

# COUNCIL MEETING

## AGENDA



For the Ordinary Meeting of Council to be held on

**15 September 2021**

Dear Council Member,

The next Ordinary Meeting of the Shire of Cranbrook will be held on Wednesday 15 September 2021 at the Cranbrook Council Chambers commencing at 3.00pm.



Garry Adams  
Acting 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 Horrocks 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 PL (Phil) Horrocks
Deputy President	Cr ER (Ruth) Bigwood
Councillors	Cr PM (Peter) Beech
	Cr PW (Peter) Slater
	Cr P (Peter) Denton
	Cr DS (David) Carey
	Cr VN (Vanessa) Fiegert
	Cr JA (Jennifer) Quick
	Cr RW (Robert) Johnson

Chief Executive Officer	Ms L (Linda) Gray
Manager Corporate and Community	Mrs PA (Trish) Standish

Members of the Public

### 2.2 APOLOGIES

Manager of Works	Mr JE (Jeff) Alderton
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### 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

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 – 18 August 2021**

**That the minutes from the ordinary meeting of Council held on 18 August 2021, be confirmed as a true and correct record.**

## 10. REPORTS OF OFFICERS

### 10.1 CORPORATE AND COMMUNITY SERVICES

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#### 10.1.1 LIST OF PAYMENTS

<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager Corporate and Community
<b>REPORT AUTHOR:</b>	Madeleine Hammond – Finance Administration Officer
<b>FILE REFERENCE:</b>	FM2
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	31 August 2021
<b>ATTACHMENTS:</b>	List of Payments – 1 August to 31 August 2021

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#### **Purpose**

The purpose of this report is to advise the Council of payments made during the period 1 August 2021 to 31 August 2021.

#### **Background**

Nil

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

Nil

#### **Statutory Environment**

Local Government (Financial Management) Regulation 13 states:

##### *13. List of accounts*

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

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

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

Council Policy 4.8 – 'Purchasing', states that:

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

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

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

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

### **Financial Implications**

There are no financial implications for this report.

### **Risk Implications**

The risks associated with matters in this report are:

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

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

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

The **likelihood** is: Rare

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

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

### **Strategic Community Plan Reference**

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

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

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

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

### **Consultation**

Consultation was not required for this report.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

**That the payment of accounts totalling \$328,916.65 as per the attachment be noted:**

- **Electronic Funds Transfers EFT12279 to EFT12355 - \$185,020.50;**
- **Municipal Fund Cheque No 12241 to 12242 - \$564.97;**
- **Internal Account Transfers (Payroll) - \$112,394.86; and**
- **Direct Debit - \$30,936.32.**

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<b>10.1.2</b>	<b>MONTHLY FINANCIAL REPORT – AUGUST 2021</b>
<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager Corporate and Community
<b>REPORT AUTHOR:</b>	Madeleine Hammond – Finance Administration Officer
<b>FILE REFERENCE:</b>	FM12
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	8 September 2021
<b>ATTACHMENTS:</b>	Financial Statements for August 2021

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### **Purpose**

The purpose of this report is to present the financial position of the Shire of Cranbrook as at 31 August 2021.

### **Background**

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

### **Officers Comment**

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

The attached August 2021 Monthly Financial Report represents two (2) months, or 16% of the financial year. The following items are worthy of noting on the August 2021 report:

- Closing surplus position of \$3,911,848 (shown on page 5)
- Cash and cash equivalents of \$4.4m, of which \$2.6m is held in cash backed reserve accounts (shown on page 9);
- Outstanding rates of \$2,095,596 equates to 20.5% of 2021/2022 rates levied (shown on page 10); and
- Explanation of material variances is shown on page 24.

### **Statutory Environment**

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

### **Policy Applicable – Implications**

Council Policy 4.1 Defining Material Variances, states that:

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

### **Financial Implications**

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



### **Risk Implications**

The risks associated with matters in this report are:

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

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

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

The **likelihood** is Rare

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

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

### **Strategic Community Plan Reference**

The 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 Monthly Financial Report (containing the Statement of Financial Activity) for the periods ending 31 August 2021 be received.**

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<b>10.1.3</b>	<b>ANNUAL REVIEW OF DELEGATIONS</b>
<b>RESPONSIBLE OFFICER:</b>	Linda Gray – Chief Executive Officer
<b>REPORT AUTHOR:</b>	Garry Adams – Acting Chief Executive Officer
<b>FILE REFERENCE:</b>	GO20
<b>DATE OF REPORT:</b>	1 September 2021
<b>ATTACHMENTS:</b>	1. Delegations Register

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### **Purpose**

The purpose of this report is for the Council to consider the revised register of delegations.

