

# COUNCIL MEETING

## MINUTES



For the Ordinary Meeting of Council held on

**20 April 2022**

## **ATTENTION/DISCLAIMER**

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# MINUTES

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Horrocks declared the meeting open at 3:06pm. The Shire President alerted the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

## 2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

### 2.1 ATTENDANCE

President	Cr PL (Phil) Horrocks
Deputy President	Cr G (George) Pollard
Councillors	Cr PM (Peter) Beech Cr JA (Jennifer) Quick Cr RW (Robert) Johnson Cr DM (Daisy) Egerton-Warburton Cr P (Perin) Mulcahy

Chief Executive Officer	Ms LA (Linda) Gray
Manager of Finance and Administration	Mrs DE (Diana) Marsh
Minute Taker	Ms JL (Jo) Scott

Members of the Public

### 2.2 APOLOGIES

Manager of Works	Mr JE (Jeff) Alderton
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### 2.3 APPROVED LEAVE OF ABSENCE

Councillors	Cr PW (Peter) Slater
Councillor	Cr LM (Lee) Casson

## 3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

NIL

## 4. PUBLIC QUESTION TIME

### 4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

NIL

### 4.2 PUBLIC QUESTIONS

NIL

## 5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

NIL

**6. APPLICATIONS FOR LEAVE OF ABSENCE**

**Motion 01042022**

Moved Cr Mulcahy, seconded Cr Beech to grant Cr Casson a leave of absence from the Ordinary Council Meeting on 20 April 2022.

**Carried 7/0**

**7. DISCLOSURE OF INTEREST**

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

NIL

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

**9.1 ORDINARY MEETING – 16 March 2022**

**Motion 02042022**

Moved Cr Quick, seconded Cr Egerton-Warburton that the minutes from the ordinary meeting of Council held on 16 March 2022, be confirmed as a true and correct record.

**Carried 7/0**

## 10. REPORTS OF OFFICERS

### 10.1 CORPORATE AND COMMUNITY SERVICES

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#### 10.1.1 LIST OF PAYMENTS

**RESPONSIBLE OFFICER:** Diana Marsh – Manager of Finance and Administration

**REPORT AUTHOR:** Lauren Lehmann – Finance Officer

**FILE REFERENCE:** FM2

**APPLICANT:** N/A

**DATE OF REPORT:** 8 April 2022

**ATTACHMENTS:** List of Payments – 1 March to 31 March 2022

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#### **Purpose**

The purpose of this report is to advise the Council of payments made during the period 1 March 2022 to 31 March 2022.

#### **Background**

Nil

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

Nil

#### **Statutory Environment**

Local Government (Financial Management) Regulation 13 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.

#### **Policy Applicable – Implications**

Council Policy 4.8 – 'Purchasing', states that:

*"The Chief Executive Officer is delegated authority to make payments from the Municipal Fund or the Trust Fund. Each payment from the Municipal Fund or the Trust Fund is to be noted on a list compiled for each month showing:*

- a) The payee's name*
- b) The amount of the payment*
- c) The date of the payment*
- d) Sufficient information to identify the transaction.*

*The list referred to above is to be presented to the Council at each ordinary meeting of the Council and is to be recorded in the minutes of the meeting at which it is presented.*

*It is considered appropriate to delegate this authority to the Chief Executive Officer as the payment of accounts is the final process after debts have been incurred through other processes and systems in place."*

### **Financial Implications**

There are no financial implications for this report.

### **Risk Implications**

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Supplier/Contract Management

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

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

The **likelihood** is: Rare

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

Risk mitigation includes the Council having strong financial policies and procedures in place and the requirement to report to the Council on a monthly basis.

### **Strategic Community Plan Reference**

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

#### **Key Pillar: Connect**

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

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

### **Consultation**

Consultation was not required for this report.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION/COUNCIL DECISION**

#### **Motion 03042022**

**Moved Cr Johnson, seconded Cr Egerton-Warburton that the payment of accounts totalling \$772,286.71 as per the attachment be noted:**

- **Electronic Funds Transfers EFT 12973 to EFT 13080 - \$592,686.45;**
- **Municipal Fund Cheque No to 12252 - \$13,237.63;**
- **Internal Account Transfers (Payroll) - \$131,780.42; and**
- **Direct Debit - \$34,582.21.**

**Carried 7/0**

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<b>10.1.2</b>	<b>MONTHLY FINANCIAL REPORT – MARCH 2022</b>
<b>RESPONSIBLE OFFICER:</b>	Diana Marsh – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Diana Marsh – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	FM12
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	12 April 2022
<b>ATTACHMENTS:</b>	Financial Statements for March 2022

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### **Purpose**

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 March 2022.

### **Background**

The Local Government (Financial Management) Regulations 1996 require a statement of financial activity to be prepared each month and prescribe the contents of that report and accompanying documents. The report is to be presented at an ordinary meeting of the Council within two months after the end of the month to which the report relates.

### **Officers Comment**

The Monthly Financial Report (Containing the Statement of Financial Activity) complies with industry standards and all statutory reporting requirements are contained within the report.

The attached February 2022 Monthly Financial Report represents nine (9) months of the financial year. The following items are worthy of noting on the March 2022 report:

- Closing surplus position of \$1,354,306 (shown on page 5)
- Cash and cash equivalents of \$4.57m, of which \$3m is held in cash backed reserve accounts (shown on page 9);
- Outstanding rates of \$49,652 equates to 1.9% of 2021/2022 rates levied (shown on page 10); and
- Explanation of material variances is shown on page 24.

### **Statutory Environment**

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

### **Policy Applicable – Implications**

Council Policy 4.1 Defining Material Variances, states that:

*When dividing the actual figures with the annual budget figure, a variance of plus or minus 10% of the percentage of the year elapsed will be reported. In addition, a variance must be greater than \$10,000 to be reported.*

### **Financial Implications**

The attached report represents the financial position of the Council at the end of the previous month and the adoption of the recommendation below does not have a financial impact.



### **Risk Implications**

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Supplier/Contract Management

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

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

The **likelihood** is Rare

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

Risk mitigation includes the Council having strong financial policies and procedures in place and the requirement to report to the Council on a monthly basis.

### **Strategic Community Plan Reference**

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

#### **Key Pillar: Connect**

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

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

### **Consultation**

Consultation was not required for this report.

### **Voting Requirements**

Simple Majority

### **OFFICERS RECOMMENDATION/COUNCIL DECISION**

**Motion 04042022**

**Moved Cr Mulcahy, seconded Cr Quick that the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 31 March 2022 be received.**

**Carried 7/0**

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**10.1.3 SHIRE OF CRANBROOK CYBER SECURITY UPGRADE**

<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Linda Gray – Chief Executive Officer
<b>FILE REFERENCE:</b>	AD201
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	12 April 2022
<b>ATTACHMENTS:</b>	CEO report on increased cyber crime

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**Purpose**

The purpose of this report is for the Council to note and approve the upgrade to our cyber security for the Shire of Cranbrook.

**Background**

The war in Ukraine is a war on two fronts; on the battle ground and through cyber crime. Last year the malware that went into Ukraine spread around the world and eventually ended up in Australia. There were 14,000 cyber security incidents reported to the Australian Cyber Security Centre last year, and of that number local government was in the top five for ransomware. Losses are estimated to be \$85 million in Australia with an increase in the last year of 54%. Similarly the number of cyber-attacks rose sharply during the pandemic.

Whilst the local government's IT provider would normally do system backups and monitoring, it is the new responsibility of the local government to capture the controls and measures in documents now required by the Office of the Auditor General (OAG). In their November 2021 Report fifteen Local Government entities were sampled and assessed as to their management of cyber security risks and response to cyber threats. The conclusion was that they all needed to improve their management of cyber risks, and most did not have current and complete cyber security policies and processes to help them. Technical controls and education of staff were also poor, and nor did they have appropriate mechanisms in place to detect cyber security incidents.

**Officer's Comment**

As a result of the OAG's report and going forward, improvements need to be made, and the following recommendations were made by the OAG and need to be adopted by the Shire of Cranbrook:

1. Cyber security policies
2. Processes to identify, understand and address relevant cyber security risk (*and includes an understanding of the level of risk appetite by the shire*)
3. Controls
4. Education (*If staff are not aware of current risks such as malware and ransomware then the importance of not clicking on links is lost*)
5. Technical controls to detect and prevent phishing emails
6. Processes to identify and address vulnerabilities affecting their internal and external IT infrastructure
7. Cyber security incident response plan
8. Updated business continuity plan
9. Updated Disaster recovery plan
10. Technical controls to detect, alert and prevent cyber intrusions

We need to provide awareness raising programs to continually educate staff and elected officers on cyber security risks. These documents or a combination would focus on prevention of intrusions and should be communicated to Council. A quick response to any incident through staff's familiarisation of the Shire's incident response plan is important as often criminals take time to go through the stages of an attack. They use different groups for each stage and sell the next stage in a marketplace on the Dark Web.

