

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held

13 December 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.
6. Copies of “Public Question Time – Rules and Procedures” will be distributed at each Council/Committee Meetings where members of the public are in attendance.

ATTENTION/DISCLAIMER

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

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

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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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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Pollard as Presiding Member declared the meeting open at 3.03pm. The Shire President alerted the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

SUSPENDING STANDING ORDERS

Motion 01122023

Moved Cr Egerton-Warburton, seconded Cr Johnson that clause 9.1 Members to Rise be temporarily suspended for the duration of today's Council Meeting to facilitate open debate and to assist with the efficient running of the meeting.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton, Cr R Johnson,
Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

President	Cr G (George) Pollard
Deputy President	Cr DM (Daisy) Egerton-Warburton
Councillors	Cr PW (Peter) Slater Cr RW (Robert) Johnson Cr LM (Lee) Casson Cr P (Peter) Denton Cr P (Perin) Mulcahy
Chief Executive Officer	Ms LA (Linda) Gray
Manager of Finance	Mrs DE (Diana) Marsh
A/Manager of Works	Mr G (Joe) Duina
Executive Officer	Miss JL (Jo) Scott
Members of the Public	Hilary Watterson Freya Spencer Ashley Marjoram

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Nil

3. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Shire Presidents Report:

- Attended the Regional Road Group meeting on the 20th of November 2023 and have been voted in as Vice Chairperson of the group.
- Was unable to attend the WALGA Zone Meeting, held 24th of November, the Shire of Cranbrook was represented by Deputy Shire President, Cr Daisy Egerton-Warburton, and Chief Executive Officer attended.
- Have been researching the need for a Wind Farm Policy, and have spoken with Geoff Thorn and Micheal White, Shire President, Shire of Broomehill Tambellup to gain different viewpoints.
- Attended training on meeting procedure and compliance with Steve Tweedie on 28th of November 2023.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

- Staff from the Gillamii Centre presented their Annual Report to Council.
- Staff from the Cranbrook Library presented their Annual Report to Council.

Hilary, Freya and Ashley left the Chambers at 3.32pm.

7. DISCLOSURE OF INTEREST

Indirect Financial Interest

Cr P Mulcahy

Item 10.2.10

Type: Indirect Financial Interest pursuant to Section 6.51 of the Local Government Act 1995

Nature: Partner of a CBH Shareholder.

Financial Interest

Cr G Pollard

Item 10.2.10

Type: Financial Interest pursuant to Section 5.60A Local Government Act 1995

Nature: CBH Shareholder.

Financial Interest

Cr DM Egerton-Warburton

Item 10.2.10

Type: Financial Interest pursuant to Section 5.60A Local Government Act 1995

Nature: CBH Shareholder.

Financial Interest

Cr RW Johnson

Item 10.2.10

Type: Financial Interest pursuant to Section 5.60A Local Government Act 1995

Nature: CBH Shareholder.

Cr Egerton Warburton left the Chambers at 3.34pm.

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

This meeting will be closed to discuss confidential Item 13.1

Cr Egerton Warburton re-entered the Chambers at 3.36pm

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 15 November 2023

Motion 02122023

Moved Cr Mulcahy, seconded Cr Denton that the minutes from the ordinary meeting of Council held on 15 November 2023, be confirmed as a true and correct record.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton, Cr R Johnson,
Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

10. REPORTS OF OFFICERS

10.1 CORPORATE AND COMMUNITY SERVICES

10.1.1 LIST OF PAYMENTS

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Madeleine Hammond – Finance Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	06/12/2023
ATTACHMENTS:	List of Payments – 1 November to 30 November 2023

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 November to 30 November 2023.

Background

Nil

Officer's Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulation 13 and 13A 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.

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared — (a) the payee's name;

- (b) the amount of the payment;
- (c) the date of the payment;
- (d) sufficient information to identify the payment.

(2) A list prepared under subregulation (1) must be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

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 03122023

Moved Cr Johnson, seconded Cr Egerton-Warburton that the payment of accounts totalling \$661,635.37 as per the attachment be noted:

- **Electronic Funds Transfers EFT 14759 to EFT 14875 - \$460,287.63, including fuel card purchases of \$366.96;**
- **Internal Account Transfers (Payroll) - \$146,339.06; and**
- **Direct Debit - \$55,008.68, including credit card purchases of \$3,692.70.**

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton, Cr R Johnson,
Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

10.1.2 MONTHLY FINANCIAL REPORT – NOVEMBER 2023

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Darren Long – Finance Consultant
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	06 December 2023
ATTACHMENTS:	Financial Statements for November 2023

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 November 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

In the Local Government (Financial Management) Regulations 1996, part 4, which outlines the monthly financial reporting requirements, has recently been amended with changes effective from 1 July 2023. The statement of financial activity in the monthly report is now required to be structured in the same way as the annual budget and is to be shown according to nature classification. The monthly report must also include a statement of financial position as at the last day of the previous month. These reports must be presented within 2 months after the end of the previous month and be recorded in the minutes of the meeting at which it is presented.

The template for the Monthly Financial Report has been updated to comply with industry standards and all statutory reporting requirements are contained within the report.

The attached November 2023 Monthly Financial Report represents five (5) months of the financial year. The following items are worthy of noting on the November 2023 report:

- Closing surplus position of \$ 3,613,390 (shown on page 2).
- Cash and cash equivalents of \$ 6,861,341 of which \$ 3,174,107 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$ 103,345 equates to the 2023/2024 rates levied and arrears from previous years (shown on page 15); and
- Explanation of material variances is shown by nature on page 6.

Statutory Environment

The Local Government (Financial Management) Regulations 1996 define the requirements for monthly financial reporting (Regulations 34 and 35).

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.

Well done to Finance team - Cr Denton

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 04122023

Moved Cr Denton, seconded Cr Casson that the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 30 November 2023 be received.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

10.1.3 BUDGET AMENDMENT – BRIDGE 4254 SHAMROCK RD

RESPONSIBLE OFFICER: Diana Marsh – Manager of Finance
REPORT AUTHOR: Diana Marsh – Manager of Finance
FILE REFERENCE: FM6
APPLICANT: N/A
DATE OF REPORT: 4 December 2023
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider an amendment to the 2023/2024 adopted budget.

Background

At the 19 July 2023 meeting of Council it was resolved that:

“That pursuant to the provisions of Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopts the Annual Budget as contained in the attachment to this report for the 2023/2024 financial year...”

Since the adoption of the budget in July 2023 staff have been notified by Main Roads of a bridge that requires repair.

Officer’s Comment

Main Roads inspected Bridge 4254 on Shamrock Road in September 2023 and the inspector has advised of issues with Abutment 2 piles 5 and 6 needing prompt attention. Part of the funding agreement with Main Roads for bridge inspections and maintenance is the requirement for the Shire to complete any repairs that are reported to the Shire. It is important that these repairs are undertaken as that then qualifies the Shire of funding from Main Roads for any significant repairs or upgrades to any of the Shire’s twelve bridges.

A quotation has been obtained at a cost of \$9,800 excluding GST to make the necessary temporary repairs. As this expenditure is not included in the original budget, it will be necessary to reallocate funds from another area in the budget. The preferred option by management is to reduce the budgeted \$75,000 transfer to the Roadworks Reserve by this amount, however, it may also be taken from the road maintenance program.

Statutory Environment

Local Government Act 1995, Part 6 Financial Management, Division 4 General Financial Provisions.
Section 6.8 - Expenditure from municipal fund not included in annual budget.

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

* *Absolute majority required.*

Local Government (Financial Management) Regulations 1996 Part 2 General financial management – s. 6.10

Regulation 17. - Reserve accounts, title of etc.

- “(1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.
- (2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —
- (a) in the information required by regulations 27(g) and 38, by its full title; and
 - (b) otherwise, by its full title or by an abbreviation of that title.”

[Regulation 17 amended in Gazette 20 Jun 1997 p. 2839.]

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

If approved, the amount of \$9,800 will be deducted from the budgeted transfer to Roadworks Reserve.

Risk Implications

The risks associated with matters in this report are: Misconduct

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

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

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

The **likelihood** is: Likely

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

Risk mitigation includes ensuring repair works are undertaken promptly.

