

# COUNCIL MEETING

## AGENDA



For the Ordinary Meeting of Council to be held on

**26 November 2025**

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 26 November 2025 at the Frankland River Community Centre 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.

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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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### Recording of Meetings

- All Council Meetings are digitally recorded, for audio only, and uploaded to the Shire website following the meeting, except for Confidential Agenda Items (in accordance with Section 5.23(2) of the Local Government Act 1995) which will not be uploaded to the website, in accordance with Reg 14(10) of the Local Government Administration Regulations 1996.

### Defamation – cl 14K Local Government (Administration) Regulations 1996

- (1) A local government is not liable to an action for defamation in relation to any of the following done by the local government as required or authorised under this Part —
- (a) publicly broadcasting a meeting;
  - (b) making a recording of a meeting;
  - (c) making a recording of a meeting publicly available;
  - (d) retaining a recording of a meeting or a copy of a recording;
  - (e) providing a copy of a recording of a meeting to the Departmental CEO.

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# AGENDA

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Mulcahy 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 P (Perin) Mulcahy
Deputy President	Cr DM (Daisy) Egerton-Warburton
Councillors	Cr JA (Jennifer) Quick
	Cr RW (Robert) Johnson
	Cr C (Chelsea) Lange
	Cr P (Peter) Denton
Chief Executive Officer	Ms LA (Linda) Gray
Manager of Finance	Miss CR (Chelsea) Paterson
Acting Manager of Works	Mrs SM (Stevie) Egerton-Warburton
Executive Officer	Miss JL (Jo) Scott

Members of the Public

### 2.2 APOLOGIES

### 2.3 APPROVED LEAVE OF ABSENCE

Cr G (George) Pollard has an approved leave for the November Ordinary Council Meeting.

## 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

Staff from the Frankland River Community Resource Centre will present their annual report to Council.

**7. DISCLOSURE OF INTEREST**

**8. MATTERS FOR WHICH MEETING MAY BE CLOSED**

The Meeting will be closed to discuss confidential item 13.1.

**9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**9.1 ORDINARY COUNCIL MEETING – 15 October 2025**

That the minutes from the Ordinary Meeting of Council held on 15 October 2025, be confirmed as a true and correct record.

**9.2 SPECIAL COUNCIL MEETING – 5 November 2025**

That the minutes from the Special Meeting of Council held on 5 November 2025, be confirmed as a true and correct record

## 10. REPORTS OF OFFICERS

### 10.1 CORPORATE AND COMMUNITY SERVICES

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#### 10.1.1 LIST OF PAYMENTS

<b>RESPONSIBLE OFFICER:</b>	Chelsea Paterson - Manager of Finance
<b>REPORT AUTHOR:</b>	Madeleine Hammond – Finance Officer
<b>FILE REFERENCE:</b>	FM2
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	17/11/2025
<b>ATTACHMENTS:</b>	List of Payments – 1 October 2025 to 31 October 2025

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#### **Purpose**

The purpose of this report is to advise the Council of payments made during the period 1 October 2025 to 31 October 2025.

#### **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 sub regulation (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 \$1,291,779.74 per the attachment be noted:**

- **Electronic Funds Transfers EFT 16999 to EFT 17139 - \$983,979.05 including fuel card purchases of \$787.02**
- **Cheque transfers 12294 to 12297 - \$1660.00**
- **Internal Account Transfers (Payroll) - \$243,746.64; and**
- **Direct Debit - \$62,394.05 including credit card purchases of \$2,959.39**

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**10.1.2 MONTHLY FINANCIAL REPORT – OCTOBER 2025**

<b>RESPONSIBLE OFFICER:</b>	Chelsea Paterson – Manager of Finance
<b>REPORT AUTHOR:</b>	Chelsea Paterson – Manager of Finance
<b>FILE REFERENCE:</b>	FM12
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	17 November 2025
<b>ATTACHMENTS:</b>	Financial Statements for October 2025

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**Purpose**

The purpose of this report is to present the financial position of the Shire of Cranbrook as of 31 October 2025.

**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.

**Officer’s 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 October 2025 Monthly Financial Report represents Four (4) months of the financial year. The following items are worthy of noting on the October 2025 report:

- Closing surplus position of \$3,936,466 (shown on page 2).
- Cash and cash equivalents of \$6,691,609 of which \$3,668,476 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$1,050,376 equates to 30.3% of the 2025/2026 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

### **OFFICER'S RECOMMENDATION**

**That the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 October 2025 be received.**

<b>10.1.3</b>	<b>APPLICATION FOR RATES EXEMPTION – ST JOHN SUB CENTRE, FRANKLAND RIVER</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Renee Dean – Executive Officer
<b>FILE REFERENCE:</b>	A5036
<b>APPLICANT:</b>	St John Ambulance Sub Centre, Frankland River
<b>DATE OF REPORT:</b>	31 October 2025
<b>ATTACHMENTS:</b>	Nil

### **Purpose**

The purpose of this report is for the Council to consider approving a request from St John Ambulance Australia to grant a rate exemption for 7 Frankland-Cranbrook Road, Frankland River, a freehold rural residential block of land on which the new St John Ambulance Sub Centre will be constructed.

### **Background**

A request has been received from St John Ambulance Cranbrook Sub Centre seeking an exemption from paying rates. St John are a registered charity with the Australian Charities and Not-for-Profits Commission (ACNC) with the stated purpose of advancing health and providing emergency medical and first aid services to the community. St John Ambulance is recognised by the Australian Government’s Australian Charities and Not-for-Profits Commission as being able to access tax concessions such as GST, Income Tax and FBT from their date of registration.

Under the *Local Government Act 1995*, the land in question, 7 Frankland-Cranbrook, Frankland River is required to meet the standard costs, including rates and service charges, associated with owning freehold land. However, freehold land may be exempt from rates under Section 6.26(2)(g) of the Act, where that land is used exclusively for charitable purposes.

St John have requested that Council consider granting a rate exemption based on the provisions of Section 6.26(2)(g) of the *Local Government Act 1995*, which provides that the land is used exclusively for charitable purposes for the benefit of the community. They have also requested that Council consider a back payment of rates paid for the 2025/26 financial year.

### **Officer’s Comment**

Section 6.26(2) of the *Local Government Act 1995* identifies several situations where land is not rateable. Most are clearly defined and straightforward to apply; however, the Act does not define “charitable purpose”, leaving Section 6.26(2)(g) open to interpretation.

In accordance with Council’s Policy 4.20 *Finance – Rates Exemptions for Charitable Purposes*, the key considerations when assessing an application for exemption pursuant to Section 6.26(2)(g) of the Act are:

- The use of the land, not the purpose of the applicant.
- The land must be used exclusively for a charitable purpose.
- The land use must be for public benefit, where the benefit is available to members of the public generally, or to a particular section of the public.

It should also be noted that a rates exemption under Section 6.26 applies only to rates and not to any other charges such as the Emergency Services Levy (ESL) or rubbish collection charges.

While St John Ambulance is a registered charity, it is the use of the land that determines eligibility under the Act. The land, located at 7 Frankland-Cranbrook Road, Frankland River, is currently vacant but has development approval in place to construct a new purpose built Sub Centre. Once constructed it will be used as a community ambulance and first aid centre, providing emergency medical response, volunteer training, and public health education services to the Frankland River district and surrounding areas. These activities provide a clear public benefit and are directly aligned with the charitable purpose of advancing health and relieving suffering.

The charitable purpose of St John Ambulance is well established and recognised across all Australian jurisdictions as being beneficial to the community. The use of the property for ambulance services, volunteer training, and first aid education is considered a direct charitable use of the land and therefore qualifies for exemption under Section 6.26(2)(g).

In comparison to other local governments across Western Australia, properties owned and operated by St John for the purposes of community ambulance and health services are commonly granted rate exemptions on this basis.

### **Statutory Environment**

#### **Local Government Act 1995 – Section 6.26(2)(g):**

Land used exclusively for charitable purposes is not rateable.

This provision provides local governments with discretion to determine whether the use of land qualifies as “exclusively charitable”.

The Act does not define “charitable purpose”, and therefore interpretation is guided by case law and administrative precedent.

### **Policy Applicable – Implications**

#### **Council Policy 4.20 – Finance: Rates Exemptions for Charitable Purposes**

This policy outlines the criteria for determining whether a property qualifies for rate exemption.

The primary considerations include:

- The use of the land, not the purpose of the applicant.
- The land must be used exclusively for charitable purposes.
- The use must provide a public benefit.

### **Financial Implications**

The total cost of the matters in this report is anticipated to be reduced rates income per year, currently rated at \$770 for the 2025/2026 financial year, with a refund amount of \$770 applicable. However, this amount will increase once development of the Sub Centre has occurred. There are no rubbish collection charges on this property at present, but the ESL levy applies.

### **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: Financial, 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 adhering to relevant legislation and Council policies.

### **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:

1. Approves a rate exemption for St John Ambulance Sub Centre Frankland River under Section 6.26(2)(g) of the *Local Government Act 1995*, on the basis that the property at 7 Frankland-Cranbrook Road, Frankland River is used exclusively for charitable purposes that advance health and provide public benefit; and
2. Approves the refund of rates already paid for the 2025/26 financial year for St John Ambulance Australia, totalling \$770 which does not include refunding the Emergency Services Levy.

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<b>10.1.4</b>	<b>ANNUAL REPORT 2024/2025</b>
<b>RESPONSIBLE OFFICER:</b>	Chelsea Paterson – Manager of Finance
<b>REPORT AUTHOR:</b>	Chelsea Paterson – Manager of Finance
<b>FILE REFERENCE:</b>	AD4/GO4
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	19 November 2025
<b>ATTACHMENTS:</b>	1. Report to Audit Committee 2. 2024/2025 Annual Report

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### **Purpose**

The purpose of this report is for Council to consider accepting the 2024/2025 Shire of Cranbrook Annual Report and to set a date for the Annual Electors Meeting.

### **Background**

The Annual Report has been prepared in accordance with the *Local Government Act 1995*, associated regulations, and is attached to this report.

### **Officer's Comment**

The final audited financial statements have been received from the auditor, and the formal audit exit meeting was held on 7 November 2025. In attendance at this meeting (via virtual meeting) was:

- Ms Subha Gunalan, Director Financial Audit, Office of the Auditor General;
- Mr Chris Martain, Auditor, Lincolns;
- Mr Thomas Warner, Partner, Lincolns;
- Ms Linda Gray, Chief Executive Officer;
- Ms Kerry Fisher, Chief Financial Officer and
- Miss Chelsea Paterson, Manager of Finance.

During this meeting, Mr Martain discussed the report to the audit committee for the year ended 30 June 2025, which included:

- Audit Report – the audit report had an unqualified opinion.
- Management Letter Findings – 1 Minor finding being for the Review of rates & assumptions for provision for waste rehabilitation sites. Resolved.
- Uncorrected Audit Misstatements – There was 1 Uncorrected Audit Misstatement relating to the error in CPI and discount rates applied to Waste Site Provision.
- Corrected Audit Misstatements – There were 3 Corrected Audit Misstatements, these were in relation to Grant Income received for Roads to Recovery, Year End accrual adjustments and an error in CPI and discount rates applied to Waste Site Provision.
- Issues for next year's audit –
  1. AASB 18 Presentation and Disclosure in Financial Statements, which will replace AASB 101 for not-for-profit public-sector entities from reporting periods beginning on or after 1 January 2028.
  2. From 1 July 2026, employers will be required to pay employees' superannuation contributions at the same time as salary and wages are paid, rather than quarterly.

Following the formal audit exit meeting, the Office of the Auditor General released the independent auditors' reports (included in the Annual Report document).

When considering the timing requirements to hold the annual electors' meeting described below in Statutory Environment, if the Annual Report is accepted today, the meeting needs to be held between 26 November 2025 and 21st January 2026.

### **Statutory Environment**

The *Local Government Act 1995* requires the Council to accept the Annual Report by 31 December each year unless the audit report is not available. If unable to be accepted by 31 December in any given year, then Council must accept the report within two (2) months of the audit report becoming available. The annual meeting of electors must then be held within fifty-six (56) days of Council accepting the Annual Report. A minimum of fourteen days local public notice is required of the date, time, place, and purpose of the meeting.

### **Policy Applicable – Implications**

Council Policy 1.1 'Electors Meeting' states:

'The Annual Electors' meeting will be held within 56 days of receiving the Annual Financial Report. The annual electors' meeting venue will alternate between the Cranbrook and Frankland River town-sites as follows;

2024/2025 Annual Report	Frankland River
2025/2026 Annual Report	Cranbrook
2026/2027 Annual Report	Frankland River
2027/2028 Annual Report	Cranbrook

The previous Annual Electors Meeting was held on 20 November 2024 in Cranbrook.

The time and date proposed for the Electors Meeting is Wednesday, 17 December 2025 at 5pm. It is recommended that the location of the Electors Meeting be changed to Cranbrook this year, this will fall in line with the scheduled December Ordinary Council Meeting in Cranbrook and will enable both meetings to be held on the same date in the same location.

Electors are required to provide the Chief Executive Officer with their questions in writing no later than one week prior to the Annual Electors Meeting to enable staff to research the matter if required.

### **Financial Implications**

There are no financial implications for this report. The Annual Report contains the annual financial statements for 2024/2025, illustrating the Council's financial performance for this period.

### **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
- Ineffective Employment Practices

The **impacts** of the risk are: Financial, Reputational.

The **consequences** of these risks are considered to be: Extreme.

The **likelihood** is: Unlikely

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

Risk mitigation includes ensuring staff have appropriate skills, training and security access levels for financial transactions, and by implementing recommendations from the auditor.

