



SHIRE OF JERRAMUNGUP

NOTICE OF COUNCIL MEETING

To the President and Councillors,

Please be advised that an Ordinary Meeting of the Council of the Shire of Jerramungup is to be held on

Wednesday, 24 August 2022
At the Emergency Services Shed,
Bremer Bay
Commencing at 2:00pm

Council Meeting Procedures

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting under “public question time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council’s Code of Conduct, policies and decisions of the Shire.

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
19 August 2022

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Jerramungup (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any Elected Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

The Shire of Jerramungup extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision making processes whenever possible. The ability to ask questions during ‘Public Question Time’ is of critical importance in pursuing this public participation objective. The Shire sets aside a period of ‘Public Question Time’ to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

MEETING FORMALITIES

Local government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting. Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

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NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Administrative:** When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
- Review:** When Council reviews a decision made by Officers.
- Information:** Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Executive Assistant prior to the Council meeting.

DECLARATIONS OF INTERESTS

Elected Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences. Section 5.60A of the *Local Government Act 1995* states;

“a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B states;

“a person has a proximity interest in a matter if the matter concerns –

(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or

(b) a proposed change to the zoning or use of land that adjoins the person's land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.”

Regulation 34C (Impartiality) states;

“interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”

2022 MEETING DATES

At its Ordinary Meeting of Council on 27 October 2021, Council adopted the following meeting dates for 2022:

January	-	-	Council in Recess
Wednesday	23 February 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	23 March 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	27 April 2022	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	25 May 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	22 June 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	27 July 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	24 August 2022	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	28 September 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	26 October 2022	2.00pm	Council Chambers, Jerramungup
Wednesday	23 November 2022	8.30am	Council Chambers, Jerramungup
Wednesday	21 December 2022	8.30am	Emergency Services Shed, Bremer Bay

Council's Audit Committee meet when required. Details of these meetings are advised as appropriate.

APPLICATION FOR LEAVE OF ABSENCE

In accordance with section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for an Elected Member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings. This approval must be by Council resolution and differs from the situation where an Elected Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an Elected Member being disqualified should they be absent without leave for three consecutive meetings.

Shire of Jerramungup
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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

Cr Drew Dawson, Councillor

2.4 ABSENT

2.5 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the *Local Government (Administration) Regulations 1996* Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by Absolute Majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

Nil

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 27 July 2022.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 27 July 2022 be CONFIRMED

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS

9.1 TECHNICAL SERVICES

Nil

9.2 CORPORATE SERVICES**9.2.1 ACCOUNTS FOR PAYMENT – JULY 2022**

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	2 August 2022
Attachments:	a) List of Accounts Paid to 31 July 2022 b) Credit Card Statement 28 June 2022 – 27 July 2022
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer’s delegated authority during the month of July 2022.

BACKGROUND:

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire’s municipal and trust funds. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Office is to be provided to Council.

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2022-23 Annual Budget as adopted by Council at its meeting held 27 July 2022 (Minute No. OCM220707 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of July 2022. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28178	Cancelled
EFT Payments	19789 – 19889	\$1,281,506.03
Direct Deposits		\$47,176.57
Municipal Account Total		\$1,328,682.60
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$1,328,682.60

CERTIFICATE

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

12(1) A payment may only be made from the municipal fund or a trust fund—

- (a) if the local government has delegated to the Chief Executive Officer 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.*

The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(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; and*
- (b) the amount of the payment; and*
- (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; and*
 - (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 subregulation (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.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

All expenditure from the municipal fund was included in the annual budget as adopted or revised by Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP5 – Transaction Cards

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council, pursuant to regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, NOTES the Chief Executive Officer’s list of accounts paid under delegated authority being;

- a) The List of Accounts Paid to 31 July 2022 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 28 June 2022 – 27 July 2022 as detailed in attachment 9.2.1(b).**

9.2.2 MONTHLY FINANCIAL REPORT – JULY 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 August 2022
Attachments:	a) Monthly Financial Report for the period ending 31 July 2022
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 July 2022 as required by the *Local Government Act 1995* ('the Act').

Pursuant to section 6.4 of the *Local Government Act 1995* and regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted/amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 July 2022.

BACKGROUND:

At its meeting held 27 July 2022 (Minute No. OCM220707 refers), Council adopted the annual budget for the 2022-23 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 31 July 2022 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

- The annual budget estimates.
- The operating revenue, operating income, and all other income and expenses.
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period.
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period.
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result.
- Include an operating statement.
- Any other required supporting notes.