Strategic Community Plan Reference

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

Key Pillar: Live

Outcome 16 - Live: Aa accountable and respected Shire, investing in its people and structures

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

Consultation

Consultation for this report included Main Roads and the Shire of Cranbrook’s staff.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 05122023

Moved Cr Casson, seconded Cr Johnson that Council amend the current 2023/2024 budget by:

- 1. Decreasing the transfer to the Roadworks Reserve by \$9,800; and**
- 2. Increasing the 121200 Capital Expense – Bridge Program Works by \$9,800.**

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton, Cr R Johnson,
Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

By Absolute Majority

10.1.4 CHANGES TO SCHEDULE OF FEES & CHARGES

RESPONSIBLE OFFICER: Diana Marsh – Manager of Finance
REPORT AUTHOR: Diana Marsh – Manager of Finance
FILE REFERENCE: FM11
APPLICANT: N/A
DATE OF REPORT: 6 December 2023
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider endorsing an amendment of the 2023/24 Schedule of Fees & Charges, to come into effect from 12 February 2024.

Background

Previously the Shire of Cranbrook has sold engraved wine glasses at \$5.00 each from the administration office. The cost of replacing the inventory has doubled since this price was set and for the Shire to recover its costs the sale price needs to be increased.

Officer's Comment

Wine glasses have been a well sought after gift and promotional item to date and it would be good to be able to continue offering these. However, to sell below cost will result in the ratepayer funding the shortfall. The recommendation is to increase the price to \$10.00 each from 12 February 2024.

Statutory Environment

Section 6.16. and 6.19. of the Local Government Act 1995, states that:

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —
- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
 - (b) supplying a service or carrying out work at the request of a person;
 - (c) subject to section 5.94, providing information from local government records;
 - (d) receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;
 - (e) supplying goods;
 - (f) such other service as may be prescribed.
- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
- (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The net revenue from sale of merchandise is anticipated to be \$500.00.

Risk Implications

The risks associated with matters in this report are:

- External Theft and Fraud

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

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

The **likelihood** is: Rare

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

Risk mitigation includes merchandise display within sight of administration staff at all times.

Strategic Community Plan Reference

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

Key Pillar: Visit

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

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

Outcome 12 – Brand: A growing distinguishable regional brand.

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

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/COUNCIL DECISION

Motion 06122023

Moved Cr Denton, seconded Cr Johnson that Council approves the amendment in the 2023/2024 Fees and Charges to increase the charge for the sale of wine glasses to \$10.00 each, effective from 12 February 2024.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

10.1.5	ANNUAL REPORT 2022/2023
RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	AD4/GO4
APPLICANT:	N/A
DATE OF REPORT:	6 December 2023
ATTACHMENTS:	1. Report to Audit Committee 2. 2022/2023 Annual Report

Purpose

The purpose of this report is for Council to consider the adoption of the 2022/2023 Shire of Cranbrook Annual Report and to set a date for the Annual Electors Meeting.

Background

The Annual Report has been prepared in accordance with the Local Government Act 1995, associated regulations, and is attached to this report.

Officer's Comment

The final audited financial statements have been received from the auditor and the formal audit exit meeting was held on 5 December 2023. In attendance at this meeting (via virtual meeting) was:

- Ms Subha Gunalan, Director Financial Audit, Office of the Auditor General;
- Mr Chris Martain, Auditor, Lincolns;
- Mr Thomas Warner, Partner, Lincolns;
- Cr George Pollard, Shire President;
- Cr Peter Slater, Chair of the Audit Committee;
- Ms Linda Gray, Chief Executive Officer; and
- Mrs Diana Marsh, Manager of Finance.

During this meeting, Mr Martain discussed the report to the Audit Committee for the year ended 30 June 2023, which included:

- Audit Report – the audit report had an unqualified opinion.
- Management Letter Findings – Nil
- Uncorrected Audit Misstatements – there was one uncorrected audit misstatement for the Debtors Community Loans allocation of Current and Non-Current portions - immaterial and did not require correction.
- Corrected Audit Misstatements – there was one corrected audit misstatement to increase the waste sites rehabilitation asset and reduce financing expense due to changes to accounting estimates in the waste site rehabilitation provision.
- Issues for next year's audit - new accounting standards to be aware of, but are not expected to impact the financial report:
 1. AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-Current, applies to the financial year ended 30 June 2024; and
 2. AASB 2022-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies or Definition of Accounting Estimates, applies to the financial year ended 30 June 2024.

Following the formal audit exit meeting, the Office of the Auditor General released the independent auditors' reports (included in the Annual Report document).

When considering the timing requirements to hold the Annual Electors Meeting described below in Statutory Environment, the meeting needs to be held between 28 December 2023 and 7 February 2024.

Statutory Environment

The *Local Government Act 1995* requires the Council to accept the Annual Report by 31 December each year unless the audit report is not available. If unable to be accepted by 31 December in any given year, then Council must accept the report within two (2) months of the audit report becoming available. The annual meeting of electors must then be held within fifty-six (56) days of Council accepting the Annual Report. A minimum of fourteen days local public notice is required of the date, time, place, and purpose of the meeting.

Policy Applicable – Implications

Council Policy 1.1 'Electors Meeting' states:

'The Annual Electors' meeting will be held within 56 days of receiving the Annual Financial Report. The Annual Electors' meeting venue will alternate between the Cranbrook and Frankland River town-sites as follows;

2022/2023 Annual Report	Frankland River
2023/2024 Annual Report	Cranbrook
2024/2025 Annual Report	Frankland River
2025/2026 Annual Report	Cranbrook

The previous annual electors' meeting was held on 6 February 2023 in Cranbrook.

Electors are required to provide the Chief Executive Officer with their questions in writing no later than one week prior to the Annual Electors Meeting to enable staff to research the matter if required.

Financial Implications

There are no financial implications for this report. The Annual Report contains the annual financial statements for 2022/2023, illustrating the Council's financial performance for this period.

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
- Ineffective Employment Practices

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

The **consequences** of these risks are considered to be: Extreme.

The **likelihood** is: Unlikely

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

Risk mitigation includes ensuring staff have appropriate skills, training and security access levels for financial transactions, and by implementing recommendations from the auditor.

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.

Cr Mulcahy congratulated Manager of Finance, Diana Marsh, and the finance team on getting the financials completed and especially with not having any audit management findings at all, and for the other staff involved in the compilation of the Annual Report.

Cr Casson queried the comparison between cash and cash equivalents from the 21/22 Financial Year to 22/23 Financial Year, and the Manager of Finance, Diana Marsh, explained that the reasons were as follows:

- \$400,000 increase in unrestricted cash in the 22/23 FY, mainly from the Financial Assistance Grants received in advance
- \$454,000 increase in Reserves held in the 22/23 FY

And most of all, a change in accounting standards has meant that funds held in restricted cash in 21/22 (\$1.45m) and recognised as “other financial assets”, were identified under “cash and cash equivalents” in the 22/23 FY.

Voting Requirements

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION

Motion 07122023

Moved Cr Slater, seconded Cr Mulcahy that the Audit Committee recommends to the Council that:

- 1. The attached 2022/2023 Shire of Cranbrook Annual Report be accepted; and**
- 2. The Annual Meeting of Electors be held on Monday, 5 February 2024 at 5pm in Frankland River.**

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

By Absolute Majority

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1	POLICY REVIEW – POLICY 4.3 – CAPITALISATION AND DEPRECIATION OF NON-CURRENT ASSETS
RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	GO17
APPLICANT:	N/A
DATE OF REPORT:	4 December 2023
ATTACHMENTS:	Draft Policy 4.3 – Capitalisation and Depreciation of Non-Current Assets

Purpose

The purpose of this report is for the Council to consider adopting the attached draft policy 4.3 Capitalisation and Depreciation of Non-Current Assets.

Background

The *Local Government (Financial Management) Regulations 1996* (FMR) requires local governments to report on its non-financial assets each year in accordance with Reg. 17A, and the Australian Accounting Standards (AAS).

AASB 116 Property, Plant and Equipment requires the residual and useful life of these assets to be reviewed each year and the carrying amount of the asset to be at fair valuation.

