

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

18 September 2024



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.

ATTENTION/DISCLAIMER

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

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

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The Shire of Cranbrook disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement of intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

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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	6
4.	PUBLIC QUESTION TIME	6
4.1	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4.2	PUBLIC QUESTIONS.....	6
5.	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	6
6.	PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS	6
7.	DISCLOSURE OF INTEREST	6
8.	MATTERS FOR WHICH MEETING MAY BE CLOSED	7
9.	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	7
9.1	ORDINARY MEETING – 21 August 2024	7
10.	REPORTS OF OFFICERS	8
10.1	CORPORATE AND COMMUNITY SERVICES.....	8
10.1.1	LIST OF PAYMENTS.....	8
10.1.2	MONTHLY FINANCIAL REPORT – JULY 2024.....	11
10.1.3	MONTHLY FINANCIAL REPORT – AUGUST 2024	13
10.1.4	BUDGET AMENDMENT.....	15
10.2	GOVERNANCE AND EXECUTIVE SERVICES	18
10.2.1	DEVELOPMENT ASSESSMENT PANELS LOCAL GOVERNMENT MEMBER NOMINATION	18
10.2.2	TERMS OF REFERENCE FOR THE SHIRE OF CRANBROOK’S ROADWISE WORKING GROUP	21
10.2.3	PURCHASE OF SHIRE OF CRANBROOK’S RESERVE NO 17934 – CRANBROOK CARAVAN PARK SITE	23
10.2.4	CRANBROOK AND FRANKLAND RIVER LIBRARIES – FUNDING AGREEMENTS	25
10.3	WORKS.....	28
11.	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	28
12.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY A DECISION OF THE MEETING	28
13.	MATTERS BEHIND CLOSED DOORS.....	28
14.	CLOSURE OF MEETING	28

MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chief Executive Officer, Ms Linda Gray declared the meeting open at 3.00pm. The CEO alerted the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

As both the Shire President and Deputy Shire President have both requested a leave of absence for this meeting, Cr Johnson will assume the role of Presiding Member for this Meeting as chosen by the Council.

SUSPENDING STANDING ORDERS/COUNCIL DECISION

Motion 01092024

Moved Cr Denton, seconded Cr Quick that Standing Orders be suspended for the duration of today's Council Meeting to facilitate open debate on reports seen in this agenda.

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

Councillors

Cr JA (Jennifer) Quick
Cr RW (Robert) Johnson
Cr LM (Lee) Casson
Cr P (Peter) Denton
Cr P (Perin) Mulcahy

Chief Executive Officer
Manager of Works
Manager of Finance
Executive Officer

Ms LA (Linda) Gray
Mr G (Joe) Duina
Mrs DE (Diana) Marsh
Miss JL (Jo) Scott

Members of the Public

Nil

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

President, Cr G (George) Pollard – 18 September 2024

Deputy President, Cr DM (Daisy) Egerton-Warburton – 18 September 2024

3. APPLICATIONS FOR LEAVE OF ABSENCE

Motion 02092024

Moved Cr Quick, seconded Cr Mulcahy that Cr Egerton-Warburton be granted a leave of absence for the Ordinary Council Meeting held on Wednesday, 18 September 2024.

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

Motion 03092024

Moved Cr Mulcahy, seconded Cr Denton that Cr Pollard be granted a leave of absence for the Ordinary Council Meeting held on Wednesday, 18 September 2024.

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member, Cr Johnson announced that the following people who were either residents or past residents of the Shire had passed away since the last meeting:

Mr Russell Worth
Mr Donald Redman

A moments silence was observed as a mark of respect.

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

7. DISCLOSURE OF INTEREST

Impartiality Interest

Cr JA Quick

Item 10.2.4

Type: Impartiality Interest pursuant to the Shire of Cranbrook Code of Conduct for Council Members, Committee Members and Candidates

Nature: Treasurer and Casual Employee of the CRC

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 21 August 2024

Motion 04092024

Moved Cr Denton, seconded Cr Casson that the minutes from the Ordinary Meeting of Council held on 21 August 2024, be confirmed as a true and correct record.

