

COUNCIL MEETING

AGENDA



For the Ordinary Meeting of Council to be held on

19 June 2024

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 19 June 2024 at the Cranbrook Council Chambers commencing at 3.00pm.



Linda Gray
Chief Executive Officer



PUBLIC QUESTION TIME – RULES AND PROCEDURES

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

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

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

1. 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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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 – 15 May 2024

That the minutes from the Ordinary Meeting of Council held on 15 May 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:	07/06/2024
ATTACHMENTS:	List of Payments – 1 May to 31 May 2024

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 May to 31 May 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 \$785,926.06 as per the attachment be noted:

- **Electronic Funds Transfers EFT 15276 to EFT 15385 - \$581,795.86 including fuel card purchases of \$675.55;**
- **Internal Account Transfers (Payroll) - \$147,352.35 and**
- **Direct Debit - \$56,777.85 including credit card purchases of \$2,798.82.**

10.1.2 MONTHLY FINANCIAL REPORT – MAY 2024

RESPONSIBLE OFFICER: Diana Marsh – Manager of Finance

REPORT AUTHOR: Diana Marsh – Manager of Finance

FILE REFERENCE: FM12

APPLICANT: N/A

DATE OF REPORT: 13 June 2024

ATTACHMENTS: Financial Statements for May 2024

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 May 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 May 2024 Monthly Financial Report represents eleven (11) months of the financial year. The following items are worthy of noting on the May 2024 report:

- Closing surplus position of \$ 1,560,423 (shown on page 2).
- Cash and cash equivalents of \$ 5,574,780 of which \$3,618, 863 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$58,152 equates to 1.9% 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 May 2024 be received.

10.1.3	LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM (LRCI) – STAGE 4B
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	FM10
APPLICANT:	N/A
DATE OF REPORT:	13 June 2024
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for Council to approve the inclusion of an additional road project to be funded as part of the Federal Government’s Local Roads and Community Infrastructure Program (LRCI) Stage 4B.

Background

The objective of the LRCI Program is to support priority local road infrastructure projects for upgrades to roads in regional and rural areas. The Shire was fortunate to be offered \$254,649 for local road projects in the Stage 4B round of the program.

Officer’s Comment

The project priorities of the Shire of Cranbrook have been discussed at the 2023/24 Budget Workshops and costs investigated by staff regarding small road projects that would be eligible under this funding. It has been previously discussed that there were small sections of road within the Shire that should be sealed due to their frequent usage, location in terms of dust and impact on the social and health wellbeing of residents living close at hand, and for reasons of economic benefit to the community. Small road projects identified were also selected based on the limited cost available, so short sections under a kilometre were eligible, and it was important that their structure or base should already be in place as per the Shire’s Road Management policy.

A work program containing roads meeting the above criteria was approved for LRCI Stage 4B. As part of delivering this project, the Shire was able to use an innovative recycled product for sealing the roads which resulted in cost savings on Hardy Street and Rubbish Tip Road of \$107,805.

Project	Budget	Total Cost	Variance
Hardy Street, Cranbrook, (to Rubbish Tip) Double Seal x 800 metres	\$117,325	\$45,558	\$71,767
Rubbish Tip Road, Cranbrook, Double Seal x 800 metres	\$117,324	\$80,841	\$36,483
Driveway to Frankland River Rubbish Tip Single seal	\$20,000	\$20,445	(\$445)
TOTAL	\$254,649	\$146,844	\$107,805

The Shire of Cranbrook has a list of priorities and list of shovel ready projects which includes the sealing of Gardiner Street, Cranbrook. This road is a formed, unsealed road that meets the Shire’s standards, and is an access road to the Cranbrook Caravan Park. It is proposed that Council consider requesting a variation to the funding under LRCI Stage 4B for the sealing of Gardiner Street, Cranbrook.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

Council Policy 4.8 Purchasing Policy and Council Policy 5.0 Road Management applies to this item.

Financial Implications

Whilst actual individual projects have not yet been fully costed, the projects listed above will be funded through the Local Roads and Community Infrastructure Program – Stage 4B and will not exceed the \$254,649 that has been allocated to the Shire through the Federal Government’s Local Roads and Community Infrastructure Program.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management

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

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

The **likelihood** is: Unlikely

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

Strategic Community Plan Reference

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

Key Pillar: Live

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

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

Joe Duina, Acting Manager of Works

Voting Requirements

Absolute Majority

OFFICER’S RECOMMENDATION

That Council approves the CEO to request a variation to the projects nominated under the Federal Government’s Local Roads and Community Infrastructure Program (LRCI) Stage 4B to the amend the budget and include the sealing of Gardiner Street, Cranbrook:

Project	Budget
Hardy Street, Cranbrook, (to Rubbish Tip) Double Seal x 800 metres	\$45,558
Rubbish Tip Road, Cranbrook, Double Seal x 800 metres	\$80,841
Driveway to Frankland River Rubbish Tip Single seal	\$20,445
Gardiner Street, Cranbrook, Seal	\$107,805
TOTAL	\$254,649

10.1.4 VARIATION TO BUDGETED RESERVE TRANSFERS

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Diana Marsh – Manager of Finance
FILE REFERENCE: FM6
APPLICANT: N/A
DATE OF REPORT: 11 June 2024
ATTACHMENTS: Forecast Reserve Accounts 30 June 2024

Purpose

The purpose of this report is for the Council to review reserve transfers for the 2023-2024 financial year and approve a budget amendment for the listed variations.

Background

Reserve accounts are established under section 6.11 of the *Local Government Act 1995* for the purpose of setting aside money for a specific purpose to be used in a future period. Reserve accounts are to be used in accordance with their prescribed purpose as detailed in the annual budget.

The 2023-2024 Annual Budget and subsequent amendments throughout the year included transfers to and from reserves. Any variation from these requires approval from Council.

On review of the 2023-2024 Budget, transfers to reserves (excluding budgeted interest earned) have all been completed as budgeted, however there is variance in the transfers from reserves as follows:

1. The transfer from the Building Asset Management Reserve to be spent on the Unicup Hall will only be for \$3,210 rather than the budgeted \$42,735.
2. The transfer from the Rate Discount Reserve to fund the 2023-2024 Community Grant Program only came to \$19,724 rather than the budgeted \$20,000.

Officer’s Comment

The Building Asset Management Reserve includes an amount of \$42,735 received from an insurance claim for the Unicup Hall. Council have budgeted for this amount to be used for funding repairs and maintenance on the hall. This year downpipes have been repaired and asbestos removed, but overall expenditure has been minimal. This is largely due to the generosity of the community who have been working to bring the hall back to life, donating their time and efforts.

Council approved in the 2023-2024 Annual Budget for \$20,000 to be taken from the Rate Discount Reserve to be used for the Shire’s Community Grant Program. In order to comply with the *Local Government Act 1995*, this amount must be used only for this purpose and so the unused amount of \$276 should remain in the reserve.

To maintain a balanced budget, the associated expense accounts for these two reserves will also be amended, with account changes as follows:

Account	Description	Current Budget	Amended Budget	Variation
111207	Capital Expense – Unicup Hall	\$42,735	\$0	\$42,735
CP402	Expense – Unicup Hall Maintenance	\$6,500	\$9,710	(\$3,210)
113020	Expense – Community Grant Round	\$20,000	\$19,724	\$276
113399	Transfer from Reserves	\$62,735	\$22,934	(\$39,801)
Net impact on budget				\$0

It is expected that the actual transfer of interest earned to reserves will fall short of that budgeted. Management will transfer actual interest earned to reserves in accordance with Policy 4.4 Finance – Investments.

Statutory Environment

Section 6.11 of the *Local Government Act 1995*

Local Government (Financial Management) Regulations 1996, various sections

Policy Applicable – Implications

Policy 4.4 Finance – Investments

Financial Implications

There is no net impact on the 2023-2024 Annual Budget.

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

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 review of budgeted reserve transfers and monitoring for compliance by management.

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

OFFICER'S RECOMMENDATION

That Council approve the following amendments to the 2023-2024 Annual Budget for reserve transfers:

Account	Description	Current Budget	Amended Budget	Variation
111207	Capital Expense – Unicap Hall	\$42,735	\$0	\$42,735
CP402	Expense – Unicap Hall Maintenance	\$6,500	\$9,710	(\$3,210)
113020	Expense – Community Grant Round	\$20,000	\$19,724	\$276
113399	Transfer from Reserves	\$62,735	\$22,934	(\$39,801)

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 PLANNING APPLICATION – PROPOSED SHADE STRUCTURES – LOT 62 (No 48) KING STREET, CRANBROOK

RESPONSIBLE OFFICER:	Linda Gray - Chief Executive Officer
REPORT AUTHOR:	Liz Bushby, Town Planning Innovations (TPI)
FILE REFERENCE:	A131
APPLICANT:	Kosters Outdoor Pty Ltd
DATE OF REPORT:	6 June 2024
ATTACHMENTS:	Development Plans

Purpose

The purpose of this report is for the Council to consider an application seeking planning approval for new shade structures adjacent to the existing bowling green on Lot 62.

Background

The existing bowling green is located adjacent to King Street on Lot 62. Lot 62 is owned by the State of Western Australia however there is a Management Order to the Shire of Cranbrook.

