

COUNCIL MEETING

AGENDA

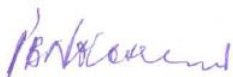


For the Ordinary Meeting of Council to be held on

21 June 2017

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 21 June 2017 at the Cranbrook Council Chambers commencing at 3.00pm.



Peter Northover
Chief Executive Officer

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 Cunningham 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 JT (Twynam) Cunningham
Deputy President	Cr CY (Colin) Egerton-Warburton
Councillors	Cr DJ (David) Adams
	Cr PM (Peter) Beech
	Cr ER (Ruth) Bigwood
	Cr PL (Phil) Horrocks
	Cr HC (Helen) Parsons
	Cr TC (Tom) Standish

Chief Executive Officer	Mr PB (Peter) Northover
Active Manager of Finance & Administration	Mr P (Phil) Rowe
Manager of Works	Mr JE (Jeff) Alderton
Personal Assistant to Chief Executive Officer	Miss KM (Kellie) Evans

Members of the Public

2.2 APOLOGIES

Manager of Finance & Administration	Mrs PA (Trish) Standish
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2.3 APPROVED LEAVE OF ABSENCE

Councillor	Cr P (Peter) Denton
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3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. DISCLOSURE OF INTEREST

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 17 MAY 2017

That the minutes from the ordinary meeting of Council held on 17 May 2017, be confirmed as a true and correct record.

10. REPORTS OF OFFICERS

10.1 FINANCE & ADMINISTRATION

10.1.1	LIST OF PAYMENTS
RESPONSIBLE OFFICER:	Phillip Rowe – Acting Manager of Finance and Administration
REPORT AUTHOR:	Jodi Vitler – Finance Administration Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	14 June 2017
ATTACHMENTS:	List of Payments – 11 May 2017 to 14 June 2017

Purpose

The purpose of this report is to advise the Council of payments made during the period 11 May 2017 to 14 June 2017.

Background

Nil

Officers 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 **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 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 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 5.0: by 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and Accountable Financial Management

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the payment of accounts totalling \$ 772,128.59 as per the attachment be noted:

- **Electronic Funds Transfers EFT 7696 to EFT 7811 - \$590,936.33;**
- **Municipal Fund Cheque No's 12002 – 12013 - \$21,563.36;**
- **Internal Account Transfers (Payroll) - \$140,737.94;**
- **Direct Debit - \$18,890.96.**

10.1.2	MONTHLY FINANCIAL STATEMENTS
RESPONSIBLE OFFICER:	Phillip Rowe – Acting Manager of Finance and Administration
REPORT AUTHOR:	Phillip Rowe – Acting Manager of Finance and Administration
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	14 June 2017
ATTACHMENTS:	Financial Statements May 2017

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 May 2017.

Background

The Local Government (Financial Management) Regulations 1996 require the preparation of monthly financial statements and presentation of these statements to the Council.

Officers Comment

The May financial statements report on 11 months, or 92% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 85% of our expected operating income;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 77% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$536,747 (surplus), which is mainly made up of cash on hand and debtors; and
- The 'Variance Report' on page 9 and 10 defines the major variances between budget and actual figures as required by the regulations.

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 \$1,000 to be reported.

Financial Implications

Whilst the financial statements report on the current position of the Council, 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 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 5.0: By 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth

Objective: 5.4 Demonstrate Sound Financial Planning and Management

Strategy: 5.4.2 Responsible and Accountable Financial Management

Consultation

Consultation was not required for this report.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That the attached financial statements for the period ending 31 May 2017 be noted.

10.1.3 CRANBROOK SPORTING CLUB – REQUEST FOR LOAN FOR DISHWASHER

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Peter Northover – Chief Executive Officer
FILE REFERENCE: CP120
APPLICANT: Cranbrook Sporting Club
DATE OF REPORT: 16 June 2017
ATTACHMENTS: Audited Cranbrook Sporting Club Financials

Purpose

The purpose of this report is for the Council to consider a request from the Cranbrook Sporting Club for a loan to cover the cost of the purchase and installation of a commercial dishwasher.

