



Shire of  
**Peppermint Grove**

# **ORDINARY COUNCIL MEETING**

# **MINUTES**

**HELD ON**  
**TUESDAY 22ND MAY 2018**  
**AT**  
**5.30 PM**



# Shire of Peppermint Grove

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Shire of  
**Peppermint Grove**

## ORDINARY COUNCIL MEETING AGENDA

### 1 DECLARATION OF OFFICIAL OPENING

At 5.31 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.

The Media indicated they were not recording the meeting.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by Councillor Scott Fleay.

#### **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.***

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## **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 K Farley (arrived 6.30pm)
Elected Member	Cr S Fleay
Elected Member	Cr D Horrex
Elected Member	Cr P Macintosh
Elected Member	Cr G Peters

Manager Library and Community Services	Ms D Burn
Manager Corporate Services	Mr P Rawlings
Manager Infrastructure Services	Mr D Norgard
Manager Development Services	Mr R Montgomery

#### **Visitors**

**Gallery** 2 Members of the Public  
1 Members of the Press

### 2.2 APOLOGIES

Chief Executive Officer	Mr John Merrick
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### 2.3 LEAVES OF ABSENCE

NIL

### 2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

NIL

## **3 DELEGATIONS AND PETITIONS**

### 3.1 DELEGATIONS

NIL

### 3.2 PETITIONS

NIL

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#### 4 PUBLIC QUESTION TIME

At 5.33 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

Were 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**

- 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.*
- During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- 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.*
- 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

NIL

#### 4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

NIL

#### 4.3 DEPUTATIONS OF THE PUBLIC

NIL

At 5.33 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**

NIL

### **5.2 PROXIMITY INTEREST**

NIL

### **5.3 IMPARTIALITY INTEREST**

NIL

### **5.4 INTEREST THAT MAY CAUSE A CONFLICT**

NIL

### **5.5 STATEMENT OF GIFTS AND HOSPITALITY**

NIL

## **6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

NIL

## **7 CONFIRMATION OF MINUTES**

### **7.1 ORDINARY COUNCIL MEETING**

**24 APRIL 2018**

#### **COUNCIL DECISION – 1186**

**Moved: Cr C Hohnen, Seconded: Cr G Peters**

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 24 April 2018 be confirmed.

**CARRIED: 6/0**

### **7.2 AGENDA BRIEFING FORUM**

**8 MAY 2018**

#### **COUNCIL DECISION – 1187**

**Moved: Cr P Macintosh, Seconded: Cr S Fleay**

That the Minutes of the Agenda Briefing Forum, held in the Council Chambers on 8 May 2018 be confirmed.

**CARRIED: 6/0**

### **7.3 CONCEPT FORUM**

**8 MAY 2018**

#### **COUNCIL DECISION – 1188**

**Moved: Cr P Macintosh, Seconded: Cr G Peters**

That the Minutes of the Concept Forum, held in the Council Chambers on 8 May 2018 be confirmed.

**CARRIED: 6/0**



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## 8 CHIEF EXECUTIVE OFFICER REPORTS

### 8.1 URBAN PLANNING

#### 8.1.1 Building Permits Issued

For works which are excluded from requiring planning consent under the Deemed to Comply provisions of the Planning and Development Regulations 2015 for the period of April 2018.

Date Received	Property Address	Building Work
30/04/2018	13 Leake Street, PEPPERMINT GROVE	Renovations & Additions to existing 1980s rendered brick & metal roof dwelling

**NOTED**

**8.1.2 Development Application – Request for Amendment of Approval 014-105;  
DA2018/0008 – Residential Roof Deck Redesign 16 (Lot 24) Bayview Terrace  
Peppermint Grove**

**URBAN PLANNING**

Please refer to Confidential Item 11.2.

**8.1.3 Development - Request for approval to convert a garage into a storage room.  
 Lot 5 (Unit 1B) McNeil Street Peppermint Grove**

**URBAN PLANNING**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 1 – Item 8.1.3 refers</b>	

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	Unit 5/1B McNeil Street
Application Index	:	DA 2018 / 00007
LPS No 4 Zoning	:	R80 - Residential
Land Use	:	Strata Complex
Lot Area	:	3988m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	D Millard
Owner	:	D Millard
Responsible Officer	:	Mr Ross Montgomery, 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.*

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## **PURPOSE OF REPORT**

The owner of the unit 1B 5 McNeil Street requests Council to consider a Retrospective Development Application (submitted 28 February 2018) for an existing garage for Unit 5/1B McNeil Street to be converted into a Storage Room.

