

COUNCIL MEETING

AGENDA



For the Ordinary Meeting of Council to be held on

16 October 2024

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 16 October 2024 at the Cranbrook Council Chambers commencing at 3.00pm.



Linda Gray
Chief Executive Officer



PUBLIC QUESTION TIME – RULES AND PROCEDURES

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

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

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

1. A member of the public who raises a question during question time is to state his or her name and address. Questions should be directed to the Shire President (or Chairman at Committee Meetings).
2. A question may be taken on notice by the Council or committee for later response.
3. When a question is taken on notice under sub-clause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.
4. Council encourages input from the public but will not debate any issue with those in attendance at meetings.
5. The President (or Chairman) has the right to determine any address, question or statement made by a member of the public to be out of order if it is considered to be:
 - (i) a personal attack or adverse reflection on the integrity of Elected Members or Employees;
 - (ii) inappropriate behaviour and use of public question time. **Such behaviour will not be permitted or tolerated.**
6. Prevention of Disturbance (refer to Standing Order Local Law clause 8.6)
 - a) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so. (Penalty \$1,000)
 - b) No person observing a meeting is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means. (Penalty \$1,000)
7. Copies of “Public Question Time – Rules and Procedures” will be distributed at each Council/Committee Meetings where members of the public are in attendance.

Recording Of Proceedings

1. No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.
2. Subclause (1) does not apply if the record is taken by or at the direction of the CEO, with the permission of the Council or committee.

DISCLAIMER

This agenda has yet to be dealt with by the Council. The recommendations shown at the foot of each item have yet to be considered by the Council and are not to be interpreted as being the position of the Council. The minutes of the meeting held to discuss this agenda should be read to ascertain the decision of the Council.

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AGENDA

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Pollard as Presiding Member will declare the meeting open at pm. The Shire President will alert the meeting to the procedures for emergencies including evacuation, designated exits and muster points.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

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

Chief Executive Officer	Ms LA (Linda) Gray
Manager of Finance	Mrs DE (Diana) Marsh
Executive Officer	Miss JL (Jo) Scott

Members of the Public

2.2 APPROVED LEAVE OF ABSENCE

2.3 APOLOGIES

3. APPLICATIONS FOR LEAVE OF ABSENCE

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4.2 PUBLIC QUESTIONS

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

6. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

7. DISCLOSURE OF INTEREST

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 18 September 2024

That the minutes from the Ordinary Meeting of Council held on 18 September 2024, be confirmed as a true and correct record.

9.2 SPECIAL MEETING – 24 September 2024

That the minutes from the Special Meeting of Council held on 24 September 2024, be confirmed as a true and correct record.

10. REPORTS OF OFFICERS

10.1 CORPORATE AND COMMUNITY SERVICES

10.1.1 LIST OF PAYMENTS

RESPONSIBLE OFFICER:	Diana Marsh – Manager of Finance
REPORT AUTHOR:	Alecia Taylor – Finance Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	7/10/2024
ATTACHMENTS:	List of Payments – 1 September 2024 to 30 September 2024

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 September 2024 to 30 September 2024.

Background

Nil

Officer's Comment

Nil

Statutory Environment

Local Government (Financial Management) Regulation 13 and 13A states:

13. List of accounts

(1) If the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the Chief Executive Officer is to be prepared each month showing for each account paid since the last such list was prepared:

- (a) the payee's name;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

13A. Payments by employees via purchasing cards

(1) If a local government has authorised an employee to use a credit, debit or other purchasing card, a list of payments made using the card must be prepared each month showing the following for each payment made since the last such list was prepared — (a) the payee's name;

- (b) the amount of the payment;
- (c) the date of the payment;
- (d) sufficient information to identify the payment.

(2) A list prepared under subregulation (1) must be —

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
- (b) recorded in the minutes of that meeting.