Background

Late last year the Cranbrook Sporting Club purchased a commercial dishwasher for the kitchen at the club. The acquisition necessitated additional plumbing and electrical upgrades as well as some modifications to the stainless steel bench in the kitchen area to accommodate the installation. The total cost of the purchase and installation was \$8,000.

Officers Comment

The Shire has received a letter from the Cranbrook Sporting Club which indicates that the purchase of the dishwasher last year has created some financial pressure for the club in the current operating climate. The club's cash flow has been impacted by the low patronage at this time of the year because of seeding and the colder winter months. The club has indicated that the situation should improve after the Annual General Meeting on 12 July 2017 when membership renewal notices are sent out to members, and as a result of a number of other cost savings initiatives that the club will be implementing including closure of the club on weekends, and the utilisation of voluntary labour in the kitchen and bar as often as possible.

The club has provided a copy of their audited financial statements for 2015/2016 as well as a copy of their most recent monthly financial statements. The club has requested a loan of \$8,000 over an eight year term although it is the club's intention to repay the loan in full in a shorter time frame if possible. The club has indicated that Mrs Bernie Climie and Mr John Barden will go guarantors for the loan.

The Council could support this request from the Cranbrook Sporting Club with an interest free loan from the Community Associations Financial Assistance Reserve account, which currently has a balance of \$40,832.75.

The Cranbrook Sporting Club will make a repayment of \$500 every six months for eight years. Council Policy 4.6 states that a proposed loan repayment period should be no longer than ten years with repayments twice yearly. It is also proposed that a Deed of Arrangement be entered into with the club for the loan, which is consistent with normal practice.

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:

Principles

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 from Council;
- The amount of funds the applicant is contributing and any funds available or applied for i.e. Government Grants
- A proposed loan repayment period (no longer than ten 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.

Financial Implications

The total cost of this report will be \$8,000. This interest free loan can be funded from the Community Associations Financial Assistance Reserve account budget, which has a current balance of \$40,832.75.

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
- Ineffective Management of Facilities/Venues/Events

The **impacts** of these risks are People, Financial, Service Interruption, Non-Compliance and Reputational

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 completion of a Deed of Arrangement for the loan facility.

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 1.0: By 2023 the Shire of Cranbrook will be respected for its Friendly, Vibrant, Connected and Safe Communities

Objective 1.3: Be Supportive and Inclusive

Strategy 1.3.3: Encourage Community Participation

Objective 1.5: Develop a Healthy Place to Grow and Age

Strategy 1.5.3: Encourage a Sporting and Active Community

Aspiration 4.0: By 2023 the Shire of Cranbrook will have Envable Quality Infrastructure, Roads and Facilities

Objective 4.3: Outstanding Public Facilities

Strategy 4.3.2: Continue development of recreational and tourism facilities across the Shire

Consultation

Consultation for this report included discussions with the Secretary of the Cranbrook Sporting Club.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

- 1. Offers the Cranbrook Sporting Club an interest free loan of \$8,000 for a term of eight years with half yearly repayments of \$500;**
- 2. Agrees that the loan be funded from the Community Associations Financial Assistance Reserve account for the reimbursement of the cost of purchase and installation of the dishwasher; and**
- 3. Authorises the Chief Executive Office to prepare and have signed, a Deed of Arrangement for the interest free loan to the Cranbrook Sporting Club.**

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1	APPLICATION FOR TEMPORARY ACCOMMODATION – LOT 11 UNICUP ROAD FRANKLAND RIVER
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Michelle Dennis – Environmental Health Officer/Building Surveyor
FILE REFERENCE:	A5001
APPLICANT:	Neil and Shaula Bardot
DATE OF REPORT:	7 June 2017
ATTACHMENTS:	Nil

Purpose

The purpose of this report is for the Council to consider an application from a property owner to live on site whilst building their home. While there is an existing delegation to the Chief Executive Officer for appointment of authorised persons under the provisions of the *Caravan Parks and Camping Grounds Act 1995*, there is no delegation to Shire staff to consider such applications.

Background

At the Ordinary Council Meeting held on November 2016 it was resolved:

“That Council

- 1. Approve the application lodged by Neil and Shaula Bardot for an outbuilding, water tanks and ancillary solar array on Lot 11 Unicup Road, Frankland River subject to the following conditions and footnote advice notes:**
 - a) The plans lodged with this application shall form part of this planning approval. All development shall be in accordance with the approved plans unless otherwise approved in writing by the Chief Executive Officer.**
 - b) The outbuilding shall only be utilised for non habitable purposes at all times.**
 - c) All stormwater from roofed and paved areas shall be collected and disposed of on-site and any associated drains and soak wells shall be maintained in a clean and clear condition. All drainage to be fully contained within the property boundaries with no water discharge into adjacent land.**
 - d) If the development the subject of this approval is not substantially commenced within a period of 2 years, the approval shall lapse and be of no further effect.**

FOOTNOTE ADVICE:

Please be advised that the lot is within a designated bushfire prone area. You may consider building the outbuilding to higher construction standards.”

This outbuilding has since been constructed. An onsite effluent disposal system approval was issued in March for the property (to connect to both the outbuilding and the future house) and a building permit has also recently been issued for the construction of the main dwelling.

The owners have requested permission to live on site while they construct their dwelling. They believe that they will complete the construction works within 18 months.

Officers Comment

Under the provisions of Regulation 11 of the *Caravan Parks and Camping Grounds Regulations 1997* a local government may issue written approval for a property owner to camp on their land, where a valid building permit is in effect, for a period of 12 consecutive months. Under Regulation 13, in considering such applications, the local government is to be satisfied that the land is a suitable place for camping, especially with respect to safety, health and access to services. Applications resulting in land being camped on for more than 12 consecutive months are required to be referred to the Minister for Local Government for approval.

Some local authorities have Council Policies to guide the assessment of such applications. These policies stipulate the locations within the Shire where such applications will be considered (such as outside of townsites; on land zoned Rural) and the minimum facilities that are to be provided. The use of caravans in these instances ensures that the main building project progresses in a timely manner; rather than having camps located within sheds. These stipulations are generally utilised to protect the visual amenity of an area as well as to provide a minimum level of amenities to the applicants themselves.

The applicants have indicated that they have a modern caravan that they will park adjacent to the existing shed. Ablutions (i.e. shower and toilet) will be available within the shed, while cooking facilities will be provided for within the caravan. This is considered to meet both the provisions of the Caravan Parks and Camping Grounds legislation as well as the Development Approval issued by Council which stipulates that *“the outbuilding shall only be utilised for non-habitable purposes at all times”*.

The property is designated as bush fire prone. The Bushfire Attack Level Assessment report, submitted as part of the building application for the dwelling, identified the property as having a BAL of 12.5. There are therefore additional construction requirements applicable to the dwelling to provide some protection to ember attack. Caravans, being temporary structures, are not routinely required to meet these minimum construction requirements. To comply with the Shire’s Firebreak Notice 2016/2017 a Building Protection Zone (BPZ) is required around all structures. It is recommended that this include the caravan. It is also recommended that the applicants be encouraged to have onsite firefighting capabilities for the duration of construction works.

Given the modest size of the proposed dwelling, discussions with the applicant suggests that the building may be at a suitable stage to move into within 12 months. The status of the temporary accommodation approval can be revisited during the building process.

It is therefore recommended the temporary accommodation application be supported.

Statutory Environment

Regulation 11 of the *Caravan Parks and Camping Grounds Regulations 1997* states:

11. Camping other than at caravan park or camping ground

- (1) A person may camp —
 - (a) for up to 3 nights in any period of 28 consecutive days on land which he or she owns or has a legal right to occupy, and may camp for longer than 3 nights on such land if he or she has written approval under subregulation (2) and is complying with that approval; or
 - (b) for up to 24 consecutive hours in a caravan or other vehicle on a road side rest area; or
 - (c) for up to 24 consecutive hours in a caravan or other vehicle on a road reserve in an emergency, unless to do so would cause a hazard to other

- road users or contravene any other written law with respect to the use of the road reserve; or
- (d) on any land which is —
- (i) held by a State instrumentality in freehold or leasehold; or
 - (ii) dedicated, reserved, or set apart under the *Land Administration Act 1997* or any other written law, and placed under the care, control or management of a State instrumentality,
- in accordance with the permission of that instrumentality; or
- (e) on any unallocated Crown land or unmanaged reserve, in accordance with the permission of the Minister within the meaning of the *Land Administration Act 1997*, or a person authorised by the Minister to give permission under this paragraph.
- (2) Written approval may be given for a person to camp on land referred to in subregulation (1)(a) for a period specified in the approval which is longer than 3 nights —
- (a) by the local government of the district where the land is situated, if such approval will not result in the land being camped on for longer than 3 months in any period of 12 months; or
 - (b) by the Minister, if such approval will result in the land being camped on for longer than 3 months in any period of 12 months; or
 - (c) despite paragraph (b), by the local government of the district where the land is situated —
 - (i) if such approval will not result in the land being camped on for longer than 12 consecutive months; and
 - (ii) if the person owns or has a legal right to occupy the land and is to camp in a caravan on the land while a permit has effect in relation to the land.
- (3) In this regulation —
- emergency** means a situation where to move the caravan or other vehicle to a more suitable area would constitute an immediate and serious hazard due to the condition of the caravan or other vehicle, or a vehicle towing the caravan, or of the driver, or passengers, of any such vehicle;
- permit** means a building permit or a demolition permit as defined in the *Building Act 2011* section 3;
- road side rest area** means an area designated by a traffic sign erected in accordance with a written law, as an area which may be used for 24 hours for —
- (a) resting; or
 - (b) stopping; or
 - (c) camping,
- in a vehicle;
- State instrumentality** has the same meaning as it has for the purposes of the *Land Administration Act 1997*;
- unallocated Crown land** has the same meaning as it has for the purposes of the *Land Administration Act 1997*;
- unmanaged reserve** has the same meaning as it has for the purposes of the *Land Administration Act 1997*.

There does not appear to be any appeal provisions regarding applications under these Regulations.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

Budget

There are no Financial Implications to this report. The Shire does not currently have an application fee for considering temporary accommodation applications.

Risk Implications

The risks associated with matters in this report are:

- Errors, Omissions and Delays
- Failure to fulfil Statutory, Regulatory or Compliance Requirements
- Inadequate Supplier/Contract Management

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

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

The **likelihood** is Possible

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

Risk mitigation includes assessing each application on its merits; ensuring that Council is aware of compliance issues and provided opportunities for further action as necessary.

Strategic Community Plan Reference

The 2013-2023 Shire of Cranbrook, Strategic Community Plan states that:

Aspiration 5.0: By 2023 the Shire of Cranbrook will demonstrate, Strong Governance, Leadership and Organisational Growth

Objective: 5.1 Deliver Excellence in Governance, Compliance, Regulation and Reporting

Strategy: 5.1.2 Develop effective policies, procedures and practices

Consultation

Emergency Services and Recreation Officer

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

1. **Approve the application from Neil and Shaula Bardot for temporary accommodation for 12 months at Lot 11 Unicup Road Frankland River subject to:**
 - a) **A caravan being utilised for occupation i.e. cooking and sleeping**
 - b) **All waste water being disposed of in an approved onsite effluent disposal system**
 - c) **A Building Protection Zone of at least 20m being established around the caravan**

FOOTNOTES:

- i. **Applicant to note that should occupation of the caravan be required for longer than 12 months, the Shire will be required to submit a supplementary application to the Minister of Local Government for determination.**
- ii. **Given the property's rural location, the applicant is encouraged to ensure adequate provision for onsite firefighting is available at all times the property is occupied.**

10.3 WORKS

10.4 ECONOMIC & COMMUNITY

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 Cunningham will declare the meeting closed at pm.