

COUNCIL MEETING

AGENDA



For the Ordinary Meeting of Council to be held on

21 February 2024

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 21 February 2024 at the Cranbrook Council Chambers commencing at 4.00pm.



Linda Gray
Chief Executive Officer



PUBLIC QUESTION TIME – RULES AND PROCEDURES

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

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

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

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

DISCLAIMER

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

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

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

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AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

| | |
|------------------|---------------------------------|
| President | Cr G (George) Pollard |
| Deputy President | Cr DM (Daisy) Egerton-Warburton |
| Councillors | Cr JA (Jennifer) Quick |
| | 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

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

3. APPLICATIONS FOR LEAVE OF ABSENCE

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTIONS

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Katina Bowie from nbn will be presenting to Council.
Trevor Tough and Members of Outback Grave Markers Inc. will be presenting to Council.

7. DISCLOSURE OF INTEREST

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 13 December 2023

That the minutes from the Ordinary Meeting of Council held on 13 December 2023, be confirmed as a true and correct record.

9.2 SPECIAL COUNCIL MEETING – 5 February 2024

That the minutes from the Special Meeting of Council held on 5 February 2024, be confirmed as a true and correct record.

10. REPORTS OF OFFICERS

10.1 CORPORATE AND COMMUNITY SERVICES

| | |
|-----------------------------|---|
| 10.1.1 | LIST OF PAYMENTS – DECEMBER 2023 |
| RESPONSIBLE OFFICER: | Diana Marsh – Manager of Finance |
| REPORT AUTHOR: | Madeleine Hammond – Finance Officer |
| FILE REFERENCE: | FM2 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 08/01/2023 |
| ATTACHMENTS: | List of Payments – 1 December to 31 December 2023 |

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 December to 31 December 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

That the payment of accounts totalling \$609,103.26 as per the attachment be noted:

- **Electronic Funds Transfers EFT 14876 to EFT 14956 - \$415,326.01, including fuel card purchases of \$910,79;**
- **Internal Account Transfers (Payroll) - \$138,509.06;**
- **Direct Debit - \$54,718.19, including credit card purchases of \$16,981.23; and**
- **Cheques 12272 – 12275 - \$550.00**

| | |
|-----------------------------|---|
| 10.1.2 | LIST OF PAYMENTS – JANUARY 2024 |
| RESPONSIBLE OFFICER: | Diana Marsh – Manager of Finance |
| REPORT AUTHOR: | Madeleine Hammond – Finance Officer |
| FILE REFERENCE: | FM2 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 05/02/2024 |
| ATTACHMENTS: | List of Payments – 1 January to 31 January 2024 |

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 January to 31 January 2024.

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

That the payment of accounts totalling \$465,068.83 as per the attachment be noted:

- **Electronic Funds Transfers EFT 14957 to EFT 15051 - \$278,103.52**
- **Internal Account Transfers (Payroll) - \$140,959.01;**
- **Direct Debit - \$45,506.30; and**
- **Cheques 12276 - 12276 - \$500.00**

10.1.3 MONTHLY FINANCIAL REPORT – DECEMBER 2023

| | |
|-----------------------------|--|
| RESPONSIBLE OFFICER: | Diana Marsh – Manager of Finance |
| REPORT AUTHOR: | Diana Marsh – Manager of Finance |
| FILE REFERENCE: | FM12 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 13 February 2024 |
| ATTACHMENTS: | Financial Statements for December 2023 |

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 December 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 December 2023 Monthly Financial Report represents six (6) months of the financial year. The following items are worthy of noting on the December 2023 report:

- Closing surplus position of \$ 2,691,915 (shown on page 2).
- Cash and cash equivalents of \$ 6,456,270 of which \$ 3,655,326 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$585,825 equates to 18.8% 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.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 December 2023 be received.

10.1.4 MONTHLY FINANCIAL REPORT – JANUARY 2024

| | |
|-----------------------------|---------------------------------------|
| RESPONSIBLE OFFICER: | Diana Marsh – Manager of Finance |
| REPORT AUTHOR: | Diana Marsh – Manager of Finance |
| FILE REFERENCE: | FM12 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 14 February 2024 |
| ATTACHMENTS: | Financial Statements for January 2024 |

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 January 2024.

