

# COUNCIL MEETING

## MINUTES



For the Ordinary Meeting of Council held

**19 October 2022**



### **PUBLIC QUESTION TIME – RULES AND PROCEDURES**

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

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

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

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

## **ATTENTION/DISCLAIMER**

These minutes will be confirmed at the next Ordinary Council Meeting. The minutes should be read to ascertain the decision of the Council.

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

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The Shire of Cranbrook disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

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

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# MINUTES

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Horrocks declared the meeting open at 3.00pm. The Shire President alerted 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 DM (Daisy) Egerton-Warburton Cr P (Perin) Mulcahy

Chief Executive Officer	Ms LA (Linda) Gray
Manager of Works	Mr JE (Jeff) Alderton
Minute Taker	Mrs MJ (Maddison) Pavlovich

Members of the Public	Nil
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### 2.2 APOLOGIES

Manager of Finance and Administration	Mrs DE (Diana) Marsh
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### 2.3 APPROVED LEAVE OF ABSENCE

Councillors	Cr LM (Lee) Casson
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## 3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil

## 4. PUBLIC QUESTION TIME

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

Nil

### 4.2 PUBLIC QUESTIONS

Nil

## 5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**Motion 01102022**

**Moved Cr Egerton Warburton, seconded Cr Johnson that Cr Casson be granted a leave of absence from the Ordinary Council Meeting on 19 October 2022**

**Carried 8/0**

**7. DISCLOSURE OF INTEREST**

Nil

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

This meeting will be closed to discuss item 13.1

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

**9.1 ORDINARY MEETING – 21 September 2022**

**Motion 02102022**

**Moved Cr Quick, seconded Cr Egerton-Warburton that the minutes from the ordinary meeting of Council held on 21 September 2022, be confirmed as a true and correct record.**

**Carried 8/0**

## 10. REPORTS OF OFFICERS

### 10.1 CORPORATE AND COMMUNITY SERVICES

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#### 10.1.1 LIST OF PAYMENTS

**RESPONSIBLE OFFICER:** Diana Marsh – Manager of Finance and Administration

**REPORT AUTHOR:** Lauren Lehmann – Finance Officer

**FILE REFERENCE:** FM2

**APPLICANT:** N/A

**DATE OF REPORT:** 10 October 2022

**ATTACHMENTS:** List of Payments – 1 September to 30 September 2022

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#### **Purpose**

The purpose of this report is to advise the Council of payments made during the period 1 September 2022 to 30 September 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/COUNCIL DECISION**

#### **Motion 03102022**

**Moved Cr Pollard, seconded Cr Slater that the payment of accounts totalling \$623,034.42 as per the attachment be noted:**

- **Electronic Funds Transfers EFT 13427 to EFT 13508 - \$424,665.48;**
- **Internal Account Transfers (Payroll) - \$127,450.54;**
- **Direct Debit - \$70,342.13 and**
- **Cheque Payments 12258 – 12258 \$576.27.**

**Carried 8/0**



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<b>10.1.2</b>	<b>MONTHLY FINANCIAL REPORT – SEPTEMBER 2022</b>
<b>RESPONSIBLE OFFICER:</b>	Diana Marsh – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Diana Marsh – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	FM12
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	6 October 2022
<b>ATTACHMENTS:</b>	Financial Statements for September 2022

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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 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 September 2022 Monthly Financial Report represents three (3) months of the financial year. The following items are worthy of noting on the September 2022 report:

- Closing surplus position of \$4,247,576 (shown on page 5)
- Cash and cash equivalents of \$6,926,483m, of which \$2.7m is held in cash backed reserve accounts (shown on page 9)
- Outstanding rates of \$857,154 equates to 29.5% of 2022/2023 rates levied (shown on page 10); and
- Explanation of material variances is shown by nature or type on page 24 in accordance with the amendments made to the Local Government (Financial Management) Regulations 1996, effective from 1 July 2022.

### **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

### **OFFICER'S RECOMMENDATION/COUNCIL DECISION**

**Motion 04102022**

**Moved Cr Quick, seconded Cr Pollard that the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 30 September 2022 be received.**

**Carried 8/0**

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<b>10.1.3</b>	<b>BUDGET AMENDMENT</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Linda Gray – Chief Executive Officer
<b>FILE REFERENCE:</b>	FM6
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	11 October 2022
<b>ATTACHMENTS:</b>	Nil

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### **Purpose**

The purpose of this report is for the Council to consider an amendment to the 2022/23 adopted budget for the purpose of funding demolition works in Frankland River.

### **Background**

At the 20 October 2021 meeting of Council, it was resolved that:

#### **Motion 10102021**

**Moved Cr Johnson, seconded Cr Casson that Council:**

- 1. Authorise the Chief Executive Officer to sign the attached Letter of Agreement allowing for the transfer of land, being Lot 8 on Deposited Plan 205493 and being the whole of the land comprised in Certificate of Title Volume 1155 Folio 802 from the Frankland River District Country Club (Inc) to the Shire of Cranbrook, free of encumbrances and for nil consideration; and**
- 2. Agree that the Shire of Cranbrook will be responsible for all associated costs in relation to obtaining legal advice, the transfer of land and removal of the existing buildings located on the lot.”**

Then, at the 15 June 2022 meeting of Council, it was resolved that:

#### **Motion 11062022**

**Moved Cr Egerton-Warburton, seconded Cr Casson that Council:**

- 1. Reverse the Council decision Motion 10102021 and not transfer the land, being Lot 8 on Deposited Plan 205493 and being the whole of the land comprised in Certificate of Title Volume 1155 Folio 802 from the Frankland River District Country Club (Inc) to the Shire of Cranbrook; and**
- 2. Provide financial assistance in the 2022/2023 Financial Year to demolish the existing house should no successful private tenders be received or alternative options be identified.**

### **Officer’s Comment**

An email was received on 21 September 2022 from the President of the Frankland River District Country Club Management Committee, Mr R Haynes, to advise that the Committee has investigated alternative options for the removal of the building and been unsuccessful. The Committee is therefore keen to accept the Council’s offer to provide financial assistance to demolish the building located on Lot 8 on Deposited Plan 205493.

The Shire, in order to facilitate the Committee’s request has sought quotations. At this stage the demolition will cost approximately \$28,000. It is proposed that the funds for this expenditure are taken from the increase in rates revenue in the 2022/23 Financial Year being \$28,000 so that the amendment to the 2022/2023 adopted budget will result in a balanced budget.

### **Statutory Environment**

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

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

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

\*Absolute majority required

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

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

The recommended changes to the 2022/2023 adopted budget will ensure the budget is balanced.

