



# **SHIRE OF JERRAMUNGUP**

## **ORDINARY COUNCIL MEETING**

**Held at the Emergency Services Shed  
Bremer Bay  
Wednesday, 24 August 2022**

### **MINUTES**

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**Shire of Jerramungup**  
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**Wednesday 24 August 2022**

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## ORDINARY COUNCIL MEETING MINUTES

### 1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 2:02pm by the Shire President.

### 2.0 RECORD OF ATTENDANCE

#### 2.1 ATTENDANCE

##### ELECTED MEMBERS:

Cr Joanne Iffla	Shire President (Chair)
Cr Julie Leenhouders	Deputy Shire President
Cr Rex Parsons	Councillor (via Teleconference)
Cr Robert Lester	Councillor
Cr Andrew Price	Councillor
Cr Neil Foreman	Councillor

##### STAFF:

Martin Cuthbert	Chief Executive Officer
Charmaine Solomon	Deputy Chief Executive Officer
Noel Myers	Manager of Development
Rachel Smith	Executive Assistant

##### VISITORS:

Nil

##### GALLERY:

Nil

#### 2.2 APOLOGIES

Nil

#### 2.3 APPROVED LEAVE OF ABSENCE

Cr Drew Dawson, Councillor

#### 2.4 ABSENT

Nil

#### 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**

Cr Joanne Iffla declared a Financial Interest in item 9.3.1 Request to Vary Conditions of Approval – Orca’s Mobile Coffee and Food Van. The nature of the interest is that she is Café owner in Bremer Bay.

**2.5.2 DECLARATIONS OF PROXIMITY INTERESTS**

Nil

**2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS**

Nil

**3.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**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.

**MOTION: OCM220801**

**MOVED: Cr Lester**

**SECONDED: Cr Leenhouders**

**That Cr Rex Parsons be granted permission to be present at the Ordinary Council Meeting by audio contact.**

**CARRIED BY ABSOLUTE MAJORITY: 6/0**

**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**

**MOTION: OCM220802**

**MOVED: Cr Leenhouders**

**SECONDED: Cr Foreman**

**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**

**CARRIED: 6/0**

## **8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES**

Nil

## **9.0 REPORTS**

### **9.1 TECHNICAL SERVICES**

Nil

### **MOTION: OCM220803**

**MOVED: Cr Leenhouders                      SECONDED: Cr Price**  
**That Council RECEIVE the verbal works report for August 2022.**

**CARRIED: 6/0**

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

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

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

**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).

**MOTION: OCM220804****MOVED: Cr Price****SECONDED: Cr Foreman**

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).

**CARRIED: 6/0**

**9.2.2 MONTHLY FINANCIAL REPORT – JULY 2022**

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

**MOTION: OCM220805**

**MOVED: Cr Lester**

**SECONDED: Cr Price**

**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*.**

**CARRIED: 6/0**

**9.2.3 SALE OF SURPLUS PLANT BY AUCTION**

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

**MOTION: OCM220806****MOVED: Cr Parsons****SECONDED: Cr Leenhouders****That Council authorise the Chief Executive Officer to proceed with the disposal of asset A831, 2014 Mitsubishi Triton registration JP0016 via public auction.****CARRIED: 6/0**

Cr Iffla declared a Financial Interest in Item 9.3.1. Due to the nature of this interest, Cr Iffla left the meeting at 2.16pm.

Cr Julie Leenhouders assumed position of Chair.

### **9.3 DEVELOPMENT SERVICES**

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

<b>Location/Address:</b>	Bremer Bay locations
<b>Name of Applicant:</b>	F Leoni and G Meade
<b>File Reference:</b>	DB.PL.1
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	16 August 2022
<b>Attachments:</b>	Nil
<b>Authority/Discretion:</b>	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 40m<sup>2</sup> 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 40m<sup>2</sup> area is required to accommodate the collocation 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.

**MOTION: OCM220807**

**MOVED: Cr Lester**

**SECONDED: Cr Foreman**

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.**
- 5. Procludes 2 vans operating at Paperbarks Park at any one time due to parking and congestion issues.**

**CARRIED: 5/0**

Reason for variation: Add Condition 5 to the officer recommendation.

Cr Joanne Iffla returned to the meeting at 2:27pm

Cr Joanne Iffla resumed position of Chair.

**9.3.2 PROPOSED OUTBUILDING – LOT 930 TEMPLETONIA ROAD, BREMER BAY**

<b>Location/Address:</b>	Lot 930 (25) Templetonia Road, Bremer Bay
<b>Name of Applicant:</b>	L. Von Boxtel
<b>File Reference:</b>	A1607281/P22-20
<b>Author:</b>	Noel Myers, Manager of Development
<b>Responsible Officer:</b>	Martin Cuthbert, Chief Executive Officer
<b>Disclosure of any Interest:</b>	Nil
<b>Date of Report:</b>	17 August 2022
<b>Attachments:</b>	a) Planning application
<b>Authority/Discretion:</b>	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 4,000m<sup>2</sup> 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 96m<sup>2</sup>.
- 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 2,000m<sup>2</sup>).

The table below shows the applicable size requirements.

	<b>LPP requirement</b>	<b>Proposed</b>
Floor Area	120m <sup>2</sup> max	96m <sup>2</sup>
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 4,000m<sup>2</sup>. 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 pallettes is not permitted unless otherwise approved by the Council;

**MOTION: OCM220808****MOVED: Cr Price****SECONDED: Cr Foreman****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 pallettes is not permitted unless otherwise approved by the Council;
  - (e) 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;

**CARRIED: 6/0**

Reason for variation: Condition (e) was inadvertently left off from the officer recommendation when the item was prepared for Council's consideration.

## 9.4 EXECUTIVE SERVICES

### 9.4.1 INFORMATION BULLETIN AUGUST 2022

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

**MOTION: OCM220809**

**MOVED: Cr Leenhouders**

**SECONDED: Cr Price**

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

**CARRIED: 6/0**

**9.4.2 CORPORATE SCORECARD – QUARTERLY REPORT**

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

**MOTION: OCM220810**

**MOVED: Cr Parsons**

**SECONDED: Cr Lester**

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

**CARRIED: 6/0**

**10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**(CONFIDENTIAL MATTERS)**

Nil

**11.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12.0 COUNCILLOR REPORTS**

**Cr Robert Lester**

Attended South Coast Alliance meeting

**Cr Joanne Iffla**

Attended South Coast Alliance meeting

Attended two South Coast Alliance zoom meetings

Attended meeting with WAPOL Jerramungup

**13.0 NEW BUSINESS OF AN URGENT NATURE**

**Cr Robert Lester**

Issue to be raised at the WALGA Zone meeting being held Friday, 26 September – changes to Western Power requirements for rural properties.

**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 at 2:47pm

<p>These minutes were confirmed at a meeting held</p> <p>.....</p> <p>Signed: .....</p> <p>Presiding Person at the meeting at which these minutes were confirmed</p> <p>Date: .....</p>
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