approximate and not to scale.



Approximate Location – Not To Scale (prepared by TPI)

- *Setbacks*

The Scheme requires a front setback of 30 metres and a 10 metre setback to any side and rear lot boundary. The proposed outbuilding complies with the setbacks required by the Scheme.

Statutory Environment

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

Schedule 11 of the Town Planning Scheme contains specific provisions relevant to this site including that *“Materials, equipment or outbuildings that are visually unsightly or could detract from the amenity of the area are not permitted on a lot unless they are screened to the local government’s satisfaction.”*

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 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.

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 **impact** of the risk is Non-Compliance, Reputational

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

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

Consultation

Consultation for this report included:

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

Advertising closes on the 14 March 2022.

Voting Requirements

Absolute Majority (to grant delegated authority)

OFFICER'S RECOMMENDATION

That Council:

1. Note that the application for an outbuilding on Lot 34 (No 16) Climie Street, Tenterden is being advertised for public comment. Advertising closes on the 14 March 2022.
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 34 (No 16) Climie Street, Tenterden.

10.2.4	BUSHFIRE ADVISORY COMMITTEE UNCONFIRMED MINUTES 19 OCTOBER 2021
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Kevin Bransby – Community Emergency Services Manager
FILE REFERENCE:	BF1
APPLICANT:	Bushfire Advisory Committee
DATE OF REPORT:	10 March 2022
ATTACHMENTS:	Unconfirmed Bushfire Advisory Committee Minutes October 2021

Purpose

The purpose of this report is to present to Council the minutes of the 19 October 2021 Bushfire 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 March/April and September/October and consists of representatives from each of the 12 local brigades, the Chief Bushfire Control Officer, two Deputy Chief Bushfire Control Officers, 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.

At the 19 October 2021 BFAC meeting DFES updates were provided and discussions about local brigade matters were raised.

General business was discussed as per attached minutes with one recommendation to Council included in the draft minutes regarding minimum training requirements for brigade members, included as a separate agenda items for Councils consideration.

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
- Inadequate Document Management Processes
- Inadequate Engagement Practices

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

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

The **likelihood** is Unlikely

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

Strategic Community Plan Reference

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

Outcome 14 – Environment: A connected community driving a united contribution to the environment both locally and globally.

Deliverable 14.1: A well-defined and talked about environmental point-of-difference for the Shire of Cranbrook.

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

1. That the attached unconfirmed minutes from the 19 October 2021 Bushfire Advisory Committee meeting be noted.
2. That council adopt the minimum training requirements for bushfire brigade members:
 - a. Bushfire Safety Awareness
 - b. Fire Fighting Skills

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	EMPLOYEE END OF CONTRACT TRANSFER OF COUNCIL PROPERTY
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	P216
APPLICANT:	N/A
DATE OF REPORT:	8 March 2022
ATTACHMENTS:	Nil

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.

*** CONFIDENTIAL ***

13.2 EMPLOYEE END OF CONTRACT GRATUITY PAYMENT

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Linda Gray – Chief Executive Officer
FILE REFERENCE: P216
APPLICANT: N/A
DATE OF REPORT: 11 March 2022
ATTACHMENTS: Governance Policy 1.16 Gratuity Payment

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.

OFFICER’S RECOMMENDATION:

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

14. CLOSURE OF MEETING

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