

COUNCIL MEETING

AGENDA



For the Ordinary Meeting of Council to be held on

15 March 2023

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 15 March 2023 at the Cranbrook Council Chambers commencing at 3.00pm.



Linda Gray
Chief Executive Officer



PUBLIC QUESTION TIME – RULES AND PROCEDURES

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

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

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

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

DISCLAIMER

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

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

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The Shire of Cranbrook 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.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or Officer of the Shire of Cranbrook during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Cranbrook.

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

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AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr 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 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
Minute Taker	Ms JL (Jo) Scott

Members of the Public

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

Councillor	Cr PM (Peter) Beech
Councillor	Cr PW (Peter) Slater

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. DISCLOSURE OF INTEREST

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

This meeting will be closed to discuss item 13.1

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 15 February 2023

That the minutes from the ordinary meeting of Council held on 15 February 2023, be confirmed as a true and correct record.

10. REPORTS OF OFFICERS

10.1 CORPORATE AND COMMUNITY SERVICES

10.1.1 LIST OF PAYMENTS

RESPONSIBLE OFFICER: Diana Marsh – Manager of Finance and Administration

REPORT AUTHOR: Madeleine Hammond – Finance Officer

FILE REFERENCE: FM2

APPLICANT: N/A

DATE OF REPORT: 01/03/2023

ATTACHMENTS: List of Payments – 1 February to 28 February 2023

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 February to 28 February 2023.

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 \$658,035.32 as per the attachment be noted:

- **Electronic Funds Transfers EFT 13867 to EFT 13945 - \$480,780.45;**
- **Internal Account Transfers (Payroll) - \$141,505.13 and**
- **Direct Debit - \$35,749.74**

10.1.2	MONTHLY FINANCIAL REPORT – FEBRUARY 2023
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:	7 March 2023
ATTACHMENTS:	Financial Statements for February 2023

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 28 February 2023.

Background

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

Officers Comment

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 2023 Monthly Financial Report represents eight (8) months of the financial year. The following items are worthy of noting on the February 2023 report:

- Closing surplus position of \$2,030,252 (shown on page 5)
- Cash and cash equivalents of \$5,652,374 of which \$3,368,864 is held in cash backed reserve accounts (shown on page 9)
- Outstanding rates of \$175,460 equates to 6% 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

OFFICERS RECOMMENDATION

That the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 28 February 2023 be received.

10.1.3	GREAT SOUTHERN ROADS COMMITTEE – FUNDING CONTRIBUTION REQUEST
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	GO11
APPLICANT:	Nil
DATE OF REPORT:	8 March 2023
ATTACHMENTS:	1. Great Southern Roads Sub-Committee Report 17 th February 2023 – Cr Len Handasyde 2. Minutes from the WALGA Zone Meeting held 28 October 2022

Purpose

The purpose of this report is to request the Council contribute funding to the WALGA Great Southern Roads Committee (GSRC) in conjunction with other local governments within the Great Southern Zone for seed funding for road data collation and analysis.

Background

The WALGA GSRC was formed from local governments in the Great Southern region with the intent of investigating current road infrastructure across the networks as to their suitability from a freight task, road safety and efficiency perspective. Once the data has been established the group will make recommendations to the Great Southern Zone of WALGA for them to advocate and seek funding to remedy the shortfalls.

The WALGA Great Southern Country Zone consists of the following local governments; Woodanilling, Katanning, Kojonup, Broomehill-Tambellup, Kent, Gnowangerup, Jerramungup, Albany, Denmark, Cranbrook, Albany and Plantagenet.

The GSRC plans to emulate the funding success of the Wheatbelt Secondary Freight Network (WSFN) where a collaborative approach across municipal boundaries has obtained in excess of \$500 million towards developing and maintaining the secondary (non-state) freight routes.

Officer's Comment

A meeting of this Committee was held on Friday 21 October in Tambellup with attendance by representatives from Main Roads, Great Southern Development Commission and Juliet Grist from Rural and Regional Economics. It was decided at the meeting that in order to identify priority roads in the Great Southern, the following steps would be required:

- Update the list of roads and mapping – GSRC to agree on the final list
- Collection of data from local governments – up to 5 years of data if available
- Determine who to send the data to
- Request financial contributions/commitment from the local governments

A motion was put and carried by the GSRC; that –

Moved Cr Crosby, seconded Cr Gale

that WALGA Great Southern Zone Shires be requested to each make a contribution of \$4,000 to the Great Southern Road Committee as initial seed funding to begin preliminary work for data collation and analysis; and that a formal request be made to Regional Development Australia Great Southern for a contribution of \$10,000.

At the Great Southern Country Zone meeting held on 28 October 2022 it was resolved:

That the Great Southern Roads Report be received and the \$4,000 per Zone Local Government funding request be forwarded to all Local Government for their consideration and that a formal request be made to the Great Southern Development Commission as well as RDA Great Southern.

The collation of data for this project is quite onerous, and the Shire of Cranbrook will be under considerable pressure to achieve a balanced budget, however, this is a good opportunity to present a joint approach to the problem of improving our road infrastructure. Engagement with Infrastructure WA and/or Infrastructure Australia is a good step forward.

Statutory Environment

There are no statutory implications for this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

A contribution of \$4,000 is requested from the Shire of Cranbrook for seed funding for road data collation and analysis with the intent of obtaining road funding.

