



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

**TO BE HELD ON
TUESDAY 26 APRIL 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 **26 APRIL 2016**, commencing at 5.30 pm.

MEETING AGENDA ATTACHED

Yours faithfully



Mr John Merrick JP
CHIEF EXECUTIVE OFFICER

26 APRIL 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 | 7 |
| 3.1 | DELEGATIONS | 7 |
| 3.2 | PETITIONS | 7 |
| 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) | 9 |
| 7 | CONFIRMATION OF MINUTES | 9 |
| 7.1 | ORDINARY COUNCIL MEETING ~ 22 March 2016 | 9 |
| 1.1 | SPECIAL MEETING OF COUNCIL ~ 22 March 2016 | 9 |

| ITEM | SUBJECT HEADING | PAGE |
|-------------|---|-------------|
| 7.2 | AGENDA BRIEFING FORUM ~ 12 April 2016 | 9 |
| 7.3 | CONCEPT FORUM ~ 12 April 2016 | 9 |
| 8 | CHIEF EXECUTIVE OFFICER REPORTS | 10 |
| 8.1 | URBAN PLANNING | 10 |
| 8.1.1 | Two-Storey Dwelling: Lot 504 (No.3) Crossland Court Peppermint Grove | 10 |
| 8.1.2 | Alterations and Window Additions Lot 111 (34A) Leake Street, Peppermint Grove | 16 |
| 8.2 | INFRASTRUCTURE | 20 |
| 8.3 | COMMUNITY DEVELOPMENT | 20 |
| 8.4 | MANAGEMENT / GOVERNANCE / POLICY | 21 |
| 8.4.1 | Review of Library Management Agreement | 21 |
| 8.4.2 | Contribution to Mosman Park Men's Shed | 24 |
| 8.4.3 | CAPH – New Lease | 27 |
| 8.5 | CORPORATE | 31 |
| 8.5.1 | Financial Report – March 2016 | 31 |
| 8.5.2 | Accounts for Payment – March 2016 | 36 |
| 8.5.3 | Light Vehicle Fleet Management | 39 |
| 9 | NEW BUSINESS OF AN URGENT NATURE | 43 |
| 9.1 | Late Item | 43 |
| 9.1.1 | Alterations and Two-Storey Additions Lot 122 (No.9) Keane Street Peppermint Grove | 43 |
| 10 | CONFIDENTIAL ITEMS OF BUSINESS | 43 |
| 11 | CLOSURE | 43 |

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 K Farley |
| 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 |
| Manager Infrastructure Services | Mr D Norgard |
| Manager Development Services | Mr M Whitbread |
| 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

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

- 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

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 March 2016

1.1 SPECIAL MEETING OF COUNCIL ~ 22 March 2016

7.2 AGENDA BRIEFING FORUM ~ 12 April 2016

7.3 CONCEPT FORUM ~ 12 April 2016

8 CHIEF EXECUTIVE OFFICER REPORTS

8.1 URBAN PLANNING

8.1.1 Two-Storey Dwelling: Lot 504 (No.3) Crossland Court Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|-------------------|
| Attachment 1 | 3 Crossland Court |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | Property |
| Location / Property Index | : | 3 Crossland Court |
| Application Index | : | 015-158 |
| TPS No 3 Zoning | : | Residential |
| Land Use | : | Single Dwelling |
| Lot Area | : | 760m ² |
| Disclosure of any Interest | : | Nil |
| Previous Items | : | N/A |
| Applicant | : | Steadman Building Group |
| Owner | : | Simone Fleay |
| 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 consider an application for the development of a two-storey masonry and tile dwelling on Crossland Court, Peppermint Grove.

SUMMARY AND KEY ISSUES

- A two-storey dwelling is proposed on a vacant site.
- The plans indicate a reduced front setback.
- Three objections and one letter of support have been received from adjoining affected landowners.
- A conditional approval has been recommended.

LOCATION

As per the attached location plan.

BACKGROUND

The Shire was contacted by the building designer by email in September 2015, in regard to the development standards applicable to this site, and whether a reduced front setback would be considered due to the skewed front boundary. Advice was provided in writing as to the development standards required for development in the Shire and that a reduced front setback may be considered on merit, providing there was no visual intrusion into the streetscape.

Plans were lodged on the 3 February 2016, which indicated a reduced front setback to the southern eastern corner of the house of 5.8-metres.

Following discussions with the building designer, on streetscape issues, revised plans were lodged on the 21 March 2016, which demonstrated an increased setback to 6.5-metres.

CONSULTATION

Adjoining/affected land owners were advised of the proposed development in writing and given 14 days to make a submission. Three submissions have been received. One submission supported the proposal and two submissions opposed the application on the basis that a front setback relaxation would be out of character with the streetscape of Crossland Court.

