

COUNCIL MEETING

AGENDA



For the Ordinary Meeting of Council to be held on

17 April 2024

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 17 April 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. A member of the public who raises a question during question time is to state his or her name and address. Questions should be directed to the Shire President (or Chairman at Committee Meetings).
2. A question may be taken on notice by the Council or committee for later response.
3. When a question is taken on notice under sub-clause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.
4. Council encourages input from the public but will not debate any issue with those in attendance at meetings.
5. 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.**
6. 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)
7. Copies of “Public Question Time – Rules and Procedures” will be distributed at each Council/Committee Meetings where members of the public are in attendance.

Recording Of Proceedings

1. No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.
2. Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

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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CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	5
2.	ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....	5
2.1	ATTENDANCE	5
2.2	APOLOGIES.....	5
2.3	APPROVED LEAVE OF ABSENCE	5
3.	APPLICATIONS FOR LEAVE OF ABSENCE	5
4.	PUBLIC QUESTION TIME	5
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	5
4.2	PUBLIC QUESTIONS.....	5
5.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	5
6.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	5
7.	DISCLOSURE OF INTEREST	5
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED	6
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	6
9.1	ORDINARY MEETING – 20 March 2024.....	6
10.	REPORTS OF OFFICERS	7
10.1	CORPORATE AND COMMUNITY SERVICES.....	7
10.1.1	LIST OF PAYMENTS.....	7
10.1.2	MONTHLY FINANCIAL REPORT – MARCH 2024.....	10
10.2	GOVERNANCE AND EXECUTIVE SERVICES	12
10.2.1	PLANNING APPLICATION SEEKING APPROVAL FOR RELOCATION OF AN EXISTING OUTBUILDING AND ENCLOSURE OF AN EXISTING CARPORT (FOR A STOREROOM) – LOT 108 (No 87) CLIMIE	12
10.3	WORKS.....	17
10.3.1	PLANT REPLACEMENT – DAF 8x4 TIPPING TRUCK	17
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	21
12.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING	21
13.	MATTERS BEHIND CLOSED DOORS.....	21
14.	CLOSURE OF MEETING	21

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
Acting 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

7. DISCLOSURE OF INTEREST

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 20 March 2024

That the minutes from the Ordinary Meeting of Council held on 20 March 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

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Alecia Taylor – Finance Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	10/04/2024
ATTACHMENTS:	List of Payments – 1 March to 31 March 2024

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 March to 31 March 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 \$525,310.85 as per the attachment be noted:

- **Electronic Funds Transfers EFT 15117 to EFT 15201 - \$356,714.74 including fuel card purchases of \$773.14;**
- **Internal Account Transfers (Payroll) - \$133,338.92, including credit card purchases of \$5,363.96; and**
- **Direct Debit - \$35,257.19.**

10.1.2 MONTHLY FINANCIAL REPORT – MARCH 2024

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	9 April 2024
ATTACHMENTS:	Financial Statements for March 2024

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 March 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 March 2024 Monthly Financial Report represents nine (9) months of the financial year. The following items are worthy of noting on the March 2024 report:

- Closing surplus position of \$ 2,297,857 (shown on page 2).
- Cash and cash equivalents of \$ 6,642,666 of which \$ 3,586,386 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$72,901 equates to 2.3% 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.
- Final payment on Loan 77 has been made (shown on page 19) – the Shire now has no borrowings.

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

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 March 2024 be received.

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 PLANNING APPLICATION SEEKING APPROVAL FOR RELOCATION OF AN EXISTING OUTBUILDING AND ENCLOSURE OF AN EXISTING CARPORT (FOR A STOREROOM) – LOT 108 (No 87) CLIMIE STREET, CRANBROOK

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Town Planning Innovations (TPI)
FILE REFERENCE: A9232
APPLICANT: J & B Horrocks
DATE OF REPORT: 5 April 2024
ATTACHMENTS: Nil

Purpose

The purpose of this report is for Council to consider an application seeking planning approval for relocation of an existing outbuilding, and enclosing an existing carport to be used as a non-habitable storeroom.

Background

Lot 108 is zoned 'Town Centre' under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme').

The lot has an area of 2012m² and has been developed with a single house, associated outbuildings and a patio. An aerial is included below.