The Shire of Cranbrook undertook a revaluation of all its asset classes as at 30 June 2023 (excluding plant and equipment and the waste sites rehabilitation). Talis Consultants were engaged to undertake the revaluation of most of the Shire’s infrastructure assets. In their report they have revised the useful lives of drainage infrastructure from 60 years to 80 years, and bridges infrastructure from 50 years to 60 years for bridges infrastructure. This assessment is based on the current condition of the assets and their knowledge and expertise of the region.

While updating the asset register after the revaluation it was also identified that the classes in Policy 4.3 – Capitalisation and Depreciation of Non-Current Assets would benefit in being identified in the same way as reported in the annual financial report.

Officer’s Comment

Talis Consulting were part of the previous 2018 revaluation and have physically inspected our infrastructure assets at least twice. This, combined with their expertise, provides confidence the useful lives reported are appropriate for the Shire of Cranbrook.

The increase to useful lives will reduce the depreciation expense for these assets which will benefit the Statement of Comprehensive Income, and some financial ratios which, while no longer reported on in the annual report, remain a beneficial tool when used in conjunction with other financial information.

The Shire of Cranbrook has over time in its annual financial report, separated its infrastructure asset classes into additional categories. The draft policy attached has added the following asset classes and useful lives to align accordingly:

- Other infrastructure 30-50 years
- Car parks 30-50 years
- Drainage 60-80 years

- Bridges 50-60 years

Statutory Environment

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

The Council is to determine the Local Government's policies

Policy Applicable – Implications

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

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Unlikely

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

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

Strategic Community Plan Reference

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

Key Pillar: Connect

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

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

Consultation

Consultation for this report included the Executive Management Team

Voting Requirements

Simple Majority

AUDIT COMMITTEE'S RECOMMENDATION/COUNCIL DECISION

Motion 08122023

Moved Cr Johnson, seconded Cr Slater that Council adopt the updated policy 4.3 – Capitalisation and Depreciation of Non-Current Assets as attached.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

10.2.2	POLICY REVIEW – POLICY 4.8 FINANCE - PURCHASING
RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	GO17
APPLICANT:	N/A
DATE OF REPORT:	30 November 2023
ATTACHMENTS:	1. Policy 4.8 Finance – Purchasing (current) 2. Policy 4.8 Finance – Purchasing (as amended)

Purpose

The purpose of this report is for the Council to consider amendments to Policy 4.8 Finance – Purchasing to remove the Regional Price Preference section, and to reduce purchasing thresholds for managers as well as to align financial approval with designated managers’ positions.

Background

The Local Government (Functions and General) Regulations 1996 r.11A requires local governments to have a purchasing policy to govern control requirements for purchases below the \$250,000 tender limit.

The Shire of Cranbrook manages millions of dollars in community assets and good procurement practices promoting probity, accountability and transparency are essential to managing procurement risks and delivering good outcomes for the community. While legislation and/or regulation provides a minimum standard of requirements on local governments, strong internal controls and good governance are essential.

The management team for the Shire of Cranbrook considers that Regional Price Preference section of the current policy is insufficient for the needs of the organisation and have proposed to delete this section and create a separate new stand-alone regional price preference policy. This policy will promote stronger business relationships within the Great Southern Region. The new policy will be presented for consideration at 13 December 2023 meeting.

The management team has also undergone some changes in recent months and it is proposed to introduce an additional lower purchasing threshold for managers, and identifying in policy the management positions to which these levels apply. The previous Purchasing Policy stated:

Purchase Value Threshold	Purchasing Practice	Authorised Officers
Over \$5,000 and up to and including \$50,000	Obtain at least two (2) verbal or written quotations from suppliers either from: <ul style="list-style-type: none"> • The open market; • An existing panel of pre-qualified suppliers administered by the Shire of Cranbrook; or • A pre-qualified supplier on the WALGA Preferred Supply Program or the State Government Common Use Arrangement (CUA) 	CEO & Managers

And the proposed change is as follows:

Purchase Value Threshold	Purchasing Practice	Authorised Officers
Over \$5,000 and up to and including \$25,000	Obtain at least two (2) verbal or written quotations from suppliers either from: <ul style="list-style-type: none"> • The open market; • An existing panel of pre-qualified suppliers administered by the Shire of Cranbrook; or • A pre-qualified supplier on the WALGA Preferred Supply Program or the State Government Common Use Arrangement (CUA) 	CEO, MOF, MOW & MCD
Over \$25,000 and up to and including \$50,000	Obtain at least two (2) verbal or written quotations from suppliers either from: <ul style="list-style-type: none"> • The open market; • An existing panel of pre-qualified suppliers administered by the Shire of Cranbrook; or • A pre-qualified supplier on the WALGA Preferred Supply Program or the State Government Common Use Arrangement (CUA) 	CEO

Officer’s Comment

The intent and much of the content of the draft policy attached remains the same as earlier versions. The main changes are within the purchasing thresholds and the exclusion of the Regional Price Preference section.

Statutory Environment

Local Government (Functions and General) Regulations 1996

Policy Applicable – Implications

A separate Regional Price Preference Policy is required.

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 to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes

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

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

The **likelihood** is: Possible

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

Risk mitigation includes staff training and ongoing monitoring for compliance with policy.

Strategic Community Plan Reference

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

Key Pillar: Connect

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

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

Consultation

Consultation for this report included the Chief Executive Officer and management team.

Voting Requirements

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION

Motion 09122023

Moved Cr Casson, seconded Cr Denton that Council adopt the revised Policy 4.8 Finance – Procurement.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

By Absolute Majority

10.2.3 POLICY REVIEW – POLICY 1.1 MEETINGS OF COUNCIL

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Jo Scott – Executive Officer
FILE REFERENCE:	GO17
APPLICANT:	N/A
DATE OF REPORT:	5 December 2023
ATTACHMENTS:	Updated Policy 1.1 – Meetings of Council

Purpose

The purpose of this report is for the Council to consider adopting the reviewed and amended policy, 1.1 Meetings of Council.

Background

At the Council briefing session, held 15 November 2023, Council agreed upon a change of start time for the Ordinary Meetings of Council. It was agreed that they should commence from February 2024 at 4.00pm.

Officer’s Comment

The decision to change the time of the Ordinary Meetings of Council was decided with consideration on many factors. Those include, the availability of our Councillors and the best use of their time, convenience to members of the public in attending meetings and the most efficient use of staff time.

Statutory Environment

Local Government Act 1995 – Section 5.3 provides that a Council is to hold Ordinary Council Meetings and may hold Special Council Meetings.

Local Government Act 1995 – Section 5.5 requires the CEO to convene Ordinary Council Meetings by giving each Council member at least 72 hours’ notice of a date, time and place of a meeting and an agenda for the meeting.

Local Government (Administration) Regulations 1996 – regulation 12 requires that Ordinary Council Meetings to be held in the next 12 months shall be advertised.

Further, a local government is to give local public notice of any change to the date, time or place of the meeting.

Policy Applicable – Implications

Council Policy 1.1 – Meetings of Council relates to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Rare

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

Risk mitigation includes ensuring the date, venue and time of all Ordinary Council Meetings are advertised as per the Local Government Act 1995 and Local Government (Administration) Regulations 1996.

Strategic Community Plan Reference

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

Key Pillar: Live

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

Deliverable 1.1: A community and enterprise safety and security system.

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

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 Council, the Chief Executive Officer and Shire Staff.

Voting Requirements

Simple Majority

AUDIT COMMITTEE RECOMMENDATION

Moved Cr Slater, seconded Cr Denton that Council approve the reviewed and amended Policy 1.1 – Meetings of Council.

AMENDED MOTION/COUNCIL DECISION

Motion 10122023

Moved Cr Slater, seconded Cr Denton that the Audit and Risk Committee recommends that Council approve a trial for a change of Ordinary Meetings starting time; to commence at 4.00 pm for the scheduled Council meeting dates in February, March and April 2024.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

Reason for Change:

Council have decided to undertake a 3 month trial period for starting the Ordinary Council Meetings at 4pm, to best gauge the need, benefits and feedback of Councillors and Community associated with a later start time.

10.2.4 NEW POLICY – REGIONAL PRICE PREFERENCE POLICY

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	GO17
APPLICANT:	N/A
DATE OF REPORT:	29 November 2023
ATTACHMENTS:	Draft Policy 4.20 Finance – Regional Price Preference

Purpose

The purpose of the report is for Council to consider adopting a Regional Price Preference Policy.

Background

The management team have been working on a Regional Price Preference Policy to establish guidelines for the promotion of business partnerships within the Great Southern Region and the Shire of Cranbrook by giving preference to regional suppliers in the procurement of goods or services.

Officer’s Comment

The Local Government Act 1995, and the Local Government (Functions and General) Regulations have been considered in forming this policy.

The attached policy provides detail on eligibility, price level preferences, as well as association roles and responsibilities, and statewide public notice of the intention to have a regional price preference policy is required for four weeks. Once the advertising period closes, the matter will return to Council so that any submissions can be considered. The Regional Price Preference Policy may then be amended before being approved.

Statutory Environment

Section 3.57 of the Local Government Act 1995
Part 4 of Local Government (Functions and General) Regulations 1996

Policy Applicable

This is a new policy.

Financial Implications

There are no financial implications for this report that have not been considered in the current budget.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Possible

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

Risk mitigation includes staff training and ongoing monitoring for compliance with policy.

Strategic Community Plan Reference

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

Consultation

Consultation for this report included the Chief Executive Officer and management team.

Voting Requirements

Absolute Majority

AUDIT COMMITTEE'S RECOMMENDATION/COUNCIL DECISION

Motion 11122023

Moved Cr Slater, seconded Cr Casson that Council authorise the Chief Executive Officer to advertise the Draft Regional Price Preference Policy for Statewide public notice for a minimum of four weeks as required by Part 4A r.24E of the Local Government (Functions and General) Regulations 1996 of the intention to adopt Regional Price Preference Policy.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

By Absolute Majority

10.2.5	NEW POLICY – POLICY 4.20 – RATES EXEMPTIONS FOR CHARITABLE PURPOSES
RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	GO17
APPLICANT:	Shire of Cranbrook
DATE OF REPORT:	5 December 2023
ATTACHMENTS:	4.20 Rates Exemptions for Charitable Purposes

Purpose

The purpose of this report is for the Council to consider the adoption of a new policy, Policy 4.20 Rates Exemptions for Charitable Purposes to provide an equitable framework and administrative framework from which to assess applications for rates exemptions pursuant to Section 6.26(2)(g) of the *Local Government Act 1995*.

Background

Section 6.26 (1) of the *Local Government Act 1996* (the Act) states that all land within a district is rateable land except those situations provided in Section 6.26(2). Most situations are clearly defined and straightforward to apply, however Section 6.26(2)(g) where it is claimed land is used exclusively for charitable purposes, is open to some interpretation.

Officer’s Comment

This policy will apply to charitable and non-for-profit organisations that own land in the Shire of Cranbrook and who are liable for payment of rates. It defines a clear, transparent and equitable basis for applying the section of the Act where an application for a rates exemption on land used exclusively for charitable purposes may be received.

Statutory Environment

Local Government Act 1995, Section 6.26 Rateable Land

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

New Policy - 4.20 Financial – Rates Exemptions for Charitable Purposes

Financial Implications

Any determination made to grant non-rateable status will reduce Council’s current rate income. There are a number of properties currently already recorded as non-rateable in Council’s rates database. These are non-rateable for situations other than the exemption for charitable purpose however, officers are aware of some land that may attract application for rates exemption under this basis.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Unlikely

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

Risk mitigation include the successful execution of this policy by the Executive Management Team and staff.

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

Shire of Cranbrook Chief Executive Officer and Staff.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 12122023

Moved Cr Slater, seconded Cr Denton that Council adopt Policy 4.20 Rates Exemption Policy for inclusion into the Council Policy Manual.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

10.2.6	NEW POLICY – POLICY 7.3 UNMARKED GRAVES
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	GO17
APPLICANT:	Nil
DATE OF REPORT:	29 November 2023
ATTACHMENTS:	Policy 7.3 Community - Unmarked Graves

Purpose

The purpose of this report is for the Council to consider the adoption of the new Policy 7.3 Unmarked Graves.

Background

Under Section 2.7(2b) of the Local Government Act 1995, 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, Managers and staff throughout the year.

Officer's Comment

The Shire of Cranbrook recognises the importance to the community of the local cemeteries. They represent people's culture, identity and heritage, and comprise a resource which allow the community to delve back into their past. The Shire of Cranbrook's cemeteries represent the last public memorials of many people who were involved with the growth of the local area in which they are buried.

For that reason, the Shire of Cranbrook is implementing a policy of marking six "unmarked" graves; those without a visible headstone and a number only, each year with a simple plaque with details of the person's name, date of birth, date of death, cause of death and their occupation and dependent upon information provided a sentence about their lives. This will ensure that as time moves on, people are not forgotten.

The criteria will be that:

- The graves must be located in a Shire of Cranbrook's cemetery which includes Cranbrook, Tenterden, Frankland River and Yeriminup if required.
- The death recorded is more than 50 years from the current year of research, unless approved by the Chief Executive Officer, and
- There are no close relations in the Shire of Cranbrook and community consultation has not resulted in any wish for the grave not to be included. If that does occur, or
- It is clear that there is any opposition, then the grave will be left "unmarked".

In addition, this policy is only funded provided there is adequate funds available in the Shire's budget each financial year.

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

A new policy such as this, may impact on Shire of Cranbrook's resources.

Financial Implications

There is a financial implication from this report, which will be considered as part of the yearly budget process, although the policy does state that the allowance is subject to there being adequate provision in the Shire's budget each financial year. The cost of a plinth and a plaque for six graves is approximately \$300.00 each, therefore, \$1,800 per year.

Risk Implications

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

- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Engagement Practices
- Ineffective Employment Practices

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

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

The **likelihood** is Unlikely

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

Risk mitigation includes:

- Councillors having a clear understanding of the Shire's policies,
- The successful execution of all policies by the Managers and staff.

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 Outback Grave Markers, Mrs Dorothy Kleemann, Shire Staff and the community through a request for assistance in the Cranbrook Newsletter.

Voting Requirements

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION

Motion 13122023

Moved Cr Johnson, seconded Cr Mulcahy that Council adopts new policy 7.3 Unmarked Graves, as attached.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton, Cr R Johnson,
Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

By Absolute Majority

10.2.7	NEW POLICY – POLICY 7.4 FRANKLAND RIVER AND CRANBROOK CARAVAN PARKS’ LONG–TERM ACCOMMODATION
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	GO17
APPLICANT:	N/A
DATE OF REPORT:	7 December 2023
ATTACHMENTS:	Draft Policy 7.4 – Community – Frankland River and Cranbrook Caravan Parks Long-Term Accommodation

Purpose

The purpose of this report is for the Council to consider adopting Policy 7.4 – Community – Frankland River and Cranbrook Caravan Parks Long-Term Accommodation to set parameters for the length of stay at the Caravan Parks.

Background

Both the Frankland River and Cranbrook Caravan Parks provides accommodation for visitors to the Shire with their primary purpose being to cater to tourists, especially during the wildflower season each year and for visiting the vineyards. The Parks also provides accommodation for people who are visiting the shire for work purposes.

Officer’s Comment

The Caravan Parks are small with limited amenities which must be considered when setting a policy about their use and are situated in small regional towns with limited resources. Neither towns can provide medical assistances except for a monthly or fortnightly Doctor’s visit.

Australia is in the grips of a housing crisis where many people have found themselves without a permanent place of residence and Frankland River and Cranbrook are no exception. Council regularly receives enquiries (mostly from non-residents of the Shire) about living permanently, or for an extended period of time at the Caravan Parks. Enquiries are expected to increase as the housing crisis deepens. While not detracting from the seriousness of the housing situation, this Policy sets limits on the length of stay at the Caravan Parks in line with the purpose of the Parks and the resources available in both small regional towns.

Better definition through Council will also facilitate processes with staff having to deal with customers. Some flexibility will be in place through the Chief Executive Officer being able to provide an exemption to the above model on a case by case basis.

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

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Business and Community Disruption
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Ineffective Management of Facilities/Venues/Events

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

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

The **likelihood** is: Possible

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

Risk mitigation include ensuring staff understand and follow the policy if adopted.

Strategic Community Plan Reference

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

Key Pillar: Work

Outcome 7 – Enabled Economy: A business system is well-functioning through partnerships and alliances.

Deliverable 7.1: Extra flexible housing options for various working needs.

Key Pillar: Visit

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

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

Outcome 12 – Brand: A growing distinguishable regional brand.

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

Key Pillar: Connect

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

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

Consultation

Consultation for this report included Linda Gray, Chief Executive Officer and the management team.

Voting Requirements

Simple Majority

AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION

Motion 14122023

Moved Cr Denton, seconded Cr Johnson that Council adopt Policy 7.4 – Community – Frankland River and Cranbrook Caravan Parks’ Long-Term Accommodation for inclusion into the Council Policy Manual.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

10.2.8	POLICY REVIEW – POLICY 1.5 ELECTED MEMBER INDUCTION AND CONTINUED PROFESSIONAL DEVELOPMENT
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Jo Scott – Executive Officer
FILE REFERENCE:	GO17
APPLICANT:	N/A
DATE OF REPORT:	7 December 2023
ATTACHMENTS:	Policy 1.5 – Elected Member Induction and Continued Professional Development

Purpose

The purpose of this report is for the Council to consider approving reviewed Policy 1.5 – Elected Member Induction and Continued Professional Development.

Background

The Local Government Act 1995 states:

- (1) A local government must prepare and adopt* a policy in relation to the continuing professional development of council members. * Absolute majority required.*
- (2) A local government may amend* the policy. * Absolute majority required.*
- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) The CEO must publish an up-to-date version of the policy on the local government’s official website.*
- (5) A local government –
 - (a) must review the policy after each ordinary election; and*
 - (b) may review the policy at any other time.**

Officer’s Comment

The ordinary Local Government Elections were held on 21 October 2023.

Statutory Environment

Section 5.128 of the of the Local Government Act 1995 states that:

- (1) A local government –
 - (a) must review the policy after each ordinary election; and*
 - (b) may review the policy at any other time.**

Policy Applicable – Implications

Council Policy 1.5 applies to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is: Rare

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

Risk mitigation includes reviewing Council Policy 1.5 after each Local Government Election and Annually as a part of the Policy Manual review.

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

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION

Motion 15122023

Moved Cr Casson, seconded Cr Egerton-Warburton that Council approve reviewed Policy 1.5 Elected Member Induction and Continued Professional Development.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

By Absolute Majority

10.2.9 COUNCIL MEETINGS – SETTING 2024 ORDINARY MEETINGS OF COUNCIL DATES

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Jo Scott – Executive Officer
FILE REFERENCE: GO26
APPLICANT: N/A
DATE OF REPORT: 22 November 2023
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to set the Ordinary Meeting dates for 2024 as per Council Policy 1.1.

Background

At the Council briefing session held prior to the November 2023 Ordinary Meeting, Council decided to change the start time of the Ordinary Meetings to 4.00pm. This change in time is convenient to the members of Council and to the wider community. The change will come into effect from the 2024 February Ordinary Meeting.

Officer’s Comment

Council Policy 1.1 – Meetings of Council states that all Ordinary Council Meetings will be held at 4:00pm on the third Wednesday of each month (excluding January).

The proposed dates for the Ordinary Council Meetings for 2024 are as follows:

21 February 2024	Cranbrook
20 March 2024	Cranbrook
17 April 2024	Frankland River
15 May 2024	Cranbrook
19 June 2024	Cranbrook
17 July 2024	Cranbrook
21 August 2024	Frankland River
18 September 2024	Cranbrook
16 October 2024	Cranbrook
20 November 2024	Frankland River
11 December 2024	Cranbrook

Statutory Environment

Local Government Act 1995 – Section 5.3 provides that a Council is to hold Ordinary Council Meetings and may hold Special Council Meetings.

Local Government Act 1995 – Section 5.5 requires the CEO to convene Ordinary Council Meetings by giving each Council member at least 72 hours’ notice of a date, time and place of a meeting and an agenda for the meeting.

Local Government (Administration) Regulations 1996 – regulation 12 requires that Ordinary Council Meetings to be held in the next 12 months shall be advertised.

Further, a local government is to give local public notice of any change to the date, time or place of the meeting.

Policy Applicable – Implications

Council Policy 1.1 – Meetings of Council relates to this report.

Financial Implications

There will be advertising costs for this report.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Rare

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

Risk mitigation includes ensuring the date, venue and time of all Ordinary Council Meetings are advertised as per the Local Government Act 1995 and Local Government (Administration) Regulations 1996.

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 was not required for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 16122023

Moved Cr Denton, seconded Cr Johnson that Council:

1. Approve the following Ordinary Council Meeting dates and venues for 2024:

21 February 2024	Cranbrook
20 March 2024	Cranbrook
17 April 2024	Frankland River
15 May 2024	Cranbrook
19 June 2024	Cranbrook
17 July 2024	Cranbrook
21 August 2024	Frankland River
18 September 2024	Cranbrook
16 October 2024	Cranbrook
20 November 2024	Frankland River
11 December 2024	Cranbrook

2. Request the Chief Executive Officer to advertise the approved dates per the Local Government (Administration) Regulations 1996 – regulation 12.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

Financial Interest

Cr P Mulcahy

Item 10.2.10

Type: Financial Interest pursuant to Section 5.60A Local Government Act 1995

Nature: Partner of a CBH Shareholder.

Cr Mulcahy left the chambers at 4.10pm based on the advice from the Minister's delegate, that no exemption to participate had been granted.

Financial Interest

Cr G Pollard

Item 10.2.10

Type: Financial Interest pursuant to Section 5.60A Local Government Act 1995

Nature: CBH Shareholder.

Cr Pollard left the chambers at 4.10pm based on the advice from the Minister's delegate, that no exemption to participate had been granted.

Financial Interest

Cr DM Egerton-Warburton

Item 10.2.10

Type: Financial Interest pursuant to Section 5.60A Local Government Act 1995

Nature: CBH Shareholder.

Cr Egerton-Warburton left the chambers at 4.10pm based on the advice from the Minister's delegate, that no exemption to participate had been granted.

Financial Interest

Cr RW Johnson

Item 10.2.10

Type: Financial Interest pursuant to Section 5.60A Local Government Act 1995

Nature: CBH Shareholder.

Action taken: Remained in the chamber and able to speak and vote on the matter, based on the advice from the Minister's delegate, that an exemption to participate had been granted.

CEO, Linda Gray presented to the Shire President correspondence from the Department of Local Government, Sport and Cultural Industries that states:

It has been noted that the Shire requires a minimum approval of one council member to achieve a quorum.

Accordingly, approval has been granted to Cr Robert Johnson, to fully participate in Ordinary Council Meeting, to be held on 13 December 2023 as follows:

10.2.10 PROPOSED SUBDIVISION LOT 1016 GRANTHAM STREET, CRANBROOK

Conditions of the approval:

- 1. The approval is only valid for the 13 December 2023 Ordinary Council Meeting when agenda items 10.2.10 is considered;*
- 2. The above-mentioned councillor must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;*
- 3. The Chief Executive Officer (CEO) is to provide a copy of the Department of Local Government, Sport and Cultural Industries (DLGSC's) letter of approval to the abovementioned councillor;*
- 4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;*
- 5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to DLGSC, to allow DLGSC to verify compliance with the conditions of this approval; and*
- 6. The approval granted is based solely on the interests disclosed by the abovementioned councillor, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.*

The Presiding Member, Shire President Cr George Pollard and Deputy Shire President Cr Egerton-Warburton declared an interest in item 10.2.10 and without an exemption from the Minister to participate, both left the Chambers whilst the item is considered, leaving the position of Presiding Member vacant.

Cr Johnson was chosen to assume the role of Presiding Member for the duration of item 10.2.10.

10.2.10 PROPOSED SUBDIVISION – LOT 1016 GRANTHAM STREET, CRANBROOK

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Consultant Planner (Town Planning Innovations)
FILE REFERENCE: A952
APPLICANT: CLE Town Planning & Design
DATE OF REPORT: 1 December 2023
ATTACHMENTS: Subdivision Plan

Purpose

The purpose of this report is for Council to consider an application lodged to the Western Australian Planning Commission (WAPC) to subdivide Lot 1016 into two lots.

The WAPC has requested comments from the Shire. The Commission is the determining authority for the application.

Background

Lot 1016 has an approximate area of 64.38 hectares, and has frontage to both Grantham Street and Rockwell Road. A location plan is included below.



Officer’s Comment

• **Description of Subdivision**

An application has been lodged to subdivide Lot 1016 into two lots with respective areas of 9.6 hectares and 54.74 hectares – refer to Attachment 1.

The applicant has advised as follows:

- a) The subdivision proposes to excise a 9.6 hectare portion from Lot 9016, with its purpose to facilitate CBH’s future development of a workforce accommodation facility along Grantham Street.
- b) A future workforce accommodation facility is proposed to be operational by 2025.
- c) After extensive dealings, no suitable options for the facility have been forthcoming until recently when the owner of Lot 1016 indicated their willingness to sell a 9.6ha portion of this lot.
- d) Negotiations are currently progressing to secure the site, but CBH's business processes require assessment of the subdivision proposal, clearance of any conditions and endorsement of a deposited plan.
- e) The effect of this proposal leaves Lot 1016 with a balance of approximately 54.7ha, which remains a sizeable rural land parcel that does not have any material impact on the farming pursuits of the balance lot. Lot 1016 will retain legal road frontage and access to Bridge Street to the north-east, with the proposed 9.6ha site provided access to Grantham Street.
- f) The land is zoned Rural in the Shire of Cranbrook Town Planning Scheme No 4, and workforce accommodation is capable of being approved in the zone.

• **State Development Control Policy 3.4 – Subdivision of Rural land**

Development Control Policy 3.4 (DC3.4) sets out the principles that will be used by the Western Australian Planning Commission (WAPC) in determining applications for the subdivision of Rural land.

The Shire has a statutory obligation to have due regard for all state planning policies, as explained in the ‘statutory environment’ section of this report.

The table below summarises the Policy requirements and includes a planning assessment. It should be noted that rural subdivision is only considered in ‘exceptional’ circumstances.

DC3.4 Requirements	Officer Comment
<p>Clause 6. Circumstances under which rural subdivision may be considered.</p> <p>Under the Policy the WAPC will consider rural subdivision in the following <u>exceptional</u> circumstances:</p>	<p>The WAPC generally only supports subdivision of rural land under exceptional circumstances.</p>
<p>(a) to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;</p>	<p>Does not comply/ Not Applicable.</p> <p>The subdivision is not a boundary re-alignment and will result in an increase of one lot.</p>
<p>(b) to protect and actively conserve places of cultural and natural heritage;</p>	<p>Not Applicable.</p> <p>The subdivision does not propose to conserve any places of cultural and natural heritage.</p>

<p>(c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;</p>	<p>Not Applicable.</p> <p>The subdivision will not allow for the efficient provision of utilities and infrastructure and/or for access to natural resources.</p>
<p>(d) for creation of homestead lots to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation;</p>	<p>Does not comply/ Not Applicable.</p> <p>The subdivision does not propose creation of a homestead lot.</p>
<p>(e) for other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary to the public interest.</p>	<p>Not Applicable.</p> <p>Whilst CBH has indicated interest in purchasing the proposed lot, that in itself is not sufficient justification for subdivision of rural land.</p> <p>Any person, owner or developer can have development aspirations.</p> <p>In the absence of a valid planning approval, development aspirations are not a sufficient reason or basis for subdivision.</p> <p>Otherwise subdivision approvals would be unduly based on purchasers development intentions, pre-empting development approvals. That's a precedent that should not be supported.</p>
<p>Clause 6.2 Subdivision for Other Purposes</p>	
<p>New lots for existing or proposed land uses such as recreation facilities, public utilities, rehabilitation of degraded land, extractive industries, or uses necessary to the rural use of the land such as abattoirs and processing works (including buffers), may be created through subdivision.</p>	<p>Not Applicable.</p> <p>The CBH proposal does not fall into any of the specific categories listed in the policy.</p> <p>In any event, CBH has not lodged any application for workers accommodation on the subject land.</p>
<p>The WAPC may approve subdivision for these purposes if a development approval has been granted, or where development of the intended land use has substantially commenced. Where appropriate the WAPC may preclude sensitive land uses on the new lot(s).</p>	<p>Does Not Comply.</p> <p>No development approval has been granted for workers accommodation on the lot, and the land use has not substantially commenced.</p>
<p>The existence or approval of an ancillary dwelling, aged persons dwelling or farm workers' dwelling is not a satisfactory justification for subdivision, except as provided for in clause 6.6.</p>	<p>Not Applicable.</p>

TPI is of the understanding that WAPC is generally cautious about using 'proposed' development as a basis to subdivide rural land.

One of the key objectives of State Planning Policy 2.5 (SPP2.5) is to *'support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food'*.

That SPP2.5 objective cannot be achieved if rural land becomes fragmented by subdivisions that do not align with state planning policy.

TPI is of the strong view that rural land cannot be protected if rural subdivision is supported on the basis of aspirations for future development. Proponents commonly negotiate with landowners on the purchase of land whilst progressing development and / or subdivision approvals.

In the absence of any existing planning approval for workers accommodation, TPI does not recommend support for this subdivision for the following reasons:

1. The fact that CBH wants to subdivide the land prior to even lodging any planning application for workers accommodation is not in itself significant planning justification.
2. If it was, then any developer could use 'proposed development' as an argument for subdivision, such as for future Tree Farms, Renewable Energy Facilities (wind/solar farms), feedlots, wineries or the like.
3. Supporting subdivision before any development approval has been secured will set an undesirable and potentially far-reaching precedent within the State of Western Australia. There is potential for smaller lots to be created and for rural land to become fragmented (with no guarantee that the land is suitable for development).
4. The application pre-empts that the Shire will grant planning approval for workers accommodation in this location. TPI would encourage any new development to be of a good quality, and address visual impact, servicing and amenity.
5. Surrounding landowners would be consulted as part of the normal planning application process (for workers accommodation), whereas they do not have any opportunity to comment on subdivision applications.
6. There will need to be extensive soil investigations done during winter to determine if the land has capability for on site effluent disposal. Whilst there is an existing sewer line near the lot, TPI is of the understanding that feasibility of a sewer connection is still being investigated.

Most importantly, the application is contrary to WAPC's Development Control Policy 3.4 which is the dominant guiding document for rural subdivision.

Statutory Environment

Planning and Development Act 2005 - There have been recent changes to the Act. Section 164A gives the WAPC a greater ability to link subdivision conditions with development outcomes.

The effect of this change is that if the development is not approved, the subdivision application may not be able to be approved.

Under Clause 164A(3)(a):

'the Commission may, in order to achieve the necessary or desirable integration of subdivision and development approvals, refuse to determine an application for subdivision approval until other applications for subdivision or development approvals are made or are made and determined'.

The main purposes of integrating subdivision and development approvals under the *Planning and Development Act 2005* are —

- (a) to facilitate a cohesive approach to planning and development in circumstances where subdivision and development should only be undertaken in conjunction with each other; and
- (b) to ensure that, in those circumstances, appropriate conditions for both the subdivision and development of land are determined as early as is practicable.

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.

Regulation 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 planning 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.

Shire of Cranbrook Town Planning Scheme No 4 –

Clause 5.20.4 relates to subdivision and requires the Local government to have due regard for;

- a) the potential impact on continuation of existing uses on adjoining lots;
- b) evidence of a sustainable water supply that does not rely on catchment outside the proposed lot or lots, or the damming of a stream that will impact on the water availability for another lot or lots; and
- c) whether effluent disposal systems can be set back 100 metres (conventional septic system) or 50 metres (alternative system) from any stream. (The buffer distances may be reduced depending on the size and nature of the stream and the soil types).

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

There are no known risks for the local government associated with matters in this report. The WAPC is the determining authority for the application.

There is a risk that support for subdivision in the absence of a development approval will set a precedent for rural land to be subdivided based on development aspirations.

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

The Western Australian Planning Commission has referred the application to the Shire of Cranbrook, Western Power, Water Corporation, the Department of Biodiversity, Conservation and Attraction and the Department of Water and Environmental Regulations.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 17122023

Moved Cr Slater, seconded Cr Denton that Council:

- 1. Resolve to recommend that the Western Australian Planning Commission refuse the application to subdivide Lot 1016 into two lots of the following reasons:**
 - a) The fact that CBH wants to subdivide the land prior to even lodging any planning application for workers accommodation is not in itself significant planning justification.**
 - b) If it was, then any developer could use 'proposed development' as an argument for subdivision, such as for future Tree Farms, Renewable Energy Facilities (wind/solar farms), feedlots, wineries or the like.**
 - c) Supporting subdivision before any development approval has been secured will set an undesirable and potentially far-reaching precedent within the State of Western Australia. There is potential for smaller lots to be created and for rural land to become fragmented (with no guarantee that the land is suitable for development).**
 - d) The application pre-empts that the Shire will grant planning approval for workers accommodation in this location. The Shire would encourage any new development to be of a good quality, and address visual impact, servicing and amenity.**
 - e) Surrounding landowners would be consulted as part of the normal planning application process (for workers accommodation), whereas they do not have any opportunity to comment on subdivision applications.**
 - f) There will need to be extensive soil investigations done during winter to determine if the land has capability for on-site effluent disposal. Whilst there is an existing sewer line near the lot, TPI is of the understanding that feasibility of a sewer connection is still being investigated.**
 - g) Most importantly, the application is contrary to WAPC's Development Control Policy 3.4.**

- 2. Advise the WAPC that:**
 - i) Council is prepared to further consider the application in the event that CBH secures planning approval for workers accommodation and provides a servicing report demonstrating that the proposed lot and development can be adequately serviced.**
 - ii) Council supports CBH's aspirations to establish workers accommodation in Cranbrook, and would encourage them to look at alternative options in town, such as Lot 140, where their existing accommodation is located.**

CARRIED 7/0

FOR: Cr P Slater, Cr P Denton, Cr R Johnson, Cr L Casson,

AGAINST: Nil

Crs Pollard, Mulcahy, and Egerton-Warburton re-entered the Chambers at 4.15pm.

Cr Pollard resumed his position as Presiding Member.

10.2.11	BUSHFIRE ADVISORY COMMITTEE DRAFT MINUTES – 4 OCTOBER 2023
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	BF1
APPLICANT:	Bushfire Advisory Committee
DATE OF REPORT:	29 November 2023
ATTACHMENTS:	Draft Bushfire Advisory Committee Minutes

Purpose

The purpose of this report is to present to Council the minutes of the Bushfire Advisory Committee (BFAC) Meeting held on Wednesday 4 October 2023 at the Frankland River Hall, Frankland River for consideration.

Background

The Shire of Cranbrook BFAC was established in accordance with the Bushfires Act 1954 Part 5, Section 67 which states:

Advisory committees

- (1) A local government may at any time appoint such persons as it thinks fit as a bush fire advisory committee for the purpose of advising the local government regarding all matters relating to the preventing, controlling and extinguishing of bush fires, the planning of the layout of fire breaks in the district, prosecutions for breaches of this Act, the formation of bush fire brigades and the grouping thereof under group brigade officers, the ensuring of co-operation and co-ordination of bush fire brigades in their efforts and activities, and any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.
- (2) A committee appointed under this section shall include a member of the council of the local government nominated by it for that purpose as a member of the committee, and the committee shall elect one of their number to be chairman thereof.
- (3) In respect to a committee so appointed, the local government shall fix the quorum for the transaction of business at meetings of the committee and may —
 - (a) make rules for the guidance of the committee; and
 - (b) accept the resignation in writing of, or remove, any member of the committee; and
 - (c) where for any reason a vacancy occurs in the office of a member of the committee, appoint a person to fill that vacancy.

Officers Comment

The committee normally meets biannually in March/April and September/October and consists of representatives from each of the 12 local brigades, the Chief Bushfire Control Officer, two Deputy Chief Bushfire Control Officers, the Base Radio Operator and a nominated Shire Councillor. Representatives from the Shire of Cranbrook, Department of Biodiversity, Conservation and Attractions (DBCA) and the Department of Fire and Emergency Services (DFES) Area Manager also attend the meetings as observers and administration support, as well as the Shires of Cranbrook, Gnowangerup and Kojonup's Community Emergency Services Manager, Mr Shane Harris.

Statutory Environment

Part 5, Section 67.4c of the Bush Fires Act 1954, states that:

- (4) A committee appointed under this section —
 - (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.

Policy Applicable – Implications

Council Policy 6.0 Bushfire Control is applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

The **impact** of the risk is Non-Compliance and 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 discussion and acceptance by members of the BFAC.

Strategic Community Plan Reference

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

Key Pillar: Live

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

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

Consultation

Consultation included members of the BFAC and DFES.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 18122023

Moved Cr Mulcahy, seconded Cr Egerton-Warburton that the attached Minutes from the Bushfire Advisory Committee meeting held on Wednesday, 4 October 2023 at the Frankland River Hall, Frankland River be noted.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

10.2.12	PUBLIC HEALTH PLAN 2022 - 2026 ANNUAL REPORT AND DESKTOP REVIEW
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Jenny Cristinelli – Community Development Manager
FILE REFERENCE:	HB111
APPLICANT:	Nil
DATE OF REPORT:	14 September 2023
ATTACHMENTS:	Cranbrook Public Health Plan 22/23

Purpose

The purpose of this report is for the Council to consider the annual desktop review of the Shire of Cranbrook Public Health Plan 2022 – 2026, the achievement of action status against 2022/23 objectives and the setting of new objectives for 2023/24.

Background

At the 20 July 2022 ordinary meeting of Council, it was resolved that:

- 1. Endorse the Shire of Cranbrook Draft Public Health Plan 2022 – 2026; and**
- 2. Submit a copy of the Shire of Cranbrook Public Health Plan to the Western Australian Department of Health.**
- 3. Authorise the Shire of Cranbrook Chief Executive Officer to accept any changes nominated by the Western Australian Department of Health for final adoption.**

The draft Public Health Plan was then provided to the Department of Health and is now listed on the Department of Health’s website as part of Stage 5, Public Health Act 2016 implementation.

Officer’s Comment

As Council will be aware, the Shire of Cranbrook have developed a reporting template to provide Council with a snapshot of progress towards achieving the community aspirations of the Strategic Community Plan and Public Health Plan, this item will report on the Public Health Plan for the 2022/2023 Financial Year. Objectives and strategies have been imported from the Public Health Plan, and actions and timelines from plan are referenced. A ‘traffic light’ status and comments are assigned to each action, based on the following:

An outcome of the Program was the development of a reporting template to provide Council with a snapshot of progress towards achieving the community aspirations of the Strategic Community Plan. Objectives and strategies have been imported from the Strategic Community Plan, and actions and timelines from the Corporate Business Plan are referenced. A ‘traffic light’ status and comments are assigned to each action, based on the following:

Action Status

- Action is on track. Includes actions that are considered ‘day to day’ including advocacy, identified support, ongoing liaison, routine and scheduled reporting and activities, and progress on specific projects.
- Action is being monitored. Includes actions that are awaiting further information or consideration by staff or Council, initiatives that are planned, and actions where there has been little or no progress or activity.

- Action is on hold. Generally, includes actions that are planned for a future financial year (refer to 'Delivery Timelines' column), or if it has been determined through review that an action is no longer relevant.
- Action is complete. Will generally relate to discrete time, or funding-specific projects and initiatives.

Upon the annual desktop review of the document the following amendments have been made for council's consideration.

EXISTING STRATEGY	EXISTING OBJECTIVE	ACTION STATUS RE 2022/23 FY	EXISTING RESOURCES	PROPOSED NEW OBJECTIVE
Active Living				
Encourage and support local programs and strategies to increase physical activities.	Support local recreational sporting groups/clubs to develop and grow	●	Continue to fund annual Community Grant programs, maintain a donations allowance in the annual budget to support events	Continue to fund annual Community Grant programs, maintain a donations allowance in the annual budget to support events
Improve accessibility of facilities to allow for safe pedestrian access.	Undertake a safe access review of all public and civil infrastructure owned and or managed by the Shire of Cranbrook	●	In 2022 / 2023 Shire of Cranbrook Works Department to undertake review	In 2023 / 2024 Shire of Cranbrook works department to undertake review
Maximise safe, active, and passive outdoor recreation opportunities through the upgrade and development of parks, reserves, playgrounds, and public open spaces.	Complete a Streetscape Masterplan for both Cranbrook and Frankland River	●		
EXISTING STRATEGY	EXISTING OBJECTIVE	ACTION STATUS RE 2022/23 FY	EXISTING RESOURCES	PROPOSED NEW OBJECTIVES
Healthy Eating & Drinking				
Encourage the community to live healthier lifestyles	Host, support, and advocate for events in this space throughout the year.	●	Include money in the 2022 / 2023 financial year budget to run the event	Include money in the 2023 / 2024 financial year budget to run events. Host a "Shire of Cranbrook Health Week" Campaign aligning with World Health in April. This week should include working with school, free gym membership giveaways, working with local businesses.
Support residents to develop skills and	Review the feasibility of a	●	CEO and Community Development	

capacity to grow and prepare healthy foods	community garden		Manager to review this project	
Mental Health & Wellbeing				
Support programs aimed at improving mental health	* Provide support to Not- for-Profit Counselling Providers. *Provide support to local groups / clubs / non for profits who are working in this space	●	* Ensure that facilities are made available where required * Allowance in the 2022 / 2023 budget to support local clubs / groups / not for profits to work in the space ie: host workshops	Allowance in the 2023 / 2024 budget to support local clubs / groups / not for profits to work in the space ie: host workshops.
Facilitate and support access to social connection opportunities such as community events, community centres and community connection (men's shed, 0-4 committee) etc.	* Support Cranbrook Show and committee * Support Frankland River Family Fun Day - or similar events	●	Allowance in 2022 / 2023 financial year budget for support toward events	*Allowance in 2023 / 2024 financial year budget for support toward events. *Support the inclusion of the 0 to 4 Early Learning committee in 23/24. * Support appropriate events where required throughout the Shire.
Community Participation				
Provide and support community events, services, facilities, and programs that develop resilience, compassion and sense of belonging and purpose	Promote and support all events, services and facilities on through the Shire of Cranbrook's print and digital media outlets.	●	Customer Service Officer and Executive Officer to work on the promotion in these spaces. Update to: Shire of Cranbrook staff to promote.	
EXISTING STRATEGY	EXISTING OBJECTIVE	ACTION STATUS RE 2022/23 FY	EXISTING RESOURCES	PROPOSED NEW OBJECTIVES
Improve community access to information about community groups, facilities, events and resources	*Promote all events, services, facilities on through the Shire of Cranbrook's print and digital media outlets *Increase Grant Guru knowledge within the community	●	* Customer Service Officer and Executive Officer to work on the promotion in these spaces * Continue upgrade of the Shire of Cranbrook website and community access	
Environmental				
Monitor and support infectious disease management	*Fog and monitor mosquitoes within the Shire of Cranbrook *Review alternative methods to manage mosquito population	●	*Allowance in 2022 / 2023 financial year budget to fog a minimum of 4 times *Review alternative methods to manage mosquito population	*Allowance in 2023 / 2024 financial year budget to fog a minimum of 4 times *Review alternative methods to manage mosquito population

Enforce and promote Local Government statutory requirements of relevant State public and environmental health legislations	Educate public and raise awareness of relevant Local Government statutory requirements	●	Employment of Environmental Health Officer, Planning Officer and Building Officer to provide support to the community	
Support and encourage better waste practices	*Complete Waste Management Strategy *Finalise the Waste Site closure plan	●	*Allowance in 2022 / 2023 financial year budget Shire of Cranbrook Works Department to complete by December 2022	*Shire of Cranbrook Works Department to complete Waste Plan as per allowance in the 2023 / 2024 budget.
Emergency Management				
Ensure the Shire and community are well prepared to respond effectively to and recover from major emergencies, disasters or serious public health incidents	*Increase Emergency Management facilities *Maximise animal welfare funding and obtain new facilities	●	*Continued support and research of a new St John Ambulance facility in Frankland River *New DFES shed to be installed in Cranbrook * Shire of Cranbrook Ranger to facilitate animal welfare upgrade	* Increase Emergency Management facilities. *Increased community engagement. * Ensure Emergency Management staffing is maintained

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

The financial implications for this report will be ensuring adequate funds are placed in the appropriate financial year's budgets to achieve the operational objectives.

Risk Implications

The risks associated with matters in this report are:

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

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

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 Council having a clear understanding of the Public Health Plan and the State Government requirements under the Public Health Act

Strategic Community Plan Reference

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

Key Pillar: Live

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

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

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

Deliverable 3.1: A well-defined health positioning, formed of strong partnerships, alliances and volunteerism.

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 Shire of Cranbrook Executive Management.

Voting Requirements

Simple Majority

The Shire President, Cr Pollard, complimented the staff on the high standard of the document. Cr Mulcahy observed that mental health was an important objective in the Plan, and this would be particularly important going forward with the seasonal and market challenges.

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 19122023

Moved Cr Egerton-Warburton, seconded Cr Johnson that Council endorse the updated Public Health Plan 2022 – 2026, as attached, detailing updates and proposed new objectives for 2023/2024, outlined in this report.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

10.3 WORKS

Nil

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

Nil

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

Nil

Jennifer Quick entered the chambers at 4.15pm.

12. MATTERS BEHIND CLOSED DOORS

CONFIDENTIAL

13.1	CHIEF EXECUTIVE OFFICER – PERFORMANCE REVIEW 2022/2023
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Anne Banks-McAllister
FILE REFERENCE:	P343
APPLICANT:	Shire of Cranbrook
DATE OF REPORT:	4 December 2023
ATTACHMENTS:	1. 2023-24 CEO Performance Plan (Confidential Attachment) 2. Chief Executive Officer Performance Review 2022-23 Report (Confidential Attachment)

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/COUNCIL DECISION

Motion 20122023

Moved Cr Denton, seconded Cr Johnson that the meeting be closed to members of the public in accordance with section 5.23(2)(a) of the Local Government Act 1995, to discuss a contract to be entered into, or which may be entered into, by the local government.

The Meeting was closed to the public at 4.20pm.

A/Manager of Works, Joe Duina, Manager of Finance, Diana Marsh and Jennifer Quick left the Chambers at 4.20pm

Chief Executive Officer, Linda Gray left the Chambers at 4.25pm.

Voting Requirements

Absolute Majority

OFFICERS' RECOMMENDATION

Moved Cr Slater, seconded Cr Johnson that:

1. The CEO's Performance against the 2022-23 CEO Performance Plan be endorsed as having achieved delivery and performance expectations.
2. The 2023-24 CEO Performance Plan for the period ending 13 September 2024 as attached be approved.
3. The CEO's remuneration be reviewed with an increase of 7% of the current cash component only, with corresponding increase in superannuation, as long as the total reward package fits within the SAT cap of \$213,356, and to be paid retrospectively to 13 September 2023.

AMENDED MOTION/COUNCIL DECISION

Motion 21122023

Moved Cr Slater, seconded Cr Denton that:

1. The CEO's Performance against the 2022-23 CEO Performance Plan be endorsed as having achieved delivery and performance expectations.
2. The 2023-24 CEO Performance Plan for the period ending 13 September 2024 as attached be approved.
3. The CEO's remuneration be reviewed with an increase of 7% of the current cash component only, with corresponding increase in superannuation, as long as the total reward package fits within the SAT cap of \$213,356, and to be paid retrospectively to 13 September 2023.
4. Council renew the CEO's contract for a period of two years, ending 13 September 2026.

CARRIED 7/0

FOR: Cr G Pollard, Cr P Slater, Cr P Denton,
Cr R Johnson, Cr L Casson, Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Nil

By Absolute Majority

Reason for Change:

Shire President, Cr Pollard received notification from the Chief Executive Officer of her request to extend her contract, as required to do as a part of the CEO contract, for a further two years, to September 2026. Council discussed the extension in conjunction with Confidential Item 13.1 and agreed to the two year extension.

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 22122023

Moved Cr Slater, seconded Cr Denton that the meeting be re-opened to members of the public.

The Meeting was re-opened to the public at 4.35pm.

13. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Pollard declared the meeting closed at 4.35pm.