### **Background**

Section 5.42 of the Local Government Act 1995 (the Act) provides that a Council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

Section 5.46(2) of the Act requires the local government to review its delegations at least once every financial year.

The purpose of this review is to consider the operational effectiveness of the current delegations, whether they remain relevant and appropriate, whether legislative amendments or organisational changes necessitate any revisions to the text and whether any new delegations are required.

### **Officer's Comment**

There are a range of powers and duties delegated to the CEO in accordance with the powers provided by Sections 5.42(1)(a) and (b) of the Act. The Act also requires that the Council's delegations to the CEO be reviewed each year.

The delegations were reviewed by relevant officers in terms of the appropriateness of the existing delegations and if there was a need for any additional delegations. As a result of this review, it was determined that a number of delegations required updating and there was a need for some new delegations that explicitly delegate powers to the CEO rather than these delegations being embedded in Policy. Some of the updates relate to minor text changes and insertion of references to enabling legislation.

It is noted that Council was briefed on the proposed new delegations at a briefing held prior to the August Ordinary Council Meeting on 18 August 2021.

It should be noted that the delegations were last reviewed by Council in February 2020 and therefore not reviewed in the 2020/21 financial year as required by legislation. This compliance issue will need to be reported in the March 2022 Compliance Audit Return.

### **Amended Delegations:**

#### ***1.3 Ability to Require Property Owners to take Action***

Added reference to s3.36 of the Act

#### ***1.4 Inviting Tenders***

Increased the level at which tenders must be invited to \$250,000 in accordance with changes to the Functions and General Regulations.

Included sub-delegation to Manager Corporate and Community

**1.7 Disposition of Property**

Reworded the function being delegated in compliance with the Act and the Functions and General Regulations.

Imposed conditions in accordance with the Act and Functions and General Regulations.

Sub-delegation to Manager Works and Manager Corporate and Community included.

**1.8 Disposal of Surplus Equipment, Materials, Tools etc.**

Updated Council Conditions on Delegation to include a value of \$5,000.

**1.9 Grant Discounts, Waive or Refund Fees and Charges, Write off or Minor Debts**

The ability to grant concessions under 6.12 (b) has been added as per Council resolution (Motion 04082021) of 18 August 2021.

Conditions imposed on the delegation have been updated.

**Delegation 1.11, 1.12 and 1.13**

References to parts of the Act have been updated.

**1.14 Disposing of Confiscated or Uncollected Goods**

Updated references to legislation

Updated conditions in accordance with Functions and General Regulations to a value of \$20,000.

Added sub-delegation to Manager of Works

**Delegations 1.16, 1.17 and 1.18**

Updated the Conditions of Delegation to refer to relevant sections of the Food Act.

**New Delegations:**

The following new delegations have been included in the register noting that some of these delegations already existed but were within adopted Council Policy rather than the delegation register.

Council was briefed on the reasons for including these delegations at a briefing on 18 August 2021.

**Delegation 1.25 Compensation for Damage**

This delegation allows the CEO to pay compensation up to a value of \$2,000 for damage caused to private property by the Shire carrying out its functions or in cases where the insurer refuses the claim or the insurance excess exceeds the value of the claim.

**Delegation 1.26 Impounding of Goods**

This delegation allows the CEO to undertake functions relating to the impounding of goods and recovery of costs in relation to these functions.

**Delegation 1.27 Arrangements for Payments of Rates and Service Charges**

This delegation gives the CEO the authority to make arrangements with persons for the payment of rates and services and would generally be used where a ratepayer is having trouble meeting the payment terms set as part of the annual budget process.

**Delegation 1.28 Private Works in Public Places**

This delegation allows the CEO to approve (where planning approval is not required) construction on, over or under a public thoroughfare or other public place and impose conditions in respect of that permission.

***Delegation 1.29 Appointment of Acting Chief Executive Officer***

This delegation allows the substantive CEO to appoint another officer to act as CEO for a period of leave not exceeding 5 weeks.

***Delegation 1.30 Investments***

This delegation grants the ability for the CEO to invest money held in the municipal fund and implement systems of controls to manage this process. All investments must however, comply with the Council adopted Policy 4.4 Investments.

