

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held

19 April 2023



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.

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.

No responsibility whatsoever is implied or accepted by the Shire of Cranbrook for any act, omission, statement or intimation occurring during Council or Committee meetings.

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.

The Shire of Cranbrook advises that any plans or documents contained within these minutes may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Horrocks as Presiding Member declared the meeting open at 3:04pm. 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 Finance and Administration	Mrs DE (Diana) Marsh
Manager of Works	Mr JE (Jeff) Alderton
Administration Officer	Mrs MJ (Maddison) Pavlovich
Members of the Public	NIL

2.2 APOLOGIES

NIL

2.3 APPROVED LEAVE OF ABSENCE

Cr LM (Lee) Casson

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

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

Mrs Sue Jackson

A moment's silence was observed as a mark of respect.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

4.2 PUBLIC QUESTIONS

NIL

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

NIL

6. APPLICATIONS FOR LEAVE OF ABSENCE

Motion 01042023

Moved Cr Pollard, seconded Cr Slater to grant Cr Casson a leave of absence for the Ordinary Council Meeting on 19 April 2023.

CARRIED 8/0

7. DISCLOSURE OF INTEREST

Proximity Interest

Cr RW Johnson

Item 10.1.3

Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995

Nature: Owns property located on Yonka Road.

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

NIL

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 15 March 2023

Motion 02042023

Moved Cr Pollard, seconded Cr Mulcahy that the minutes from the Ordinary Meeting of Council held on 15 March 2023, be confirmed as a true and correct record.

CARRIED 8/0

9.2 SPECIAL COUNCIL MEETING – 29 March 2023

Motion 03042023

Moved Cr Slater, seconded Cr Quick that the minutes from the Special Meeting of Council held on 29 March 2023, be confirmed as a true and correct record.

CARRIED 8/0

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: 12/04/2023

ATTACHMENTS: List of Payments – 1 March to 31 March 2023

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 March to 31 March 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/COUNCIL DECISION

Motion 04042023

Moved Cr Quick, seconded Cr Beech that the payment of accounts totalling \$922,446.60 as per the attachment be noted:

- **Electronic Funds Transfers EFT 13947 to EFT 14079 - \$698,744.26;**
- **Internal Account Transfers (Payroll) - \$193,576.15 and**
- **Direct Debit - \$30,126.19**

CARRIED 8/0

10.1.2 MONTHLY FINANCIAL REPORT – MARCH 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:	11 April 2023
ATTACHMENTS:	Financial Statements for March 2023

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 March 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 March 2023 Monthly Financial Report represents nine (9) months of the financial year. The following items are worthy of noting on the March 2023 report:

- Closing surplus position of \$1,331,596 (shown on page 5)
- Cash and cash equivalents of \$4,919,215 of which \$3,370,476 is held in cash backed reserve accounts (shown on page 9)
- Outstanding rates of \$60,598 equates to 2.1% 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 05042023

Moved Cr Slater, seconded Cr Johnson that the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 March 2023 be received.

CARRIED 8/0

Proximity Interest

Cr RW Johnson

Item 10.1.3

Type: Proximity Interest pursuant to Section 5.60B Local Government Act 1995

Nature: Owns property located on Yonka Road.

Cr Johnson left the Chambers at 3:14pm.

10.1.3 COMMODITY ROUTE FUNDING 2024/2025 APPLICATION

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer

REPORT AUTHOR: Linda Gray – Chief Executive Officer

FILE REFERENCE: RO102

APPLICANT: N/A

DATE OF REPORT: 11 April 2023

ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider the support of an application for Commodity Route Funding for 2024/2025 for Yonka Road, in conjunction with the proposed development of the intersection of Yonka Road with Albany Highway in 2024/25 by Mainroads Western Australia.

Background

Originally, Yonka Road was the access road to the farm known as Yonka Farm. Yonka Road was then opened as a thoroughfare in 1973. This impacted on the farm because of noise and dust, as well as on the land use, which was split by the road.

A metro count from the period Wednesday, 27 November 2019 to Thursday, 19 December 2019 counted 18 road trains per day. Increased traffic is due to the establishment of a piggery at the end of Yonka Road, although RAV4 conditions are in place i.e. travel at no more than 40 kilometres per hour, this is hard to enforce this without constant monitoring.

Officer's Comment

Mainroads Western Australia have been aware for at least five years of the problem of roadtrains entering and exiting Yonka Road from Albany Highway, and have proposed that they will develop the intersection dependent upon funding in the 2024/25 financial year. Their work will include the sealing of the intersection. It is proposed that the Shire of Cranbrook submit a funding application to the Commodity Route Funding for 2024/25 for a kilometre of sealing, and with the agreement of Mainroads, have this work done by them as part of their 2024/25 upgrade. This will provide efficiencies to the system as they will have machinery on hand as well as contractors, and whilst the grant funding will have been auspiced through the Shire, the project will be done by Mainroads.

The extra length of sealed road will terminate on the east side of the current Yonka homestead, and will alleviate the problem of noise, dust, and the health issues, it will also allow traffic to move more effectively.

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

Commodity funding, if successful, is based on a 1/3 contribution from the Shire of Cranbrook. A kilometre of sealing is estimated to cost between \$50,000 - \$85,000, at a cost of \$17,000 - \$28,000. This will be offset by lower maintenance costs as previous attempts to alleviate dust through polymer products have been ineffective.

Risk Implications

The risks associated with matters in this report are:

- Inadequate Environmental Management
- Inadequate Engagement Practices

The **impacts** of the risk are: Reputational, Natural Environment

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

The **likelihood** is: Possible

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

Risk mitigation is to ensure that costs are minimal whilst seeking a practical solution to a negative health and social environment through an efficient and effective partnership with other stakeholders such as Mainroads Western Australia.