Risk Implications

The risks associated with matters in this report are:

- Business and Community Disruption

The **impact** of the risk is Reputational

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

The **likelihood** is Likely

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

Strategic Community Plan Reference

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

Key Pillar: Connect

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

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

Consultation

Consultation was not required for this report.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Approve a contribution of \$4,000 be made to the WALGA Great Southern Road Committee as part of initial seed funding to begin preliminary work for data collation and analysis with a view towards preparing a funding request document to infrastructure WA and/or Infrastructure Australia.**
- 2. Authorise the Chief Executive Officer to make the payment once suitable financial hosting arrangements can be made for Great Southern Roads Committee through one of the participating local governments.**

10.1.4

BUDGET REVIEW

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: 8 March 2023
ATTACHMENTS: 2022/2023 Budget Review Report

Purpose

To consider the Shire of Cranbrook’s financial position as at 28 February 2023 and performance for the period 1 July 2022 to 28 February 2023 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 2022 to 28 February 2023 shown in the attachment has been prepared incorporating year to date budget variations and forecasts to 30 June 2023 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:

051200	Remove construction of Cranbrook Fire Shed – grant application unsuccessful	\$1,103,000
051302	Remove grant funding for Cranbrook Fire Shed	\$(1,103,000)
113203	New pump purchased for Frederick Square reticulation	\$(12,923)
113205	Remove construction of Frankland River Community Facility – grant application unsuccessful	\$2,972,025
113303	Remove community funding for Frankland River Community Facility	\$(103,500)
113326	Remove grant funding for Frankland River Community Facility	\$(1,452,628)
113380	Remove new borrowings for Frankland River Community Facility	\$(700,170)
113399	Remove transfer from reserves for Frankland River Community Facility	\$(715,727)
113399	Reduce transfer from reserves for 2022/23 Community Grants round – undersubscribed	\$(7,294)
113020	Reduce 2022/23 Community Grant round expenditure	\$7,294
121209	Expenditure needed to repair computer system on fuel bowser to get operational	\$(15,000)
123200	Purchase of reel mower for parks and gardens	\$(5,000)
113226	Increase for pathways linking Frankland River Playground	\$(31,250)
126201	Reduce expenditure for 2022/23 - RADS airstrip project split over 2 years. Will need to include in next year’s budget	\$62,500
126300	Reduce income from RADS grant. Will need to include in next year’s budget	\$(31,250)

031108	Increased revenue received from interim rates	\$5,000
032102	Increased revenue from rising interest rates	\$12,000
042009	Increased expenditure on administration staff training	\$(10,000)
042020	Savings on administration vehicles expenditure	\$10,000
042052	Administration employee expenses, increased for paid parental leave payments	\$(20,000)
042107	Administration paid parental leave reimbursements	\$20,000
042052	Transfer employee costs from administration for reception services provided to doctor attending Cranbrook	\$7,000
077006	Health employee costs – reception services for doctor	\$(7,000)
042053	Reduce admin HR expenses to allow for additional staff training	\$5,000
042054	Reduce pandemic expenditure – pandemic leave no longer provided	\$7,413
042199	Increased income for property insurance reimbursements	\$14,617
043019	Reduced expenditure on asset revaluations – quotes came in under budget	\$10,000
043021	Reduced expenditure on professional services	\$10,000
051003	BFB ESL plant and equipment grant expenditure increased per final allocation. Purchase of Amphibio Strainers.	\$(11,100)
051005	BFB ESL clothing and accessories grant expenditure increased per final allocation	\$(10 184)
051100	BFB ESL grant funding increased per final allocation	\$13,826
051010	DFES Fire Mitigation expenditure increased per final allocation	\$(49,500)
051112	DFES Fire Mitigation grant funding increased per final allocation	\$49,500
053002	Roadwise Committee grant expenditure	\$(4,800)
053101	Roadwise Committee grant income	\$4,800
074001	Savings in contract EHO services	\$5,000
082002	Savings in youth activities	\$4,000
082004	Savings in community activities	\$4,000
086100	Grant income received for 0-4 program	\$773
101005	Increase Drum Muster expenditure	\$(3,000)
101103	Increase Drum Muster reimbursements	\$3,000
101090	Increase depreciation budget for tips in recognition of the new rehabilitation (make-good) assets. Note, depreciation is excluded from the Rate Setting Statement calculation.	\$(23,085)
106002	Savings on other town planning expenditure	\$10,000
106101	Reduced town planning application fees coming through	\$(3,500)
107002	Increase to cemeteries for additional maintenance work and burials.	\$(5,000)
107101	Increased revenue from burials	\$3,683
107106	Reimbursement of cleaning costs for Rest Bay	\$2,000
113001	Increase budgeted expenditure for Cranbrook Parks and Gardens	\$(30,000)
113012	Reduce budget for expenditure on Frankland River Oval	\$10,000
113101	Reduce income received for sale of Frankland River playground equipment	\$(2,500)
115001	Increase for Frankland River Library operational costs covered directly by the shire.	\$4,000
115007	Increase for Cranbrook Library operational costs covered directly by the shire.	\$4,000
122001	Budget added for street lighting	\$(20,000)

