

SPECIAL COUNCIL MEETING

MINUTES



For the Special Meeting of Council held

7 AUGUST 2024

ATTENTION/DISCLAIMER

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

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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. 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.

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Pollard declared the meeting open at 4.08pm. The Shire President alerted the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

President	Cr G (George) Pollard
Deputy President	Cr DM (Daisy) Egerton-Warburton
Councillors	Cr P (Peter) Denton Cr JA (Jennifer) Quick Cr RW (Robert) Johnson Cr LM (Lee) Casson Cr P (Perin) Mulcahy

Chief Executive Officer	Ms LA (Linda) Gray
Manager of Finance	Mrs D (Diana) Marsh
Acting Manager of Works	Mrs S (Stevie) Egerton-Warburton
Executive Officer	Ms JL (Jo) Scott

Members of the Public	Nil
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2.2 APOLOGIES

Nil

3. DISCLOSURE OF INTEREST

Nil

4. REPORTS OF OFFICERS

4.1 CORPORATE AND COMMUNITY SERVICES

4.1.1 ADOPTION OF THE 2024-2025 BUDGET

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	FM6
APPLICANT:	N/A
DATE OF REPORT:	29 July 2024
ATTACHMENTS:	2024-2025 Draft Annual Budget 2024-2025 Adopted Fees and Charges

Purpose

The purpose of this report is for Council to adopt the Annual Budget for the 2024-2025 financial year.

Background

The draft 2024-2025 budget has been compiled based on the principles contained in the Strategic Community Plan and Plan for the Future. The 2024-2025 draft budget has been prepared in accordance with discussions held at recent Executive Management Team meetings between councillors and executive staff, and the presentation made at the July Budget Workshop 2024.

Officer's Comments

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The main features of the draft budget include:

RATES

The budget has been prepared with a 4% rate increase in line with the Long-Term Financial Plan. This increase applies to all rating categories.

FEES & CHARGES

Changes to fees and charges with an effective date of 1 July 2024 were adopted at the Ordinary Meeting of Council held 15 May 2024 and local public notice given. No further changes have been made and the full 2024-2025 Schedule of Fees and Charges is included with the budget for adoption.

Household and commercial waste charges have increased approximately 4% from the 2023-2024 adopted charge and itemised in the schedule of fees and charges.

OPERATING

The recurrent operating budget includes an overall increase in expected expenditure of 4% (although individual line items may vary from this based on specific factors affecting each of these) and continues the focus on improved service delivery to the community.

Items of note include:

- Ongoing financial support of the Gillamii Centre, Frankland River CRC
- Ongoing support to assist doctor visits to Cranbrook and Frankland River
- Continued funding from Department of Fire and Emergency Services (DFES) for the Local Grants Scheme providing funding for clothing, equipment, maintenance of fire trucks, insurance etc for fire brigade volunteers.

- Ongoing partnership between DFES, and the Shires of Gnowangerup and Kojonup for the Community Emergency Services Manager position.
- Carryover of the grant funded After School Care Program.
- Continuation of the Shire's 0-4 years Smart Start Program for preschool children.
- New support to assist regular podiatrist visits to Cranbrook.

\$220k is also included for significant bridge maintenance. This amount will align the bridge maintenance with Main Roads requirements and improve eligibility for future bridge funding. \$101k is for works carried forward from 2023-24. \$200k is to be transferred from the Rates Discount Reserve to the Bridge Reserve, of which \$119k will be used to cover this year's works.

GRANT FUNDING

Principal grant funding for the year for projects is from:

- LRCIP Funding (carryover) - \$413,382
- WA Bicycle Networks (carryover) - \$40,417
- Department of Fire and Emergency Services - \$634,410
- Roads to Recovery - \$712,173
- Regional Road Group - \$980,666
- Commodity Route Funding - \$100,000
- Secondary Freight Network - \$2,650,000

CAPITAL

A capital works program totalling \$8,369,049 is planned for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment.

The budgeted infrastructure spend includes \$2.62m for Council's ongoing road construction program with \$1.9m in funding to be received from the Regional Road Group, Commodity Route, Roads to Recovery and Local Roads and Community Infrastructure Programs. This year's road projects are:

- Salt River Road \$276k, Shamrock Road \$270k, Wingebellup Road \$290k, and Kojonup Frankland Road \$285 – continue to widen bitumen edges, clean drains and culverts, replace signs and white posts.
- Cranbrook Frankland Road \$270k – rectify pavement and base failures, and re-make drains
- Kojonup Frankland Road \$80k – reseal section of surface
- Yeriminup Road \$356k and Boyup Brook Cranbrook Road \$356k – widen and seal
- Yeriminup Road \$150k – resheeting
- Gardiner Street, Cranbrook \$107k – seal
- Newton Road \$60k and Bokerup Road \$120k – resheeting

In addition, the Shire has also received funding of \$2.65m through Main Roads Secondary Freight Network funding to be spent on Yeriminup Road. This takes the total road construction program to \$5.27m for 2024-2025.

An amount of \$1.09m is provided land and buildings projects. The main projects include:

- Cranbrook Fire Shed – new shed \$684k, funding of \$634k provided by Department of Fire and Emergency Services
- Frankland River Hall – carry over of major maintenance including restumping, fully funded by the Local Roads and Community Infrastructure Program 4A, \$200k.
- Cranbrook Works Depot – construction of new ablution block, \$150k.

An amount of \$1.82m is included for the purchase of plant in accordance with the Shire's 10 Year Plant Replacement Program, \$637k of which is for purchases brought forward from the 2023-24 Budget, which have been committed and are waiting delivery.

BORROWINGS

The Shire currently has no long-term borrowings.

Due to the additional works under the Great Southern Secondary Freight Network, this budget includes the accessing of a short-term liquidity lending facility with the Western Australian Treasury Corporation (WATC) if needed, for the purpose of maintaining cash flow throughout the duration of the project. The facility is not to be more than \$1 million dollars for periods of up to 12 months and with a final facility termination date of 30 September 2025 to allow time for project acquittal.

RESERVES

A new Revaluation Expense Reserve account has been included for the purpose of funding future asset revaluations that are required by the *Local Government (Financial Management) Regulations 1996*.

A new Bridges Reserve account has been included for the purpose of funding bridge construction or maintenance projects.

The overall reserves balance is budgeted to increase \$15k to \$3.57m in 2024-2025.

OPENING SURPLUS

An estimated surplus of \$2,991,499 is anticipated to be brought forward from 30 June 2024. This amount includes federal Financial Assistance Grants of \$1.7m received in advance for the 2024-25 financial year and other revenue recognised in accordance with Australian Accounting Standards. A number of carryovers are also included in this figure due to supply issues, particularly in regard to plant purchases. The closing surplus is unaudited and may change. Any change will be addressed as part of a future budget review.

The draft 2024-2025 budget continues to deliver on other strategies adopted by the council and maintains a high level of service across all programs ensuring roads and associated infrastructure remain a high priority as well as renewing assets at sustainable levels.

Statutory Environment

The *Local Government Act 1995*, S6.2 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of the LGA refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2024-2025 budget as presented is considered to meet statutory requirements.

Section 5.98 of the *Local Government Act 1995* sets out fees etc payable to Council members.

Section 5.98A of the *Local Government Act 1995* sets out allowances payable to Deputy Presidents.

Section 7B(2) of the *Salaries and Allowances Act 1975* requires the Tribunal, at intervals of not more than 12 months, to inquire into and determine –

- The amount of fees to be paid to Council members;
- The amount of expenses to be reimbursed to Council members;
- The amount of allowances to be paid to Council members.

Regulations 30-34AD of the *Local Government (Administration) Regulations 1996* sets the limits, parameters and types of allowances that can be paid to elected members.

Policy Applicable – Implications

There are no known policy implications arising from this report.

Financial Implications

Specific financial implications are as outlined in the body of this report and as itemised in the draft 2024-2025 budget attached for adoption.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Possible

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

Risk mitigation includes the adoption of the budget by 30 August each year and a structured approach to the delivery of the programmes and projects identified and approved in the budget. Mitigation also includes sound supervision of the various projects by members of the Executive Management Team and the staff under their direct control.

Strategic Community Plan Reference

The 2024-2025 budget has been developed having regard for the Shire's Plan for the Future and Corporate Business Plan adopted by Council.

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

While no specific consultation has occurred on the draft of the 2024-2025 budget, community consultation and engagement has previously occurred during the development of the Strategic Community Plan from which the Corporate Business Plan was developed.

Extensive internal consultation has occurred with the executive management team and through briefings and workshop with elected members.

Cr Denton stated that he was against the 4% increase and that he would prefer a lower rate considering the cost of living factors to the community. He also suggested that the rates discount incentive be brought back in. The Shire President advised that this matter had been previously discussed and that the rates discount incentive will be considered by Council for the 2025/26 Budget.

Cr Johnson asked for clarity on the increase in employee costs. He also said that his preference still remained for a lower rate than 4%.

Manager of Finance, Diana Marsh provided clarity on the increase in employee cost, outlining that not all employee costs are included in the operating statement and some are reflected in capital works. An increase to employee costs in the operating statement reflects more maintenance undertaken by Shire employees, and reflects increases to things like training, workers compensation insurance and salary/wage increases under the Shire EBAs. Grant funding offsets a large amount of employee costs (meaning that amount will not be at the expense of the ratepayer), and employees are needed to both oversee and undertake these projects for the community.

Voting Requirements

Recommendation 1 – Absolute Majority Required

Recommendation 2 – Absolute Majority Required

Recommendation 3 – Absolute Majority Required

Recommendation 4 – Absolute Majority Required

Recommendation 5 – Simple Majority Required

Recommendation 6 – Absolute Majority Required

Recommendation 7 – Absolute Majority Required

Recommendation 1 – Budget of 2024-2025

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 01082024

Moved Cr Egerton-Warburton, seconded Cr Casson that Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, Council adopt the Budget as contained in the attachment of this agenda and the minutes, for the Shire of Cranbrook for the 2024-2025 financial year which includes the following:

- **Statement of Comprehensive Income by Nature and Type**
- **Statement of Cash Flows**
- **Statement of Financial Activity**
- **Notes to and Forming Part of the Budget.**

CARRIED 5/2

FOR: Cr G Pollard, Cr J Quick, Cr L Casson,
Cr D Egerton-Warburton, Cr P Mulcahy

AGAINST: Cr P Denton, Cr R Johnson

By Absolute Majority

Cr Denton and Cr Johnson voted against a 4% increase in rates, opting for a lesser percentage increase.

Recommendation 2 – general rates, minimum payments, instalment payment arrangements, discounts, and interest

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 02082024

Moved Cr Quick, seconded Cr Egerton-Warburton that:

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Recommendation 1 above, Council pursuant to Sections 6.32, 6.34 and 6.35 of the *Local Government Act 1995* imposes the following differential general rates and minimum payments on Gross Rental and Unimproved Values:
 - 1.1 General Rates:

Gross Rental Value	10.2800 cents in the dollar
Unimproved Value	0.4653 cents in the dollar
 - 1.2 Minimum Payments:

Gross Rental Value	\$740.00
Unimproved Value	\$780.00
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:
 - Option 1 (Full Payment) – full amount of rates and charges including arrears, to be paid on or before 18 September 2024 or 35 days after the date of issue appearing on the rate notice whichever is later.
 - Option 2 (Two Instalments) – First instalment to be made on or before 18 September 2024 or 35 days after the date of issue appearing on the rate notice whichever is later, including all arrears and half the current rates and service charges; and, second instalment to be made on or before 22 January 2025, or four months after the due date of the first instalment, whichever is later.
 - Option 3 (Four Instalments) – First instalment to be made on or before 18 September 2024 or 35 days after the date of issue appearing on the rate notice whichever is later; second instalment to be made on or before 20 November 2024 or two months after the due date of the first instalment whichever is later; third instalment to be made on or before 22 January 2025 or two months after the due date of the second instalment, whichever is later; and fourth instalment to be made on or before 26 March 2025, or two months after the due date of the third instalment, whichever is later.
3. Pursuant to Section 6.45 of the *Local Government Act 1995*, and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an administration charge where the owner has elected to pay rates and charges through an instalment option of \$11.00 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995*, and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 11% for rates and service charges that remains unpaid after becoming due and payable.

CARRIED 7/0

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

AGAINST: Nil

By Absolute Majority

Recommendation 3 – Fees and Charges for 2024-2025

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 03082024

Moved Cr Denton, seconded Cr Mulcahy that pursuant to section 6.16 of the *Local Government Act 1995* and other relevant legislation, council adopts the Fees and Charges included in the draft 2024-2025 budget as presented in the attachment to this agenda and minutes.

CARRIED 7/0

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

AGAINST: Nil

By Absolute Majority

Recommendation 4 – Elected Members Fees and Allowances for 2024-2025

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 04082024

Moved Cr Casson, seconded Cr Johnson that:

1. In accordance with Section 5.98(1)(b) of the *Local Government Act 1995*, Regulation 30 *Local Government (Financial Management) Regulations 1996*, Part 6.2(1) and Part 6.3(1)(a) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the *Salaries and Allowances Act 1975*, Shire President annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees, be set at \$11,085.00.
2. In accordance with Section 5.98(1)(b) of the *Local Government Act 1995*, Regulation 30 *Local Government (Financial Management) Regulations 1996*, Part 6.2(1) and Part 6.3(1)(a) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the *Salaries and Allowances Act 1975*, Deputy Shire President and Councillor annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees, be set at \$5,545.00.
3. In accordance with Section 5.98(5) of the *Local Government Act 1995*, Regulation 33 *Local Government (Financial Management) Regulations 1996*, Part 7.2(1) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the *Salaries and Allowances Act 1975*, annual allowance for the Shire President be set at \$14,100.00.
4. In accordance with Section 5.98(5) of the *Local Government Act 1995*, Regulation 33 *Local Government (Financial Management) Regulations 1996*, Part 7.3(1) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the *Salaries and Allowances Act 1975*, annual allowance for the Deputy Shire President be set at \$3,525.00.
5. In accordance with Section 5.99A(b) of the *Local Government Act 1995*, Regulation 34A *Local Government (Financial Management) Regulations 1996*, and Part 9.2(2) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the *Salaries and Allowance Act 1975*, the annual allowance for ICT expenses for the Shire President be set at \$1,330.00.
6. In accordance with Section 5.99A(b) of the *Local Government Act 1995*, Regulation 34A *Local Government (Financial Management) Regulations 1996*, and Part 9.2(2) of the Determination for Local Government Elected Council Members pursuant to Section 7B of the *Salaries and Allowance Act 1975*, the annual allowance for ICT expenses for the Deputy Shire President and Councillors be set at \$665.00.

CARRIED 7/0

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

AGAINST: Nil

By Absolute Majority

Recommendation 5 – Material Variance Reporting for 2024-2025

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 05082024

Moved Cr Quick, seconded Cr Johnson that in accordance with regulation 34(5) of the *Local Government (Financial Management) regulations 1996*, the level to be used in statement of financial activity in 2024-2025 for reporting material variances shall be 10% with a minimum value of \$10,000.

CARRIED 7/0

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

AGAINST: Nil

Recommendation 6 – Reserves for 2024-2025

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 06082024

Moved Cr Denton, seconded Cr Egerton-Warburton that Council maintain the following reserves (noting the purpose of each reserve detailed in Note 9 of the budget):

- (a) Plant Replacement Reserve
- (b) Employee Entitlement Reserve
- (c) Waste and Water Management Reserve
- (d) Information Technology and Office Equipment Reserve
- (e) Building Asset Management Reserve
- (f) Community Associations Financial Assistance Reserve
- (g) Roadworks Reserve
- (h) Land Reserve
- (i) Frankland River Sporting Facilities Reserve
- (j) Housing Reserve
- (k) Frankland River Asset Replacement Fund (Bowling Green) Reserve
- (l) Cranbrook Asset Replacement Fund (Bowling Green) Reserve
- (m) Rate Discount Reserve
- (n) Emergency Response Reserve
- (o) Works Depot Reserve
- (p) Bridges Reserve
- (q) Refuse Sites Reserve
- (r) Revaluation Expense Reserve

CARRIED 7/0

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

AGAINST: Nil

By Absolute Majority

Recommendation 7 – Short term liquidity lending facility

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 07082024

Moved Cr Egerton-Warburton, seconded Cr Casson that Council approve the Shire to take out a short-term liquidity lending facility with the Western Australia Treasury Corporation of not more than \$1 million dollars for periods of up to 12 months and with a final termination date of 30 September 2025.

CARRIED 7/0

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

AGAINST: Nil

By Absolute Majority

4.2 GOVERNANCE AND EXECUTIVE SERVICES

4.2.1 APPROVAL TO CHANGE PREVIOUS COUNCIL DECISION MADE AT 21 FEBRUARY 2024 OCM

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	PE216
APPLICANT:	N/A
DATE OF REPORT:	5 August 2024
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to approve a change to a decision by Council at the Ordinary Council Meeting of 21 February 2024 to sell the 2014 Komatsu Excavator.

Background

At the Ordinary Council Meeting held 21 February 2024, Council made the following decision:

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 11022024

Moved Cr Quick, seconded Cr Denton that Council:

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

CARRIED 4/2

FOR: Cr J Quick, Cr P Denton,
Cr L Casson, Cr D Egerton-Warburton
AGAINST: Cr R Johnson, Cr P Mulcahy

Since this decision was made a new Komatsu Excavator has been purchased for the purpose stated in the February report to Council. The old Excavator was sent to Perth to be sold by Public Auction as per Council Decision. At the time, the auction house, Manheim, was approached and they indicated \$100,000 to \$115,000 as an indicative value of this excavator. Based on this information a reserve of \$100,000 was set by the Chief Executive Officer. However, despite being offered on several occasions at public auction the highest bid received has been \$70,000.

Officer's Comment

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. As the excavator is an important part of our road construction program. With the highest bid received at public auction being \$70,000, for this reason, and consideration of the age and quality of the machine, and due to its value to the Shire of Cranbrook in providing an opportunity to take over the work at the Cranbrook Waste Facility (Rubbish Tip) more efficiently, it has been proposed that the excavator be retained, choosing to retain the old Excavator requires a motion to change a previous Council Decision.

Statutory Environment

Section 10 of the *Local Government (Administration) Regulations 1996* states:

10. Revoking or changing decisions (Act s. 5.25(1)(e))

(1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or

(b) in any other case, by at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

(2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

And, Section 5.25 of the *Local Government Act 1995* states:

5.25. Regulations about council and committee meetings and committees

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to —

(e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made);

Policy Applicable – Implications

Policy 4.8 Purchasing applies to this report.

Policy 4.14 Asset Disposal applies to this report.

Financial Implications

The 2024/25 Financial Year Budget has been based on not selling the excavator.

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

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

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 08082024

Moved Cr Denton, seconded Cr Quick that Council approve a change, in part, to council decision with Motion number 11022024 made at the Ordinary Council Meeting held on 21 February 2024, that stated: "2. Approve the sale of the old Komatsu excavator by Public Auction."

CARRIED 7/0

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

AGAINST: Nil

By Absolute Majority

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 09082024

Moved Cr Denton, seconded Cr Johnson that Council approves the retention of the old 2014 Komatsu Excavator for the purpose of works at the Cranbrook Waste Facility and throughout the Works Department as required.

CARRIED 7/0

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

AGAINST: Nil

By Absolute Majority

4.3 WORKS
Nil

5. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Pollard will declare the meeting closed at 4.47pm.