Policy Applicable – Implications

Council Policy 4.8 – 'Purchasing', states that:

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

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

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

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

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Rare

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

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

Strategic Community Plan Reference

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

Key Pillar: Connect

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

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

Consultation

Consultation was not required for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the payment of accounts totalling \$752,794.28 per the attachment be noted:

- **Electronic Funds Transfers EFT 15710 to EFT 15832 - \$565,181.67 including fuel card purchases of \$643.61;**
- **Internal Account Transfers (Payroll) - \$143,797.87; and**
- **Direct Debit - \$43,814.74 including credit card purchases of \$6,770.92.**

10.1.2 MONTHLY FINANCIAL REPORT – SEPTEMBER 2024

RESPONSIBLE OFFICER: Diana Marsh – Manager of Finance
REPORT AUTHOR: Chelsea Paterson – Senior Finance Officer
FILE REFERENCE: FM12
APPLICANT: N/A
DATE OF REPORT: 07 October 2024
ATTACHMENTS: Financial Statements for September 2024

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 September 2024.

Background

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

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 September 2024 Monthly Financial Report represents three (3) months of the financial year. The following items are worthy of noting on the September 2024 report:

- Closing surplus position of \$4,962,171 (shown on page 2).
- Cash and cash equivalents of \$8,006,461 of which \$3,588,681 is held in cash backed reserve accounts (shown on page 10)
- Outstanding rates of \$1,137,871 equates to 35.7% the 2024/2025 rates levied and arrears from previous years (shown on page 15); and
- Explanation of material variances is shown by nature on page 6.

Statutory Environment

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

Policy Applicable – Implications

Council Policy 4.1 Defining Material Variances

Financial Implications

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

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is Rare

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

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

Strategic Community Plan Reference

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

Key Pillar: Connect

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

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

Consultation

Consultation was not required for this report.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the attached Monthly Financial Report (containing the Statement of Financial Activity) for the period ending 30 September 2024 be received.

10.1.3 COMMUNITY WATER SUPPLIES PARTNERSHIPS (CWSP) PROGRAM

RESPONSIBLE OFFICER: Linda Gray – Chief Executive Officer

REPORT AUTHOR: Linda Gray – Chief Executive Officer

FILE REFERENCE: FM13

APPLICANT: Shire of Cranbrook

DATE OF REPORT: 1 October 2024

ATTACHMENTS: Grant Application

Purpose

The purpose of this report is for the Council to endorse the submission of a grant application to the Department of Water and Environmental Regulation for their Community Water Supplies Partnerships (CWSP) program.

Background

The Community Water Supplies Partnership (CWSP) program is 50:50 co-funded by the Australian Government National Water Grid Connections Fund and the Western Australian Government through Royalties for Regions. It provides regional communities in dryland agricultural areas with funding to improve their non-potable water supplies and is administered by the Department of Water and Environmental Regulation (DWER). One of the program's objectives is to increase water available for emergency livestock and firefighting to better prepare communities for periods of low rainfall.

Officer's Comment

The focus of the program is to provide assistance to areas that have a history of water deficiency, or where on-farm and non-potable community water supplies are unreliable and unable to meet the needs of local landholders or the community. In May 2024, the program was opened up to regional communities in the South West and the Great Southern in response to the Dry Season experienced in those areas in 2023/2024.

The funding can be used for proposed projects that will take advantage of local non-potable water sources for emergency farmland or firefighting and community use, and was open to local government authorities and community groups that are incorporated bodies.

With the upgrade of the Cranbrook airstrip, it had been discussed that it would make a good site for storage tanks, especially as it was located south of a Shire's dam that normally overflowed during the Winter months. The intention was to capture the overflow to fill the tanks (115,000 litres x 2) and the water would be available for both stock use and emergency management. During the Dry Season there were limited access to non-potable water for stock purposes, and the main site that was available was 25 kilometres from the Cranbrook townsite. Support for the proposed project was sought from Mr Graeme Marshall, the Shire's Bushfire Control Chief.