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

10. REPORTS OF OFFICERS

10.1 CORPORATE AND COMMUNITY SERVICES

10.1.1 LIST OF PAYMENTS

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Alecia Taylor – Finance Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	11/09/2024
ATTACHMENTS:	List of Payments – 1 August 2024 to 31 August 2024

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 August 2024 to 31 August 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/COUNCIL DECISION

Motion 05092024

Moved Cr Casson, seconded Cr Quick that the payment of accounts totalling \$666,208.96 per the attachment be noted:

- **Electronic Funds Transfers EFT 15620 to EFT 15709 - \$404,132.06 including fuel card purchases of \$802.27;**
- **Internal Account Transfers (Payroll) - \$223,578.03 and**
- **Direct Debit - \$38,498.87 including credit card purchases of \$4,779.51.**

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

10.1.2 MONTHLY FINANCIAL REPORT – JULY 2024

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Chelsea Paterson – Senior Finance Officer
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	12 September 2024
ATTACHMENTS:	Financial Statements for July 2024

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 July 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 July 2024 Monthly Financial Report represents one (1) month of the financial year. The following items are worthy of noting on the July 2024 report:

- Closing surplus position of \$2,587,720 (shown on page 2)
- Cash and cash equivalents of \$ 6,418,720 of which \$3,559,120 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$44,845 equates to 80.1% the 2024/2025 rates levied and arrears from previous years (shown on page 15); and
- Explanation of material variances is shown by nature on page 6.

Statutory Environment

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

Policy Applicable – Implications

Council Policy 4.1 Defining Material Variances

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/COUNCIL DECISION

Motion 06092024

Moved Cr Denton, seconded Cr Mulcahy that the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 July 2024 be received.

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

10.1.3 MONTHLY FINANCIAL REPORT – AUGUST 2024

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Chelsea Paterson – Senior Finance Officer
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	12 September 2024
ATTACHMENTS:	Financial Statements for August 2024

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 August 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 August 2024 Monthly Financial Report represents two (2) months of the financial year. The following items are worthy of noting on the August 2024 report:

- Closing surplus position of \$5,410,970 (shown on page 2).
- Cash and cash equivalents of \$6,589,907 of which \$3,569,783 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$3,042,514 equates to 95.4% the 2024/2025 rates levied and arrears from previous years (shown on page 15); and
- Explanation of material variances is shown by nature on page 6.

Statutory Environment

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

Policy Applicable – Implications

Council Policy 4.1 Defining Material Variances

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/COUNCIL DECISION

Motion 07092024

Moved Cr Quick, seconded Cr Mulcahy that the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 August 2024 be received.

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

10.1.4	BUDGET AMENDMENT
RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Diana Marsh – Manager of Finance
FILE REFERENCE:	FM6
APPLICANT:	N/A
DATE OF REPORT:	11 September 2024
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider two amendments to the 2024/25 adopted budget.

Background

At the Special Meeting of Council held on 7 August 2024 it was resolved that:

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Recommendation 1 – Budget of 2024-2025

Motion 01082024

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.**

Since the adoption of the budget in August, staff have been notified by third parties of some amendments to the original budget amounts and it has been determined that a budget amendment should be approved by Council to incorporate these into the adopted budget.

Officer's Comment

Explanations for the recommended amendments are as follows:

On adoption of the budget each year, the amount of Financial Assistance and Local Roads Grants is typically unknown. A conservative approach is taken with last year's actual figures being used. Unfortunately, this year there was a deficit of \$104,925. The Department of Local Government, Sport and Cultural Industries have advised that this has occurred after every WA local government was either over or underpaid for 2023/24, resulting in a negative adjustment in our case. Advice received from the Department stated as follows:

- The 23/24 advance of 100% in June 2023 saw every local government in WA be either over or underpaid for 23/24 funding.
- The Commission was unable to recoup that over or underpayment from the 85% advance made in June 2024 for the 24/25 funding.
- Due to the Minimum Grant principle, the commission was unable to recoup any over payments from 23/24 from Minimum grant local governments, impacting the remainder of the pool.
- There was a negative \$-500,000 adjustment from the 23/24 funding, incorporated into the 24/25 funding.

- To mitigate against a large volume of overpayments, the Commission made balancing adjustments.
- In 23/24 the Commission introduced a uniform scale back, depending on where the local government was prior to this policy position will potentially see a drop in funding.

Therefore, if Council approve the recommendation, it is planned that savings will be identified in the February/March 2025 Budget Review process.

The second amendment to the budget was due to quotations being received in May 2024 from Ramped Technology for either a replacement hard drive (\$10,000) or for a new server (\$30,000). The hard drive replacement would have allowed the Shire's IT system to continue to operate in the short term, whilst the new server would have provided a better longer term solution. It was decided to go with the short term solution at the time to allow the Shire time to assess different Council software and their compatibility. Unfortunately, Ramped have now advised that the replacement hard drive is not available, so the new server has become the only solution at a cost of \$30,000. The funds will have to be transferred from the Information Technology and Office Equipment Reserve whose purpose is to fund the purchase and upgrade of computer equipment, software and office equipment.