## **SUMMARY AND KEY ISSUES**

- Dislocation of parking provision sets precedent for further reduction of spaces.
- Vehicular access – one less car bay/visitor bay on site.
- Located on Stirling Highway it has acceptable Public Transport access.

## **LOCATION**

Please refer to the attached Location Plan.

## **BACKGROUND**

The applicant, Mr D Millard originally applied in to have an existing dilapidated patio replaced with a new Patio for his Unit 5 apartment and was issued a planning approval on 30/11/2018 and issued a building permit on 11/12/2017 for this development. The Strata Body for the Unit complex approved these applications also.

Upon commencement of the building work for the Patio, the Shire was alerted to unauthorised building works on 8 January 2018 pertaining to converting the garage into a room as part of the unit. The works involved the closure of the garage doorway with a stud frame wall. There was no approval sought for the building works and the initial explanation was for the garage to be converted to a habitable room.

Upon being told the garage could not be used for habitable purposes a request for Council approval was received on 28 February 2018 to convert the garage into a storage room.

## **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, however if retrospective development approval is granted in this application it will set a precedent within the Shire of Peppermint Grove and would be hard to refuse future applications for conversions of garages to rooms in Strata Complexes.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

### **Local Planning Scheme No.4**

The proposal is for a use which complies with relevant Scheme provisions, however it challenges overall objectives of Residential Design Codes and Scheme Policies with the exception of those outlined in the table below.

<b><u>RESIDENTIAL DESIGN CODES</u></b>		
<b>Acceptable Development/ Performance Criteria</b>		<b>Assessment/Comment</b>
<b>1.</b>	6.3 – Provision of Car Parking	Applicant argues a garage is not needed because the Unit is located in close proximity and access to Public Transport.

## **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 evident at this time.

## **OFFICER COMMENT**

The unit is one of 22 home units in a complex facing Stirling Highway on the corner of McNeil Street in Peppermint Grove. Seven ground floor units have garage/undercover car bays. Upper floor units are served by car port parking located in a communal area.

The unit complex pre dates the R Codes and therefore does not have dedicated under-cover storage facilities as provided under the R Codes. Garages and parking spaces are also of a minimum dimension which is restrictive for many contemporary commercial and utility vehicles.

The garage of Unit 5 is set aside for the exclusive parking of the resident of that unit.

There is no interconnecting door between the garage and the unit.

The nearest Bus stop is roughly 110m away from this property however this proximity applies to any of the residential units or dwellings within close proximity of Stirling Highway.

Although the use of a garage for the storage of equipment, tools, vehicles or similar goods does not require planning or building approval by the Shire, the structural alteration of the garage such as lining, internal partitions or flooring however suggests the proposed use is not just for storage but for habitable use – and the garage does comply with the law for health and safety reasons (ventilation, light and related habitability issues).

Notwithstanding the *capability* of using the garage for storage purposes an inspection of the premises indicated the approval of the conversion would set the precedent to result in displacement of resident car parking onto the visitor car park bays, of which there is a barely sufficient provision. If this were to be repeated across the complex there would be a shortfall in the amount of vehicle spaces within the site.

The prospect of displacing resident parking into visitor bays would cause overspill of vehicles to be parked on McNeil Street near a busy and congested intersection.

Council should not support the conversion of the garage into a storeroom however in this matter the proposal is not contrary to the accepted use of the space for the storage of equipment associated with residential use. The matter is not one normally within the scope of the planning scheme other than at the time of development of the unit.

This change of use may however possibly render the unit non-compliant with contemporary standards, however the R Codes does make provision for reduction of car parking subject to public transport proximity.

Council is advised to respond by noting the intention of the owner of Unit 5 to use the garage for storage rather than car parking, and to advise that the Shire is not able to consider this use as a departure from the Planning Scheme except where the proposal envisages structural modifications. The Shire reminds the owner that the garage structure is only permitted for the storage of motor vehicles or associated equipment and is not permitted to be used for habitable uses.

