



MINUTES

MEETING HELD ON

Thursday 29 September 2022

Commenced at 6.02pm

Shire of Boyup Brook Council Chambers, Boyup Brook

Dale Putland
Chief Executive Officer

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

We acknowledge and pay our respects to the traditional custodians of the land on which we meet and work.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

PRESENT:	Shire President	Richard Walker
	Deputy Shire President	Helen O’Connell
	Councillor	Steele Alexander
		Charles Caldwell
		Philippe Kaltenrieder
		Darren E King left at 6.06pm
		Kevin J Moir
		Adrian Price
	Acting Chief Executive Officer	Carolyn Mallett
	Executive Assistant	Maria Lane
Apologies:		Cr Sarah Alexander
MEMBERS OF PUBLIC:		Todd Carroll – Boyup Brook Cricket Club

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Todd Carroll advised Council what improvements need to be done at the Boyup Brook Cricket Club.

Cr Darren King departed the Chambers at 6.06pm.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

6. DISCLOSURE OF INTEREST

Councillor	Item	Interest Type	Nature and if required extent of the Interest (Description)
Cr Helen O'Connell	10.3.1	Financial	Employee of the Blackwood Basin Group
Cr Kevin Moir	10.4.1	Financial	Applicant

7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 25 August 2022

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.1

MOVED: Cr Philippe Kaltenrieder

SECONDED: Cr Kevin Moir

That the minutes of the Ordinary Council Meeting held on Thursday 25 August 2022 be confirmed as an accurate record.

CARRIED 7/0

Res 22/9/129

7.2 Special Council Minutes – 31 August 2022

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2

MOVED: Cr Philippe Kaltenrieder

SECONDED: Cr Steele Alexander

That the minutes of the Special Council Meeting held on Thursday 31 August 2022 be confirmed as an accurate record.

CARRIED 7/0

Res 22/9/130

8. PRESIDENTIAL COMMUNICATIONS

August

Friday, 26th

9am South West Zone WALGA at Bunbury Regional Entertainment Centre

September

Thursday, 1st

3pm Audit exit meeting OAG Shire office

Thursday, 8th

1.30 pm met with Steve Thomas MLA and CEO Shire office

3pm met with Per Christensen and CEO Shire office

Tuesday, 13th

9am Sandakan service at the Memorial

1pm met with Ryan Rowland Borneo Exhibition Group and CEO Shire office

Wednesday, 14th

4pm Rylington Park with Cr Caldwell

Thursday, 15th

4.30pm Shire of Dardanup presentation on joint initiatives

Friday, 16th

Rylington Park busy bee in preparation for the Field Day

Monday, 19th

9am Shire office with CEO, Ranger and Benjinup FCO to set up and test a WhatsApp Group

Tuesday, 20th

11.30am Manjimup with CEO, Manjimup President and CEO to discuss Aged Care

Friday, 23rd

8am Rylington Park Field Day

Thursday, 29th

4pm Auditor entry meeting

9. COUNCILLOR QUESTIONS ON NOTICE

Nil

10. REPORTS OF OFFICERS

10.1 Manager Works and Services

Nil

10.2 FINANCE

10.2.1 List of Accounts Paid in August 2022

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>09/09/2022</i>
Author:	<i>Ben Robinson – Finance Manager</i>
Authorising Officer:	<i>Dale Putland – CEO</i>
Attachments:	<i>Yes – List of Accounts Paid in August</i>

SUMMARY

In accordance with the *Local Government (Financial Management) Regulations 1996* the list of accounts paid in August 2022 are presented to Council.

BACKGROUND

This report presents accounts/invoices received for the supply of goods and services, salaries and wages, and the like which were paid during the period 01 to 31 August 2022.

COMMENT

The attached listing represents accounts/invoices the shire paid by cheque or electronic means during the period 01 to 31 August 2022.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, Regulations 12 and 13 apply and are as follows:

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —*
- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*

- (b) otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.
13. Lists of accounts
- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO 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.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorisation in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.