### **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***

### **AUDIT COMMITTEE RECOMMENDATION**

**That the Audit Committee recommends to the Council:**

- 1. Accept the attached 2024/2025 Shire of Cranbrook Annual Report;**
- 2. Approve the change on location from Frankland River to Cranbrook for the Electors Meeting as set out in Policy 1.1 ‘Electors Meetings’; and**
- 3. Approve the date for the Electors Meeting be held on Wednesday, 17 December 2025 at 5pm in the Cranbrook Council Chambers.**

## 10.2 GOVERNANCE AND EXECUTIVE SERVICES

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### 10.2.1 BUSHFIRE ADVISORY COMMITTEE DRAFT MINUTES 30 SEPTEMBER 2025

<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Jo Scott – Executive Officer
<b>FILE REFERENCE:</b>	BF1
<b>APPLICANT:</b>	Shire of Cranbrook Bushfire Advisory Committee
<b>DATE OF REPORT:</b>	8 October 2025
<b>ATTACHMENTS:</b>	Bushfire Advisory Committee Draft Minutes

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#### **Purpose**

The purpose of this report to present to Council the minutes of the Bushfire Advisory Committee (BFAC) held on 30 September 2025 for consideration.

#### **Background**

The BFAC meets biannually in March/April and September/October and consists of representatives from each of the 12 local brigades, the Chief Bushfire Control Officer (CBFCO), two Deputy Chief Bushfire Control Officer's (DCBFCO), the Base Radio Operator and a nominated Shire Councillor. Representatives from the Shire of Cranbrook, the Department of Biodiversity, Conservation and Attractions and the Department of Fire and Emergency Services (DFES) also attend the meetings as observers and administration support.

#### **Officer's Comment**

The BFAC held their Meeting on 30 September 2025 at the Frankland River Community Resource Centre, the minutes of the meeting are attached. The meeting proposed that:

**“The BFAC recommended that the Shire of Cranbrook allow Permits to Burn the Bush be issued to vineyards during the Prohibited Fire Period during November for the purpose of Frost Mitigation. Fires must be managed as per permits and be fully extinguished by 9AM the following day”**

**Moved: Graeme Marshall**

**Seconded: Peter Ettridge**

**All in favour: Approved unanimously**

And;

**“That -**

- 1. Western Power be asked to review their new methodology and assess all their drop fuse power poles as high risk, and***
- 2. Western Power conduct risk mitigation work on each high risk pole. This may include the spraying below each pole or placing gravel or alternatively simply replacing the drop fuse with the new model.”***

**Moved: Charlie Russell**

**Seconded: Steve King**

**All in favour: Unanimously**

And;

“That-

*The water stored at the Cranbrook Airstrip and the Cranbrook Works Depot is set aside for emergency management only, and can only be accessed for that purpose.”*

Moved: Jamie Clime                      Seconded: Matt Reed

All in favour: Unanimously

### Statutory Environment

Part 5, Section 67.4c of the Bush Fires Act 1954, states that:

“(4) A committee appointed under this section —

- (c) is answerable to the local government and shall, as and when required by the local government, report fully on its activities.”

### Policy Applicable – Implications

Council Policy 6.0 Bushfire Control is 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 Failure to fulfil statutory, regulatory or compliance requirements.

**The impact** of these risks is Non-Compliance

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

**The likelihood** is Unlikely

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

Risk mitigation includes the existence of an effective BFAC together with support from the Council.

### Strategic Community Plan Reference

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

**Outcome 15 – Proactive People:** A community which capitalises on its youthful intellect and stretches interactions wider than the community residing in the region.

**Deliverable 15.1:** A self-empowered Community Advisory Team with specific terms of reference, deliverables, support and budget to achieve success.

**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 was undertaken with the Bushfire Advisory Committee at its General Meeting held on 30 September 2025.

## **Voting Requirements**

Simple Majority

## **BFAC COMMITTEE RECOMMENDATION**

**That Council:**

- 1. Note the Minutes of the Bushfire Advisory Committee held on 30 September 2025.**
- 2. Approve the BFAC recommendation, that the Shire of Cranbrook allow Permits to Burn the Bush be issued to vineyards during the Prohibited Burning Period during the month of November for the purpose of Frost Mitigation. Fires must be managed as per permit conditions and be fully extinguished by 9AM the following day; and**
- 3. Request the Chief Executive Officer to contact Western Power to:**
  - a. Ask that they review their new methodology and assess all their drop fuse power poles as high risk, and**
  - b. Conduct risk mitigation work on each high risk pole. This may include the spraying below each pole or placing gravel or alternatively simply replacing the drop fuse with the new model; and**
- 4. That the water stored at the Cranbrook Airstrip and the Cranbrook Works Depot is set aside for emergency management only, and can only be accessed for that purpose.**

<b>10.2.2</b>	<b>GREAT SOUTHERN TREASURES MEMORANDUM OF UNDERSTANDING – 2026 TO 2029</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Jenny Cristinelli – Community Development Manager
<b>FILE REFERENCE:</b>	ED8
<b>APPLICANT:</b>	NA
<b>DATE OF REPORT:</b>	18 November 2025
<b>ATTACHMENTS:</b>	1. Lumenesse Marketing Report Bloom Festival 2025

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### **Purpose**

The purpose of this report is for Council to consider supporting the Great Southern Treasures' (GST) Memorandum of Understanding (MOU) for a further period of three financial years commencing 2026/2027.

### **Background**

At the 17 February 2021 meeting of Council, it was resolved that Council:

- 1. Endorse the attached Great Southern Treasures Memorandum of Understanding.**
- 2. Approve the subscription costs of \$11,000pa for the years 2021/2022 to 2023/2024 to become a paying Council Member of the Great Southern Treasures and refer this to the draft 2021/2022 draft budget; and**
- 3. Monitor the annual performance of the Great Southern Treasures in terms of value for money and the associated increases in tourist activity in the Shire of Cranbrook.**

Great Southern Treasures (GST) is a regional tourism organisation representing 19 inland rural towns and communities across the Upper Great Southern. The organisation's primary purpose is to strengthen the regional tourism brand and increase awareness of the Great Southern's assets and experiences at local, state, national and international levels.

GST's mission is to collectively plan, coordinate and promote tourism assets, experiences and events across participating Member Councils, with the aim of developing a cohesive and strategic approach to tourism marketing and development throughout the region.

Eight (8) Member Councils of the Great Southern region, including the Shire of Cranbrook, have expressed interest in continuing their partnership with GST through a Memorandum of Understanding (MOU). The MOU provides a framework for collaboration between the Councils and GST to support coordinated regional tourism initiatives and strategic promotion.

The purpose of the MOU is to continue the partnership and collaboration of the participating local governments and to further the following shared objectives:

- Maximise the economic return from tourism and visitor activity across participating local governments.
- Promote and develop the tourism assets and attractions within the participating regions.
- Cooperate and engage in tourism matters that affect the local communities and the wider region.
- Support and nurture partnerships with industry stakeholders to strengthen the regional tourism sector.

The proposed term of the MOU is three (3) years, commencing on 1 July 2026. Member Councils are to review the MOU not more than twelve (12) months and not less than six (6) months prior to its expiration to determine its effectiveness and consider renewal or amendment.

Each Member Council is to appoint the Chief Executive Officer, or the CEOs nominated representative, to the GST Membership Committee and to delegate such powers to the representatives as are required to give effect to the MOU and the Operating Guidelines.

The MOU states that Member Councils agree to commit to the term (3yrs) of the MOU. If a Member Council of the Great Southern Treasures wishes to no longer participate, that Council must give twelve (12) months written notice to the other Member Councils at the commencement (first month) of the final year of the MOU. Notwithstanding withdrawing from the GST Membership Committee that Council shall still be liable for its contribution to all costs as per the Cost Schedule for the duration of the Notice Period (12 months).

The annual subscription (12 months) for Member Councils is for the life of the MOU (ex GST). Subscriptions will be reviewed at the end of the MOU by Member Councils. Subscription costs are as follows:

- Member Council - Tier 1 (under 1000 population) \$7,000 pa
- Member Council - Tier 2 (1001 – 2000 population) \$13,000 pa
- Member Council - Tier 3 (2001 plus population) \$20,000 pa

The Shire of Cranbrook is recognised as a Tier 2 Council.

#### **Officer's Comment**

The GST has demonstrated strong outcomes in recent years, with a notable increase in community events occurring throughout the current three-year term. In 2025, **seventy plus events** across the GST catchment were promoted, all attracting high levels of attendance. During this period, the Shire of Cranbrook has also experienced growth in tourist activity.

The annual Bloom Festival, held each September and October, continues to draw increasing numbers of visitors to the region. GST engaged Lumenesse & Co to conduct the marketing campaign. The campaign achieved a record 1.4 million views across Facebook and Instagram from July – October 2025 and reached over 344,000 people via paid digital advertising from August to October 2025.

The **GST 2024–2026 strategic plan and operating guidelines** are currently under review. Given the Shire of Cranbrook's limited internal resources to promote tourism, there is an opportunity to leverage regional partnerships and work collaboratively with other GST members to enhance tourism outcomes.

Gathering statistical data in relation to caravan park usage, is a process to establish visitors staying within the area. Data collation is limited to finance income and RMS (caravan park booking system) reports. Frankland River Caravan Park RMS system was implemented on the 24 September 2025. The Cranbrook Caravan Park continues to utilise RMS system. The following is a breakdown to view visitor numbers via guests staying within the Shire Caravan Parks, and some financial income and expense information.

September	Income 2024	Expenses 2024	Income 2025	Expenses 2025	Visitors 2024	Visitors 2025
Cranbrook Caravan Park	\$5,019.00	\$17,717.00	\$8,432.00	\$15,803.00	98	143
Frankland River Caravan Park	\$5,364.00	\$7,568.00	\$6,389.00	\$8,036.00	No RMS	32 24/09

October	Income 2024	Expenses 2024	Income 2025	Expenses 2025	Visitors 2024	Visitors 2025
Cranbrook Caravan Park	\$7,932.00	\$18,818.00	\$8,774.00	\$25,499.00	102	98
Frankland River Caravan Park	\$6,674.00	\$13,337.00	\$10,111.00	\$14,231.00	No RMS	76

The importance of continued collaboration between all stakeholders cannot be understated. Strengthening these partnerships will support the Shire’s broader strategic objectives and ensure that tourism development aligns with community expectations and long-term planning outcomes.

**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**

***Budget 2025/2026***

The total cost of the matters in this report is anticipated to be \$15,000 and will be, placed within Tourism and Area Promotion within the 2025/2026 financial budget.

**Risk Implications**

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Inadequate Document Management Processes
- Inadequate Engagement Practices
- Inadequate Asset Sustainability Practices
- Inadequate Supplier/Contract Management

The **impacts** of the risk are People, Financial, Service Interruption, Property,

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

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:

**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: Work**

**Outcome 5 – Business Engagement:** A resilient, knowledgeable and networked local business sector.

**Deliverable 5.1:** An accessible data-base of businesses in and around the region.

**Outcome 6 – Stimulated Economy:** A strong relationship between our business community and the Shire.

**Deliverable 6.2:** Advanced local regulation which has encouraged start-up or expansion and diversity of local business.

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

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

**Key Pillar: Visit**

**Outcome 9 – Experiences:** A well-defined and celebrated community activity program for locals and visitors.

**Deliverable 9.2:** A stimulus into arts and culture participation.

**Outcome 10 – Tourism:** A strong positioning as a destination for external visitors.

**Deliverable 10.1:** A unique, well-known, regarded, accessible and measured tourism destination across the Shire of Cranbrook.

**Outcome 12 – Brand:** A growing distinguishable regional brand.

**Deliverable 12.1:** A defined brand which is translated consistently across the region and is celebrated as a community.

**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 Shire of Cranbrook CEO, Community Development Manager, Great Southern Treasures Tourism Manager and the current regional Shire's CEO group.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**That Council:**

- A. Support the Memorandum of Understanding between Great Southern Treasures for the period 2026 - 2029;**
- B. Approve the subscription costs of up to \$15,000pa to be included within the 2026/2027 budget.**
- C. Monitor the annual performance of the Great Southern Treasures in terms of value for money and the associated increases in tourist activity in the Shire of Cranbrook.**

<b>10.2.3</b>	<b>TENTERDEN HALL AND TENTERDEN FIRE STATION – TENTERDEN AGRICULTURAL INSTITUTE INC. AND TENTERDEN VOLUNTEER BUSH FIRE BRIGADE MEMORANDUM OF UNDERSTANDING</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Jenny Cristinelli – Community Development Manager
<b>FILE REFERENCE:</b>	R29057, GO28
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	13 November 2025
<b>ATTACHMENTS:</b>	Memorandum of Understanding

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### **Purpose**

The purpose of this report is for Council to consider approving the updated Memorandum of Understanding (MOU) between the Shire of Cranbrook and the Tenterden Agricultural Institute (TAI) and Tenterden Volunteer Bush Fire Brigade, as the existing 2006 MOU is now outdated and no longer reflects current management arrangements or the Shire’s approach to consistency across facility use agreements.

### **Background**

The Shire of Cranbrook entered a Memorandum of Understanding (MOU) with the Tenterden Agricultural Institute Inc. in 2006 to outline the respective responsibilities for the management, maintenance, and use of the Tenterden Hall and associated facilities.

A review of Shire records indicates that this MOU has not been reviewed or amended since its original signing. The Tenterden Agricultural Institute Inc. has recently approached the Shire to propose a review of the document to ensure that current management practices and responsibilities relating to the Tenterden Hall and Tenterden Fire Station are accurately captured within an updated agreement.

Since the adoption of the 2006 MOU, changes have occurred to the management structure of the Institute and to the Shire’s broader approach to facility use agreements. The Shire is working towards achieving consistency, equity, and transparency across all community partnership agreements, and updating the MOU with the Tenterden Agricultural Institute aligns with this objective.