### **Risk Implications**

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

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

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

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

The **likelihood** is: Unlikely

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

### **Strategic Community Plan Reference**

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

#### **Key Pillar: Live**

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

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

### **Consultation**

Consultation for this report included the Council, the Executive Management Team, Frankland River District Country Club Management Committee and the Frankland River Community.

**Voting Requirements**

***Absolute Majority***

**OFFICER'S RECOMMENDATION/COUNCIL DECISION**

**Motion 05102022**

**Moved Cr Slater, seconded Cr Mulcahy that Council authorise the amendment to the 2022/23 budget with \$28,000 being allocated to an expenditure account and job code for the purpose of demolishing the house and removal of asbestos on Lot 8 on Deposited Plan 205493, to be balanced against the rates revenue received during the 2022/23 financial year.**

**Carried 8/0  
By Absolute Majority**

<b>10.1.4</b>	<b>WINGEBELLUP ROAD SHARED PATHWAY FRANKLAND RIVER TOWNSITE</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Jenny Cristinelli – Community Development Manager
<b>FILE REFERENCE:</b>	RO523
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	11 October 2022
<b>ATTACHMENTS:</b>	Frankland River Map

**Purpose**

The purpose of this report is for the Council to consider allocating funding within the 2023/2024 financial budget to install a shared pathway on Wingebellup Road, Frankland River Townsite.

**Background**

On 6 October 2022, the Western Australian Bike Network (WABN) funding round opened through the Department of Transport for shared path networks within Western Australia. The opportunity to apply for this funding is open until the 3 November 2022 with projects submitted, to commence in the 2023/2024 budget year. A condition of this funding is that Council will need to contribute 50% of the project cost.

To coincide with existing community projects that are currently being completed, the shared pathway will link predominant services to these areas along with enabling safe accessibility to existing businesses.

Consultation along with Webinar briefings on the WABN Grants Program has occurred, through the Department of Transport Cycling, Urban Mobility. More than \$8 million in grants funding will be available to local government authorities for active transport projects to be delivered in 2023/2024 and 2024/2025. The \$8 million will be split 50% metro and 50% rural. The funding through WABN Grants Program projects excludes infrastructure renewal, maintenance, or minor upgrades.

The proposed shared pathway, located on Wingebellup Road has been identified within the Great Southern 2050 Cycling Strategy Plan, which is being facilitated and prepared by Lenore Lyons, Senior Research Associate for Outdoors Great Southern. The proposed shared pathway will provide connectivity within the townsite to community facilities, business centre and shopping precinct.

**Officer’s Comment**

The existing footpath located on Wingebellup Road being a non-compliant shared path, following specifications of the Department of Transport and the Statutory Environment Acts and Codes, the opportunity to apply for the WABN Grants Program will benefit the community providing a compliant shared pathway.

The condition of the existing pathway being of safety concern due to the grades/levels and kerb ramps being non accessible for inclusion to all community members. Negative community feedback as been noted with the current condition of the existing pathway, cross over/kerb ramps. The proposed Shared Pathway will connect the Primary School through to the general store, allowing safe cross over/kerb ramps West/East over Rocky Gully-Frankland Road, along with North/South crossing over Wingebellup Road from the General Store to the corner of Marlock Street and Wingebellup Road.

This will be the link to the Shopping Precinct, Caravan Park, Community Resource Centre, Frankland River Play Space and District Country Club, along with the Public Toilets.

### **Statutory Environment**

Local Government Act 1995

Road Traffic Code 2000

Disability Discrimination Act 1992

Austrroads Guide to Road Design Part 6A: Pedestrians and Cyclist Paths

AS 1742 Part 9 - Manual for Uniform Traffic Control Devices- Bicycle facilities

AS1742 Part 10 - Manual for Uniform Traffic Control Devices - Pedestrian Control and Protection 2009

Main Roads Standards and Guidelines

### **Policy Applicable – Implications**

Council Policy 5.3 Works Pathways

### **Financial Implications**

The total cost of the matters in this report are anticipated to be \$215,000.00 and will need to be funded from the Works Budget 2023/2024.

### **Risk Implications**

The risks associated with matters in this report are:

- Business and Community Disruption
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Supplier/Contract Management

The **impacts** of the risk are: Financial, Service Interruption, Non-Compliance, 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 included referencing Australian and other relevant standards.

### **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 1.1:** A community and enterprise safety and security system.

**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.

**Deliverable 4.2:** An ideal service provision for aged-care, youth and people living with a disability.

#### **Key Pillar: Visit**

**Outcome 9 – Experiences:** A well-defined and celebrated community activity program for locals and visitors.

**Deliverable 9.1:** A stimulus into sport and recreation participation.

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

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

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

**Deliverable 11.1:** A programmed upgrade of town main streets including landscaping, signage, planting, furniture, lighting, icons, and storytelling.

**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 for this report included:

Jenny Cristinelli, Community Development Manager

Diana Marsh, Manager of Finance and Administration

Lenore Lyons, Senior Research Associate Outdoors Great Southern

Department of Transport – WA Bike Network

### **Voting Requirements**

***Absolute Majority***

### **OFFICER'S RECOMMENDATION/COUNCIL DECISION**

**Motion 06102022**

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

- 1. Approve the submission of a grant application to WA Bicycle Network for providing a Shared Pathway to connect services with community facilities and businesses along Wingebellup Road, Frankland River.**
- 2. To make provision of \$107,500.00 being 50% contribution of the total project cost of \$215,000.00 within the 2023/2024 Capital Works Budget to construct the Shared Pathway along Wingebellup Road, Frankland River.**

**Carried 8/0  
By Absolute Majority**



## 10.2 GOVERNANCE AND EXECUTIVE SERVICES

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### 10.2.1 LOCAL GOVERNMENT REFORM – RESPONSE TO HON JOHN CAREY MLA MINISTER FOR HOUSING; LANDS; HOMELESSNESS; LOCAL GOVERNMENT

<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Linda Gray – Chief Executive Officer
<b>FILE REFERENCE:</b>	GO3
<b>APPLICANT:</b>	Nil
<b>DATE OF REPORT:</b>	5 October 2022
<b>ATTACHMENTS:</b>	Memorandum to Chief Executive Officers – Local Government Reforms: Election Transition Arrangements (Changes to Council Size)

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#### **Purpose**

The purpose of this report is for the Council to formally refuse the proposal from the Hon John Carey MLA, Minister for Housing; Lands; Homelessness; Local Government to follow the Reform Election Pathway in undertaking a voluntary process to reduce the number of Councillors from nine to seven.

