



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY 20 DECEMBER 2016
AT
5.30 PM



Shire of Peppermint Grove

NOTICE OF MEETING

Dear Councillor

It is advised that the **COUNCIL MEETING** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday **20 DECEMBER 2016**, commencing at 5.30 pm.

MEETING AGENDA ATTACHED

Yours faithfully



Mr John Merrick JP
CHIEF EXECUTIVE OFFICER

20 DECEMBER 2016

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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

TABLE OF CONTENTS

ITEM	SUBJECT HEADING	PAGE
1	DECLARATION OF OFFICIAL OPENING	5
2	RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE	6
2.1	ATTENDANCE	6
2.2	APOLOGIES	6
2.3	LEAVES OF ABSENCE	6
2.4	NEW REQUEST FOR A LEAVE OF ABSENCE	6
3	DELEGATIONS AND PETITIONS	6
3.1	DELEGATIONS	6
3.2	PETITIONS	6
4	PUBLIC QUESTION TIME	7
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	7
4.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	7
4.3	DEPUTATIONS OF THE PUBLIC	7
5	DECLARATIONS OF INTEREST	8
5.1	FINANCIAL INTEREST	8
5.2	PROXIMITY INTEREST	8
5.3	IMPARTIALITY INTEREST	8
5.4	INTEREST THAT MAY CAUSE A CONFLICT	8
5.5	STATEMENT OF GIFTS AND HOSPITALITY	9
6	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	10
7	CONFIRMATION OF MINUTES	10
7.1	ORDINARY COUNCIL MEETING ~ 22 November 2016	10
7.2	ADENDA BRIEFING FORUM ~ 13 December 2016	10

ITEM	SUBJECT HEADING	PAGE
7.3	CONCEPT FORUM ~ 13 December 2016	10
8	CHIEF EXECUTIVE OFFICER REPORTS	11
8.1	URBAN PLANNING	11
8.1.1	Conservation Works: St Columba Church Lot 33 (16A) Keane Street Peppermint Grove	11
8.1.2	Alterations and Single Storey Additions Lots 36 & 359 (No.136) Forrest Street Peppermint Grove.	15
8.1.3	Referral for Comment; Application For Stand Up Paddle Board Lessons: Reserve R17113 The Esplanade Peppermint Grove	20
8.1.4	Delegation of Authority – Appointment of Authorised Officers – Public Health Act 2016	25
8.2	INFRASTRUCTURE	29
8.3	COMMUNITY DEVELOPMENT	29
8.4	MANAGEMENT / GOVERNANCE / POLICY	30
8.4.1	Annual Report 2015/2016	30
8.5	CORPORATE	33
8.5.1	Financial Report – October 2016	33
8.5.2	Accounts for Payment –November 2016	36
8.5.1	Budget Review 2016/17	39
9	NEW BUSINESS OF AN URGENT NATURE	44
10	MOTIONS ON NOTICE	44
11	CONFIDENTIAL ITEMS OF BUSINESS	44
12	CLOSURE	44



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING 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.

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 S Fleay
Elected Member	Cr D Horrex
Elected Member	Cr P Macintosh
Elected Member	Cr G Peters
Chief Executive Officer	Mr John Merrick
Manager Library and Community Services	Ms D Burn
Manager Corporate Services	Mr P Rawlings
Executive Officer	Ms M Tabbakh (Minutes)

Visitors _____, from _____
Gallery _____ Members of the Public
_____ Members of the Press

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE

Elected Member, Cr K Farley– Approved at the Agenda Briefing 13 December 2016.

Manager Infrastructure Services, Mr D Norgard

Manager Development Services, Mr M Whitbread

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

3.2 PETITIONS

4 PUBLIC QUESTION TIME

At _____ pm the Presiding Member opened 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

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

4.3 DEPUTATIONS OF THE PUBLIC

At _____ pm, there being no further questions the Presiding Member closed the public question time.

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 (WITHOUT DISCUSSION)

Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING ~ 22 November 2016

7.2 ADENDA BRIEFING FORUM ~ 13 December 2016

7.3 CONCEPT FORUM ~ 13 December 2016

8 CHIEF EXECUTIVE OFFICER REPORTS

8.1 URBAN PLANNING

8.1.1 Conservation Works: St Columba Church Lot 33 (16A) Keane Street Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 –	16A Keane Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	16A Keane Street
Application Index	:	016/189
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Place of Worship
Lot Area	:	1076m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Hocking Heritage Studio
Owner	:	Commissioners of the Presbyterian Church in WA
Responsible Officer	:	Michael Whitbread, Manager of Development Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☒ **Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ **Legislative** *Includes adopting local laws, town planning schemes & policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☐ **Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

For Council to determine an application for conservation and remedial works to the fabric of St Columba Church.

Much of the work involves repairs to fretting stonework, and the crenellations as well as the extensive stain-glass windows. Expansion caused by the rusting of the steel frames hidden inside the window sills has caused minor cracking to the window mullions and it is intended to carry out best practice remedial works.

The stone crucifix that previously adorned the apex of the large gable end is to be reinstated.

SUMMARY AND KEY ISSUES

- The form and fabric of this Category 1 place is to be retained and renovation works carried out where necessary.
- The scope of works has been prepared by a recognised and accredited heritage consultant
- Heritage WA supports the application.

LOCATION

Please refer to attached location plan

BACKGROUND

Saint Columba Church is on the State Heritage List as well as the Shire's Heritage List.

CONSULTATION

The scope of works proposed would not affect the current building form or fabric and consists of maintenance works only. On this basis public consultation was not conducted.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no Policy implications evident at this time.

STATUTORY IMPLICATIONS

Town Planning Scheme No.3

The proposal is for maintenance works only and apart from the need for planning consent due to the heritage status of the place no assessment against other scheme provisions is required.

Heritage Act 1990

Under the Heritage Act 1990, planning application for any works to a state registered building or place must be referred to Heritage WA for comment prior to the determination by the planning authority.

Heritage

St Columba Church and its associated timber weatherboard hall were entered onto the State Register on the 28 June 1996 and was based on the following 'Statement of Significance' for the building;

St. Columba's Church and Hall, a limestone and slate Church (1909) and a timber and iron Church Hall (1896), has cultural heritage significance for the following reasons:

- i) the Hall is a fine example of the Federation Carpenter Gothic style of architecture, and the Church is a fine example of the Federation Gothic style of architecture;*
- ii) the place is a landmark which addresses the corner of Venn and Keane Streets, Peppermint Grove;*
- iii) the Hall was the first place of worship in Peppermint Grove and housed the original Cottesloe School;*
- iv) the place has potential to contribute to an understanding of late nineteenth and early twentieth century construction techniques in Western Australia, because of the intact and original nature of the fabric.*

The works being applied for are intended to deal with a number of maintenance issues with fretting mortar and damage being caused to the masonry sills and window surrounds by the underlying steel framing. In addition reinstatement of the missing crucifix at the apex of the gable is also proposed.

The drawing submitted in support of the application demonstrates a clear understanding of the technical and architectural challenge being undertaken with the part restoration of this building, which has demonstrated cultural heritage significance, not only from a local perspective, but at a state level.

The application was referred to the Heritage Council of WA for comment as required under the Heritage Act 1990, prior to Council being able to determine the application.

FINANCIAL IMPLICATIONS

There are no costs associated with the proposal evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The scope of works proposed will ensure that the architectural features that have made this building of sufficient merit to be placed on the State Register of Heritage Places are retained, and that the integrity of the building is maintained to high standard of authenticity.

The high standard of the documentation submitted with this application also provides an important part of the record of the history of the building for any future works that may be required as the building ages.

There are no objections to the proposal on either planning or heritage grounds and on this basis a conditional approval can be recommended.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.1

That Council grant planning approval for alterations and additions on Lot 33 (No.16A) Keane Street, Peppermint Grove in accordance with the plans and specifications submitted on 22 November 2016, subject to the following conditions;

- 1. The street trees adjacent to the Lot 33 shall be protected during construction and no goods or building materials shall be stored on the street verge or within the drip line of the street tree(s).**
- 2. The development, the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.**
- 3. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining the how building materials and deliveries to the site will be managed without affecting access to adjoining properties, controlling dust and the provision for trades parking to ensure two way road access is maintained on Forrest Street.**

8.1.2 Alterations and Single Storey Additions Lots 36 & 359 (No.136) Forrest Street Peppermint Grove.

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2	136 Forrest Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	136 Forrest Street
Application Index	:	016/189
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	2724m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Mark Bradley Architect.
Owner	:	Mr Vijith Sujeenvan Vijayasekaran.
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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PURPOSE OF REPORT

For Council to determine an application for alterations and rear additions to a category 1 listed property at No. 136 Forrest Street, Peppermint Grove.

The plans also include the construction of a parapet wall on the western boundary and increased rear boundary wall to an adjoining right-of-way.

SUMMARY AND KEY ISSUES

- The form and fabric of the Category 1 place is to be retained and renovation works carried out where necessary.
- The parapet wall is considered acceptable in this context.
- The high rear wall is also acceptable due the level differences to the rear neighbour.
- A conditional approval is recommended.

LOCATION

Please refer to attached location plan

BACKGROUND

According to the Heritage Inventory date sheet for No 136 Forrest the house was built between in 1895 and 1900 for Ms Lily Brigante, sister of the architect L B Whitaker.

Major rear additions incorporating a single detached garage, and a detached granny flat were approved for development by Council in 1994.

CONSULTATION

Adjoining/affected land owners were consulted and no written submissions were received.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no Policy implications evident at this time.

STATUTORY IMPLICATIONS

Town Planning Scheme No.3

The proposal has been assessed in regard to the relevant Scheme provisions, Residential Design Codes and Scheme Policies as outlined in the table below.

<u>TOWN PLANNING SCHEME NO. 3</u>		
Scheme Requirement/Clause		Assessment/Comment
1	0.5 plot ratio.	0.2 Complies.
2.	6-metres wall (excluding basement)	3.4-metres (additions only) Complies.
3.	9-metre ridge height	5-metres (additions only) Complies.
4.	9-metre street setback	39-metres
<u>RESIDENTIAL DESIGN CODES</u>		
Deemed to comply		Assessment/Comment
1.	6-metre rear setback	Does not comply. See heritage comment
2.	55% Open Space	75% Open Space: Complies
3.	Side setbacks	Comply with Table 2A

Heritage

The single storey dwelling on the site is listed as a category 1 place on the Shire's heritage list and is described as a comparatively intact example of a restrained Federation Queen Anne style residence.

Built in pillow faced limestone and iron with a large return verandah this house makes a considerable contribution to the townscape of the Shire, having retained its generous garden setting and a deep street setback.

The plans submitted propose the partial removal and re-adaptation of the 1994 additions and no new work or structural alterations are proposed to the original section of the house.

Although the replacement rear additions to the house are of a contemporary 'box' design, the single storey scale of these new rooms would not impinge on the form of the original house, and would not be seen from the street.

Similarly the carport along the western boundary would not intrude into the setting created by the placement of the house 40 metres from the road alignment.

On the eastern side of the house a flat roof steel arbor/ pergola is proposed, which will be detached from the house.

FINANCIAL IMPLICATIONS

There are no costs associated with the proposal evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The works proposed include the removal of the majority of the 1994 additions at the rear of the house, a new carport and an increase in the height of the rear boundary wall to outbuildings.

The proposed light weight additions are intended to re-orientate the layout of rooms at the rear of the house to provide for northern facing living areas and the passive solar benefits and a visual relationship to the backyard this would allow.

As outlined in the heritage section of the report, the original core of the house is to be retained and unaltered, the exception being the notations on the plans submitted indicating upgrading and renovation works which are both cosmetic in one sense but also ensure that this important heritage place is maintained to a high standard.

There are two concessions being sought from the R-Code. The first is the side setback relaxation from 1-metre to nil on the western boundary to the proposed carport, which would abut an existing neighbour's parapet wall on the western boundary of the subject site. However this structure must be structurally isolated and not depend on the neighbour's wall for support of any kind. Secondly the plans submitted propose increasing the height of the existing boundary walls on the rear northern boundary. The rationale for this aspect of the development submitted is based on the difference in levels between the right-of-way at the rear of the site, and rear living areas and the private open space which would both be easily overlooked from the rear Right-of-way.

Given both the separation between the subject site and that the rear neighbouring property (PLC), created by a right-of-way and the difference in height of 2.5-metres it is accessed that there would be no loss of amenity created by the increase in wall height to 3-metres.

There are no objections to the proposal on either planning or heritage grounds and on this basis a conditional approval can be recommended.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.2

That Council grant planning approval for alterations and additions on Lots 36 & 359 (No.136) Forrest Street, Peppermint Grove in accordance with the plans and specifications submitted on 21 November 2016, subject to the following conditions;

- 1. All stormwater being retained and disposed of on-site, details of which are to be submitted and approved prior to the issue of a building permit by the Shire.**
- 2. The street trees adjacent to the Lots 36 and 359 shall be protected during construction and no goods or building materials shall be stored on the street verge or within the drip line of the street tree(s).**
- 3. The development, the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.**
- 4. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining the how building materials and deliveries to the site will be managed without affecting access to adjoining properties, controlling dust and the provision for trades parking to ensure two way road access is maintained on Forrest Street.**
- 5. Prior to the issue of a building permit, the applicant shall submit a schedule of colours, materials and finishes to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.**

Advisory Note

- i) The applicant is advised that during construction the adjoining right-of-way is to be kept clear at all times and not used for parking of trade and delivery vehicles. The Shire is able to issue parking infringement notices where this occurs.**
- ii) The applicant is advised that the approval provides two concessions, the first being a reduced setback for the carport and the second being an increased height to 3 metres for the rear wall.**

8.1.3 Referral for Comment; Application For Stand Up Paddle Board Lessons: Reserve R17113 The Esplanade Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3	Stand Up Paddle Board Lessons

Voting Requirement	:	Simple Majority
Subject Index	:	RES12
Location / Property Index	:	Reserves
Application Index	:	N/A
TPS No 3 Zoning	:	Open Space
Land Use	:	Parks and Recreation
Lot Area	:	2.7 Hectares
Disclosure of any Interest	:	Nil
Previous Items	:	Item 10.2 ;26/3/13, 8.1.1; 27/5/14 & 8.1.7 26/8/14
Applicant	:	Yu On Blue
Owner	:	Crown (vested in the Shire of Peppermint Grove)
Responsible Officer	:	Michael Whitbread, Manager Development Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☐ **Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

The purpose of this report is to advise Council in regard to a referral by the Swan River Trust of an application for Stand-Up Paddle Board lessons in Freshwater Bay 7:00am and 4:00pm one day per week, excluding weekends and public and school holidays.

The proposed lessons are intended to cater for St Hilda's Students who are able to undertake a course in Stand Up Paddle Board classes as part of the physical education curriculum.

SUMMARY AND KEY ISSUES

- The applicant proposes Stand-Up Paddle Boards in Freshwater Bay.
- Public open space will be used, in part, for teaching and public parking of pupil and teacher vehicles.
- No lessons are proposed for weekends or during school holiday periods.
- A recommendation to the SRT for conditional approval is suggested.

BACKGROUND

Council at its March 2013 meeting provided conditional support for Vidler's Stand-Up Paddle board school to the Swan River Trust subject to the paddle board lessons being restricted to weekday mornings only.

Council at its meeting held on the 27th May 2014, considered an extension of hours for the Perth Stand-Up Paddle Board School to encompass both Saturday and Sunday mornings as well as the 7:00am to 12:00pm Monday to Friday previously applied for.

In late 2014 The Swan River Trust has referred an application to use the Freshwater Bay foreshore reserve and abutting public parking areas for the private teaching of stand-up paddle boarding from 9:00am to 10:00am on Saturday mornings. Council at its meeting held on the 16 December 2014 resolved to advise the Swan River Trust that it did not support this proposal.

The matrix below indicates the current approvals for Stand-Up Paddle Board lessons in Freshwater Bay. The latest application subject to his report is highlighted in bold type.

<i>Operator</i>	<i>Mon-Fri</i>	<i>Weekends (ex-Public Holidays)</i>	<i>Current Status</i>
Perth Stand Up Paddle School (2014-2015)	7:00am-12:00pm	Sat & Sun 8:00am - 10am	Expired & no renewal applied for.
Vidlers (2014-2015)	6:00am - 2:00pm	Sat 8:00am-10:00am	Expired & no renewal applied for.
Main Peak (2014-2015)	Nil	Sat 9:00am-11:00am	Expired & no renewal applied for.
YOB Australia (2014-2015) (one day per week).	7:15am-8:15am 3:30pm-4:30pm	Nil	Seeking renewal 7:15am to 8.15am & 3.30pm to 4.30pm (one day per week).

LOCATION

Plans Attached

STATUTORY IMPLICATIONS

Swan River Trust

The application for this activity has been made under regulation 17 of the Swan and Canning River Management Area Act 2006. It is not a development application, but a permit application for commercial activity within the foreshore reserve or Development Control Area of the Swan River. The permit application process requires consultation with the relevant local authority and seeks a response within 21 days.

The Swan River Trust generally issues permits to use the foreshore for a 12 month period and is able to modify or revoke a permit where the applicant has demonstrated an inability to properly manage the activity.

Town Planning Scheme No.3

The use class table of Town Planning Scheme No.3 does not provide for private recreation as a land use on public land. However, as a guide the draft Local Planning Scheme No.4 does make provision for Council to consider land use on reserves subject to the Council

taking into consideration a range of planning matter including parking availability, potential loss of a public benefit, and ultimately, the purpose intended for reserve land.

FINANCIAL IMPLICATIONS

There are no financial implications for the Shire. The Swan River Trust is the determining authority and would meet any costs associated with an application for Review with the State Administrative Tribunal.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The increased use of public open space for private sporting businesses, such as boot camps and stand up paddle board lessons is not uncommon and in a majority of cases it increases the use of active recreational spaces without any detriment to the public availability of the reserves.

The merits of any application for the use of public open space, the criteria turns on whether the activity is of direct benefit to local residents, and that the general public are not unduly excluded from using the space or its associated parking facilities.

As outlined in previous reports, Freshwater Bay is a public reserve that has a relatively narrow foreshore, which has been developed for passive recreation. It is typically accessed by family groups during weekends in particular, and for the use of individual small recreational watercraft.

The caveat in terms of using any public open space for commercial activity is that no verifiable complaints are generated by the activity and this view should form part of any recommendation to the Swan River Trust.

This application does not propose weekend use and it's seen as not being detrimental to the use of this reserve by the general public. Given that this proposal is for short period only during weekdays during term time, there is scope to at least trial this activity. On that basis a recommendation to the SRT for approval in line with the previous advice from Council has been made.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.3

That Council advises the Swan River Trust in its role as a planning authority and the local authority in which the reserve is vested that in regard to the application for Stand Up Paddle Board School (Yo On Blue) 7:15am to 8.15am to 3.30pm to 4.30pm one day per week, excluding weekends public and school holidays that it:

- 1. Supports the use of the Freshwater Bay foreshore for the proposed Stand-Up Paddle Board School subject to it being restricted to the times and frequency applied for.**
- 2. Requests the Swan River Trust place a condition on any permit issued advising that it may be revoked in the event of verifiable complaints being received in relation to the conduct of the Stand-Up Paddle Board lessons.**
- 3. That no advertising signage in the form of placards or structures in the form of shade pavilions be permitted to be used the reserve.**

8.1.4 Delegation of Authority – Appointment of Authorised Officers – Public Health Act 2016

URBAN PLANNING

4

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4	Template Certificate of Authority

Voting Requirement	:	Absolute Majority
Subject Index	:	File Reference GV021B
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Michael Whitbread, Manager Development Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☐ **Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☒ **Legislative** *Includes adopting local laws, town planning schemes & policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☐ **Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Council is being requested to delegate to the Chief Executive Officer the authority to appoint and/or designate Authorised Officers under the provisions of Section 21 of the Public Health Act 2016.

SUMMARY AND KEY ISSUES

- The Public Health Act 2016 received Royal Assent on 25 July 2016. The Health Act 1911 will be phased out over a period of 3-5 years through a staged process and replaced by the Public Health Act 2016. Stage 3 of the Public Health Act roll-out, which includes provisions for designation and appointment of Authorised Officers has been announced for 24 January 2017.
- This report informs the Council of the commencement of the Public Health Act 2016, and recommends that the Chief Executive Officer receive delegated Authority from Council to designate and appoint Authorised Officers under the new Act. This will ensure that Environmental Health Officers are able to enforce provisions of the Public Health Act and Health Act from 24 January onwards.

LOCATION

N/A

BACKGROUND

The new Public Health Act 2016 provides modern legislation to regulate public health in Western Australia. The Act will repeal much of the outdated Health Act 1911 and is designed to better protect and promote the health of all Western Australians.

The Public Health Act 2016 provides a flexible and proactive framework for the regulation of public health. Key features of the Act include:

- Promoting public health and wellbeing in the community.
- Helping prevent disease, injury, disability and premature death.
- Informing individuals and communities about public health risks.
- Encourage individuals and their communities to plan for, create and maintain a healthy environment.
- Supporting programs and campaigns intended to improve public health.
- Collect information about the incidence and prevalence of diseases and other public health risks for research purposes.
- Reducing the health inequalities in public health of disadvantaged communities.

Local governments will enforce the Public Health Act 2016. Authorised officers (previously known as environmental health officers) are responsible for investigating any public health matter within their local government boundaries.

Traditionally, under the provisions of the Health Act 1911, all Environmental Health Officers were “approved” by the Executive Director Public Health to perform specified functions of the Act. The Executive Director Public Health was a specified role within the Health Act 1911 and the person assigned to that role was an employee of the Department of Health WA.

Under the Public Health Act 2016, existing Environmental Health Officers will be automatically designated as Authorised Officers. However, the authority cards need to be signed off by the local government or the appointed delegate to authorise the officers to undertake duties under the Public Health Act. New employees to the Shire will need to be both, designated and authorised. Under Section 21(1)(b)(i) of the Public Health Act, local government may delegate the function of designating and authorising officers to the Chief Executive Officer.

The delegation would ensure that the administrative process for designating and appointing authorised officers can be expedited and that Environmental Health Officers employed by the Shire can be given authority to perform their functions almost immediately.

Section 30 of the Public Health Act specifies that an authorised officer must be issued a certificate of authority card by the Local Government. It is envisaged that this certificate of authority card would be signed or approved by Council’s delegate. The Chief Executive Officer has been recommended for this delegation.

A template Authority Card has been provided as an attachment to this report.

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

Section 312 of the Public Health Act 2016.
Health Act 1911.
Local Government Act 1995.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Appointments to the Shire of Peppermint Grove are overseen by the Chief Executive Officer. The designation and appointment of Authorised Officers under the Public Health Act 2016 is seen as an extension of this role.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.4

THAT Council delegates to the Chief Executive Officer, the authority to appoint and/or designate Authorised Officers under the provisions of Section 21 of the Public Health Act 2016.



8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Annual Report 2015/2016

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5	2015/2016 Annual Report

Voting Requirement	:	Absolute Majority
Subject Index	:	CM139A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	John Merrick, Chief Executive Officer

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☒ **Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ **Legislative** *Includes adopting local laws, town planning schemes & policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☐ **Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

The purpose of this report is to adopt the 2015-16 Annual Report and to set a date for the Annual Meeting of Electors.

SUMMARY AND KEY ISSUES

The 2015-16 Annual Report includes:

- President's Report
- Chief Executive Officer's Report
- Report on the Plan for the Future of the District
- Report on National Competition Policy
- Report on Disability Services
- Annual Financial Report
- Audit Report

LOCATION

N/A

BACKGROUND

Sections 5.27, 5.53 and 5.54 of the Local Government Act 1995 set out the requirements for holding an annual meeting of electors and to prescribe the contents of the Annual Report.

CONSULTATION

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

STRATEGIC IMPLICATIONS

The Annual Report includes an overview of the Strategic Community Plan including major initiatives that are proposed to commence or to continue in 2015/16 and beyond.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Sections 5.27, 5.53 and 5.54 of the Local Government Act 1995 set out the requirements for holding an annual meeting of electors and to prescribe the contents of the Annual Report.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.



ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM No. 8.4.1

That:

1. The Annual Report for the financial year ended 30 June 2016 be adopted.
2. The Annual Meeting of Electors be held in the Council Chambers on Tuesday 14th February 2017 commencing at 7.00pm.

8.5 CORPORATE

8.5.1 Financial Report – October 2016

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6	Financial Report – October 2016

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager, Corporate Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☒ **Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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PURPOSE OF REPORT

To provide Council with a report of financial activity for the period 1 July 2016 to 31 October 2016.

SUMMARY AND KEY ISSUES

- The financial report for the four-month period ended 31 October 2016, indicates a year-to-date surplus of \$2,762,180, some \$215,951 more than forecast;
- Operating revenue is some \$1,813 more than forecast.
- Operating expenditure is some \$104,513 less than forecast;
- Capital expenditure totalling \$103,842 has been incurred.

LOCATION

N/A

BACKGROUND

Nil

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

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

There are no specific financial implications (other than the proposed budget amendments later in this agenda emanating from the additional \$105,000 surplus brought forward from 2015/16) evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The following comments relate to variances greater than \$10,000.

(1) Employee Costs

Employee costs are some \$20,653 less than expected. This figure mainly represents staff salaries and wages to be accounted for (accrued) as at 30th June 2017.

(2) Materials and Contracts

Materials and contracts expenses are some \$61,061 less than expected due mainly to invoices relating to September and October yet to be received and processed.

(3) Insurances

Council's total insurance premiums for 2016/17 are some \$17,310 less than estimated. The majority of these savings relates to worker's compensation premium savings for the current year plus a premium adjustment from 2015/16 rebated in 2016/17. Other minor savings have been achieved under the industrial special risks, liability and vehicle insurance categories.

(4) Net Current Assets July 1 B/fwd

As discussed at the September 2016 meeting the net current assets (surplus) brought forward exceeded the 2016/17 estimate by some \$105,386. This is dealt with as part of the budget review later in this agenda.

(5) Net Current Assets Year-to-Date

Net current assets as at 31 October 2016 exceed the forecast figure by some \$215,951, due to the greater-than expected surplus brought forward from 2015/16 and invoices not yet received and processed.

OFFICER RECOMMENDATION/S – ITEM No. 8.5.1
--

That the Financial Report for the period 1 July 2016 to 31 October 2016 be received.

8.5.2 Accounts for Payment –November 2016

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7	Accounts for Payment – November 2016

Voting Requirement	:	Simple Majority
Subject Index	:	FM045A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager Corporate Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☒ **Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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PURPOSE OF REPORT

The purpose of this report is to obtain approval for cheques drawn, credit card and electronic funds payments and direct debits since the last report.

SUMMARY AND KEY ISSUES

Significant payments in November 2016 included the following:

- GST & PAYG remittance to ATO;
- Payment for electricity to Synergy;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

LOCATION

N/A

BACKGROUND

Attachment 1 lists details of all cheques drawn since the last report and accounts now presented for payment. The following summarises the cheques, credit card payments, electronic fund transfers, direct debits and accounts included in the list presented for payment.

<u>PAYMENT TYPE</u>	<u>AMOUNT</u>
Credit Card Transactions	\$6,760.84
Cheques 230 – 233	\$3,314.76
Electronic Funds Transfers 00020 – 00036 (excl. \$16,916.47- credit cards)	\$378,563.20
TOTAL	\$386,638.80

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

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

The payments processed by the Shire relate to expenditure approved in the 2016/2017 annual budget (as amended).

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM No. 8.5.2

That:

The payment of cheques, electronic funds payments and credit card payments for November 2016, totalling \$386,638.80 be approved.

8.5.1 Budget Review 2016/17

CORPORATE

ATTACHMENT DETAILS

<u>Attachment Nil</u>	<u>Details</u>

Voting Requirement : Absolute Majority
 Subject Index : FM026A
 Location / Property Index : N/A
 Application Index : N/A
 TPS No 3 Zoning : N/A
 Land Use : N/A
 Lot Area : N/A
 Disclosure of any Interest : Nil
 Previous Items : N/A
 Applicant : N/A
 Owner : N/A
 Responsible Officer : Paul Rawlings, Manager, Corporate Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☒ **Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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PURPOSE OF REPORT

To consider amendments to the 2016/2017 budget as a result of a larger-than-anticipated surplus brought forward from 2015/16.

SUMMARY AND KEY ISSUES

- The 2016/17 annual budget is proposed to be amended to reallocate an additional \$107,331 brought forward from the 2015/16 financial year.

LOCATION

N/A

BACKGROUND

An additional \$107,331 in surplus funds brought forward from 2015/16 has been identified following completion of the audit of the 2015/16 financial report. These funds are the result of additional revenue received after the 2016/17 budget was drafted in late May and the slight delay in implementing the new enterprise software from 1 July 2016 to 22 August 2016 (resulting in the bulk of expenditure expected to be incurred in 2015/16 being deferred to 2016/17).

The following table highlights the difference between the estimated surplus (3rd column) and the actual surplus (2nd column):

	2016/17 BUDGETED SURPLUS	2015/16 AUDITED SURPLUS	2015/16 ESTIMATED SURPLUS
<u>ASSETS</u>	\$	\$	\$
Cash and Cash Equivalents			
Unrestricted (incl Grants previously restricted)	471,162	678,616	572,947
Restricted	449,224	491,924	491,924
Receivables			
Rates Outstanding	2,001	111,964	106,485
Sundry Debtors	8,000	8,515	8,515
GST Receivable	0	23,661	0
Rebates	0	2,722	0
<u>LESS: LIABILITIES</u>			
Trade and other Payables			
Sundry Creditors	(161,695)	(129,772)	(99,572)
Accrued Salaries and Wages	(40,302)	(33,585)	(33,585)
ATO Liabilities	(37,261)	(36,352)	(36,352)
Current Portion of Long Term Borrowings			
Secured by Floating Charge Debentures	(25,884)	(24,186)	(24,186)
Provisions			
Provision for Annual Leave	(109,040)	(106,380)	(106,380)
Provision for Long Service Leave	(55,641)	(60,539)	(60,539)
Net Current Assets	500,565	926,588	819,257
Less:			
Reserves - Restricted Cash	(449,224)	(491,924)	(491,924)
Add:			
Secured by Floating Charge Debentures	25,884	24,186	24,186
Surplus/(Deficit) per Financial Report	77,225	458,850	351,519
Add:			
Cash-Backed Staff Leave Reserve	152,241	38,481	38,481
Surplus/(Deficit) per Budget	229,466	497,331	390,000

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

Local Government (Financial Management) Regulation 33A requires a local government to undertake a budget review to take place between 1 January and 31 March in each financial year. Local governments are free to review their budgets periodically during the year and are encouraged to do so.

FINANCIAL IMPLICATIONS

The following variations to the 2016/17 budget are proposed:

Acct.	Particulars	Original	Proposed	Variance	Comments
14120	WALGGC Untied Grants	34,000	32,828	(1,172)	Minor variation
14130	WALGGC Road Preservation Grants	20,000	19,636	(364)	Minor variation
14150	Carols by Candlelight Grant	12,367	8,751	(3,616)	Minor variation
20610	Swimming Pool Inspection Fees	14,500	0	(14,500)	Cost absorbed into operational budget
27160	IT Operations (Shire Portion)	(68,332)	(138,411)	(70,079)	One-off IT changeover expenses - CouncilFirst & Office 365
28238	Records Management	(5,000)	(17,500)	(12,500)	Upgrade to HPRM 8.3 & integrate with CFirst/Office 365
30400	Communications (Shire Portion)	(10,000)	(15,100)	(5,100)	Upgrade to 50Mbps fibre link
95901	Surplus B/fwd as at 1 July 2016	390,000	497,331	107,331	Additional surplus B/fwd
13120	Reimbursements (MCS LSL)	5,000	20,000	15,000	MCS - Recoup of LSL contributions
91102	T'fer to Staff Leave Reserve	(113,580)	(128,580)	(15,000)	Additional transfer to staff leave reserve (MCS LSL)
20390	Private Works Income	0	88,680	88,680	R Oswal - Recoup of demolition costs
28595	Private Works Expenditure	0	(88,680)	(88,680)	R Oswal - Demolition costs
11157	Community Centre Contributions	47,050	52,050	5,000	Westcoast Community Centre AV Equipment Contribution
41031	Comm. Centre AV Equipment	(15,000)	(22,000)	(7,000)	As per quote ex Concept AV
91108	T'fer from Library Reserve	15,000	17,000	2,000	Additional transfer to cover extra cost of AV equipment
	NET VARIATION			0	

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

At this stage the budget review has been limited to dealing with the additional surplus monies from 2015/16 (the first "block" of numbers to address some revenue changes plus IT, EDRMS and data communications costs) plus other identified issues (recoup of LSL contributions, incurrence and recoup of demolition costs at 2 Bay View Terrace and additional cost of new audio/visual equipment for the community centre, partly met by a contribution from Westcoast Community centre Inc.).

At this stage only one area of over-expenditure in the operating budget has been identified, being reticulation reinstatement costs at Keanes Point.

However this cost overrun will be comfortably offset by transferring the balance of the POS reserve (around \$3,800) plus savings in insurance premiums, and possibly extra rates.

OFFICER RECOMMENDATION – ITEM No. 8.5.3
--

That Council adopt the proposed variations to the 2016/17 budget as listed above and amends the budget accordingly.



9 NEW BUSINESS OF AN URGENT NATURE

10 MOTIONS ON NOTICE

11 CONFIDENTIAL ITEMS OF BUSINESS

12 CLOSURE

At ____ pm, there being no further business the meeting closed.



DECLARATION OF **FINANCIAL / PROXIMITY / IMPARTIAL INTEREST** **THAT MAY CAUSE A CONFLICT**

TO: Chief Executive Officer
SHIRE OF PEPPERMINT GROVE

NAME:

POSITION:

MEETING DATE:

ITEM NO & SUBJECT:

**NATURE OF
INTEREST:**

Financial / Proximity / Impartiality
Interest that may cause a Conflict*

* Please Circle
applicable

**EXTENT OF
INTEREST:**

SIGNATURE:

DATE:

Section 5.65(1) of the Local Government Act 1995 states that:

FINANCIAL & PROXIMITY INTERESTS

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.

DISCLOSURE OF 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.

“A member who has an interest in any matter to be discussed at a Council or Agenda Briefing Forum meeting that will be attended by that member must disclose the nature of the interest”:

- (a) In a written notice given to the CEO before the meeting; or*
- (b) At the meeting immediately before the matter is discussed.*