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 27 July 2022, Council adopted (Minute No. OCM220707 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2022-23 financial year:

Officer Recommendation 4: That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2022/2023 financial year for monthly reporting purposes.

CONSULTATION:

Internal consultation within the Finance Department and Council's financial records.

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Community Plan, prepared under section 5.56 of the *Local Government Act 1995*.

COMMENT:

The financial report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

All expenditure included in the financial statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

STATUTORY ENVIRONMENT:

Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:

34. Financial activity statement required each month (Act s. 6.4)

(1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, 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); and*
- (b) *budget estimates to the end of the month to which the statement relates;*

and

- (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*
- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) *the net current assets at the end of the month to which the statement relates.*

(2) *Each statement of financial activity is to be accompanied by documents containing—*

- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
- (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
- (c) *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity may be shown—*

- (a) *according to nature and type classification; or*
- (b) *by program; or*
- (c) *by business unit.*

(4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be—*

- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
- (b) *recorded in the minutes of the meeting at which it is presented.*

- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031; Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 31 July 2022 has been incurred in accordance with the 2022-23 budget parameters, which have been structured on financial viability and sustainability principles.

Details of any budget variation in excess of \$10,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP3 – Regional Price Preference

FP1 – Accounting for Non-Current Assets

FP2 – Debt Recovery

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 July 2022 in accordance with section 6.4 of the *Local Government Act 1995*.

9.2.3 SALE OF SURPLUS PLANT BY AUCTION

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	PE.TE.1
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 August 2022
Attachments:	Nil
Authority/Discretion:	Legislative

SUMMARY:

Council is requested to consider the disposal of surplus plant, 2014 Mitsubishi dual cab (non-running). Registration number JP0016, asset number A831.

BACKGROUND:

The vehicle has not been operational since February 2021 due to several mechanical issues that have been unable to be addressed.

CONSULTATION:

Smith Brouhton Auctioneers

COMMENT:

Following a review of Council's plant replacement program it has been identified that the replacement of this vehicle is no longer required in the works department so it is recommended to dispose of the surplus plant before incurring any further expenditure on this vehicle.

As the Mitsubishi triton is surplus to requirements, it is requested that authorisation be given to auction the vehicle. The auction of the vehicle is on an "as is" basis.

STATUTORY ENVIRONMENT:

Local Government (Functions and General) Regulations 1996;

30. Dispositions of property excluded from Act s. 3.58

- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
- (3) *A disposition of property other than land is an exempt disposition if —*
 - (a) *its market value is less than \$20 000;*
 - or*
 - (b) *the entire consideration received by the local government for the disposition is used to purchase other property, and where the total consideration for the other property is not more, or worth more, than \$75 000.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031;

Governance and Leadership:

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

The disposal of asset was not factored into the 22/23 budget so there has been no allocation in the budget for income from the disposal of this plant item. This can be amended during the budget review process. It is expected that the market value will be under \$20,000 so it can be considered an exempt disposition under the Act.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council authorise the Chief Executive Officer to proceed with the disposal of asset A831, 2014 Mitsubishi Triton registration JP0016 via public auction.

9.3 DEVELOPMENT SERVICES

9.3.1 REQUEST TO VARY CONDITIONS OF APPROVAL – ORCA’S MOBILE COFFEE AND FOOD VAN

Location/Address:	Bremer Bay locations
Name of Applicant:	F Leoni and G Meade
File Reference:	DB.PL.1
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	16 August 2022
Attachments:	Nil
Authority/Discretion:	Legislative

SUMMARY:

Council is requested to consider an amendment to the conditions of a planning approval and licence to allow the owner/operators of the Orca Coffee Company to operate an ice cream van in addition to their existing coffee van from four fixed locations within Bremer Bay and to attend market and events.

BACKGROUND:

- Initial Approval Orca’s Coffee Van approved by Council 21 May 2014 (Item 10.3.2 – OC140508) subject to Conditions.
- Planning Approval Approved by Council 24 February 2021 (Item 9.3.3 OCM210209)– Orca’s Coffee Van – Change of Ownership

CONSULTATION:

No external consultation has taken place in respect to this matter at this time.

Should Council be supportive towards the grant of approval to the amendment to the conditions of approval then the application would be advertised for public comment (21 days) with authority being delegated to the CEO to issue the approval post the conclusion on the advertising period.