Above: Aerial Plan

Officer’s Comment

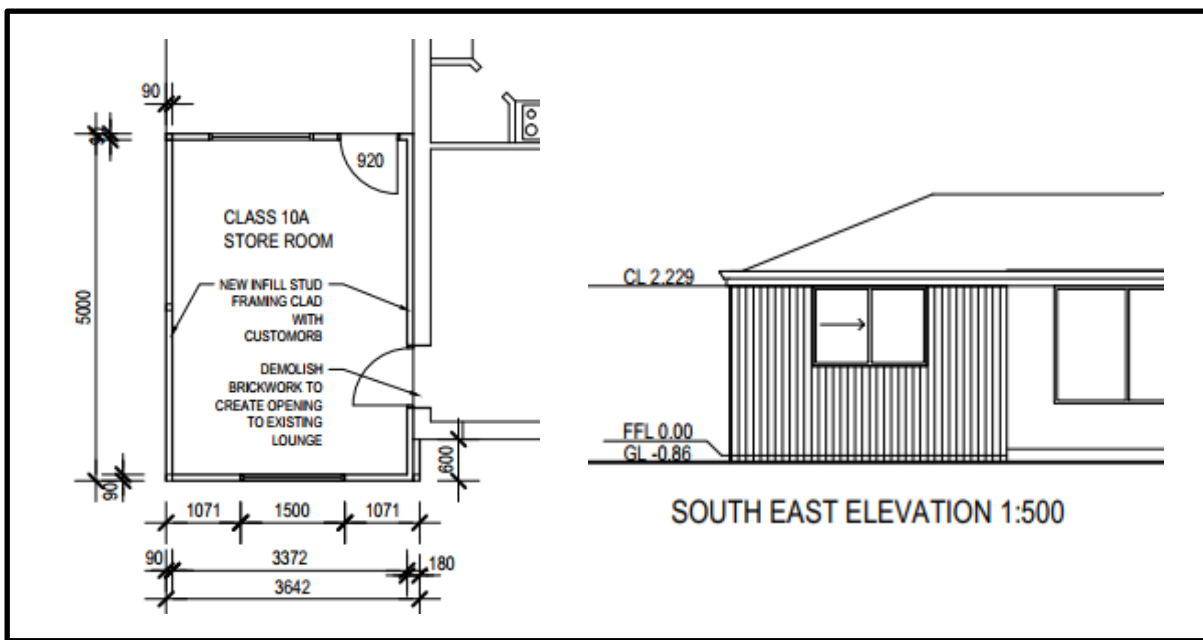
- **Description of Application**

There is an existing outbuilding located to the north-west of the existing house. The outbuilding has a wall height of 2.7 metres and ridge height of 3.2 metres.

The outbuilding measures 6 metres by 9 metres, so has a total floor area of 54m².