A meeting held with our IT Provider, Ramped Technology on 6 April 2022, allowed us to gain a better understanding of our current risk mitigation measures and the improvements required to meet both the new OAG requirements, and to prevent the Shire being put at risk to a cyber attack.

### **Statutory Environment**

Security and Related Activities (Control) Act 1996

Western Australian Whole-of-Government Cyber Security Incident Coordination Framework

National Cyber Incident Management Arrangements

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

The total cost of the matters in this report are anticipated to be \$10,000 and will be funded from the 2022/2023 Budget.

### **Risk Implications**

The risks associated with matters in this report are:

- Business and Community Disruption
- External Theft and Fraud
- Errors, Omissions and Delays
- Failure of IT and or Communication Systems and Infrastructure
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Safety and Security Practices

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

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

The **likelihood** is: Likely

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

Risk mitigation includes implementation of the OAG's cyber security recommendations.

### **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 1.1:** A community and enterprise safety and security system.

**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**

Office of the Auditor General  
Local Government Professionals Australia  
Australian Cyber Security Centre  
Cyber Intelligence and Public Policy, CyberCX  
Ramped Technology – IT Providers

### **Voting Requirements**

#### ***Absolute Majority***

### **AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION**

#### **That Council:**

- 1. Approve the inclusion of \$10,000.00 in the 2022/2023 Shire of Cranbrook's budget towards cyber security risk mitigation; and/or**
- 2. Note the Chief Executive Officer's report on the increase in cyber crime, and the results of the November 2021 Report on Cyber Security in Local Government by the Office of the Auditor General.**

### **AMENDED RESOLUTION**

#### **Motion 05042022**

**Moved Cr Johnson, seconded Cr Beech that Council:**

- 1. Approve the inclusion of \$10,000.00 in the 2021/2022 Shire of Cranbrook's budget towards cyber security risk mitigation; and/or**
- 2. Note the Chief Executive Officer's report on the increase in cyber crime, and the results of the November 2021 Report on Cyber Security in Local Government by the Office of the Auditor General.**

**Carried 7/0**

#### Reason for Change:

The Council felt that as the risk of cyber crime was high and the Shire's improvements to risk mitigation in this area should be a priority for this financial year.

**10.2 GOVERNANCE AND EXECUTIVE SERVICES**

**10.2.1 DEVELOPMENT ASSESSMENT PANELS – COUNCIL REPRESENTATION**

<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Jo Scott – Personal Assistant to Chief Executive Officer
<b>FILE REFERENCE:</b>	TP6
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	8 April 2022
<b>ATTACHMENTS:</b>	Nil

**Purpose**

The purpose of this report is to appoint two alternate Proxy’s as Council representatives on the Southern Joint Development Assessment Panel.

**Background**

Fifteen Development Assessment Panels (DAP) came into operation on 1 July 2011 to determine development applications that meet a certain threshold value. Each DAP comprises five members, three specialist members, one of which is the presiding member, and two local government members.

At its special meeting of 20 October 2021, the Council resolved:

**Moved Cr Slater, seconded Cr Egerton-Warburton that the appointment of delegates to outside organisations and community groups be as follows:**

<b>GREAT SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL</b>	<b>Cr Johnson, Cr Beech proxies Cr Slater, Cr Horrocks</b>
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Appointments of all local government DAP members expire on 26 January 2024. Members whose term has expired will be eligible for re-consideration at this time.

**Officers Comment**

Under regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations), Council is requested to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on the local DAP as required.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a three year term.

All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement, pursuant to the DAP regulations, that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and have received training are not required to attend further training but are encouraged to attend refresher training.

Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members are not re-elected, the local government will need to re-nominate for the Minister’s consideration of appointment.

The Council should consider the above matters in selecting nominees as local DAP members.

Local DAP members are entitled to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment.

Local representation is vital to DAPs. If no nominations are received, the Director General of Planning Western Australia has the power to include a person who is an eligible voter of the local government and who has relevant knowledge or experience that will enable that person to represent the interest of the local community.

Cranbrook Co-Operative Bulk Handling (CBH) are working towards a submitting a planning application to for major upgrades to the Cranbrook site, including a proposed new rail extension to allow rapid loading.

Construction on the project is due to commence in September 2023.

Due to the class and estimated cost of the upgrades, the project fits into the Optional "Opt-in" DAP applications falling between the \$2 Million – \$10 Million value threshold where either the Western Australian Planning Commission or the local government may choose to formally delegate their authority to a DAP.

Due to the current appointed delegates having interest in CBH those delegates would need to declare their interest and would be precluded from the DAP and any involvement in the planning application in which they have an interest, therefore, two new delegates are required to be appointed to the DAP to replace the two current Proxy's.

### **Statutory Environment**

Section 171C (Establishes Development Assessment Panels) of the Planning and Development Act 2005, as amended by the Approvals and Related Reforms (No.4) (Planning) Act 2010, applies to this item.

The Great Southern Joint Development Assessment panel was incorporated into what is now the Regional Joint Development Assessment Panel (JDAP) in April 2020 the Shire of Cranbrook is grouped into the Southern Regional JDAP with:

Albany, Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Broomehill-Tambellup, Bunbury, Busselton, Capel, Collie, Dardanup, Denmark, Donnybrook-Balingup, Gnowangerup, Harvey, Jerramungup, Katanning, Kent, Kojonup, Manjimup, Nannup, Plantagenet and Woodanilling.

Planning and Development (Development Assessment Panels) Regulations 2011 also applies to this item.

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

There are no financial implications for this report.

### **Risk Implications**

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Rare

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

Risk mitigation includes ensuring that the Shire has representation on the DAP.

### **Strategic Community Plan Reference**

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

#### **Key Pillar: Connect**

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

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

### **Consultation**

Consultation was not required for this report.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION/COUNCIL DECISION**

#### **Motion 06042022**

**Moved Cr Egerton-Warburton, seconded Cr Johnson that Cr Slater and Cr Casson be appointed as the Council's deputy (Proxy) representatives on the Regional Joint Development Assessment Panel in accordance with the Planning and Development (Development Assessment Panels) Regulations 2011.**

**Carried 7/0**

<b>10.2.2</b>	<b>PLANNING APPLICATION - PROPOSED SINGLE DWELLING – LOT 51 JARRAH ROAD FRANKLAND RIVER</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray - Chief Executive Officer
<b>REPORT AUTHOR:</b>	Liz Bushby - Town Planning Innovations (TPI)
<b>FILE REFERENCE:</b>	A9729
<b>APPLICANT:</b>	Fox Transportables Pty Ltd
<b>DATE OF REPORT:</b>	8 April 2022
<b>ATTACHMENTS:</b>	1. Approved Subdivision Plan 2. Approved Building Envelope Options 3. Driveway turnaround areas: Guideline Extract

### Purpose

The purpose of this report is for the Council to consider an application for a single house on Lot 51 Jarrah Road, Frankland River.

### Background

The Western Australian Planning Commission (WAPC) granted conditional approval of a subdivision for Lots 347, 5618 and 6852 Jarrah Road in Frankland on the 8 April 2011.

The approval was subject to several conditions relating to bushfire management as listed below:

1.	'A Building Envelope area is to be determined in consultation with the Department of Environment and the Local Government for Lots 51 and 52 and shown on the Deposited Plan. (Local Government)'
2.	'The applicant is to prepare and implement a Fire Management Plan for Lots 51 and 52 in accordance with the "Planning for Bushfire Protection" guidelines which included adequate Building Protection and Hazard Separation Zones. (Local Government)'
3.	'A Restrictive Covenant, to the benefit of the local government, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising of the existence of a restriction on Lot 51 and 52. The restrictive covenant is to state as follows: <i>'No development is to take place outside of the defined building envelope(s) shown as the deposited plan. (Local Government)'</i>

The approved subdivision plan is included as Attachment 1. Lot 51 Jarrah Road was created as a result of the abovementioned subdivision.

There are three building envelope options for a future dwelling on Lot 51, which were jointly approved by the Shire and the (then) Department of Environment – refer Attachment 2. The purpose of the Building Envelopes is to minimise the clearing of native vegetation on the lot.

An owner can select one building envelope. All development must then be contained within the one building envelope.

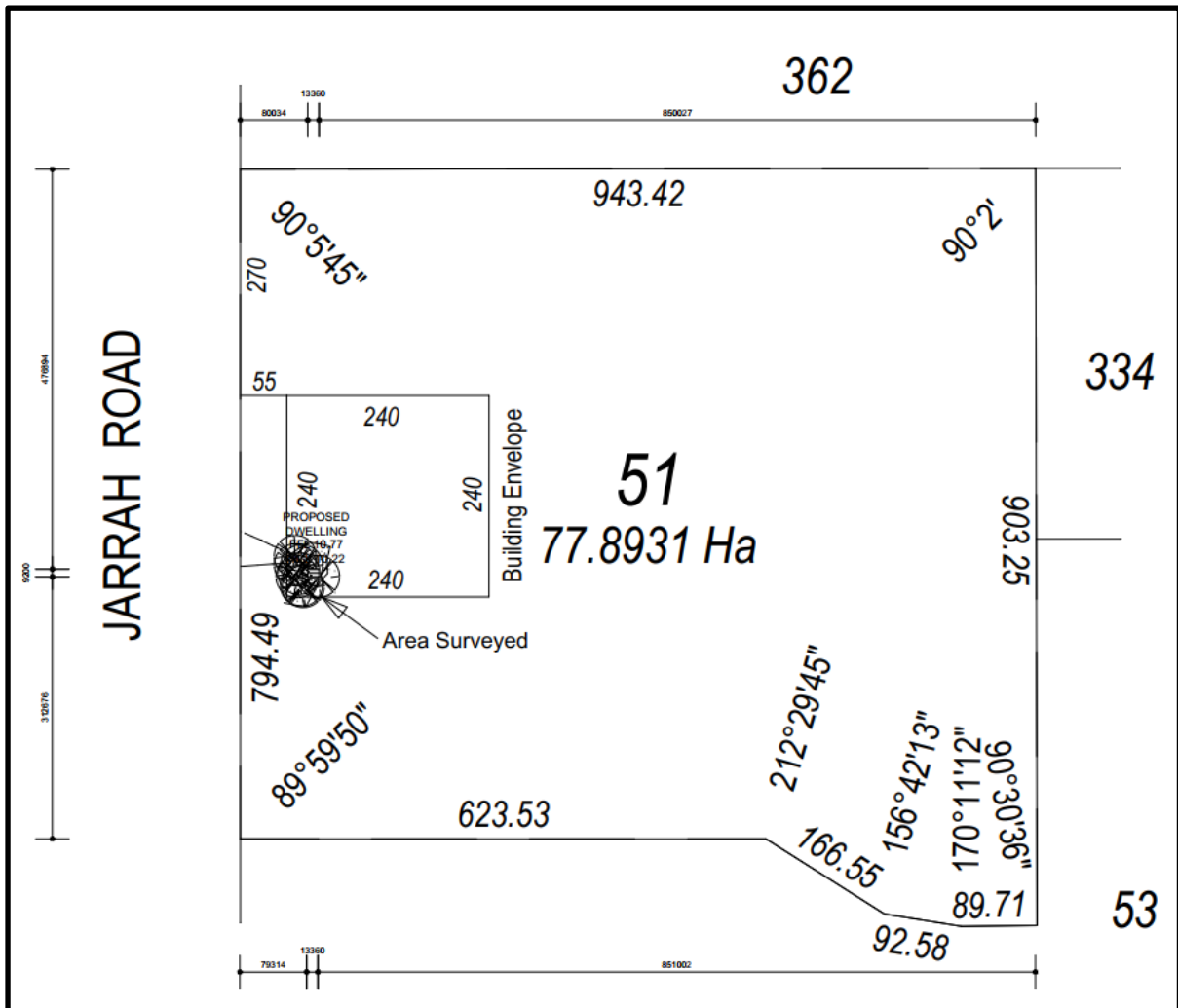
A Bushfire Management Plan was approved as part of the original subdivision, however it was prior to the current state bushfire policy requirements becoming effective in 2015.



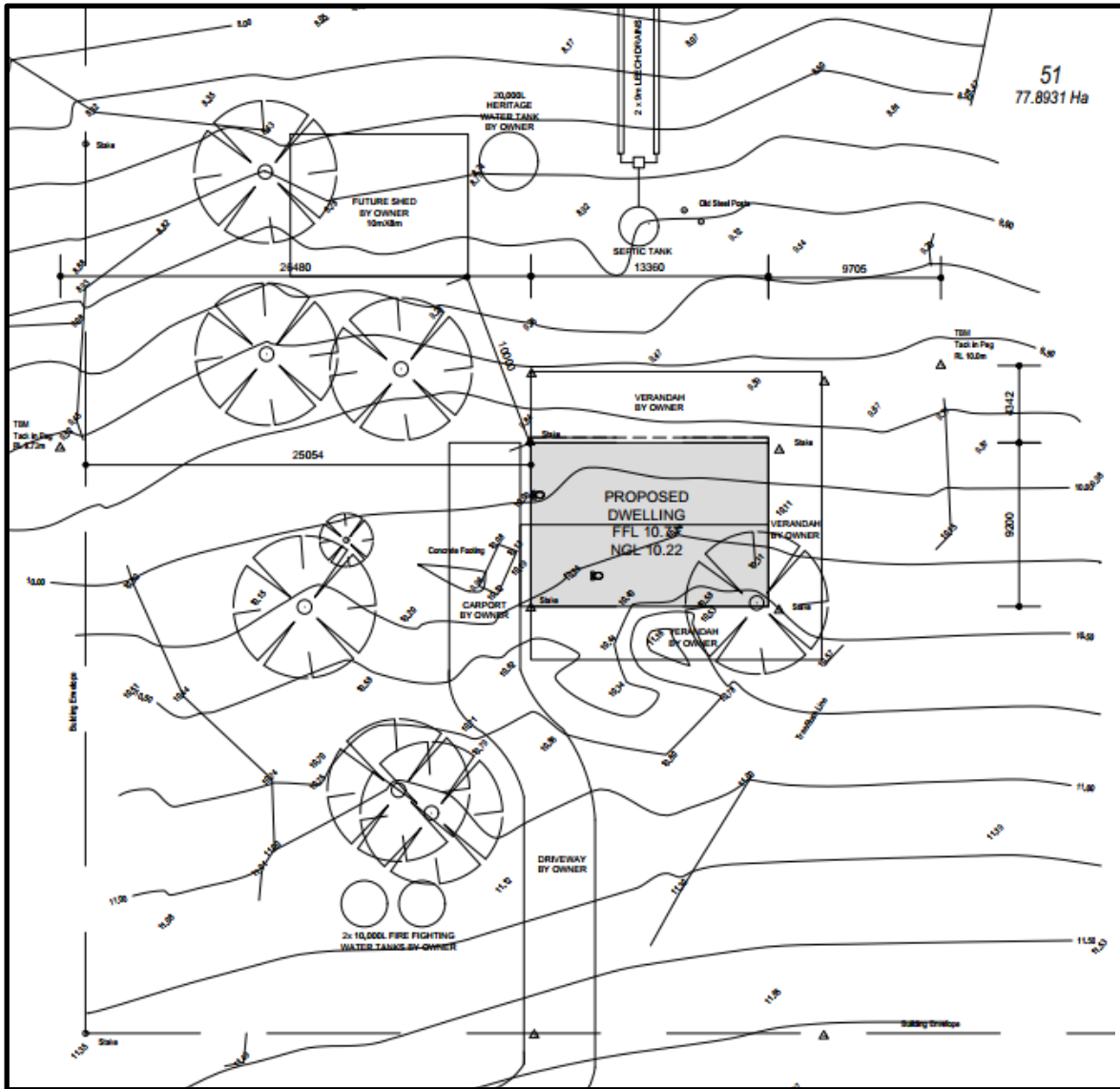
**Officer's Comment**

- *Description of Application*

A single dwelling is proposed in the south west portion of the pre-approved 'Option 1' building envelope. A site plan and enlargement are included below and overpage for reference.



Site Plan



Enlargement

- *State Planning Policy 3.7 Planning in Bushfire Prone Areas and Bushfire Attack level Assessment*

The Western Australian Planning Commission ‘*State Planning Policy 3.7 Planning in Bushfire Prone Areas*’ (SPP 3.7) directs how land use should address bushfire risk management in Western Australia.

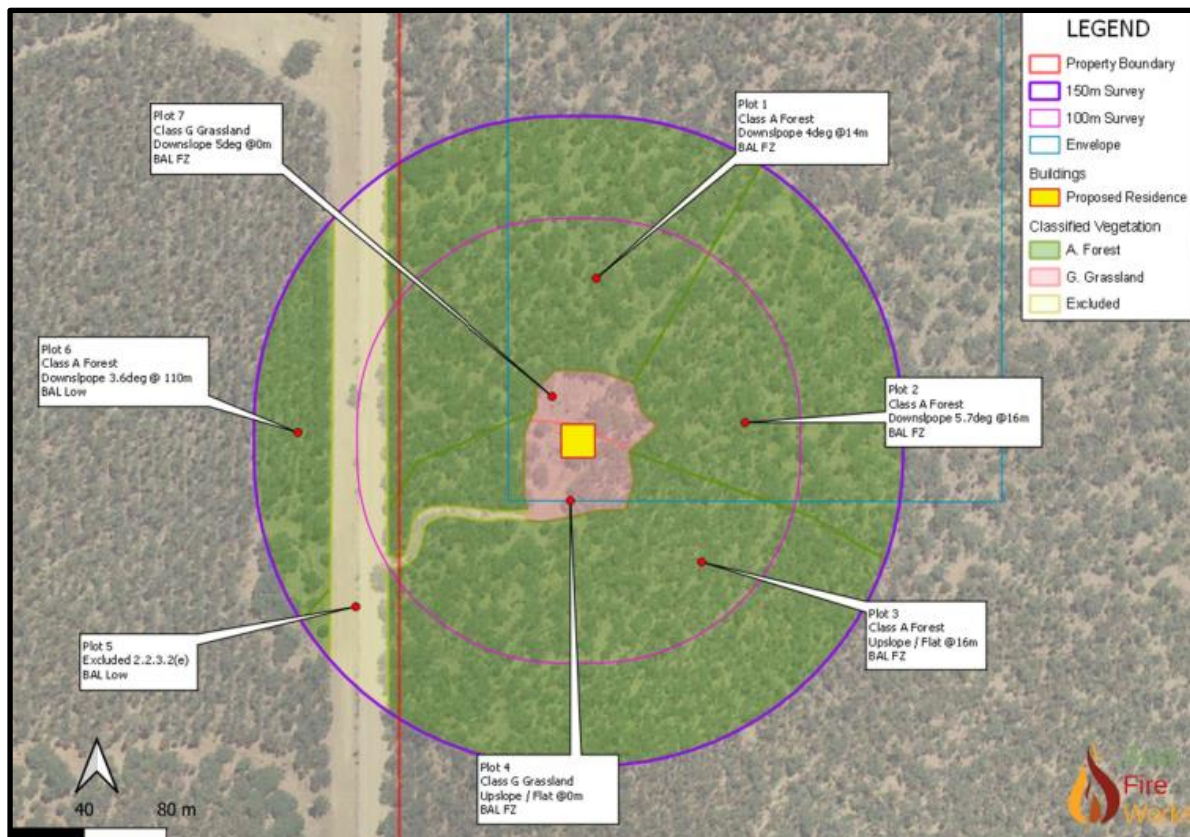
The policy requires a Bushfire Attack Level (BAL) assessment to be lodged with any planning application for any dwelling proposed in a bushfire prone area, unless the lot has an area less than 1100m<sup>2</sup>.

Bushfire Attack Level ratings range from very low risk to extreme risk (flame zone) as follows:

- BAL-LOW - very low risk (bush fire resistant construction is not required)
- BAL-12.5 - low risk
- BAL-19 - moderate risk
- BAL-29 - high risk
- BAL-40 - very high risk
- BAL-FZ - extreme risk (Flame Zone)

Under Clause 6.2b) of the Policy, applications can be approved where a BAL-12.5 to BAL-29 is achieved or can be achieved.

A Bushfire Attack Level assessment for lot 51 has been prepared by a fire consultant. A Bushfire Attack Level assessment considers factors such as slope, vegetation within 100-150 metres, vegetation types and the distance between any proposed dwelling and vegetation.



Above: Map showing vegetation plots

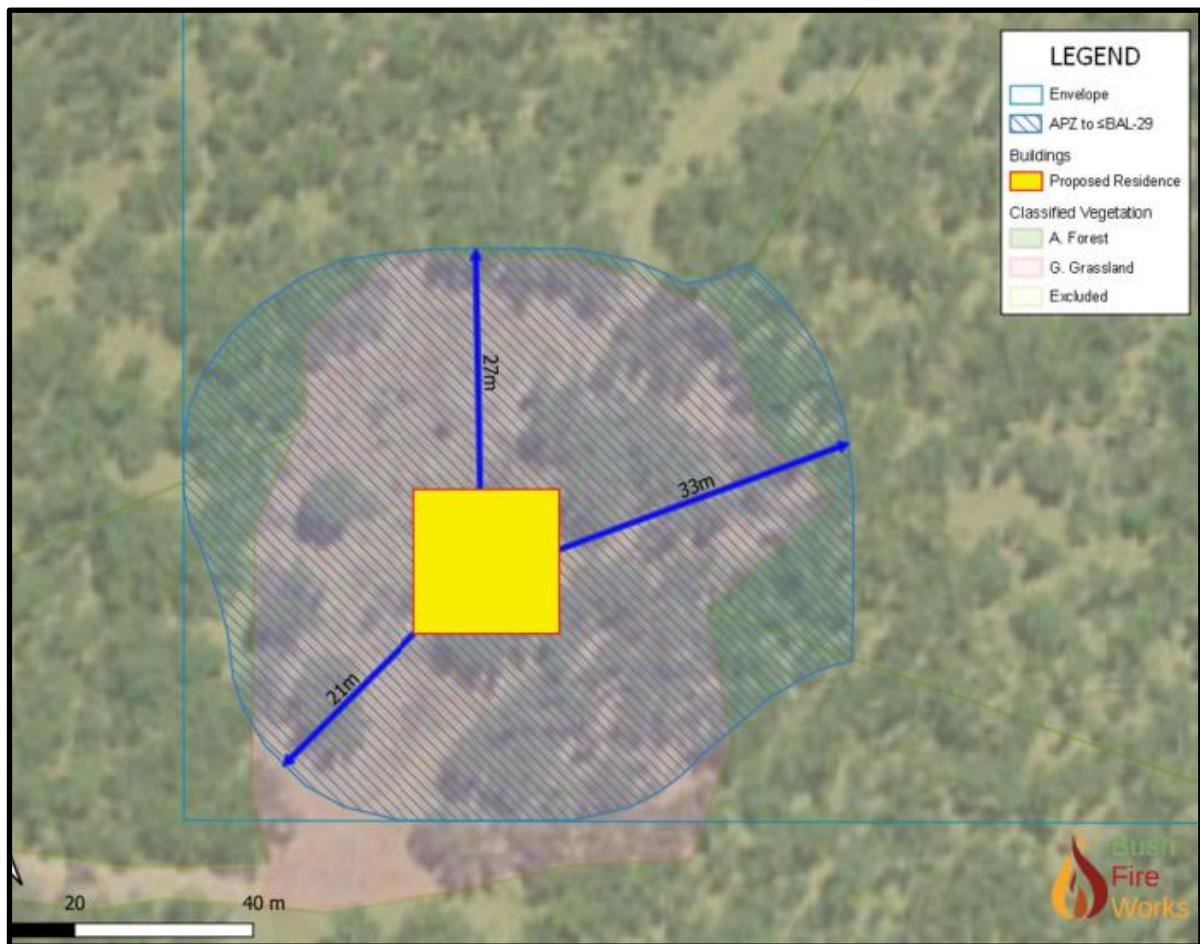
The Bushfire Attack Level assessment identifies that:

- (i) The pre-development house location is within BAL Flame Zone;
- (ii) If the existing vegetation is modified, and the distances between the proposed dwelling and different vegetation plots is increased, then a lower BAL-29 can be achieved.
- (iii) The modified vegetation would need to be maintained as an Asset Protection Zone (APZ).

An APZ is a low fuel area maintained around a habitable building to increase the likelihood that it will survive a bushfire, by providing a defensible space and reducing the potential for direct flame contact, radiant heat exposure and ember attack.

- (iv) The assessment includes a table outlining the distances that need to be achieved to lower the BAL rating.

The proposed Asset Protection Zone is included below.



The BAL Report states that a second BAL Assessment is required on site once the vegetation has been modified. It is recommended that condition be imposed on any approval to require an updated BAL report, prior to issue of any Building Permit.

- *West Australian Planning Commission : Guidelines for Planning in Bushfire Prone Areas*

There are state planning guidelines which outline acceptable solutions for subdivision and development within a bushfire prone area.

Relevant to this application the guidelines recommend that:

- Driveways in excess of 70 metres to meet minimum requirements including a turn around area within 30 metres of the house – refer Attachment 3.
- Driveways to have a minimum trafficable width of 4 metres and horizontal width of 6 metres.
- Water tanks to have a minimum 10,000 litre water supply dedicated for bushfire firefighting purposes, with 50mm male camlock coupling with full flow valve. It is recommended that it be within 4 metres of a hardstand area, and constructed out of non-combustible materials.

TPI has recommended conditions in line with the current Guidelines.

### **Statutory Environment**

#### Planning and Development (Local Planning Schemes) Regulations 2015 –

Under Clause 78D(3) a developer must have development approval to commence any development where a Bushfire Attack Level Assessment calculates the bushfire attack level as BAL-40 or BAL-Flame Zone.

#### Shire of Cranbrook Town Planning Scheme No 4 –

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

Under Clause 5.20.1 a minimum front/rear setback of 20 metres is required, and a minimum 10 metre side setback is required. The development complies with the setback requirements.

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

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

### **Risk Implications**

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is Unlikely

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

### **Strategic Community Plan Reference**

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

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

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

### **Consultation**

Consultation for this report included the Shire of Cranbrook consulting Town Planner, Liz Bushby.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION/COUNCIL DECISION**

#### **Motion 07042022**

Moved Cr Pollard, seconded Cr Beech that Council approve the application for a single house on Lot 51 Jarrah Road, Frankland River subject to the following conditions and footnotes:

1. Lodgement of a revised site plan for separate written approval by the Shire Chief Executive Officer that includes:
  - (a) A revised driveway design that includes a turnaround area within 30 metres of the proposed dwelling capable of accommodating fire emergency vehicles.
  - (b) The driveway to have a minimum horizontal width of 6 metres and trafficable width of 4 metres.

- (c) **Provision of a water tank with a minimum 10,000 litre water supply dedicated for bushfire firefighting purposes, with 50mm male camlock coupling with full flow valve. The water tank is to be located within 4 metres of the driveway or turnaround area, and constructed out of non-combustible materials.**
- 2. Undertaking all necessary works to implement an Asset Protection Zone in accordance with the Bushfire Attack Level Assessment Report by BushFire Works dated the 22 February 2022 (Version 1, Job No 20211113) prior to the issue of a Building Permit.**
- 3. Any Asset Protection Zone shall be maintained at all times by the owner of the lot, and managed in accordance with the 'Standards for Asset Protection Zones' in Schedule 1 contained in Appendix 4 of the WAPC 'Guidelines for Planning in Bushfire Prone Areas'.**
- 4. Lodgement of an updated Bushfire Attack Level Assessment by a suitably qualified bushfire consultant for separate written approval of the Shire Chief Executive Officer, prior to the issue of a Building Permit. The revised Bushfire Attack Level Assessment shall:**
  - (a) Demonstrate that existing vegetation has been modified to implement an Asset Protection Zone in accordance with Condition 2 of this approval; and**
  - (b) Include an updated site plan approved in writing by the Shire in accordance with Condition 1; and**
  - (c) Demonstrate that a Bushfire Attack Level of BAL-29 has been achieved; and**
  - (d) Includes a copy of the 'Standards for Asset Protection Zones' in Schedule 1 contained in Appendix 4 of the WAPC 'Guidelines for Planning in Bushfire Prone Areas'.**
- 5. Undertaking all necessary works and ongoing maintenance to implement the recommendations of any revised Bushfire Attack Level Assessment approved separately in writing by the Shire in accordance with Condition 4.**
- 6. Installation of a trafficable driveway (with turnaround area) and a water tank (dedicated for firefighting purposes) prior to occupation of the proposed dwelling, and in accordance with any revised site plan approved by the Shire in writing in accordance with Condition 1.**
- 7. All driveway, turnaround areas and water tank(s) shall be maintained to the satisfaction of the Shire Chief Executive Officer at all times.**
- 8. Provision of a suitable water supply for domestic use to service the proposed dwelling, prior to occupation.**
- 9. All water tanks shall be located within the same building envelope as the proposed single house, and be constructed out of non-combustible materials.**
- 10. All drainage to be fully contained within the lot boundary at all times.**

**Footnote:**

- (i)** It is recommended that you liaise with the Department of Water, Environment and Regulation as a separate clearing permit may be required before any native vegetation can be modified or removed.
  
- (ii)** The WAPC 'Guidelines for Planning in Bushfire Prone Areas' have specific requirements in regards to driveways, turnaround areas and water tanks for firefighting. The Guidelines are accessible on line - [Guidelines for planning in bushfire prone areas version 1.4 \(www.wa.gov.au\)](http://www.wa.gov.au)
  
- (iii)** The owner is advised that they will need to apply to the Shire for separate approval for installation of any crossover, and installation of any on site effluent disposal.
  
- (iv)** Please ensure that you have complied with Conditions 1, 2 and 4 prior to lodging any separate application for a Building Permit.

Carried 7/0

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<b>10.2.3</b>	<b>TENTERDEN TENNIS CLUB – REQUEST FOR LOAN FOR NEW COURTS</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Samantha McLean – Community Development Manager
<b>FILE REFERENCE:</b>	FM5 and A1284
<b>APPLICANT:</b>	Tenterden Tennis Club
<b>DATE OF REPORT:</b>	8 April 2022
<b>ATTACHMENTS:</b>	1. Tenterden Tennis Club Letter 2. Tenterden Tennis Club Financials

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### **Purpose**

The purpose of this report is for the Council to consider a request from the Tenterden Tennis Club for an interest free community association loan to assist with the construction of their new tennis courts.

### **Background**

In March 2022 the Shire of Cranbrook submitted an application for the Community Sporting and Recreational Facilities Fund (CSRFF) through the Department of Local Government, Sport and Cultural Industries (DLGSCI) for 4 new courts at the Tenterden Tennis Club. The total cost of this project will be \$246,480, with Council and the Club committing the funds of \$82,160 each and an application request of \$82,160. The conditions of this funding are that the total project cost must be divided in thirds across the DLGSCI, Local Government and Tenterden Tennis Club.

### **Officer's Comment**

The Shire received a letter from the Tenterden Tennis Club advising they have \$48,000 cash to contribute to the project and are requesting an interest free loan of \$30,170 from the Shire to assist with their contribution towards the construction of 4 new courts.

Council could support this request from the Tenterden Tennis Club with an interest free loan from the Community Associations Financial Assistance Reserve account, which has a balance of \$49,300.

The Tenterden Tennis Club will pay half yearly repayments of \$3,017 over a five-year period. Council Policy 4.6 states that a proposed loan repayment period should be no longer than 10 years with repayments twice yearly.

### **Statutory Environment**

There is no specific legislation applicable to this report.

### **Policy Applicable – Implications**

Council Policy 4.6 – Finance – Interest Free Loans – Community Organisations, states that:

Applications for an interest free loan must include the following:

- Full details of the project for which funding is required including;
  - estimates of total costs, with quotes; and
  - plans etc. where necessary.
- The amount of the loan requested;
- The amount of funds the applicant is contributing and any other funds available or applied for i.e. Government Grants;
- A proposed loan repayment period (no longer than 10 years with repayments twice yearly);



- Most recent audited financial statements and current financial statements showing organisation's total funds, with an indication of capacity to meet repayments; and
- Names of guarantors available for amounts greater than \$2,000. (subject to change with the review of the Policy Manual)

### **Financial Implications**

The total cost of this loan will be \$30,170 which would be funded from the Community Associations Financial Assistance Reserve, which has a current balance of \$49,300.

### **Risk Implications**

The risks associated with matters in this report are:

- Business and Community Disruption
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Asset Sustainability Practices
- Ineffective Management of Facilities/Venues/Events

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

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

The **likelihood** is: Unlikely

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

Risk mitigation includes completion of a Deed of Arrangement for the loan facility and naming of guarantors for the loan. (subject to change with the review of the Policy Manual)

### **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: Visit**

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

**Deliverable 9.1:** A stimulus into sport and recreation participation.

#### **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 discussions with the Tenterden Tennis Club and the Executive Management Team.

**Voting Requirements**

***Absolute Majority***

**OFFICER'S RECOMMENDATION/COUNCIL DECISION**

**Motion 08042022**

**Moved Cr Quick, seconded Cr Mulcahy that Council:**

- 1. Offers the Tenterden Tennis Club an interest free loan of \$30,170 for a term of five years with half yearly repayments of \$3,017 for the assistance in construction of 4 new courts; and**
- 2. Approves the loan to be funded from the Community Associations Financial Assistance Reserve subject to funding from the DLGSCI.**

**Carried 7/0**

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<b>10.2.4</b>	<b>POLICY - PUBLIC INTEREST DISCLOSURE</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Linda Gray – Chief Executive Officer
<b>FILE REFERENCE:</b>	GO17
<b>APPLICANT:</b>	n/a
<b>DATE OF REPORT:</b>	12 April 2022
<b>ATTACHMENTS:</b>	Draft Policy – Public Interest Disclosure Policy

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### **Purpose**

The purpose of this report is for Council to consider adopting a new policy to facilitate the reporting of public interest information and provide protection for those who report this information under the Public Disclosure Act 2003 (PID Act) and to identify those within the Shire of Cranbrook who are appointed as Public Interest Disclosure Officers.

### **Background**

The public interest disclosure process enables people to disclose certain types of wrongdoing covered by the PID Act, and where required, ensures that someone investigates the information and acts. It is a process within government to deal with matters of a serious nature which, if resolved, would serve the public good. A public interest disclosure is more than a general complaint or dissatisfaction with a product, service or decision of government. It is also more than a personal grievance that can be resolved by agreement. A public interest disclosure must relate to wrongdoing, not be trivial and must be made to the right person (being a proper authority). A public interest disclosure must be managed according to the PID Act and once made, the person making the disclosure cannot withdraw it.

### **Officer's Comment**

The PID Act protects Elected Officers, employees, and contractors if they make an appropriate disclosure to a proper authority. Protections under the PID Act include immunity from civil or criminal liability, disciplinary action, dismissal and termination of employment for any breach of duty of secrecy or confidentiality that may apply as a result of someone making the disclosure. The processes and procedures are set by the Public Interest Disclosure Act 2003 and the Public Interest Disclosure Regulations 2003.

Whilst past history has shown that often it is senior managers or Chief Executive Officers that are the ones that engage in wrongdoing, it is recommended to also have as a Public Interest Disclosure Officer someone amongst the staff who is familiar with the processes of making a report and is approachable and available to other employees for this reason I would recommend the Community Development Manager's position.

### **Statutory Environment**

Public Interest Disclosure Act 2003  
Public Interest Disclosure Regulations 2003

### **Policy Applicable – Implications**

There is no Council policy applicable to this report.

### **Financial Implications**

There are no financial implications for this report

### **Risk Implications**

The risks associated with matters in this report are:

- Misconduct
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes

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

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

The **likelihood** is: Possible

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

### **Strategic Community Plan Reference**

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

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

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

### **Consultation**

Consultation for this report included the Chief Executive Officer and Community Development Manager.

### **Voting Requirements**

**Absolute Majority**

### **AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION**

**Motion 09042022**

**Moved Cr Beech, seconded Cr Pollard that Council:**

- 1. Adopts the new draft policy – Public Interest Disclosure.**
- 2. Appoint the Chief Executive Officer and Community Development Manager as the Public Interest Disclosure Officers for the Shire of Cranbrook.**

**Carried 7/0**

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**10.2.5 POLICY REVIEW - PURCHASING**

<b>RESPONSIBLE OFFICER:</b>	Diana Marsh – Manager of Finance and Administration
<b>REPORT AUTHOR:</b>	Diana Marsh – Manager of Finance and Administration
<b>FILE REFERENCE:</b>	GO17
<b>APPLICANT:</b>	n/a
<b>DATE OF REPORT:</b>	12 April 2022
<b>ATTACHMENTS:</b>	Revised Policy 4.8 - Purchasing

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**Purpose**

The purpose of this report is for the Council to consider adopting the revised Policy 4.8 – Purchasing.

**Background**

The Local Government (Functions and General) Regulations 1996 r.11A requires local governments to have a purchasing policy to govern control requirements for purchases below the \$250,000 tender limit.

The Shire of Cranbrook manages millions of dollars in community assets and spent over \$6.7 million maintaining those assets and in operations over the last financial year. Good procurement practices promoting probity, accountability and transparency are essential to managing procurement risks and delivering good outcomes for the community. While legislation and/or regulation provides a minimum standard of requirements on local governments, strong internal controls and good governance are essential.

Policy is an important tool of Council as it provides the specific instructions of Council to staff and specifies the approved standard of operations. The purchasing policy should be regularly reviewed to assess if value thresholds and quotation requirements reflect current needs, and to be clear about when and how to apply exemptions. The policy must maintain a high level of control, yet not hinder the ability to get the job done.

**Officer’s Comment**

The intent and much of the content of the draft policy attached remains the same as earlier versions. The main changes are within the purchasing thresholds and the inclusion of procurement exceptions. The Shire of Cranbrook, as with many other rural and remote local government, often has difficulty obtaining quotes from suppliers. This policy includes a threshold range which reduces the minimum number of quotes received for purchases between the value of above \$5,000 and up to \$50,000 to two quotes to aid and promote policy compliance, while maintaining control over purchasing.

The Shire of Cranbrook has regular and non-contestable payments that tend to sit outside general purchasing parameters. These payments are identified in the policy under Procurement Exceptions and will not require quotation or purchase orders. Types of payments exceptions include utility payments, payments to the Australian Taxation Office, insurance payments, regular subscriptions and licenses. A list of payment exceptions will be maintained by finance staff and approved by the Chief Executive Officer.

Points that were duplicated or are covered by delegations or other policies have been omitted to focus attention on this policy.

These minor omissions include:

- Creditors payment listing which has a separate requirement to be reported to Council,
- Bank signatories – delegation, and
- Work Health and Safety.

An essential part of good procurement is the ability to show compliance with legislation and policy. This policy gives guidance on where verbal and written quotations are appropriate to be used and the documentation needed. The Quotation Form in Appendix A is included guide staff though this process.

### **Statutory Environment**

Local Government (Functions and General) Regulations 1996

### **Policy Applicable – Implications**

Policy 4.8 – Purchasing and a separate Regional Price Preference Policy is required.

### **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 to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes

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

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

The **likelihood** is: Possible

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

Risk mitigation includes staff training and ongoing monitoring for compliance with policy

### **Strategic Community Plan Reference**

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

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

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

### **Consultation**

Consultation for this report included the Chief Executive Officer, Manager of Works, and Accounts Officer.

### **Voting Requirements**

**Absolute Majority**

### **AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION**

Motion 10042022

Moved Cr Quick, seconded Cr Johnson that Council adopt the revised Policy 4.8 - Purchasing.

Carried 7/0

<b>10.2.6</b>	<b>POLICY MANUAL REVIEW</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Linda Gray – Chief Executive Officer
<b>FILE REFERENCE:</b>	GO17
<b>APPLICANT:</b>	Nil
<b>DATE OF REPORT:</b>	7 April 2022
<b>ATTACHMENTS:</b>	Policy Manual

**Purpose**

The purpose of this report is for the Council to consider the adoption of the revised Policy Manual.

**Background**

Under Section 2.7(2b) of the Local Government Act 1995, the Council is to determine the Local Government’s policies. Each year the Policy Manual is presented to Council for review with minor amendments. Where amendments are significant, or the policy is new then the policy will be included as an individual agenda item. These policies will guide the decision-making and actions of the Council, Executive Management Team and staff throughout the year.

**Officer’s Comment**

The Executive Management Team and staff have reviewed the current policy manual and as a result there are some amendments and improvements to existing policies that are recommended this year, to reflect current practice and new legislation such as the replacement of the old Occupational Safety and Health Act 1984 with the new Work Health and Safety Act 2020 which came into effect on 31 March 2022.

It is not necessary to map a policy to the objectives of the new Strategic Community Plan 2021–2031, but these relevant documents will need to be listed for the benefit of new employees so that they can familiarise themselves further on the Shire of Cranbrook’s strategic planning documents.

The description of Manager Corporate and Community will be replaced throughout the Policy Manual by Manager of Finance and Administration.

In consultation with staff, it was decided that the Version Control should be updated individually as all policies are reviewed but not amended, and this needs to be clearer to the reader. The format will be as follows:

Adopted	Date
Reviewed	Date
Reviewed and amended	Date

The amendments include:

**GOVERNANCE:**

- **Policy 1.0 Policy Manual** – Reviewed – no changes
- **Policy 1.1 Meetings of Council** – Reviewed – the Annual Electors’ Meeting venues have been updated for the next three financial years. The description of when the agendas are to be uploaded will be changed from “uploaded to Docs on Tap” to “uploaded by electronic means”.
- **Policy 1.2 Committees of Council** – Reviewed – no changes
- **Policy 1.3 Public Question Time – Reviewed** – take out the Public Question Time – Rules and Procedures and include it in the Agenda Template.
- **Policy 1.4 Confidential Reports to Council** – to remove from the Policy Manual as listed in Index but no longer relevant. Previously left in the Index to keep the policy numbering sequential.
- **Policy 1.5 Elected Member Induction and Continued Professional Development – Reviewed** – under **ROLES AND RESPONSIBILITIES** to delete **Manager of Finance and Administration** so that all responsibility for the Elected Officers’ training and induction sit with the Chief Executive Officer. Also add to the dot point that includes information on training undertaken by each individual elected member in the Annual Report – the words “and Shire of Cranbrook’s website”. There is a requirement to advertise all Elected Officers’ training on the website.
- **Policy 1.6 Local Government Convention - Attendance** – Reviewed – no changes
- **Policy 1.7 Elected Members – Allowances & Reimbursements** – Reviewed – no changes but this may change in the budget process for the 2022/2023 Financial Year.
- **Policy 1.8 Risk Management** – Reviewed – no change.
- **Policy 1.9 iPad Usage – Elected Members and Employees** – Reviewed – to delete the sentences in the dot point under **2. Ownership Executive Management Team** - that states that “The ownership of the iPad is transferred to managers as a parting gift upon resignation or retirement subject to a minimum of four years’ service with the Shire. And “Council may from time to time agree to amend the timeframe in exceptional circumstances. Should a manager not wish to retain the iPad, it may be returned to the Shire in which case it will be restored to factory settings and any personal information will be removed.” With these deletions it will result in the Executive Management Team not receiving their iPad as a parting gift, and will be replaced with a sentence that states that “both the iPad and the SIM card for the service must be returned to the Shire of Cranbrook upon the staff member leaving employment with the local government”.  
**Under 6. Documents Relating to Shire Use** – to amend “uploaded into the Docs on Tap App” with “uploaded by electronic means”.
- **Policy 1.10 Internet and Email Access** – Reviewed – no change. There are processes and procedures in relation to increased cyber security that could be included but as the Policy Manual is on the web, it is not normal practice to include these details for obvious reasons.
- **Policy 1.11 Social Media** – Reviewed – no change.
- **Policy 1.12 Gifts, Benefits Hospitality, Attendance at Events** – Reviewed – no change.
- **Policy 1.13 Council Briefing Sessions** - Reviewed – no change.
- **Policy 1.14 Complaints Handling** – Reviewed – no change.
- **Policy 1.15 Related Party Disclosures** – Reviewed – no change.
- **Policy 1.16 Employee Gratuity Payments** – Reviewed – no change. Amendment: There will be no parting gifts at the end of their term/employment for Elected Members or employees.



**WORKFORCE:**

- **Policy 2.0 Recruitment and Selection** – The Selection Panel box needs to be updated to allow the inclusion of an employee who understands the position’s duties and responsibilities for example, someone who previously held the position. In which case, there needs to be an addition to the dot point under **ROLES AND RESPONSIBILITIES Chief Executive Officer** Ensure that this policy is adhered to “wherever possible, and at the Chief Executive Officer’s discretion can replace a member of the Selection Panel with another person if they can bring an expertise or skill to the employment process that will assist in selecting the best person for the job”.
- **Policy 2.1 Employee – Appointments** – Reviewed – addition of a dot point under **PRINCIPLES** All successful applicants must have passed etc etc “unless they are currently working for a local government and there is no break in service”.
- **Policy 2.2 Employee – Induction** – Reviewed – no change.
- **Policy 2.3 Employee – Performance Management** – Reviewed – no change.
- **Policy 2.4 Managing Unacceptable Behaviour** – Reviewed – no change.
- **Policy 2.5 Grievance Policy** – Reviewed – no change.
- **Policy 2.6 Senior Employees** – Reviewed – no change.
- **Policy 2.7 Professional Development and Training** – Addition dot point under **PRINCIPLES** stating that: A set meal allowance will be provided where a staff or elected member is staying with family or providing their own accommodation and meals and not utilising commercial accommodation and meals paid by the Shire of Cranbrook or refunded through the presentation of receipts. The meal allowance is calculated as follows: **\$90 per day; breakfast \$20, lunch \$25, dinner \$45**. This may be claimed via a Meal Allowance Form signed off by the Chief Executive Officer or a member of the Executive Management Team responsible for the employee – a meal cannot be claimed if it is provided by the training provider or the Shire of Cranbrook.
- **Policy 2.12 Leave – Management of Annual and Long Service** – Reviewed – no change.
- **Policy 2.9 Leave – Community Service** – Reviewed – amended to include the Red Cross Blood Bank under **SCOPE**.
- **2.10 Christmas Shutdown Period** – Reviewed – no change.
- **2.11 Salary Sacrificing** – Reviewed – no change. However, the inclusion in the Policy Manual will allow the Shire to remove the section on Salary Sacrificing from the current draft Administration Staff Enterprise Bargaining Agreement.
- **2.12 Housing – Employees** - Reviewed – The paragraph under **Sale of Shire Housing** is too broad in that there is no clarity as to what “be given the opportunity to purchase at the assessed market valuation provided that they have kept the property in good condition throughout their tenancy, have made all rental payments and have held a tenancy for 12 months or more” means, especially as the process for the sale of Council Property is clearly delineated in the Local Government Act 1995. I would suggest that this section be deleted.
- **Policy 2.13 Workforce – Shire Vehicles** – Reviewed. This is in direct conflict with the CEO’s Contract of Employment where private use is within Western Australia, not the South West Land Division of WA which according to Wikipedia consists of the regions of South West, Great Southern, Peel, some of the Wheatbelt and the coastal areas of the Mid West. I would suggest that we make the same applicable for all the Executive Management Team i.e. replace the South West Land Division of WA with Western Australia. That is more attractive to senior employees.
- **Policy 2.14 Employee – Shire Small Equipment Hire** – Reviewed and no change.
- **Policy 2.15 Relocation Expenses – Employees** – Reviewed and apparently the amount set has not been increased since 2014. This needs to be increased from \$4,000 to \$6,000 to be more attractive to prospective senior employees.

- **Policy 2.16 Occupational Safety and Health** – Reviewed and to be amended to reflect the new legislation.
- **Policy 2.17 Occupational Safety and Health Structure and Review** – Reviewed and to be amended to reflect the new legislation.
- **Policy 2.18 Uniforms, Allowance, Personal Protective Equipment** – Reviewed and to be amended to reflect the new Work Health and Safety Act 2020. To delete under Uniforms – Administration Employees the last dot point that states “Uniforms will be purchased through a supplier approved by management and embroidered with the appropriate logo”. The policy already states that “employees are expected to wear business attire and appropriate footwear to work at all times”, it is not necessary for us to select the provider – there should be an element of trust that administration staff will abide by the selection of suitable business attire.
- **Policy 2.19 Drug and Alcohol** – Reviewed and no change.
- **Policy 2.20 Disciplinary** – Reviewed and no change.
- **Policy 2.21 Superannuation** – Reviewed and no change.
- **Policy 2.22 Secondary Employment/Business** – Reviewed and under **PURPOSE** “To ensure Shire of Cranbrook employees advise and/or make application to the Chief Executive Officer if they wish to engage in secondary employment and/or operate a private business enterprise in their own time.” Delete “advise and/or”. This is not optional. This is only applicable if you have an individual ABN.
- **Policy 2.23 Education and Study Assistance** – Reviewed and no change.
- **Policy 2.24 Appointment of Acting Chief Executive Officer** – Reviewed and no change.
- **Policy 2.25 Working from Home** – Reviewed and no change.

#### **ADMINISTRATION:**

- **Policy 3.0 Administration Visitors to the Administration Centre** – Reviewed and recommend that under **PROCEDURE ASSOCIATED WITH THIS POLICY** there is an additional dot point “that all visitors must comply with the current Western Australia’s public health and social measures that are in place to manage COVID in the community and workplace”.
- **Policy 3.1 CB1 Number Plates** – Reviewed and no change.

#### **FINANCE:**

- **Policy Adoption and Implementation of the Annual Budget** – Reviewed and to remove from Policy Manual as under legislation.
- **Policy 4.1 Budget** – Reviewed and no change.
- **Policy 4.2 Financial Strategy** Reviewed and no change.
- **Policy 4.3 Capitalisation and Depreciation of Non-Current Assets** Reviewed and under **PRINCIPLES Depreciation of Non-Current Assets** the paragraph commencing with “Assets are depreciated” be deleted and replaced with updated information that “Non-current assets are depreciated on a straight-line basis over the individual asset’s useful life from the date of acquisition or, in respect of internally constructed assets, from the time the asset is completed and held ready for use. Asset residual values and useful lives are reviewed and adjusted if appropriate at the end of each reporting period, also having consideration for external factors that may affect residual value such as those seen during the Covid-19 pandemic, environmental disasters, or international armed conflicts.”
- **Policy 4.4 Investments** - Reviewed and no change.
- **Policy 4.5 Rates and Sundry Debtors Charges – Write Offs, Recovery Process** – Reviewed and under **ROLES AND RESPONSIBILITIES Chief Executive Officer & Manager of Finance and Administration** – to delete Manager of Finance and Administration and increase the debt limit to “up to \$200”.

- **Policy 4.6 Interest Free Loans – Community Organisations** – Reviewed and under **PRINCIPLES** to delete the last dot point “Names of guarantors available for amounts greater than \$2,000”.
- **Policy 4.7 Donations and Sponsorships** – Reviewed and update the amount that the Chief Executive Officer can donate without Council approval from \$300 to \$500.
- **Policy 4.8 – Finance – Purchasing** – Separate Agenda item.
- **Policy 4.9 Public Liability Claims** – Reviewed and remove as not relevant in the Policy Manual.
- **Policy 4.10 Asset Management** – Reviewed and remove as not relevant in the Policy Manual.
- **Policy 4.11 Rates – Pensioner Rebates – Curtilage/Dual Property Use** – Reviewed and remove as not relevant in the Policy Manual as under legislation.
- **Policy 4.12 Fees and Charges** – Reviewed. And under **PRINCIPLES** add a new dot point that states that “Any cancellations or rescheduled bookings must be completed outside of 72 hours prior to the date of the booking to be entitled to a full refund. All refunds are at the discretion of the CEO.”
- **Policy 4.13 Corporate Credit Card** – Reviewed and request that under **SCOPE**, the staff able to have a corporate credit card be changed from “Chief Executive Officer (CEO), Manager Corporate and Community (MCC), Community Emergency Services Manager (CESM) to “Chief Executive Officer (CEO), the Executive Management Team and the Community Emergency Services Manager (CESM). If approved, then the first dot point under **PRINCIPLES** will need to be amended also from “the Chief Executive Officer and the Manager Corporate and Community” to “the Chief Executive Officer and the Executive Management Team”.
- **Policy 4.14 Asset Disposal** – Reviewed and noted that the current Asset Disposal policy does not mention that it is necessary for any disposal of assets to align with Section 3.58 of the Local Government Act 1995. Therefore, under **PURPOSE** there needs to be an additional sentence following on from “whether real or perceived” stating that “The disposal of Council assets needs to follow the procedures set out in Section 3.58 of the Local Government Act 1995, and under the Local Government (Functions and General) Regulations 1996. Also under **PRINCIPLES** the third dot point, to delete “Generally”, and under the fourth dot point delete “As a general principle”. Also recommend deletion of the seventh dot point, “Elected Members and Employees must adhere to their obligations under the Council’s Code of Conduct to give full effect to the lawful policies, decisions and practices of the Shire”. This comment is not in keeping with the culture of the Council or staff, for the same reason, delete under **PROCEDURE ASSOCIATED WITH THIS POLICY** the words Code of Conduct.
- **Policy 4.15 Financial Hardship** – Reviewed and no change.
- **Policy 4.16 Community Grant Program Funding** – Reviewed and no change except that under **ROLES AND RESPONSIBILITIES** replace Community Development Officer with Community Development Manager.
- **Policy 4.17 Refunding of Fees and Charges** – Reviewed and in line with the addition in Policy 4.12 Fees and Charges under **PRINCIPLES** add in “Any cancellations or rescheduled bookings must be completed outside of 72 hours prior to the date of the booking to be entitled to a full refund. All refunds are at the discretion of the CEO.”
- **Policy 4.18 Bush Fire Brigade Fuel Cards** – Reviewed and no change.

**WORKS:**

- **Policy 5.0 Road Management** – Reviewed and recommend change to **CATEGORY CRITERIA** from:

	<b>CARRIAGEWAY* WIDTH(m)</b>	<b>CLEARING**WIDTH(m)</b>
1. Major Feeder (arterial)	9 to 10	18 to 18
2. Lesser Feeder Roads	8 to 10	14 to 14
3. Multiple Property Access Roads	6 to 8	12 to 14
4. Single/Minor Access Roads	5 to 6	7 to 8

This is the distance between white posts. Carriageway width equals top clear pavement running surface. Clearing to be increased as appropriate on the inside of curves, at driveways and intersections and to maintain visibility to signs and obstructions such as narrow bridges. These nominal clearing widths are in accord with required legislation and guidelines.

- **Policy 5.1 Road Material Acquisition** – Gravel and Sand – Reviewed and no change.
- **Policy 5.2 Thoroughfares – Temporary Closure** – Reviewed and no change.
- **Policy 5.3 Pathways** – Reviewed and no change.

**EMERGENCY SERVICES:**

- **Policy 6.0 Bushfire Control** – Reviewed and the following amendments are recommended: Under the statement under **3. Restricted Burning Period** that no bluegum or pine trash burning permits will be issued until the grape harvest is completed, according to the Frankland River Wine Makers and Grape Growers Association Incorporated, or permission is granted by the CEO. An additional line could be added “that cereal farmers be mindful when stubble burning of wind direction due to smoke and its negative effect on the grape harvest.”

The addition of a new item under **PRINCIPLES** being **No 24. Training** – that the Shire of Cranbrook has selected as its basic training benchmark for its volunteers the following:

- Bush Fire Safety Awareness
- Bush Fire Fighting Skills
- **Policy 6.1 Bushfire Control – Unsupervised Stationary Engines** – To be deleted as now included in **Policy 6.0 Bushfire Control**.

**COMMUNITY:**

- **Policy 7.0 Community Engagement** – Reviewed and the Strategic Community Plan 2017-2027 needs to be updated with the new Strategic Community Plan 2021 – 2031, and both Code of Conducts need to be listed.
- **Policy 7.1 Youth Advisory Council** – To be removed.
- **Policy 7.2 Disability Access and Inclusion** – Reviewed and no change.
- **Policy 7.3 Community Facilities – Usage** – Reviewed and no change.

**ECONOMIC:**

- **Policy 8.0 Contribution to Site Works (\$2,000)** – Reviewed and recommend removal from Policy Manual. Under current economic conditions, any funds would be best spent assisting the community in meeting current external economic pressures.
- **Policy 8.1 Shire History Books – Accommodation Providers** – Reviewed and no change.

**DEVELOPMENT:**

- **Policy 9.0 Development Services** – Nothing to review (blank page), recommend removal until better defined.

**ENVIRONMENT:**

- **Policy 10.0 Environmental Management** – Reviewed and no change.

**Statutory Environment**

Section 2.7(2b) of the Local Government Act 1995, states that:

*The Council is to determine the Local Government's policies.*

**Policy Applicable – Implications**

This report proposes adoption of the revised Council Policy Manual that includes amendments to current policies and inclusion of new policies as defined above.

**Financial Implications**

There are various financial implications from this report, all of which are considered as part of the annual budget process.

**Risk Implications**

The risks associated with matters in this report are varied and include:

- Misconduct
- Business and Community Disruption
- External Theft and Fraud
- 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 Engagement Practices
- Inadequate Asset Sustainability Practices
- Inadequate Safety and Security Practices
- Ineffective Employment Practices
- Inadequate Project/Change Management
- Inadequate Supplier/Contract Management
- Ineffective Management of Facilities/Venues/Events

The **impact** of the risk is People, Financial, Service Interruption, Non-Compliance, Reputational, Property and Natural Environment

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

The **likelihood** is Likely

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

Risk mitigation includes:

- Councillors having a clear understanding of the content of the policies in the attached policy manual; and
- The successful execution of the policies, delegations and authorisations by the Executive Management Team and staff.

**Strategic Community Plan Reference**

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

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

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

**Consultation**

Consultation for this report included the Executive Management Team and the Community Development Manager.

**Voting Requirements**

***Absolute Majority***

**AUDIT COMMITTEE RECOMMENDATION/COUNCIL DECISION**

**That Council approve the revised changes to the Shire of Cranbrook Policy Manual for 2022, as noted above.**

**AMENDED RESOLUTION**

**Motion 11042022**

**Moved Cr Egerton-Warburton, seconded Cr Quick that Council approved the revised Shire of Cranbrook Policy Manual for 2022 with the necessary amendments made by the Audit and Risk Committee.**

**Carried 7/0**

Reason for Change:

The Audit and Risk Committee has included necessary amendments to the following policies, 1.16, 2.7 2.22 and 6.0.

**10.3 WORKS**

NIL

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

NIL

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

NIL

**13. MATTERS BEHIND CLOSED DOORS**

NIL

**14. CLOSURE OF MEETING**

There being no further business to discuss, the Shire President, Cr Horrocks declared the meeting closed at 3:32pm.