#### **Background**

On 3 July 2022, the Minister announced the final package of proposed local government reforms. As part of the reforms to strengthen local democracy and increase community engagement, new requirements will be introduced to provide for:

- The introduction of optional preferential voting;
- Directly elected Mayors and Presidents for band 1 and 2 local governments;
- Councillor numbers based on population; and
- The removal of wards for band 3 and 4 local governments.

Whilst many of the reform proposals related to council representation are not applicable to the Shire of Cranbrook, advice has been received through the Minister's letter dated 20 September 2022, that the Shire may need to reduce the number of council members under the proposed reforms.

#### **Officer's Comment**

As part of the reform process, the Shire of Cranbrook did forward a response to many of the proposed changes and supported them, however, the reduction of council numbers was the exception. This was due to the strong interest from individuals in the community to stand for election. In addition, it was felt that by restricting numbers to seven the Council did not truly represent the wide range of agribusinesses within the Shire, nor the demographics of the Shire in age and gender. When the Shire receives no surplus of nominations or in fact, no nominations at all for a position on Council, then it will have to consider a reduction of numbers. Last year's election there were eight nominations for five vacant seats, this is not the case at present.

#### **Statutory Environment**

Proposed Amendment Act to the *Local Government Act 1995* – the legislation to initiate the reduction in council numbers has not yet been approved by State Parliament.

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

There is no Council policy applicable to this report.

### **Financial Implications**

The Councillors have not raised their attendance fees for ten years. The savings in the reduction of numbers is minimal in proportion to the benefits to the community of having a 9 member council.

### **Risk Implications**

The risks associated with matters in this report are:

- Business and Community Disruption
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Engagement Practices

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

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

The **likelihood** is Possible

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

### **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 1.1:** A community and enterprise safety and security system.

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

### **Consultation**

Consultation for this report included the Shire of Cranbrook's councillors.

### **Voting Requirements**

***Absolute Majority***

### **OFFICER'S RECOMMENDATION/COUNCIL DECISION**

**Motion 07102022**

**Moved Cr Egerton-Warburton, seconded Cr Mulcahy that Council:**

- 1. Refuse the request from the Hon John Carey MLA, Minister for Housing; Lands; Homelessness; Local Government to follow the Reform Election Pathway in undertaking a voluntary process to reduce the number of Councillors from nine to seven due to:**
  - a. the keen interest from individuals in the community to stand for election,**
  - b. the strong representation of the diversification of agribusinesses by members with a nine-member council, and**
  - c. an improved representation of the demographics of the Shire of Cranbrook; and**
  - d. the change in legislation and the need to comply with the Amendment Act has not yet been approved by State Parliament.**

**Carried 8/0  
By Absolute Majority**

**10.2.2 FRANKLAND RIVER PLAYGROUND DISPOSAL**

**RESPONSIBLE OFFICER:** Linda Gray – Chief Executive Officer  
**REPORT AUTHOR:** Jenny Cristinelli – Community Development Manager  
**FILE REFERENCE:** FM21  
**APPLICANT:** N/A  
**DATE OF REPORT:** 6 October 2022  
**ATTACHMENTS:** Nil

**Purpose**

The purpose of this report is for the Council to consider the tender received for the purchase of playground equipment located at the Frankland River Playground, Wingebellup Road.

**Background**

At the 18 May 2022 meeting of Council, it was resolved that:

**The projects selected for construction under the Local Roads and Community Infrastructure (LRCI) Program – Stage 3 for a total of \$882,938.**

These projects selected being as follows:

1. Frankland River Playground
2. Frankland River Pump Track
3. Frankland River Footpath/Access/Parking
4. Lake Poorrarecup Renew Ablutions

As part of the Frankland River Playground project, the disposal of existing equipment was placed out for tender. The tender process ran from 9 September to 30 September 2022.

**Officer’s Comment**

Tenders were invited for the sale and removal of the playground equipment, located at the Frankland River Playground, Wingebellup Road. One conforming tender was received:

<b>Tenderer</b>	<b>Amount Tendered (ex GST)</b>
Mt Barker Speedway	\$500.00

To have the Frankland River Playground equipment removed, the cost estimate for unskilled labour, travel and plant hire/equipment would equate to an amount of \$1800.00. This expense is the responsibility of the successful tender recipients and should be considered when deciding on the outcome of the Officers Recommendation. An estimated total cost for the disposal being \$2300.00.

**Statutory Environment**

Section 3.58 of the Local Government Act 1995 defines the process required for the disposal of local government property. This section states:

- “(2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned;

- (ii) giving details of the proposed disposition; and
  - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;
- and
- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include-
- (a) the names of all other parties concerned;
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.”

### **Policy Applicable – Implications**

Council Policy 4.14 Asset Disposal states that Council is committed to ensuring an open, fair, transparent and accountable process in the disposal of Council’s surplus assets, whilst obtaining best value for money and avoiding any conflicts of interest, whether real or perceived.

### **Financial Implications**

The proceeds from the sale of this playground equipment would be transferred to the Other Recreation & Sport Operating Revenue Account.

### **Risk Implications**

The risks associated with matters in this report are:

- Business and Community Disruption
- Errors, Omissions and Delays
- Inadequate Document Management Processes
- Inadequate Engagement Practices
- Inadequate Safety and Security Practices
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management

The **impact** of the risk is Financial, Service Interruption, Non-Compliance, Reputational, Property.

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

The **likelihood** is Unlikely

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

Risk mitigation included obtaining legal advice to assist with the preparation of a contract of sale document that will be signed by the purchaser.

### **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’.

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

**Deliverable 4.1:** A transparent and accessible facility use analysis.

**Key Pillar: Visit**

**Outcome 9 – Experiences:** A well-defined and celebrated community activity program for locals and visitors.

**Deliverable 9.1:** A stimulus into sport and recreation participation.

**Deliverable 9.2:** A stimulus into arts and culture participation.

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

**Deliverable 11.1:** A programmed upgrade of town main streets including landscaping, signage, planting, furniture, lighting, icons and story-telling.

**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**

Jenny Cristinelli, Community Development Manager

Diana Marsh, Manager of Finance and Administration

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION/COUNCIL DECISION**

**Motion 08102022**

Moved Cr Quick, seconded Cr Mulcahy that Council accept the tender of \$500.00 ex GST from Mt Barker Speedway for the purchase and removal of the playground equipment, located at Frankland River Playground, Wingebellup Road Frankland River, as per the tender conditions, which include:

1. The tendered price must be paid in full to the Shire of Cranbrook within twenty-eight (28) days of notification of the successful tender with a copy of the signed contract;
2. Removal of the equipment cannot commence until the accepted tender amount is paid in full and a copy of the signed contract is received;
3. All costs associated with the removal of the playground equipment are to be the responsibility of the tenderer and must be separate to the tender price offered for purchase; and
4. The playground equipment must be removed from the current site by 9 December 2022.

Carried 8/0

<b>10.2.3</b>	<b>PROPOSED AMENDMENT 7 TO THE SHIRE OF CRANBROOK TOWN PLANNING SCHEME NO 4</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Liz Bushby – Town Planning Innovations
<b>FILE REFERENCE:</b>	TP108
<b>APPLICANT:</b>	Taylor Burrell Barnett
<b>DATE OF REPORT:</b>	5 October 2022
<b>ATTACHMENTS:</b>	Table of Submissions

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### **Purpose**

The purpose of this report is for the Council to consider final adoption of Amendment 7 to the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme).

The amendment will:

- 1. Introduce provisions for a new Tourism zone into the Scheme, including objectives, land use permissibility and development requirements; and**
- 2. Rezone Lots 182–191 Armstrong Street, Lots 192-199 Gillam Street and a portion of a right of way from Residential to Tourism.**

### **Background**

- ***Proposed future land acquisition and development aspirations***

Maalak Aboriginal Corporation (MAC) is registered as a legal entity through the Registrar of Aboriginal Corporations Act, which is a Commonwealth Statutory Body. It is the vehicle for creating opportunities for the Nyoongar family units of Cranbrook to negotiate with both public and private organisations. It is their vision to create a Maalak Visitor Precinct in Cranbrook.

MAC has aspirations to develop Lots 182–191 Armstrong Street and Lots 192-199 Gillam Street with a visitor Nyoongar learning centre, short stay accommodation, headquarters for local Nyoongar based tour operators, and to provide education programs for schools and other visitor groups.

The lots subject of this scheme amendment are currently owned by the State of Western Australia.

The State of Western Australia granted the Maalak Aboriginal Corporation a Deed of Option on 7 March 2013 to purchase Lots 182-199 in order to deliver the proposed Eco-tourism/Visitor Precinct. The Maalak Aboriginal Corporation requested an extension to the Deed of Option.

In response, the Department of Planning, Lands and Heritage confirmed their support and commitment to the proposal and extended the Conditions Precedent Expiry Date and Option Expiry Date to the 31 March 2022 and 30 June 2022 respectively.

The applicant has advised that progress of this Scheme Amendment will facilitate a further extension of time to the Deed of Option and the eventual grant of freehold titles to the land to MAC.

- ***Location***

The application proposes to re-zone Lots 182-199 which are bound by Gillam Street, Armstrong Street and Climie Street in Cranbrook – refer Figure 1 below.



Figure 1 Subject Site

The combined site area is 1.93 hectares, which includes a portion of an unconstructed right of way.

### Officer's Comment

- **Description of Amendment**

A Scheme Amendment has been prepared by Taylor Burrell Barnet on behalf of Maalak Aboriginal Corporation to rezone Lots 182-199 from Residential to Tourism to facilitate the development of an Indigenous Cultural Eco-Tourism Precinct.

As the Shires Scheme does not currently contain any Tourism zone, the amendment also proposes to introduce provisions for a Tourism zone, including objectives, land use permissibility and development requirements.

The objectives for the Tourism zone are consistent with those contained in the Model Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

It should be noted that:

- The Shires Local Planning Strategy references MAC's proposal and states that the Shire will continue to support the Eco Tourism project. The scheme amendment is consistent with the Shires Strategy.
- The existing density code of R12.5/30 will not change, and will apply to any residential development in the Tourism zone.
- There is a provision whereby the Shire can require a Local Development Plan to be prepared to guide future development. A Local Development Plan is a broad concept plan that includes requirements to be met at the separate development application stage. MAC already has an indicative development concept plan, which could be converted into a Local Development Plan.
- The lots are within a Bushfire Prone Area. The amendment is supported by a Bushfire Management Plan.

- e) The site is located within the trigger distance of the railway line and Great Southern Highway. The applicant has advised that a noise management plan will be prepared as part of any future development application.
- f) Existing services in the area can be extended to service future development.

TPI has advised the applicant that the interface of development with any existing residential lots would need to be planned carefully. Land use compatibility needs to be examined as part of any future development, as people on holidays may have different routines to those of local residents.

- ***Type of Amendment***

There are three types of amendments under the Planning Regulations, being a Basic Amendment, a Standard Amendment or a Complex Amendment.

Amendment 7 has been processed as a Standard Amendment as it is consistent with the Shire of Cranbrook Local Planning Strategy for the scheme, which has been endorsed by the Commission.

### **Statutory Environment**

#### ***Planning and Development (Local Planning Schemes) Regulations 2015***

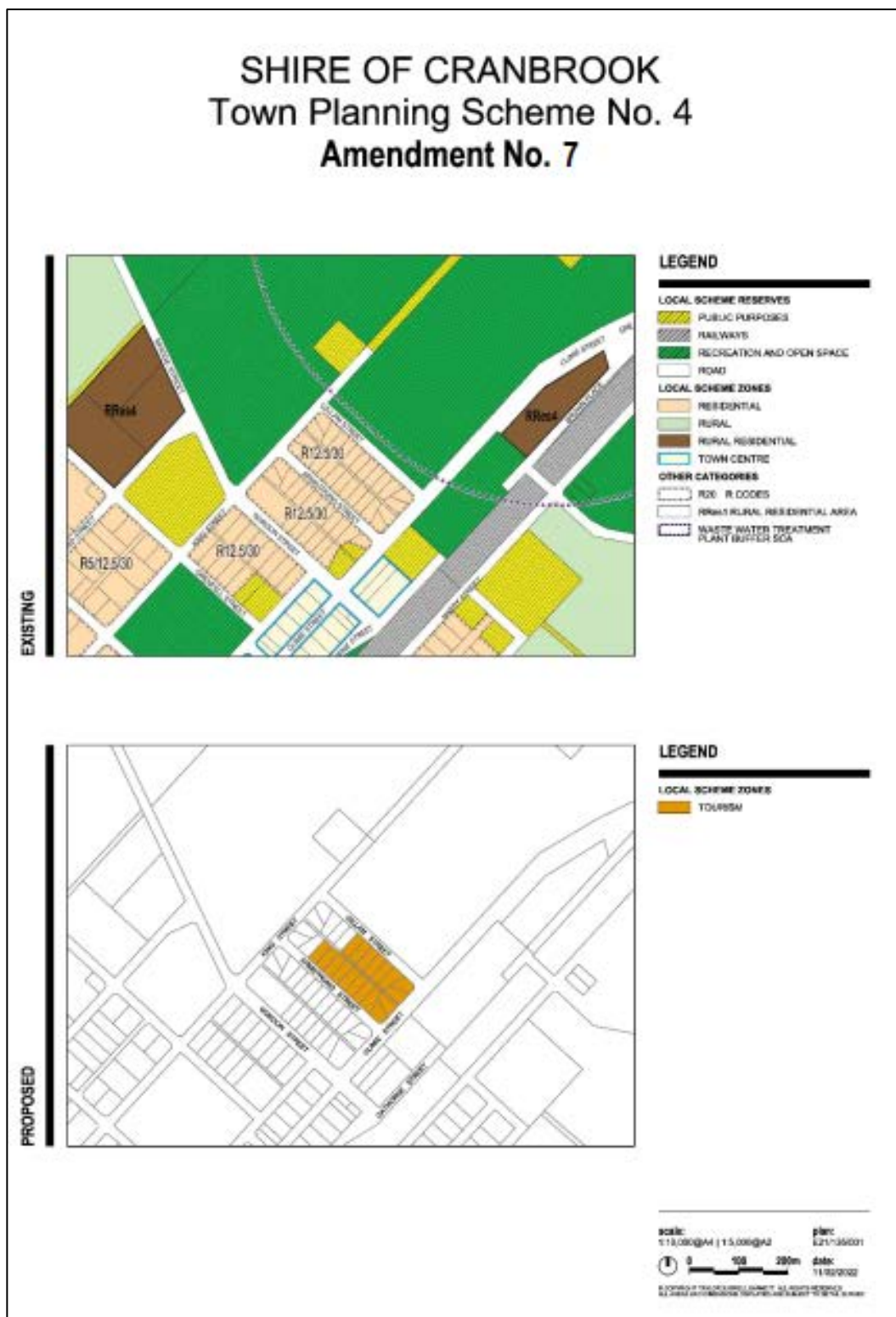
The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations outline the process for any Scheme Amendment which is summarised below:

1. The Amendment considered by Council on the 15 June 2022. Council adopted the amendment for the purpose of initiating public advertising.
2. Any Amendment adopted by Council has to be referred to the Environmental Protection Authority (EPA). The EPA advised that no environmental assessment is required on the 29 July 2022.
3. The amendment was advertised for public comment for 42 days. Advertising included letters to nearby landowners, a notice in the Albany Advertiser, a notice on the Shire website, and letters to relevant government authorities and service authorities.
4. Any public submissions must be summarised in a table and each submission has to be considered. A submission table is attached to this report – refer to the attachment.
5. After advertising a second report is to be considered by Council to contemplate all public submissions, whether the amendment needs to be modified to address any issues raised in submissions, and whether to adopt the amendment for final approval (with or without modifications).
5. Once reconsidered by Council (on the 19 October 2022) the amendment is lodged with the Western Australian Planning Commission for referral to the Minister for Planning who makes the final decision on the amendment. The Minister can refuse the amendment, or approve the amendment (with or without modifications).
6. If the amendment is approved by the Minister, the decision has to be published in the Government Gazette.

***Shire of Cranbrook Town Planning Scheme No 4*** – The amendment proposes to re-zone Lots 182–191 Armstrong Street, Lots 192-199 Gillam Street. Refer to scheme amendment map over page.





**Policy Applicable – Implications**

There is no Council policy applicable to this report.

**Financial Implications**

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

**Risk Implications**

There are no known risks associated with matters in this report. Ultimately approval of the amendment rests with the Minister for Planning, Lands and Heritage.

### Strategic Community Plan Reference

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

#### **Key Pillar: Work**

**Outcome 8 – Business Attraction:** Attracted new business and industry to our region.

**Deliverable 8.1:** Additional business or micro-production has commenced or expanded in the region.

#### **Key Pillar: Visit**

**Outcome 9 – Experiences:** A well-defined and celebrated community activity program for locals and visitors.

**Deliverable 9.1:** A stimulus into sport and recreation participation.

**Deliverable 9.2:** A stimulus into arts and culture participation.

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

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

### Consultation

Amendment 7 was advertised from the 27 August 2022 to the 7 October 2022. A total of 10 submissions were received. All submissions expressed no objections to the amendment, and all were from a government agency or service provider – refer to the attachment.

The Department of Fire and Emergency Services (DFES) has recommended that the amendment proceed, and that a revised Bushfire Management Plan be lodged to support any future development proposal. The revised Bushfire Management Plan is to reflect updated bushfire guidelines, and provide more detail on aspects such as vegetation separation distances, and justification for excluded vegetation.

TPI recommends that all submissions be noted and that no modifications be made to the amendment as a result of submissions.

### Voting Requirements

Simple Majority

### OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 09102022

Moved Cr Slater, seconded Cr Beech that Council:

A. In pursuance of Section 75 of the *Planning and Development Act 2005*, adopt Amendment No 7 to the Shire of Cranbrook Town Planning Scheme No 4 (without modification) by:

1. Inserting the following provisions into section 4.2 of the Scheme Text after the Rural Zone:

#### Tourism Zone

- *To promote and provide for tourism opportunities.*
- *To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.*
- *To allow limited residential uses where appropriate.*
- *To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.*

2. **Modifying Table 1 – Zoning Table in the Scheme Text by:**
- a. Inserting the Tourism zone and designating uses as outlined below;
  - b. Inserting tourist development as a use class and designating as outlined overleaf;
  - c. Inserting exhibition centre as a use class and designating as outlined overleaf;
  - d. Renumbering the land uses accordingly.

USES		TOURISM ZONE	RESIDENTIAL	TOWN CENTRE	INDUSTRIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDING	RURAL
1	aged or dependent persons dwelling	D						
2	agriculture - extensive	X						
3	agriculture - intensive	X						
4	agroforestry	X						
5	ancillary dwelling <i>AMD 5 GG 29/05/15</i>	D						
6	ancillary tourist use	P						
7	animal husbandry - intensive	X						
8	aquaculture	X						
9	caretaker's dwelling	D						
10	club premises	A						
11	education establishment <i>AMD 5 GG 29/05/15</i>	D						
12	exhibition centre	D	X	D	D	X	X	X
13	fuel depot	X						
14	grouped dwelling	D						
15	holiday accommodation	D						
16	home business	A						
17	hotel	D						
18	industry - extractive	X						
19	industry - general	X						
20	industry - light	X						
21	industry - rural	X						
22	industry - service	X						
23	motel	D						
24	motor vehicle, boat, or caravan sales	X						
25	motor vehicle repair	X						
26	office	A						
27	plantation	X						
28	place of worship	X						
29	residential building	D						
30	restaurant	D						
31	rural pursuit	X						
32	service station	X						
33	single house <i>AMD 5 GG 29/05/15</i>	D						
34	shop	D						
35	transport depot	X						
36	tourist development	D	A	D	X	X	X	X
37	veterinary centre	X						
38	winery	X						
39	workers accommodation	A						
40	workers accommodation - temporary <i>AMD 5 GG 29/05/15</i>	A						