Strategic Community Plan Reference

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

Key Pillar: Visit

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

Mr J Alderton, Manager of Works

Mr Brad Lenton, Network Manager, Mainroads Western Australia

Mr S Tweedie, Consultant

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 06042023

Moved Cr Pollard, seconded Cr Quick that Council approve the application to the Commodity Route Funding for up to one kilometre of sealed road at Yonka Road in 2024/25; the work must be undertaken in conjunction with the improvements to the Yonka Road/Albany Highway intersection by Mainroads Western Australia in the same financial year.

CARRIED 6/1

It be noted Cr Horrocks voted against the motion.

Cr Johnson re-entered the Chamber at 3:32pm.

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 PORTABLE SKATE PARK EQUIPMENT 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 April 2023
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider the Expression of Interests received for the disposal of portable skate park equipment located at the Frankland River Playground, Wingebellup Road and the Shire of Cranbrook Depot, Climie Street, Cranbrook.

Background

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

4. 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 portable skate park equipment was placed out for disposal by Expression of Interest (EOI). The EOI process ran from 10 March 2023 to 31 March 2023

Officer's Comment

Expression of interest were invited for the sale and removal of the portable skate park equipment, located within two areas, Frankland River Playground, Wingebellup Road and the Cranbrook Shire Depot, Climie Street. Two conforming expressions of interest were received:

Expression of Interest	Amount Offered (ex GST)
Gillamii Centre	Free of Charge (Nil)
Cranbrook Districts Motorcycle Club Inc	\$400.00

To have the portable skate park 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 expression of interest recipient and should be considered when deciding on the outcome of the Officer's Recommendation. An estimated total cost for the disposal being \$2200.00.

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 portable skate park 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 07042023

Moved Cr Egerton-Warburton, seconded Cr Beech that Council accept the expression of interest of \$400.00 ex GST from Cranbrook Districts Motorcycle Club Inc for the purchase and removal of the portable skate park equipment, located at Frankland River Playground, Wingebellup Road Frankland River, and the Cranbrook Shire Depot, Climie Street Cranbrook. Information to be included within the acceptance of the expression of interest will include:

- 1. The offer 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. All costs associated with the removal of the portable skate park equipment are to be the responsibility of the organisation that was successful with the expression of interest and must be separate to the tender price offered for purchase.**
- 3. The portable skate park equipment must be removed from the current site by 5 May 2023.**

CARRIED 8/0

10.2.2	PLANNING APPLICATION – PROPOSED SHOWROOM (SHOP), OFFICE AND WAREHOUSE - LOT 2 (NO 6) SALT RIVER ROAD, LOT 9 (No 82) & LOT 2 (No 84) CLIMIE STREET, CRANBROOK
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Consultant Planner (Town Planning Innovations)
FILE REFERENCE:	A147 & A107
APPLICANT:	Commercial Design Management
DATE OF REPORT:	7 April 2023
ATTACHMENTS:	Site Plans & Elevations

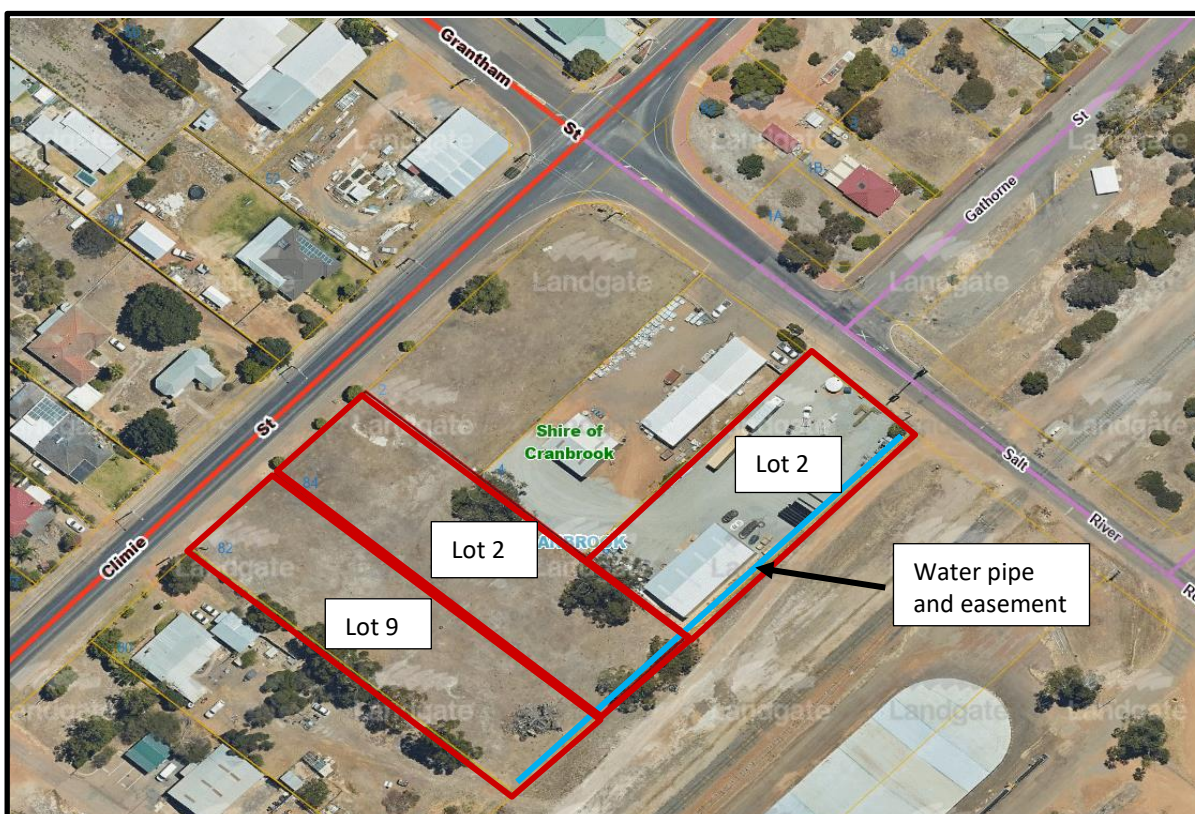
Purpose

The purpose of this report is for Council to consider a development application for a new building proposed for Elders on Lot 2 (No 6) Salt River Road, Lot 9 (No 82) Climie Street and Lot 2 (No 84) Climie Street in Cranbrook.