Approval under the delegation would only be granted on the basis that no sustainable objection being received. Should a relevant sustainable objection be received that cannot be reasonably resolved then the matter would be referred back to the next available Council meeting for determination.

COMMENT:

The current planning approval enables the operator to trade from the several locations in Bremer Bay listed below as being:

- Carpark at Paperbark Park;
- Carpark at Blossoms and Native Dog Beaches; and
- Fisheries Beach Marina.

Under the current approval the operator is permitted to sell a range of foods and beverages and may not occupy an area of greater than 40m² in any one of the approved locations.

The current request is for the operator to be able to acquire a secondary ice-cream vehicle/van and operate that from the previously approved sites either in isolation or together with the existing Orca’s Coffee Van.

The current approval granted to the operator allows for the sale of a range of foodstuffs and beverages and ice-creams are listed as an item that they are permitted to sell.

The current request may be regarded as a relatively minor amendment to the conditions of approval that the applicant operates under. The acquisition of the new van would enable the business to offer a larger range of ice cream and would enable them to offer a service at disparate locations simultaneously. No additional trading area above the previously approved 40m² area is required to accommodate the colocation of two vans should they operate the vans in tandem.

With the exception of the Paperbarks Park location all of the approved locations for trading are located substantial distances away from other established businesses and the presence of such offerings in locations such as the carpark at Blossoms Beach and Paperbarks Park during peak holiday periods would provide a service to beach goers that is a common form of business often established near and adjacent to beaches in many towns and locations across the state.

The applicants have not purchased a van at this juncture and as such no details are to hand as to the whether the van would be a motorised or a trailer type. A condition would be proposed to be applied to any approval that may be granted by Council that requires details of the van to be provided and be satisfactory to the Shire in terms of its appearance, size and compliance with relevant health legislation prior to the commencement of use.

Scheme requirements

The new ice cream van is proposed to operate in three reserves and as such Council in determining the matter is required to have 'due regard' for the purpose of the reserve/s.

The purpose of the reserves are 'recreation'. The business would be primarily servicing people who would be recreating at those locations and the use would be regarded as being consistent with the reserves purpose and incidental to the primary use of the land.

Assessment

The relevant planning matters as set out within clause 10.2 of the Scheme to be considered include:

- (i) The compatibility of the use with its setting;*
- (j) Any social uses that have an effect on the amenity of the locality;*
- (n) The preservation of the amenity of the locality; and*
- (p) Whether the proposed means of access to and egress from the site are adequate and whether adequate parking provision has been made for the loading, unloading, manoeuvring and parking of vehicles.*

The proposal is generally considered to comply with the requirements of the Scheme as evidenced by:

- The new van will be of a mobile form that can and has historically been brought to and from the sites on an as needed basis and is of a form and type that is not out of character with a beach side location;
- The locations are not serviced by any other commercial enterprise;
- The parking areas at each location are not compromised by the presence of the van;
- All carparking areas have toilets and rubbish bins within close proximity; and
- The business has operated for some six years without any significant incidents being reported to Council.

The previously prepared License Agreement included specific clauses regarding implementation of appropriate management practices to ensure the business operated so that areas were appropriately managed and maintained.

Mobile vs permanent

The report to Council in its consideration of the original application (Item 10.3.2 – OC140508) had discussed the various merits of supporting mobile services and the tension that arises between fixed businesses that accrue overheads that are not borne by mobile services.

The argument was put that the mobile service supplement the range of options to the community during peak tourist periods that may not be able to be fully met by those fixed businesses and being located at the town's main beaches they are servicing a different clientele. Further, the report noted that mobile services may have the potential to reduce the demand for land in established commercial areas if allowed to 'scatter' throughout a townsite, however, this is countered by the argument that businesses in established commercial areas have an advantage in that people are drawn to the accumulation of services available in those areas.

This tension between supporting fixed businesses and providing support toward mobile services that offer a different service to the community is not exclusive to this Shire and many local governments across the state are seeking how to find an appropriate balance between the competing demands.

In this particular situation some of the potential conflict is addressed by nominating fixed locations that the business may operate from that are set well away from those other competing fixed businesses and by virtue of its relatively small service capacity, offers and services a different clientele.

Summary

The Orca's Coffee Van has operated effectively and without incident for some six years of its original ten-year approval and comes before Council now to enable the existing operator to add a further ice cream van that will enable them to better service key tourist locations within the general constraints of their original approval.