POLICY IMPLICATIONS

Council's Authority to Make Payments Policy has application.

BUDGET/FINANCIAL IMPLICATIONS

Account payments accorded with a detailed 2022-23 Annual Budget

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.2.1

MOVED: Cr Helen O’Connell

SECONDED: Cr Charles Caldwell

That at its September 2022 ordinary meeting Council receive as presented the list of accounts paid in August 2022, totalling \$851,468.75 from Municipal account, \$38,578.05 from Police Licensing account and \$0.00 from Boyup Brook Early Learning Centre account, as represented by:

Municipal Cheques	20578-20580	\$ 4,905.52
Municipal Electronic Payments	EFT12820– EFT12961	\$ 604,553.52
Municipal Direct Payments		\$ 242,009.11
Police Licensing Payments		\$ 38,578.05
BBELC Payments		\$ 0.00

CARRIED 7/0

Res 22/9/131

10.2.2 31 August 2022 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>17 September 2022</i>
Authors:	<i>D Long – Finance Consultant</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

The Monthly Financial Report for 31 August 2022 is presented for Council’s consideration.

BACKGROUND

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed.

The Regulations require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income, and materials variances can be commented on.

COMMENT

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity by Nature;
- (d) Statement of Financial Activity by Program;
- (e) Summary of Net Current Asset Position;
- (f) Material Variances Report;
- (g) Statement of Financial Position;
- (h) Statement of Cash Flows;
- (i) Report on Progress of Capital Expenditure Program;
- (j) Report on Major Business Units;
- (k) Statement of Cash Back Reserves;
- (l) Loan Borrowings Report; and

(m) Detailed Operating and Non-Operating Schedules.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Material Variances Report. This statement categorises the variance commentary according to reporting Nature/Type and groups the variances by Operating Revenue, Operating Expenditure, Investing and Financing Activities.

The Statement of Financial Activity as at 31 August shows a closing surplus of \$2,121,675.

The Closing surplus figures for 30 June 2022 are interim only and are subject to change due to year-end adjustments and any audit adjustments.

CONSULTATION – Nil

STATUTORY OBLIGATIONS

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

POLICY IMPLICATIONS – Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS - Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.2.2

MOVED: Cr Helen O’Connell

SECONDED: Cr Adrian Price

That Council receive the Monthly Financial Report for 31 August 2022, as presented.

CARRIED 7/0

Res 22/9/132

10.2.3 Annual Report & Annual Financial Report 2020/2021

Location:	<i>N/A</i>
Applicant:	<i>N/A</i>
File:	<i>FM/9/004</i>
Disclosure of Officer Interest:	<i>none</i>
Date:	<i>15 September 2022</i>
Author:	<i>Maria Lane – Executive Assistant</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Annual Report 2020/21 including the Annual Financial Report and Audit Report.</i>

SUMMARY

Following receipt of the Independent Audit Report, Annual Report and Management Report from the Office of the Auditor General, the Annual Report including the Annual Financial Report has been prepared in accordance with Section 5.54 of the Local Government Act.

BACKGROUND

The Local Government Act requires a local government to prepare an Annual Report each financial year.

COMMENT

The final audit Report was received on 6 September 2021. Section 5.54(2) of the Local Government Act requires a local government to accept the auditor’s report by 31 December with the exception being if the report is not available in time for that date to be met, the annual report is to be accepted by the local government no later than 2 months after the auditor’s report becomes available.

The CEO is required to provide sufficient public notice of the availability of the Auditor’s Report and Annual Report, and the date of the Annual General Meeting of Electors.

Section 5.27 of the Local Government Act requires a general meeting to be held on a day selected by the local government not more than 56 days after the local government accepts the annual report .

The audit of the Shire’s 2020/21 Financial Statements has been conducted in accordance with Australian Auditing Standards and the Auditor has determined that:

COMMENT

The audit of the Shire's 2020/21 Financial Statements has been conducted in accordance with Australia Auditing Standards and the Auditor has determined the following:

Management Control Issues

Office of the Auditor General would like to draw your attention of the attached listing of deficiencies in internal control and others matters that were identified during the audit. These matters have been discussed with management and their comments have been included in the attachment.

Findings identified during the Final Audit

1. Grant revenue has not been recognized in accordance with AASB 15 or AASB 1058.

Finding

Our sample testing of revenue transactions noted that grant revenue has not been recognized in accordance with AASB 15 or AASB 1058.

For practical resourcing purposes, management have made a decision to rectify the revenue recognition error at year end as part of calculating the contract/grant liability balance.

Implication

Non-compliance with AASB 15 or 1058. As the application of these standards may result in delayed income recognition, the Shire's revenue may be overstated in the monthly statements of financial activity, which should be prepared in accordance with all relevant Australian Accounting Standards. This may impact the financial decision making of Council.

Recommendation

The Shire should complete a detailed revenue recognition assessment of all new grants on a regular basis rather than at year end. This is to conclude if a particular revenue stream or transaction arises from an enforceable contract with a customer and has sufficiently specific performance obligations. The assessment will trigger the revenue recognition requirements under AASB 15, or if it falls outside this scope, under AASB 1058, so that the revenue is not misstated for both monthly and annual financial reporting purposes.

Similarly, the achievement of performance obligations for the contract/grant liabilities carried over from last year should be monitored on a regular basis so that revenue is recognized appropriately and timely in the monthly financial reporting. This will also assist in expediting the year end process for preparing the annual financial report.

Management Comment

The Shire is in the process of establishing a detailed grant revenue review process. This review will be conducted on a quarterly basis, with a formal report presented to Council. The first review will take place in November 2021.

2. Purchase orders dated after invoice date

Finding

From our sample testing of 12 payments made during the year, we noted three instances where the approved purchase orders were raised after the date of the corresponding supplier invoices. However, we acknowledge that the quotations for those orders were obtained prior to ordering as per the Shire's purchasing policy.

Implication

Without evidence that the ordering of goods and services was approved prior to ordering, there is an increased risk of unauthorized expenditure being made.

Recommendation

Management to ensure that all purchase orders are approved and raised prior to ordering.

Management Comment

All staff members have been instructed that purchase orders must be approved prior to ordering or receiving any goods or services, and that the Shire's adopted Purchasing Policy must be strictly observed at all times. Breaches of this instruction will be brought to the attention of the Finance Manager and the CEO for action.

3. Lack of employment contract

Finding

Our review of the payroll system revealed one instance where the employment contract for an employee was not updated to reflect additional duties to be performed at a different and higher pay rate.

Implication

Without a properly executed and updated employment contract, there could be a dispute regarding the correct terms of employment, in particular the applicable pay rate.

Recommendation

To help ensure a legally enforceable agreement is in place and no dispute arises, all employees should have an employment contract which is up to date, duly signed and filed in their personnel files.

Management Comment

The Shire is finalising the Workforce Plan and will conduct a review of all staff position descriptions and employment contracts to ensure they accurately reflect officers' duties. Any future changes to duties will be reflected in the appropriate position descriptions and/or employment contract as required.

CONSULTATION

Moore Australia (WA) Pty Ltd
Office of the Auditor General

STATUTORY OBLIGATIONS

Local Government (Audit) Regulations 1996

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council's 'Advertising of the Annual General Meeting of Electors'.

STRATEGIC IMPLICATIONS

The Shire to improve the governance and administration services.

The Shire to provide strong collaborative leadership and display a commitment to progress.

SUSTAINABILITY IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.2.3

MOVED: Cr Steele Alexander

SECONDED: Cr Helen O'Connell

That Council:

- 1. Approves the Annual Report including the Annual Financial Report and Audit Report for the 2020/2021 financial year and gives local public notice of its availability.**
- 2. Note that the Annual General Meeting of Electors will be held on Thursday, 27th October 2022 in the Council Chambers, commencing at 5.00pm.**
- 3. Note the Auditor's report includes findings identified during the final audit (*please refer to attachment*)**
- 4. Note Management comments in relation to the matter raised in the Auditor's Report.**

CARRIED BY ABSOLUTE MAJORITY 7/0

Res 22/9/133

Declare an Interest

Cr Helen O'Connell declared a financial interest in the following item and departed the Chambers, the time being 7.21pm.