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 January 2024 Monthly Financial Report represents seven (7) months of the financial year. The following items are worthy of noting on the January 2024 report:

- Closing surplus position of \$ 2,503,982 (shown on page 2).
- Cash and cash equivalents of \$ 6,693,798 of which \$ 3,655,390 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$258,178 equates to 8.3% 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.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 January 2024 be received.

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 ROADWISE COUNCIL REGISTRATION

| | |
|-----------------------------|---|
| RESPONSIBLE OFFICER: | Linda Gray – Chief Executive Officer |
| REPORT AUTHOR: | Joe Duina – Acting Manager of Works |
| FILE REFERENCE: | RO300 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 9/02/2024 |
| ATTACHMENTS: | Invitation from WALGA to register as a RoadWise Council |

Purpose

The purpose of this report is for Council to consider the invitation from WALGA to register as a RoadWise Council, this will demonstrate leadership towards initiatives and actions to improve road safety outcomes for our communities.

Background

Correspondence has been received from WALGA inviting the Shire of Cranbrook to sign up to a new initiative and register as a RoadWise Council.

The new RoadWise Councils Framework informs the approach WALGA's road safety team takes in supporting Local Governments the framework takes into account the elements which determine the level of safety of the road transport system within the context of Local Governments.

To register, Local Governments can accept the invitation by providing a Council resolution or a written declaration of commitment to road safety and nominating at least two personnel (Officers and/or Elected Members) to be the primary point of contact for road safety matters.

- The benefits for Local Governments that register as RoadWise Councils include:
- use of the RoadWise logo,
- priority access to WALGA's road safety services and products,
- exclusive quarterly meetings and support from a Road Safety Advisor,
- priority access to participate in WALGA's road safety policy development,
- training, professional development forums and knowledge-sharing workshops offered by WALGA,
- access to incentives and sponsored programs, and
- participation in the new RoadWise Recognised initiative.

The RoadWise Recognised aspect of being a RoadWise Council provides formal recognition for, and enables benchmarking and monitoring of road safety management, actions and interventions. RoadWise Recognised will assist Local Governments with continuous improvement in road safety actions and outcomes through regular support, monitoring and sharing of information. Local Governments are encouraged to remain registered RoadWise Councils to ensure they have access to specialist advice and assistance in managing road safety at a local level to the best of their capacity and capability.

Officer's Comment

The Shire of Cranbrook recognises it has the opportunity to influence road safety outcomes on the local road network through our role in building, maintaining and managing roads. The RoadWise Program provides the opportunity for the Shire to be supported in delivering best practice road safety.

Statutory Environment

Road authorities owe all road users a duty of care and must do what is reasonable to be aware of deficiencies in the road transport system, to assess and prioritise them, and have a system for remedying them.

Austrroads (2021). Guide to Road Safety Part 1: Introduction and the Safe System.
<https://austrroads.com.au/publications/roadsafety/agrs01>

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications to register as a RoadWise Council.

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: People, Reputational

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 adhering to the RoadWise Framework.

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 15 – Proactive People: A community which capitalises on its youthful intellect and stretches interactions wider than the community residing in the 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 WALGA RoadWise and A/MOW Joe Duina.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the invitation to register as a RoadWise Council.

| | |
|-----------------------------|---|
| 10.2.2 | FUTURE APPLICATION FOR UNDERGROUND POWER INFRASTRUCTURE – CLIMIE STREET / GREAT SOUTHERN HIGHWAY ROAD RESERVE, RESERVE 22583, CARLISLE STREET ROAD RESERVE, RESERVE 16969, LOT 144 CLIMIE STREET & LOT 1505 (NO 4) JOHNSON STREET, CRANBROOK |
| RESPONSIBLE OFFICER: | Linda Gray – Chief Executive Officer |
| REPORT AUTHOR: | Liz Bushby – Town Planning Innovations |
| FILE REFERENCE: | R22583, A9254, A111 |
| APPLICANT: | Shire Administration |
| DATE OF REPORT: | 14/02/2024 |
| ATTACHMENTS: | <ol style="list-style-type: none"> 1. Reserve 22583 Report 2. WAPC delegation on reserves 3. Plans |

Purpose

CBH has advised that Western Power proposes to extend underground power to their property at Lot 1505 (No 4) Johnson Street in Cranbrook for installation of a new 1,000kVA 22kV transformer.

