

COUNCIL MEETING

MINUTES



For the Ordinary Meeting of Council held on

17 October 2018

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MINUTES

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President, Cr Egerton-Warburton declared the meeting open at 3.29pm. 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 CY (Colin) Egerton-Warburton
Deputy President	Cr PL (Phil) Horrocks
Councillors	Cr DJ (David) Adams Cr PM (Peter) Beech Cr ER (Ruth) Bigwood Cr PW (Peter) Slater Cr DS (David) Carey

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	Nil
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2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Councillors	Cr P (Peter) Denton Cr VN (Vanessa) Fiegert
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3. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

The Shire President, Cr Egerton-Warburton announced that the following people who were either residents or past residents of the Shire had passed away since the last meeting:

Reg Wallington

A moments silence was observed as a mark of respect.

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. DISCLOSURE OF INTEREST

Nil

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

9.1 ORDINARY MEETING – 19 SEPTEMBER 2018

Motion 01102018

Moved Cr Horrocks, seconded Cr Adams that the minutes from the ordinary meeting of Council held on 19 September 2018, be confirmed as a true and correct record.

Carried 7/0

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:	Jodi Vitler – Finance Admin Officer
FILE REFERENCE:	FM2
APPLICANT:	N/A
DATE OF REPORT:	3 October 2018
ATTACHMENTS:	List of Payments – 1 September 2018 to 30 September 2018

Purpose

The purpose of this report is to advise the Council of payments made during the period 1 September 2018 to 30 September 2018.

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/COUNCIL DECISION

Motion 02102018

Moved Cr Adams, seconded Cr Beech that the payment of accounts totalling \$309,489.76 as per the attachment be noted:

- **Electronic Funds Transfers EFT9048 to EFT9125 - \$169,037.58;**
- **Municipal Fund Cheque No's 12130 – 12136 - \$8,632.08;**
- **Internal Account Transfers (Payroll) - \$107,251.20; and**
- **Direct Debit - \$24,568.90;**

Carried 7/0

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:	8 October 2018
ATTACHMENTS:	Financial Statements for September 2018

Purpose

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 30 September 2018.

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 72% 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 25% of the budgeted operating expenditure for the year;
- The 'Municipal Fund Summary' on page 3 shows a net current assets position of \$3,374,375 (surplus), which is mainly made up of \$2.8m cash on hand and \$850,000 rates debtors; and
- The 'Variance Report' on page 8 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/COUNCIL DECISION

Motion 03102018

Moved Cr Carey, seconded Cr Slater that the attached financial statements for the period ending 30 September 2018 be noted.

Carried 7/0

10.2 GOVERNANCE & EXECUTIVE SERVICES

10.2.1	GREAT SOUTHERN SPORT AND RECREATION PLAN
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Peter Northover – Chief Executive Officer
FILE REFERENCE:	CS101
APPLICANT:	Department of Local Government, Sport and Cultural Industries
DATE OF REPORT:	1 October 2018
ATTACHMENTS:	Great Southern Sport and Recreation Plan

Purpose

The purpose of this report is for the Council to consider the acceptance and subsequent release for public review and comment of the Great Southern Sport and Recreation Plan.

Background

The purpose of the Great Southern Sport and Recreation Plan (Plan) is to assist in defining a clear direction for the development of sport and recreation in the region and to provide a blueprint to support this strategic direction. The development of the Plan follows extensive research across the 11 participating local authorities within the Great Southern region.

The outcome has resulted in four strategic themes being identified for future planning, all of which impact on sport, physical activity, health, tourism and the economy.

Officers Comment

The Department of Local Government, Sport and Cultural Industries (DLGSC) received funding from the State Government and participating shires in 2015/2016 to undertake the study. A consultant was appointed in May 2017 to lead the review process and a small working group was established to assist in the delivery of the Plan. This working group included a representative from the Shire of Cranbrook.

In delivering the Plan, the consultant was required to adhere to the following Brief:

- In conjunction with each local government, provide an audit to confirm the location and current condition of sport and recreation facilities;
- Review the use, functionality, and standard of each facility - including capacity to support competition and training;
- Determine the future sporting requirements of each facility through to 2036, including the requirements of sport on a regional basis;
- Quantify the provision gap based on the timeframe;
- Investigate opportunities and constraints associated with the staging of facility development over this timeframe;
- Identify the opportunities and constraints relating to the acquisition of land for proposed sporting and recreation developments; and
- Make recommendations on the appropriate method of implementation of the key findings of the strategy.