10.3 CHIEF EXECUTIVE OFFICER

10.3.1 Blackwood Basin Group Committee Representative

<i>Location:</i>	<i>N/A</i>
<i>Applicant:</i>	<i>N/A</i>
<i>File:</i>	<i>FM/9/004</i>
<i>Disclosure of Officer Interest:</i>	<i>none</i>
<i>Date:</i>	<i>15 September 2022</i>
<i>Author:</i>	<i>Maria Lane – Executive Assistant</i>
<i>Authorizing Officer:</i>	<i>Dale Putland – Chief Executive Officer</i>
<i>Attachments:</i>	<i>Letter from BBG</i>

SUMMARY

The purpose of this report is for Council to consider the nomination of two Council members to represent the Shire on the Blackwood Basin Group Management Committee for a two year period.

BACKGROUND

The current representatives for the Shire of Boyup Brook are Cr Adrian Price and Cr Darren King.

The Blackwood River Basin is located in the south-west of Western Australia and covers approximately 22,000 square kilometres. The region has a Mediterranean climate, with cool, wet winters and hot, dry summers. Annual rainfall ranges throughout the basin from an average of 350mm in the upper catchment to 1400mm on the coast.

An estimated 78% of the catchment is devoted to agriculture and as a result, large amounts are cleared. This clearing has led to a number of serious environmental and social issues, particularly that of dryland salinity.

The aim of the BBG is to work with the community and landcare zones to manage these issues and to maintain a balance between environmental protection, cultural diversity and economic productivity in the Blackwood.

CONSULTATION

BBG

STATUTORY OBLIGATIONS

Section 5.2 of the *Local Government Act 1995* (the Act), has application as follows:

5.2. Administration of local governments

The council of a local government is to ensure that there is an appropriate structure for administering the local government.

Further, s.5.10.(1) and (4) of the Act have has application, as follows:

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

Finally, s.5.11A.(1) and (2) of the Act also have application, as follows:

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

* *Absolute majority required.*

- (2) A person who is appointed as a deputy of a member of a committee is to be —
- (a) if the member of the committee is a council member — a council member; or

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Councillor time to attend the meetings.

STRATEGIC IMPLICATIONS

Relevant excerpt from the Adopted Boyup Brook Strategic Community Plan 2021 - 2031.

Initiatives that address climate change and environmental challenges.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 10.3.1

MOVED: Cr Steele Alexander

SECONDED: Cr Kevin Moir

That Cr Philippe Kaltenrieder be appointed as the Council Representative and that Cr Adrian Price be appointed as the Deputy Delegate on the Blackwood Basin Group Committee.

CARRIED 6/0

Res 22/9/134

Cr Helen O’Connell returned to the Chambers at 7.23pm.

Declare an Interest

Cr Kevin Moir declared a financial interest in the following item and departed the Chambers, the time being 7.23pm.

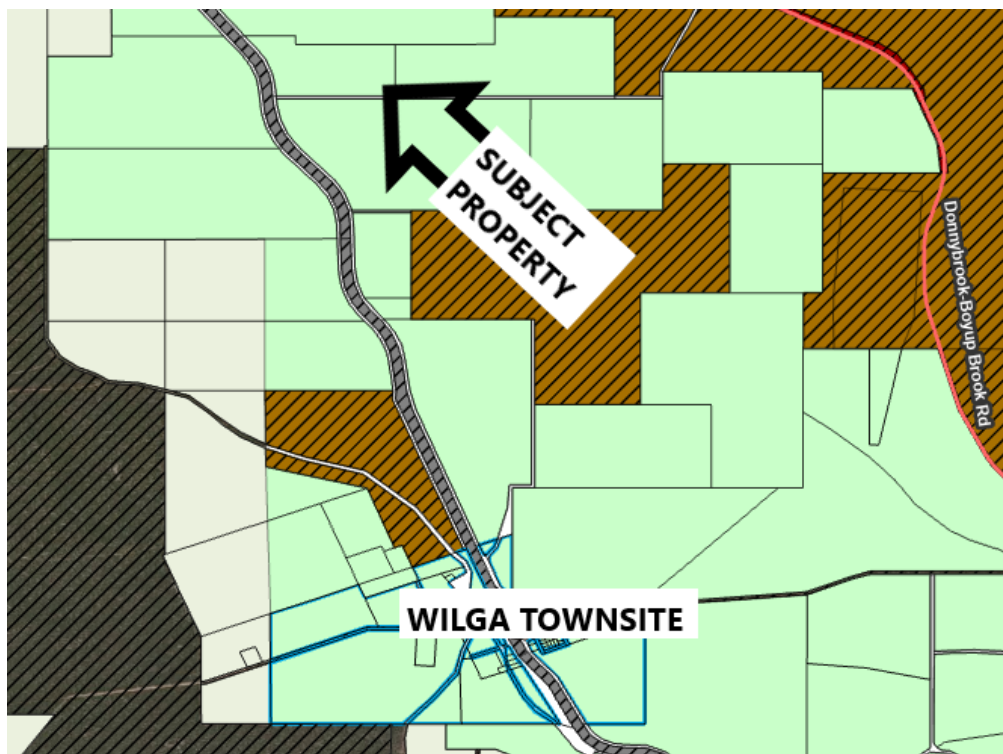
10.4 PLANNING

10.4.1 Development (Caretakers Dwelling) – Lot 3736 Walker Road Wilga

Location:	<i>Lot 3736 Walker Road, Wilga</i>
Applicant:	<i>K & E Moir</i>
File:	<i>A3210</i>
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>29 September 2022</i>
Author:	<i>A. Nicoll, Town Planner</i>
Authorizing Officer:	<i>Dale Putland, Chief Executive Officer</i>
Attachments:	<i>Nil</i>

SUMMARY

The Shire received an application proposing to develop a dwelling at a vacant farming (‘Rural’ zone) property, located north of the Wilga townsite.



On review of the application, it was discovered that there is a road reserve leading to the property, however, there is no constructed road within the road reserve.

If Council was to consider the development of a 'Single House', it would be appropriate for the developer to construct a road within a dedicated road reserve and/or organise formal rights of access over adjoining properties.

The developer has indicated that the dwelling is to be used by a family member supervising farming operations and that access from Walker Road to the subject property, is via tracks (not necessarily within road reserve) constructed across adjacent farming entitlements. The developer does not intend on formalising the access arrangements. For these reasons, it is considered appropriate that the dwelling is assessed as a 'Caretakers Dwelling' and not a 'Single House'.

A caretaker's dwelling means a dwelling on the same site as a farming operation and occupied by a supervisor of that farming operation.

It is recommended that the Council approve the proposed Caretakers Dwelling subject to only being occupied by the supervisor of the farming enterprise.

BACKGROUND

The Shire of Boyup Brook received a Development Application for a Caretaker Dwelling at Lot 3736.

Due to the proposed location of the caretakers dwelling in a bushfire prone area, a Bushfire Attack Level assessment has been completed to confirm that the dwelling should be constructed to withstand a heat rating of 12.5kw/m².



COMMENT

In accordance with the Shire's *Local Planning Scheme No.2*, a caretakers dwelling may be considered for approval at a 'Rural' zone property.

The caretakers dwelling is a single storey, 3 bedroom - two bathroom dwelling, with external colourbond and weatherboard cladding.

The dwelling has been strategically located in cleared areas and setback from property boundaries, to comply with minimum scheme setbacks (min 10m setback requirement).

Access to the property is via an existing track, which traverses various properties and including a railway reserve and road reserves.

The caretakers dwelling is necessary for accommodating a farm supervisor, to oversee farm operations such as livestock management, crop cultivation and other agricultural activities.

It is recommended that the Council approve the proposed Caretakers Dwelling subject to the dwelling only being occupied by the supervisor of the farming enterprise.

STATUTORY OBLIGATIONS

The Shire's Local Planning Scheme No.2 states:

The Council may permit a caretaker dwelling or ancillary accommodation where it is:

- a) appropriately justified by the applicant and addresses relevant planning consideration; and*
- b) located within a defined building envelope area or building exclusion area on a structure plan or the immediate curtilage of the primary dwelling where a building envelope is not defined and complies with the criteria applicable to an 'Ancillary dwelling' in the R-Codes and the local government's Local Planning Policy.*

Approval however is not considered to be justification for subdivision of the land under the Act or the Strata Title Act 1985.

No building development shall be located within 10 metres of any boundary of a lot in the Rural Zone.

Not more than one single dwelling house may be erected and occupied on a lot within the Rural Zone except where Council is satisfied that an additional house is necessary or desirable for the continuation of bona fide agricultural activity.

POLICY IMPLICATIONS

Nil

CONSULTATION

N/A

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.1

MOVED: Cr Steele Alexander

SECONDED: Cr Helen O’Connell

That Council

Grants development approval for Lot 3736 Walker Road Wilga, for the purpose of a Caretakers Dwelling, subject to the following notice:

Planning and Development Act 2005

Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 3736 Walker Road Wilga

Description of proposed development:

Caretakers Dwelling

The application for development is approved subject to the following conditions.

Conditions:

1. The caretakers dwelling only being occupied by a supervisor of the farming enterprise.

Date of determination: 29 September 2022

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED 6/0

Res 22/9/135

Cr Kevin Moir returned to the Chambers at 7.25pm.

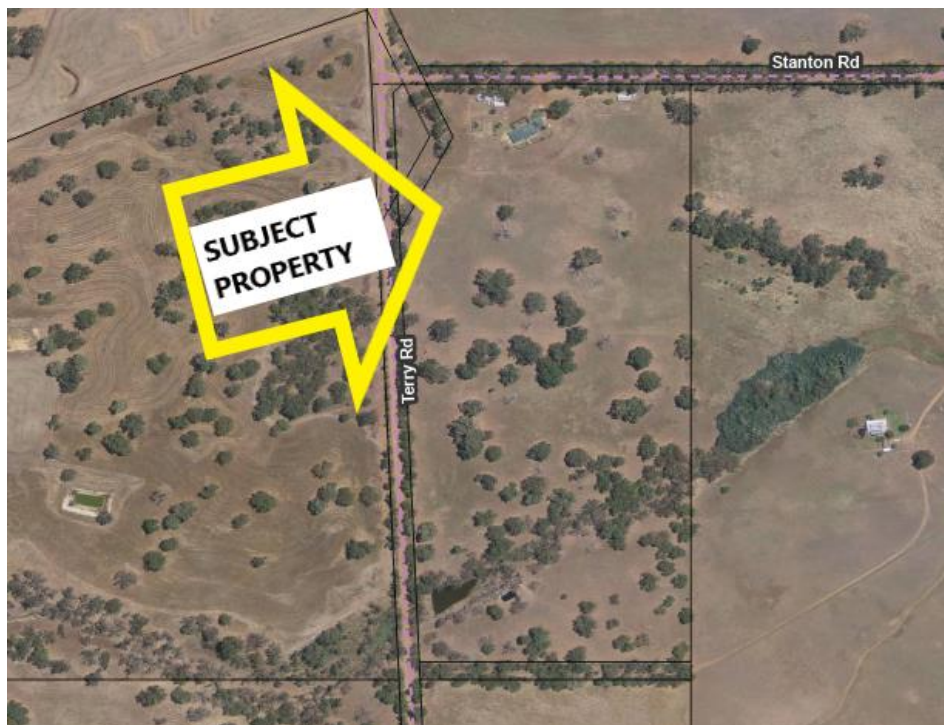
10.4.2 Development Application (Rural Home Business – Photography – Lot 4 Stanton Road Boyup Brook

Location:	<i>Lot 4 Stanton Road Boyup Brook</i>
Applicant:	<i>G & M Wrighton</i>
File:	<i>A9355</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>29 September 2022</i>
Author:	<i>Town Planner (Adrian Nicoll)</i>
Authorizing Officer:	<i>Chief Executive Officer (Dale Putland)</i>
Attachments:	<i>Development Application</i>

SUMMARY

Council is requested to approve an application to use a 'Rural' zone property, whereby clients attend the property for a photography session (i.e. wedding photos, portraits etc).

The property is approximately 17ha in area and is located approximately 3.8km south of the Boyup townsite.



BACKGROUND

The landholder made enquiries about getting approval to operate a photography business at their small rural farming property.

The landholder indicated the need for approval to operate the business within an area of around 200m².

On investigation of the Shire's scheme, it was revealed that approval may be considered for a 'rural home business', which means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation:

- a) does not involve employing more than 2 people who are not members of the occupier's household; and
- b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- c) does not occupy an area greater than 200m²; and
- d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight.

COMMENT

The subject Lot 4 Stanton Road Boyup Brook is zoned 'Rural' in accordance with the Shire's Scheme.

In accordance with the Shire's Scheme, a 'Rural Home Business' is a use which may be considered for approval at a property zoned 'Rural'.

In accordance with the scheme's rural home business definition, the proposed photography business:

- does not employ more than 2 people;
- is low-key and therefore is not expected to adversely affect the amenity of the neighbourhood;
- does not occupy an area greater than 200m²;
- does not involve the retail sale, display or hire of goods at the subject property;
- is expected to receive one (1) photography session per week, meaning low traffic impact on the area.

All client visits would be strictly by appointment only and would normally occur between the hours of 8am-6pm Monday to Saturday and would be 30 minutes up to 2 hours in duration.

It is recommended that the Council approve the proposed, 'Rural Home Business – Photography', as the proposed activity complies with standards prescribed for a 'Rural Home Business'.

CONSULTATION

Due to the low-key nature of the 'Rural Home Business' and large distance from neighbouring homes, it is considered that consultation is not necessary.

STATUTORY OBLIGATIONS

In accordance with the Shire's *Local Planning Scheme No.2*:

rural home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation -

- a) does not involve employing more than 2 people who are not members of the occupier's household; and*
- b) will not cause injury to or adversely affect the amenity of the neighbourhood; and*
- c) does not occupy an area greater than 200m²; and*
- d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*
- e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and*
- f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight;*

In considering applications for planning consent in the 'Rural' zone, Council shall have regard to:

- *The need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy; and*
- *The need to preserve the rural character and rural appearance of the area.*

POLICY IMPLICATIONS

There are no Policy implications.

BUDGET/FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 10.4.2

MOVED: Cr Charles Caldwell

SECONDED: Cr Helen O’Connell

That Council grants Development Approval for a ‘Rural Home Business – Photography’ at Lot 4 Stanton Road Boyup Brook.

The approval is subject to the following notice, which outlines development conditions and advice notes.

Planning and Development Act 2005
Shire of Boyup Brook

NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL

Location: Lot 4 Stanton Road Boyup Brook

Description of proposed development: **‘Rural Home Business – Photography’**

The application for development is approved subject to the following conditions.

Conditions:

1. Does not occupy an area greater than 200m².
2. Does not employ more than 2 people not members of the occupier’s household.
3. The retail sale and display of goods is not to involve customers coming to the subject property.

Date of determination: 29 September 2022

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

CARRIED 7/0

Res 22/9/136

11 COMMITTEE MINUTES

Nil

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

**13 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS
PRESENT/CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS**

Nil

14 CLOSURE OF MEETING

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at 7.27pm.