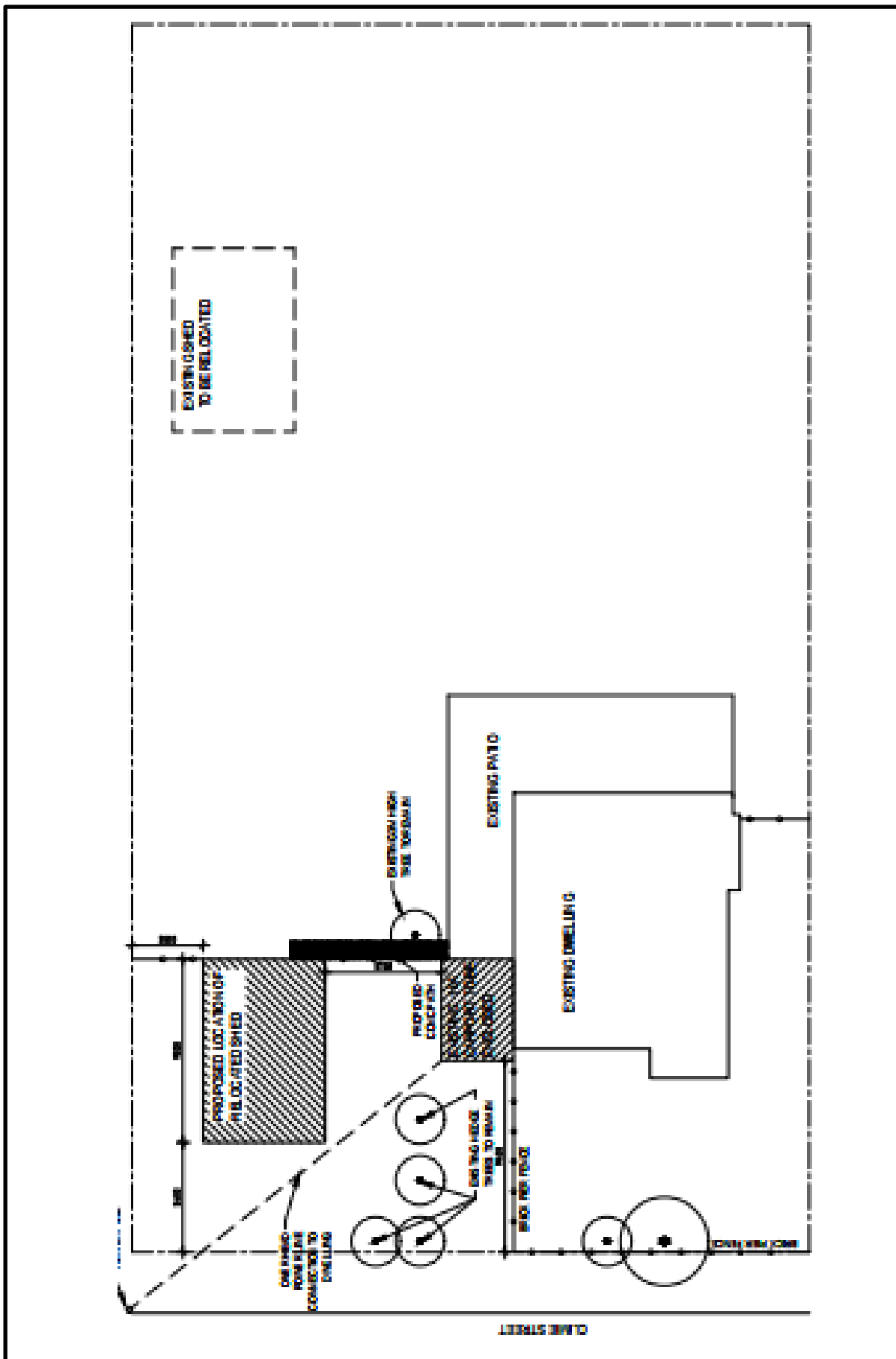
The owners propose to relocate the outbuilding so it will be setback closer to the street, at 5.4 metres, and 3.5 metres from the south west lot boundary.

There is also an existing carport attached to the house which the owners propose to enclose to use as a non-habitable storeroom. The storeroom will be clad with customorb (corrugated steel).



Above: Floor plan and front elevation of enclosed carport

A site plan is included over page.



- **Amenity and Streetscape**

The proposed carport enclosure will not have any visual impact. The outbuilding will be relocated to a more prominent location as it is being brought closer to the street, however reasonable setbacks to the front and side lot boundary are proposed.

The streetscape in this section of Climie Street (between Grantham and Mason) is varied as it contains some single houses, the St Oswald's Anglican Church, the local Men's Shed, vacant land, and some industrial activities.

TPI is of the view that the proposed development will not have an adverse impact on the visual amenity in the existing streetscape, or the amenity of neighbouring properties.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 65 provides local governments with the ability to consider an application for approval where the development has already commenced or been carried out.

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

Shire of Cranbrook Town Planning Scheme No 4 –

The development requires planning approval as it is on a lot zoned Town Centre under the Shire of Cranbrook Town Planning Scheme No 4.

Under Clause 5.16.1 all site requirements and setbacks for the Town Centre zone are to the discretion of the local government.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

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

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: Unlikely

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

Risk mitigation includes seeking professional planning advice.

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.

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

The application was referred to the owner of adjacent 85 Climie Street for comment. The neighbouring property at 85 Climie Street contains an Anglican Church. Advertising closed on 9 April 2024 and one non objection was received.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- A. Note that the application for relocation of an existing outbuilding and enclosure of an existing carport has been advertised to the owner of adjacent 85 Climie Street, Cranbrook. Advertising closed on 9 April 2024 and one non objection was received.
- B. Approve the application for relocation of an existing outbuilding and enclosure of an existing carport (for a non-habitable storeroom) on Lot 108 (87) Climie Street, Cranbrook subject to the following conditions and footnotes:
 1. The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer.
 2. All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land or road reserve unless otherwise approved in writing by the Chief Executive Officer.
 3. The proposed storeroom shall not be used for habitable purposes at any time.
 4. The owner is to advise any future prospective purchasers of Lot 108 in writing that the storeroom is only approved for non-habitable purposes.
 5. If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.