Extensive consultation was undertaken by the consultant, the results of which are reflected in the Plan's supporting documentation.

The public review and comment period proposed by DLGSC will allow each Local Government to refer the Plan to the wider community for final comment. The DLGSC will distribute the Plan to relevant State Government agencies and State Sporting Associations as part of its obligations under the partnered community engagement strategy. The final review period will occur in November 2018.

Any comments received during this period will be referred to the Great Southern Recreational Advisory Group for consideration prior to adoption of the final Plan.

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

Any financial implications that are identified in the Plan will be included in future budgets for the consideration and approval of Council.

Risk Implications

The risks associated with matters in this report are:

- Inadequate Asset Sustainability Practices
- Ineffective Management of Facilities/Venues/Events

The **impact** of these risks are People, Financial, and Property

The **consequence** of these risks is considered to be Minor

The **likelihood** is Possible

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

Risk mitigation includes regular inspections of sporting facilities and equipment

Strategic Community Plan Reference

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

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Outcome 1.1: An engaged, supporting and inclusive community

Strategy 1.1.2: Facilitate, encourage and support community groups, events and initiatives

Strategy 1.1.3: Provide, maintain and improve community facilities within available resources

Outcome 1.3: A healthy place to grow and age

Strategy 1.3.1: Facilitate community health and wellbeing and support provision of services to the community

Strategy 1.3.2: Support a healthy, sporting and active community

Consultation

Consultation for this report included regular meetings with the Department of Local Government, Sport and Cultural Industries, attendance at meetings of the Great Southern Recreational Advisory Group, and representation on the steering committee established to facilitate and support the development of the Great Southern Sport and Recreation Plan.

VROC Implications

VROC Vision: *To sustain a collaborative partnership that serves as an exemplar to other Local Government groupings.*

Objectives:

Regional Community Development

Build capacity to enable communities to achieve.

S1: Support skills development across the communities

S2: Collaborate on common community development projects

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 04102018

Moved Cr Bigwood, seconded Cr Adams that Council:

- 1. Accept the Great Southern Sport and Recreation Plan; and**
- 2. Agree to the Great Southern Sport and Recreation Plan being released for public review and comment.**

Carried 7/0

10.2.2	GREAT SOUTHERN OUTDOOR RECREATION STRATEGY
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Peter Northover – Chief Executive Officer
FILE REFERENCE:	CS101
APPLICANT:	Department of Local Government, Sport and Cultural Industries
DATE OF REPORT:	1 October 2018
ATTACHMENTS:	Great Southern Outdoor Recreation Strategy

Purpose

The purpose of this report is for the Council to consider the acceptance and subsequent release for public review and comment of the Great Southern Outdoor Recreation Strategy.

Background

The Great Southern Centre for Outdoor Recreation Excellence (GSCORE) is a joint initiative of the Western Australian Department of Local Government, Sport and Cultural Industries, the Great Southern Development Commission, and the Albany Chamber of Commerce and Industry. It received funding from Royalties for Regions in 2016 for an initial three-year implementation phase (2017-2020).

GSCORE is dedicated to growing the capacity of the outdoor recreation workforce with an emphasis on innovation and best practice. It provides training and professional development to outdoor recreation business owners, tour guides, instructors, youth workers – and others. It provides a range of specialist services to the outdoor recreation sector including training, resource provision, mentoring and support, and advocacy.

GSCORE's aim is to make the Great Southern the adventure capital of Australia and to increase the economic and social benefits of outdoor recreation for the region. The organisation has recently prepared an outdoor recreation strategy and is finalising the development of a Trails Master Plan for the region.

Officers Comment

The Great Southern Outdoor Recreation Strategy provides a framework for the provision of outdoor recreation opportunities for the next three years. The strategy will help to plan, develop, manage and promote outdoor recreation in the Great Southern. It provides an integrated, whole-of-region approach to outdoor recreation across the Great Southern. It aims to:

- Establish strong partnerships that will guide infrastructure development and management;
- Build and manage world class trails and facilities;
- Promote the Great Southern as an adventurous tourism destination;
- Build capacity and capability amongst outdoor recreation providers; and
- Ensure all people have more opportunities to participate in outdoor recreation.

The ultimate goal is the creation of a sustainable and inclusive outdoor recreation sector that responds to changing demands and provides flexible and affordable choices for all residents and visitors.

The focus of the Strategy is the entire Great Southern region, which includes the local government areas of Albany, Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup, Plantagenet, and Woodanilling.

GSCORE has led the development of the Strategy by:

- Setting a vision;
- Outlining the objectives; and
- Identifying key areas of cooperation

Successful implementation of the Strategy will result in a strong and connected outdoor recreation system that helps make residents healthier, stimulates economic growth and jobs, encourages environmental stewardship, and contributes to all residents and visitors enjoying lives enriched through their participation in high quality, diverse, safe outdoor recreational pursuits.

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

There are no financial implications for this report.

Risk Implications

The risks associated with matters in this report are:

- Inadequate Environmental Management
- Failure to fulfil Statutory, Regulatory or Compliance Requirements

The **impact** of the risks are People, Non-Compliance, Reputational, Natural Environment

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 appropriate community awareness and education

Strategic Community Plan Reference

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

Objective 1: Social – Be respected for its friendly, vibrant, connected and safe communities

Strategy 1.1.2: Facilitate, encourage and support community groups, events and initiatives

Strategy 1.1.3: Provide, maintain and improve community facilities within available resources

Outcome 1.3: A healthy place to grow and age

Strategy 1.3.1: Facilitate community health and wellbeing and support provision of services to the community

Strategy 1.3.2: Support a healthy, sporting and active community

Objective 3: Environment - Enhance, maintain, protect and promote our built infrastructure and natural environment

Outcome 3.1: A protected, diverse, healthy natural environment

Strategy 3.1.1: Promote, enhance and maintain our natural attractions, parks and reserves

Strategy 3.1.4: Promote reduced environmental impact from activities within the Shire of Cranbrook

Consultation

Consultation was not required for this report.

VROC Implications

VROC Vision: *To sustain a collaborative partnership that serves as an exemplar to other Local Government groupings.*

Regional Community Development

Build capacity to enable communities to achieve.

S2: Collaborate on common community development projects

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 05102018

Moved Cr Bigwood, seconded Cr Adams that Council:

- 1. Accept the Great Southern Outdoor Recreation Strategy; and**
- 2. Agree to the Great Southern Outdoor Recreation Strategy being released for public review and comment.**

Carried 7/0

10.2.3	PLANNING APPLICATION - SILOS – LOT 3 (NO 14) ALBANY HIGHWAY, TENTERDEN
RESPONSIBLE OFFICER:	Peter Northover – Chief Executive Officer
REPORT AUTHOR:	Liz Bushby – Town Planning Innovations (TPI)
FILE REFERENCE:	A749
APPLICANT:	Swain Assets Pty Ltd
DATE OF REPORT:	9 October 2018
ATTACHMENTS:	Nil

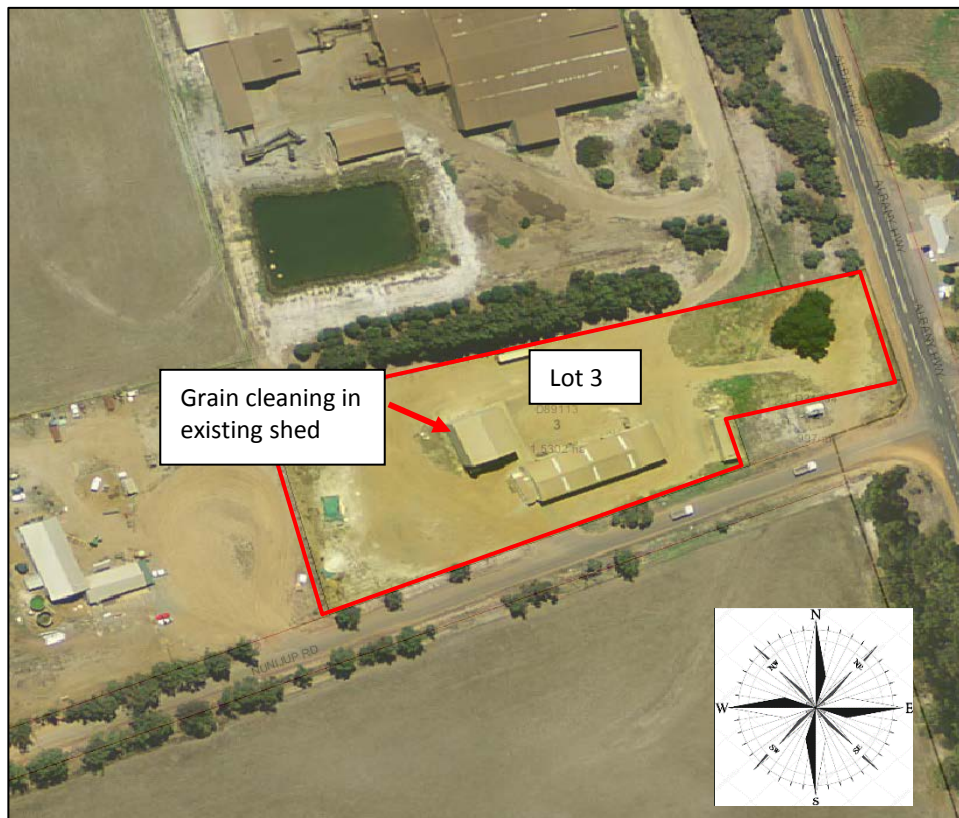
Purpose

The purpose of this report is for the Council to consider a new planning application seeking approval for silos on Lot 3 (No 14) Albany Highway, Tenterden.

Background

Location Plan

The lot has an area exceeding 1.5 hectares, is predominantly cleared and contains three existing buildings. It has access to both Nunijup Road and Albany Highway in Tenterden.



Location Plan

There is an existing approved grain cleaning business on the lot.

Zoning

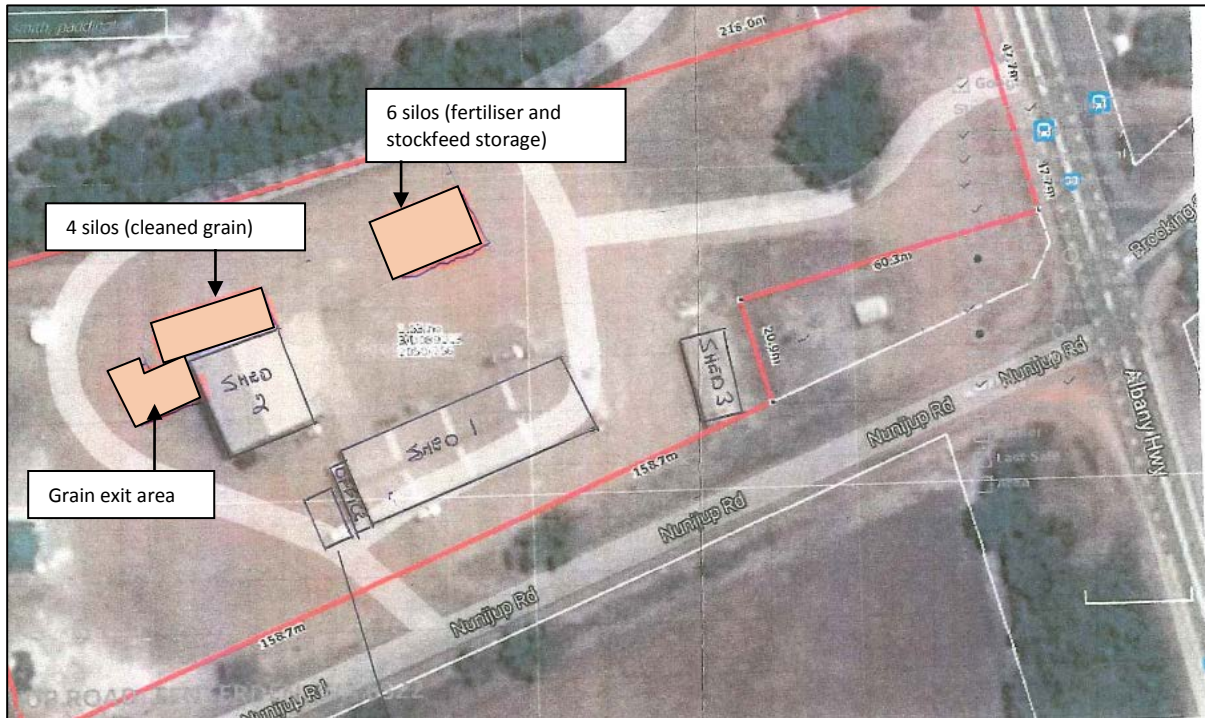
Lot 3 is zoned 'Industrial' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme'). The objectives of the Industrial zone are:

- To provide for the needs of industry to support the community.
- To provide appropriate buffers between industry and adjacent land uses, to avoid land use conflicts.
- To avoid non-industry related uses establishing in the industrial areas that may constrain industrial activities.

Officers Comment

Description of proposed development

A number of silos have been installed on the lot and they are located on concrete pads.



Existing silos

The applicant seeks approval to erect 10 seven metre high silos on a 5 metre by 50 metre concrete pad. The silos are proposed to be 3 metres from the rear boundary.



Proposed silos

TPI contacted the owner to seek advice on how any spillage would be dealt with, and was advised as follows:

- Spillage is a hygiene matter and has to be managed as part of day to day maintenance and operations;
- The silos themselves will be fully sealed and an auger will be used for grain / product transfer;
- A vacuum is used on site to pick up any spilled grain or other product from the ground;
- During wet weather, additional measures are undertaken by placing shade cloth under the auger which then catches any small amount of spilled product that can easily be collected and disposed of.

Setbacks

The Shires Scheme has a requirement that all buildings be setback 7.5 metres from the rear boundary in an Industrial zone.

The silos are incidental structures to the existing grain cleaning businesses, and there may be an argument that they are 'structures' rather than 'buildings'.

Council has discretion to vary setbacks under Clause 5.5.2 of the Scheme however must advertise the variation if of the view that it may affect any owners in the locality. In this case the most affected adjacent landowner has written a letter supporting the proposal.

Council can only vary the setback requirement where satisfied that approval would be appropriate and the non compliance will not have a negative impact of inhabitants in the locality.

TPI is supportive of the silos location as it maximises distances to properties to the east of Albany Highway in Tenterden townsite.

EPA Guidelines / buffers to sensitive landuses

The Environmental Protection Authority (EPA) has developed a document called '*Guidance for the Assessment of Environmental Factors Western Australia - Separation Distances between Industrial and Sensitive Land Uses*'.

The EPA Guidelines recommend a buffer of 300-500 metres for grain cleaning and a 500 metre buffer for grain elevators/ conveyor belts.

There is no recommended buffer for silos or the use of augers.

Relevant State Planning Policies and Guidelines –Bushfire Prone Areas

The Western Australian Planning Commission released SPP3.7 and associated Guidelines for Planning in Bushfire Prone Areas ('the Guidelines') in December 2015. These documents (as amended) apply to all land identified as Bushfire Prone.

The new silos are proposed outside of the Bushfire Prone area.



Statutory Environment

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

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.

Policy Applicable – Implications

There is no Council policy applicable to this report.

Financial Implications

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

Risk Implications

The risks associated with matters in this report are

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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 use of professional planning services.

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

No formal consultation has been undertaken. However, in support of the application, the owners have lodged a letter by Debra Packard who owns the adjacent rear lot. Ms Packard has given permission for the silos to be erected along the rear boundary.

Council also has discretion to advertise any application for public comment.

VROC Implications

There are no strategic VROC implications from this report

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 06102018

Moved Cr Adams, seconded Cr Carey that Council:

- 1. Note that the grain cleaning business operating from within an existing shed building is a 'Rural Industry' which is a permitted use in the Industrial zone.**
- 2. Approve the application for silos on Lot 3 (No 14) Albany Highway, Tenterden subject to the following conditions and footnotes:**
 - (i) 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.**
 - (ii) This approval is for 10 silos only and does not include any approval for grain elevators or conveyor belts.**
 - (iii) The owner / operator is to undertake adequate hygiene management measures on site to ensure that any spillage associated with auger use is collected and disposed of on the same day that it occurs to the satisfaction of the Chief Executive Officer.**

Footnote:

In regards to condition (iii) the Shire notes that spillage is proposed to be vacuumed up on site, or collected via use of a shade cloth placed under the auger in use.

Carried 7/0

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

Motion 07102018

Moved Cr Carey, seconded Cr Slater that Council discuss Item 12.1 Planning Application – Proposed Home Occupation – Lot 14 (No 52) Fenwick Street Tenterden now

Carried 7/0

12.1 PLANNING APPLICATION – PROPOSED HOME OCCUPATION – LOT 14 (NO 52) FENWICK STREET, TENTERDEN

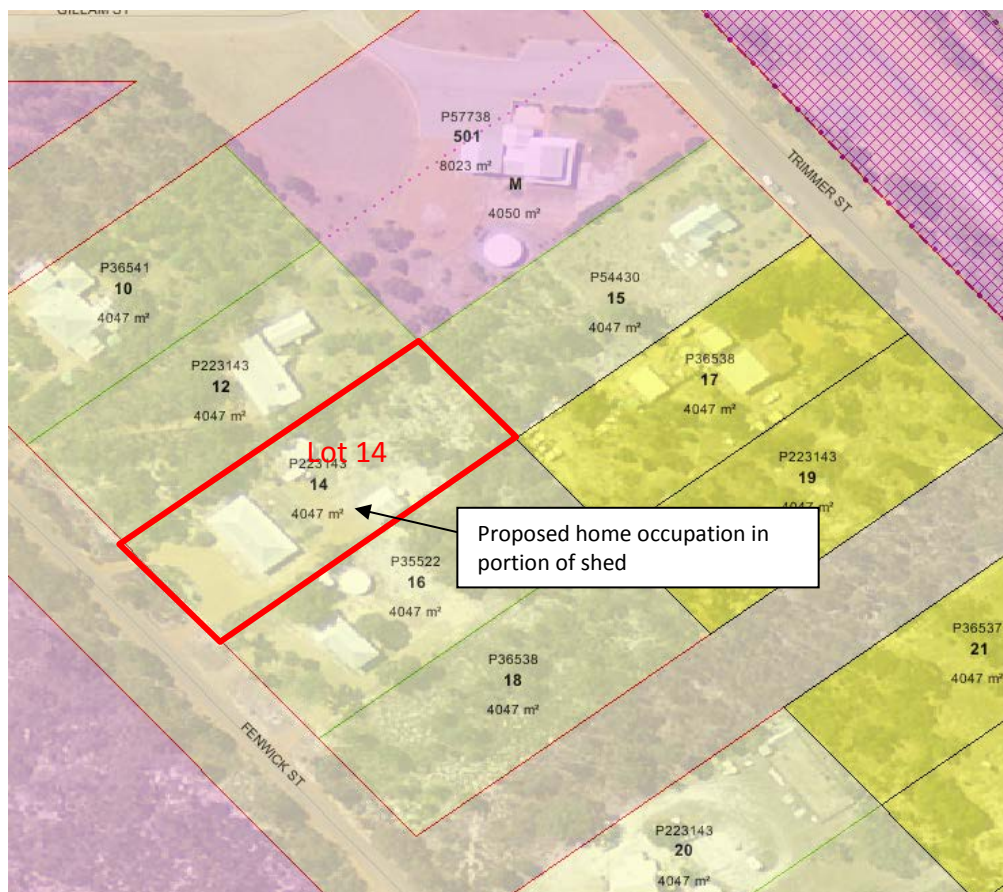
RESPONSIBLE OFFICER: Peter Northover – Chief Executive Officer
REPORT AUTHOR: Liz Bushby – Town Planning Innovations (TPI)
FILE REFERENCE: A3010
APPLICANT: Stewart Russell & Amy Pentin
DATE OF REPORT: 16 October 2018
ATTACHMENTS: Nil

Purpose

The purpose of this report is for the Council to consider an application seeking planning approval for a home occupation on Lot 14 (No 52) Fenwick Street, Tenterden.

Background

Lot 14 is zoned 'Residential' with a coding of 'R2.5' under the Shire of Cranbrook Town Planning Scheme No 4 ('the Scheme'). It has an approximate area of 4047m², and the occupiers advise that there is a church on the lot to the rear.



Officers Comment

Description of Application

The occupiers of Lot 14 seek support to operate a small scale machinery business from a portion of their existing shed, as a home occupation.

The applicant has advised as follows:

- The business is small scale and involves making small metal machinery parts.
- They mainly make and repair small agricultural components for agricultural machinery.
- They offer a free delivery service to customers and deliver parts using their family vehicle (Mitsubishi Pajero) and a trailer if required.
- Working hours within a portion of an existing shed will be between 9.00am and 4.00pm.
- There is an occasional delivery of steel however it would be a maximum of 2 per month. Deliveries are by a ute and not any large trucks.
- The area used within the existing shed does not exceed 20m².

The applicants have successfully been accepted into a NEIS program which assists with small business incentives. They have identified a gap in the market and have advised they hope to build relationships in the local community to cater for local machining and fitting needs.

Machining entails use of a lathe and the premises has been inspected by the Shires Environmental Health Officer to examine noise levels which were considered to be reasonably low.

The Shire’s Environmental Health Officer has sent videos and photographs to TPI of the machinery in operation. It is not considered that noise is an impediment to the application.

Proposed Land use

The proposed small business falls under the home occupation land use definition as follows:

Land use definition	Officer Comment
Home Occupation means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which -	
(a) does not employ any person not a member of the occupier’s household;	The occupiers do not employ anyone outside of the household.
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;	The use will not negatively impact amenity, and noise has been checked on site by the Shire’s Environmental Health Officer.
(c) does not occupy an area greater than 20 square metres;	The area within the existing shed to be used does not exceed 20m ² .
(d) does not display a sign exceeding 0.2 square metres;	The applicant has advised that they do not propose any signage as customers do not attend their property.
(e) does not involve the retail sale, display or hire of goods of any nature;	There are no retail sales or hiring from the premises.
(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles;	The occupiers only use their family vehicle for deliveries to customers (off site).
(g) does not involve the use of an essential service of greater capacity than normally required in the zone;	Complies.

Land use Permissibility

A 'home occupation' is defined in the Shire's Scheme however is not listed in 'Table 1 – Zoning Table' of the Scheme. The land use therefore has to be processed as a 'use 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 use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted. '*

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

- The proposed business is small scale and fits into the home occupation definition.
- Option (b) allows for public advertising so surrounding landowners can be consulted.

Statutory Environment

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

The Objectives of the Residential Zone are

- to provide for the predominant form of residential development to be single houses.
- to provide for diversity of lifestyle choice with a range of residential densities.
- to achieve a high standard of residential development having regard to the economic importance of tourism to the district.
- to allow for the establishment of non-residential uses which are compatible with the predominant residential use and which will not adversely affect local amenities.

Clause '5.11 HOME OCCUPATION AND HOME BUSINESS' states that *'an approval to conduct a home occupation or home business is issued to a specific occupier of a particular parcel of land, it is not to be transferred or assigned to any other person and is not to be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation or home business approval is issued the approval is cancelled.'*

Planning and Development (Local Planning Schemes) Regulations 2015 – 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 Liz Bushby of Town Planning Innovations for planning advice.

Risk Implications

The risks associated with matters in this report are:

- Failure to fulfil Statutory, Regulatory or Compliance Requirements

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

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 use of professional planning services.

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

The application has been advertised for public comment and one submission in support of the application was received from the owner of No 50 Fenwick Street. The Shire wrote to nearby and adjacent landowners.

Advertising closed on the 16 October 2018 which is the reason this report has been completed as a late item.

VROC Implications

There are no strategic VROC implications from this report.

Voting Requirements

Simple Majority

OFFICERS RECOMMENDATION/COUNCIL DECISION

Motion 08102018

Moved Cr Slater, seconded Cr Bigwood that Council:

1. **Determine that the home occupation use may be consistent with the objectives of the Residential zone and thereafter follow the advertising procedures of Clause 9.4 in considering an application for planning approval.**
2. **Note that the Shire Administration has advertised the application and one submission in support of the proposal was received.**
3. **Approve the application lodged by Stewart Russell and Amy Pentin for a home occupation on Lot 14 (No 52) Fenwick Street, Tenterden subject to the following conditions:**
 - a. **The plans lodged with this application shall form part of this planning approval.**
 - b. **The maximum floor area for the proposed business within the existing outbuilding shall be limited to a maximum of 20m².**
 - c. **The home occupation approval is only for a machining business and any sales shall occur off site.**
 - d. **This approval is issued specifically to Stewart Russell and Amy Pentin as occupiers of Lot 14 (No 52) Fenwick Street, Tenterden and shall not be transferred or assigned to any other person or property.**

Carried 7/0

13. MATTERS BEHIND CLOSED DOORS

Nil

14. CLOSURE OF MEETING

There being no further business to discuss, the Shire President, Cr Egerton-Warburton declared the meeting closed at 3.55pm.