3. Inserting section 5.21 Tourism Zone with the following provisions:

**5.21.1 Site Requirements**

- a) *Development setbacks for tourism development shall be in accordance with the R12.5 density code.*
- b) *Development setbacks shall be in accordance with the R Codes where an R Coding applies.*

**5.21.2 Development Requirements**

- a) *Development is not to exceed 2 storeys in height except where the local government considers that particular circumstances may warrant an exception being made and provided the local government's objectives are not compromised;*
- b) *In considering an application for planning approval for a proposed development (including additions and alterations to existing development) the local government is to have regard to the following:*
  - i. *the colour and texture of external building materials; the local government may require the building facade and side walls to a building depth of 3 metres to be constructed in masonry;*
  - ii. *building size, height, bulk, roof pitch;*
  - iii. *setback and location of the building on its lot;*
  - iv. *architectural style and design details of the building;*
  - v. *function of the building;*
  - vi. *relationship to surrounding development; and*
  - vii. *other characteristics considered by the local government to be relevant;*
- c) *Landscaping is to be provided to complement the appearance of the proposed development and its setting;*
- d) *Preparation of a noise management plan is required for any development proposed adjacent to existing or potential residential development;*
- e) *The layout of car parking is to have regard for traffic circulation in existing parking areas and is to be integrated with any existing and adjoining parking area;*
- f) *Development is to be connected to adequate water, power and sewerage infrastructure.*

**5.21.3 Local Development Plan**

- a) *The local government may require the preparation of a local development plan as a means to guide future development as provided for under Part 6, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.*
- b) *Notwithstanding (a) above, the local government may consider development prior to the approval of a local development plan as provided for under Clause 56(2), Part 6, Schedule 2, of the Planning and Development (Local Planning Schemes) Regulations 2015.*

4. Inserting the following land use definition in Schedule 1 – Dictionary of Defined Words and Expressions:

*tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide — (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development;*

5. Rezoning Lots 182-190 Armstrong Street, Lots 191 – 192 Climie Street and Lots 193-199 Gillam Street and a portion of public road/laneway which abuts the subject lots from Residential to Tourism and amending the Scheme Map accordingly.

- B. Note the submissions in the attachment and resolve that no modifications be made as a result of submissions.**
- C. Authorise the Shire President and Chief Executive Officer to sign 3 hardcopies of the Amendment No 7 documents, and affix the Shire seal to the documents.**
- D. Authorise the Shires Planning Consultant, Liz Bushby of Town Planning Innovations Pty Ltd to lodge the amendment to the Western Australian Planning Commission seeking final approval by the Minister for Planning, Lands and Heritage.**

**Carried 6/2**  
***Cr Johnson and Cr Pollard Against***

<b>10.2.4</b>	<b>POLICY 4.13 – CHANGES TO CORPORATE CREDIT CARD</b>
<b>RESPONSIBLE OFFICER:</b>	Diana Marsh – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Diana Marsh – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	GO17
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	7 October 2022
<b>ATTACHMENTS:</b>	Policy 4.13 – Corporate Credit Card

**Purpose**

The purpose of this report is for the Council to adopt the changes to the credit card facilities held by the Chief Executive Officer and the Manager of Finance and Administration, and to further split the two credit cards held by these two employees into separate accounts.

**Background**

The proper use of credit cards has experienced great scrutiny over recent years. The Department of Local Government, Sport and Cultural Industries released an operational guideline for local governments *Use of Corporate Credit Cards* and the Office of the Auditor General released a report *Controls Over Corporates Credit Cards*. These reports acknowledge that corporate credit cards are a beneficial part of any purchasing system. When properly managed, they allow for streamlined business processes and can reduce costs. They are typically used in local governments for purchasing items such as computing and other equipment, general consumables, training, and travel and represent a small portion of overall payments.

An effectively managed credit card can reduce administrative costs, the number of payments made each month, the need to carry petty cash on the premises, and provide an effective audit trail of expenditure. It can speed up delivery times and cost savings can be achieved by being able to take advantage of sales and discounted offers.

**Officer’s Comment**

Under the Shire’s current Policy 4.13 Finance – Corporate Credit Cards, the Administration Credit Card account has a limit of \$5,000 which is shared by the Chief Executive Officer and the Manager of Finance and Administration through a single bank account. This structure is affecting operations, slowing down the purchasing cycle and recently “top-up” payments have been required to book training, accommodation, and travel. It is recommended that this amount is increased to \$15,000 but instead of one joint account which causes problems in reconciling, be changed to two accounts which will give greater accountability.

The current situation is as below:

<b>Position</b>	<b>Limit</b>
Chief Executive Officer/Manager of Finance and Administration	\$5,000
Community Emergency Services Officer	\$2,000

The proposed changes are:

Position	Limit
Chief Executive Officer	\$10,000
Manager of Finance and Administration	\$5,000
Community Emergency Services Officer	\$2,000

### Statutory Environment

*Local Government Act 1995:*

- Section 2.7(2)(a) and (b) – Council to oversee the allocation of the local government’s finances and resources and to determine the policies of the local government.
- Section 6.5(a) – the Chief Executive Officer to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

*Local Government (Financial Management) Regulations 1996:*

- Local government to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.

### Policy Applicable – Implications

This report is recommending the updating of Council Policy 4.13 Finance – Corporate Credit Cards with the increase in facility level and the split of the “administration credit card” into two separate accounts for each credit card holder.

### Financial Implications

Increase to the credit card facility level from \$7,000 to \$17,000.

### Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Possible

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

Risk mitigation includes assessment and selection of corporate credit card facilities suitable to the operational requirements of the Shire, authorisation and appointment of suitable cardholders, well documented cardholder duties and responsibilities, cardholder training, and regular monitoring and auditing of credit card use

### **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 for this report included the Executive Management Team.

### **Voting Requirements**

#### ***Absolute Majority***

### **AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION**

#### **Motion 10102022**

Moved Cr Slater, seconded Cr Egerton-Warburton that Council approve the increase in facility level from \$7,000 to \$17,000 and the establishment of separate bank accounts for each credit cardholder at the Shire of Cranbrook, and update Policy 4.13 Finance – Corporate Credit Cards accordingly.

**Carried 8/0**  
***By Absolute Majority***



<b>10.2.5</b>	<b>POLICY 4.3 – CAPITALISATION AND DEPRECIATION OF NON-CURRENT ASSETS</b>
<b>RESPONSIBLE OFFICER:</b>	Diana Marsh – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Diana Marsh – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	GO17
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	6 October 2022
<b>ATTACHMENTS:</b>	Draft Policy 4.3 – Capitalisation and Depreciation of Non-Current Assets

**Purpose**

The purpose of this report is for the Council to adopt the changes to the Policy 4.3 Finance - Capitalisation and Depreciation of Non-Current Assets.

**Background**

Under Section 2.7(2b) of the Local Government Act 1995, Council is to determine the Local Governments’ policies and ensure that policies are current and relevant.

**Officer’s Comment**

Each year the Policy Manual is presented to Council for review with amendments as required. Since the last review held at the Council Meeting on 7 April 2022, there have been a couple of changes that affect financial reporting in the 2022/2023 financial year, one being the recognition of landfill sites as assets.

With landfill sites there comes an obligation for local governments to restore the land at the end of its useful life. Under AASB116 Property Plant & Equipment para 16c, the cost of an item of Property, Plant and Equipment includes the initial estimated cost of dismantling, removing and restoring an item where the obligation was incurred either at acquisition or as part of the use of that asset.

The Shire of Cranbrook landfill sites are on reserve land under the control of the shire. In accordance with AASB16 this land is not held as an asset, however, the cost of rehabilitation (make good costs) is to be recognised. As such, the Shire has recognised assets for the Cranbrook and Frankland River landfill sites at 30 June 2022, which will be depreciated over each site’s remaining useful life.

Another change that needs to be included in Policy 4.3 Finance – Capitalisation and Depreciation of Non-Current Assets is the Local Government (Financial Management) Regulations 1996 17A(2b) changed valuation requirements for plant and equipment type assets from 1 July 2020. Prior to the change, all non-financial assets were required to be recognised at fair valuation, whereas now, plant and equipment are to be recognised at cost, and all other non-financial assets at fair valuation.

The current policy therefore needs to be amended to address the changes discussed above and includes depreciation parameters for the landfill sites assets.

**Statutory Environment**

Section 2.7(2b) of the Local Government Act 1995, states that:

The Council is to determine the Local Government’s policies

### **Policy Applicable – Implications**

This report is recommending the updating of Council Policy 4.3 Finance - Capitalisation and Depreciation of Non-Current Assets

### **Financial Implications**

There are no financial implications for this report except for increased depreciation.

### **Risk Implications**

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Unlikely

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

Risk mitigation includes regular reconciliations of the Shire's asset register and monitoring of compliance to policy and statutory requirements.

### **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 for this report included the Executive Management Team

### **Voting Requirements**

#### ***Absolute Majority***

### **AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION**

#### **Motion 11102022**

Moved Cr Quick, seconded Cr Johnson that Council adopt the following changes to Policy 4.3 Finance – Capitalisation and Depreciation of Non-Current Assets:

1. **Landfill Sites**

- **Make good costs** 7 – 30 years

2. **Valuation of Assets**

- **Assets are to be recognised in accordance with AASB 116 and the *Local Government (Financial Management) Regulations 1996* and will be recorded at fair value in accordance with AASB 13. Assets not required to be recognised at fair value are to be recorded at historical cost, or where previously recognised at fair value prior to changes in the regulatory environment are to be recognised under the previous valuation method, until disposed of.**

**Carried 8/0  
By Absolute Majority**

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<b>10.2.6</b>	<b>POLICY 6.0 EMERGENCY SERVICES BUSHFIRE CONTROL</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Linda Gray – Chief Executive Officer
<b>FILE REFERENCE:</b>	GO17
<b>APPLICANT:</b>	Nil
<b>DATE OF REPORT:</b>	11 October 2022
<b>ATTACHMENTS:</b>	Policy 6.0 Emergency Services – Bushfire Control

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### **Purpose**

The purpose of this report is for the Council to approve an addition to the basic training benchmark for its volunteers.

### **Background**

The Work Health and Safety Act 2020 (WA) (the Act) passed through the Legislative Assembly on **3 November 2020**. The Act replaces the existing Occupational Safety and Health Act 1984 (WA) and imposes a primary duty of care requiring persons conducting a business or undertaking to reasonably ensure the health and safety of workers. The new Act recognises volunteers as workers, and that local governments needed to ensure that these are adequately trained as members of the bushfire brigades.

### **Officers Comment**

After research and a better understanding of the level of skill and experience in the Shire of Cranbrook in firefighting, and most importantly, considering the number of fire trucks manned by the Shire's volunteers, it was decided in 2021 to set the following as the minimum standard of training:

- Bushfire Safety Awareness (2 days)
- Bushfire Fighting Skills (2 days)

These are the Department of Fire and Emergency Services' (DFES) approved courses and could be taught within the Shire as DFES is a Registered Training Organisation. In addition, there was the opportunity to RPL some of the very experienced firefighters, which took out some of the impact on volunteers having to be off farm for four days. The level of training was set to ensure that those on the fire trucks was adequately trained to manage the equipment and to operate the safety mechanisms if necessary.

In 2022 there was a review of the training as it was noted that neighbouring Shires had set Rural Fire Fighting as their minimum standard. The Rural Fire Fighting training is a day only course and it equips volunteers to be safe but does not have a focus on actual bushfire fighting skills. It was therefore, recommended to the Bushfire Advisory Committee in September 2022 that we classify the required level of training more explicitly and amend to the following:

- Volunteers with no fire fighting experience at all should complete the Bushfire Safety Awareness Course and the Bushfire Fighting Skills Course.
- Farm workers that are itinerant must attend a Rural Fire Fighting Course.
- Where a volunteer does not intend to operate a fire truck and/or is a current employee of a local business, the minimum standard of training accepted will be the rural fire fighting course.

These changes will require an amendment to the current Policy 6.0 Emergency Services – Bushfire Control.

### **Statutory Environment**

*Local Government Act 1995*

*Work Health and Safety Act 2020 (WA)*

*Bush Fires Act 1954*

### **Policy Applicable – Implications**

This report proposes an amendment to Policy 6.0 Emergency Services – Bushfire Control.

### **Financial Implications**

There are various financial implications from this report. Training is paid for and supported by the Department of Fires and Emergency Services.

### **Risk Implications**

The risks associated with matters in this report are varied and include:

- Business and Community Disruption
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Safety and Security Practices
- Ineffective Employment Practices

The **impact** of the risk is People, Financial, Service Interruption, Non-Compliance, Reputational, Property and Natural Environment

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

The **likelihood** is Likely

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

Risk mitigation includes:

- Councillors having a clear understanding of the content of the policies in the attached policy manual; and
- The successful execution of the policies, delegations and authorisations by the Executive Management Team and staff.
- Ensuring the level of training is adequate under the *Work Place & Safety Act 2020*.

