

COUNCIL MEETING

AGENDA

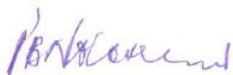


For the Ordinary Meeting of Council to be held on

18 October 2017

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 18 October 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 P (Peter) Denton
	Cr PL (Phil) Horrocks
	Cr HC (Helen) Parsons
	Cr TC (Tom) Standish

Chief Executive Officer	Mr PB (Peter) Northover
Manager of Finance & Administration	Mrs PA (Trish) Standish
Manager of Works	Mr JE (Jeff) Alderton

Members of the Public

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Nil

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

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. DISCLOSURE OF INTEREST

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

The meeting will be closed to discuss item 13.1

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 20 SEPTEMBER 2017

That the minutes from the ordinary meeting of Council held on 20 September 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:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	11 October 2017
ATTACHMENTS:	List of Payments – 8 September 2017 to 30 September 2017

Purpose

The purpose of this report is to advise the Council of payments made during the period 8 September 2017 to 30 September 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 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

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 \$400,477.11 as per the attachment be noted:

- **Electronic Funds Transfers EFT8088 to EFT8148 - \$272,229.24;**
- **Municipal Fund Cheque No's 12044 – 12047 - \$8,819.97;**
- **Internal Account Transfers (Payroll) - \$98,687.29;**
- **Direct Debit - \$20,260.61; and**
- **Trust Fund Cheque No 105 - \$480.00.**

10.1.2

MONTHLY FINANCIAL STATEMENTS

RESPONSIBLE OFFICER:	Trish Standish – Manager of Finance and Administration
REPORT AUTHOR:	Trish Standish – Manager of Finance and Administration
FILE REFERENCE:	FM12
APPLICANT:	N/A
DATE OF REPORT:	11 October 2017
ATTACHMENTS:	Financial Statements September 2017

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 September 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 September financial statements report on 3 months, or 25% of the financial year. It is worthy to note:

- The 'Municipal Fund Summary' on page 2 shows that we have raised 68% of our expected operating income. This higher percentage is due to the fact that property rates are recognised as revenue when they are raised and not when they are paid;
- The 'Municipal Fund Summary' on page 2 shows that we have spent 27% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 4 shows a net current assets position of \$2,876,265 (surplus), which is mainly made up of cash on hand and rate debtors; and
- The 'Variance Report' on page 9 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 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

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 30 September 2017 be noted.

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1 PLANNING APPLICATION - PROPOSED OUTBUILDING – LOT 85 (No 10) GRENFELL STREET, CRANBROOK

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Town Planning Innovations
FILE REFERENCE: A119
APPLICANT: Antonio Tomasetig & Kerry Hambley
DATE OF REPORT: 5 October 2017
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider an application for an outbuilding on Lot 85 (No 10) Grenfell Street, Cranbrook.

Background

The lot has been developed with a single house and ancillary 13m² outbuilding. The lot has an approximate area of 1697m².

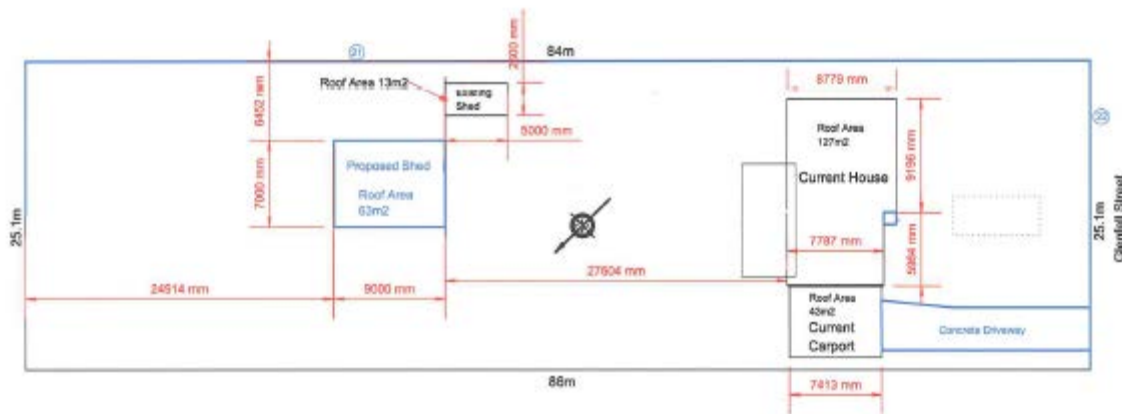


The lot is zoned 'Residential' under the Shire of Cranbrook Town Planning Scheme No 4 with a flexible density code of R12.5/R30.