Statutory Environment

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

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

*Absolute majority required

- (1a) In subsection (1) –
“additional purpose” means a purpose for which no expenditure estimate is included in the local government's annual budget.”

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The deficit in the Financial Assistance Grants of \$104,925 will have an impact on the 2024/25 Budget and will require further consideration of reducing Council's spending. It is recommended to achieve the best outcome, that careful consideration and assessment of spending will be required. This would be best processed through the February/March Budget Review process. Business continuity requires the purchase of the new equipment detailed in this report, and meets the purpose of the Information Technology and Office Equipment Reserve, therefore, it will require approval by Council for the transfer of \$30,000. The recommended changes to the 2024/2025 adopted budget will then ensure a balanced budget.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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 discussion with Executive Management Team and presentation of budget amendments to Council.

Strategic Community Plan Reference

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

Key Pillar: Live

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

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

Consultation

Consultation for this report included the Executive Management Team.

Voting Requirements

Absolute Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 08092024

Moved Cr Denton, seconded Cr Quick that Council:

1. **Approve the transfer of \$30,000 from GL Code 724003 Information Technology and Office Equipment Reserve (Capital Revenue) to GL Code 042202 Admin Computers (Capital Expenses) for the purpose of funding the new equipment (server), and**
2. **Approve the balancing of the 2024/25 Budget due to the deficit in the Financial Assistance Grants of \$104,925 to be part of the February/March 2025 Budget Review process.**

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

By Absolute Majority

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 DEVELOPMENT ASSESSMENT PANELS LOCAL GOVERNMENT MEMBER NOMINATION

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer
REPORT AUTHOR: Jo Scott – Executive Officer
FILE REFERENCE: TP6
APPLICANT: NA
DATE OF REPORT: 11/09/2024
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to appoint two alternate (proxy) members to the Regional Development Assessment Panel.

Background

At the 24 October 2023 Special Meeting of Council it was resolved that:

OFFICER RECOMMENDATION/COUNCIL DECISION

Motion 11102023

Moved Cr Denton, seconded Cr Johnson that the appointment of delegates to outside organisations and community groups be as follows:

GREAT SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL	Cr Johnson, Cr Casson proxies Cr Slater
--	--

Cr Slater retired from Council on 13 December 2023 and the position of proxy was left vacant.

Officer’s Comment

Development Assessment Panels (DAP) are a wholly-independent planning assessment pathway that combines technical expertise and local knowledge when considering development applications. Changes to the DAP system came into effect on 1 March 2024 and include the establishment of three panels, covering all of the State, employment of full-time specialist member, and removal of mandatory application thresholds for a completely opt-in development assessment pathway process. The Shire of Cranbrook is included in the Regional Development Assessment Panel.

Each DAP meeting is constituted by up to five DAP Members comprising three Specialist Members and two Local Government Members. Specialist Members can be either Regular Specialist Members or Sessional Specialist Members. Each local government can nominate two members and two alternative members (Proxies).

Section 25. of the *Planning and Development (Development Assessment Panels) Amendment Regulations 2024* states:

- (2) Subject to subregulation (4), the register must include, for each local government of a district for which a DAP is established, the names of 4 members of the council of the local government —
 - (a) 2 of whom must be designated as the local government DAP members for the local government; and
 - (b) 2 of whom must be designated as the alternate local government DAP members for the local government.

Currently the Shire has no alternates (proxy) for the DAP. Cr Denton and Cr Quick have expressed an interest in becoming alternates for the DAP.

Statutory Environment

Planning and Development (Development Assessment Panels) Amendment Regulations 2024
Planning and Development (Significant Development) Regulations 2024

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Unlikely

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

Risk mitigation includes appointing Council members to the Regional Development Assessment Panel.

Strategic Community Plan Reference

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

Key Pillar: Connect

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

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

Consultation

Consultation was not required for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 09092024

Moved Cr Mulcahy, seconded Cr Quick that Council:

- 1. Note that Cr Johnson and Cr Casson are the first nominated members for the Regional Development Assessment Panel, as resolved at the Special Meeting of Council held 24 October 2023; and**
- 2. Appoint Cr Denton and Cr Quick as alternate Regional Development Assessment Panel members.**

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

10.2.2	TERMS OF REFERENCE FOR THE SHIRE OF CRANBROOK'S ROADWISE WORKING GROUP
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	RO300
APPLICANT:	N/A
DATE OF REPORT:	10 September 2024
ATTACHMENTS:	Terms of Reference

Purpose

The purpose of this report is to recommend to Council the adoption of the formal “Terms of Reference” for the Shire of Cranbrook’s RoadWise Committee, and the change of name from ‘Committee’ to ‘Working Group’.

Background

The Shire of Cranbrook has been an active member of RoadWise for approximately ten years. In August 2023, the Shire was advised by the WALGA RoadWise Co-ordinator, Vivienne Gardiner, that WALGA had developed a new model called RoadWise Councils, and asked if the Shire of Cranbrook wanted to be included. She described it as follows:

RoadWise Councils is a fresh approach by WALGA to proactively engage, motivate and support Local Governments in adopting and applying policies and practices that make an effective and sustainable contribution to the achievement of National and State road safety objectives and targets.

At the Ordinary Council Meeting held on 9 February 2024, the Council accepted the invitation to become a RoadWise Council. However, the new Terms of Reference had not been approved so the old RoadWise continued to operate within the original one. The original committee, however, was not a Committee of Council, but was designated as a working group.

Officer’s Comment

The old terms of reference is basic but does align with the goals of the new RoadWise working group, and the majority of the document is suitable for the new role with the addition of:

1. The committee should be called a working group in line with other local governments and the role it plays in supporting road safety in the Shire of Cranbrook. Therefore, we recommend a change from ‘RoadWise Committee’ to ‘RoadWise Working Group’.
2. There is no mechanism included in the old document to identify the appointment of the chairperson. This is an important position so it should fall to an elected member. For this reason, the new Terms of Reference includes;

“The chairperson will be appointed by the Working Group. The role shall be selected via a nomination/voting process, which is to be undertaken at the first meeting following the local government election cycle, with expiry at the next ordinary local government election. The appointment will preside at all meetings and is responsible for the proper conduct of the group. In the absence of the chairperson or another elected member, a Shire staff member will assume the chair.”

The new Terms of Reference does make it clear that the committee/working group plays an advisory role to council only and is not delegated any decision making, these need to be progressed to staff for inclusion in the council meeting's agendas.

Statutory Environment

Local Government Act 1995.

Policy Applicable – Implications

Nil

Financial Implications

Nil

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impacts** of the risk are: People, Reputational,

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

The **likelihood** is: Possible

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

Risk mitigation includes adopting an up to date Terms of Reference for the Working Group to align with.

Strategic Community Plan Reference

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

Key Pillar: Connect

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

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

Consultation

Consultation for this report included staff, WALGA RoadWise, and Main Roads.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 10092024

Moved Cr Denton, seconded Cr Mulcahy that Council:

- 1. Approves the change of name for the Shire of Cranbrook's RoadWise Committee to Shire of Cranbrook's RoadWise Working Group, and**
- 2. Adopts the Shire of Cranbrook's RoadWise Working Group's new Terms of Reference, as attached.**

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

10.2.3	PURCHASE OF SHIRE OF CRANBROOK'S RESERVE NO 17934 – CRANBROOK CARAVAN PARK SITE
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	CP121
APPLICANT:	N/A
DATE OF REPORT:	10 September 2024
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to approve the commencement of the process to engage with the Department of Planning, Lands and Heritage (DPLH) with the intention of purchasing Reserve No 17934, being under a management order to the Shire of Cranbrook for the purpose of a caravan park. This is the location of the Cranbrook Caravan Park.



Background

The block listed above is a Reserve and under a Management Order from DPLH for the purpose of a Caravan Park. Whilst there is no restriction in terms of developing the site for that purpose, it is not possible for the Shire of Cranbrook to ever sell its investment on the site, although the Management Order does allow the leasing for a period of up to 35 years.

Officer's Comment

The Shire intends to improve the site as part of a long-term tourism strategy and the Caravan Park Master Plan will reflect this aim in its review of the Shire of Cranbrook's Community Strategic Plan. Part of the long-term strategy will be the purchase of two self-contained chalets to assist in meeting the need for both workers and tourism self-contained accommodation, and the reduction of use on the current ablution block. Council needs to decide whether the lack of freehold title and ownership by the Shire fits within this plan, or is even relevant to it.

The purchase of the land from DPLH could be expensive and if there is any issues with Native Title then I can only recommend the land remain under a Management Order. We can commence the process and then review the decision when some of these issues and costs are identified.

Statutory Environment

Local Government Act 1995 – Sect 3.58.

Policy Applicable – Implications

Nil

Financial Implications

Unable to identify the cost of purchase at this stage.

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
- Inadequate Asset Sustainability Practices

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: Medium

Risk mitigation includes seeking professional planning advice.

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 Town Planning Innovations.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 11092024

Moved Cr Denton, seconded Cr Casson that Council authorise the CEO to ascertain the costs associated with the purchase of the land, Reserve No 17934 which is the location of the Cranbrook Caravan Park, from the Department of Planning Lands and Heritage and submit a report to Council at a future meeting, for Council to make an informed decision on the purchase the land proposed in this report.

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

Impartiality Interest

Cr JA Quick

Item 10.2.4

Type: Impartiality Interest pursuant to the Shire of Cranbrook Code of Conduct for Council Members, Committee Members and Candidates

Nature: Treasurer and Casual Employee of the CRC

Cr Quick declared that she will consider this matter on its merits and vote accordingly.

10.2.4 CRANBROOK AND FRANKLAND RIVER LIBRARIES – FUNDING AGREEMENTS

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Jenny Cristinelli – Community Development Manager
FILE REFERENCE:	GO27
APPLICANT:	Nil
DATE OF REPORT:	11 September 2024
ATTACHMENTS:	1. Cranbrook Library Funding Agreement 2. Frankland River Library Funding Agreement

Purpose

The purpose of this report is for the Council to consider renewing the library funding agreements for the Cranbrook and Frankland River Libraries.

Background

At the 20 September 2023 meeting of Council, it was resolved that Council:

- 1. Endorse the funding agreements and associated funding commitments for the Gillamii Centre Inc. and Frankland River Community Resource Centre for the 2023/2024 financial year; and**
- 2. Authorise the Chief Executive Officer to execute the attached funding agreements described above.**

Officer’s Comment

It is considered best practice for all community organisations that receive funding from the Shire to have similar funding agreements that are for a set period. This enables all parties to regularly review the agreements to ensure they continue to work for both parties, as well as outlining some key performance indicators (KPI’s) to ensure the Council’s expectations are being met.

Previously the funding agreements have been in place for 3 years. The two agreements were approved at the July and September 2023 Ordinary Council meeting to be for a one-year period. This allowed the Shire of Cranbrook and the two organisations to review throughout the financial year and work towards budgeting for the 2023/2024 financial year.

The Gillamii Centre and Frankland River Community Resource received \$14,000 for the 2023/2024 financial year to operate their libraries. Before last year these library agreements have been included into the operational funding agreements that the Shire holds with each organisational provider, both parties have been working with the one-year agreement which is better suited for their operational alignment with State Library WA.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The total cost of the matters in this report are anticipated to be \$28,000 in the 2024/2025 Financial Year.

Risk Implications

The risks associated with matters in this report are:

- Misconduct
- Business and Community Disruption
- Inadequate Engagement Practices
- Inadequate Asset Sustainability Practices

The **impact** of the risk is Service Interruption, Non-Compliance and Reputational

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

The **likelihood** is Rare

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

Strategic Community Plan Reference

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

Key Pillar: Live

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

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

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

Outcome 4 - Priority Amenities: A strong knowledge base on amenity usage and asset management, and a focussed support for aged-care, youth, disabilities facilities and programs.

Deliverable 4.1: A transparent and accessible facility use analysis.

Key Pillar: Visit

Outcome 11 – Public Spaces: Celebrated main-streets and town icons which are inviting meeting places for locals and visitors.

Key Pillar: Connect

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

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

Consultation

Consultation for this report included the Shire and Gillamii Centre and Frankland River Community Resource Centre.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Motion 12092024

Moved Cr Casson, seconded Cr Denton that Council:

- 1. Endorse the attached funding agreements and associated funding commitments for the Gillamii Centre Inc and Frankland River Community Resource Centre for the 2024-2025 financial year; and**
- 2. Authorise the Chief Executive Officer to execute the attached funding agreements described above.**

CARRIED 5/0

FOR: Cr J Quick, Cr P Denton, Cr Johnson,
Cr L Casson, Cr P Mulcahy

AGAINST: Nil

10.3 WORKS

Nil

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

Nil

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

Nil

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

There being no further business to discuss, Cr Johnson as the Presiding Member declared the meeting closed at 3.19pm.