122002	Decreased contractor costs and some increase to employee costs resulting in overall savings to the road maintenance budget due to work being done in-house	\$22,160
122013	Contribution towards Great Southern Freight Network report	\$(4,000)
122016	Savings on bridges insurance	\$4,257
122090	Increase to depreciation for roads infrastructure. Note, depreciation is excluded from the Rate Setting Statement calculation.	\$(26,000)
125100	Increased income from Department of Transport licensing commissions	\$5,300
132004	Increased expenditure Frankland River Caravan Park	\$(10,000)
132101	Increased revenue for Cranbrook Caravan Park	\$10,000
136106	Increased revenue for Cranbrook Community Bus hire	\$6,000
142009	Increased workers comp insurance	\$(9,830)
142015	Budget for engineering software not required this year	\$2,000
143003	Increased costs for plant parts and repairs	\$(20,000)
146002	Increased workers compensation payments	\$(17,000)
132101	Increased workers compensation reimbursements	\$17,000
	Overall change in surplus	\$0

In considering the above adjustments, the closing position remains the same with council maintaining a balanced budget. However, global factors resulting from the Covid-19 pandemic, the Ukraine war, high inflation, and supply chain issues continue to have an impact on our costs and may affect our ability to source contractors. Furthermore, it is expected that these factors may impact future budgets.

Following completion of the budget review and to properly consider the impact of estimated projections at 30 June 2023, the items in the table above have been identified as requiring a budget amendment to account for these variances where appropriate. Prior budget amendments since the adoption of the original budget have been included in Note 5 of the attached budget review document for information.

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.

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 2022/2023 budget accordingly:

051200	Remove construction of Cranbrook Fire Shed – grant application unsuccessful	\$1,103,000
051302	Remove grant funding for Cranbrook Fire Shed	\$(1,103,000)
113203	New pump purchased for Frederick Square reticulation	\$(12,923)
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042107	Administration paid parental leave reimbursements	\$20,000
042052	Transfer employee costs from administration for reception services provided to doctor attending Cranbrook	\$7,000
077006	Health employee costs – reception services for doctor	\$(7,000)
042053	Reduce admin HR expenses to allow for additional staff training	\$5,000
042054	Reduce pandemic expenditure – pandemic leave no longer provided	\$7,413
042199	Increased income for property insurance reimbursements	\$14,617
043019	Reduced expenditure on asset revaluations – quotes came in under budget	\$10,000
043021	Reduced expenditure on professional services	\$10,000
051003	BFB ESL plant and equipment grant expenditure increased per final allocation. Purchase of Amphibio Strainers.	\$(11,100)
051005	BFB ESL clothing and accessories grant expenditure increased per final allocation	\$(10 184)

051100	BFB ESL grant funding increased per final allocation	\$13,826
051010	DFES Fire Mitigation expenditure increased per final allocation	\$(49,500)
051112	DFES Fire Mitigation grant funding increased per final allocation	\$49,500
053002	Roadwise Committee grant expenditure	\$(4,800)
053101	Roadwise Committee grant income	\$4,800
074001	Savings in contract EHO services	\$5,000
082002	Savings in youth activities	\$4,000
082004	Savings in community activities	\$4,000
086100	Grant income received for 0-4 program	\$773
101005	Increase Drum Muster expenditure	\$(3,000)
101103	Increase Drum Muster reimbursements	\$3,000
101090	Increase depreciation budget for tips in recognition of the new rehabilitation (make-good) assets. Note, depreciation is excluded from the Rate Setting Statement calculation.	\$(23,085)
106002	Savings on other town planning expenditure	\$10,000
106101	Reduced town planning application fees coming through	\$(3,500)
107002	Increase to cemeteries for additional maintenance work and burials.	\$(5,000)
107101	Increased revenue from burials	\$3,683
107106	Reimbursement of cleaning costs for Rest Bay	\$2,000
113001	Increase budgeted expenditure for Cranbrook Parks and Gardens	\$(30,000)
113012	Reduce budget for expenditure on Frankland River Oval	\$10,000
113101	Reduce income received for sale of Frankland River playground equipment	\$(2,500)
115001	Increase for Frankland River Library operational costs covered directly by the shire.	\$4,000
115007	Increase for Cranbrook Library operational costs covered directly by the shire.	\$4,000
122001	Budget added for street lighting	\$(20,000)
122002	Decreased contractor costs and some increase to employee costs resulting in overall savings to the road maintenance budget due to work being done in-house	\$22,160
122013	Contribution towards Great Southern Freight Network report	\$(4,000)
122016	Savings on bridges insurance	\$4,257
122090	Increase to depreciation for roads infrastructure. Note, depreciation is excluded from the Rate Setting Statement calculation.	\$(26,000)
125100	Increased income from Department of Transport licensing commissions	\$5,300
132004	Increased expenditure Frankland River Caravan Park	\$(10,000)
132101	Increased revenue for Cranbrook Caravan Park	\$10,000
136106	Increased revenue for Cranbrook Community Bus hire	\$6,000
142009	Increased workers comp insurance	\$(9,830)
142015	Budget for engineering software not required this year	\$2,000
143003	Increased costs for plant parts and repairs	\$(20,000)
146002	Increased workers compensation payments	\$(17,000)
132101	Increased workers compensation reimbursements	\$17,000

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 PROPOSED DEVELOPMENT ASSESSMENT PANEL APPLICATION BY CBH FOR NEW RAIL LOADING FACILITY, A PROPOSED RAIL SIDING, CLEARING AND AREAS FOR CONSTRUCTION

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Town Planning Innovations
FILE REFERENCE:	A9254 R20852
APPLICANT:	CBH
DATE OF REPORT:	2 March 2023
ATTACHMENTS:	Site Plan showing proposed clearing

Purpose

CBH is in the process of preparing an application for a new rail loading facility on their land at Lot 1506 Johnson Street, and within adjacent railway reserves. The application will be determined by a Development Assessment Panel (DAP).