STATUTORY ENVIRONMENT:

Land Administration Act 1997 – in respect to the leasing of land;

Town Planning Scheme No.2 – in respect to land use permissibility

State Planning Policy 3.7 – Planning for Bushfire Prone Areas

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2021 - 2031;

Economy: Work with the business community to attract investment, create jobs and support small business growth.

FINANCIAL/BUDGET IMPLICATIONS:

All costs involved with the amendment and registration of the licence agreement are to be borne by the applicant.

An annual licence fee of \$500 paid in advance is to be levied and an additional fee for power consumption at the Paperbarks location is to be paid by the applicant. An additional fee would be charged for the new van if it is approved for trade.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council;

- 1. Approve the variation to the current Planning Approval (Item 9.3.3 OCM210209) by granting permission to the Orca's Coffee Company to operate a mobile Ice-Cream Van from the locations previously approved by Council in accordance with all other past conditions;**
- 2. That details of the new Van are to be provided to and approved by the Shire prior to the commencement of use. The Shire will have regard to the condition, size and compliance with all relevant health legislation applicable to mobile food businesses and be to the satisfaction of the Chief Executive Officer;**
- 3. Delegates Authority to the Chief Executive Officer to grant Development Approval to the proposed use following completion of the required 21-day public consultation period. Such delegation is granted on the basis that there are no sustainable objections received from the consultation process that cannot be satisfactorily resolved. Should a relevant sustainable objection be received that cannot be reasonably resolved then the matter is required to be referred back to the next available Council meeting for determination;**
- 4. Authorises the Chief Executive Officer to make all necessary arrangements to amend the Licence issued under the Land Administration Act over a portion of Reserves 21496, 46625 and 511 granting non-exclusive use of a portion of the Reserve.**

9.3.2 PROPOSED OUTBUILDING – LOT 930 TEMPLETONIA ROAD, BREMER BAY

Location/Address:	Lot 930 (25) Templetonia Road, Bremer Bay
Name of Applicant:	L. Von Boxtel
File Reference:	A1607281/P22-20
Author:	Noel Myers, Manager of Development
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 August 2022
Attachments:	a) Planning application
Authority/Discretion:	Administrative

SUMMARY:

Council has received an application for an outbuilding to be constructed at Lot 930 Templetonia Road, Bremer Bay that is located within the Residential Development Zone of Bremer Bay, an area which sits outside of the areas specifically captured by Council's Outbuildings Local Planning Policy.

The development proposal also includes plans for the construction of a single storey dwelling that meets with the relevant scheme provisions and as such does not require any discretion to be exercised by Council.

BACKGROUND:

Lot 930 Templetonia Road, Bremer Bay is 4,000m² in area and zoned Residential Development under the Shire of Jerramungup Local Planning Scheme No.2 (the Scheme).

The property is currently vacant, surrounding lots are similarly sized and zoned and are intermittently developed with single dwellings and outbuildings.

CONSULTATION:

As a departure from the adopted Outbuildings Local Planning Policy is proposed, the outbuilding was referred to neighbouring landowners for comment. The consultation period had not been finalised at the time of preparing this report and any submissions received prior to the Council Meeting will be distributed to Councillors under separate advice.

COMMENT:***Proposal***

- The proposal entails the development of a single residential dwelling, outbuilding and three water tanks. As previously stated the dwelling (and the water tanks) comply with scheme requirements that do not require Council to exercise any discretion and as such no further commentary is included on those aspects of the development within this report;
- The outbuilding is a gabled roof structure with a wall height of 4.2m and an overall height to the ridge of 4.98m with a floor area of 96m².
- The shed is to be located toward the rear of the property and is set off 10m from the rear (southern) boundary and 16m from the side (eastern) boundary.

The applicant has stated that they understand that they are requesting a relaxation of the standard policy requirement but seek an exemption based on:

- The applicant is a veteran pensioner who has a pre-existing back injury and who services his own vehicles;
- His injury precludes him being able to lie on hard surfaces to undertake servicing of his vehicles and uses a hoist to be able to access vehicles he is servicing;
- The height of the shed is necessary for him to install the hoist and be able to work underneath the vehicle.

Local Planning Policy 16 – Outbuildings

Council adopted a revised Local Planning Policy No 16 for final approval on the 19 April 2017. The objective of this policy is to:

- (a) to establish clear guidelines for the development of outbuildings in the Residential, Townsite, Rural Residential and Rural zones; and
- (b) to achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole.