The development is for a new Elders Rural Services outlet to replace their current premises on the corner of Salt River Rd and Climie Street, Cranbrook.

Background

There is an existing shed and hardstand area on Lot 2 (No 6) Salt River Road which is proposed to be retained. Lot 9 (No 82) Climie Street and Lot 2 (No 84) Climie Street are vacant.



There is a 100mm water pipe along the south lot boundaries, which is protected by an easement registered on the Certificate of Title(s) of the lots.

Officer’s Comment

• **Description of Proposal**

An application has been lodged for a new building to be occupied by Elders who display, store and sell a wide range of agricultural related products.

The proposed development will incorporate:

- A main entry and carpark accessed from Climie Street;
- A combined showroom and office with a gross floor area of 400m²;
- A main warehouse with a floor area of 492m², and attached canopy that can be used for loading;
- A smaller rear warehouse with a gross floor area of 195m².

A site plan and elevations are included as Attachment 1.

• **Zoning and Land use Permissibility**

The lots are zoned Town Centre under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme).

Part of the planning assessment for any application involves determining which land use definitions from the Scheme ‘best fits’ the proposal.

Table 1 in the Shires Scheme lists land uses in a table format with different symbols listed under different zones. The symbols in Table 1 outline the permissibility of land uses in different zones.

A summary of the proposed land uses is included in the table below:

Proposed Use	Officer Comment
Warehouse	<p>A warehouse is defined as ‘means premises used to store or display goods and may include sale by wholesale. ‘</p> <p>A warehouse is defined in the Scheme, but is not listed under Table 1.</p> <p>Where a land use is not listed under Table 1, Council has discretion to consider the proposal as a ‘use not listed’. Any ‘use not listed’ is considered in accordance with the objectives of the relevant zone.</p>
Office	<p>An office is defined as ‘means premises used for administration, clerical, technical, professional or other like business activities’.</p> <p>An office is permitted in the Town Centre zone. Even if an office wasn’t permitted, it could be considered as forming part of, or being ancillary to, the main showroom use.</p>
<p>Showroom – Although the proposed building includes a ‘showroom’, it is essentially used for retail sales of a wide range of goods including and not limited to agricultural chemicals, herbicides and pesticides, animal</p>	<p>It is recommended that the showroom component be processed as a shop and a showroom, as only some of the goods are bulky in nature.</p> <p>This would provide Elders with the maximum flexibility as to the nature, size and form of products sold in the ‘showroom’ building.</p>

<p>health products, drenches, stock licks, fertilisers & fencing products.</p>	<p>A shop is defined as <i>'means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet'</i>.</p> <p>A shop is listed as a 'D' use in Table 1, which means that Council has discretion to approve a shop in the Town Centre zone.</p> <p>A showroom is defined as <i>'means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature'</i></p> <p>A showroom is defined in the Scheme, but is not listed under Table 1.</p> <p>Where a land use is not listed under Table 1, Council has discretion to consider the proposal as a 'use not listed'. Any 'use not listed' is considered in accordance with the objectives of the relevant zone.</p>
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Council has three options in dealing with the showroom and warehouse as a 'Use Not Listed' under Clause 4.4.2 of the Scheme:

OPTION 1 Determine that the showroom and warehouse uses are consistent with the objectives of the particular (Town Centre) zone and are therefore permitted.

Comment: TPI does not recommend Option 1, as it will set a precedent for all similar land uses to be treated as a permitted use in the Town Centre zone. This is undesirable as there may be locations or circumstances where the Shire Council does not support these land uses.

OPTION 2 Determine that the proposed showroom and warehouse uses may be consistent with the objectives of the Town Centre zone and thereafter follow the advertising procedures of Clause 64 in considering an application for development approval.

Comment: TPI recommends Council pursue Option 2.

It should be noted that the Shire Administration has already commenced formal advertising of the application for public comment.

OPTION 3 Determine that the showroom and warehouse uses are not consistent with the objectives of the Town Centre zone and are therefore not permitted.

Comment: Option 3 is not recommended. The application has significant merit, and the uses are compatible with the objectives for the Town Centre zone.

- **Setbacks**

The site requirements for the Town Centre zone are to the discretion of Council. The proposed setbacks and general layout of the development is supported by TPI.

- **Truck Movements**

The main entry for trucks and cars is proposed from Climie Street. Heavier vehicles will exit via the existing yard on Lot 2 and depart via Salt River Road.

The applicant has shown truck movements on the site plan submitted, which is supported by TPI.

- **Car Parking**

A car parking area is proposed in front of the showroom building adjacent to Climie Street. Eleven car parking bays are proposed, six of which will cater for employees.

Five car parking bays will be available for customers attending the showroom, and the design also allows vehicular access to the rear warehouses.

- **Landscaping**

Under Clause 5.16.2 c) of the Scheme, landscaping is to be provided to complement the appearance of the proposed development and its setting.

A 3 metre landscaping strip is proposed along the Climie Street frontage, and landscaping is also proposed along a portion of the south west boundary of Lot 9.

One existing tree is proposed to be removed from the verge, and be replaced by two new verge trees of the same species.

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

The objectives of the Town Centre zone are -

- to ensure the established town centres remain the principal places for retail, commercial, civic, and administrative functions.
- to ensure development will not adversely affect local amenities, and will enhance the character of townsites in the district.
- to provide for the efficient and safe movement of pedestrians and vehicles (including trucks, buses, and caravans).
- to provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements.
- to provide an increased level of public amenities including public toilets, shaded areas, and street furniture.
- to provide for expansion of commercial activity and community facilities to meet future demands.