Officers Comment

Description of Application

The applicant proposes to construct a 63m² outbuilding to the north east of the existing house.



The applicant has advised that the outbuilding is proposed to be used for storage of a 7 metre long boat and associated trailer. The height of the outbuilding is required to accommodate a roller door that can achieve clearance for the boat and trailer combined.

The outbuilding is also proposed for general storage of tools and household items.

State Planning Policy 3.1 - Residential Design Codes ('the Codes')

The Residential Design Codes have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Where an application proposes a variation to the 'Deemed to Comply' criteria of the Codes, then planning approval is required for the development, and a more detailed assessment has to be made based on 'Design Principles' in the Codes.

Under the Codes there are specific 'deemed to comply' requirements for outbuildings as summarised in the table below.

Clause 5.4.3 C3 'deemed to comply' criteria / Outbuildings that:	Consultant Officer Comment
(i) are not attached to the building	Complies.
(ii) are non habitable	Complies.
(iii) collectively do not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. The combined area of the existing and proposed outbuilding is 76m ² .
(iv) do not exceed a wall height of 2.4 metres	Variation – a wall height of 4 metres is proposed.
(v) do not exceed a ridge height of 4.2 metres	Variation – a ridge height of 4.74 metres is proposed.
(vi) are not within the primary street setback area;	Complies.
vi) do not reduce the open space required in table 1; and	Complies. There is still adequate site open space as per Table 1 of the Codes.
vii) comply with the siting and design requirements for the dwelling, but do not need to meet the rear setbacks requirements of table 1.	Complies.

The application proposes variations to the 'Deemed to Comply' requirements therefore Council has to determine if the development complies with the Design Principle which is:

“Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties”.

TPI is generally supportive of the application as the applicant has mitigated the visual impact of the increased wall height by implementing larger side and rear setbacks than are required.

Neighbour consultation

Under the Residential Design Codes variations that have potential to impact are referred to adjacent and nearby landowners for comment.

The application has been referred to neighbours and advertising closes on the 19 October 2017.

As advertising does not close until after the Council meeting, this report recommends that delegated authority be provided to the Chief Executive Officer to determine the application following the close of advertising.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 4 – Clause 8.2(b) only exempts ancillary outbuildings from requiring planning approval where they comply with the Residential Design Codes.

Under Clause 11.3.3 the exercise of power of delegation requires an absolute majority of the Council.

Planning and Development (Local Planning Schemes) Regulations 2015 – Regulations 61(1)(d) only exempts ancillary outbuildings from requiring planning approval where they comply with the ‘deemed to comply’ requirements of the Residential Design Codes.

Regulation 67 outlines ‘matters to be considered by Council’ 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.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to 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

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 seeking professional planning advice

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

Explained in the body of this report. Advertising closes on the 19 October 2017.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Absolute Majority (to delegate authority)

OFFICERS RECOMMENDATION

That Council in accordance with Regulation 82 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015 and Clause 11.3.1 of the Shire of Cranbrook Town Planning Scheme No 4 delegate authority to the Chief Executive Officer to determine the planning application for an outbuilding on Lot 85 (No 10) Grenfell Street, Cranbrook following completion of public advertising.

**10.2.2 PLANNING APPLICATION - PROPOSED OUTBUILDING – LOT 1 (No 56)
EDWARD STREET, CRANBROOK**

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Town Planning Innovations
FILE REFERENCE: A232
APPLICANT: Ranbuild
DATE OF REPORT: 5 October 2017
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider an application for an outbuilding on Lot 1 (No 56) Edward Street, Cranbrook.

Background

The lot has been developed with a single house and ancillary 24m² outbuilding. The lot has an approximate area of 2005m².