Upon review the Policy does not specifically address requirements within areas Zoned Residential Development, however, direction may be taken for the standards that have been adopted for Residential and Residential Townsite (Lots over 2,000m²).

The table below shows the applicable size requirements.

	LPP requirement	Proposed
Floor Area	120m ² max	96m ²
Roof Height	4.5m to apex	4.98m
Wall Height	3.8m	4.2m

As detailed above, the proposed outbuilding does not accord with the wall and roof height requirements of the policy and is therefore needed to be considered on its planning merits.

It is important that Council recognises that the Policy is a guideline only and each application still needs to be based on its individual merit. The main considerations in examining the proposed outbuilding are compliance with the policy objectives, visual impact and streetscape.

The Policy states that *'Any variations to the policy will require the applicant to demonstrate exceptional circumstances as to why the policy should be relaxed with the proposal being presented to an Ordinary Meeting of Council for determination. Assessment of the application will require consultation with adjoining and affected landowners.'*

Assessment

Part (b) of the objective of the outbuilding policy is to “achieve a balance between providing for the various legitimate needs of residents for outbuildings, and minimising any adverse impacts outbuildings may have on neighbours, a street, a neighbourhood or locality, of the Shire as a whole.”

This is the statement that everything else in the policy is trying to achieve. In this case there appears to be a ‘legitimate need’ insofar that the applicant has outlined his particular personal circumstances that give rise to the variation and those reasons are accepted without further comment;

Amenity

The Policy and the Scheme requires that Council has due regard to the potential impact that a development proposing a variation may have upon adjoining properties and the streetscape in general.

In this instance the general area in which the property is located is described as a low density area with the prevailing lot size being 4,000m². These larger land holdings enables developments being able to dispersed across the properties and this in turn assists to reduce the visual bulk and scale of individual buildings which can be more problematic in higher density areas.

Being located at the rear of the property the building is able to be set well away from the street frontage and away from any existing or future dwelling that may be constructed on the adjoining lots.

The land to the rear of the property is similarly zoned Residential Development and whilst there is no current operative structure plan for that area, past planning for the area had proposed a similar roll out of land and it would be a reasonable planning practice to replicate that lot assembly in future land releases and back similar sized lots onto the properties that face to Templetonia Road. As such, it is reasonable to assume that approval of a shed of the proposed dimensions in the location would not unduly compromise the future development or amenity of the area.

Conclusion

Overall, the requested relaxations from policy are relatively minor and the existing low density character of the area means that the building would neither shadow, obstruct views or be visually obtrusive in the streetscape or as viewed from adjoining dwellings to the extent that would have an unreasonable impact on the amenity of the area.

On the other hand, Council's Outbuilding Policy is generous in its permitted maximum heights and floor area and any departure from the policy has the potential to set an undesirable precedent.

On balance, the application is supported as it is a minor relaxation of policy and appears to meet the objectives of the policy to meet the needs of the applicant whilst minimising adverse effects on the neighbourhood.

STATUTORY ENVIRONMENT:

The applicant has a right of review to the State Administrative Tribunal if aggrieved by any decision made by the Council.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Strategic Community Plan 2021 - 2031;

Economy	Work with the business community to attract investment, create jobs and support small business growth;
Environment Built	Deliver sustainable long-term planning for the built environment that meets the needs of the community

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Local Planning Policy 16 – Outbuildings guides the assessment of outbuildings.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION:

That Council;

- 1. Approve the application for an outbuilding on Lot 930 (No.25) Templetonia Road, Bremer Bay subject to the following conditions:**
 - (a) Development shall be carried out in full and fully implemented in accordance with the approved plans and details submitted with the planning application.**
 - (b) The outbuilding being used for domestic storage only and not for commercial or industrial use or human habitation.**

- (c) All stormwater from roofed and paved areas shall be collected and disposed of on-site to the satisfaction of Council.**
- (d) The outbuilding is to be clad in factory applied colour finished sheet metal and final details of external materials and colour pallets to be used are to be submitted and approved by the Manager of Development prior to the Building Permit being submitted for approval. Note, the use of reflective building materials and colour palettes is not permitted unless otherwise approved by the Council;**

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN AUGUST 2022

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	N/A
Author:	Rachel Smith, Executive Assistant
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	18 August 2022
Attachments:	a) July/August 2022 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for July/August 2022 including actions that have been undertaken in relation to decisions of Council and actions performed under delegated authority.