Building modification of the garage such as installation of internal walls is not required for the purposes of storage and if approved by the Shire such works may lead to the use of the garage space for habitable uses, contrary to the Building Codes and the Health Act.

**OFFICER RECOMMENDATION/S – ITEM NO 8.1.3**

Council resolves that it refuses to determine an application for planning approval to convert a garage at Unit 5 / 1B McNeil Street, Peppermint Grove into a storeroom for the following reasons;

1. The Storage of vehicles and residential equipment associated with residential use does not require a planning approval, however the use of the garage for non-vehicular storage may render the unit non-compliant with the R Codes and may be against the orderly and proper planning of the Unit development and locality.

Advice:

The Applicant is advised that the use of the garage space for habitable purposes is not permitted and is contrary to Building and Health Laws. The Shire will not allow for this use of the garage and the Shire will prosecute owners and responsible governance bodies for breaches of these laws.

A copy of this advice is also to be provided to the Strata Body Corporate of the unit complex.

**COUNCIL DECISION – 1189**

**Moved: Cr P Macintosh, Seconded: Cr D Horrex**

**Council resolves that it refuses to determine an application for planning approval to convert a garage at Unit 5 / 1B McNeil Street, Peppermint Grove into a storeroom for the following reasons;**

- 1. The Storage of vehicles and residential equipment associated with residential use does not require a planning approval, however the use of the garage for non-vehicular storage may render the unit non-compliant with the R Codes and may be against the orderly and proper planning of the Unit development and locality.**

Advice:

The Applicant is advised that the use of the garage space for habitable purposes is not permitted and is contrary to Building and Health Laws. The Shire will not allow for this use of the garage and the Shire will prosecute owners and responsible governance bodies for breaches of these laws.

A copy of this advice is also to be provided to the Strata Body Corporate of the unit complex.

**CARRIED: 6/0**

## 8.2 INFRASTRUCTURE

NIL

## 8.3 COMMUNITY DEVELOPMENT

NIL

## 8.4 MANAGEMENT / GOVERNANCE / POLICY

NIL



## 8.5 CORPORATE

### 8.5.1 FINANCIAL REPORT – APRIL 2018

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2	Financial Report – April 2018

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
LPS No 4 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.*
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## **PURPOSE OF REPORT**

To report on financial activity for the period 1 July 2017 to 30 April 2018.

## **SUMMARY AND KEY ISSUES**

- The financial report for the ten months ended 30 April 2018 indicates a YTD surplus of \$1,383,803 some \$221,697 more than YTD budget;
- Operating revenue is some \$17,806 less than YTD budget;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$229,032 less than YTD budget;
- Capital expenditure totalling \$420,661 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**

The financial report forecasts a closing surplus of \$25,548.

To achieve such a figure Council would need to spend around \$500,000 on contracts and materials expenses over the next eight weeks which is quite possible given some significant street tree and drainage maintenance needs to be done together with the “normal” operational monthly spend of around \$200,000.

The majority of capital works are now complete with only the office solar panels, tennis club pavilion ceiling repairs and the balance of the footpath renewal and office wall replacement projects yet to be completed.

Item 8.5.3 of this agenda proposes some final variations to the 2017/18 budget to cover the cost of further recruitment of staff, employee relations consulting and public consultation already undertaken.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications evident at this time.

### **OFFICER COMMENT**

The following comments relate to year-to-date (YTD) budget versus actuals variances or forecasts that vary from the full year estimate that are greater than \$10,000.

#### **(1) Fees and Charges**

Income from building application fees continues to fall short of expectations, with the April balance being some \$15,900 less than the YTD budget. Forecast revenue from fees and charges generally is now expected to be \$28,870 below the (revised) budget unless there is a substantial pick-up in planning and building activity in the final two months of the 2017/18 financial year.

#### **(2) Contributions and Reimbursements**

Income from contributions is forecast to fall significantly below budget for 2017/18 due to the impact of significant savings in library operations, reflected by savings in employee costs, utilities and to a lesser extent materials and contracts.

#### **(3) Employee Costs**

YTD employee costs are some \$52,959 less than YTD budget. This largely comprises \$20,540 being an accrued long service leave payout to a former employee to be paid in May, and significant savings in library salaries.