### **Officer’s Comment**

The 2006 MOU between the Shire of Cranbrook and the Tenterden Agricultural Institute is now outdated both in form and content. The document refers to management and operational processes that are no longer applicable and lacks alignment with the Shire’s current framework for facility use and partnership agreements.

Updating the MOU will ensure consistency with other facility use MOUs and agreements across the Shire. Clarify the responsibilities of both the Shire and the Tenterden Agricultural Institute regarding maintenance, access and use. Reflect current management arrangements and strengthen the partnership between the Shire and the Institute by providing clear, modern governance framework.

### **Statutory Environment**

There is no specific legislation applicable to this report.

### **Policy Applicable – Implications**

Council Policy 7.1 Community Facilities and Equipment – Usage, relates to this report.

### **Financial Implications**

The financial implications with this item will be met from the existing Building Maintenance Budget allocation within the 2025 – 2026 annual budget. No additional is required.

### **Risk Implications**

The risks associated with matters in this report are:

- Business and Community Disruption
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Inadequate Document Management Processes
- Inadequate Engagement Practices
- Inadequate Asset Sustainability Practices
- Inadequate Project/Change Management
- Ineffective Management of Facilities/Venues/Events

The **impacts** of the risk are Financial, Service Interruption, 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 having an Memorandum of Understanding in place with Tenterden Agricultural Institute.

### **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 3 - Health:** A well-defined primary and emergency health positioning, focussed attention on mental health and proactive leadership on next-frontier health provisions.

**Deliverable 3.1:** A well-defined health positioning, formed of strong partnerships, alliances and volunteerism.

**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 4.2:** An ideal service provision for aged-care, youth and people living with a disability.

#### **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 Community Development Manager and representatives from Tenterden Agricultural Institute committee.

**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**That Council approve the attached Memorandum of Understanding between the Shire of Cranbrook and Tenterden Agricultural Institute Inc. and Tenterden Volunteer Bush Fire Brigade.**

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<b>10.2.4</b>	<b>CRANBROOK AND FRANKLAND RIVER LIBRARIES – FUNDING AGREEMENTS</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Jenny Cristinelli – Community Development Manager
<b>FILE REFERENCE:</b>	GO27
<b>APPLICANT:</b>	Nil
<b>DATE OF REPORT:</b>	7 November 2025
<b>ATTACHMENTS:</b>	1. Cranbrook Library Funding Agreement 2. Frankland River Library Funding Agreement

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### **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 18 September 2024 meeting of Council, it was resolved 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.**

### **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 separation into two agreements was approved at the July and September 2023 Ordinary Council meeting to be for a one-year period.

The Gillamii Centre and Frankland River Community Resource received \$14,000 for the 2024/2025 financial year to operate their libraries. These library agreements have in past, 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 is anticipated to be \$28,000 in the 2025/2026 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, Gillamii Centre and Frankland River Community Resource Centre.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

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 2025-2026 financial year; and
2. Authorise the Chief Executive Officer to execute the attached funding agreements described above.

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<b>10.2.5</b>	<b>POLICY REVIEW – POLICY 1.5 ELECTED MEMBER INDUCTION AND CONTINUED PROFESSIONAL DEVELOPMENT</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Jo Scott – Executive Officer
<b>FILE REFERENCE:</b>	GO17
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	17 November 2025
<b>ATTACHMENTS:</b>	Policy 1.5 – Elected Member Induction and Continued Professional Development

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### **Purpose**

The purpose of this report is for Council to consider adopting reviewed Policy 1.5 – Elected Member Induction and Continued Professional Development.

### **Background**

The Local Government Act 1995 states:

- (1) A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members. \* Absolute majority required.*
- (2) A local government may amend\* the policy. \* Absolute majority required.*
- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) The CEO must publish an up-to-date version of the policy on the local government’s official website.*
- (5) A local government –
  - (a) must review the policy after each ordinary election; and*
  - (b) may review the policy at any other time.**

### **Officer’s Comment**

The ordinary Local Government Elections were held on 18 October 2025, the Shire of Cranbrook was not required to hold an election due to receiving the same number of nominations as vacancies.

### **Statutory Environment**

Section 5.128 of the of the Local Government Act 1995 states that:

- (5) A local government –
  - (a) must review the policy after each ordinary election; and*
  - (b) may review the policy at any other time.**

### **Policy Applicable – Implications**

Council Policy 1.5 applies to this report.

### **Financial Implications**

There are no financial implications for this report.

### **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: Rare

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

Risk mitigation includes reviewing Council Policy 1.5 after each Local Government Election and Annually as a part of the Policy Manual review.

### **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***

### **AUDIT COMMITTEE RECOMMENDATION**

**That Council adopts reviewed Policy 1.5 Elected Member Induction and Continued Professional Development.**

<b>10.2.6</b>	<b>PROPOSED PLANTATION – LOT 12667 (No 7691) MUIR HIGHWAY, FRANKLAND RIVER</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Liz Bushby – Town Planning Innovations
<b>FILE REFERENCE:</b>	A68
<b>APPLICANT:</b>	Lunzy Custodian Pty Ltd
<b>DATE OF REPORT:</b>	21 November 2025
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Development Application Map (May 2025)</li> <li>2. Forest Management Plan</li> <li>3. Land Capability Assessment by Richard Harper</li> <li>4. Land Capability Assessment by Landloch (for Shire)</li> <li>5. Comparison Priority Agriculture map and Soil Map</li> <li>6. Review of Pine Plantation by DR Ruprecht</li> <li>7. Peer Review report by Jim Davies (for Shire)</li> <li>8. Local Environmental benefits Report by Ian Dumbrell</li> <li>9. Fire Management Plan</li> </ol>
<b>TABLES:</b>	<ol style="list-style-type: none"> <li>1. Compartment sizes</li> <li>2. Timber Code of Practice (assessment)</li> <li>3. Scheme Requirements (Clause 5.20 assessment)</li> <li>4. State Planning Policy 2.5 (assessment)</li> <li>5. Local Planning Policy No 1 (assessment)</li> <li>6. Policy Variation (assessment)</li> <li>7. Summary of DFES comments</li> </ol>

### **Purpose**

The purpose of this report is for the Council to re-consider an application for a plantation on Lot 12667 (No 7691) Muir Highway, Frankland River.

### **Background**

- ***Summary and SAT Application***

The original application was advertised for public comment. No public objections were received however comments were provided by the Department of Fire and Emergency Services (DFES), Department of Water, Environment and Regulation (DWER), Department of Biodiversity, Conservation and Attractions (DBCA) and Main Roads WA (MRWA).

The original application was considered by Council at the Special Council Meeting held on the 24 September 2024. It was refused by Council for the following reasons:

1. The proposal does not comply with the Western Australian Commission 'State Planning Policy 2.5 Rural Planning' dated December 2016 as the lot is identified as 'priority agricultural land' in mapping contained in the Lower Great Southern Strategy.

Clause 5.6(b) of State Planning Policy 2.5 states that tree farming should generally not occur on priority agricultural land. This is consistent with the Lower Great Southern Strategy which recognises farm forestry can result in long term land use change and can compete with food production land uses on priority agricultural land.

2. The application does not comply with the Shire of Cranbrook Local Planning Policy No 1 as required under Clause 5.20 a)(viii) of the Shire of Cranbrook Town Planning Scheme No 4.

The application does not demonstrate to the Council's satisfaction that there are exceptional circumstances that warrant a variation in accordance with Clause 10.1.1 of the Local Planning Policy.

3. The Forest Management Plan lodged with this development application does not have a high level of compliance with the Timber Code of Practice in accordance with Clauses 5.20 a)(i) and 5.20 a)(ii) of the Shire of Cranbrook Town Planning Scheme No 4, or the Shires Local Planning Policy No 1.

There are no specific clear enforceable measurable actions or triggers that can be achieved comprehensively through implementation of the Forest Management Plan.

4. The application lacks the level of certainty that would be required for ongoing implementation of a valid planning consent, and does not substantially address the issues raised in public submissions (including nutrient management, water quality and adequate driveway design for future harvesting).

The applicant subsequently lodged an application for a review of the Council's decision to the State Administrative Tribunal (SAT). Shire representatives have attended mediation sessions as part of the SAT process. All discussions held at mediation are confidential and have therefore not been referred to in this report.

SAT invited Council to reconsider the original decision by the 27 February 2025.

A revised application was considered by Council at the Ordinary Council Meeting held on the 19 February 2025. Council resolved to:

- A. Reconsider the application for a plantation on Lot 12667 (No 7691) Muir Highway, Frankland River, and vary the decision made at the ordinary meeting held on the 24 September 2024 by refusing the application for the following modified reasons:

1. The proposal does not comply with the Western Australian Commission 'State Planning Policy 2.5 Rural Planning' dated December 2016 as the lot is identified as 'priority agricultural land' in mapping contained in the Lower Great Southern Strategy.

Clause 5.6(b) of State Planning Policy 2.5 states that tree farming should generally not occur on priority agricultural land. This is consistent with the Lower Great Southern Strategy which recognises farm forestry can result in long term land use change and can compete with food production land uses on priority agricultural land.

2. The application does not comply with the Shire of Cranbrook Local Planning Policy No 1 as required under Clause 5.20 a)(viii) of the Shire of Cranbrook Town Planning Scheme No 4.

The application does not demonstrate to the Council's satisfaction that there are exceptional circumstances that warrant a variation in accordance with Clause 10.1.1 of the Local Planning Policy.

3. The application lacks some certainty that would be required for ongoing implementation of a valid planning consent, and does not address all of the issues raised in public submissions (including aspects of nutrient management, protection of water quality, with revegetation, and adequate driveway design for future harvesting).

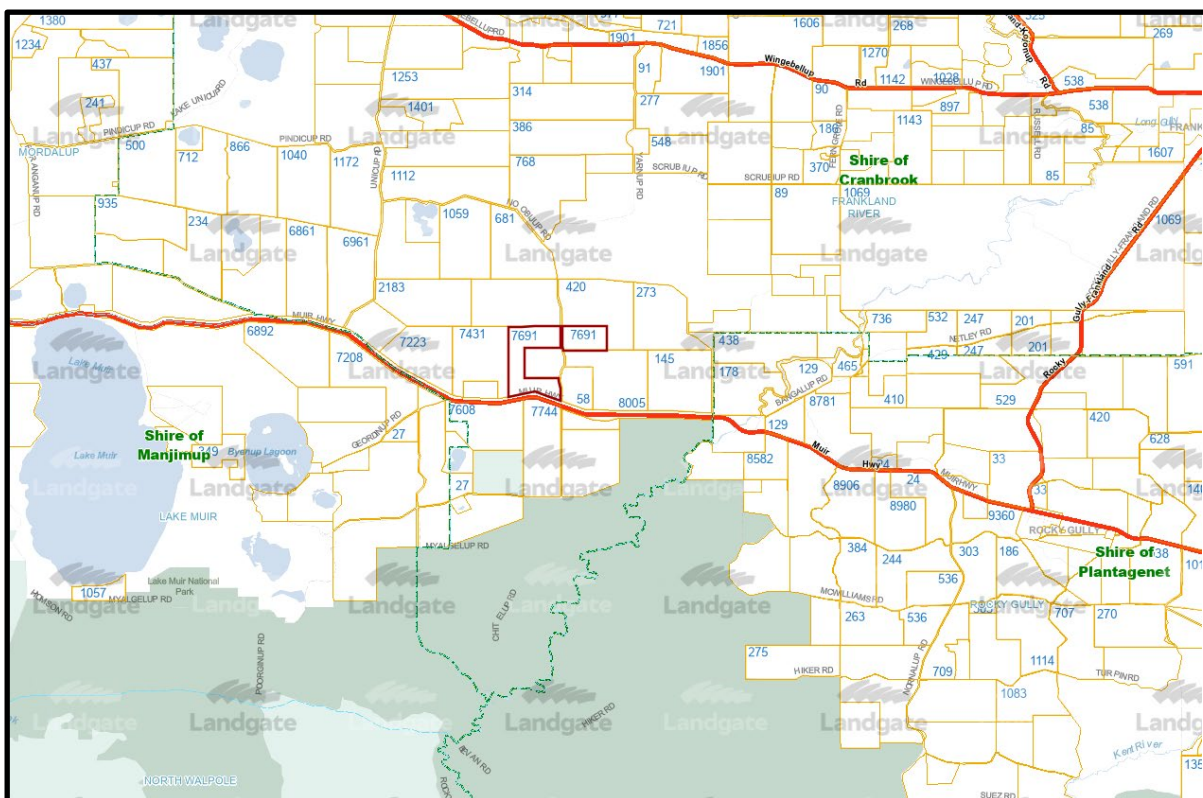
There is a current SAT Order inviting Council to reconsider the original decision by the 26 November 2025.

If the SAT matter remains unresolved, then it is likely the matter will go to a full hearing, unless the applicant withdraws their SAT application. The Shire would then need to engage expert witnesses to participate in future hearing procedures.