***Delegation 1.31 Minor Amendments to Delegation Register and Policies***

This delegation allows the CEO to approve amendments to the format, spelling grammar and minor errors within the text of Council adopted Policies and Delegations, provided that such amendments do not alter the intent of the Policy or Delegation. This removes the need for each amendment to be referred back to Council.

***Delegation 1.32 Payments from Municipal or Trust Funds***

This delegation is already included within Council Policy 4.8 Purchasing Policy, however, for the sake of clarity and completeness is being included as a delegation within the Delegation Register.

It should be noted that many of the delegations outlined above, include the sub-delegation to senior Shire Officers as per sections 5.44 of the Act. These can be seen in the full version of the Delegation Register as included at **Attachment One**.

**Statutory Environment**

Section 5.42 of the Act provides that Council may delegate powers to the CEO except those referred to in section 5.43 of the Act.

Section 5.46(2) of the Act requires all delegations to be reviewed at least once each financial year.

**Policy Applicable – Implications**

There is no Council policy applicable to this report.

**Financial Implications**

There are no financial implications for this report.

**Risk Implications**

Having clear and appropriate delegations from Council to the CEO and from the CEO to staff is an important part of the overall governance framework. It allows the Shire to conduct business in an efficient manner and provides overall accountability for the decision making processes.

Not having clear and appropriate delegations increases risk across all areas.

Risk mitigation includes consultation with Council, review of WALGA templates and a review of delegations in place at other local governments.

### **Strategic Community Plan Reference**

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

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

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

### **Consultation**

Consultation for this report included a workshop with Council held on 18 August 2021.

### **VROC Implications**

There are no strategic VROC implications from this report.

### **Voting Requirements**

**Absolute Majority**

### **OFFICER'S RECOMMENDATION**

**That Council:**

- 1. Notes the review of delegations for the financial year 2021-22 as outlined in this report; and**
- 2. Adopts the Shire of Cranbrook Register of Delegations as included at Attachment One.**

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<b>10.1.4</b>	<b>COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF) ANNUAL AND FORWARD PLANNING ROUND GRANT APPLICATION</b>
<b>RESPONSIBLE OFFICER:</b>	Trish Standish – Manager of Corporate and Community Services
<b>REPORT AUTHOR:</b>	Samantha O’Neill – Community Development Officer
<b>FILE REFERENCE:</b>	CS108
<b>APPLICANT:</b>	N/A
<b>DATE OF REPORT:</b>	3 September 2021
<b>ATTACHMENTS:</b>	Nil

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### **Purpose**

The purpose of this report is for Council to consider:

- Setting the priority ratings of funding applications to be submitted to the Community Sporting and Recreation Facilities Fund (CSRFF) Annual and Forward Planning Grant Round; and
- Financially supporting the application.

### **Background**

In 2019, Council began discussions regarding the upgrade of the existing Frankland River District Country Club and Frankland River Town Hall. Council made the decision to host a community meeting to engage with the community about replacing both old and outdated facilities with one new multi-purpose community facility. Following on from the initial engagement, Council appointed key community members to be part of a steering committee to drive the project, undertake a needs assessment, feasibility study, business case and work with the existing Frankland River District Country Club to review their structure, constitution and management plan in preparation for a new facility.

The steering committee consisting of 6 community members, 2 Councillors and 3 Shire staff members met for the first time in May 2020.

Kim Buttfield Consulting was engaged to continue the community engagement and work with the committee to further develop the needs assessment and ensure the concept captured the community’s needs.

Keston Economics was appointed through a tender process to work with the committee to further develop the concept design (Barrel + Bale) and provide a more detailed feasibility study in preparation for the Building Better Regions Fund grant submission in March 2021. The Shire is still awaiting the outcome of this grant application and it is expected that a final decision will be made prior to the end of September 2021.

### **Officer’s Comment**

It is recommended that the Shire submit the Frankland River Facility (Barrel + Bale) for consideration of grant funding from the Department of Local Government, Sport and Cultural Industries (DLGSCI) CSRFF 2022-2023 Annual and Forward Planning Funding Round.

For this application, the Shire will be applying for \$1,098,450 ex GST and requests Council support for the following budget:

<b>FUNDING</b>	<b>AMOUNT EX GST</b>
Community Contribution	\$239,000
Shire of Cranbrook Contribution	\$1,119,380
Building Better Regions Fund	\$2,091,170
Community Sporting and Recreation Facilities Fund	\$1,098,450
<b>TOTAL</b>	<b>\$4,548,000</b>

This project supports the Shire of Cranbrook Strategic Community Plan Key Pillars to Live, Work, Visit and Connect.

The existing two facilities are no longer fit for purpose and there are concerns for the health and wellbeing of the community, clubs and the sport and recreation future of Frankland River should this project not be supported.

Once Council have considered this request, and if the Officer's Recommendation is supported, the grant application will be submitted to DLGSCI. Notification of the outcome should be received by Mid-January 2022.

#### **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**

It is anticipated that the Shire's contribution towards this project will be approximately \$1,119,380 however it is anticipated that there will be some escalation to the cost by the time this project goes to tender.

The 2021/2022 adopted budget includes the following Shire contribution:

Frankland River Sporting Facilities Reserve	\$171,213
Rate Discount Reserve	\$544,487
LRCI Phase 3 Grant Funding	\$700,000
<b>Total Shire Contribution</b>	<b>\$1,415,700</b>

#### **Risk Implications**

The risks associated with matters in this report are:

- External Theft and Fraud
- Errors, Omissions and Delays
- Inadequate Document Management Processes
- Inadequate Engagement Practices
- Inadequate Project Management
- Inadequate Supplier/Contract Management

The **impacts** of the risk are Financial, Reputational and Property

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

The **likelihood** is Unlikely

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

Risk mitigation includes contracting highly reputable consultants to assist with the preparation of a needs assessment, feasibility study and business case.

### **Strategic Community Plan Reference**

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

#### **Key Pillar: Live**

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

**Outcome 4 - Priority Amenities:** A strong knowledge based on amenity usage and asset management, and a focussed support for aged-care, youth, disabilities facilities and programs.

#### **Key Pillar: Visit**

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

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

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

**Outcome 15 – Proactive People:** A community which capitalises on its youthful intellect and stretches interactions wider than the community residing in the region.

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

### **Consultation**

Consultation for this report included the Frankland River Facility Steering Committee and the Regional Officer of the Department of Local Government, Sport and Cultural Industries.

### **VROC Implications**

There are no strategic VROC implications from this report

### **Voting Requirements**

Simple Majority

### **OFFICER'S RECOMMENDATION**

That Council:

- 1. Approves the application for the Frankland River Facility as the number one priority for funding in the current 2022-23 CSRFF Annual and Forward Planning Round;**
- 2. Subject to the successful funding application, approves a maximum Shire allocation towards the project of \$1,415,700 through a combination of future LRCI funding and reserves as per the adopted 2021/2022 budget.; and**
- 3. Authorises the Chief Executive Officer to submit the funding application for \$1,098,450 to the 2022-23 CSRFF Annual and Forward Planning Round.**



## 10.2 GOVERNANCE AND EXECUTIVE SERVICES

### 10.2.1 PLANNING APPLICATION - PROPOSED HOME BUSINESS – LOT 1729 (NO 1251) MARTAGALLUP ROAD, TENTERDEN

**RESPONSIBLE OFFICER:** Linda Gray – Chief Executive Officer  
**REPORT AUTHOR:** Liz Bushby – Consultant Planner, Town Planning Innovations (TPI)  
**FILE REFERENCE:** A9547  
**APPLICANT:** Jarrad Beech  
**DATE OF REPORT:** 27 August 2021  
**ATTACHMENTS:** Nil

#### Purpose

The purpose of this report is for Council to consider an application seeking approval for a home business at Lot 1729 (No 1251) Martagallup Road, Tenterden.

#### Background

Lot 1729 is zoned 'Rural' under the Shire of Cranbrook Town Planning Scheme No 4 (the Scheme). A location plan is included below for ease of reference.



**Officers Comment**

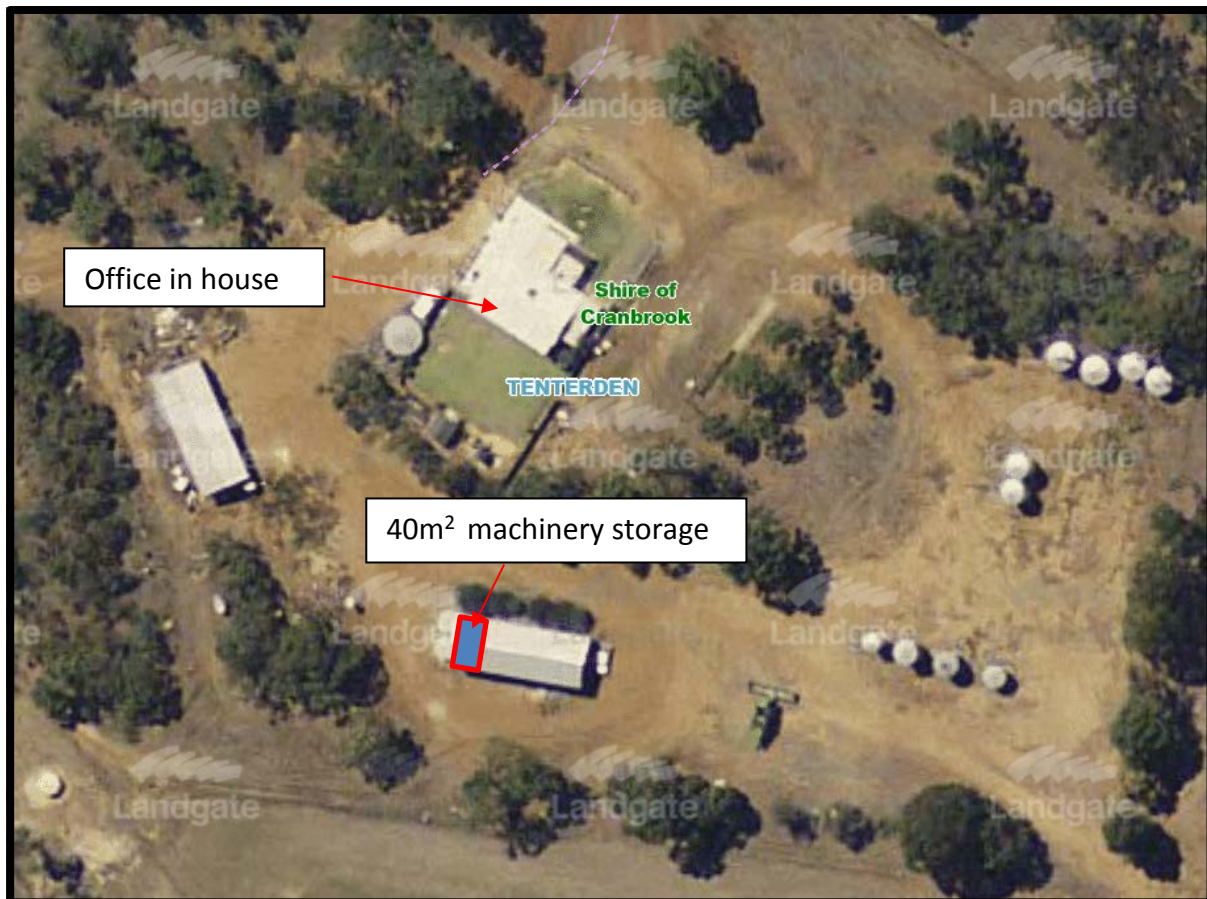
• *Description of Proposal*

The applicant has lodged a planning application seeking approval to operate a home business from Lot 1729.

The business entails:

- a. Broad acre spraying off site at clients premises;
- b. Using a room within the house as an office for administration and invoicing;
- c. Employment of one person who does not reside on the lot. The lot owner and employee meet on the lot for tool meetings and prestarts prior to commencing work off site;
- d. A John Deere 8245R tractor pulling a 5010 hydraboom is kept in an existing shed on site, and used to commercial spray clients properties.
- e. All chemicals are supplied at the clients premises.
- f. The owner and employee are trained and have certificates in chemical handling.

The areas used for the business are shown on the aerial extract below:



- Proposed land use and permissibility

Under the Scheme, Table 1 lists land uses in a table format with different symbols listed under different zones.

Each symbol has a different meaning and determines whether Council has discretion to consider a land use in the corresponding zone (ie if the land use is permitted, not permitted, discretionary or requires advertising).

The proposed land use is construed as a ‘home business’ and is listed as an ‘A’ use in Table 1 for the Rural zone which ‘means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice’ (ie advertising).

USES	RESIDEN	TOWN CE	INDUSTR	RURAL RESIDENT	RURAL SMALLHC	RURAL
1 aged or dependent persons dwelling	D	X	X	X	X	X
2 agriculture - extensive	X	X	X	X	X	P
3 agriculture - intensive	X	X	X	X	X	D
4 agroforestry	X	X	X	X	X	P
5 ancillary dwelling AMD 5 GG 29/05/15	D	X	X	D	D	X
6 ancillary tourist use	A	X	X	A	A	D
7 animal husbandry - intensive	X	X	X	X	X	D
8 aquaculture	X	X	D	A	A	D
9 caretaker's dwelling	X	D	D	X	X	D
10 club premises	X	D	X	X	X	D
11 education establishment AMD 5 GG 29/05/15	A	A	X	X	X	A
12 fuel depot	X	X	P	X	X	X
13 grouped dwelling	D	D	X	X	X	X
14 holiday accommodation	A	A	X	A	D	D
15 home business	A	X	X	A	A	A
16 hotel	V	D	V	V	V	V

- Advertising

Shire Administration has advertised the application, and submissions close on 13 September 2021.

To expedite processing of the application, it is recommended that Council grant delegated authority to the Chief Executive Officer to determine the application.

- Home Business

The application complies with the definition of a home business as summarised in the table over page.

Definition	TPI Comment
<b>home business</b> ” means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession—	
(a) does not employ more than 2 people not members of the occupier’s household;	Complies. There is only one employee.
(b) will not cause injury to or adversely affect the amenity of the neighbourhood;	Complies. The owner uses machinery he already has on site for his own farm. The lot has an area exceeding 332 hectares.
(c) does not occupy an area greater than 50 square metres, except that for land in the Rural zone under the Scheme the local government may permit an area up to 200 square metres;	Complies.
(d) does not involve the retail sale, display or hire of goods of any nature unless the sale, display or hire is done only by means of the Internet; and	Complies.
(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and	Complies.
(f) does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight, except that for land in the Rural zone under the Scheme the local government may permit the presence and use of up to 3 vehicles of more than 3.5 tonnes tare weight; and	Complies.
(g) does not involve the use of an essential service of greater capacity than normally required in the zone in which the dwelling is located;	Complies.

### Statutory Environment

*Planning and Development (Local Planning Schemes) Regulations 2015* - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include ‘Deemed Provisions’ that automatically apply.

Clause 61 outlines ‘development for which development approval is not required’. There is no specific exemption for clearing of native vegetation.



Clause 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.

Clause 82(1) and 82(2) provides Council with the ability to grant delegated authority to the Chief Executive Officer to determine the application. This will expedite determination of the application (after advertising). Any delegation must be made by an Absolute Majority of Council.

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

The objectives of the Rural zone are:

- To ensure the continuation of broad-hectare agriculture in the district encouraging where appropriate the retention and expansion of agricultural activities.
- To provide for intensive agricultural use in suitable areas.
- To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- To allow for facilities for tourists and travellers, and for recreation uses.
- To help protect rural land from land degradation and further loss of biodiversity by:
  - ✓ minimising clearing of remnant vegetation
  - ✓ encouraging retention and protection of remnant vegetation
  - ✓ encouraging development and protection of vegetation corridors
  - ✓ encouraging development of sustainable surface and sub-surface drainage works
  - ✓ encouraging rehabilitation of salt-affected land
  - ✓ encouraging soil conservation through land management measures
  - ✓ encouraging identification and protection of wetlands.
- To promote the sustainable management of natural resources, and the prevention of land degradation.
- To have regard to use of adjoining land at the interface of the rural zone with other zones to avoid adverse effects on local amenities.

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

There are no policy implications for 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, 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 seeking professional planning advice.

## **Strategic Community Plan Reference**

### **Key Pillar: Work**

**Outcome 5 – Business Engagement:** A resilient, knowledgeable and networked local business sector.

**Outcome 8 – Business Attraction:** Attracted new business and industry to our region.

**Outcome 6 – Stimulated Economy:** A strong relationship between our business community and the Shire.

### **Key Pillar: Connect**

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

## **Consultation**

Advertising closes on 13 September 2021.

## **VROC Implications**

There are no strategic VROC implications from this report.

## **Voting Requirements**

**Absolute Majority** (for delegated authority)

## **OFFICERS RECOMMENDATION**

**That Council:**

1. Notes that the application is being advertised until 13 September 2021 as required by the Scheme.
2. Pursuant to Clause 82(1) and 82(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* grants (by Absolute Majority) delegated authority to the Chief Executive Officer to determine the development application for a home business on Lot 1729 (No 1251) Martagallup Road, Tenterden.

**10.3 WORKS**

Nil

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

Nil

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

**13. MATTERS BEHIND CLOSED DOORS**

Nil

**14. CLOSURE OF MEETING**

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