#### (4) Materials and Contracts

Materials and contracted expenses are some \$149,757 less than expected at this stage.

The following table breaks down the variances:

<b>Category</b>	<b>Budget to 30.4.18</b>	<b>Actual to 30.4.18</b>	<b>Variance to 30.4.18</b>
<b>Office Expenses</b>	\$255,165	\$262,188	<\$7,023>
<b>Consultancies</b>	\$117,291	\$81,774	\$35,517
<b>Other Materials &amp; Contracts</b>	\$972,869	\$847,604	\$125,266
<b>Buildings &amp; Facilities Maintenance</b>	\$267,096	\$271,099	<\$4,003>
<b>Totals</b>	<b>\$1,612,421</b>	<b>\$1,462,664</b>	<b>\$149,757</b>

Consultancy budgets under-spent at this time include risk management (in progress), foreshore erosion (under consideration) and WESROC (yet to be invoiced).

Other materials and contracts under-spent at this stage includes waste collection & disposal costs (invoices pending), street tree maintenance and contract drainage.

The entire (amended) legal costs budget has been expended.

#### (5) Utilities

Utilities expenses are some \$26,480 less than expected at this stage though around 50% of this relates to invoices yet to be received with the balance relating to savings.

#### (6) Infrastructure Assets – Roads

With the exception of linemarking all re-sealing works at The Esplanade have been completed at a cost of \$117,263, some \$17,425 below the amended budget. These surplus funds will be transferred to the operating budget to facilitate consultation and design work aimed at alleviating traffic management issues at Hobbs Place adjacent to Freshwaters Café and the Royal Freshwater Bay Yacht Club.

#### (7) Infrastructure Assets - Other

Funds expended on the administration office eastern wall are some \$54,369 under the year-to-date (and total) budget of \$60,000. The cost of the project is expected to total \$75,756 which, together with additional works at the foreshore will see the \$25,000 public artwork budget re-allocated to these two projects.

#### (8) Proceeds from Disposal of Assets

All plant replacements have now been completed. However, proceeds from the sale by auction (held 24<sup>th</sup> April 2018) of the former Development Services Manager's Holden Commodore utility is yet to be received. However, a GST-inclusive sale price of \$22,250 was achieved and, after deduction of sales commission and GST, the revenue budget of \$18,000 should be comfortably exceeded.

**(9) Net Current Assets Year-to-Date**

Net current assets as at 30 April 2018 exceed the YTD budgeted figure by some \$221,697 at this stage. This is attributable to under-expenditure in both operating and capital expenditure (partially offset by operating revenue and vehicle sale proceeds below budget expectations).

**OFFICER RECOMMENDATION/S – ITEM No. 8.5.1**

That the financial report for the period 1 July 2017 to 30 April 2018 be received.

**COUNCIL DECISION – 1189**

**Moved: Cr S Fleay, Seconded: Cr C Hohnen**

**That the financial report for the period 1 July 2017 to 30 April 2018 be received.**

**CARRIED: 6/0**

**8.5.2 ACCOUNTS PAID – APRIL 2018**
**CORPORATE**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 3</b>	<b>Accounts Paid – April 2018</b>

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 April 2018 included the following:

- GST & PAYG remittance to ATO;
- 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.

<b><u>PAYMENT TYPE</u></b>	<b><u>AMOUNT</u></b>
Cheques 350 – 353	\$2,580.56
Electronic Funds Transfers 00204 – 00214	<u>\$315,941.49</u>
<b>TOTAL</b>	<b>\$318,522.05</b>

## **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 2017/2018 annual budget (as amended).

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**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 April 2018, totalling \$318,522.05 be approved.

**COUNCIL DECISION – 1190**

**Moved: Cr C Hohnen, Seconded: Cr G Peters**

**That the payment of cheques, electronic funds payments and credit card payments for April 2018, totalling \$318,522.05 be approved.**

**CARRIED: 6/0**



**8.5.3 2017/18 BUDGET REVIEW**
**CORPORATE**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>

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.*
- 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**

To consider and adopt further budget amendments subsequent to the annual budget review.

## **SUMMARY AND KEY ISSUES**

- The annual budget review was conducted in March 2018 and covered the first eight months of the 2017/18 financial year.
- Since then several issues have been identified requiring attention and some re-allocation of capital works are proposed.