As part of the works, CBH proposes some clearing within part of the Hardy Street road reserve, and part of the Carlisle Street road reserve. These road reserves fall under the care and control of the Shire of Cranbrook.

The purpose of this report is for Council to consider a request from CBH for the Shire to sign development application forms for clearing in the road reserves, to enable the clearing to form part of a future DAP application.

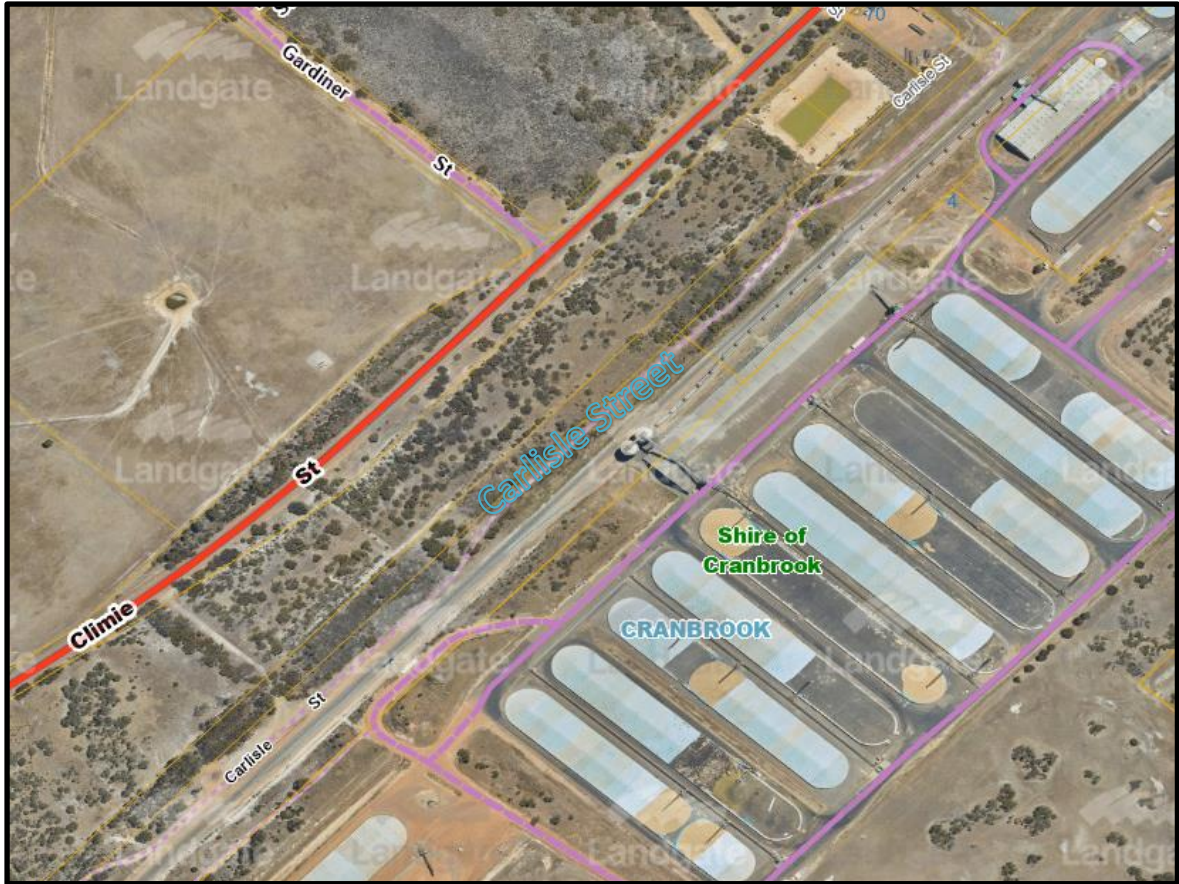
Background

The DAP application is in a draft form, however based on discussions the application will include:

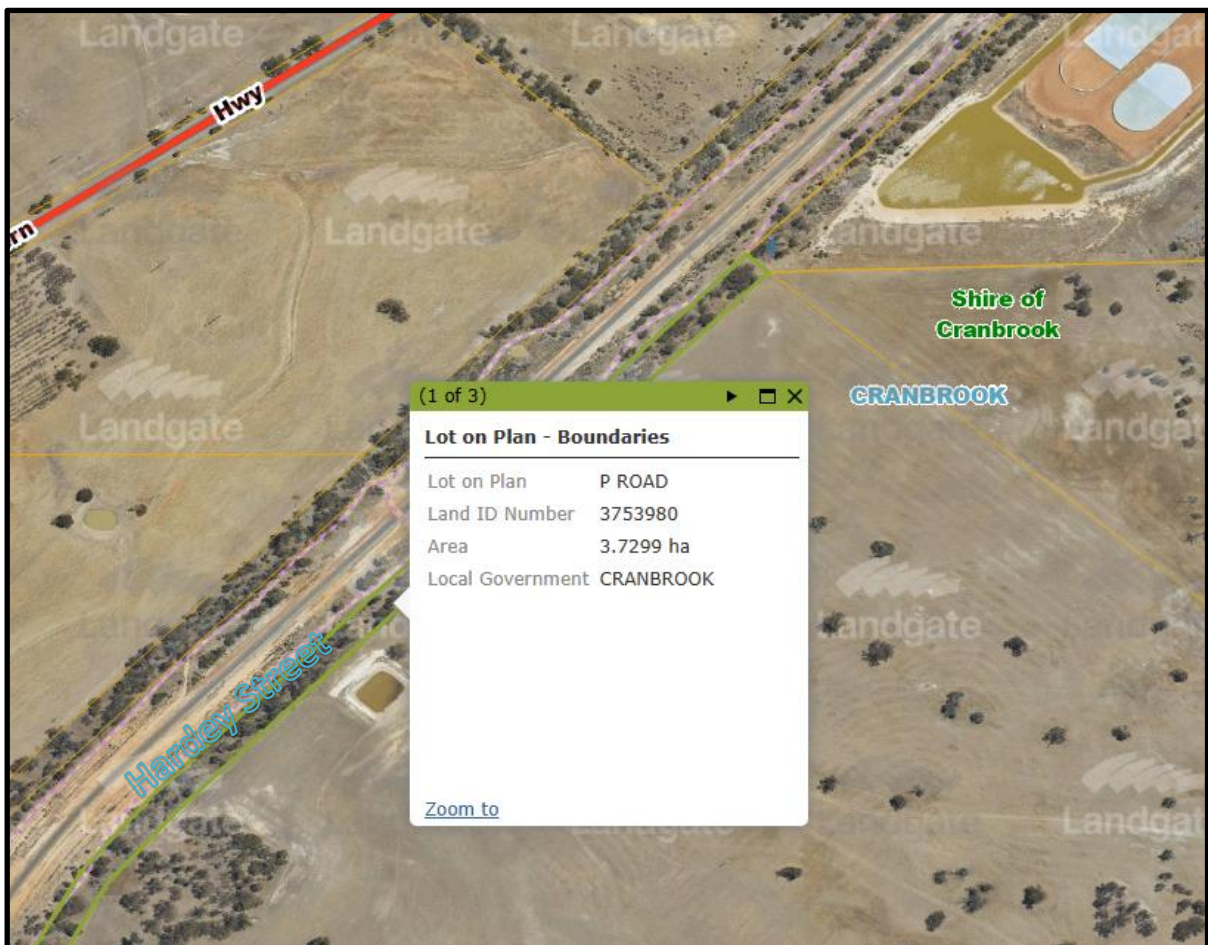
1. A new rail loading facility; and
2. New rail siding area separate from the main track;
3. Additional silo storage facilities; and
4. Associated areas for storage of materials, construction, construction vehicles and vehicle movements.

CBH is looking for Shire support to include clearing in the Hardy Street road reserve, and part of the Carlisle Street road reserve, in the future DAP application. To do that, they need the Shire to sign a development application form, as the owner of both road reserves.

Carlisle Street road reserve is to the north west of the existing railway corridor – refer aerial over page.



The Hardy Street road reserve is to the south east of the existing railway corridor.



Officer's Comment

- ***Description of proposed clearing***

As part of future development, a new siding and turnout is proposed which will allow trains to be loaded without interference with the main line. The turnout is essential a mechanical device used to guide trains from one track to another.

CBH propose to clear areas alongside the proposed new siding and turnout area, adjacent to the existing railway reserve. These areas will be used during construction for storing of materials, for construction vehicles and workers, and for construction in stages of the new siding.

The 976m² clearing proposed in the Hardy Street road reserve is specifically being sought for construction of the new turnout track, and as a turnaround area for construction vehicles.

CBH has advised that the size of the area needed for construction of the turnout track is largely dictated by contractor requirements.

A section of the existing track will be cut out, and the new turnout track will be installed within the railway reserve.

A smaller 4m² amount of clearing is proposed in the Carlisle Street road reserve.

CBH has lodged a clearing plan, included as Attachment 1, which shows:

1. The total clearing area within CBH land and the road reserves, in a dark red outline;
2. Both road reserves in dark grey outline;
3. Vegetation type by colour; and
4. Habitat trees. The map includes an insert for the Hardy Street road reserve showing removal of 3 habitat trees.

- ***Rehabilitation***

Once construction is complete, CBH proposes to rehabilitate the cleared area within the Hardy Street road reserve, and to maintain the area for up to 3 years.

CBH has advised that:

- Mature trees will not be used in the rehabilitation activities, but the planting of seedlings may be used to boost growth within the disturbance area. Mature trees are generally found to have higher mortality rate than younger trees.
- Revegetation of trees is likely to be via tubestock planting in winter after adequate rainfall
- Each tree planted will have a tree guard fixed in place
- Herbicide will be applied in a buffer area around each tree
- Weeds and other vegetation (exotic) will be removed and sprayed in a very localised manner to minimise the loss of native species
- Weed spraying through maintenance will occur each spring and autumn (as necessary) to ensure weed competition does not inhibit tree survival and establishment

- ***Separate Clearing Permit process***

CBH has lodged a clearing permit application to the Department of Water, Environment and Regulations (DWER).

Shire Administration has recommended that DWER impose conditions on any permit requiring:

1. Rehabilitation within the Hardy Street road reserve after construction;
2. Replacement of habitat trees with advanced species; and
3. Maintenance of the rehabilitation area by CBH for up to 5 years.

CBH has not agreed to using any mature species, and proposes to maintain the rehabilitated area for 3 years.

Ultimately DWER will set the conditions of any clearing permit.

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 include 'Deemed Provisions' that automatically apply and override parts of the Shire of Cranbrook Town Planning Scheme No 4.

Clause 62(1) requires an application for development approval to be signed by the owner of the land.

Shire of Cranbrook Town Planning Scheme No 4 – The proposed development traverses road reserves.

Policy Applicable – Implications

There are no known Policy Implications.

Financial Implications

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

Risk Implications

The risks associated with matters in this report are:

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

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

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 recommending conditions be set on the clearing permit issued by DWER and rehabilitation to be undertaken in the area once construction is complete.

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.

Consultation

No specific consultation has been undertaken in regards to this report. TPI has liaised with DWER in regards to future rehabilitation.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council

- 1. Note that any future formal DAP application for proposed CBH works will be referred to Council prior to commencing public advertising. The application will, however, be determined by a Development Assessment Panel.**
- 2. Authorise the Chief Executive Officer to sign development application forms on behalf of the Shire of Cranbrook for inclusion of proposed clearing in the Hardy Street and Carlisle Street road reserve in the future DAP application.**
- 3. Note that a separate application for a clearing permit has been lodged to, and will be determined by, the Department of Water, Environment and Regulations (DWER). DWER will set the final conditions for any permit granted.**

10.2.2 PROPOSED ROAD CLOSURE – BETTES STREET, TENTERDEN

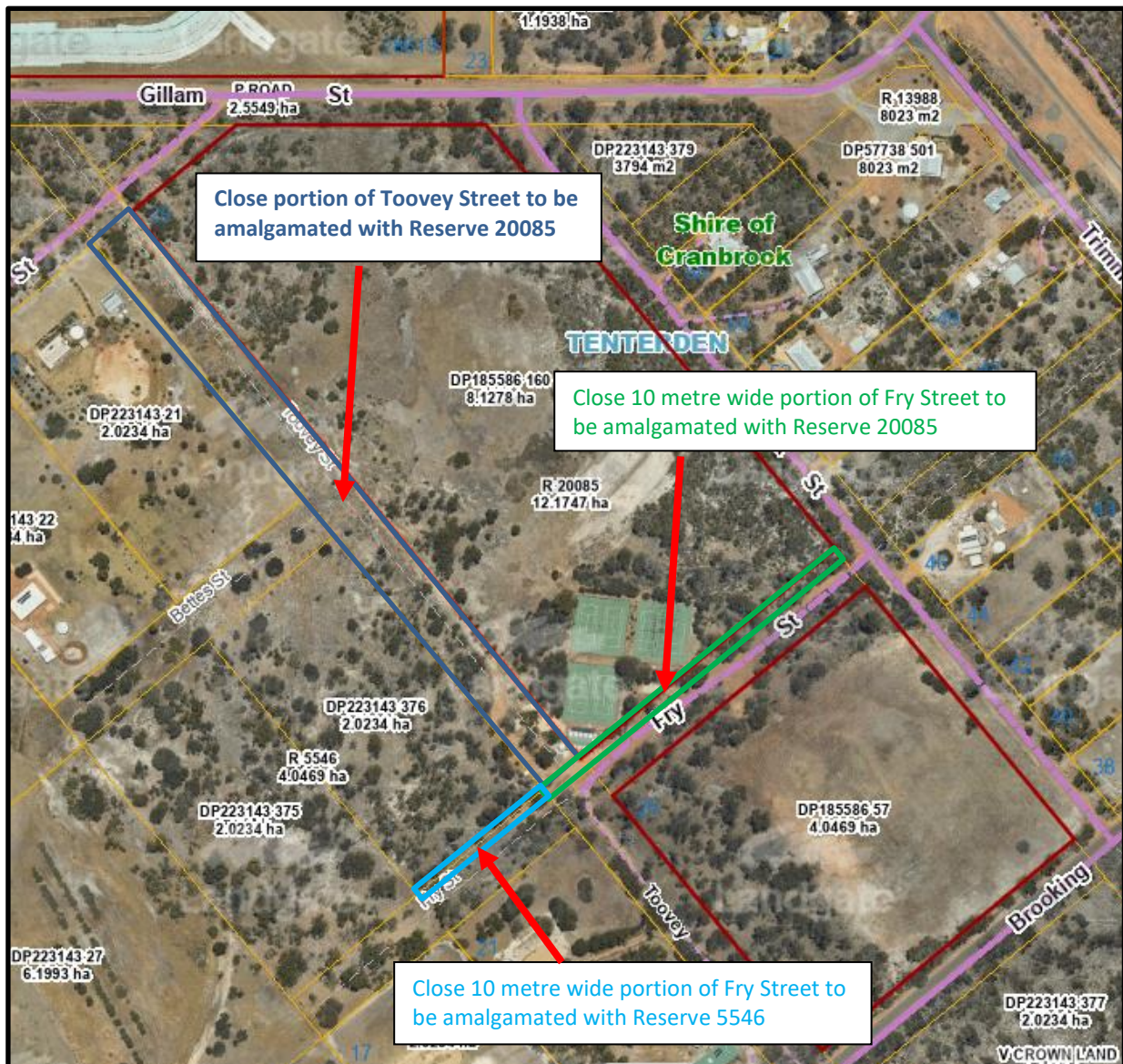
RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Town Planning Innovations
FILE REFERENCE: R20085
APPLICANT: Shire of Cranbrook
DATE OF REPORT: 3 March 2023
ATTACHMENTS: 1. Deposited Plan showing Bettes Street road reserve
 2. Proposed Road Closure Plan

Purpose

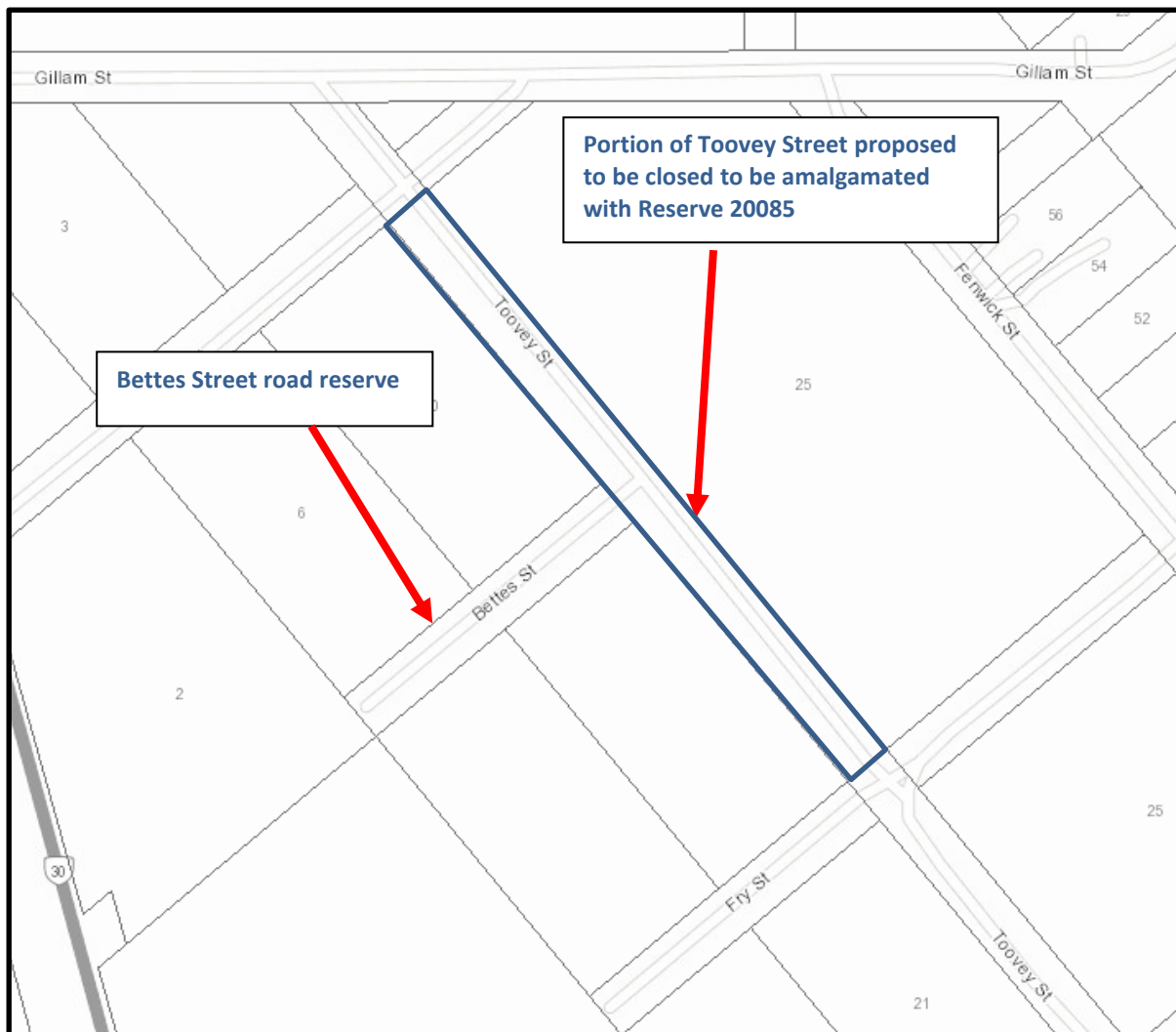
The purpose of this report is for the Council to consider resolving to close Bettes Street in Tenterden. The first step in the process is to advertise the proposed closure for public comment.

Background

Council already resolved to close several roads near the Tennis Club to enable their amalgamation with adjacent Reserves 20085 and 5546 – refer aerial below.



The road closure request is being assessed by the Department of Planning, Lands and Heritage (DPLH). DPLH has written to the Shire raising concern that the proposed Toovey Street road closure, will leave the Bettes Street road reserve isolated – refer plan below.



Officer’s Comment

The issue raised by DPLH is valid as it would be unorthodox to retain the Bettes Street road reserve in isolation, without any connectivity to other roads (once Toovey Street is closed).

TPI has obtained a copy of Deposited Plan No 223143 from LandGate showing Bettes Road – refer Attachment 1.

The simple solution is for Council to consider closing the Bettes Street road reserve – refer to road closure plan included as Attachment 2.

The proposed road closure will have to be advertised for public comment, as outlined in the ‘consultation’ section of this report. The Shire will also need to liaise with relevant service providers, to ascertain if there is any infrastructure in the unconstructed road reserve.

Statutory Environment

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

The road closure procedure includes:

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

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

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

The road closure area would need to be surveyed near the end of the process as ultimately the closed roads will need to be amalgamated with the adjacent reserves.

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

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire will be responsible for costs associated with the process including a future land survey and Landgate amalgamation / registration costs.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: almost certain

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

Risk mitigation includes liaising with a professional surveyor and the Department of Planning Land and Heritage.

Strategic Community Plan Reference

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

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 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

This issue has come to the Shires attention as a result of advice from the Department of Planning, Land and Heritage. Any proposed road closure has to be advertised for public comment.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. **Resolve to formally initiate advertising procedures to advise of the intention to close the Bettes Street road reserve pursuant to Section 58 of the Land Administration Act 1997.**
2. **Authorise the Chief Executive Officer to advertise the proposed road closure for a minimum of 35 days. Advertising shall include:**
 - a. **A Notice on the Shire website and Public Noticeboard;**
 - b. **Advertisement of a notice in a local newspaper;**
 - c. **Erection of an A3 advertising sign visible from Toovey Street (at the intersection with Bettes Street);**
 - d. **Letters to service providers;**
 - e. **Letters to nearby local landowners.**
3. **Note that a second report will be referred to a future Council meeting following advertising.**

10.2.3 ARRANGEMENTS FOR THE UPCOMING LOCAL GOVERNMENT ORDINARY ELECTIONS - OCTOBER 2023

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	GO315
APPLICANT:	Nil
DATE OF REPORT:	28 February 2023
ATTACHMENTS:	<ol style="list-style-type: none">1. Letter re Arrangements for the Upcoming October 2023 Ordinary Elections from Hon John Carey MLA, Minister for Housing; Lands; Homelessness; Local Government, dated 3 February 2023.2. Letter from Western Australian Electoral Commission dated 10 February 2023 advising cost estimate for voting by postal ballot.3. Letter from Western Australian Electoral Commission dated 1 March 2023 advising cost estimate for in person voting.

Purpose

The purpose of this report is to enable Council to consider formally declaring the Electoral Commissioner to be responsible for the conduct of the local government election on Saturday 21 October 2023.

Background

On 3 July 2022, the Minister for Housing; Lands; Homelessness; Local Government, Hon John Carey MLA, 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.

As the legislation for these reforms progresses, a letter dated 3 February 2023, was received from the Minister strongly recommending that the decision to declare the Electoral Commission as responsible for the Shire of Cranbrook’s election be put to Council at its March meeting. The Minister also recommended that the Shire follow up with the Electoral Commission for a quotation for this work.

Officer’s Comment

As Council may recall, the Shire of Cranbrook elected to remain at 9 Elected Members on Council, resulting in the Shire taking the involuntary reform pathway of reducing Councillors. This will mean that in probability (assuming passage of the legislation before Parliament) Council will need to reduce from 9 to 7 Elected Members at this year’s local government elections.

There are other important changes to this year’s elections due to the Minister’s reform process; one of which is that the election will be conducted using Optional Preferential Voting. This means that a voter does not have to number a ballot paper against every name listed but can simply mark a 1 and leave the rest, without making the vote invalid. The optional part is with the voter and not with the local government. Another change is the backfilling of any vacancy within a year of an election by an unsuccessful candidate who has the highest votes, from the previous election.

This is a more complicated system of counting the votes and is a necessity, if Council is running the election by the CEO, to purchase a licence for access to the WAEC's CountWA software.

At this stage, information has been provided by letter from the Western Australian Electoral Commissioner that the cost will be approximately \$14,000 to run the 2023 election if conducted as a postal ballot and with only 4 vacancies. In comparison, the 2021 election cost approximately \$7,000, but was a smaller and less complicated process.

Due to the age demographic of many of the Shire electors, and to maintain consistency the Electoral Commission was asked to quote for a voting in-person ballot at Cranbrook and Frankland River, with the possibility of running with seven vacancies. WAEC has advised in their letter of 1 March 2023, that it will be at a cost of \$13,000, with the Shire responsible for the cost of supplying staff to work at both polling stations and to assist with the count.

The process of running an election as Returning Officer is very time consuming and onerous, and the Minister makes the following points in his letter that:

If a local government decides to license the software instead of appointing the Electoral Commissioner to conduct the election, the CEO (or other appointee) will remain wholly responsible for the conduct of the count, the use of the software, the introduction of the new OPV counting and backfilling provisions, and dealing with any disputes or complaints. The WAEC will only be able to provide general assistance on accessing and using the software.

The arguments against the Shire CEO being the Returning Officer include:

- There may be a perception of bias by some candidates, not currently Council Members, given the Council is the CEO's employer,
- The CEO has significant time demands administering the Shire, without the additional burdens of being RO,
- Having an independent RO ensures the CEO will not be required to "draw from a hat" if there is a tied vote, especially between a Council Member and candidate

With the changes due to the reform Council approval is sought to appoint the Electoral Commissioner to conduct an in-person voting election to be held on Saturday 21 October 2023, with the inclusion of \$14,000 in the 23/24 Budget in payment of this responsibility.

Statutory Environment

Local Government Act 1995

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 recommended cost from the Western Australian Electoral Commission is \$14,000, with staffing costs being covered by the Shire of Cranbrook.

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 Major

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: Connect

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

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

Consultation

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

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary election together with any other elections or polls which may be required;
2. Agree, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the election will be as an in-person voting election.

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 VARIATION ON CHIEF EXECUTIVE OFFICER'S TOTAL REWARD PACKAGE

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	P343
APPLICANT:	N/A
DATE OF REPORT:	1 March 2023
ATTACHMENTS:	1. Section from the Salaries and Allowances Tribunal – Local Government Chief Executive Officers and Elected Members Determination No 1 of 2022.

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 (a) a matter affecting an employee or employees.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council approve the variation to the conditions as outlined in Table B in the report of the Shire of Cranbrook's Chief Executive Officer's Total Reward Package (TRP) in accordance with the Western Australia Salaries and Allowances Act 1975.

OFFICER'S RECOMMENDATION:

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

14. CLOSURE OF MEETING

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