The lot has an area over 4 hectares. An aerial is included below.

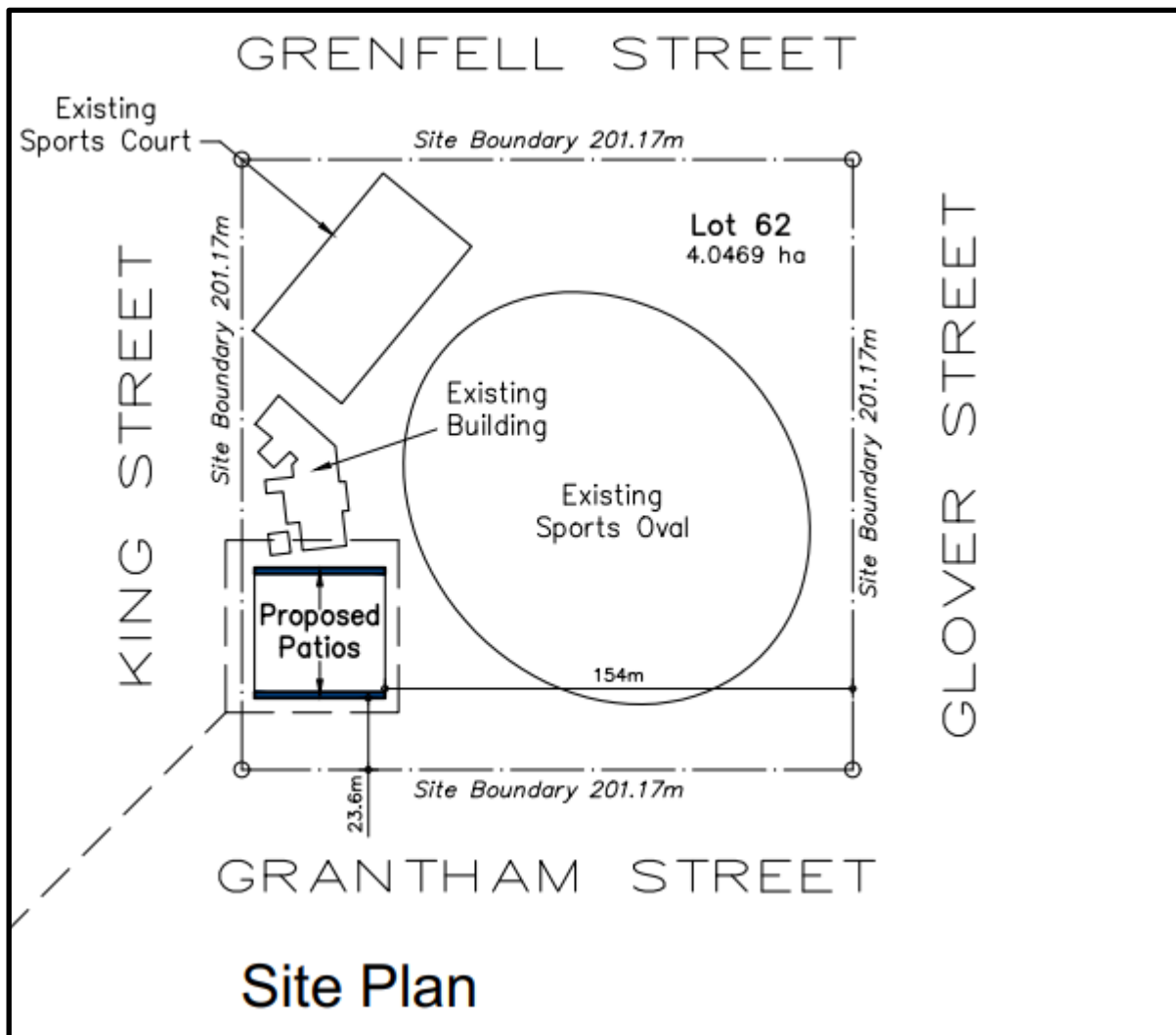


Above: Aerial Plan

Officer's Comment

- **Description of Application**

Two 40 metre long shade structures are proposed at the north-east and south-west end of the bowling green to provide shelter and weather protection.



The development plans are included as Attachment 1.

The proposed structures are ancillary to the existing bowling green use, and will result in improvements for users and attendees to the bowling club.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 –

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 –

Lot 62 is a Local Scheme Reserve for 'Recreation and Open Space'. The proposed development is consistent with the recreational related reservation.