Under Clause 5.16.2 b), the local government may have regard for;

- 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;

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

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

Clause 67 outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Clause 82(1) gives the local government the ability to delegate its powers to the Chief Executive Officer. Clause 82(2) requires any delegation to be by Absolute Majority.

Under the Regulations, this application falls under the definition of a 'complex application' because the showroom and warehouse are uses not listed in Table 1.

Under Clause 64(6) all complex applications have to be advertised for 28 days.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to TPI for general planning advice.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

The Shire of Cranbrook's Strategic Community Plan 2021 – 2031 states that:

Key Pillar: Live

Outcome 2 - Utilities: A strong base for modern living with adequate amenities such as water, energy, roads and digital.

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:

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

Advertising closes on 4 May 2023. At the time of preparing this report, no submissions had been received.

The proposed development is considered to be high quality. To expedite the planning process, it is recommended that Council consider granting delegated authority to the Chief Executive Officer so that she can determine the application once advertising has closed, rather than send a second report back to the May Council meeting.

Voting Requirements

Absolute Majority (to grant delegated authority)

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 08042023

Moved Cr Pollard, seconded Cr Egerton-Warburton that Council:

- 1. Determine that the proposed showroom and warehouse uses may be consistent with the objectives of the Town Centre zone and thereafter follow the advertising procedures of Clause 64 in considering an application for development approval;**
- 2. Note that the application for a showroom/shop/warehouse and office for Elders on Lot 2 (No 6) Salt River Road, Lot 9 (No 82) Climie Street and Lot 2 (No 84) Climie Street, Cranbrook is being advertised for public comment. Advertising closes on 4 May 2023; and**
- 3. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the application for a showroom/shop/warehouse and office on Lot 2 (No 6) Salt River Road, Lot 9 (No 82) Climie Street and Lot 2 (No 84) Climie Street, Cranbrook.**

CARRIED 8/0
By Absolute Majority

10.2.3	WRITE-OFF OF NON-FINANCIAL ASSETS
RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance and Administration
REPORT AUTHOR:	Diana Marsh – Manager of Finance and Administration
FILE REFERENCE:	AD9
APPLICANT:	N/A
DATE OF REPORT:	3 April 2023
ATTACHMENTS:	Assets to be Disposed 30 June 2023

Purpose

The purpose of this report is for the Council to consider the write-off of several low value non-financial assets as at 30 June 2023.

Background

The *Local Government (Financial Management) Regulations 1996*, regulation 17A requires local governments to hold all non-financial assets with a value of \$5000 or more at the time of acquisition at fair value in accordance with Australian Accounting Standards with a period of not more than 5 years between revaluations. For this reason, the Shire of Cranbrook is undertaking a revaluation of a number of its asset classes as at 30 June 2023.

In preparation for the revaluation, the asset register is being reviewed and it has been identified that a significant number of assets in the Other Infrastructure class of assets are either of low value or are nearing the end of their useful life and have very low written down values. In this situation, it is important to consider the cost versus the benefit of revaluing these assets.

Officer's Comment

This write off of assets is for book keeping purposes and the assets identified will still be retained by the Shire.

Council Policy 4.3 Finance – Capitalisation and Depreciation of Non-Current Assets specifies that non-financial assets valued at \$5,000 at the time of acquisition will be capitalised but is silent on a revaluation threshold. While the revaluation of non-financial assets provides assurance as to the existence and condition of the shire's assets and is a very useful tool in its asset management processes, it does come with substantial financial cost to the Shire. It is the officer's recommendation that a minimum revaluation threshold of \$5,000 be added to Council Policy 4.3 as part of the Policy Manual Review in item 10.2.4 of this agenda.

During the process of reviewing assets in the Other Infrastructure class it was found many low value assets have been capitalised in groups or alongside assets of greater value, disguising the overall number of Other Infrastructure assets quoted on for the revaluation. Over 140 assets were identified as having a written down value (WDV) of less than \$5,000. Over 100 of those assets have a WDV of less than \$2,500. If these items remain on our asset register the valuers will individually assess and value them which will result in increasing the cost of the revaluation significantly, regardless of how low their value might be. These assets will be recorded these assets separately on the Shire's minor assets register once removed from the asset register.

A list of the assets identified for written-off, along with their approximate WDV at 30 June 2023 is attached for Council's consideration.

Statutory Environment

Regulation 17A of the Local Government (Financial Management) Regulations 1996, sections (2)-(5) states that:

- (2) A local government must show in each financial report for a financial year ending on or after 30 June 2020 —
 - (a) the fair value of all of the non-financial assets of the local government that are —
 - (i) land buildings that are classified as property, plant and equipment; or
 - (ii) investment properties; or
 - (iii) infrastructure; or
 - (iv) vested improvements that the local government controls; and
- (4) A local government must revalue a non-financial asset of the local government referred to in subregulation (2)(a) —
 - (a) whenever the local government is of the opinion that the fair value of the asset is likely to be materially different from its carrying amount; and
 - (b) in any event, within a period of no more than 5 years after the day on which the asset was last valued or revalued.
- (5) A non-financial asset is to be excluded from the assets of a local government if the fair value of the asset as at the date of acquisition by the local government is under \$5 000.

Policy Applicable – Implications

Council Policy 4.3 Finance – Capitalisation and Depreciation of Non-Current Assets, states that:

Capitalisation of Assets

Assets purchased or constructed to the value of \$5,000 or greater are to be capitalised, placed on the asset register, and depreciated over the useful life as determined by this policy for the relevant class of asset.

Any assets with a value under \$5,000, except for land, are to be expensed in the year of purchase and placed on the minor assets register.

Financial Implications

The inclusion of low value assets in the revaluation may significantly increase the cost of the revaluation due to the large number held. There is no budget available for this increase currently.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Possible

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

Risk mitigation includes ensuring assets are recorded on either the Asset Register or the Minor Assets Register as applicable.

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 discussions with the CEO, audit firm Lincolns, and valuation firm AssetVal.

Voting Requirements

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION

Motion 09042023

Moved Cr Slater, seconded Cr Quick that Council approve as at 30 June 2023 the write-off Other Infrastructure Assets with written down values under \$5,000 identified in the attachment to this agenda item.

**CARRIED 8/0
By Absolute Majority**

10.2.4	POLICY MANUAL REVIEW
RESPONSIBLE OFFICER:	Diana Marsh - Manager of Finance and Administration
REPORT AUTHOR:	Diana Marsh - Manager of Finance and Administration
FILE REFERENCE:	GO17
APPLICANT:	Nil
DATE OF REPORT:	10 April 2023
ATTACHMENTS:	Policy Manual

Purpose

The purpose of this report is for the Council to consider the adoption of the revised Policy Manual.

Background

Under Section 2.7(2b) of the *Local Government Act 1995* (the Act), the Council is to determine the Local Government's policies. Each year the Policy Manual is presented to Council for review with minor amendments. Where amendments are significant, or the policy is new then the policy will be included as an individual agenda item. These policies will guide the decision-making and actions of the Council, Executive Management Team and staff throughout the year.

Officer's Comment

The Executive Management Team and staff have reviewed the current policy manual and as a result some amendments and improvements to existing policies are recommended this year, to reflect current practice and align better with legislation.

The following list includes a summary of amendments made. Of particular note are Policy 1.7 Elected Members Allowances and Reimbursements, Policy 2.6 Senior Employees and Policy 4.4 Investments which have had substantial changes made:

GOVERNANCE:

- **Policy 1.0 Policy Manual** – Reviewed – no changes.
- **Policy 1.1 Meetings of Council** – Reviewed – under ROLES AND RESPONSIBILITIES, Elected Members, have included “in writing” when applying for leave of absence, and removed the final point as only the President or CEO is authorised to answer questions.
- **Policy 1.2 Committees of Council** – Reviewed and amended – included sentences to outline the difference between a Committee of Council and a Special Purpose Committee under the heading “Principles”.
- **Policy 1.3 Public Question Time** – Reviewed – no changes.
- **Policy 1.5 Elected Member Induction and Continued Professional Development** – Reviewed – updated the OBJECTIVE to reflect the current name of the training, Council Member Essentials, and 12-month timeframe set by the Department of Local Government, Sport and Cultural Industries. Removed reference to “Elected Member Training and Development Pathway” and diagram as the training no longer appears to be labelled in this way, with the different stages.
- **Policy 1.6 Local Government Convention - Attendance** – Reviewed – no changes.
- **Policy 1.7 Elected Members – Allowances & Reimbursements** – Reviewed – changed setting specific allowance amounts throughout to setting rates of allowances as part of the annual budget process each year.
- **Policy 1.8 Risk Management** – Reviewed – no change.
- **Policy 1.9 iPad Usage – Elected Members and Employees** – Reviewed – no changes
- **Policy 1.10 Internet and Email Access** – Reviewed – no changes
- **Policy 1.11 Social Media** – Reviewed – no changes.
- **Policy 1.12 Gifts, Benefits Hospitality, Attendance at Events** – Reviewed – no changes.

- **Policy 1.13 Council Briefing Sessions** - Reviewed – added words “and Executive Management Team reports” to Principle 1.
- **Policy 1.14 Complaints Handling** – Reviewed – added Principle 12 – all complaints to be received in writing and the Complaint Submission Form located on the Shire of Cranbrook website can be used for this purpose.
- **Policy 1.15 Related Party Disclosures** – Reviewed – no changes.
- **Policy 1.16 Employee Gratuity Payments** – Reviewed – no changes.
- **Policy 1.17 Public Interest Disclosure** – Reviewed – no changes.
- **Policy 1.18 Chief Executive Officer Performance Review** – Reviewed – no changes.
- **Policy 1.19 CONFIDENTIAL POLICY - Cyber Security** – Reviewed – no changes

WORKFORCE:

- **Policy 2.0 Recruitment and Selection** – Reviewed – no changes.
- **Policy 2.1 Employee - Appointments** – Reviewed – no changes.
- **Policy 2.2 Employee - Induction** – Reviewed – no changes.
- **Policy 2.3 Employee – Performance Management** – Reviewed – no changes.
- **Policy 2.4 Managing Unacceptable Behaviour** – Reviewed – no changes
- **Policy 2.5 Grievance Policy** – Reviewed – no changes.
- **Policy 2.6 Senior Employees** – Reviewed – policy designates ‘senior employees’ in accordance with section 5.37 of the Act. Have removed all points relating to the salary package which are considered part of contract negotiation process and are impacted by the labour market, the needs of the Shire and of the applicant at the time.
- **Policy 2.7 Professional Development and Training** – Reviewed – small increase of \$5 to meal allowance due to inflation. Meal Allowance Claim Form added.
- **Policy 2.8 Leave – Management of Annual and Long Service** – Reviewed – no changes.
- **Policy 2.9 Leave – Community Service** – Reviewed – no changes.
- **2.10 Christmas Shutdown Period** – Reviewed – no changes.
- **2.11 Salary Sacrificing** – Reviewed – no changes.
- **2.12 Housing – Employees** - Reviewed – the means of setting the value of the property when staff enter lease arrangement is changed from gross rental value (GRV) to market value. This is because the Shire does not rate its own properties and therefore does not have a GRV valuation for them.
- **Policy 2.13 Shire Vehicles – Use Arrangements** – Reviewed. As the Shire does not have a Building Surveyor on site anymore, that section has been removed from the policy.
- **Policy 2.14 Employee – Shire Small Equipment Hire** – Reviewed - no changes.
- **Policy 2.15 Relocation Expenses – Employees** – Reviewed – amount of relocation expenses paid is increased to \$2,500 for employees who are not designated Senior Employees under Policy 2.6. The clause requiring completion of the probationary period before payment removed. The amount for Senior Employees has been removed.
- **Policy 2.16 Work Health and Safety** – Reviewed - no changes.
- **Policy 2.17 Work Health and Safety Structure and Review** – Reviewed - no changes.
- **Policy 2.18 Uniforms, Allowance, Personal Protective Equipment** – Reviewed – no changes.
- **Policy 2.19 Drug and Alcohol** – Reviewed – no changes.
- **Policy 2.20 Disciplinary** – Reviewed and included requirement to consult WALGA Employee Relationship Services in addition to the CEO when taking disciplinary action.
- **Policy 2.21 Superannuation** – Reviewed – no changes.
- **Policy 2.22 Secondary Employment/Business** – Reviewed – no changes.
- **Policy 2.23 Education and Study Assistance** – Reviewed – no changes.
- **Policy 2.24 Appointment of Acting Chief Executive Officer** – Reviewed – no changes.

- **Policy 2.25 Working from Home** – Reviewed – no changes.

ADMINISTRATION:

- **Policy 3.0 Visitors to the Administration Centre** – Reviewed – no changes.
- **Policy 3.1 CB1 Number Plates** – Reviewed – no changes.

FINANCE:

- **Policy 4.1 Budget – Defining Material Variances** – Reviewed - Under PRINCIPLES the method prescribed for apportioning the budget evenly across the year for the purposes of reporting material variances has been removed, as budgets are uploaded according to the months the transactions are expected to occur. The variance of greater than 10% or \$10,000 remains unchanged.
- **Policy 4.2 Financial Strategy** - Reviewed – included under PRINCIPLES that “due diligence is applied when considering the necessity of all long-term borrowings, including but not limited to analysis of inflation rates, external factors in the global environment and the rapid escalation of costs.”
- **Policy 4.3 Capitalisation and Depreciation of Non-Current Assets** Reviewed – Included revaluation threshold of \$5,000 to minimise revaluation costs for low value assets.
- **Policy 4.4 Investments** - Reviewed – the OBJECTIVE and PRINCIPLES have been combined and amended under the PRINCIPLES heading. The PRINCIPLES limits investments in accordance with the *Local Government (Financial Management) Regulations 1996* rather than listing individual institutions, and specifies reporting requirements to Council.
- **Policy 4.5 Rates and Sundry Debtors Charges – Write Offs, Recovery Process** – Reviewed – no changes.
- **Policy 4.6 Interest Free Loans – Community Organisations** – Reviewed – no changes.
- **Policy 4.7 Donations and Sponsorships** – Reviewed – no changes.
- **Policy 4.8 Purchasing** – Reviewed – removed purchasing exemptions arising from the State of Emergency Declaration which ended in November 2022.
- **Policy 4.12 Fees and Charges - Application** – Reviewed – no changes.
- **Policy 4.13 Corporate Credit Card** – Reviewed – no changes.
- **Policy 4.14 Asset Disposal** – Reviewed – no changes.
- **Policy 4.15 Financial Hardship** – Reviewed – no changes.
- **Policy 4.16 Community Grant Program Funding** – Reviewed – no changes.
- **Policy 4.17 Refunding of Fees and Charges** – Reviewed – Under PRINCIPLES, the approval of refunds has been changed from the “relevant Shire Manager and the Shire’s Finance Department...” to “approval from the CEO or Manager of Finance and Administration.
- **Policy 4.18 Bush Fire Brigade Fuel Cards** – Reviewed – no changes.
- **Policy 4.19 Rating Strategy** – Reviewed – no changes.

WORKS:

- **Policy 5.0 Road Management** – Reviewed – no changes.
- **Policy 5.1 Road Material Acquisition – Gravel and Sand** – Reviewed – purchase price for gravel increased to \$2.00 per m³. Included the following sentences in the principles:
“If clearing is required in bushland, reference is to the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* to obtain the necessary clearing permits. Clearing of this bushland is not encouraged and should be the last option. An amount to be determined by Council as part of the annual budget process will be budgeted each financial year for rehabilitating abandoned gravel pits until all pits are rehabilitated to a satisfactory level.”

The “Purchase of Sand and Gravel Agreement” has been amended for the gravel price and to include “which includes a change of ownership of the land that the gravel pit is located”.

- **Policy 5.2 Thoroughfares – Temporary Closure** – Reviewed - no changes.
- **Policy 5.3 Pathways** – Reviewed - no changes.

EMERGENCY SERVICES:

- **Policy 6.0 Bushfire Control** – Reviewed - no changes.

COMMUNITY:

- **Policy 7.0 Community Engagement** – Reviewed - no changes.
- **Policy 7.2 Disability Access and Inclusion** – Reviewed - no changes.
- **Policy 7.3 Community Facilities and Equipment – Usage** – Reviewed - no changes.

ECONOMIC:

- **Policy 8.1 Shire History Books – Accommodation Providers** – Reviewed – recommend removing from policy manual and leaving to CEO discretion/donation.

ENVIRONMENT:

- **Policy 10.0 Environmental Management** – Reviewed - no changes.

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 proposes adoption of the revised Council Policy Manual that includes amendments to current policies and inclusion of new policies as defined above.

Financial Implications

There are various financial implications from this report, all of which are considered as part of the annual budget process.

Risk Implications

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

- Misconduct
- Business and Community Disruption
- External Theft and Fraud
- 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 Engagement Practices
- Inadequate Asset Sustainability Practices
- Inadequate Safety and Security Practices
- Ineffective Employment Practices
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management
- Ineffective Management of Facilities/Venues/Events

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 Moderate

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.
- Reviewing the Policy Manual annually.

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 and the Community Development Manager.

Voting Requirements

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION

Motion 10042023

Moved Cr Mulcahy, seconded Cr Slater that Council approve the revised changes to the Shire of Cranbrook Policy Manual for 2023, as noted above.

**CARRIED 8/0
By Absolute Majority**

10.2.5 CORPORATE BUSINESS PLAN REVIEW

RESPONSIBLE OFFICER: Linda Gray, Chief Executive Officer
REPORT AUTHOR: Linda Gray, Chief Executive Officer
FILE REFERENCE: AD3
APPLICANT: N/A
DATE OF REPORT: 12 April 2023
ATTACHMENTS: Revised Corporate Business Plan

Purpose

The purpose of this report is for the Council to consider endorsing the proposed changes resulting from the review of the Corporate Business Plan.

Background

In accordance with regulation 19DA of the Local Government (Administration) Regulations 1996, “A local government is to review the current corporate business plan for its district every year” and “A local government may modify a corporate business plan, including extending the period of the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan”.

The Shire of Cranbrook has conducted a review of the Corporate Business Plan (CBP) and made changes to deliverables and amendments to the content of the document, keeping in mind that the CBP is an internal business planning tool that translates Council priorities into operations within the resources available. The plan highlights the services, operations, projects and initiatives a local government will deliver within a defined period. It is the basis of the annual budget planning and establishes the key performance indicators for the Chief Executive Officer’s performance review.

Officer’s Comment

The review of the CBP was minor in scope but was intended to capture the changes in circumstance or delays that have occurred since the pandemic. It has also been noted that the CBP is intended to be a practical document that gives direction to the allocation of resources, and that the current Shire of Cranbrook’s CBP tends to be aspirational in nature. Measurements against deliverables such as the example listed below, tends to be difficult to quantify:

Outcome	Deliverable	Funding	Completed by	Measurement
Community	A culture-enhancement program where all community members are proud of living in and around the region	Existing	June 2025	Annual increase in ‘proud’ measurement for community members

Some changes have been made to the current CBP to better reflect the importance of the document as a planning tool.

Other changes listed are:

Outcome	Deliverable	Funding	Completed by	Measurement
Community	1.2 A culture-enhancement program where all community members are proud of living in and around the region	Existing	June 2025	Annual increase in 'proud' measurement for community members

Changed to:

Outcome	Deliverable	Funding	Completed by	Measurement
Community	1.2 A culture-enhancement program where all community members are proud of living in and around the region	Existing	June 2025	Apply for funding to run neighbourhood day events

And

Utilities	2.1 A solution to water access which has enabled further economic success.	Existing	June 2023	Water solution released.
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Changed to:

Utilities	2.1 A solution to water access which has enabled further economic success.	Existing	June 2023	Improvements to town drinking water, drainage and water harvesting capabilities.
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And

Outcome	Deliverable	Funding	Completed by	Measurement
Utilities	2.2 A long-term plan for equitable digital connectivity for increased safety and remote working is released.	Existing	June 2024	Equitable digital plan released.

Changed to:

Outcome	Deliverable	Funding	Completed by	Measurement
Utilities	2.2 A long-term plan for equitable digital connectivity for increased safety and remote working is released.	Existing	June 2024	List of mobile black spots approved by Council.

And

Utilities	2.3 A community-wide, annual input into Significant Roads projects.	Existing	June 2025	75% + Community satisfaction of Significant Roads
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Changed to:

Utilities	2.3 A community-wide, annual input into Significant Roads projects.	Existing	June 2025	Three or less complaints per month relating to 'Significant Roads'
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And

Utilities	2.4 An elevated domestic waste system including recycling tip beautification, and education program	Existing	June 2023	90% Community satisfaction with waste system.
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Changed to:

Utilities	2.4 An elevated domestic waste system including recycling tip beautification, and education program	Existing	June 2023	Waste Management Strategic Plan
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And

Health	3.1 A well-defined health positioning, formed of strong partnerships, alliances, and volunteerism.	Existing	June 2022	80% community members understand health system.
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Changed to:

Health	3.1 A well-defined health positioning, formed of strong partnerships and alliances.	Existing	June 2023	Support doctors and other health services to provide clinics within the shire.
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And

Health	3.2 Focused attention and partnered model for shire-wide mental health.	Existing	June 2022	90% awareness of mental health provisions in the region.
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Changed to:

Health	3.2 Focused attention and partnered model for region-wide mental health.	Existing	June 2023	Achieve 50% of outcomes from Public Health Plan.
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And

Health	3.3 A proactive community supporting community welfare.	Existing	June 2022	>80% of the community has contributed to welfare initiatives.
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Changed to:

Health	3.3 A proactive community supporting community welfare.	Existing	June 2023	Provide low/no cost facilities for social activities like seniors lunches, exercise classes and early childhood services.
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And

Priority Amenities	4.1 A transparent and accessible facility use analysis	Existing	June 2023	Facility use data is released annually online.
	4.2 An elevated service provision for aged-care, youth and people living with a disabilities.	Existing	June 2025	Aged care, youth and people living with disabilities are more satisfied with services.
	4.3 New Frankland River Community Facility is constructed including building and linking amenities.	Existing	June 2025	Frankland River's community facility is operational.
	4.4 A community-wide facility prioritisation system which is transparent and informed, for both new builds and asset upgrades.	Existing	June 2025	June 2022 Facility Priority List is transparent. June 2025 90% of Asset Management executed.

Changed to:

Priority Amenities	4.1 A transparent and accessible facility use analysis	Existing	June 2023	Facility data compiled annually for asset management purposes.
	4.2 An elevated service provision for aged-care, youth and people living with a disabilities.	Existing	June 2023	Business case for Youth Development Worker. Annual reporting of Disability Access and Inclusion Plan.
	4.3 New Frankland River Community Facility is constructed including building and linking amenities.	Existing	June 2025	Frankland River's community facility is operational.
	4.4 A community-wide facility prioritisation system which is transparent and informed, for both new builds and asset upgrades.	Existing	June 2023	Asset Management executed.

Under Work –

The following Deliverables and their Measurement are deferred due to current external environment:

- 5. Business Engagement – 5.2 A data-base of extra or shared workers is in reach.
- 7. Enabled Economy – 7.3 A small to medium enterprise incentive program partnered with the local shire.
- 8. Business Attraction – 8.1 Additional business or micro-production has commenced or expanded in the shire, and 8.2 Created a social-enterprise activity.

Under Connect –

There seems to be a regional focus not a Shire of Cranbrook focus, which would mean a lack of alignment with the availability of resources. For example, we have -

15. Proactive people A community which capitalises on its youthful intellect and stretches interactions wider than the community residing in the shire.	15.2 A virtual community and region-wide alumni for sustained connections, engagement, and growth	Existing	June 2022	Alumni named, purpose formed by June 2022. 1000 person database formed by June 2025.
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These Community Outcomes have been left in place, but will need to be reviewed in detail as they do not align with the Community Strategic Plan with the exception of 16. High-performing Local Shire – An accountable and respected Local Shire, investing in its people and structures and its Deliverables.

Statutory Environment

DLGSC IPR Framework and Guidelines.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

This report only addresses the review of the Corporate Business Plan and all deliverables are considered and approved within the Long-Term Financial Plan, annual budget and ongoing budget reviews.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is: Unlikely

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

Risk mitigation includes adherence to the Compliance Calendar.

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

Manager of Finance and Administration, Diana Marsh

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

Moved Cr Slater, seconded Cr Quick that Council endorses the amended Corporate Business Plan 2021-2025, as attached, resulting from the review conducted in accordance with regulation 19DA of the Local Government (Administration) Regulations 1996.

COUNCIL DECISION

Motion 11042023

Moved Cr Slater, seconded Cr Pollard that Council endorses the amended Corporate Business Plan 2021-2025, as attached, with the minor amendment to 'Utilities: 2.3 A community-wide, annual input into Significant Roads projects' be changed to 'A Council initiated annual input into Roads of Significance projects.' As a resulting from the review conducted in accordance with regulation 19DA of the Local Government (Administration) Regulations 1996.

CARRIED 8/0
By Absolute Majority

Reason for Change:

Cr Mulcahy proposed an amendment to section 'Utilities: 2.3' of the Business Continuity Plan to state that the input into the significant roads projects be changed from 'A community-wide, annual input into Significant Roads projects' to 'A Council initiated annual input into Roads of Significance projects'. It was agreed that Council have a significant understanding of the community's needs and can positively reflect that awareness in the reporting, resulting in a far more informed and practical assessment of projects in need of attention.

10.2.6	ANNUAL REVIEW OF DELEGATIONS
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	GO20
DATE OF REPORT:	24 March 2023
ATTACHMENTS:	Delegations Register

Purpose

The purpose of this report is for the Council to consider the adoption of the revised register of delegations.

Background

Section 5.42 of the Local Government Act 1995 (the Act) provides that a Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

Section 5.46(2) of the Act requires the local government to review its delegations at least once every financial year.

The purpose of this review is to consider the operational effectiveness of the current delegations, whether they remain relevant and appropriate, whether legislative amendments or organisational changes necessitate any revisions to the text and whether any new delegations are required.

Officer's Comment

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the Act. The Act also requires that the Council's delegations to the CEO be reviewed each year.

The delegations were reviewed by relevant officers in terms of the appropriateness of the existing delegations and if there was a need for any additional delegations. As a result of this review, it was determined that there was some minor text changes requiring updating due to a change in position titles. More importantly, there was a need to revoke Delegation 1.11 Contribution to Site Works as the Policy 8.0 Site Works supporting this initiative has been deleted due to budget constraints. One new delegation had been approved by absolute majority on 15 March 2023 at the Ordinary Council meeting for the CEO to grant an exemption for planning approval for temporary works (not exceeding 12 months).

It should be noted that the delegations were last reviewed by Council in the 21/22 financial year, and this review falls into the 22/23 financial year. At least once every financial year, delegations made under s5.46 of the *Local Government Act 1995* are to be reviewed by the delegator.

Deleted Delegations:

1.11 Contribution to Site Works

No longer needed.

Amended Delegations:

1.15 Consumption of Alcohol – Council Property

Delete the CEO Sub Delegation – delegation remains with the Chief Executive Officer.

1.22 Building Delegation – Approval of Plans

Unable to sub-delegate as sub delegation under the Building Act 2011 cannot be delegated to the private sector.

New Delegations previously approved:

Delegation 1.33 Grant an Exemption on Planning Approval for Temporary Works (not exceeding 12 months)

This delegation was approved at the Ordinary Council meeting held on 15 February 2023 and is now included in the Delegation Register.

Statutory Environment

Section 5.42 of the Act provides that Council may delegate powers to the CEO except those referred to in section 5.43 of the Act.

Section 5.46(2) of the Act requires all delegations to be reviewed at least once each financial year.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

Having clear and appropriate delegations from Council to the CEO and from the CEO to staff is an important part of the overall governance framework. It allows the Shire to conduct business in an efficient manner and provides overall accountability for the decision making processes. Risk mitigation includes consultation with staff and a review of delegations in place at other local governments.

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

Manager of Works, Jeff Alderton

Manager of Finance and Administration, Diana Marsh

Voting Requirements

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION

Motion 13042023

Moved Cr Slater, seconded Cr Mulcahy that Council:

- 1. Notes the review of delegations for the financial year 2022/23 as outlined in this report; and**
- 2. Adopts the Shire of Cranbrook Register of Delegations as included at Attachment One.**

CARRIED 8/0

By Absolute Majority

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

NIL

14. CLOSURE OF MEETING

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