



# Shire of Peppermint Grove

## **NOTICE OF MEETING**

Dear Councillor

It is advised that the **Agenda Briefing Forum Meeting** will be held in the Council Chamber on the Shire of Peppermint Grove, 1 Leake Street, Peppermint Grove, on 12<sup>th</sup> November 2024 commencing at 5.30pm.

## **MEETING AGENDA ATTACHED**

Yours faithfully

A handwritten signature in black ink, appearing to read 'Don Burnett', is written over a white background.

**Mr Don Burnett**  
**CHIEF EXECUTIVE OFFICER**

**7<sup>th</sup> November 2024**



Shire of  
Peppermint Grove

# AGENDA BRIEFING FORUM

## AGENDA

*The draft agenda submitted to this Forum is subject to change and should not be read as the final Agenda to the next Ordinary Council Meeting. The final Agenda will be placed on the Shire's website on Friday before the scheduled meeting. Council does not make determinations at the Agenda Briefing Forum.*

**TO BE HELD ON  
TUESDAY 12<sup>TH</sup> NOVEMBER 2024  
AT  
5.30 pm**

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*Any statement, comment or decision made at a Council or Forum meetings regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.*

*Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision and anything said or done at Council or Forum cannot treat as an approval meetings.*

*Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request.*



Shire of  
Peppermint Grove

# ORDINARY COUNCIL MEETING

# AGENDA

TO BE HELD ON  
TUESDAY 26<sup>TH</sup> NOVEMBER 2024  
AT  
5.30 PM



# Shire of Peppermint Grove

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Shire of  
Peppermint Grove

## AGENDA BRIEFING FORUM AGENDA

### 1. DECLARATION OF OFFICIAL OPENING

At \_\_\_\_ pm, the Shire President declared the meeting open and requested that the Affirmation of Civic Duty and Responsibility be read aloud by a Councillor and requested the recording of attendance and apologies.

Council recognises that it is permissible to record the Shire's Council and Forum Meetings in the written, sound, vision medium (or any combination of the mediums) when open to the public, however, people who intend to record meetings are requested to inform the Presiding Member of their intention to do so.

This meeting is being recorded and will be published on the Shire's website.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be ready aloud by Councillor \_\_\_\_\_.

#### *Affirmation of Civic Duty and Responsibility*

*I make this Affirmation in good faith on behalf of Councillors and Officers of the Shire of Peppermint Grove. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability. We will observe the Shire's Code of Conduct and meeting procedures to ensure efficient, effective and orderly decision making within this forum.*

### 2. RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

#### 2.1 ATTENDANCE

Shire President

Deputy Shire President

Elected Member

Elected Member

Elected Member

Elected Member

Elected Member

Cr Karen Farley SC

Cr P Dawkins

Cr P Macintosh

Cr J Mahony

Cr D Jackson

Cr E Bond

Cr C Hohnen

CEO

Manager Development Services

Manager Corporate & Community Services

Manager Infrastructure Services

Mr D Burnett

Mr J Gajic

Mr J Clapham

Mr D Norgard

**Gallery** ..... Members of the Public  
..... Members of the Press

## **2.2 APOLOGIES**

## **2.3 LEAVES OF ABSENCE**

## **2.4 NEW REQUEST FOR A LEAVE OF ABSENCE**

## **3. DELEGATIONS AND PETITIONS**

## **4.0 PUBLIC QUESTION TIME**

The Presiding Member will open the public question time by asking the gallery if there were any questions or deputation for Council.

1. The Agenda;
2. Question to Council; and
3. Deputation Forms.

The forms mentioned above are available at the end of the Council Meeting table, in front of the public gallery, for public use, and are also accessible on the Shire website. If no members of the public are present, the Presiding Member will dispense with Public Question Time.

### **Rules for Council Meeting Public Question Time**

- a) *Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.*
- b) *During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- c) *Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- d) *All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary meeting, and at a Special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the President.*
- e) *The person presiding will control Public Question Time and ensure that each person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask a question will be given 2 minutes within which to address their question to the Council. The person presiding may shorten or lengthen this time in their discretion.*

**4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING**

Nil

**4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

**5.0 DECLARATIONS OF INTEREST**

**5.1 FINANCIAL INTEREST**

**5.2 PROXIMITY INTEREST**

**5.3 IMPARTIALITY INTEREST**

**5.4 INTEREST THAT MAY CAUSE A CONFLICT**

**5.5 STATEMENT OF GIFTS AND HOSPITALITY**

**6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**7.0 CONFIRMATION OF MINUTES**

**OFFICER RECOMMENDATION– ITEM NO 7.1**

**Moved:**

**Seconded:**

**That the minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 22<sup>nd</sup> October 2024 be confirmed as a true and accurate record.**



**8.0 OFFICERS REPORTS**

**8.1 MANAGER DEVELOPMENT SERVICES**

Nil

**8.2 MANAGER INFRASTRUCTURE SERVICES**

Nil

**8.3 MANAGER CORPORATE AND COMMUNITY SERVICES**

**8.3.1 List of Accounts Paid – 31<sup>st</sup> October 2024**

Due to the early closing of the agenda, the accounts paid for 31<sup>st</sup> October 2024 will be presented at the Ordinary Council Meeting scheduled for 26<sup>th</sup> November 2024.

**8.3.2 Financial Statements for the Period Ending – 31<sup>st</sup> October 2024**

Due to the early closing of the agenda, the accounts paid for 31<sup>st</sup> October 2024 will be presented at the Ordinary Council Meeting scheduled for 26<sup>th</sup> November 2024.

## 8.4 CEO MANAGEMENT/GOVERNANCE/POLICY

### MANAGEMENT/GOVERNANCE/POLICY

#### 8.4.1 2025 Council Meetings Schedule

#### ATTACHMENT DETAILS

Attachment	Description
Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	Council Meeting Dates 2025
Disclosure of Interest	:	Nil
Author	:	Jennifer Court, Projects and Policy Officer
Responsible Officer	:	Mr Don Burnett, Chief Executive Officer

#### PURPOSE OF REPORT

The purpose of this report is to adopt the meeting dates for the Agenda Briefing Forum and Ordinary Council Meetings for 2025.

#### SUMMARY AND KEY ISSUES

Notification of planned Council meeting dates for 2025.

#### BACKGROUND

Legislation requires that Council provide public notice of the date and times of its meetings to allow for public participation and attendance.

#### CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

#### POLICY IMPLICATIONS

There are no specific Policy Implications in respect to this matter.

#### STRATEGIC IMPLICATIONS

There are no specific Strategic Implications in respect to this matter.

#### POLICY IMPLICATIONS

There are no policy implications in respect to this matter.

#### STATUTORY IMPLICATIONS

The *Local Government Act 1995*, Part 5, Division 2, s5.3.

**FINANCIAL IMPLICATIONS**

There are no Financial Implications in respect to this matter.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications in respect to this matter.

**OFFICER COMMENTS**

The proposed dates for Council meetings are provided in the table below. These dates indicate that Agenda Briefing Forums will take place on the second Tuesday of each month, and Ordinary Council Meetings will be held on the fourth Tuesday of each month. However, there are a few exceptions:

- In January, Council is in recess.
- In October, due to the Council elections on 18<sup>th</sup> October 2025, both the Agenda Briefing Forum and the Ordinary Council Meeting will be held one week earlier than usual.
- The Ordinary Council Meeting in December 2025, will be held on the third Tuesday of the month to accommodate the Christmas holidays.

Additionally, a Special Council Meeting will be scheduled for 21<sup>st</sup> October to swear in newly elected members.

**OFFICER RECOMMENDATION/S – ITEM NO 8.4.1**

**That Council adopt the following meeting dates for 2025:**

<b>Agenda Briefing Forum</b> Held on the 2 <sup>nd</sup> Tuesday of each month at 5.30pm. (except in January when Council is in recess).	<b>Ordinary Council Meetings</b> Held on the 4 <sup>th</sup> Tuesday of each month at 5.30pm (except in December – 3 <sup>rd</sup> Tuesday, and January when Council is in recess) A Special Council Meeting will be held on the 21 <sup>st</sup> October 2025 for swearing in of newly Elected Members.
11 <sup>th</sup> February 2025	25 <sup>th</sup> February 2025
11 <sup>th</sup> March 2025	25 <sup>th</sup> March 2025
8 <sup>th</sup> April 2025	22 <sup>nd</sup> April 2025
13 <sup>th</sup> May 2025	27 <sup>th</sup> May 2025
10 <sup>th</sup> June 2025	24 <sup>th</sup> June 2025
8 <sup>th</sup> July 2025	22 <sup>nd</sup> July 2025
12 <sup>th</sup> August 2025	26 <sup>th</sup> August 2025
9 <sup>th</sup> September 2025	23 <sup>rd</sup> September
7 <sup>th</sup> October 2025	14 <sup>th</sup> October 2025
	21 <sup>st</sup> October 2025
11 <sup>th</sup> November 2025	25 <sup>th</sup> November 2025
9 <sup>th</sup> December 2025	16 <sup>th</sup> December 2025

**8.4.2 Keanes Point Reserve – Playground Replacement.**

**COMMUNITY DEVELOPMENT**

**ATTACHMENT DETAILS**

Nil	
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Voting Requirement : Absolute  
 Subject Index : Keanes Point Playground  
 Disclosure of Interest : Nil  
 Author : Mr Don Burnett, Chief Executive Officer  
 Responsible Officer : Mr Don Burnett, Chief Executive Officer

**PURPOSE OF REPORT**

To consider the awarding of the contract to replace the playground at Keanes Point.

**SUMMARY AND KEY ISSUES**

- The Shire has one significant playground located at Keanes Point.
- The Shire’s Asset Management Plan (AMP) had programmed the replacement of the playground in 2026/27, however due to maintenance issues the replacement has been bought forward.

**LOCATION**

Keanes Point reserve.

**BACKGROUND**

The playground at Keanes Point is the Shire’s only playground. The AMP had programmed the playground to be replaced in 2026/27, however due to ongoing maintenance issues, the replacement has been included in the 2024/25 budget. A budget of \$350,000 has been made, comprising a reserve fund transfer of \$300,000 and a Federal Government LRCI grant of \$50,000.

A Request for Quotation (RFQ) was invited to suppliers register with the WA Local Government (WALGA) playground supplier panel. Two submissions were received.

A small reference group of parents using the playground have been consulted over the designs. There was a suggestion of providing more climbing space and both suppliers were asked to amend the designs to reflect this.

**CONSULTATION**

A small reference group of the playground’s users were engaged to provide feedback.

## **STRATEGIC IMPLICATIONS**

The playground achieves the Strategic Priority Social Objective to “Promote community connection and activation”.

## **POLICY IMPLICATIONS**

There are no policy implications with this report.

## **STATUTORY IMPLICATIONS**

There are no Statutory Implications with this report.

## **FINANCIAL IMPLICATIONS**

The 2024/25 makes provision of \$350,000, made up a reserve fund transfer of \$300,000 and \$50,000 grant. All of the options submitted are within this budget provision, however an allowance for contingencies should be made.

The draft but also makes provision for an upgrade to the half-court basketball court in Keanes Point. It is now determined that this work can be deferred and the funds of \$15,000 allocated to the playground works if required.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications with this report.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

The two suppliers submitted 5 options for consideration ranging in price (ex GST) of \$314,006 to \$341,360. Both suppliers meet the RFQ conditions and are compliant. Feedback is still being considered from the reference group.

Council is being asked to delegate to the CEO authority to award the contract within the budget range, pending a final recommendation from the reference group. It is also recommended that Council authorise the CEO to approve contract variations. The reallocation of the half-court basketball court amount may be required, depend on the final option selected. Variations to the design made and other costs may be required including adjustment to the shade sales, grass to be replanted, water fountains and seats to be installed.

**OFFICER RECOMMENDATION/S – ITEM NO 8.4.2**

**That Council:**

- 1. Authorise the CEO, following advice from the user reference group, to award the playground replacement contract to one of the two suppliers in accordance with their submission and quote.**
- 2. Reallocate the budget provision for the Keanes Point basketball court refurbishment of \$15,000 to the project if required.**
- 3. Allocate a further \$50,000 from the Infrastructure reserve fund as required for contingencies to complete the project.**

**8.4.3 Peppermint Grove Tennis Club - Tennis Court Redevelopment**

**COMMUNITY DEVELOPMENT**

**ATTACHMENT DETAILS**

Attached 1	Site plan of the courts.
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Voting Requirement : Simple  
 Subject Index : Peppermint Grove Tennis Club  
 Disclosure of Interest : Nil  
 Author : CEO  
 Responsible Officer : CEO

**PURPOSE OF REPORT**

The Peppermint Grove Tennis Club (the Club) is working on a redevelopment project to convert four grass courts to four all weather synthetic courts.

In accordance with Club’s lease with the Shire, Council approval is required for these works.

**SUMMARY AND KEY ISSUES**

- The Club is looking to convert four grass court to four all weather synthetic courts
- Funding from the State Government for a CSRFF grant has been requested.
- Council approval, in accordance with the lease is required.
- WA Planning Commission is required as the land is under a management order with the Shire, therefore covered by the Metropolitan Planning Scheme.

**LOCATION**

Lot 160 Johnston street (Bayview to Keane street).

**BACKGROUND**

The Club has been working on redevelopment project, with stage 1 being the conversion of four grass courts (refer to the attachment, courts 9-12) to four synthetic courts This will reduce maintenance costs, water usage and at the same time increase court use/revenue.

Part of the funding required for the project is being sought from the State Government’s Community Sporting and Recreation Facilities Fund (CSRFF), with Council endorsing this application. The project cost is estimated by the Club to be in the range of \$800k - \$900,000, with the grant requested being \$500,000.

Clause 10.1(1.c) requires the Club to gain written consent from the Shire to “remove, alter or add to any fixtures, fittings in or on the premises”.

## **CONSULTATION**

No consultation has taken place at this time.

## **STRATEGIC IMPLICATIONS**

Improving access to four all weather synthetic courts align with the Shire's Community Plan – Strategic Priority 1 Social objective 1.4 – Promote community connection and activation.

## **POLICY IMPLICATIONS**

There are no specific policy implications in respect to this matter.

## **STATUTORY IMPLICATIONS**

The Club is required to obtain approval from Council for the replacement of the courts. As the site is on a management order vested in the Shire, approval under the Metropolitan Region Scheme (MRS) will be required to be obtained by the Shire and Club from the WA Planning Commission.

## **FINANCIAL IMPLICATIONS**

There are no financial implications at this time. The Club will be looking at accessing a \$200,000 self-supporting loan from the Shire should the Club receive the grant and the project proceeds. The granting of the self-supporting loan to the Club would be the subject of a separate report to Council. The Club would be required to provide a detailed business plan for the project, indicating its financial capacity to undertake and complete the project and to also meet the loan repayment commitments.

## **ENVIRONMENTAL IMPLICATIONS**

Conversion of four courts from grass to synthetic will reduce the amount of water drawn from the Shire's annual bore allocation.

The new courts will have lighting and these will need to be designed to Australian standards to ensure light spill is contained into the leased area.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Council, by endorsing the works in accordance with the lease, isn't endorsing the financial arrangements for the granting of the self-supporting loan. This will be dealt with once the Club knows the outcome of the grant application.



**OFFICER RECOMMENDATION/S – ITEM NO 8.4.3**

**That Council, subject to approval from the WA Planning Commission:**

- 1. Approves, in accordance with Clause 10.1 of the lease agreement with the Club, the replacement of the four grass courts with synthetic courts.**
- 2. Requires the Club to ensure that the lighting to the Courts complies with Australian Standards for restricting light spill to the leased area.**

**8.4.4 Request for Verge tree Removal – 59 Keane Street**

**COMMUNITY DEVELOPMENT**

**ATTACHMENT DETAILS**

Attachment 1	Photo of subject tree.
Attachment 2	Email correspondence from owner of 59 Keane Street (under separate cover)

Voting Requirement : Simple  
 Subject Index : Verge Trees  
 Disclosure of Interest : Nil  
 Author : Mr Don Burnett, Chief Executive Officer  
 Responsible Officer : Mr Don Burnett, Chief Executive Officer

**PURPOSE OF REPORT**

The owners of 59 Keane Street have requested Council consideration for the removal of a verge tree that is situated in the middle of their crossover at 59 Keane Street.

**SUMMARY AND KEY ISSUES**

- The crossover at 59 Keane Street has a peppermint tree in the middle of the crossover, dividing the driveway. Photo attached.
- The 1993 Council approval for development works shows the crossover in the current configuration.
- The new owners of 59 Keane Street have requested that the tree be removed.
- The Shire CEO has assessed under Policy 4.5, that there are no grounds to approval the tree removal.

**LOCATION**

59 Leake Street Peppermint Grove.

**BACKGROUND**

In 1993 Council approved a development at 59 Keane Street, with the plans showing the crossover split, allowing a peppermint tree to be maintained in the middle of the crossover.

The new owners of this property have requested that the tree be removed as it is difficult to negotiate around the tree, particularly reversing. Email correspondence from the owners has been circulated to elected members under separate cover.

## **CONSULTATION**

No consultation has taken place at this time.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications identified.

## **POLICY IMPLICATIONS**

Council Policy 4.5 – Street Tree and Verge Management Policy determines when a street tree can be removed, and states the following;

*The Removal of Trees – trees will generally only be removed when they are dead, diseased or dangerous.*

Council's register of street trees has assessed this tree as:

- Health – Fair
- Structure – Fair
- Useful life expectancy – 20 to 40 years
- Retention value - High

As such, the tree does not meet the definition of dead or diseased. Dangerous trees usually refer to the potential of the tree or limbs falling, not for vehicles hitting them.

## **STATUTORY IMPLICATIONS**

There are no Statutory Implications with this report.

## **FINANCIAL IMPLICATIONS**

Should Council approval the removal of the tree, it is recommended that the removal of the tree and reinstatement of the verge and the cost of a replacement tree at a nearby location be at the applicant's costs.

## **ENVIRONMENTAL IMPLICATIONS**

Retention of healthy trees compliments the desirable outcome to maintain a canopy cover.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

The Owners of 59 Keane Street requested the verge tree in their driveway to be removed. The CEO assessed their request against Council policy 4.5 Street Tree and Verge Management Policy and found that the removal of the tree did not meet the requirement for the tree to be removed.

The owners have requested their request referred to Council for consideration. It is pointed out the policy is a guide for Council, with Council having flexibility on the application of the policy.

Should Council approval the removal of the tree, it is recommended that the removal of the tree and reinstatement of the verge along with the cost of a replacement tree at a nearby location be at the applicant's costs.

**OFFICER RECOMMENDATION/S – ITEM NO. 8.4.4**

**That Council does not approve the removal of the verge tree in the crossover to 59 Keane Street.**

## 8.4.5 Matters for Information and Noting

**ATTACHMENT DETAILS**

<b>Attachment</b>	<b>Description</b>
<b>Attachment 1</b>	<b>Building/Planning Statistics</b>
<b>Attachment 2</b>	<b>Infringements Issued</b>
<b>Attachment 3</b>	<b>Library Statistics</b>

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information
Disclosure of Interest	:	Nil
Author	:	Jennifer Court, Projects and Policy Officer
Responsible Officer	:	Mr Don Burnett, Chief Executive Officer

**PURPOSE OF REPORT**

The Shire of Peppermint Grove regularly receives and produces information for receipt by the Elected Members. The purpose of this item is to keep Elected Members informed on items for information received by the Shire.

The 'Matters of Information' report will be presented at each Council meeting and will provide an update on a number of areas of the Shire's operations and provide information and correspondence of interest to elected members.

It is intended that the following information is provided on a regular basis, either monthly or quarterly, noting some of this data is still to be collected in a presentable format.

- Building Permits issued
- Demolition permits issued
- Seal register advising of when the Shire seal has been applied
- Infringements for parking and dogs etc.
- Library Statistics

**SUMMARY AND KEY ISSUES**

The following reports are presented to Council:

- Planning Approvals
- Building Approvals
- Infringements
- Library Statistics
- Curtin Heritage Living – Medical centre tenancy

**OFFICER COMMENT**

That the Council notes the updates provided in the attached reports, which cover various aspects of the Shires operations.

The Shire of Peppermint Grove, as head Lessor of Curtin Heritage Living has agreed to sublease a pathology room located on the ground floor of 40 Marine Parade, Cottesloe. The Shire's seal; was affixed to this lease agreement.

The application of the seal is carried out in accordance with Section 1.10 of the Shire of Peppermint Grove's Delegations Register, which authorised the affixing of the Common Seal to Documents.

## **CONSULTATION**

No community consultation was considered necessary in relation to the recommendations of this report

### **OFFICER RECOMMENDATION/S – ITEM 8.4.5**

**That Council receives the information in this report.**

**9. COMMITTEE REPORTS**

**10. NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL**

**11. MOTIONS ON NOTICE**

(Automatically sent back to administration for consideration at the next Council meeting)

**12. CONFIDENTIAL ITEMS OF BUSINESS**

**13. CLOSURE OF MEETING**

At \_\_\_pm, there being no further business the meeting closed.