Statutory Environment

There is no specific legislation applicable to this report.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The total cost of the matters in this report are anticipated to be \$47,174 which includes the Shire's contribution of \$10,500 in kind and cash, and \$36,674 as grant funding.

Risk Implications

The risks associated with matters in this report are:

- Inadequate Environmental Management
- Business and Community Disruption
- Inadequate Engagement Practices

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

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 the seeking of relevant information from the Manager of Works and the Bushfire Advisory Committee.

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

Mr G Marshall, Chief Bush Fire Control Officer
Manager of Works

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the submission of a grant application for the Community Water Supplies Partnerships (CWSP) program to assist in purchasing two 115,000 litres tanks in order to improve their non-potable water supplies with the Shire making an in kind and cash contribution of \$10,500.

10.2 GOVERNANCE AND EXECUTIVE SERVICES

10.2.1 BUSHFIRE ADVISORY COMMITTEE DRAFT MINUTES 24 SEPTEMBER 2024

RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Jo Scott – Executive Officer
FILE REFERENCE:	BF1
APPLICANT:	Shire of Cranbrook Bushfire Advisory Committee
DATE OF REPORT:	1 October 2024
ATTACHMENTS:	Bushfire Advisory Committee Draft Minutes

Purpose

The purpose of this report to present to Council the minutes of the Bushfire Advisory Committee (BFAC) held on 24 September 2024 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.

Officers Comment

The BFAC held their Meeting on 24 September 2024 at the Frankland River Community Resource Centre, the minutes of the meeting are attached. The meeting proposed that:

“The BFAC recommended the Induction and Standard Operating Procedures’ document and requested that it be forwarded to the Shire of Cranbrook’s Council Meeting for approval.”

Moved: Andrew Murray

Seconded: Simon Hilder

All in favour: Approved unanimously

And;

“Council look at sourcing a 115,000 litres tank to be located near the Frankland River Fire Shed.”

Moved: Andrew Murray

Seconded: Sean Morgan

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 24 September 2024.

Voting Requirements

Simple Majority

COMMITTEE RECOMMENDATION

That Council:

- 1. Note the Minutes of the Bushfire Advisory Committee held on 24 September 2024.**
- 2. Note that the BFAC recommendation Induction and Standard Operating Procedures will be seen in a separate report to Council for deliberation; and**
- 3. Note the request to source a 115,00L tank for Frankland River, and that the Shire will undertake research on this request and information to be sent back to the BFAC directly.**

10.2.2	BUSHFIRE BRIGADE VOLUNTEER WORKPLACE HEALTH AND SAFETY COMPLIANCE
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Shane Harris – CESM
FILE REFERENCE:	File Number
APPLICANT:	NA
DATE OF REPORT:	1 October 2024
ATTACHMENTS:	1. Standard Operating Procedures 2. WHS Induction and Orientation checklist

Purpose

The purpose of this report is for the Council to endorse the WHS Induction and Orientation Checklist and Standard Operating Procedures (SOP) required for Bushfire Brigade Volunteers to ensure Workplace Health and Safety legislation requirements are met.

Background

With the introduction of the *Work Health and Safety Act 2020* (WHS Act), there are changes to the workplace health and safety laws in Western Australia surrounding volunteer bushfire brigades (BFB) and the processes local governments can adopt in order to comply with the WHS Act with respect to the they manage and who work under their control.

The WHS Act applies to all workplaces (both private and government operations) within the natural jurisdiction of Western Australia. The WHS Act provides a framework to protect the health, safety and welfare of both those persons undertaking work and those persons who might be affected by that work. The WHS Act has further formalised the safety responsibilities of employer’s which were in some respects implied but not explicitly stated in the previous occupational health and safety legislation.

The concept of a Person Conducting a Business or Undertaking (PCBU), a term which has replaced the term ‘employer’ in the WHS Act, has a duty of care under the WHS Act and must ensure, so far as is reasonably practicable, the health and safety of all of its workers, including volunteers. This means that the organisation, in this case the Shire of Cranbrook, must provide the same protections to its volunteers as it does to its paid workers.