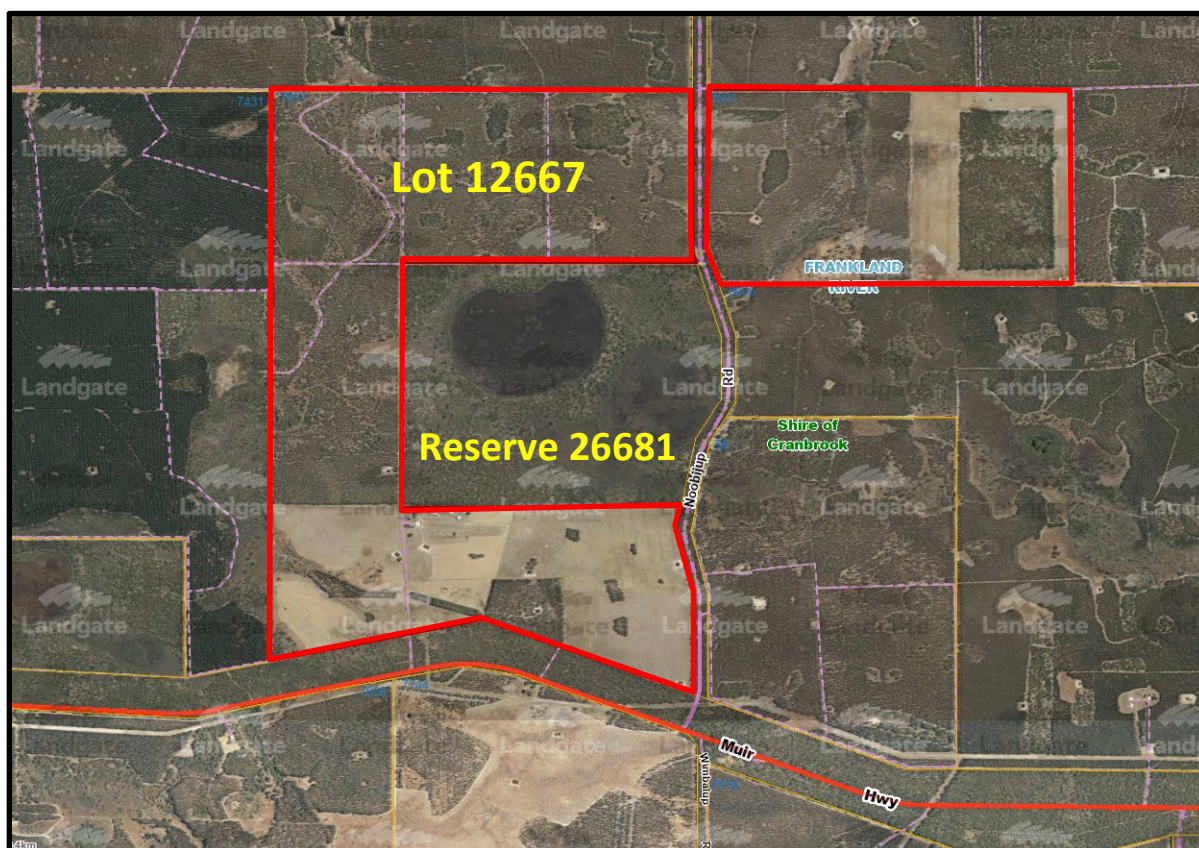
- **Location and Lot Details**

Frankland River townsite is located at the intersection of Rocky Gully - Frankland Road, Wingebellup Road and Frankland-Cranbrook Road. Lot 12667 is located approximately 36.5 kilometres south west of Frankland River townsite, and approximately 18 kilometres to the west of Rocky Gully via Muir Highway.

A location plan is included below. The lot has an area of 474.8493 hectares.



An aerial is included below.



Above: Aerial Plan outlining lot in red

The lot is located in the southern portion of the Shire of Cranbrook, near the local government borders shared with the Shire of Manjumup and the Shire of Plantagenet.

- **Background Context / Historic Land Uses**

The applicant has advised that:

*'The subject land was formerly a blue gum plantation. This plantation was established back in the mid 1990's, prior to the current Planning Scheme being gazetted in 2004. This plantation occupied approximately 80% of the property for purpose of tree farm.*

*This tree farm was harvested in approximately 2016, so 8 years ago. In the intervening time, the land has been used once again for grazing of livestock and some cropping.*

*Allowing for a period of rest between rotations is accepted agricultural practice however we concur 8 years is too long to rely on the non-conforming use provisions of the Scheme which do allow for uses established prior to the Scheme being gazetted to continue.*

*This said, this former tree farm use for over 20+ years, on 80% of the property, demonstrates several key factors relevant to this application:*

- *Tree farm is not a permanent land use change away from cropping and grazing.*
- *The subject land is suited to broadacre tree farm agriculture.'*

Even prior to the current Shire of Cranbrook Town Planning Scheme No 4 (the Scheme), when plantations did not need planning approval, the Shire has had extensive records of plantations in archival minutes. Based on the historical minutes, TPI's experience is that new plantations were recorded by the Shire.

The Shire has no record of any plantation on the property, however it is accepted that the lot has historically been developed for plantation use.

Any historical plantation on the lot occurred prior to current statutory planning controls.

**Officer's Comment**

- ***Description of Application***

The Development Application Map divides the lot into different compartments which is summarised in Table 1. The current Development Application Map (May 2025) is included as Attachment 1.

<b>Table 1</b>	
<b>Compartment Number</b>	<b>Compartment Area in hectares</b>
1	17.8 ha
2	17 ha
3	22.4 ha
4	13.7 ha
5	16 ha
6	28.3 ha
7	27.4 ha
8	23.1 ha
9	12.2 ha
10	10.9 ha
11	29.6 ha
12	18.7 ha
13	23.1 ha
14	29.1 ha
15	9.9 ha
16	14.9 ha
17	20.7 ha
18	27.4 ha
<b>Total Compartment Area</b>	<b>362.2 hectares</b>

The application proposes to plant a softwood pine plantation using *Pinus radiata*.

- **Forest Management Plan**

The Forest Management Plan that was considered by Council in February 2025 has been modified through SAT Orders – refer Attachment 2.

The Forest Management Plan is still improved from the original version as it has:

- Commitment to quarterly inspections;
- Clearer wording around the need for remediation where any issues are identified, and where any activities (eg feral pigs) have potential to impact on neighbours;
- Recognition that increased inspections may need to be implemented for ongoing management;
- Statements that the applicant will liaise with affected landowners or relevant state government bodies in the event that any pine tree spread occurs;
- Recognition of the need to maintain good communication with neighbours and the Shire, and that any property management issues can traverse lot boundaries;
- Acknowledged that the Shire expects quarterly inspections to be conducted by employees of Delta Forestry, and not contractors;
- Six metre buffers (or greater as they are measured from the top of the bank) to drainage lines and 30 metre buffer to watercourses, where no broadcast fertiliser will be applied.

The current Forest Management Plan has not retained all of the improvements as per the version that was considered by Council in February 2025 as the following has been deleted:

- a) An attachment / check list of items to be checked for inspection such as fire breaks, water levels in dams, evidence of any animals etc.
- b) Commitment to making inspection reports available to the Shire in the event of any complaint and/or for compliance.

If the application is supported by Council a condition can be imposed to require a revised Forest Management Plan that reinstates a detailed inspection checklist, making inspection reports available to the Shire and to update the Plantation Map so it includes revegetation (noting revegetation is shown on the Development Application plan dated May 2025).

TPI would conditionally support a revised Management Plan that aligns better with the Timber of Code of Practice and the Shires Local Planning Policy No 1 which states that '*Any Management Plan must include:*

- 1. Clear, regular scheduled and mandatory inspections;*
- 2. A rigorous ongoing maintenance regime with identifiable triggers, clear maintenance actions and measurable outcomes (particularly for weed control, vermin control, feral animal control and general pest control);*
- 3. A procedure to notify neighbours in writing prior to any proposed spraying.*
- 4. A complaint handling procedure'*

The current Forest Management Plan does not specifically include the complaints handling procedure, but refers to Delta Forestry having their own complaints handling procedure.

If the Forest Management Plan is amended to include a checklist and commitment to provide inspection reports to the Shire to respond to any complaints, TPI would consider this sufficient.

• **Assessment of Forest Management Plan against the Timber Code of Practice**

<b>Table 2</b>	
<b>Timber Code of Practice, Second Edition 2014</b>	
<b>Appendix 1 Protocols for Management Plans</b>	<b>TPI Comment</b>
<p>A Plantation Management Plan may include the following:</p> <ul style="list-style-type: none"> <li>- A plantation map</li> <li>- An establishment plan</li> <li>- A maintenance plan</li> <li>- A fire management plan</li> </ul>	<p>An improved Forest Management Plan has been lodged, with more regular inspections, clearer buffers to waterways/drainage lines; commitment to record keeping; quarterly inspections and reference to more inspections as required.</p> <p>An improved Fire Management Plan has also been lodged.</p>
<b>Plantation Management Plan, 3.0 Plantation Establishment Plan</b>	
3.3 Control of Vermin and declared weeds	<p>There is a clearer inspection schedule, commitment to neighbour communication and recognition of the need to undertake pest management where it has potential to impact on neighbours.</p> <p>There is also recognition that additional inspections may need to be implemented for any specific ongoing pest management.</p>
3.6 Direction of Planting Lines	States it will follow contours and planting liens will be 4 metres apart.
3.7 Description of soil preparation methods	States that will be rip mound to 1 metre and includes a table describing the fertilisers and chemicals to be used.
<b>Plantation Management Plan, 4.0 Plantation 'Tending' (Maintenance) Plan</b>	
4.1 Grazing Strategy	No grazing is proposed and relies on spraying or weed control,
4.4 Weed Management	There is clearer information on weed control and commitment to quarterly inspections.

TPI is of the view that the current Forest Management Plan can still be improved, however this can be achieved through conditions.

- **Zoning and Land Use Permissibility**

The lot is zoned Rural under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme').

Under Clause 4.2 of the Scheme the objectives of the Rural zone are:

- a) To ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.
- b) To provide for intensive agricultural use in suitable areas.
- c) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- d) To allow for facilities for tourists and travellers, and for recreation uses.
- e) To help protect rural land from land degradation and further loss of biodiversity by:
  - minimising clearing of remnant vegetation encouraging retention and protection of remnant vegetation
  - encouraging development and protection of vegetation corridors
  - encouraging development of sustainable surface and sub-surface drainage works
  - encouraging rehabilitation of salt-affected land
  - encouraging soil conservation through land management measures
  - encouraging identification and protection of wetlands.
- f) To promote the sustainable management of natural resources, and the prevention of land degradation.
- g) To have regard to use of adjoining land at the interface of the rural zone with other zones to avoid adverse effects on local amenities.

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary and/or requires advertising).

The proposed land use is construed as a 'plantation'. A plantation is defined in the Scheme as '*has the same meaning as in the Code of Practice for Timber Plantations in Western Australia (1997) published by the Department of Conservation and Land Management and the Australian Forest Growers*'.

A new Timber of Code of Practice, Second Edition 2014 has been published. TPI has been unable to source the 1997 version, however the current Timber Code of Practice defines a plantation as: '*a stand of trees of ten hectares (or as defined by the Local Government Authority), or larger, that has been established by sowing or planting of either native or exotic tree species selected and managed intensively for their commercial and/or environmental benefits. A plantation includes roads, tracks, and firebreaks.*'

A plantation is listed as a 'D' use in the Rural zone under Table 1: Zoning Table. TPI is of the view that the fact that it is listed as a use which Council has discretion to consider in a Rural zone, means that the Scheme contemplates that the use may be compatible with the Rural zone.

• **Specific Scheme Requirements**

Clause 5.20 of the Scheme outlines specific provisions for plantations and agroforestry, as summarised in the table below:

<b>Table 3</b>		
<b>Item</b>	<b>Requirement</b>	<b>TPI Comment</b>
Clause 5.20 a) of the Scheme states that applications for the development of agroforestry and plantations are to be determined by the local government having regard to:		
Clause 5.20 a) (i)	The Code of Practice for Timber Plantations in WA	Conditionally Complies.  The Code of Practice is orientated towards plantations to be harvested, and outlines the need for a plantation management plan to address issues such as weed control.  The applicant has lodged a revised Forest Management Plan which is conditionally supported by TPI.
Clause 5.20 a) (ii)	Submission of plantation management plan in accordance with the protocol in the Code of Practice	Conditionally Complies.  The applicant has lodged a revised Forest Management Plan which is conditionally supported by TPI.
Clause 5.20 a) (iii)	The need to encourage the commercial production of trees which is of significance to the national, regional and local economy.	This is a statement.  The application complies with this clause of the Shires Scheme.
Clause 5.20 a) (iv)	The benefits of agroforestry and plantations in addressing land degradation including soil erosion and salinity.	Environmental Benefits are discussed separately in this report.  TPI accepts the applicants view that there are environmental benefits associated with the plantation.
Clause 5.20 a) (v)	The role of agroforestry and plantations in protecting water quality and preventing adverse effects on ground water re-charge.	DWER has highlighted the importance of managing potential impacts on water resources as the property contains a significant water course which drains into Lake Muir and RAMSAR Byenup Lagoon System.  DWER also advises that the "C" shaped lot bounds the surface water body Cobertup Swamps, which are part of the Byenup Lagoon System wetland in the Directory of Important Wetlands of Australia (DIWA), and these are also RAMSAR-listed wetlands.  The revised Development Application Plan (in Attachment 1) proposes to exclude a minimum 6 metre 'buffer' to drainage lines and 30 metre

		<p>'buffer' to waterways from the application of fertilisers.</p> <p>The buffers have been supported by the Shire.</p>
Clause 5.20 a) (vi)	The location of the land in relation to land zoned for residential, industrial, commercial uses.	The lot is surrounded by rural zoned land.
Clause 5.20 a) (vii)	The suitability of the current and future road systems.	<p>The applicant has resolved this issue by providing additional information on a driveway design, which has been supported by Main Roads WA.</p> <p>If the application is approved, a condition can be imposed to require a future harvesting plan.</p>
Clause 5.20 a) (viii)	Any Local Planning Policy adopted by the local government.	<p>There is a general presumption against 'whole of lot' plantations in the Rural zone under the Shires Local Planning Policy, unless a proponent can demonstrate to the Council's satisfaction that there are exceptional circumstances that warrant a variation in accordance with Clause 10.1.1.</p> <p>This is discussed in more detail under the Local Planning Policy assessment in this report.</p>
Clause 5.20 a) (ix)	Any objective of the Rural zone under Part 4.	<p>The Shires scheme has a Rural zone objective '<i>to ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.</i>'</p> <p>Council has discretion to approve the application, however will need to consider additional information lodged by the applicant.</p>