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

No consultation has been conducted in regards to this proposal.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- A. Approve the application for shade structures on Lot 62 (48) King Street, Cranbrook subject to the following conditions:**
- 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. 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.**

10.2.2 ANNUAL REVIEW OF DELEGATIONS

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Judy Stewart – Manager Human Resources and Administration
APPLICANT:	N/A
FILE REFERENCE:	GO20
DATE OF REPORT:	11 June 2024
ATTACHMENTS:	1. Draft 2024 Delegations Register

Purpose

The purpose of this report is for the Council to consider the adoption of the revised Delegations Register.

Background

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

Section 5.46 (2) of the *Act* requires the local government to review its delegations at least once every financial year. It should be noted that Shire of Cranbrook delegations were last reviewed by Council in the 2022/23 financial year, and this review falls within the 2023/24 financial year.

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

Officer's Comment

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

The delegations have been reviewed by relevant officers in terms of their appropriateness and any need for any additional delegations. As a result of this review, it was determined that there were some minor text changes required to align with legislation wording, changes in positions and position titles, and inconsequential formatting changes all of which can be addressed by Delegation 1.31 (Minor Amendments to Delegation Register and Policies).

Other updates are as follows:

Deleted Delegations:

There are two delegations recommended for deletion since the last Delegations Register review (due to amendments to the *Building Act 2011* and the *Planning and Development Act 2005*):

- Planning Delegation – Development Applications
- Building Delegation – Approval of Plans

Amended Delegations:

All amendments, apart from the following, are inconsequential to the power being delegated and simply clarify or add information for the delegate (being the CEO):

1.12 Employee Relocation Expenses

Under 'Council Conditions on Delegation' reference to *expenses for employees totalling 50% of the relocation expense* has been removed and the threshold for relocation expenses has been increased from \$500 to \$2,500 in line with Council Policy 2.15 (as reviewed and adopted by Council at its March 2024 Ordinary Meeting).

New Delegation previously approved:

Since the last Delegation Register review the following delegation has been approved:

Delegation 1.34 - Delegation to the Chief Executive Officer to deal with Compliance and Conditions on Significant Developments

This delegation was approved at the Ordinary Council meeting held 17 May 2023 and is now included in the Delegation Register.

New Delegations:

As of this Delegation Register review, the following new delegations are recommended for approval:

Planning Delegation – Illegal Development
Grant a Building Permit
Occupancy Permits on Building Approval Certificates
Demolition Permits

Statutory Environment

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

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

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

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

Strategic Community Plan Reference

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

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

Liz Bushby, Consultant Planner, Town Planning Innovations

Dave Hadden, EHO/Building Surveyor

A/Manager of Works, Joe Duina

Manager of Finance, Diana Marsh

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. Notes the review of delegations for the financial year 2023/24 as outlined in this report; and**
- 2. Adopts the Shire of Cranbrook Delegations Register as included at Attachment One.**

10.3 WORKS

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

Statutory Environment

Section 5.23 of the Local Government Act 1995 allows the Council to close all or part of a Council Meeting to members of the public if the meeting or the part of the meeting deals with a range of issues, dealing with any of the following; (a) a matter affecting an employee or employees; (b) the personal affairs of any person; (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; (e) a matter that if disclosed, would reveal — (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; (f) a matter that if disclosed, could be reasonably expected to — (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government’s property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and (h) such other matters as may be prescribed.

As such it is recommended that the meeting be closed to the public in order deal with these items.

A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Voting Requirements

Simple Majority

OFFICER’S RECOMMENDATION:

That the meeting be closed to members of the public in accordance with section 5.23 (2)(c) of the *Local Government Act 1995*, to discuss a contract to be entered into, or which may be entered into, by the local government.

CONFIDENTIAL

13.1 COMMUNITY GRANT PROGRAM FUNDING - ALLOCATION

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Jenny Cristinelli – Community Development Manager
FILE REFERENCE: CS103
APPLICANT: N/A
DATE OF REPORT: 13 June 2024
ATTACHMENTS: Attachments for this item are confidential.

OFFICER’S RECOMMENDATION

That Council approves the following projects for funding through the 2024/2025 Community Grant Program:

APPLICANT	PROJECT / PROGRAM	AMOUNT EX GST
1. Frankland River Community Resource Centre	Cinema Set Up – equipment purchases	\$5,571.34
2. Tenterden Tennis Club	2024 – 2025 Junior Coaching Program	\$3,352.40
3. Gillamii Centre	Gillamii’s 30 th Anniversary Event	\$1,000.00
4. Cranbrook Districts Motorcycle Club	2024 South West Interclub Event Round #4	\$1,000.00
5. CWA Frankland River	Frankland River Main Street Planter Boxes rejuvenation program	\$4,450.00
6. Cranbrook Sporting Club	Table Replacement	\$4,600.00
	TOTAL	\$19,973.74

OFFICER'S RECOMMENDATION:

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

14. CLOSURE OF MEETING

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