### **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 for this report included the Executive Management Team, Bushfire Advisory Committee, Chief Bush Fire Control Officer.

**Voting Requirements**

***Absolute Majority***

**AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION**

**Motion 12102022**

Moved Cr Mulcahy, seconded Cr Pollard that Council approve the amendment to the basic training benchmark for our volunteers' level of training set in 2021 by the Shire of Cranbrook for the bushfire brigades as listed below,

- Bush Fire Safety Awareness
- Bush Fire Fighting Skills

To be amended to include the following additional training based on the criteria detailed below:

- Where a volunteer does not intend to operate a fire truck and/or is a current itinerant employee of a local business, or an experienced firefighter without any previous formal training, then the minimum standard of training accepted will be the following course:
  - Rural Fire Fighting

**Carried 8/0**  
***By Absolute Majority***

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**10.2.7 RAIL CORRIDOR LICENCE - CRANBROOK**

<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Linda Gray – Chief Executive Officer
<b>FILE REFERENCE:</b>	PR5
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	7 October 2022
<b>ATTACHMENTS:</b>	Nil

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**Purpose**

The purpose of this report is for the Council to consider renewing the expired rail corridor licence with Arc Infrastructure for three years which includes responsibility for the old station master house (museum), the old railway station building and the crane.

**Background**

The shire has leased 37,785m<sup>2</sup> of the rail corridor in Cranbrook since 1997. This portion of the corridor incorporates the PR rest area, old station master house (museum), the old railway station building, and the crane, together with the parkland area along Gathorne Street and Harding Street as well as the rail corridor along the back of the works depot.

On 11 March 2019, a three year licence to use and occupy corridor land was entered into with Arc Infrastructure who manage the rail network assets including rail corridor land in Western Australia. This lease has now expired and Arc Infrastructure has contacted the Shire to ask if it wishes to enter into a new licence agreement. A condition on past licence agreements was that the Shire would be responsible for the ongoing maintenance of these assets.

**Officer's Comment**

There has been some informal discussion at previous Council briefing sessions around leasing the railway station building followed by an inspection in person by the Councillors. These discussions have centred around the rising cost to the ratepayers of maintaining Shire building assets without including assets that technically do not belong to the Shire. In addition, there is no longer any interest from the Cranbrook community to utilise the building as space is available in the Hub. Since the Councillors' visit, the Chief Executive Officer, has discussed options with the Executive Management Team, the Community Development Manager and Mrs Bernie Climie who is part of the Cranbrook Museum Committee, as to the future of the railway station building. The Manager of Finance and Administration has raised the possibility of the building being demolished to Arc Infrastructure as this would be in preference to being left in a decreasing derelict state. However, the Shire is bound by the previous agreement to restore the condition of the building prior to handing it back to Arc Infrastructure, and as it is unlikely that they will demolish the building under the terms of their contract with State Government, so the Shire will still be incurring the expense.

This brings the focus of the discussion back to alternative uses of the building. A suggestion to resolve the issue has been made by the Chief Executive Officer in a proposal that the Shire sign the lease, work towards funding the repairs (\$15,000) in the Budget Review in February 2023, and either equip the building for storage to alleviate the surplus of artefacts at the Museum, and then progress to setting up an exhibit in the building that could be open on a regular basis. These displays would be monitored through CCTV back to the Shire (a common procedure with unmanned museums) or volunteers would man it. The possibility of volunteers was raised by Mrs Bernie Climie.

Both these suggestions need to be explored further in terms of the impact on resources but the building does lend itself to being utilised as either storage or as a site for a permanent exhibit that could draw off the Museum and alleviate some of the excess of items, and provide more professionally based storage/displays.

### **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**

Funding will need to be set aside as part of the budget review for repairs and maintenance to the railway station building.

### **Risk Implications**

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Engagement Practices
- Inadequate Asset Sustainability Practices
- Inadequate Safety and Security Practices
- Ineffective Management of Facilities/Venues/Events

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

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

The **likelihood** is: Likely,

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

Risk mitigation includes engagement with the community

### **Strategic Community Plan Reference**

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

#### **Key Pillar: Visit**

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

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

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

**Deliverable 11.1:** A programmed upgrade of town main streets including landscaping, signage, planting, furniture, lighting, icons and story-telling.

**Deliverable 11.2:** A connected, planned, obvious and advancing Cranbrook town retail precinct.

**Outcome 12 – Brand:** A growing distinguishable regional brand.

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

#### **Key Pillar: Connect**

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

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

### **Consultation**

Consultation for this report included the Executive Management Team, Arc Infrastructure and Bernie Climie representing the Cranbrook Museum Committee.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION/COUNCIL DECISION**

#### **Motion 13102022**

**Moved Cr Slater, seconded Cr Johnson that Council authorise the Chief Executive Officer to advise Arc Infrastructure that Council wishes to enter into a three year community lease for an area for 37,785m<sup>2</sup> of rail corridor in Cranbrook which includes:**

- 1. The old Cranbrook Railway Station buildings;**
- 2. The old Cranbrook Station Master house; and**
- 3. The crane located within the rail corridor.**

**Carried 8/0**



**10.3 WORKS**

Nil

**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**

Nil

### 13. MATTERS BEHIND CLOSED DOORS

Jeff Alderton left the chambers at 3:38pm

**\*CONFIDENTIAL\***

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<b>13.1</b>	<b>REPORT ON CHIEF EXECUTIVE OFFICER'S KEY PERFORMANCE INDICATORS (KPIs)</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Linda Gray – Chief Executive Officer
<b>FILE REFERENCE:</b>	P343
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	12 October 2022
<b>ATTACHMENTS:</b>	Confidential Attachments

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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

#### PROCEDURAL MOTION

**Motion 14102022**

**Moved Cr Slater, seconded Cr Pollard that the meeting be closed to members of the public in accordance with section 5.23 (a) a matter affecting an employee or employees, and (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.**

**Carried 8/0**

The Meeting was closed to the public at 3:38pm.

**Voting Requirements**

***Absolute Majority***

**OFFICER'S RECOMMENDATION/COUNCIL DECISION**

**Motion 15102022**

**Moved Cr Pollard, seconded Cr Mulcahy that Council endorse the 12 month CEO performance review that is evidence based.**

**Carried 8/0  
By Absolute Majority**

**PROCEDURAL MOTION**

**Motion 16102022**

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

**Carried 8/0**

The Meeting was re-opened to the public at 3:39pm.

**14. CLOSURE OF MEETING**

There being no further business to discuss, the Shire President, Cr Horrocks declared the meeting closed at 3:40pm.