Western Power has instructed CBH to lodge a planning application for the works. The underground power will traverse a private property, road reserves, rail reserve, a crown reserve and Lot 1505.

CBH has lodged detailed documents to the Shire however the application is not complete until:

1. The Shire signs a development application form for the Climie Street and Carlisle Street road reserves; and
2. The Department for Planning, Lands and Heritage (DPLH) sign a development application form for Reserve 22583 or advise that the Shire can sign the form.

Background

• **Separate Development Assessment Panel (DAP) Application**

CBH has approval for a new rail loading facility on their land at Lot 1505 Johnson Street, and within the adjacent railway reserve. Formal approval was issued by a Regional Development Assessment Panel on the 8 September 2023.

This proposal is to provide power and a transformer to Lot 1505 to service the planned rail loading facility.

• **Location and ownership**

The proposed underground power traverses the following land:

| Description | Responsible Owner | Application Form Status |
|--|--|---|
| Great Southern Highway road reserve / Climie Street road reserve | Shire of Cranbrook & Main Roads WA (MRWA) | Signed by MRWA Not Signed by Shire. Subject of this report |
| Carlisle Street road reserve | Shire of Cranbrook | Not Signed by Shire. Subject of this report |
| Reserve 22583, Lot 157 | State of WA Management Order to Shire of Cranbrook for horse paddocks | Not signed. Subject of this report. |
| Lot 144 Climie Street, Cranbrook | Andrew and Jennifer Clapin | Signed by landowners |
| Lot 1505 (No 4) Johnson Street, Cranbrook | CBH | Signed by CBH |
| Reserve 16969 (Railway) | Public Transport Authority (PTA) | Signed by PTA |

Reserve 22583 is a Class C Crown Reserve and the responsible agency is the Department of Planning, Lands and Heritage (DPLH) – refer Attachment 1.

There is a Management Order to the Shire of Cranbrook for Reserve 22583. The Management Order, issued under the Land Administration Act, provides for management of the reserve for the designated purpose of ‘horse paddocks’ but does not convey ownership of the land.

The Shire only has delegated authority to sign application forms where the proposed use is consistent with the purpose of the reserve – refer Attachment 2.

TPI does not recommend that the Shire sign a planning application form for Reserve 22583 unless it is based on advice by DPLH.

CBH has been instructed to liaise with DPLH as they may need to sign the form for inclusion of Reserve 22583. At the time of writing this report CBH had referred the form to DPLH.

A location plan is included over page for ease of reference.



Above: Location Plan

- **Shire Role**

The Shire has two separate roles in regards to this proposal. The first role is a landowner whose consent is required to lodge the formal application that involves local roads.

The second role is as a determining authority for a future formal completed application.

Officer’s Comment

• **Description of Application**

Western Power plans to install a new 1,000kVA 22kV transformer at CBH’s Cranbrook site on Lot 1505.

CBH has advised that the work will require Western Power to install three 160mm ducts from Lot 144 to the new transformer along with associated works to Western Power infrastructure.

The new transformer will then service the out-loading facility.

Power will be extended underground via horizontal drilling and design to be a minimum of 1.0 metre below finish ground level and a minimum of 3.0 metres below finish ground level under the rail track on Reserve 16969. The drill depth can be lowered if there is any risk of potentially disturbing the roots within the native vegetation area.

CBH has advised that no clearing of native vegetation is proposed due to the proposed drilling methodology.

Technical drawings have been provided and are included as Attachment 3.

TPI requested that CBH provide a simplified site plan which is included below for ease of reference.



Above: Simplified site plan showing approximate route for underground power in a red line
Plan is not to scale

Source: CBH

- **Clearing of Vegetation**

CBH has advised that no clearing is proposed, so at this stage they do not propose to lodge a Clearing Permit application to the Department of Water, Environment and Regulation (DWER).

In the event that an approval is issued, TPI recommends that a footnote be included to state that:

'Under section 51C of the Environmental Protection Act 1986 (EP Act), clearing of native vegetation is an offence unless:

- *it is undertaken under the authority of a clearing permit,*
- *it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required, or*
- *the clearing is subject to an exemption.*

It is the responsibility of CBH to obtain any necessary separate Clearing Permit or written advice through the Department of Water, Environment and Regulation (DWER).