• **Additional Information (Applicants Land Capability Assessment)**

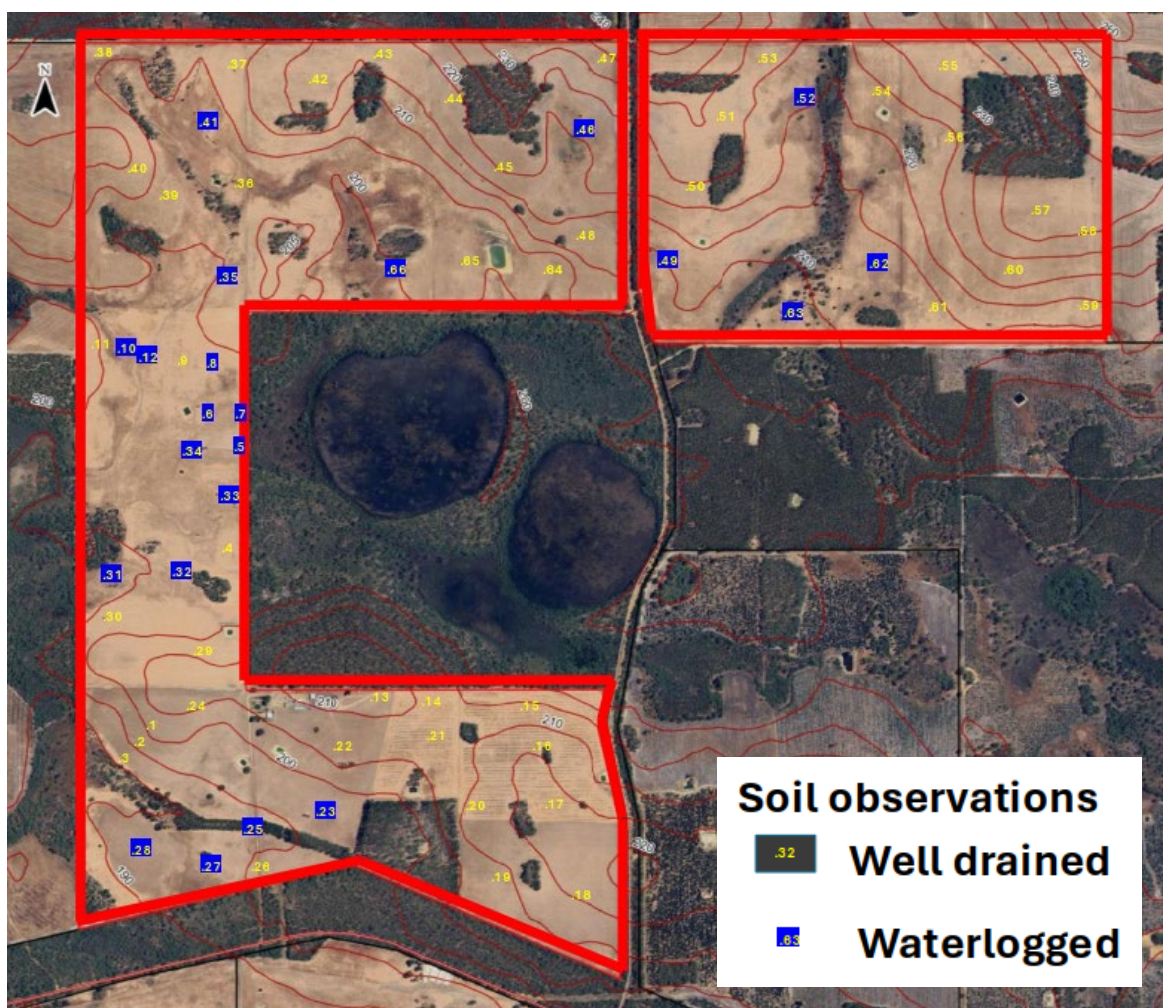
The applicant has lodged a Land Capability Assessment by Mr Richard Harper dated 15 October 2025 – Attachment 3.

In summary, the applicants Land Capability Assessment identifies:

- a. There are clear issues with the WAPC Priority Agricultural Land classification, and using regional mapping for decision making on specific farms is inappropriate.
- b. The areas classified as Priority Agricultural Land in the Lower Great Southern Strategy 2016 are based on two DPIRD soil landscape mapping units. Unit F4 comprises approximately 64% of the total area defined as Priority Agricultural land. The DPIRD soil landscape describes a large portion (43%) of F4 as having wet and waterlogged soils.
- c. The report assessed published data sets, on site observations, 67 observation points and 31 soil samples analysed for soil salinity.
- d. Priority agricultural land is defined in this region as having an annual rainfall greater than 700mm. It is unclear if the WAPC 700mm annual rainfall is valid for this property given there is an ongoing decline of rainfall in the south-west of WA.
- e. The source of the 700mm rainfall used in regional mapping is unclear.

- f. The property is considered suitable for dryland farming enterprises (crops and pasture) as with other farms in the surrounding district.
- g. The major limitation for land use is seasonal waterlogging in low lying areas. At one waterlogged site (Site 63), deemed as Priority Agricultural Land, there was an impenetrable humus/iron hardpan.
- h. In terms of other limitations, there were no recorded occurrences of soil salinity (eg in surface soils), with two small outcrops of basement (granite and dolerite bedrock).
- i. Intensive Agriculture (fruit and vegetable production) is emphasised as a feature of Priority Agricultural Land under WAPC State Planning Policy 2.5. Intensive agricultural production is not feasible on the property as it will require irrigation to overcome a summer water deficit.
- j. Groundwater salinity data from DWER bore database shows values that are too saline for irrigation.

Mr Harpers soil observations are summarised in the map below.



TPI agrees that a site specific Land Capability Assessment is more reliable than broader state planning mapping, noting that a Land Capability report is specifically mentioned in the Shires Local Planning Policy No 1.

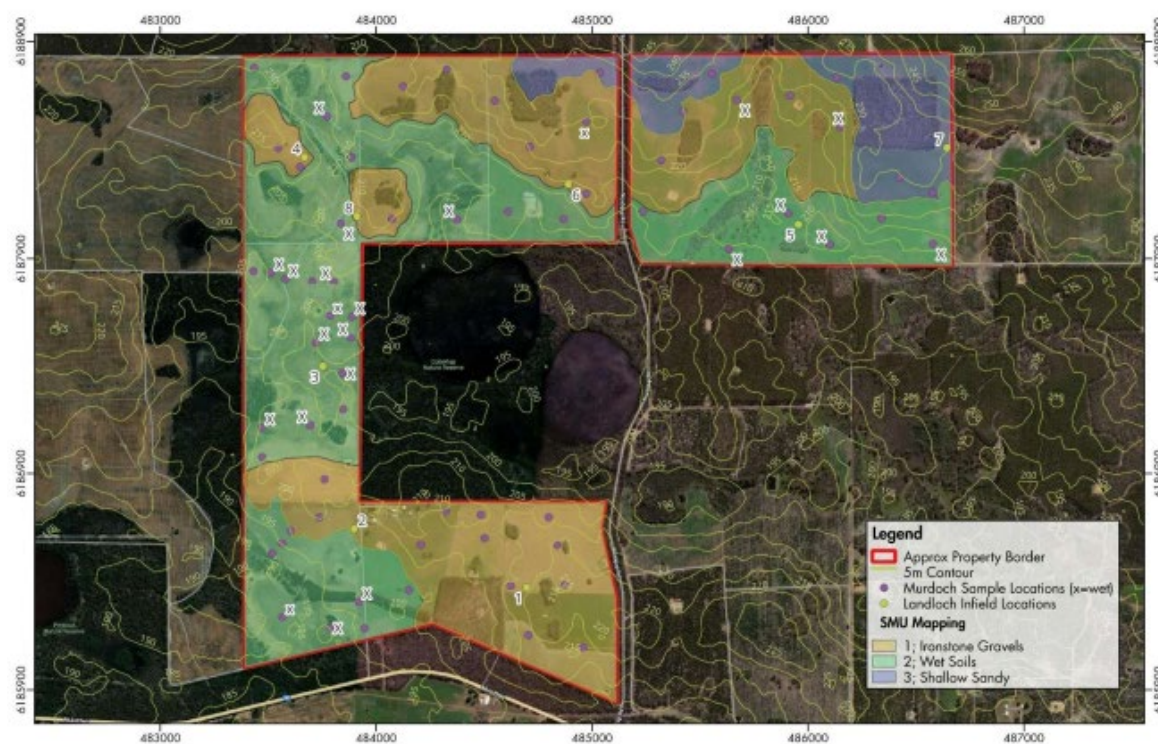
TPI also agrees that parts of the lot are waterlogged (in wetter months) as evident through an on site inspection on the 16 September 2025.

• **Additional Information (Shire's Land Capability Assessment)**

The Shire engaged Landloch to prepare an independent Land Capability Assessment – Attachment 4.

The Shire's Land Capability Assessment is summarised below:

- Five Land Capability Assessment class ratings are used ranging from 'No 1. Very High' to 'No 5. Very Low' for each land use being considered.
- A 'No 1. Very High Capability' Class has very few limitations with a negligible risk of land degradation.
- A 'No 5. Very Low' Class rating represents severe limitations with the use usually prohibitive in terms of development costs or the associated risk of degradation.
- The four land uses considered include grazing, perennial horticulture, dryland cropping and pine plantation.
- The desktop data review identifies a dominance of the Frankland Hills 4 subsystem, consisting of poorly drained flats, foot slopes including swamp depressions within the Study Area/lot (2005 Tonebridge-Frankland soil survey).
- Landloch investigated and took soil samples from 8 sites. A total of 32 samples were collected across 8 sites. Soil testing was done by a laboratory.
- The three dominant Soil Mapping Units are Ironside Gravel Soils (42%), Wet Soils (48%), and Shallow Sandy Soils (10%). These are represented in the figure below:



- The Ironside Gravel Soils (42%) have a Class 2 (high) capability class for all four land uses. This indicates the Ironside Gravel Soils are generally well suited to agriculture and horticulture.
- The Wet Soils (48%) have varying capability classes ranging from 3 (fair) for grazing to 5 (very low) for perennial horticulture and dryland crossing. Landloch state that the dominant constraints relate to poor drainage, seasonal to prolonged waterlogging, and restricted effective rooting depth, all of which limit agricultural and horticultural suitability.

- For the Wet Soils area, Landloch identifies additional limitations including elevated phosphorus export risk, reduced soil workability, low trafficability, and moderate salinity hazard in some subsoil layers. Whilst they consider grazing feasible with controlled stocking and season management, they identify more intensive land uses such as perennial horticulture and broadacre cropping unsuitable.
- Landloch identify the Shallow Sands as having a 'No 2 High' land capability rating for perennial horticulture to '5. Low' for dryland cropping, but the Shallow Sands soil only represents 10% of the lot area.

• **TPI Comment on High Priority Agricultural Land**

The Shire has two detailed Land Capability Assessments for Lot 12667, which are supported with soil testing, site inspection observations and photographs.

Some of the lot may be highly suitable for agricultural land uses, but the evidence does not support the lot as being Priority Agricultural Land. TPI has formed the view that whilst parts of Lot 12667 may be good agricultural land, it is not Priority Agricultural Land.

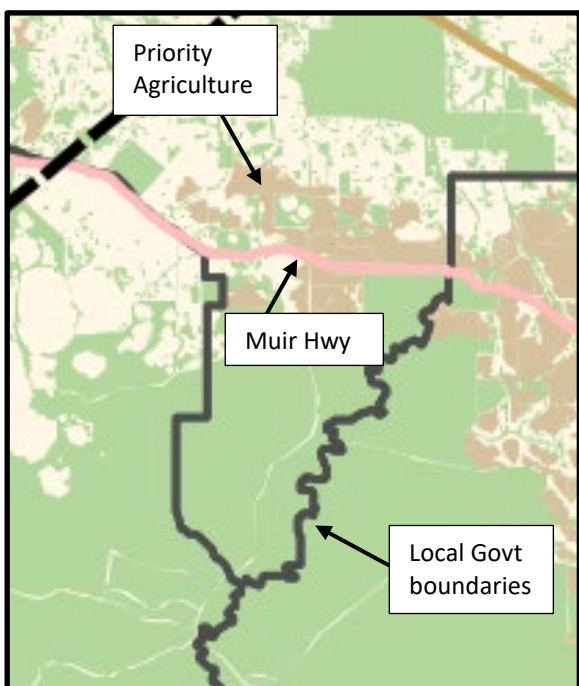
None of Lot 12667 was classified as 'Class 1 No 1 Very High' in the Landloch Land Capability Assessment.

The amount of Wet Soils (48%) is dominant in the Landloch mapping. There are some consistencies between the Land Capability Assessment by Mr Harper and the Landloch report, as both reference seasonal waterlogging as being a constraint.