## **LOCATION**

N/A

## **BACKGROUND**

N/A

## **CONSULTATION**

Consultation with senior officers has been 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 6.8 (2) (a) of the *Local Government Act 1995* requires that where any expenditure is incurred for which no estimate is included within the budget (ie for an additional or extended purpose) it is to be included in that financial year's budget (by variation).

## **FINANCIAL IMPLICATIONS**

The following variations to the 2017/18 budget are proposed:

Acct.	Particulars	Original	Proposed	Variance	Comments
New	Employee Relations Consultancy	0	9,975	9,975	Strategic Human Resources - workplace consultancy
28238	Records Management	3,000	16,000	13,000	Tf'er electronic records records to HPCM9.1 plus data migration
27790	Other consultants	24,465	30,005	5,540	\$1,910 A/FO Recruitment, \$3,630 Joint Tenders - ToMP & ToC
27530	Community Consultation	15,000	16,290	1,290	Additional costs of community survey
New	Website Maintenance	0	7,216	7,216	Stage One of website replacement (40% of \$18,040)
41031	Website CAPEX	20,000	0	(20,000)	Existing website to be re-written over 2 financial years
17150	Interest on Investments	(45,790)	(54,790)	(9,000)	Additional interest on municipal term deposits
41131A	Public Artwork	25,000	0	(25,000)	\$3,100 cost of artwork allocated to operating account
41131B	Office Wall	60,000	76,000	16,000	Additional cost of re-locating services
41131C	Foreshore Path - Handrails	15,000	24,000	9,000	Lower path handrail installed
41121	The Esplanade	134,688	117,263	(17,425)	Savings on re-seal and related works
27570	Engineering Consultancy	10,300	25,300	15,000	Hobbs Place traffic management plan
27170	Legal Expenses	20,000	55,000	35,000	Additional allocation for legal expenses incurred up until March 2018
28510	Peptalk	9,300	3,300	(6,000)	Only 1 edition in 2017/18
28240	Contract Labour	9,050	15,700	6,650	Contract Admin/Finance Officer (A/FO) - now engaged permanently
96200	Tf'er ex Staff Leave Reserve	(27,224)	(36,846)	(9,622)	M Mainwaring - LSL & A/Leave paid on termination
96100	Tf'er to Infrastructure Reserve	85,000	0	(85,000)	Funds for riverwall extension to be taken ex Road Reserve in 2018/19
96100	Tf'er to Legal Costs Reserve	0	85,000	85,000	Re-allocate funds from annual budget review to offset legal expenses
95902	Surplus - 30 June 2018	32,221	597	(31,624)	Closing surplus re-allocated to other projects and spent in 17/18
	<b>NET VARIATION</b>			<b>0</b>	

The revised Statement of Financial Activity taking into account the proposed variations follows:

	<b>REVISED BUDGET 2017/18</b>	<b>PROPOSED REVISED BUDGET 2017/18</b>
<b>Operating Revenue</b>		
FEES & CHARGES	253,870	253,870
GRANTS & SUBSIDIES	143,766	143,766
CONTRIBUTIONS, REIMBURSEMENTS	1,396,891	1,396,891
INTEREST ON INVESTMENTS	45,790	54,790
OTHER REVENUE	35,500	35,500
PROFIT ON SALE OF ASSETS	0	0
	<b>1,875,817</b>	<b>1,884,817</b>
<b>Operating Expenses</b>		
EMPLOYEE COSTS	(2,249,797)	(2,249,797)
MATERIALS & CONTRACTS	(1,909,750)	(1,997,421)
PUBLIC UTILITIES	(150,973)	(150,973)
DEPRECIATION	(136,956)	(136,956)
INTEREST EXPENSES	(63,376)	(63,376)
INSURANCES	(93,715)	(93,715)
LOSS ON SALE OF ASSETS	0	0
OTHER EXPENSES	(64,250)	(64,250)
	<b>(4,668,817)</b>	<b>(4,756,488)</b>
<b>CHANGE IN NET ASSETS</b>	<b>(2,793,000)</b>	<b>(2,871,671)</b>