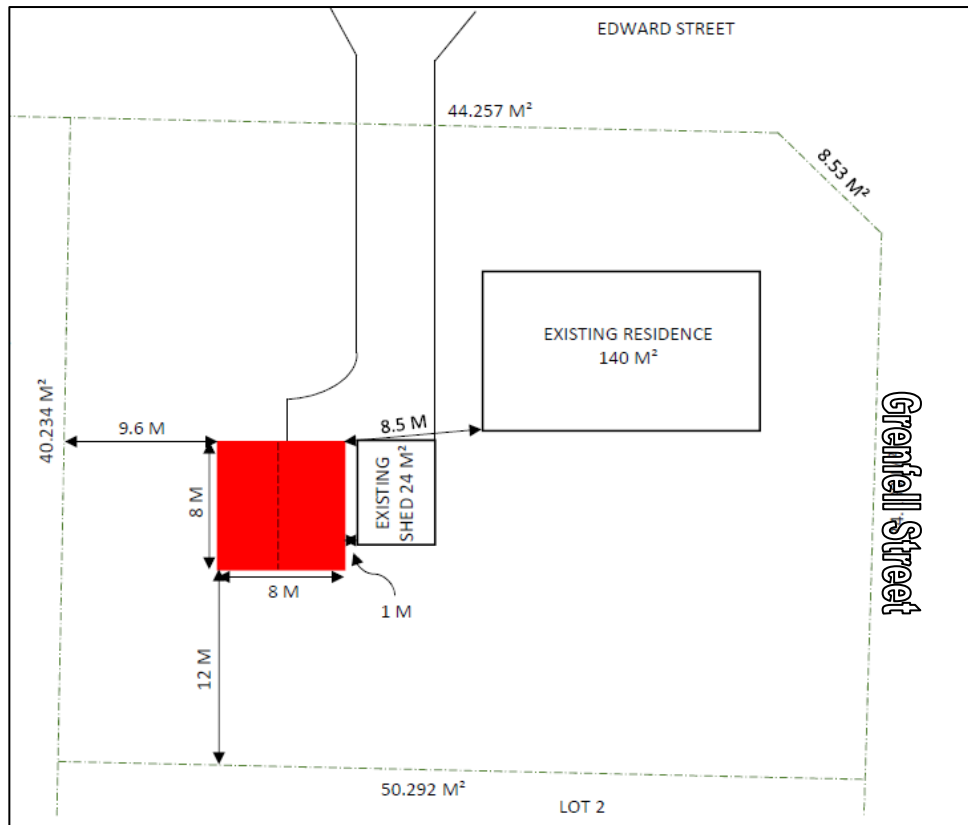


The lot is zoned 'Residential' under the Shire of Cranbrook Town Planning Scheme No 4 with a flexible density code of R5/R12.5/R30.

Officers Comment

Description of Application

The applicant proposes to construct a 64m² outbuilding to the south west of the existing house.



The applicant has submitted letters of non objection by both adjacent landowners in support of the proposal.

State Planning Policy 3.1 - Residential Design Codes ('the Codes')

The Residential Design Codes have two separate options for the assessment of development including 'Deemed to Comply' criteria and 'Design Principles'.

Where an application proposes a variation to the 'Deemed to Comply' criteria of the Codes, then planning approval is required for the development, and a more detailed assessment has to be made based on 'Design Principles' in the Codes.

Under the Codes there are specific 'deemed to comply' requirements for outbuildings as summarised in the table below.

Clause 5.4.3 C3 'deemed to comply' criteria / Outbuildings that:	Consultant Officer Comment
(i) are not attached to the building	Complies.
(ii) are non habitable	Complies.
(iii) collectively do not exceed 60sqm in area or 10 percent in aggregate of the site area, whichever is the lesser	Variation. The combined area of the existing and proposed outbuilding is 88m ² .
(iv) do not exceed a wall height of 2.4 metres	Variation – a wall height of 3 metres is proposed.
(v) do not exceed a ridge height of 4.2 metres	Complies – a ridge height of 3.71 metres is proposed.
(vi) are not within the primary street setback area;	Complies.
vi) do not reduce the open space required in table 1; and	Complies. There is still adequate site open space as per Table 1 of the Codes.
vii) comply with the siting and design	Complies.

requirements for the dwelling, but do not need to meet the rear setbacks requirements of table 1.	
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The application proposes variations to the ‘Deemed to Comply’ requirements therefore Council has to determine if the development complies with the Design Principle which is:

“Outbuildings that do not detract from the streetscape or the visual amenity of residents of neighbouring properties”.

TPI is generally supportive of the application as the applicant proposes the outbuilding central to the lot with large setbacks to adjacent neighbours.

Statutory Environment

Shire of Cranbrook Town Planning Scheme No 4 – Clause 8.2(b) only exempts ancillary outbuildings from requiring planning approval where they comply with the Residential Design Codes.

Planning and Development (Local Planning Schemes) Regulations 2015 – Regulations 61(1)(d) only exempts ancillary outbuildings from requiring planning approval where they comply with the ‘deemed to comply’ requirements of the Residential Design Codes.

Regulation 67 outlines ‘matters to be considered by Council’ 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.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to 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

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 seeking professional planning advice

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

Explained in the body of this report. The applicant conducted their own consultation and lodged letters of non objection by both adjacent landowners.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

- 1. Approve the application lodged by Ranbuild for an outbuilding on Lot 1 (No 56) Edward Street, Cranbrook subject to the following conditions and footnote advice notes:**
 - a. The plans lodged with this application dated 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. The outbuilding shall be constructed out of colorbond material as stated in the application to the satisfaction of the Chief Executive Officer.**
 - d. 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.**
 - e. 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:

- (i) This is a planning consent only and a separate Building Permit is required.**

10.1.1	PLANNING APPLICATION - PROPOSED SHED (FOR STORAGE) – LOT 2 (No 6) SALT RIVER ROAD, CRANBROOK
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Town Planning Innovations (TPI)
FILE REFERENCE:	A107
APPLICANT:	Elders Ltd
DATE OF REPORT:	13 October 2017
ATTACHMENTS:	Site Plan

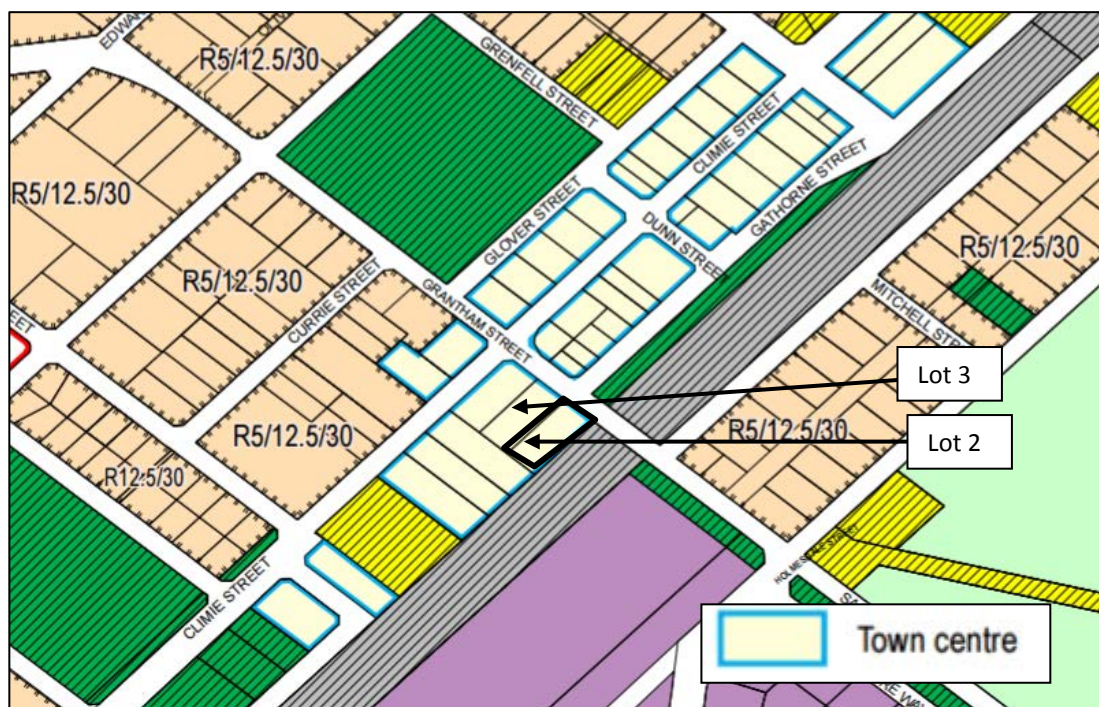
Purpose

The purpose of this report is for the Council to consider an application for a storage shed on Lot 2 (No 6) Salt River Road, Cranbrook.

Background

Lot 3 Salt River Road has been developed with existing buildings, has an area of approximately 2499m² and is currently occupied by Elders who specialise in provision of a wide range of agricultural supplies. Elders propose to build a new shed on adjacent Lot 2 which is vacant land and has been surfaced with compacted gravel.

Lot 2 is zoned ‘Town Centre’ under the Shire of Cranbrook Town Planning Scheme No 4 (‘the Scheme’).



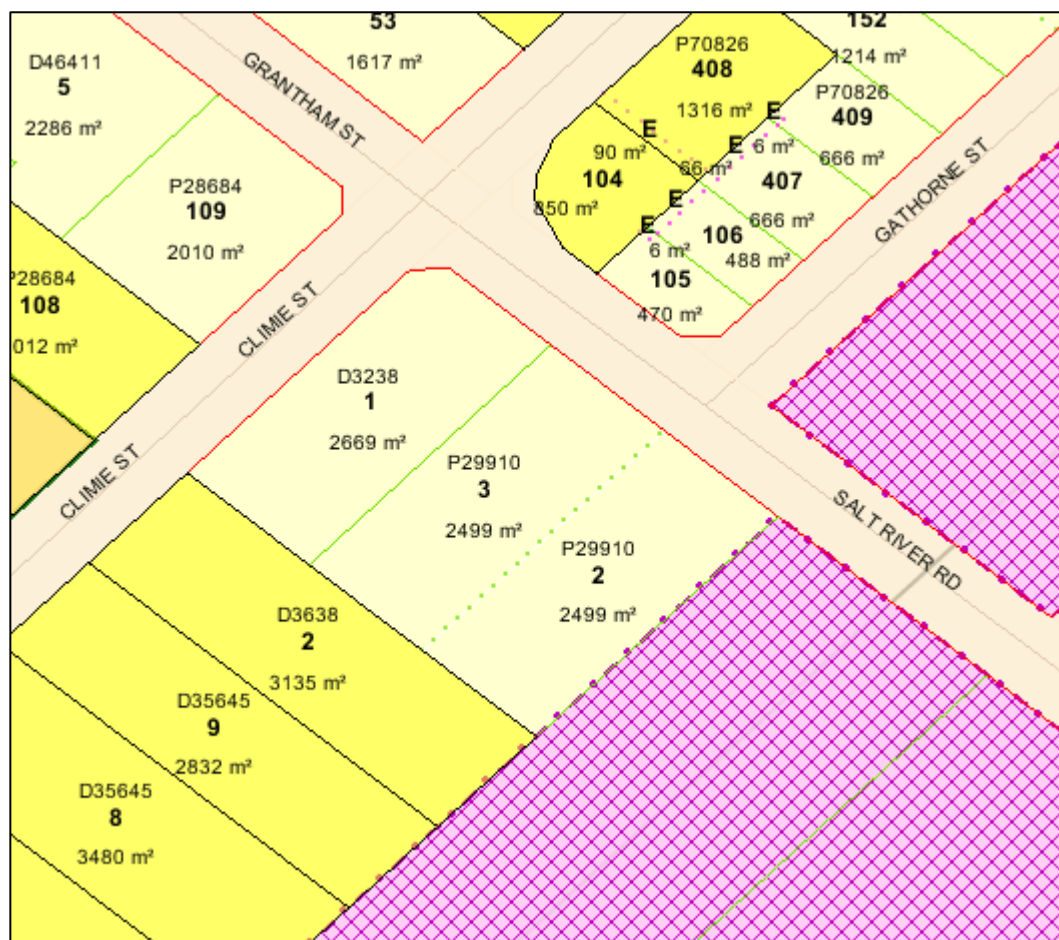
Officers Comment

Description of Application

Elders have advised that that they have been located at Lot 3 since 1966, and currently employ 4 permanent staff.

Elders seek to construct a new chemical storage shed on adjacent Lot 2 to allow the company to carry a broader range of products to meet the regions developing agricultural needs.

The storage shed will be located 3 metres from the rear and 3 metres from the south east boundary. A site plan is included as Attachment 1.



Elders have advised that the shed will be zincume to match some of the existing sheds on adjacent Lot 3.

Landuse Classification and Permissibility

The new building is proposed for the storage of chemicals. It is recommended that the use be classified as a ‘warehouse’ defined in the Scheme as ‘means premises used to store or display goods and may include sales by wholesale’.

Whilst the ‘warehouse’ landuse is defined in the Scheme, it is not listed in the Zoning Table.

Council has 3 options when dealing with a ‘Use Not Listed’ in accordance with Clause 4.4.2 of the Scheme as follows;

- (a) determine that the warehouse use is consistent with the objectives of the Town Centre zone and is therefore permitted;
- (b) determine that the warehouse use may be consistent with the objectives of the Town Centre zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or
- (c) determine that the warehouse use is not consistent with the objectives of the Town Centre zone and is therefore not permitted. ‘

It is recommended that Council pursue Option (b) as:

- It allows for public advertising so surrounding landowners can be consulted.
- Option (a) will set a precedent for similar applications to be treated as a permitted use in the Town Centre zone.

Advertising

To expedite processing of the application, advertising has been conducted by the applicant. Elders have written to T.I.T.E.S, Brookfield Rail and Boomer to seek their support.

At the time of writing this report supporting submissions had been received by David Parsons who owns Lot 2 to the rear, and T.I.T.E.S who own adjacent Lot 3 to the north west.

Loading and Traffic Movements

The application has only been lodged for development on Lot 2, however the applicant initially proposed that parking and access be from adjacent Lot 3. TPI does not recommend that this be supported for the following reasons:

1. Lot 3 does not form part of the application.
2. Lot 2 and 3 are under separate ownership, and can be sold independently at any time. Lot 2 is owned by Elders Ltd and Lot 3 is owned by T.I.T.E.S Pty Ltd.
3. Unless lots are amalgamated, development on each lot should be 'self sufficient' in terms of access and parking.

The applicant's site plan shows a side gated access to adjacent Lot 2 Salt River Road Cranbrook. The applicant proposed that vehicles enter from Lot 3 and exit via adjacent Lot 2. This has been reflected on the applicants' site plan.

There is no impediment to an informal vehicular arrangement between the owners of Lot 2 and 3, however TPI does not recommend that shared parking and vehicular access over the two lots be endorsed as part of this planning application.

TPI has discussed this matter with the applicant and explained that the development on Lot 2 has to be self sufficient. The applicant has no objection because Lot 2 is already trafficable and can accommodate parking. TPI is of the view that Lot 2 has sufficient on site circulation areas.

Parking

The applicant initially proposed that the parking on adjacent Lot 3 service the proposed development. Car parking is to the discretion of Council however TPI does not recommend support for development on a vacant lot without any new carparking being provided.

Under Clause 5.8 of the Scheme it states that 'a person is not to develop or use any land or erect or adapt any building unless parking spaces as specified by the local government are provided and such spaces are constructed and maintained in accordance with the requirements of the local government'.

It is recommended that a condition be imposed to require provision of 2 on site car parking bays of a trafficable standard.

TPI has discussed this matter with the applicant and there is sufficient area to accommodate 2 car bays on site, as the entire lot consists of compacted gravel.



Landscaping

Clause 5.16.2 (c) of the Scheme requires landscaping to be provided to complement the appearance of the proposed development and its setting. As far as TPI is aware landscaping has not been actively enforced by the Shire.

Council can require landscaping to be provided for new development and the use of natives/ waterwise species means that ongoing maintenance can be minimised.

Landscaping is recommended as it has aesthetic qualities, contributes towards streetscape, and is a standard planning requirement for new development.

Council has discretion to vary the landscaping requirement under the Scheme as explained in the 'statutory' section of this report, however has to have regard to certain matters.

Statutory Environment

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

The Scheme has specific objectives for the Town Centre zone as follows:

- 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 Clause 5.5 Council has the ability to vary a standard or requirement under the Scheme (such as carparking or landscaping). Where the variation may affect owners or occupiers in the general locality the local government is required to consult the affected parties.

Under Clause 5.5.3 the local government can only vary a standard or requirement of the Scheme if satisfied that that approval of the development would be appropriate having regard for matters set out under Clause 10.2; and the non compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

Planning and Development (Local Planning Schemes) Regulations 2015 –

Regulation 60 of the ‘deemed provisions’ requires that a person must not commence or carry out works on, or use, land in the Scheme area unless the person has obtained the development approval of the local government or it is exempt from the requirement for planning.

Regulation 67 outlines ‘matters to be considered by Council’ 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.

Regulation 67(p) includes landscaping as a matter for to be considered by the local government and states ‘*whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved*’.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

The Shire pays consultancy fees to Town Planning Innovations (TPI) 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

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 seeking professional planning advice

Strategic Community Plan Reference

The 2017-2027 Shire of Cranbrook, Strategic Community Plan states that:

Objective 4: Leadership - Demonstrate strong governance, leadership and organisational growth

Outcome 4.1: Excellence in governance, compliance, regulation and reporting

Strategy 4.1.1: Maintain a high level of corporate governance, responsibility and accountability

Consultation

As outlined in the body of this report, the application has been advertised for public comment (to adjacent landowners) and no adverse submissions were received.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION

That Council:

- 1. Determine that the proposed warehouse may be consistent with the objectives of the Town Centre zone and thereafter follow the advertising procedures of Clause 9.4.3 in considering an application for planning approval.**
- 2. Note that the applicant has conducted advertising by referring the plans to adjacent landowners in accordance with Clause 9.4.3 (a) of the Shire of Cranbrook Town Planning Scheme No 4.**
- 3. Note that no adverse submissions have been received during advertising.**
- 4. Approve the application lodged by Elders Ltd for a warehouse on Lot 2 (No 6) Salt River Road, Cranbrook subject to the following conditions and advice notes:**
 - a. The plans lodged with this application shall form part of this planning approval. All development shall generally be in accordance with the approved plans unless otherwise approved separately in writing by the Chief Executive Officer. This approval does not include the site plan showing access to adjacent Lot 3 Salt River Road, Cranbrook.**
 - b. Prior to the issue of a Building Permit, the applicant shall lodge a detailed site plan for separate written approval by the Chief Executive Officer showing 2 car parking bays, a loading area, and circulation / access areas that are fully contained within the lot boundaries (and do not rely on adjacent Lot 3) and will be kept free of obstruction.**
 - c. All access ways, parking areas and hard stand areas shall be maintained to the satisfaction of the Chief Executive Officer.**
 - d. Provision to be made so that all commercial vehicles and trucks can ingress and egress the site in forward gear. Trucks include any motor vehicle with a gross vehicle mass over 4.5 tonnes, except a bus or tractor as defined in the Road Traffic Code 2000.**
 - e. 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 or road reserve unless otherwise approved in writing by the Chief Executive Officer.**
 - f. A landscaping plan is required to be submitted within three months of the date of this planning consent for separate written approval by the Chief Executive Officer. The plan shall show by numerical code, the species, quantity and anticipated mature dimensions of all plant types to be planted.**
 - g. Landscaping shall be installed in accordance with an approved landscaping plan and the landscaping/plants shall be nurtured and maintained until they reach their mature dimensions and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.**
 - h. This approval is issued based on a proposed landuse of 'warehouse'.**

- i. **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 Notes:

- (i) **Please be advised that this approval should not be construed as any endorsement of the use of adjacent Lot 3 for any access or vehicular egress.**

The Shire is of the view that development on Lot 2 needs to be independent of Lot 3 as they are two separate lots under two separate ownerships. Whilst you can continue to have informal access arrangements with the adjacent landowner, all development on Lot 2 needs to be self sufficient and capable of being serviced independently with it's own access, loading, circulation areas, and carparking.

10.3 WORKS

Nil

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

13. MATTERS BEHIND CLOSED DOORS

13.1 CONTRACT RENEWAL – MR JEFF ALDERTON

RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer

REPORT AUTHOR: Peter Northover – Chief Executive Officer

FILE REFERENCE: Personnel file

APPLICANT: N/A

DATE OF REPORT: 5 October 2017

ATTACHMENTS: Nil

Statutory Environment

Section 5.23 of the Local Government Act 1995 allows the Council to close all or part of a Council Meeting to members of the public if the meeting or the part of the meeting deals with a range of issues, dealing with any of the following; (a) a matter affecting an employee or employees; (b) the personal affairs of any person; (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; (e) a matter that if disclosed, would reveal — (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; (f) a matter that if disclosed, could be reasonably expected to — (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government’s property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and (h) such other matters as may be prescribed.

As such it is recommended that the meeting be closed to the public in order deal with these items.

A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION:

That the meeting be closed to members of the public in accordance with section 5.23 (a) and (c) of the Local Government Act 1995, to discuss a matter affecting an employee or employees, and a contract entered into, or which may be entered into, by the local government.

14. CLOSURE OF MEETING

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