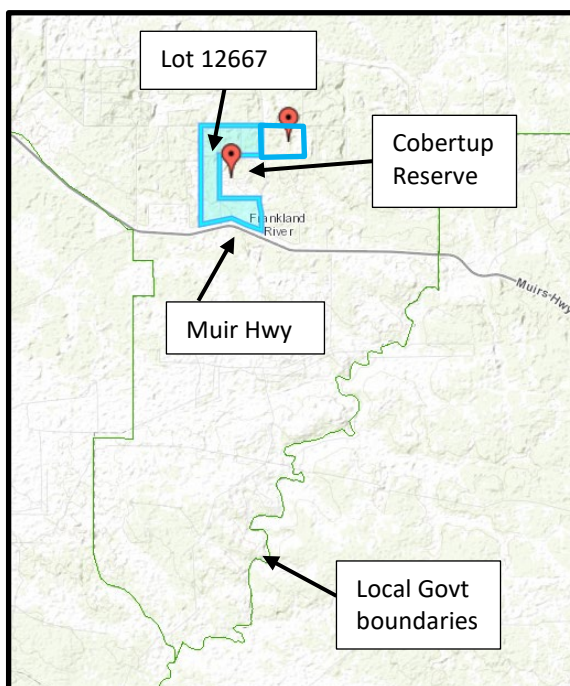
• **State Planning Policy 2.5 Rural Planning and the Lower Great Southern Strategy**

The intent of State Planning Policy 2.5 (SPP2.5) is *'to protect and preserve Western Australia's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. Ensuring broad compatibility between land uses is essential to delivering this outcome.'*

There is a map of 'Priority Agriculture Land' attached to a Western Australian Planning Commission Fact Sheet on Tree Farms. An extract of that map is included below next to a location plan showing Lot 12667. The light brown/faun colour represents the 'Priority Agricultural Land'.



Above: WAPC Map

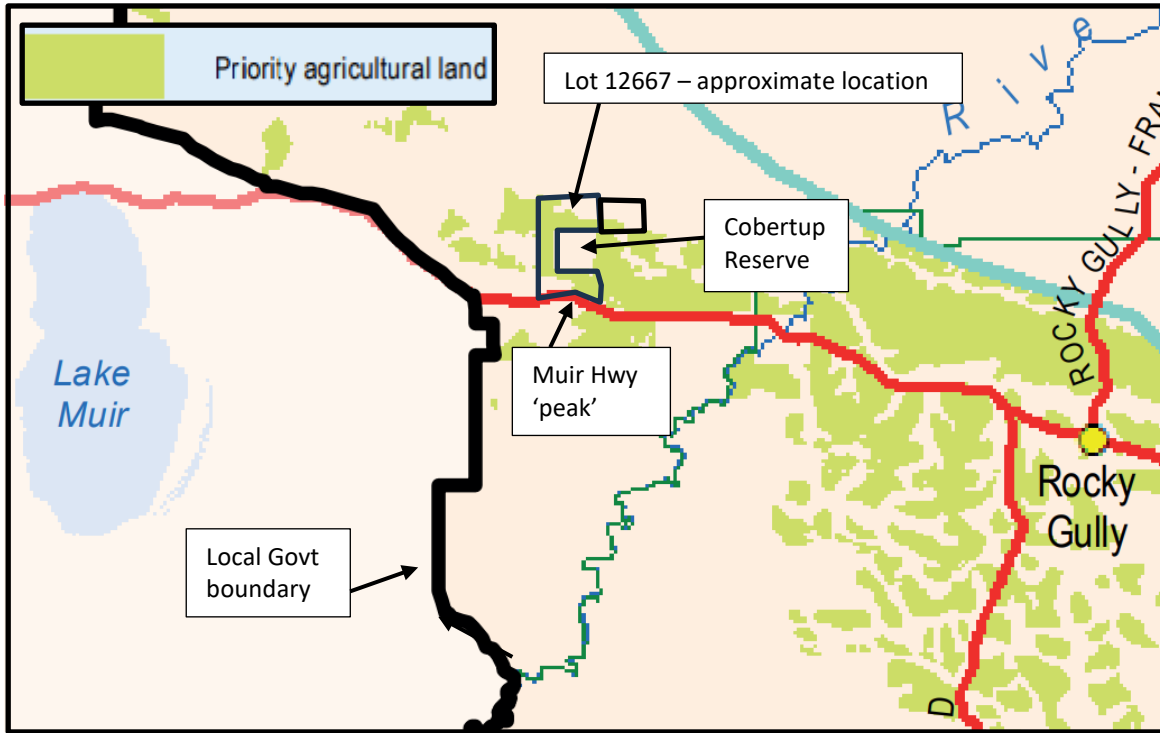


Above: Location map showing lot in blue

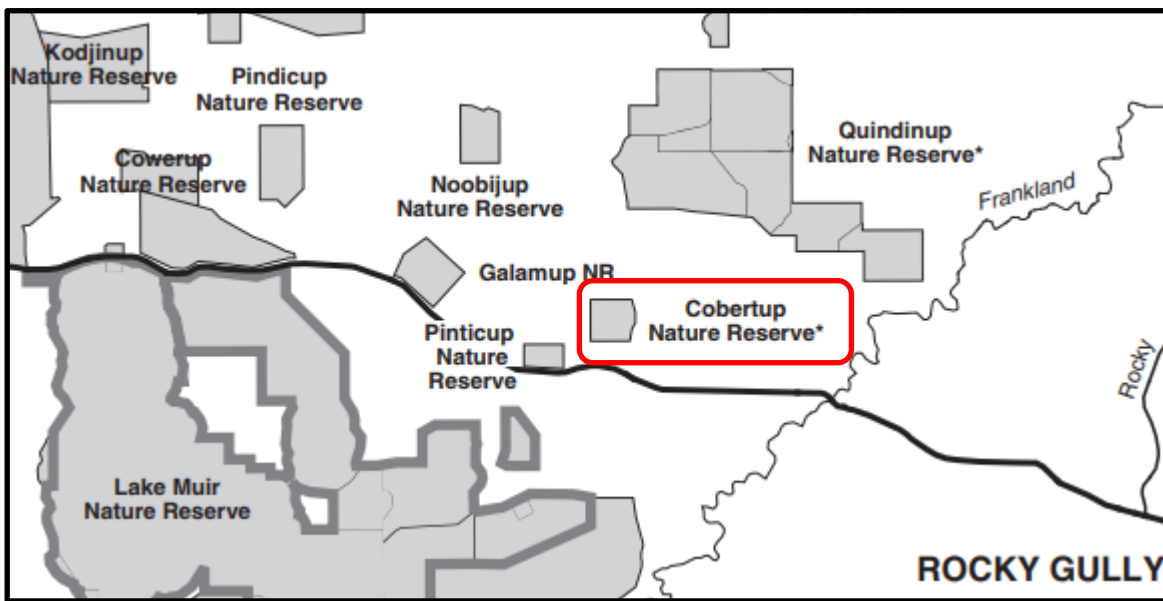
The map showing 'Priority Agricultural Land' that is attached to the Western Australian Planning Commission (WAPC) Fact Sheet on Tree Farms, is based on a map contained in the WAPC Lower Great Southern Strategy.

On this map (below) from the WAPC Lower Great Southern Strategy the 'Priority Agricultural Land' is shown in green.

Whilst it is difficult to identify individual lots on the map, it is clear that at least parts of Lot 12667 are identified as 'Priority Agricultural Land'.



Above: WAPC Map with TPI notes. Source: Lower Great Southern Strategy



Above: Map showing local reserves  
Source: Issues paper on 'Parks and reserves of lake Muir, Perup, Kingston, Tone and Unicup area

Clause 5.6 (b) of State Planning Policy 2.5 (SPP2.5) states that:

***‘tree farming should generally not occur on priority agricultural land’.***  
***Bold for emphasis.***

Recognition that forestry should not occur on ‘Priority Agricultural Land’ is also reflected in the WAPC Lower Great Southern Strategy which states that:

*‘From 1988 to the mid-2000s, there was rapid growth in the plantation timber industry in the higher rainfall belt of the Great Southern region.*

*This growth resulted in changes to the landscape, transport usage and rural populations in the Lower Great Southern.*

*More recently farm forestry production has declined following issues with investment schemes: however, there are signs that the industry is stabilising in the region. In addition carbon sequestration plantations may increase into the future.*

*This land use can have impacts from a visual landscape perspective, **can result in long term land use change and can compete with food production land uses on priority agricultural land.** As such **there remains a need for State and local planning to manage tree plantations through policies, strategies and schemes.***

***Bold for emphasis.***

Both State Planning Policy 2.5 and the Lower Great Southern Strategy recognise the need to protect ‘priority agricultural land’ for food production.

There is a ‘Section 5.6 – Tree Farming’ under the current State Planning Policy 2.5 (SPP2.5) produced by the WA Planning Commission as summarised below.

Table 4 – SPP 2.5 Assessment		
Item	Requirement	TPI Comment / Compliance
5.6	The WAPC policy in regard to tree farming is:	
(a)	tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;	<p>Lot 12667 is identified as ‘Priority Agricultural Land’ under SPP2.5 and the Lower Great Southern Strategy.</p> <p>TPI does not consider that the lot is Priority Agricultural Land based on the two detailed Land Capability Assessments for Lot 12667.</p> <p>Some of the areas identified as ‘Priority Agricultural Land’ in regional mapping, are also identified as being affected by wet soils in the Landloch mapping – Refer Attachment 5.</p> <p>It is therefore considered that the application complies with SPP2.5.</p>

(b)	tree farming should generally not occur on priority agricultural land;	Complies.
(c)	tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;	A plantation is not a permitted use under the Scheme. It is a land use where Council has discretion to approve or refuse an application.
(d)	local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;	The Scheme makes reference to a Local Planning Policy for plantations.  The application has been assessed in accordance with the Shires Local Planning Policy.
(e)	in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge, visual landscape impacts, transport impacts of tree farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses;	TPI conditionally supports the revised management plans. It is recognised that plantations, by their very nature, will result in increased vegetation and fuel (in terms of bushfire).
(f)	where tree farm proposals are integrated with farm management for the purpose of natural resource management and occupy no more than 10 per cent of the farm, the proposal should not require local government development approval; and	This is not applicable as the proposed plantation area exceeds 10%. Not Applicable.
(g)	the establishment of tree farms does not warrant the creation of new or smaller rural lots.	Statement only.

SPP2.5 sets out the WA Planning Commissions Policy and it is 'higher up' in the hierarchy of planning documents than the Shires Local Planning Policy. This means SAT is likely to give SPP2.5 greater weight.

- **Additional Information (Local Environmental Benefits reports)**

In support of seeking a variation to the Shires Local Planning Policy No 1, the applicant has lodged a 'Review of Proposed Pine Plantation' report by Dr Ruprecht (Western Land and Water Consulting) which looks at local environmental benefits– Attachment 6.

The report cites that the main threats to the Cobertup Reserve are runoff from the northern boundary providing extra nutrients on the clay flat with considerable weed invasion due to the clearing on adjoining lands.

It states that the environmental benefits of the plantation over a well-managed agricultural property will be:

- Benefit 1: The plantation is expected to significantly mitigate salinity affected areas and reduce the risk of increased salt affected areas across the property.
- Benefit 2: The plantation is likely to inhibit any further increase in stream salinity. He says that *'The plantation proposed on the property will significantly reduce any current and potential increase in stream salinity for the creek in the western edge of the property that then discharges across Muir Highway, for the proposed pine plantation compared to a well-managed agricultural.'*
- Benefit 3: The plantation is expected to reduce the nutrient discharge from the property to the Cobertup Nature Reserve, which in turn will reduce the likelihood of algal blooms or eutrophication of the waterbodies in the nature reserve. However, as the dominant nutrient flow into the Cobertup Nature Reserve is from the north-eastern catchment outside of the property the change in nutrients is expected to be small.

With respect to disbenefits, the Ruprecht Report says that there is likely to be reduced inflow from the property with the proposed pine plantation, compared to a well-managed agricultural property, but this reduced inflow is considered very minor due to the dominant inflow coming from the catchment to the north east.

As the catchment for the eastern wetland part of Cobertup Swamp is nearly all outside of the proposed pine plantation, it is independent of any land use change on Lot 12667. Therefore, any change in the water table on Lot 12667 as part of the pine plantation development is not considered to have a significant impact on the Cobertup Swamp.

The Shire engaged a consultant (Jim Davies) to review the report prepared by Dr Ruprecht (Western Land and Water Consulting) – Attachment 7.

The Davies review does not directly dispute any of the environmental benefits of a pine plantation, and states that *'the report is a well-presented summary of the South-West WA experience and research into dryland salinity since the 1980's, including the significant contribution by the author.'*

However, Davies says that the report does not adequately address declining annual rainfall associated with climate change. He argues that the concerns *'about the rapidly expanding areas of agricultural land in SW WA being affected by dryland salinity, has now largely evaporated due to decreasing annual rainfall, and has been replaced by a growing concern about declining water resources'* due to higher temperatures and reduced rainfall.

The consequence from Mr Davies' perspective is that the benefits of the plantation are probably overstated because:

1. Benefit 1 is no longer considered a major issue.
2. Benefit 2 is reduced because the streamflow may well have already reduced or ceased altogether under current lower rainfall regimes, and will likely only reduce/cease altogether in future during the projected life of a plantation to say 2050.
3. Benefit 3 is reduced because the streamflow may well have already reduced or ceased altogether under current lower rainfall regimes, and will likely only reduce/cease altogether in future during the projected life of a plantation to say 2050.

The Davies review cites that the largest environmental issue is climate change and a drying climate – he expresses a view that further weight should have been given to these factors. TPI does not consider that long term impacts of climate change formed part of the 'scope of works' provided for the applicant to address.

The Davies review states that:

*'In my opinion, with the projected reduced rainfall in future years this century, the water balance of Lot 12667 will be significantly changed – perhaps more so than by any change of land use from dryland agriculture to pine plantation'.*

In support of seeking a variation to the Shires Local Planning Policy No 1, the applicant has also lodged a Local Environmental Benefits Report (LEBR) by Ian Dumbrell – Attachment 8.

The LEBR:

- Compares nutrient inputs for fertilisers, herbicides and chemicals for the different land uses;
- Notes that a 30 metre buffer to creeklines will be implemented for a pine plantation, and fertiliser will not be used within 6 metres of any drainage lines, whereas current farming practices may allow potential for nutrients to be directly applied to water courses.

The LEBR Identifies that environmental benefits of the pine plantation includes:

1. Lower fertiliser inputs over the 30 year rotation than a well managed farm, reducing the risk of excessive nutrient loads to groundwater and water streams.
2. Initial reduction of recharge beneath the pine plantation (until established) with deep rooted trees. Fertilizer will be prevented from reaching the groundwater through both stopping water flow and extraction of nutrients from depth.
3. Maintenance and revegetation of stream and drainage lines will improve mitigation measures to prevent the potential of fertiliser and pesticides being deposited directly into water courses or any overland movement of nutrients into water courses.
4. Water quality on and leaving the property will likely improve with the pine plantation with a lower risk of excessive nutrients entering aquatic systems.
5. The application of herbicides once every 30 years for pine plantations does not contribute to the development of herbicide resistance in target species, which is becoming increasingly problematic in well managed farming systems. The inputs of herbicides for a pine plantation are slightly better than in terms of total and types, reducing the risk of groundwater and surface water contamination.

6. No fungicides are used in pine plantations, however may be used for a well managed farming system.

TPI accepts the applicants reports on environmental benefits on face value, as they have not been actively disputed by the Davies review (completed for the Shire).

TPI is of the view that revegetation along water courses, implementation of buffers and better water quality are clearly environmental benefits associated with the pine plantation, especially given the proximity to Cobertup Reserve.

• **Shire of Cranbrook Local Planning Policy No 1 – Plantations (LPP 1)**

The Shires’ Local Planning Policy No 1 is not a part of the Scheme and does not bind Council in respect of any application for planning approval, however Council is to have ‘due regard’ to the provisions of the policy and the objectives which the policy is designed to achieve before making its determination.

The Policy objectives are aimed at supporting continuing traditional agricultural activities such as cropping, grazing and food production as the predominant use in the Rural zone, consistent with the planning framework’s underlying theme to protect productive agricultural land.

Notably, an objective of the Policy is *‘To actively oppose the use of farm lots or an entire lot area for plantations (particularly where it contains a dwelling) unless the applicant has clearly demonstrated extenuating circumstances or provided significant justification warranting support for a variation to any aspect of the Policy’.*

The Policy states that there is a general presumption against ‘whole of lot’ plantations in the Rural zone, unless a proponent can demonstrate to the Council’s satisfaction that there are exceptional circumstances that warrant a variation in accordance with Clause 10.1.1.

The main requirements of Clause 10.1 of LPP1 are summarised in the table below.

<b>Table 5 – LPP 1 Assessment</b>	
<b>Policy Requirement</b>	<b>TPI Comment</b>
<p><b>10.1 Continuing agricultural activities</b> The policy is aimed at ensuring traditional agricultural activities such as cropping, grazing and food production remain the predominant land use with agroforestry or plantations as an ancillary and complementary use.</p>	<p>Variation sought.</p> <p>The applicant is seeking to plant a ‘whole lot’ area as plantation.</p> <p>Planting on Lot 12667 equates to 76% of the lot area.</p> <p>It is clear that the planting areas proposed on the lot will not be integrated with broad acre agriculture, are well in excess of the policy guide of 30%, and will not enable the lot to continue to be used for broad acre traditional agricultural purposes such as food production.</p>

<p><b>10.2 Location and compatibility with adjacent land uses</b></p> <p>The policy recognises that there should be separation to residential and rural residential zones, as well as premises which are sensitive to chemical spraying.</p>	<p>Surrounded by rural land, crown reserves, vegetated areas and some wetlands. There are water bodies in the vicinity of the lot that are sensitive to chemicals, fertilisers and nutrients.</p> <p>TPI is of the view that there is potential for land use conflict if the proposed plantation is not well managed.</p> <p>Despite the above, the revised Management Plan better demonstrates that it could be compatible with all surrounding land uses.</p> <p>The new proposal that includes revegetation of creek lines and buffers will increase mitigation.</p>
<p><b>10.3 Environmental benefits</b></p> <p>There are already broad environmental benefits associated with plantations and the policy lists more specific examples of environmental matters that will be taken into account such as mitigating salinity, creating vegetation links / corridors, using local native plantings to protect water courses.</p>	<p>Clause 10.3 outlines that <i>'Council will have positive regard for any specific local environmental benefits to the development land'</i>.</p> <p>TPI accepts the environmental benefits outlined by the applicant, and supported by two consultant reports.</p>
<p><b>10.4 Code of Practice for Timber Plantations in Western Australia (as amended)</b></p> <p>This Policy does not attempt to reiterate all of the requirements in the Codes of Practice however they should be addressed by each applicant.</p>	<p>The revised Forest Management Plan is improved and conditionally supported (at an officer level).</p>
<p><b>10.5 Fire Management Plans</b></p> <p>The policy seeks to outline minimum requirements for fire management plans and ensure that they are comprehensive. It also requires FMP to be compiled by a qualified fire consultant as many are compiled by consultants who do not have fire expertise.</p>	<p>The revised Fire Management Plan is improved and conditionally supported (at an officer level).</p>
<p><b>10.5.1 Bushfire Attack Level (BAL) Assessment</b></p> <p>Relevant to this application, the Policy requires a BAL for any existing habitable dwelling.</p>	<p>The applicant has lodged a BAL for the dwelling on Lot 12667.</p> <p>TPI generally supports the BAL.</p>

<p><b>10.6 Water Quality and buffers to water bodies</b></p> <p>The Policy recommends buffers a minimum buffer of 30 metres to permanent water streams where the landowner uses a combination of practices to protect water quality.</p> <p>Reduced buffers can be considered where (for example):</p> <ul style="list-style-type: none"> <li>- Development will result in significant revegetation of creek lines using local endemic species.</li> <li>- The applicant demonstrates environmental benefits</li> </ul>	<p>The applicant has included a new map showing the buffers to drainage lines and waterways.</p> <p>A 6 metre buffer is proposed to drainage lines and 30 metre buffer to waterways.</p> <p>Revegetation along a creekline to link native vegetation corridors is supported.</p>
<p><b>10.7 Plantation Management Plan</b></p>	<p>The revised Forest Management Plan is improved and conditionally supported (at an officer level).</p>
<p><b>10.8 The suitability of the current and future road systems (for harvesting only).</b></p>	<p>The access design for the property has been resolved and Main Roads WA now supports the application.</p>

The applicant is seeking a variation to the Shires Local Planning Policy No 1. The Policy states that *‘Council will have regard for any specific circumstances where a variation to this criteria 10.1 may be warranted, however in those cases the onus will be on the applicant to demonstrate the particular merits of a proposal or justification for an assessment on a ‘whole lot’ basis’.*

<p style="text-align: center;"><b>Table 6</b></p>	
<p><b>Clause 10.1 - Policy Variation Assessment</b></p>	<p><b>TPI Comment</b></p>
<p>The Policy states that <i>‘If an applicant seeks any variation or support for plantation areas on a ‘whole lot’ basis then the application should be accompanied by justification such as;</i></p>	
<ul style="list-style-type: none"> <li>- <i>Land Capability Studies;</i></li> </ul>	<p>The applicant has lodged a Land Capability Assessment, and the Shire has also had an independent Land Capability Assessment prepared, as discussed in the body of this report.</p>
<ul style="list-style-type: none"> <li>- <i>Farm Management Plan</i></li> </ul>	<p>A Forest Management Plan has been lodged.</p>
<ul style="list-style-type: none"> <li>- <i>Soil or water test results demonstrating areas not suitable for agriculture;</i></li> </ul>	<p>The applicants Land Capability Assessment includes soil observations. The Shires Land Capability Assessment includes soil sample testing.</p>
<ul style="list-style-type: none"> <li>- <i>Photographs showing shallow soils or rocky areas which visually demonstrate that the land is not suitable for agriculture.</i></li> </ul>	<p>Both Land Capability Assessments includes aeriels, mapping and photographs.</p>

	Shire Officers and some Councillors have also inspected the lot.  The main consideration has been soil types.
- <i>Demonstration that planting areas will have local environmental benefits for the specific location (refer 10.3). For example, larger planting areas may be warranted as block planting adjacent to a creekline, or for salinity prone areas. ‘</i>	As outlined in the body of this report, TPI accepts the applicants reports outlining Local Environmental Benefits associated with the pine plantation.

TPI is of the view that the applicant has lodged sufficient additional information demonstrating why a variation to the Policy should be supported.

- **Fire Management Plan**

The original Fire Management Plan forms part of the applicants Forest Management Plan, and was referred to the Department of Fire and Emergency Services (DFES) for comment.

DFES did not support the original Fire Management Plan (FMP). The applicant has lodged a revised ‘stand-alone’ Fire Management Plan which better addresses fire management issues. The revised Fire Management Plan is included as Attachment 5.

<b>DFES Comment</b>	<b>TPI Comment</b>
The FMP does not consider the possible risks to the wider community.	Addressed.  The revised FMP includes a section on the wider community and notes that surrounding land includes other plantations and reserves.
A BAL Assessment for the existing dwelling and outbuildings is required	Addressed.  A BAL Assessment for the existing house and dwelling and outbuildings has been lodged and is supported.
The FMP does not adequately describe or commit to fuel reduction/management mechanisms or timeframes. The FMP only commits to the consideration of fuel management if the native vegetation is deemed to be of a high risk, and high risk is not defined.	Addressed  The revised FMP now states that <i>‘remnant vegetation areas will be closely monitored and measured and should fuel levels exceed 8 tonnes/hectare, some means of fuel reduction will be investigated’</i> .  TPI accepts the applicants explanation that they can only undertake fuel reduction where it is lawful to do so, and the risks can be appropriately managed. They have advised there may be instances where they cannot undertake fuel reduction due to not receiving the required permits from state or federal agencies.

<p>The name of the plantation manager/owner has not been provided and it is unclear if the contact number is manned for 24 hours.</p>	<p>Addressed.</p> <p>The revised FMP includes contact information and confirms there is a 24 hour line to Delta Forestry and a diverted after hours line to a roster duty officer.</p> <p>The commitment to quarterly inspections means that fire management, fuel loads, water supply and fire breaks can at least be monitored.</p>
<p>The FMP states that an overarching FMP will be prepared. The submitted FMP should be the overarching FMP and any changes made accordingly.</p>	<p>Addressed.</p> <p>The applicant lodged an improved 'stand-alone' FMP. It also now has cross referencing to the Forest Management Plan.</p>
<p>There is no detail on fire detection and reporting mechanisms</p>	<p>The revised FMP includes a section on fire detection and initial response. It is noted however that the response time is one hour (from the closest available resource from the property located in Manjimup).</p>
<p>There is no detail on initial response and attack to be undertaken in the event of a fire emergency</p>	<p>The revised FMP includes a section on fire detection and initial response. It is proposed to enter into a co-operative fire agreement with other plantation growers.</p>
<p>Potential ignition sources have not been identified</p>	<p>The revised FMP includes a section on fire detection.</p>
<p>Access routes are not clearly identified</p>	<p>Addressed.</p> <p>The revised FMP has better and more clearly marked entry/egress points, emergency access, fire breaks and internal compartment breaks.</p>
<p>There is little detail on firebreak maintenance other than possible weed management and inspection</p>	<p>Addressed.</p> <p>The revised FMP includes more regular inspections to ensure firebreaks are maintained, and that the water tank and plantation map containers are regularly checked.</p> <p>The revised FMP commits to quarterly inspections, and still commits to compliance with the Shires firebreak notice.</p>
<p>Surrounding vegetation details – age, type, burn regime is not addressed</p>	<p>Partially Addressed and supported at an officer level</p> <p>Still not addressed in the revised FMP text, however they have included a map showing the surrounding land uses.</p>

	TPI is of the view it would be difficult for the applicant to be able to identify the age, type and burn regime for surrounding plantations.
Site fire history is not addressed	Noted. TPI is not aware of any fire history in this area.
Harvesting procedures are not adequately addressed	A harvesting plan would be a condition if Council (or SAT) decide to approve the application.
The map should show points of ingress and egress. The FMP should show where and how the plantation map will be housed, and when the location will be regularly checked.	Addressed.  The revised FMP has an improved fire map which clearly shows the ingress and egress points.
The access where there are gullies and streams	Addressed.  The revised FMP states that where a fire break crosses a gully or stream, piping and/or hard surfacing material will be applied.  A revised plantation map has been included and denotes all crossings. It also makes it clear where there is an existing crossing and where a new one has to be constructed.

The current Fire Management Plan (FMP) refers to the inspection checklist (that was previously included as Attachment 10 in the Forest Management Plan). That checklist has been deleted from the current Forest Management Plan, however TPI recommends it be reinstated through a condition of development approval.

The current plans attached to the FMP are outdated (January 2025) and should be updated to be consistent with the current Development Application Plan (May 2025) which includes revegetation areas.

- **Land Use Compatibility**

One of the considerations in assessing any planning application is land use compatibility and amenity.

This is recognised under one of the Rural zone objectives of the Scheme which requires Council ‘to have regard to use of adjoining land at the interface of the rural zone with other zones to avoid adverse effects on local amenities’.

It also identified in Objective 4(e) of State Planning Policy 2.5 to ‘avoid and minimise land use conflicts’.

As with many land uses, compatibility is often reliant on how a land use is managed.

Putting aside all other considerations, one of the original concerns over this proposal was the broad nature of the original Forest Management Plan, and lack of measurable triggers and commitment to tangible actions/ regular inspections.

TPI is of the view that the applicant has substantially addressed these issues through a revised Forest Management Plan. Some minor improvements can be required through conditions of development, if Council approves the revised proposal.

- **Conclusion**

Council has discretion to approve a plantation in the Rural zone. The revised Management Plans make the application more acceptable, and TPI is of the view that the outstanding issues have been addressed through lodgement of additional information (and the Shires consultants reports) being:

A. Whether the lot is Priority Agriculture Land;

TPI considers the Lot is not Priority Agricultural Land based on the detailed Land Capability Assessments.

B. Environmental Benefits of a pine plantation;

TPI accepts that there are some environmental benefits associated with the pine plantation. TPI is not in a position to dispute the local environmental benefits claimed.

C. Lodgement of supporting documents to justify a variation to Local Planning Policy No 1.

As outlined in the body of this report, TPI supports a policy variation in context of the additional information lodged, proposed development conditions, and that the lot is not Priority Agricultural Land.

TPI recommends that Council focus on reconsideration of the application, and whether Council supports the application based on the additional information provided (instead of speculating on any SAT outcome).

With respect to the Landloch Land Capability Assessment of the suitability of the site for tree farming, that is irrelevant to the planning merits of the application. It doesn't matter whether the Council feels that traditional broad scale agriculture would be a better land use than a tree farm any more than one farmer may choose to farm wheat over barley. The planning framework issues distil down to those in the Statement of Issues, Facts and Contentions (SIFC).

The issues in the SIFC are outlined in a separate Confidential Report under Item 13.1 in this agenda.

### **Statutory Environment**

State Administrative Tribunal Act 2004 - Pursuant to section 31(1), the Shire has been invited to reconsider its decision on or before 26 November 2025.

Section 31 states as follows:

31. Tribunal may invite decision-maker to reconsider decision

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may —
  - (a) affirm the decision; or
  - (b) vary the decision; or

- (c) set aside the decision and substitute its new decision.
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.

*Planning and Development (Local Planning Schemes) Regulations 2015*

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

Clause 67 of the Regulations outlines the matters that the local government can have regard for in considering any development application. It includes matters such as state planning policies, the compatibility of the development with its setting, the amenity of the locality, and likely effect of height, bulk, scale, orientation and appearance of the development.

*Shire of Cranbrook Town Planning Scheme No 4* – Explained in the body of this report.

**Policy Applicable – Implications**

The Shire adopted Local Planning Policy No 1 – Plantations on the 20 July 2022. A copy of the Policy is available to Councillors on request.

**Financial Implications**

The Shire pays consultancy fees to Town Planning Innovations for planning advice. The Shire has also been liaising with its solicitor.

**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: Connect**

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

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

**Consultation**

The original application was advertised for public comment. Submissions with detailed comments were received by DFES, DWER, DBCA, MRWA and DFES.

Letters of no objection were received from the Shire of Manjimup, Shire of Plantagenet, and the Department of Planning, Lands and Heritage (on Aboriginal cultural heritage).

## **Voting Requirements**

Simple Majority

## **OFFICER'S RECOMMENDATION**

**That Council:**

- A. Reconsider the application for a plantation on Lot 12667 (No 7691) Muir Highway, Frankland River, and vary the decision made at the Ordinary Council Meeting held on the 19 February 2025 by approving the revised application subject to the following conditions and footnotes:**
- 1. Prior to commencement, lodgement of a revised Forest Management Plan for separate approval in writing by the Chief Executive Officer, to include:**
    - (i) An attachment / check list of items to be checked for quarterly inspections such as fire breaks, water levels in dams and tank, evidence of any animals, signs, fire map container, gates, pest damage, internal access conditions, fuel loads, pine wildings outside of plantation boundary and general visual observations;**
    - (ii) Commitment to making inspection reports available to the Shire in the event of any complaint and/or for compliance;**
    - (iii) Updated text on revegetation proposed along two waterways consistent with the Development Plan (May 2025); and**
    - (iv) Updated attachments so that mapping is consistent with the Development Plan (May 2025) which includes revegetation along the two waterways.**
  - 2. Prior to commencement, lodgement of a revised Fire Management Plan for separate approval in writing by the Chief Executive Officer to include:**
    - (i) Updated attachments so that mapping is consistent with the Development Plan (May 2025) which includes revegetation along the two waterways.**
  - 3. The revised Forest Management Plan and Fire Management Plan approved separately under Condition 1 and 2 above, will form part of this approval. All development, ongoing management and mitigation measures shall be in accordance with the approved Forest Management Plan and Fire Management Plan unless any alternative plan(s) are approved separately in writing by the Chief Executive Officer.**
  - 4. The developer/applicant shall ensure that a copy of the approved Fire Management Plan is stored at the main entrances to the property in secure, weatherproof and clearly labeled containers at all times in accordance with the approved Fire Management Plan.**
  - 5. Internal access tracks are to be adequately sign posted to provide clear direction to water points (for fire emergencies) and exit points.**
  - 6. Internal firebreaks, access tracks and turnaround areas are to be adequately maintained to the satisfaction of the Chief Executive Officer for access by emergency fire vehicles.**
  - 7. Prior to harvesting, the owner/developer is to lodge a detailed Harvesting Plan for approval by the Chief Executive Office. The Harvesting Plan is to include:**

- (a) Proposed entry and egress to the lot for harvesting vehicles;**
- (b) Haulage routes for vehicles involved in the harvest transport;**
- (c) Clear demarcation of local roads and any roads under the care and control of Main Roads WA;**
- (d) Heavy vehicle movements scheduling;**
- (e) Use of escort vehicles;**
- (f) Traffic management and interaction with other road users;**
- (g) A Pre-Construction Road Condition Report along the agreed main haulage routes within the local government area, and the obligation to prepare a Post-Construction Road Condition Report once harvesting for different properties are complete.**
- (h) An outline of all separate approvals required through Main Roads WA.**

The extent of the main haulage route for a Pre-Construction and Post-Construction Road Condition Report is to be agreed to separately in writing by the developer and the Chief Executive Officer.

- 8. Any damage caused to the roads attributable to any harvesting phase of the development is to be rectified by the developer at their own cost to the standard identified in the Pre-Construction Road Condition Report to the satisfaction of the Chief Executive Officer.**
- 9. The developer/applicant shall ensure that the 30 metre and 6 metre buffers to waterways and drainage lines respectively are demarked and signposted physically on site within 6 months of planting activities having commenced, and are to protect the buffer areas from fertiliser and chemical applications as outlined in the Forest Management Plan.**
- 10. The developer/applicant shall notify the Shire in writing once planting activities on the lot have commenced.**
- 11. This approval shall expire after the plantation is harvested.**
- 12. If the development subject of this approval is not substantially commenced within a period of 3 years, the approval shall lapse and be of no further effect. If development does not commence, it makes Condition 12 superfluous, as the approval will already be void.**

**FOOTNOTE:**

- a) The Fire Management Plan refers to a checklist included as Attachment 10 in the Forest Management Plan, however that checklist has been deleted from the Forest Management Plan (as amended by orders of SAT 14.3.2025 and 1.5.2025). Condition 1 is imposed to ensure consistency between the Forest Management Plan and references in the Fire Management Plan. It also provides for a more rigorous inspection regime essential for ongoing management of the plantation.**
- b) This approval is for a plantation and is not an approval for use of the existing driveway for heavy vehicles during the subsequent harvesting stage. Main Roads WA has advised that the existing constructed driveway is unsuitable for harvesting vehicles, and the driveway design needs to be modified, relocated or an alternative solution be provided. Design plans for a modified, relocated or alternative access need to be lodged separately to MRWA for approval prior to any harvesting plan being approved by the Shire.**

## 10.3 WORKS

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### 10.3.1 TEN YEAR PLANT REPLACEMENT

<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Stevie Egerton-Warburton - Acting Manager of Works
<b>FILE REFERENCE:</b>	N/A
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	10 November 2025
<b>ATTACHMENTS:</b>	Ten Year Plant Replacement Program - 2025/26 Budget Appendix D.

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#### Purpose

The purpose of this report is for the Council to consider adopting the Ten Year Plant Replacement Program to be included as part of the 2025/26 Budget - Appendix D.

#### Background

The Shire of Cranbrook has a Ten Year Plant Replacement Program which is reviewed annually as part of the preparation for the annual budget to ensure that plant is renewed at a rate that maintains plant safety while meeting the organisation's ongoing construction and maintenance needs. This information was presented to Council during informal workshops or briefing sessions.

The 10 Year Plant Replacement Program lists all of the Shire's major plant and vehicle items with forecast changeover costs. It identifies items to be included in the upcoming budget with budgeted purchase costs and sale values, and the expected number of years it will be held before changeover. The document also aims to maintain consistent annual expenditure by evening out years of higher or lower changeover costs through the use of the Plant Replacement Reserve.

#### Officer's Comment

At the Special Council Meeting held on 25 August 2025 Council adopted the 2025 - 2026 Budget which included items of plant for disposal and purchase within this current financial year, although the Ten Year Plant Replacement Program - 2025/26 Budget Appendix D was excluded from the final document. The document has been updated with purchases from last financial year and this years approved budget items, as well as some indicative costs being forecasted for Councils future consideration and approval.

#### Statutory Environment

Local Government Act 1995

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

#### Policy Applicable – Implications

Policy 4.8 Purchasing applies to this report.

Policy 4.14 Asset Disposal applies to this report.

Policy 5.4 Replacement of Plant and Vehicles.

#### Financial Implications

Any potential deficit can be financed from the Plant Reserve Account. The Reserve Account is to be used for the replacement of major plant and equipment.

### **Risk Implications**

The risks associated with matters in this report are:

- Misconduct
- Business and Community Disruption
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Asset Sustainability Practices
- Inadequate Supplier/Contract Management

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

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

The **likelihood** is: Possible

Hence the **risk rating** for this report is: Medium.

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

### **Strategic Community Plan Reference**

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

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

#### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That Council approve the Ten Year Plant Replacement Program to be included as part of the 2025/26 Budget - Appendix D.**

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<b>10.3.2</b>	<b>NEW POLICY 5.5 WORKS – URBAN AND RURAL CROSSOVERS AND AMENDED POLICY 5.0 WORKS – ROAD MANAGEMENT</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Stevie Egerton-Warburton – A/Manager of Works
<b>FILE REFERENCE:</b>	GO17
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	7 November 2025
<b>ATTACHMENTS:</b>	1. Policy 5.0 Works – Road Management 2. New Policy 5.5 Works – Urban and Rural Crossovers

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### **Purpose**

The purpose of this report is for Council to consider adopting the attached new Policy 5.5 Works – Urban and Rural Crossovers, and approving amendments to existing Policy 5.0 Works – Road Management.

### **Background**

This agenda item was deferred by Council from Ordinary Meeting held 19 March 2025 meeting as there were a number of queries relating to maintenance and clearing of road reserves.

Currently, crossovers are regulated under Policy 5.0 – Works: Road Management. However, recent applications for new crossover approvals have highlighted the need for a standalone policy that addresses both urban and rural requirements.

### **Officer’s Comment**

The Shire aims to improve budgeting for crossover subsidies by capping contributions, streamlining the approval process, and ensuring that all crossovers within the road reserve meet minimum construction standards.

Currently there is no formal process and crossover approvals are worked through on a case-by-case basis, taking up Officer time. This Policy will ensure that construction of crossovers are assessed against a minimum standard set by the Shire in accordance with industry standards.

It is to be noted by Council that this policy does not relate to clearing within Shire road reserves and clearing sits outside this policy. Any clearing within road reserves is to be directed to the Department of Water and Environmental Regulation (DWER).

Amendments made to Policy 5.0 Road Management consist of the removal of point 5. Crossovers (Property Entrance), no other amendments have been made.

### **Statutory Environment**

Local Government Act 1995  
Main Roads Standards and Guidelines  
Austroads Guide to Road Design

### **Policy Applicable – Implications**

This report is recommending adoption of a new Council Policy and subsequent changes to 5.0 Works – Road Management.

### **Financial Implications**

There are no additional financial implications for this report.

### **Risk Implications**

The risks associated with matters in this report are:

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

The **impacts** of the risk are: Service Interruption, Non-Compliance, Property and Natural Environment

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 included referencing relevant industry standards.

### **Strategic Community Plan Reference**

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

There is no reference to this report in the Council's Strategic Community Plan.

### **Consultation**

Consultation for this report included other Local Governments, EMT and Council.

### **Voting Requirements**

Simple Majority

### **AUDIT COMMITTEE'S RECOMMENDATION**

**That Council:**

- 1 approve the revision of Policy 5.0 Works – Road Management to exclude point 5. Crossovers (Property Entrance); and**
- 2 adopt New Policy 5.5 Works – Urban and Rural Crossovers, as attached.**

- 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

#### **PROCEDURAL MOTION**

**That the meeting be closed to members of the public in accordance with section 5.23 (2) (d) 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\***

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<b>13.1</b>	<b>CONFIDENTIAL REPORT - SAT MATTER DR 163 OF 2024: LUNZY CUSTODIAN PTY LTD V SHIRE OF CRANBROOK</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Liz Bushby – Town Planning Innovations
<b>FILE REFERENCE:</b>	A68
<b>APPLICANT:</b>	Lunzy Custodian Pty Ltd
<b>DATE OF REPORT:</b>	17 November 2025
<b>ATTACHMENTS:</b>	1. Confidential submission by Flint Legal (for the owner)

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**Voting Requirements**

Simple Majority

**OFFICER'S RECOMMENDATION**

**That Council note, that there is a current Order issued by the State Administrative Tribunal (SAT), and that all mediation discussions are confidential.**

**14. CLOSURE OF MEETING**

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