<b><u>Adjustments for Non-Cash (Revenue) and Expenditure</u></b>		
(Profit)/Loss on Asset Disposals	0	0
Depreciation on Assets	136,956	136,956
	136,956	136,956
<b><u>Capital Expenditure</u></b>		
Land & Buildings	(33,080)	(33,080)
Plant and Equipment	(105,916)	(105,916)
Furniture & Equipment	(20,000)	(0)
Infrastructure Assets - Roads	(154,688)	(137,263)
Infrastructure Assets - Other	(145,000)	(145,000)
Infrastructure Assets - Footpaths	(70,000)	(70,000)
Infrastructure Assets - Parks & Reserves	0	0
Infrastructure Assets - Drainage	0	0
	(528,684)	(491,259)
<b><u>Capital Revenue</u></b>		
Proceeds from Disposal of assets	88,227	88,227
<b><u>Debt Management</u></b>		
Repayment of Debentures	(25,884)	(25,884)
<b><u>Reserves and Restricted Funds</u></b>		
Transfers to Reserves	(436,696)	(436,696)
Transfers from Reserves	78,784	88,406
	(357,912)	(348,290)
Net Current Assets July 1 B/Fwd	348,114	348,114
Net Current Assets Year to Date	32,221	597
<b>Amount Raised from Rates</b>	<b>3,164,404</b>	<b>3,164,404</b>

## **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 no attempt at covering the probable shortfall of revenue from fees and charges has been made. However, depending upon staff needs and related issues over the last four pay fortnights of this financial year a potential \$25,000 savings in Shire (ie non-library) salaries may become a reality to fund any such revenue shortfall.

The forecast shortfall in library contributions is, as previously noted at item 8.5.1, offset by savings in library salaries and utility expenses.

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At this stage it is recommended that the \$85,000 earmarked as a transfer to the infrastructure cash reserve to match a possible river wall grant in 2018/19 be re-allocated as a transfer to a new cash reserve called "Legal Costs Reserve" intended to supplement future annual legal cost budgets (typically \$20,000 general legal and \$20,000 planning/building legal allocations).

The proposed variation to the current legal cost budget (up from \$20,000 to \$55,000) is intended to cover legal costs identified to the end of March and thus it may be prudent to reduce the proposed cash reserve transfer and increase the current legal costs budget over the next two months as the direction of several legal matters becomes clearer.

The draft 2018/19 budget will include a transfer from the Road Reserve to the Infrastructure/Building Reserve to replace the \$85,000 not transferred in 2017/18.

The logic behind this treatment will become apparent when a revised long-term financial plan is discussed at this month's Concept Forum.

However, should it be deemed appropriate, the proposed website replacement, records management migration and/or Hobbs Place traffic management plan projects can be deferred until 2018/19 to assist in funding the legal action currently underway.

#### **OFFICER RECOMMENDATION/S – ITEM No. 8.5.3**

That Council adopts the review of the 2017/18 budget with the variations listed above and amends the budget accordingly.

#### **COUNCIL DECISION – 1191**

**Moved: Cr S Fleay, Seconded: Cr C Hohnen**

**That Council adopts the review of the 2017/18 budget with the variations listed above and amends the budget accordingly.**

**CARRIED: 6/0**

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## 9 NEW BUSINESS OF AN URGENT NATURE

### 9.1 LATE ITEM

#### 9.1.1 Voting Delegates – WALGA Conference

##### **BACKGROUND**

WALGA requires the names of two voting delegates for its Annual General Meeting (AGM) as part of the Annual conference.

Cr Thomas and Cr Hohnen have been these delegates in the past.

##### **OFFICER RECOMMENDATION/S – ITEM No. 9.1.1**

That Council appoints Cr Thomas and Cr Hohnen as voting delegates for the 2018 WALGA Conference.

##### **COUNCIL DECISION – 1192**

**Moved: Cr S Fleay, Seconded: Cr C Hohnen**

**That Council appoints Cr Thomas and Cr Hohnen as voting delegates for the 2018 WALGA Conference.**

**CARRIED: 6/0**

## 10 MOTIONS ON NOTICE

NIL

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## 11 CONFIDENTIAL ITEMS OF BUSINESS

### COUNCIL DECISION – 1193

**Moved: Cr C Hohnen, Seconded: Cr P Macintosh**

That:

Under section 5.23 of the Act the meeting be closed to members of the public at this point to allow Council to discuss Agenda Items 11.1, 11.2 and 11.3.

At 6.30pm, the members of the public left the Council Chambers.

**CARRIED UNANIMOUSLY 6/0**

At 6.30pm Cr Karen Farley arrived to the meeting.

### 11.1 Tender RFT 2018-48 for Street Tree Pruning, Maintenance and Removals

#### OFFICER RECOMMENDATION/S – ITEM No. 11.1.

That Council:

1. Selects Tender Number RFT2018-48 from **Professional Tree Surgeons** for the provision of Street Tree Pruning, Maintenance and Removals as the most advantageous for the Shire of Peppermint Grove for a period of three (3) years, with an optional extension period of two (2) more years at the sole discretion of the Shire for the services outline within this report and displayed in Confidential Attachment 1.
2. Authorises the CEO to accept the tender and enter into a contract with Professional Tree Surgeons as the preferred supplier of Street Tree Pruning, Maintenance and Removals as soon as practicable, subject to any minor negotiated variations.

### COUNCIL DECISION – 1194

**Moved: Cr P Macintosh, Seconded: Cr S Fleay**

**That Council defers this item until the June Concept Forum**

**CARRIED 7/0**

**11.2 Development Application – Request for Amendment of Approval 014-105; DA2018/0008 – Residential Roof Deck Redesign 16 (Lot 24) Bayview Terrace Peppermint Grove****OFFICER RECOMMENDATION/S – ITEM No. 11.2**

Council resolves to advise the Applicant it refuses to approve the request for amendment of Approval 014-105; via DA2018/0008 issued for 16 Bayview Terrace Peppermint Grove however it would invite the design revision and resubmission of an alternative plan which better addresses the Shire concerns for privacy, overlooking, noise and light containment of the roof terrace area.

## Additional Notes:

Concerns are held for the over-expansion of terrace area, the overlooking of neighbours, screening and visibility from Johnston Street and for lighting and noise spill from the terrace. To this effect the Council expressed that it would require:-

1. Screening should be relocated to the original alignment on the western terrace and be 1850 mm height in obscure/opaque glass panels with no gaps;
2. 1850 mm screening to be continued to the northern edge, and southern edges as indicated on the attached plan;
3. Screening edge shall be setback from the edge of the roof in the areas indicated along the northern, western and southern edges.
4. Lighting of the BBQ preparation area shall be low-voltage down-lighting focussed to benchtop and cooking surfaces, other lighting is to be minimal and directed to the terrace floor area and to be contained within the terrace area.

Advice notes added to any planning approval need to draw the attention of the owner to

5. All responsibility for the supervision of conduct of activities on the roof terrace to minimise the potential for noise or light nuisance to neighbours or users of the nearby public spaces. (Environmental Regulations)
6. No access to the remainder of the roof area (outside of the screened terrace) shall be permitted other than for maintenance purposes.
7. No additional structures are permitted on the roof without separate Building Approval.



**COUNCIL DECISION – 1195**

Moved: Cr P Macintosh, Seconded: Cr D Horrex

Council resolves to advise the Applicant it refuses to approve the request for amendment of Approval 014-105; via DA2018/0008 issued for 16 Bayview Terrace Peppermint Grove however it would invite the design revision and resubmission of an alternative plan which better addresses the Shire concerns for privacy, overlooking, noise and light containment of the roof terrace area.

**CARRIED 7/0**

**11.3 Strategic Human Resources – Investigation Findings****OFFICER RECOMMENDATION/S – ITEM No. 11.3**

That Council receives and adopts a confidential report on an employment matter.

**COUNCIL DECISION – 1196**

Moved: Cr C Hohnen, Seconded: Cr K Farley

That Council receives and adopts a confidential report on an employment matter.

**CARRIED 7/0**

**COUNCIL DECISION – 1197**

Moved: Cr K Farley, Seconded: Cr C Hohnen

That:

The meeting be re-opened to the public at 7.08 pm, the members of the public returned to the Council Chambers.

On the return of the public to the Council Chambers the Presiding Member read out the Council Decisions.

**CARRIED UNANIMOUSLY 7/0**

**11 CLOSURE**

At 7.10 pm, there being no further business the meeting closed.



Ordinary Council Meeting - **Minutes**  
**22 MAY 2018**

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