If further clarification is required, please contact the Department's Native Vegetation Regulation section by email admin.nvp@dwer.wa.gov.au.'

TPI has liaised with CBH requesting they consider remediation in the event that any vegetation is accidentally damaged or impacted on by contractor and / or drilling.

CBH has advised that *'as discussed, no clearing of native vegetation is proposed as part of the construction works associated with the extension of Western Power infrastructure to Lot 1505. Notwithstanding this premise, should vegetation be accidentally damaged, CBH would undertake remediation of the damaged area in consultation with the Shire.'*

- **Bushfire Management Plan**

Some of the power infrastructure is proposed in a declared bushfire prone area, where 'State Planning Policy 3.7 : Planning in Bushfire Prone Areas' and the associated guidelines apply.

A Bushfire Attack Level assessment is not justified for the proposed development, as it only entails underground infrastructure.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015

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

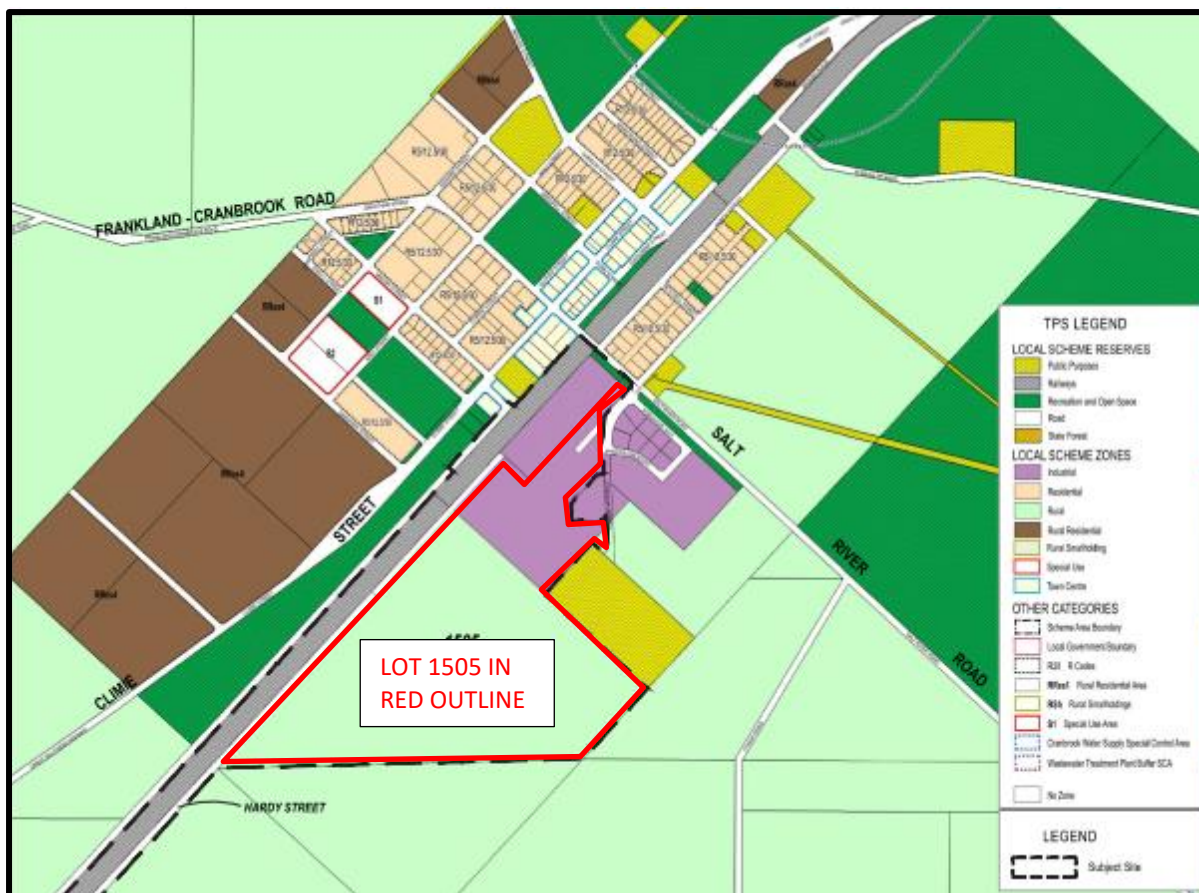
The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Cranbrook Town Planning Scheme No 4.

Shire of Cranbrook Town Planning Scheme No 4 –

The north portion of Lot 1505 is zoned Industrial, and the south west portion is zoned Rural under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme).

Reserve 16969 is a Local Scheme Reserve for Railways. Reserve 22583 is a Local Scheme Reserve for Recreation and Open Space.

The proposed infrastructure will be underground, will be ancillary to any existing use of the various land parcels, and will not interfere with any above ground activities.



Above: Zoning Map

Policy Applicable – Implications

There are no known Policy Implications.

Financial Implications

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

Risk Implications

The risks associated with matters in this report are:

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

The **impacts** of the risk are: Service Interruption, 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 ensuring all documentation is in place and procedures are being followed.

Strategic Community Plan Reference

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

Key Pillar: Work

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

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

Key Pillar: 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

No consultation has been undertaken in regards to this report.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council;

- a. Authorise the Chief Executive Officer to:
 - (i) Sign a development form for infrastructure proposed in the Climie Street and Carlisle Street road reserve; and
 - (ii) Sign a development form for infrastructure proposed in Reserve 22583 if advised that the Shire is authorised to by the Department for Planning, Lands and Heritage.
- b. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant (by Absolute Majority) delegated authority to the Chief Executive Officer to determine a future complete development application for power infrastructure within the Great Southern Highway/ Climie Street road reserve, the Carlisle Street road reserve, Reserve 22583, Reserve 16969, Lot 144 and Lot 1505.

10.3 WORKS

| | |
|-----------------------------|---|
| 10.3.1 | PLANT REPLACEMENT - EXCAVATOR |
| RESPONSIBLE OFFICER: | Linda Gray – Chief Executive Officer |
| REPORT AUTHOR: | Diana Marsh – Manager of Finance |
| FILE REFERENCE: | PE216 |
| APPLICANT: | N/A |
| DATE OF REPORT: | 12 February 2024 |
| ATTACHMENTS: | 1. 2023-2024 10 Year Plant Replacement Program 2. Draft Plant Replacement Policy |

Purpose

The purpose of this report is for the Council to approve the sale of the 2014 Komatsu Excavator, PE216, (3,072 hours) by public auction and the purchase of a new excavator.

Background

The 2023/24 Plant Replacement Program forms part of the current budget that Council adopted at its Council Meeting on 19 July 2023.

The Shire’s 10 Year Plant Replacement Program (Attachment 1) is reviewed annually as part of the preparation for the annual budget and is linked to the Shire’s Strategic Resource Plan 2017 – 2032. The purpose of these documents is to ensure that plant is renewed at a rate that maintains safety while meeting the organisation’s ongoing construction and maintenance needs. This information was presented to Council during the lead up to the budget adoption in informal workshops and briefing sessions.

Council deferred at the Special Meeting of Council held on 5 February 2024 a decision to approve the purchase of a new excavator to receive more information regarding the overall plant replacement process. The actual criteria for the replacement of heavy plant have been defined and is listed in a new Replacement Plant Policy that will go to the Audit Committee in March 2024. This will provide an additional link between the Shire’s Strategic Resource Plan and the 10 Year Plant Replacement Program. The draft policy is also attached (Attachment 2).

Council included in the 2023/2024 Annual Budget the replacement of the 2014 Komatsu Excavator, PE216, per the 10 Year Plant Replacement Program. Since quotes were obtained for the budget process, the price of the new excavator has increased and the trade in value for the old machine has decreased, leaving a potential budget deficit for this item (See below table for list of deficits). This, however, is not based on definite sales history.

The table below summarises the original quote received for the budget along with the most recent quotes (all figures exclusive of GST):

| Supplier | Description | Purchase Price | Trade-In Offered | Changeover Cost | Comment |
|----------------|------------------------------|----------------|------------------|-----------------|---|
| McIntosh & Son | Case CX145C | \$233,000 | \$115,000 | \$118,000 | Original Quote obtained in early 2023 - Budgeted Item |
| McIntosh & Son | Case CX145C SR (newer model) | \$207,200 | \$63,900 | \$143,300 | Quote dated 19 |
| Tutt Bryant | Sumitomo | \$205,000 | \$36,364 | \$168,636 | Jan 2024 Same machine as above |

| | | | | | |
|---------------|--------------------|-----------|-----------|-----------|--|
| CJD Equipment | Volvo ECR145EL | \$249,900 | \$60,000 | \$189,900 | Japanese company |
| Komatsu | Komatsu PC138US-11 | \$248,580 | \$100,000 | \$148,000 | Preferred model, available February 2024. Local servicing. |

Given the low values being offered as trade-in, the auction house Manheim was approached. They suggested \$100,000 to \$115,000 as an indicative value of this excavator.

Officer’s Comment

The new policy relating to the Shire’s Plant Replacement Program should provide Council with additional information that was previously only listed in the 10 Year Plant Replacement Program. It will also be an additional link between the Strategic Resource Plan 2017 – 2032 and the Long Term Financial Plan. However, the Plant Replacement Program still provides the same criteria which focuses basically on the age of the plant as being the trigger for replacement. Age as the trigger also ensures that the cost of ownership of the asset is optimised, and risk and performance is managed. Over the last ten years it has been a reliable guide to ensuring that the asset management of the Shire can provide the delivery of services that the community values. The age of the plant also ensures that our plant assets preserve some value and do not reflect the decline in our other assets such as buildings or bridges.

The work has been done to find a machine that is:

- Fit for purpose
- Technical specifications
- Reliability
- Usability and staff preference

Each vendor has been given multiple opportunities to improve on their trade-in price. Most importantly, each vendor quoted is a supplier under the WALGA’s Preferred Supplier Arrangement and therefore meet the criteria of the Shire’s Purchasing Policy 4.8.

The A/Manager of Works and Works Supervisor went to Perth in January 2024 and viewed both the Sumitomo and the Volvo. They also took staff with them to review the machines. They also sought feedback from external industry-based organisations.

Besides the actual cost, the following machines were assessed again as follows:

| Make | Reputation | Preference (Workers) | Changeover | Individual Cost |
|----------------|------------|----------------------|------------|-----------------|
| Case CX145C | Moderate | Moderate | \$143,300 | \$207,200 |
| Sumitomo | Unknown | Low | \$168,636 | \$205,000 |
| Volvo ECR145EL | High | High | \$189,900 | \$249,900 |
| Komatsu | High | High | \$148,000 | \$248,580 |

Availability of ongoing parts and servicing has also been considered. All normal servicing is done on site, and services for McIntosh, Komatsu and CJD are based in Albany.

As the excavator is an important part of our road construction, it is necessary to purchase a machine prior to selling the old one. It is intended that the old excavator will be sold by public auction.

If there is a deficit it can be financed from the Plant Reserve Account which has \$509,033 at present. The Reserve Account is to be used for the replacement of major plant and equipment. This can be brought back to Council as part of the 23/24 Budget Review.

Statutory Environment

Division 2 of the Local Government (Functions and General) Regulations 1966 details the tender requirements for the provision of Goods and Services.

Policy Applicable – Implications

Policy 4.8 Purchasing applies to this report.

Policy 4.14 Asset Disposal applies to this report.

Financial Implications

Any potential deficit can be financed from the Plant Reserve Account which has \$509,033 at present. The Reserve Account is to be used for the replacement of major plant and equipment. This can be brought back to Council as part of the 23/24 Budget Review.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Asset Sustainability Practices
- Inadequate Supplier/Contract Management

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

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

The **likelihood** is: Unlikely

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

Risk mitigation includes written quotations obtained from vendors registered under the WALGA approved suppliers list, consultation with both the Chief Executive Officer and Manager of Finance, and consultation with the Works employees as well as inspection of machines.

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 A/Manager of Works, Works Supervisor and Staff, Chief Executive Officer, and Manager of Finance.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Approve the purchase of the new Komatsu excavator,
2. Approve the sale of the old Komatsu excavator by Public Auction.

10.3.2 PLANT REPLACEMENT – FUSO CANTER CHANGEOVER

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Diana Marsh – Manager of Finance
FILE REFERENCE: PE232
APPLICANT: N/A
DATE OF REPORT: 12 February 2024
ATTACHMENTS: 1. 10 Year Plant Replacement Program

Purpose

The purpose of this report is for the Council to consider replacement options for the changeover of the 2018 Fuso Canter, PE232.