BACKGROUND:

There is no specific requirement to report on actions performed under delegated authority to Council. However, to increase transparency this report has been prepared for Council and includes actions performed under delegated authority for the months of July/August 2022.

CONSULTATION:

Internal, all officers that have been deemed responsible for enacting each Council decision has provided an update on its status.

COMMENT:

The Status of Council Decisions report is an important administrative tool used by the Shire to monitor the implementation of Council decisions. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting have been completed, the Executive Assistant uploads each decision of Council into the spreadsheet and allocates it to the relevant Shire office for actioning and comment. The spreadsheet is accessible by all relevant Shire officers.

The Shire enters into various agreements by affixing its Common Seal. The *Local Government Act 1995* states that the Shire is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Shire President and the Chief Executive Officer are reported to Council for information on a regular basis.

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- a) how the person exercised the power or discharged the duty; and*
- b) when the person exercised the power or discharged the duty; and*
- c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031;
Provide informed and transparent decision making that meets our legal obligations and the needs of our diverse community

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of July/August 2022.

9.4.2 CORPORATE SCORECARD – QUARTERLY REPORT

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	IM.PU.11
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	17 August 2022
Attachments:	a) Corporate Business Plan Quarterly Report – June 2022
Authority/Discretion:	Executive

SUMMARY:

For Council to receive the Corporate Business Plan Corporate Scorecard to the quarter ending June 2022.

BACKGROUND:

The Council adopted a new Strategic Community Plan 2021 – 2031 at the Ordinary Meeting of Council held 26 May 2021 and a new Corporate Business Plan 2021 – 2025 at the Ordinary Meeting of Council held 23 June 2021. The Corporate Business Plan outlines a suite of actions that effectively form Council's priority commitments to the community.

The Corporate Scorecard Quarterly Report provides Council with high level oversight of the status of these commitments.

CONSULTATION:

Executive Management Team.

COMMENT:

While the Strategic Community Plan establishes the results the community expects Council to achieve through the Shire, the Corporate Business Plan describes the specific actions necessary to achieve those results.

The Quarterly Report intends to provide an update of progress made in the applicable quarter towards the services and projects in the Corporate Business Plan and the achievement of the strategic goals set out in the Strategic Community Plan. Performance reporting assists with continuous improvement and the achievement of community outcomes and improvements to Shire services.

Quarterly progress reports are used to assist with the annual review of the Corporate Business Plan, to priorities projects and services capturing Council's decision making, planning and evaluation.

The attached progress report provides commentary on the Shire's services, actions and projects for the fourth quarter of the 2021/2022 financial year. It is important to note that this is "as at 30 June 2022" i.e. a snapshot in time of the status at the end of the fourth quarter and that at the time of reporting the current status of a project may have since changed.

STATUTORY ENVIRONMENT:

There are no direct statutory implications, however the Corporate Scorecard supports the Shire's obligations under *Local Government (Administration) Regulations 1996*, regulation 19DA in relation specifically to the Corporate Business Plan:

19DA. Corporate business plans, requirements for (Act s. 5.56)

1. *A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*

2. *A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.*
3. *A corporate business plan for a district is to —*
 - (a) *set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and*
 - (b) *govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and*
 - (c) *develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.*
4. *A local government is to review the current corporate business plan for its district every year.*
5. *A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.*
6. *A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.*
**Absolute majority required.*
7. *If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2021 – 2031;

Governance and Leadership:

Provide informed and transparent decision making that meets our legal obligations, and the needs of our diverse community.

Implement systems and processes that meet our legal and audit obligations.

FINANCIAL/BUDGET IMPLICATIONS:

Details on the budget summary will continue to be reported through the monthly financial report presented to Council.

WORKFORCE IMPLICATIONS:

The Strategic Community Plan and Corporate Business Plan provide direction for staff on the priorities of Council.

POLICY IMPLICATIONS:

Policy implications do not apply to this report and it is the opinion of the author that policy development is not required.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council receives the Shire of Jerramungup Corporate Scorecard Quarterly Report for April to June 2022, as attached to this report.

**10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED
(CONFIDENTIAL MATTERS)**

11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.0 COUNCILLOR REPORTS

13.0 NEW BUSINESS OF AN URGENT NATURE

14.0 CLOSURE

14.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 28 September 2022, commencing at 2.00pm, in the Council Chambers, Jerramungup.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: