

ORDINARY COUNCIL MEETING

DRAFT

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 the Friday before the scheduled meeting.

TO BE HELD ON TUESDAY 26 OCTOBER 2021

AT 5.30 PM





DRAFT MEETING AGENDA ATTACHED

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DRAFT ORDINARY COUNCIL MEETING AGENDA

1 DECLARATION OF OFFICIAL OPENING

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.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read 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 the efficient, effective and orderly decision making within this forum.

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President	Cr R Thomas
Deputy Shire President	Cr C Hohnen
Elected Member	Cr G Peters
Elected Member	Cr P Macintosh
Elected Member	Cr P Dawkins
Elected Member	Cr D Horrex
Elected Member	Cr K Farley

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Chief Executive Officer
Manager Development Services
Manager Corporate and Community Services
Manager Infrastructure Services

Mr D Burnett Mr R Montgomery Mr M Costarella 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
- 3.1 DELEGATIONS

NIL

3.2 PETITIONS

NIL

4 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.

- The Agenda
- Question to Council and
- Deputation Forms

Have been placed at the end of the Council Meeting table in front of the public gallery, for the public, as well as on the Shire Webpage.

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
- 4.3 DEPUTATIONS OF THE PUBLIC
- 4.4 PRESENTATIONS FROM THE PUBLIC

5 DECLARATIONS OF INTEREST

Councillors / Staff are reminded of the requirements of section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the Shire's Code of Conduct. Councillors / staff are required to submit declarations of interest in writing on the prescribed form.

5.1 FINANCIAL INTEREST

A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

5.2 PROXIMITY INTEREST

A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

5.3 IMPARTIALITY INTEREST

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

5.5 STATEMENT OF GIFTS AND HOSPITALITY

Councillors and staff are required (Code of Conduct), to disclose gifts and acts of hospitality which a reasonable person might claim to be a conflict of interest. Gifts and acts of hospitality which exceed that amount of prescribed by regulation are to be recorded in the Councils Gift Register.

6	ANNOUNCEMENTS BY	THE PRESIDING MEMBER	(WITHOU	T DISCUSSION)
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- 7 CONFIRMATION OF MINUTES
- 7.1 ORDINARY COUNCIL MEETING 28 SEPTEMBER 2021

OFFICER RECOMMENDATION – ITEM 7.1		
Moved:	Seconded:	
	uncil Meeting, of the Shire of Peppermint Grove 8 September 2021 be confirmed as a true and	
7.2 SPECIAL COUNCIL MEETING	19 OCTOBER 2021	
OFFICER RECOMMENDATION - ITEM	√ 7.2	
Moved:	Seconded:	
	uncil Meeting, of the Shire of Peppermint Grove October 2021 be confirmed as a true and accurate	

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 Development – New two-storey single residence with basement garage, front fence, pool and gate – 12 Keane Street, Peppermint Grove.

URBAN PLANNING

ATTACHMENT DETAILS

Attachment No	<u>Details</u>
Attachment 1	Locality Map
Attachment 2	Site Plan (Redacted)

Voting Requirement : Simple Majority

Acceptance Date

Location / Property Index : 12 (Lot 102) Keane Street

Application Index : DA2021/00032

LPS No 4 Zoning : R-12.5
Land Use : Residential
Lot Area : 743m²
Disclosure of any Interest : Nil.
Previous Items : Nil.

Applicant : Coastview Australia Pty Ltd (Riverstone)

Owner : TRBJ Pty Ltd
Assessing Officer : Mr M. Stocco
Authorising Officer : Mr R. Montgomery

PURPOSE OF REPORT

The Shire received an application for a two-storey single residence with under croft, front fence, pool, and gate at 12 Keane Street, Peppermint Grove. Council is requested to consider design variations to SPP 7.3 R-Codes to be acceptable to issue approval to the proposed new single house. If the application is approved the current vacant lot will be developed to create a new dwelling next to a heritage property.

SUMMARY AND KEY ISSUES

- Application and set of plans were lodged with the Shire on 21 September 2021 (DA2021/00032).
- Application consists of Shire's checklist, cover letter and a standard set of plans.
- Land is zoned Residential (R12.5) in LPS 4 Use is compatible with zoning.
- A couple of areas seek variation to the SPP 7.3 Residential Planning Codes.
- The proposed is located on a level portion of Keane Street, roughly 500 metres from Stirling Highway.
- Local Planning Policy 6 "Neighbour Consultation on Development" neighbour advertisement will need to be administered as there are a few design variations affecting the south and west boundary.
- The vacant lot has been part of a recent subdivision of Lot 104, 14 Keane Street, a heritage listed property.

LOCATION

12 (Lot 102) Keane Street, Peppermint Grove. Adjoining property 14 (Lot 104) Keane Street has been previously a single, combined with Lot 102 and Lot 104.

BACKGROUND

12 Keane Street was already a separate lot but was developed as part of adjoining property at 14 Keane Street. The boundary was cleared of modern additions and outbuildings to create a clear lot for this proposal. 14 Keane Street contains a heritage list house dating back to the early 1900's. Lot 102 is zoned Residential (R12.5) similar to most of Keane Street. The 743m² lot has a frontage of 16.90 metres facing Keane Street. The lot is a regular rectangle shaped block that is relatively flat with a slight rise at the rear around 0.9 metres.

In 2020 the Shire approved a new house at 10 Keane Street on a new lot created by the WAPC (which was over 185 under code width). A new residential development is under construction on the western boundary. This was approved with a larger street setback than the 9m in the LPS 4 to match the adjacent heritage houses which are set much further back than 9m from Keane Street. This infill housing is uncharacteristic to mush of this section of Keane Street, and somewhat incongruous to adjacent heritage listed houses. The Shire through LPS 4 does not have the basis to insist on aesthetically matching houses, and as more original heritage lots become subdivided, there will be an inevitable change in the streetscape delivering a contrast of the old with new (for 2021).

This proposed design is complimentary to the new house to the west it would not be confused with nearby heritage houses in its modern design format.

CONSULTATION

Given the slight reduction in rear setback for a portion of the house, a period of 14 days advertisement to adjoining neighbour is required per the Shires Local Planning Policy 6. The neighbour immediately to the south has been invited to view and comment on the proposed plans. Comments received will be advised to Councillors prior to their consideration of the matter at Council.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATION

There are no social implications at this time.

PLANNING POLICY IMPLICATIONS

The proposal complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies.



STATUTORY IMPLICATIONS

The proposal complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies with the exception of those outlined in the table below.

LOCAL PLANNING SCHEME NO. 4		
Scheme Requirement/Clause	Deemed to Comply (DTC) or Non- Compliant (Variation)	
Plot Ratio For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5 unless otherwise determined by the local government.	DTC	

RESIDENTIAL DESIGN CODES		
Development/Performance Criteria	Deemed to Comply (DTC) or Design	
	Principles (Variation)	
Site Setbacks	Northern (<i>front</i>): DTC	
Setback in accordance with Table 1,	Southern (<i>rear</i>): Minor Variation	
Tables 2a and 2b of the R-Codes.		
	Eastern: DTC	
	Western: Minor Variation	
Building Heights	DTC	
Table 3, Category B Maximum Building		
Heights of the R-codes.		
Cone of Vision	DTC	
Privacy of oversight as outlined in clause		
5.4.1, Figure 10, 10a, 10b and 10c of the		
R-codes. (Cone of Vision)		
Overshadowing	DTC	
Overshadowing of neighbouring properties		
R Codes Part 5 5.4.2 C2.1		

SCHEME/COUNCIL POLICY		
Policy Provisions	Deemed to Comply (DTC) or Non-	
	Compliant (Variation)	
Local Planning Policy 1 – Design and Streetscape	No proposed landscaping plan submitted. (Variation) Front Setback Area and Soft Landscaping (garden planting) - Plans which provide for adequate deep planted soft landscaping (at least 50% of the front setback area).	
Local Planning Policy 12 – Front Fences	DTC	
Local Policy - Vehicular Crossovers	DTC	

OFFICER COMMENT

The design includes several variations to Deemed to Comply R Codes:-

- A boundary (parapet) wall is proposed for a short section of the eastern boundary.
- A basement garage enters from Keane Street.

Within the east setback is a proposed pool. The pool is encased by a sprawling timber and aggregate alfresco, with a highlight feature of a fire pit to the south-east boundary. The footprint of the dwelling consists of a under croft - basement with the main component being a garage and storage area. The kitchen and functional spaces (such as a study and gamesroom) are located on the ground floor. Main living quarters and bedrooms are on the first storey with balconies. These are screened to achieve privacy and overcome overlooking of neighbouring private spaces.

R Codes - Table 1, 2a and 2b - Boundary Setbacks.

Ground Floor - Western Boundary: Ensuite #3 & Walk in Robe (W.I.R).

- The proposal seeks a side setback of 1.08 metres. R codes DTC setback is 1.5 metres. This variation of 0.4 metres will need to be considered minor by Council; a decision informed by neighbour consultation. Referral to neighbours for comment will be made subject to a 14-day response period.
- This section of wall contains a window with a sill height of 1.2 m. Assuming the installation of a standard 1.8m dividing fence this design would be acceptable and pose no overlooking or privacy issues to neighbours.

Ground Floor – Southern Boundary: Guest Bedroom.

- A rear setback of 6.0 metres is required as per R 12.5 and as per LPS 4. The proposed rear setback of 5.9 metres seeks a variation reduction of 0.1 metre.
- Granting the minor variation when considered with the 4.5m cone of privacy would not impact the neighbouring property (private open space of the southern adjoining properties), which both contain swimming pool structures.
- A slight reduction of the rear setback occurs at the south-western quadrant of the site.
 The balance of the house is setback from the rear boundary much more than the R Code minimum.
- The rear setback varies between 11.3 metres from the east to 5.9 metres to the west and so on average achieves more than the R Code setback. The main structure contained in the rear setback is the pool and decking which spans over 9.0 metres between the house and the rear boundary.
- LPP1 Design and Streetscape, Figure 2 (b), illustrates how properties should be
 positioned within the primary street setback and this has been achieved. The street
 setback is varied however it is compliant with the minimum of LPS 4 and is extended
 to afford oblique views between the heritage house located at 14 Keane Street and
 the street.

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 This design variation is possibly the result of trying to match the street setback with that of the under-construction property at 10 Keane Street as well as the heritage property at 14 Keane Street

Conclusion

Overall, the design is compliant and has very few variations from the deemed to comply standards. These variations are considered acceptable because they take account of the abutting development. The adjacent heritage properties have setbacks which also do not match contemporary R Codes and LPS minimums.

The neighbour comment period will have closed prior to the Ordinary Council Meeting. If comments received are in agreement or raise issues which can be addressed via conditions, the Council should consider this application and design to be acceptable for approval subject to conditions.

OFFICER RECOMMENDATION/S ITEM NO 8.1.1

Council approves the single house proposed at 12 Keane Street, Peppermint Grove in accordance with the submitted plans DA2021/00032 and application lodged on, September 21, 2021, and subject to the following conditions: -

- 1. The development plans, as dated marked and stamped "Approved", together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the "Approved Plans" as part of this application and shall form part of the development approval issued.
- 2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans at all times.
- 3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.
- 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a Construction Management Plan detailing;
 - How materials and equipment will be delivered and removed from the site;
 - How materials and equipment will be stored on the site;
 - Parking arrangements for contractors;
 - Construction Waste disposal strategy and location of waste disposal bins;
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - How risks of wind and/or water born erosion and sedimentation will be minimised during works;
 - Other matters likely to impact on surrounding properties.

- A Traffic Management Plan may be required and will accompany this Construction Management Plan.
- 5. Submission of a Landscape Plan prior to the issue of a Building Permit and completed to the satisfaction of the Shire (CEO) and indicating the;
 - Scale (recommended 1:100), dimensions and any boundary and building offsets of the landscaping areas;
 - Location of at least four (4) fast-growing mature trees (tree caliper and species of proposed planting);
 - Materials, levels and surfacing of open ground areas;
 - Deep soil planting areas and shade trees (refer SPP 7.3 R Codes);
 - Drainage, collection and infiltration, paving and irrigation; and
 - Location of any incidental structures such as ponds, steps, screens, dividing and safety fencing or gates.
 - Planting which provides for adequate deep planted soft landscaping at least 50% of the front setback area.
- 6. Prior to the lodgement of a building permit, design modifications are to be executed to address the privacy and oversight concerns relating to the balcony view to the south and southwest, and indication of the height and style of boundary fencing to effect screening of abutting properties. A schedule of proposed colours, textures and materials of finish must be submitted to the Shire for approval of Chief Executive Officer. The schedule is to detail the colour and texture of the building materials selected to complement the streetscape and setting of the site.
- 7. This approval shall remain current for development to commence within two years of the date of issue of this notice. All works associated with this approval (once commenced) shall be completed before the end of the third year from the date of issue of this notice.

Advice Notes.

- 1. Council advises it has exercised discretion subject to Clause 34 of the Local Planning Scheme 4 that the assessment of this application resulted in design revisions and improvements. In making this decision Council adopted a design principles approach regarding design variations and subject to the following:
 - Local Planning Scheme 4 and Local Planning Policies 1, 2 and 6.
 - R Codes Table 1, 2a and 2b Boundary Setbacks
- 2. In conjunction with Condition 5, the landscape plan is to be prepared and submitted for the approval of the Chief Executive Officer of the Shire prior to the issue of a Building Permit and may include reference to adjoining properties including the Shire managed street verges and right of way. The Shire officers may provide additional advice on plant selection and horticulture should this be required prior to submission of the plan.

- 3. Council in approving the design associated with the application and its modifications determined this design and variations proposed would be an acceptable design solution for this site and circumstances taking note of neighbours comment following referral as per Local Planning Policy 6.
- 4. In respect to Conditions 4 and 7, the Shire requires the applicant to arrange for the inspection of all Shire infrastructure including the street verge and lot abutting a heritage property on 14 (Lot 104) Keane Street both prior to works and post completion to establish the impact and necessary remediation of impacts on all public infrastructure and lands. The Shire does not warrant or exempt the applicant from civil claim arising from damage to private property and associated with the approved works.



8.2 MANAGER INFRASTRUCTURE SERVICES

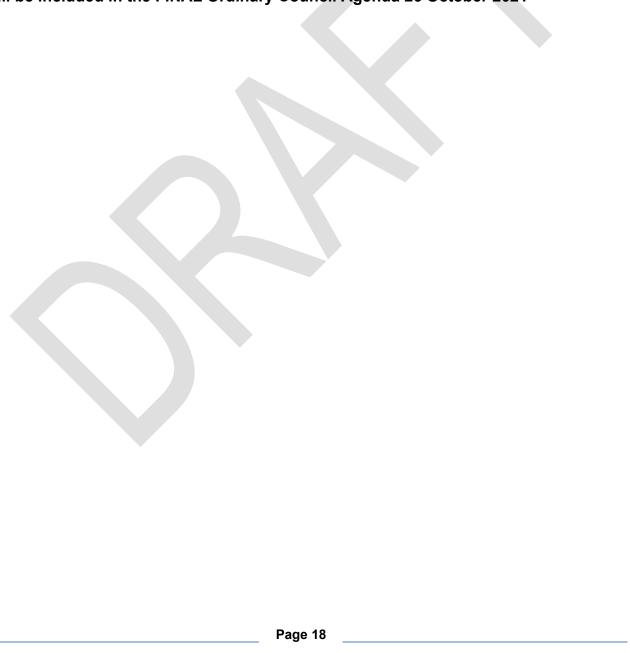
NIL

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 Financial Statements for Period Ended 30 September 2021

CORPORATE

Due to end of month processing and the cut off dates for agenda reports, this report will be included in the FINAL Ordinary Council Agenda 26 October 2021



8.3.2 Accounts Paid August 2021

CORPORATE

ATTACHMENT DETAILS

Attachment No	<u>Details</u>
Attachment	Accounts Paid - September 2021

Voting Requirement : Simple Majority

Subject Index : Financial Management

Disclosure of Interest : Nil

Responsible Officer : Michael Costarella, Manager Corporate and Community

Services

PURPOSE OF REPORT

The purpose of this report is to advise the details of all cheques drawn, credit card and electronic funds payments and direct debits since the last report.

SUMMARY AND KEY ISSUES

Significant payments in September 2021 included the following:

- GST & PAYG remittance to ATO;
- Waste Management Services
- WA Superannuation

BACKGROUND

The Attachment lists details of all payments made in August & September since the last report. The following summarises the cheques, credit card payments, electronic fund transfers and direct debits included in the list presented for information.

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT00431-436	\$444,832.11
Direct Debits	DD00260-267	\$7,784.26
BPAY	BPAY224-231	\$4,605.64
Credit Cards- August	CCP00021	\$7,958.53
CHQ	CHQ447	\$185.15
TOTAL		\$465,365.69

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Accounts are paid during the month in accordance with Delegation 2 "Payments from the Municipal Fund and the Trust Fund". Power to delegate to the CEO is contained in Section 5.42 of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

The payments processed by the Shire relate to expenditure approved in the 2021/22 annual budget.

OFFICER COMMENT

The List of Accounts paid are provided to Council for information purposes and in accordance with the delegation to the CEO.

OFFICER RECOMMENDATION/S - ITEM NO.8.3.2

That Council receive the list of payment of accounts by:-

- 1. cheques, electronic funds transfers, BPay and direct debit payments for the month of September 2021, totalling \$457,407.16
- 2. credit card payments for August 2021 totalling \$7,958.53

8.4 CEO/ MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Matters for Information and Noting

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Details</u>
Attachment refers to	Building/Planning Statistics
	Library Statistics
	Recycling Statistics

Voting Requirement Simple majority

Subject Index Matters for Information

Disclosure of any Interest Nil Responsible Officer CEO

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 for 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 also 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 issues
- Demolition permits issued
- Seal register advising of when the Shire seal has been applied
- Infringements for parking/dogs etc
- Waste and recycling data
- Library statistics
- Library Management Group Meeting Notes

SUMMARY AND KEY ISSUES

The following reports are presented to Council 28 September 2021:

- 1. Building/Planning Statistics
- 2. Library Statistics
- 3. Recycling Statistics

CONSULTATION

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

OFFICER RECOMMENDATION – ITEM NO. 8.4.1

That Council receives the information in this report.

8.5 COMMITTEE REPORTS NIL
9 NEW BUSINESS OF AN URGENT NATURE
NIL
10 MOTIONS ON NOTICE
(Automatically sent back to Administration for consideration at the next Council Meeting)
11 CONFIDENTIAL ITEMS OF BUSINESS
NIL
12 CLOSURE
At pm, there being no further business the meeting closed.