Background

Council included in the 2023/2024 Annual Budget to replace the 2018 Fuso Canter, PE232, per the 10 Year Plant Replacement Program. Since quotes were obtained for the budget process in March 2023, the price of the new truck has increased significantly, leaving a budget deficit for this item (See below table for list of deficits).

The table below summarises the original quote received for the budget along with the most recent quotes (all figures exclusive of GST):

| Supplier | Description | Purchase Price | Trade-In Offered | Changeover Cost | Comment |
|--------------------|-----------------------------|----------------|------------------|-----------------|---|
| South West Isuzu | Isuzu NPR 65-190 Crew Cab | \$84,000 | \$35,000 | \$49,000 | Original Quote obtained in early 2023 - Budgeted Item |
| Albany City Motors | Isuzu NPR 65-190 Crew Cab | \$97,672 | \$28,182 | \$69,490 | Quote Jan 2024. Local supplier. |
| Albany City Motors | Isuzu NPR 75-190 Crew Cab | \$102,632 | \$28,182 | \$74,450 | Quote Jan 2024. Local supplier. Preferred due to greater weight capacity. Includes free aircon to the back seats. |
| South West Isuzu | Isuzu NPR 65-190 Crew Cab | \$104,021 | \$35,000 | \$69,021 | Quote Dec 2023. Trade-In value is estimated auction value at Feb 2024 as supplier does not want the Fuso Canter. |
| WA Hino | Hino 300S 921 440 Wide Crew | \$108,777 | \$35,000 | \$73,777 | Quote Jan 2024. Trade-In value is estimated auction value at Feb 2024 as supplier does not want the Fuso Canter. |

Officer’s Comment

While some reports are suggesting the value of plant has stabilised very recently, it is important to remember that quotes for budget preparation are obtained around March each year and that prices have increased significantly since then. Unfortunately, this increase has not been reflected in the trade-in values quoted and has affected the changeover cost accordingly.

The purchasing environment for this truck has been particularly challenging with an approximate ten-month wait before delivery of the new vehicle. While waiting for the replacement truck, the 2018 Fuso Canter will continue to be used further reducing its trade-in value. The current odometer reading on the Canter is 137939 kilometres, with approximately 1900 kilometres driven each month.

Since January 2023, \$13,725 has been spent on age-related repairs, replacing the gearbox, brakes, and fuel computer system. These repairs are outside the normal budgeted servicing and maintenance. As the vehicle ages, the risk of further costly repairs will increase.

Albany City Motors are a local supplier who have provided quotes at a competitive price under the current constraints, and have included free air-conditioning to the back seats. They are also willing to set a trade-in price. The South West Isuzu and Hino quotes are higher, and they both have declined to offer a trade-in price.

The budget shortfall on the Isuzu NPR 75-190 Crew Cab is \$25,450. The plant reserve balance is \$509,033. Once the previously approved budgeted \$136,050 is drawn from the reserve, the balance of \$372,983 will be available.

Statutory Environment

Division 2 of the Local Government (Functions and General) Regulations 1966 details the tender requirements for the provision of Goods and Services.

Policy Applicable – Implications

Policy 4.8 Purchasing applies to this report.

Policy 4.14 Asset Disposal applies to this report.

Financial Implications

The budget shortfall on the Isuzu NPR 75-190 Crew Cab is \$25,450. The plant reserve balance is \$509,033. Once the previously approved budgeted \$136,050 is drawn from the reserve, the balance of \$372,983 will be available.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Asset Sustainability Practices
- Inadequate Supplier/Contract Management

The **impacts** of the risk are: People, Financial, Non-Compliance, Reputational, Property, The **consequences** of these risks are considered to be: Moderate

The **likelihood** is: Unlikely

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

Risk mitigation includes written quotations obtained from vendors registered under the WALGA approved providers list, consultation with both the Chief Executive Officer and Manager of Finance, and consultation with the Works employees as well as inspection of machines.

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 Works Supervisor and Staff, Chief Executive Officer, and Manager of Finance.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Approve the purchase of the new Isuzu NPR 75-190;
2. Approve the sale of the old 2018 Fuso Canter PE232 by trade-in; and
3. Transfer \$25,450 from the Plant Replacement Reserve to cover shortfall.

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

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

13. MATTERS BEHIND CLOSED DOORS

14. CLOSURE OF MEETING

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