Officer’s Comment

The WHS Act has mandatory requirements for all BFB volunteers and part of this requirement is a formal induction. The purpose of the Induction is to outline the legal obligations under the WHS Act which highlights requirements for both the Shire and Volunteer. The induction would be introduced to all new Volunteers as part of their minimum training package and for existing Volunteers the induction will be rolled out prior to the 2024/25 fire season.

The Brigade Standing Orders will also form a part of the new Volunteer enrolment and training process, the SOP will be handed out to new Volunteers as part of their Welcome to Becoming a Volunteer package.

All existing members will be emailed a copy and for Brigades that have a station they will have a hard copy available on a notice board.

The matter was taken to the Bushfire Advisory Committee on Wednesday 24th September, 2024 at Frankland River and approved by them.

See below:

“The BFAC recommended the Induction and Standard Operating Procedures’ document and requested that it be forwarded to the Shire of Cranbrook’s Council Meeting for approval.”

Moved: Andrew Murray

Seconded: Simon Hilder

All in favour: Approved unanimously

Statutory Environment

Both the *Work Health and Safety Act 2020* and the *Bush Fires Act 1954* apply to this report.

Policy Applicable – Implications

Council Policy 6.0 Emergency Services - Bushfire Control states that:

Training

The Shire of Cranbrook has selected as its basic training benchmark for its volunteers the following:

- o Bush Fire Safety Awareness
- o Bush Fire Fighting Skills
- o Work Health and Safety Induction

Where a volunteer does not intend to operate a fire truck and/or is a current itinerant employee of a local business, or an experienced firefighter without any previous formal training, then the minimum standard of training accepted will be the following course:

- o Rural Fire Fighting
- o Work Health and Safety Induction

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
- Inadequate Safety and Security Practices

The **impacts** of the risk are: People, 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 compliance with legislation through the adoption and implementation of policies and procedures.

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.

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.

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 Council endorse the Bushfire Brigades Standard Operating Procedures and WHS Induction and Orientation checklist, as attached.

**10.2.3 PROPOSED BUILDING FOR ST JOHNS AMBULANCE – LOT 104 (No 7)
FRANKLAND – CRANBROOK ROAD, FRANKLAND RIVER**

RESPONSIBLE OFFICER: Linda Gray - Chief Executive Officer
REPORT AUTHOR: Liz Bushby - Town Planning Innovations (TPI)
FILE REFERENCE: A5036
APPLICANT: Sophie Pfuhl
DATE OF REPORT: 2 October 2024
ATTACHMENTS: Development Plans

Purpose

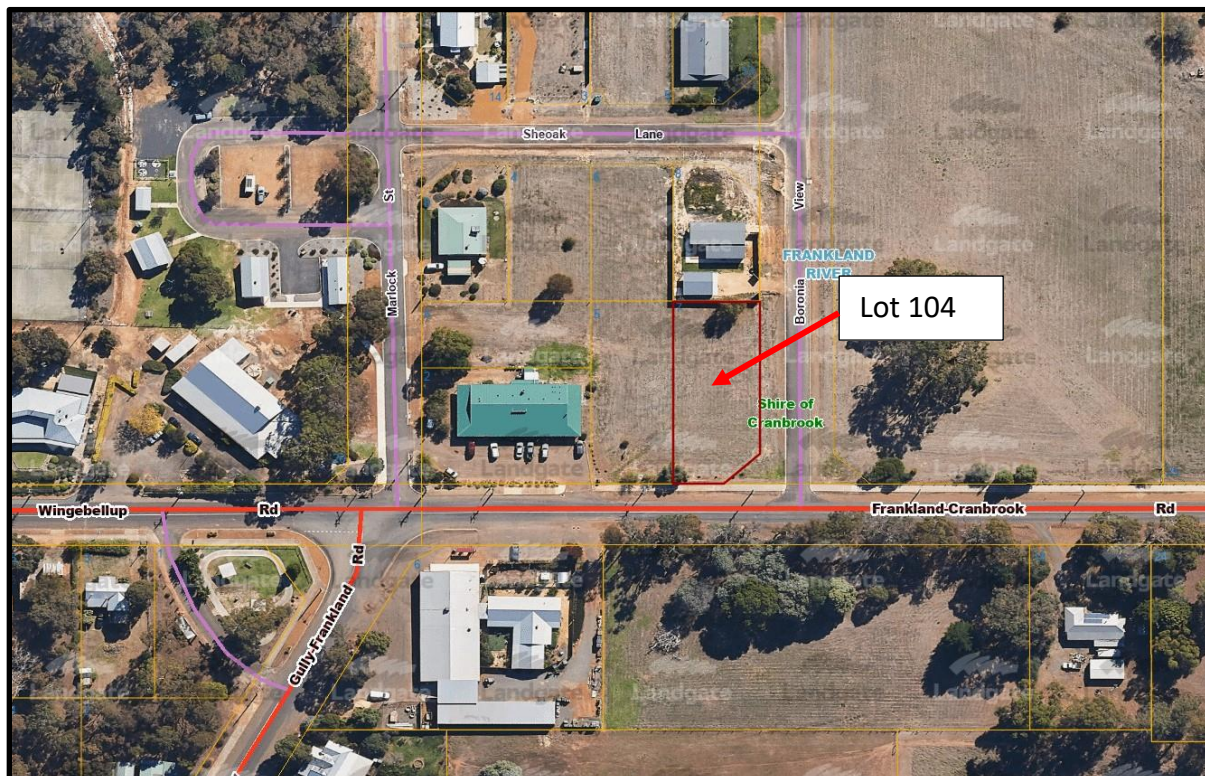
The purpose of this report is for Council to consider an application seeking planning approval for new building on Lot 104, which is proposed to serve as a new St John Ambulance Sub Branch, to replace the existing facility located in Frankland River.

The application is being advertised for public comment. Advertising closes on 29 October 2024.

Council is to consider whether the proposal is consistent with the objectives of the Town Centre zone, and whether to grant delegated authority to the Chief Executive Officer to determine the application once advertising has closed.

Background

Lot 104 is vacant and is owned by the St John Ambulance WA Ltd. The lot has an area of 1374m² and is located on the corner of Frankland-Cranbrook Road and Boronia View in Frankland River. An aerial is included below.



Above: Aerial Plan

Officer's Comment

- **Description of Application**

The applicant has advised that the building will serve as a new St John Ambulance Sub Branch, to replace the existing facility located in Frankland River.

The building is designed to include a training room, a quiet room for fatigue management, a kitchen, bathroom and storerooms. It will also include a garage to house two ambulances.

The applicant has advised that the building will be in operation 24 hours, 7 days per week and will be manned by volunteers.

The Ambulances will exit the facility to the south onto Frankland-Cranbrook Road. When returning from a job and parking the van the entrance into the garage will be through the carpark entrance from Boronia View.

The development plans are included as Attachment 1.

- **Zoning and Land Use Permissibility**

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

Under Clause 4.2 of the Scheme the objectives of the Town Centre zone are:

- To ensure the established town centres remain the principal places for retail, commercial, civic, and administrative functions.
- To ensure development will not adversely affect local amenities, and will enhance the character of townsites in the district.
- To provide for the efficient and safe movement of pedestrians and vehicles (including trucks, buses, and caravans).
- To provide sufficient parking spaces for cars, caravans, and buses, without compromising pedestrian movements.
- To provide an increased level of public amenities including public toilets, shaded areas, and street furniture.
- To provide for expansion of commercial activity and community facilities to meet future demands.

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 'community purpose' defined in the Scheme as '*means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit*'.
Bold for emphasis

The community purpose land use is defined in the Shire's Scheme, however it is not listed in Table 1 of the Scheme. This is referred to as a 'Use Not Listed'.

Council has three options in dealing with a 'Use Not Listed' under Clause 4.4.2 of the Scheme:

Option 1 Determine that the community purpose use is consistent with the objectives of the Town Centre zone and is therefore permitted.

Comment: TPI does not recommend Option 1, as it will set a precedent for all applications for community purpose uses to be treated as a permitted use in the Town Centre zone. This is undesirable as there may be locations or cases where the Shire Council does not support the land use.

Option 2 Determine that the proposed community purpose use may be consistent with the objectives of the Town Centre zone and thereafter follow the advertising procedures of Clause 64 in considering an application for development approval.

Comment: There are clear community benefits that St John Ambulance provide to the district. TPI recommends Council pursue Option 2.

Option 3 Determine that the community purpose use is not consistent with the objectives of the Town Centre zone and is therefore not permitted.

Comment: Option 3 is not recommended. The application has merit, and Council has discretion to consider a wide range of activities in the Town Centre zone.

- ***Bushfire Planning***

A portion of the lot is within a declared bushfire prone area. In accordance with State Planning Policy 3.7, a Bushfire Attack Level (BAL) assessment may be required for any development in a bushfire prone area.

The applicant has lodged a Bushfire Attack Level assessment that concludes that a BAL rating of BAL-12.5 will apply. From a planning policy perspective, any rating of BAL-29 or below is acceptable.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 67 outlines the matters to be considered by the local government including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Under Clause 67(v) the local government can consider '*the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses*'.

Where an application is being processed as a 'Use Not Listed', it is classified as a 'complex application' under the Regulations. Public advertising must be for a minimum of 28 days.

Clause 82(1) gives the local government the ability to delegate its powers to the Chief Executive Officer. Clause 82(2) requires any delegation to be by Absolute Majority.

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

Below is an extract of the scheme zoning map showing the Town Centre zone with a blue outline, and residential lots shown in light brown.



Under Clause 5.16.2(b) the local government is to have regard for:

- the colour and texture of external building materials; the local government may require the building facade and side walls to a building depth of 3 metres to be constructed in masonry;
- building size, height, bulk, roof pitch;
- setback and location of the building on its lot
- architectural style and design details of the building;
- function of the building;
- relationship to surrounding development; and
- other characteristics considered by the local government to be relevant.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

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

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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

The **likelihood** is: Unlikely

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

Risk mitigation includes seeking professional planning advice.

Strategic Community Plan Reference

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

Key Pillar: Live

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

Deliverable 1.1: A community and enterprise safety and security system.

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 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

It is compulsory to advertise the application if Council pursues Option 2 as outlined in this report.

To expedite processing of the application, Shire Administration has organised formal advertising which will close on 29 October 2024.

Voting Requirements

Absolute Majority (for delegated authority)

OFFICER'S RECOMMENDATION

That Council:

- Determine that the proposed community purpose use may be consistent with the objectives of the Town Centre zone, and thereafter follow the advertising procedures of Clause 64 in considering an application for development approval, to facilitate the St Johns Ambulance building on Lot 104 (No 7) Frankland-Cranbrook Road, Frankland River.**
- Note that the application is being advertised for public comment, and advertising closes on 29 October 2024.**
- Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grant delegated authority to the Chief Executive Officer to determine the application for a community purpose use on Lot 104 (No 7) Frankland-Cranbrook Road, Frankland River.**

10.2.4	WALGA ADVOCACY POSITION
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Linda Gray – Chief Executive Officer
FILE REFERENCE:	GO300
APPLICANT:	WALGA
DATE OF REPORT:	3 October 2024
ATTACHMENTS:	InfoPage – Elections Advocacy Positions (WALGA)

Purpose

The purpose of this report is for the Council to consider and select the WALGA’s advocacy positions it wishes to support.

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zones, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Officer’s Comment

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA’s Local Government Elections Advocacy Positions. WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

WALGA State Council current advocacy positions:

The following is a summary of WALGA’s current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement	<p>The Local Government sector supports:</p> <ol style="list-style-type: none"> 1. Four year terms with a two year spill 2. Greater participation in Local Government elections 3. The option to hold elections through: <ul style="list-style-type: none"> • Online voting • Postal voting, and • In-person voting 4. Voting at Local Government elections to be voluntary 5. The first past the post method of counting votes <p>The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.</p>
Background	<p>The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.</p>
State Council Resolution	<p>February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 October 2008 – 427.5/2008</p>
Supporting Documents	<p>Advocacy Positions for a New Local Government Act WALGA submission: Local Government Reform Proposal (February 2022)</p>

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement	<p>Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.</p>
State Council Resolution	<p>February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017</p>

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement	<p>The <i>Local Government Act 1995</i> should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.</p>
Background	<p>Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.</p>
State Council Resolution	<p>May 2023 – 452.2/2023 March 2019 – 06.3/2019 December 2017 – 121.6/2017 March 2012 – 24.2/2012</p>

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

- (a) The sector continues to support voluntary voting at Local Government elections.
- OR
- (b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

- (a) The sector continues to support four-year terms with a two year spill;
- OR
- (b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections
- OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

- (a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.
- OR
- (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

- (a) Electronic voting; and/or
- (b) Postal voting; and/or
- (c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

- (a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- (b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Statutory Environment

Local Government Reform Proposal (February 2022)

Policy Applicable – Implications

There is no Council policy applicable to this report, however the WALGA paper “Advocacy Positions for a New Local Government Act – Key Issues from recent inquiries into Local Government”, December 2020, has been cited.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Business and Community Disruption
- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Document Management Processes
- Inadequate Safety and Security Practices

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

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

The **likelihood** is: Unlikely

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

Strategic Community Plan Reference

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

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 report was completed by the Western Australian Local Government Association.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

That the Shire of Cranbrook supports and recommends that WALGA adopt the following Local Government Election Advocacy Positions:

- 1. PARTICIPATION; that the sector continues to support voluntary voting at Local Government elections, and**
- 2. TERMS OF OFFICE; that the sector continues to support four-year terms with a two year spill, and**
- 3. VOTING METHODS; The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections, and**
- 4. INTERNAL ELECTIONS; the sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections, and**
- 5. VOTING ACCESSIBILITY; the sector supports the option to hold general elections through: Postal voting: and/or In-Person voting, and**
- 6. METHOD OF ELECTION OF MAYOR: Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.**

10.2.5 POLICY REVIEW – POLICY 4.8 FINANCE - PURCHASING

RESPONSIBLE OFFICER: Diana Marsh – Manager of Finance
REPORT AUTHOR: Diana Marsh – Manager of Finance
FILE REFERENCE: GO17
APPLICANT: N/A
DATE OF REPORT: 7 October 2024
ATTACHMENTS: Policy 4.8 Finance – Purchasing

Purpose

The purpose of this report is for the Council to consider amendments to Policy 4.8 Finance – Purchasing updating authorised purchasing officers.

Background

The management team within the Shire of Cranbrook has undergone a number of changes in recent months and it is proposed to include purchasing authority for two additional positions, those being the Manager of Human Resources and Administration, and Engineer.

Officer’s Comment

The intent and the content of the draft policy attached remains the same as earlier versions. The only changes proposed at this time are within the authorised officers for purchases up to the value of \$25,000. The inclusion of these officers will better facilitate their ability to manage the budget areas and projects they are responsible for. The proposed changes are as follows:

Purchase Value Threshold	Purchasing Practice	Authorised Officers
Over \$100 and up to and including \$5,000	<p>Direct purchase from suppliers using a Purchase Order or Corporate Credit Card issued by the Shire of Cranbrook, obtaining at least one (1) verbal or written quotation from a suitable supplier, either from:</p> <ul style="list-style-type: none"> • The open market; • An existing panel of pre-qualified suppliers administered by the Shire of Cranbrook; or <p>A pre-qualified supplier on the WALGA Preferred Supply Program or the State Government Common Use Arrangement (CUA)</p>	<p>CEO, <u>Manager of Finance,</u> <u>Manager of Works, Manager of Community Development,</u> <u>Manager HR & Administration & Engineer</u> MOF, MOW, MCD & Delegated Purchasing Officers</p>

<p>Over \$5,000 and up to and including \$25,000</p>	<p>Obtain at least two (2) verbal or written quotations from suppliers either from:</p> <ul style="list-style-type: none"> • The open market; • An existing panel of pre-qualified suppliers administered by the Shire of Cranbrook; or • A pre-qualified supplier on the WALGA Preferred Supply Program or the State Government Common Use Arrangement (CUA) 	<p>CEO, <u>MOF</u> <u>Manager of Finance, MOW</u> <u>Manager of Works, & MCD</u> <u>Manager of Community Development,</u> <u>Manager HR & Administration & Engineer</u></p>
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Statutory Environment

Local Government (Functions and General) Regulations 1996

Policy Applicable – Implications

None

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

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

Consultation

Consultation for this report included the Chief Executive Officer and management team.

Voting Requirements

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION

That Council adopt the revised Policy 4.8 Finance – Procurement.

10.2.6	POLICY REVIEW – POLICY 2.24 WORKFORCE APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER
RESPONSIBLE OFFICER:	Linda Gray – Chief Executive Officer
REPORT AUTHOR:	Jo Scott – Executive Officer
FILE REFERENCE:	GO17
APPLICANT:	N/A
DATE OF REPORT:	9 October 2024
ATTACHMENTS:	Updated Policy 2.24 Workforce Appointment of Acting Chief Executive Officer

Purpose

The purpose of this report is for the Council to consider adopting the reviewed and amended policy, Policy 2.24 Workforce Appointment of Acting Chief Executive Officer.

Background

Where the role of Chief Executive Officer (CEO) is not fulfilled for a significant period, this leads to increased risk to the operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. Currently the Shire has the positions of Manager of Finance (MOF), and Manager of Works (MOW) are outlined in the policy to fill the A/CEO position.

Officer’s Comment

To increase the opportunity for professional development and experience in the role of CEO it is important to give suitably experienced employees the chance to Act should the occasion present itself. For this reason, the positions of Community Development Manager and Shire Engineer shall be added into the policy to allow for growth of experience.

The Policy currently states:

Section 5.36(2) of the *Local Government Act 1995*, the Council has determined that employees that are appointed to the role of MOF and MOW are suitably qualified and experienced to be appointed as Acting CEO by the CEO, from time to time, when the CEO is on periods of leave, subject to the following conditions;

- The CEO appointing is not an interim CEO or Acting in the position;
- The term of appointment is no longer than 20 consecutive working days; and
- The employee’s employment conditions are not varied other than the employee is entitled, at the CEO’s discretion, no greater than the salary equivalent to that of the CEO during the acting period.

The Policy still includes a section referring to Policy 2.6 Senior Employees which was deleted in April 2023. This section will be removed from the policy.

Statutory Environment

Section 5.36(2) and 5.39C of the *Local Government Act 1995*

Policy Applicable – Implications

Council Policy 2.24 – Workforce Appointment of Acting Chief Executive Officer.

Financial Implications

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Rare

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

Risk mitigation includes ensuring Council policies are reviewed and updated as necessary to keep up to date with changing legislation, policies and procedures.

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

No consultation was required for this report.

Voting Requirements

Absolute Majority

AUDIT COMMITTEE RECOMMENDATION

That Council adopt the reviewed and amended Policy 2.24 – Workforce Appointment of Acting Chief Executive Officer, as attached.

10.3 WORKS

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

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

13. MATTERS BEHIND CLOSED DOORS

14. CLOSURE OF MEETING

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