Footnote:

- (i) This is a planning consent only and owners need to apply for a separate building permit prior to commencing any site works or construction.

10.3 WORKS

10.3.1 PLANT REPLACEMENT – DAF 8x4 TIPPING TRUCK

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Joe Duina - Acting Manager of Works
FILE REFERENCE:	PE234
APPLICANT:	N/A
DATE OF REPORT:	12 April 2024
ATTACHMENTS:	1. Ten Year Plant Replacement Program 2. Quotations (3)

Purpose

The purpose of this report is for the Council to consider a change to the Ten Year Plant Replacement Program, and a budget amendment due to a change in the Ten Year Plant Replacement Program for the 2023/24 Financial Year; for the replacement of the DAF 8 x 4 Tipping Truck (PE234) to a 6 wheeler Prime Mover.

Background

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

The Shire’s Ten Year Plant Replacement Program (attached) 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. In the 2023/24 Budget approval was given to replace PE234 DAF 8 x 4 tipping truck and funds of \$316,000 were allocated with an expected trade in price of \$170,000 on a like to like basis. However, it must be recognised that the needs of the Shire’s road program change, and flexibility should always be part of any change management process. For this reason, Council were advised informally in March 2024 that consideration should be given to the purchase of a smaller truck.

As advised, Council should consider moving from an 8 wheeler truck to a 6 wheeler prime mover. The reasons being that the 8 wheeler is difficult to turn around on gravel roads and a paddock has to be accessed to complete the turn. This also results in tyre damage. The change would allow the Shire to use the side tip trailer all year round instead of only part of the year. The works crew also mentioned that when the trailer is connected to the 8 wheeler when dropping gravel for edging, they have limited vision and control on the amount of gravel being dropped. They lose efficiency and it is harder for grader operators to move the materials. In addition, the smaller truck would allow the Shire to operate a float and mobilise the graders quicker, as opposed to the current practice to “walk” machinery out to site. However, the current float in the Shire yard is not suitable for larger plant, and would have to be traded against a larger one in the 24/25 Budget.

The price of the 8 wheelers has increased and the purchase of a 6 wheeler will bring the Shire below or closer to the budgeted amount.

The table below summarises the three quotes received for Council’s information, (all figures exclusive of GST).

Supplier	Description	Purchase Price Inc GST	Trade-In Offered Inc GST	Changeover Cost	Comment
Iveco	6 x 4 prime mover 12 speed direct drive automated Euro6	\$297,573	\$130,000	\$167,573	Will do the job
DAF	FTTCF450	\$315,954	\$93,500	\$222,454	Will do the job
HINO	700SS2848	\$261,739	\$165,000	\$96,739	Will do the job

Officer's Comment

Whilst all the above trucks are capable of “doing the job”, availability will play an important role in the decision making process. If the preference is solely based on price and approved budget, then the truck that comes below the approved budgeted amount (\$146,000) is the Hino. If Council's preference is the Iveco then funds will have to be sourced from the Plant Replacement Reserve Account (\$21,573). Preference of the works staff is for the Iveco. The problems experienced with the current DAF truck have not been a positive one, and the staff are keen to work with another brand of truck.

A lot of 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.

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

Make	Availability	Preference (Workers)	Changeover	Individual Cost
Iveco	3 months	High	\$167,573	\$297,573
DAF	N/A	Low	\$222,454	\$315,954
Hino	6 to 9 months	Medium	\$96,739	\$261,739

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

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.

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.

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

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council consider:

Option 1:

- 1. Approve the change from an 8 wheeler truck to a 6 wheeler prime mover in the Ten Year Plant Replacement Program, and**
- 2. Approve the purchase of an Iveco Euro6 6 x 4 prime mover, and**
- 3. Approve the transfer from Reserve of the funds to cover the cost above the budgeted amount (\$21,573).**

Or;

Option 2:

- 1. Approve the change from an 8 wheeler truck to a 6 wheeler prime mover in the Ten Year Plant Replacement Program, and**
- 2. Approve the purchase of a Hino 6 wheeler prime mover, and**
- 3. Approve the transfer to Reserve of the funds available being \$49,261 due to the lower than budgeted cost of the Hino 6 wheeler prime mover.**

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.