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

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. | 9-metre front setback. | 6.5-metre minimum: does not comply |
| 2. | 0.5 Plot ratio (Clause 4.9.5) | 0.43: complies |
| 3. | 10-metre height. | 8.45-metres to ridge: complies |
| <u>RESIDENTIAL DESIGN CODES</u> | | |
| Acceptable Development/ Performance Criteria | Assessment/Comment | |
| 1. | Open Space | 67.51% open space; complies |
| 2. | Side set back (1.0m required to western garage elevation). | 1.2-metres proposed; Complies |
| 3. | Privacy Provisions (4.5-metres to boundary). | Bedroom windows 4.6-metres to boundary: complies. |
| <u>SCHEME/COUNCIL POLICY</u> | | |
| Policy Provisions | Assessment/Comment | |
| 1. | Streetscape Policy: <i>Open outlook and Setbacks Proposed to take into account adjoining buildings.</i> | Does not comply |

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

The house has been assessed as complying with the Scheme and R-Codes with the exception of the reduced front setback.

Although there is some variant in the Crossland Court streetscape in regard to front setbacks, this does not provide a wholesale justification for a setback reduction to any subsequent application for new dwellings in this street. Any application for a reduced setback must comply with Clause 4.4 (c) of the Scheme, which states;

- c) *For R 10 and R 12.5 code areas the setback from the front street boundary to any building including carport or garage shall be a minimum of 9 metres for the primary street and 4.5 metres from the secondary street. Council may permit a lesser setback where;*

a lot has a depth of less than 25 metres from a street boundary to a rear boundary; or

where there are a significant number of existing houses having a lesser setback to the same street block; and

where it is considered that the lesser setback will not detrimentally affect the quality of the streetscape.

The subject site has a depth of more than 34-metres and adjoining houses have setbacks of at least 9-metres. Furthermore, the current proposal would impose upon adjoining properties due to the inappropriate positioning of the building on the site.

Council's *Streetscape Policy* has as its objective;

...to encourage a high quality of streetscape.

The policy also states that in order for this policy to be fulfilled, Council should seek to achieve the following in considering an application;

Preserve an open outlook from the street reserve so that front garden and buildings are visible.

Provide a setback appropriate to the width, height and bulk of the proposed building in relation to the adjoining building.

Given the skewed nature of the lot, a reduced front setback to the south-eastern corner of the house could be considered to the 2.8-metres side boundary setback. However, the minimum front boundary setback that could be considered would be 7.2-metres. This would

allow views to the adjoining property in accordance with the above quoted policy and at the same time result in an average setback of at least 9 metres.

It is assessed that the impact upon the amenity of the landowner by the increase in setback from 6.5-metres to 7.2-metres would be minimal, but the benefits would be noticeable and justifiable in terms of meeting the streetscape policy.

On this basis a condition requiring a minimum setback of 7.2-metres, in lieu of the 9-metre required has been recommended.

Alternatively, given the skewered front boundary of the subject lot, the applicant may wish to consider a design revision whereby the plan of the dwelling steps along the building line, which would ensure the largest possible backyard and minimal use of the street setback area.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.1

That Council grant planning approval for two-storey brick, weatherboard and tile dwelling on Lot 504 (No. 3) Crossland Court Peppermint Grove, in accordance with the plans and specifications submitted on 3 February 2016, and revised plans dated the 21 March 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 Lot 504 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.**
- 5. Details of the screen wall and infill panels demonstrating 50% open aspect above 900mm in accordance with the Local Laws Relating to Fencing shall be submitted and approved prior to the issue of a building permit.**
- 6. The minimum front setback to the south eastern corner of the proposed dwelling shall be increased to 7.2-metres in order to comply with Council's Streetscape Policy.**

- 7. The proposed new crossover shall be either concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer prior to the occupation of the dwelling.**
- 8. 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 proponent is advised that Council, in granting planning consent for the development, has assessed the proposal under its streetscape policy in regard to the reduced front setback from 9-metres to 7.2-metres.**

8.1.2 Alterations and Window Additions Lot 111 (34A) Leake Street, Peppermint Grove
URBAN PLANNING
ATTACHMENT DETAILS

| Attachment No | Details |
|----------------------|--|
| Attachment 2 | 34A Leake Street Peppermint Grove |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | Property |
| Location / Property Index | : | 34A Leake Street |
| Application Index | : | 015-162 |
| TPS No 3 Zoning | : | Residential R12.5 |
| Land Use | : | Single Dwelling |
| Lot Area | : | 950m |
| Disclosure of any Interest | : | Nil |
| Previous Items | : | Nil |
| Applicant | : | Susan Hejleh |
| Owner | : | Susan Hejleh |
| 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 to install larger bedroom windows to the western and eastern first floor elevations of the dwelling.

SUMMARY AND KEY ISSUES

- The proposed changes to the windows would not comply with the Deemed-to-Comply provisions of the R-Codes.
- Adjoining/affected landowners have consented to the proposed larger bedroom windows.
- Approval can be recommended.

LOCATION

Please refer to attached location plan

BACKGROUND

The house received planning consent from Council in 2002 and was constructed during the following year. In 2007 the landowner requested to increase the size of the window on the upper level of the eastern elevation and was advised that this would not be supported under the R-Codes which were in force at that time.

Unfortunately the house at No. 34A Leake Street was damaged in an electrical fire in 2015. Both the interior of the first floor and the roof were gutted, plus extensive non-structural smoke and water damage to the ground floor.

Given that the dwelling met the Deemed-to-Comply provisions of the R-Codes, planning consent for the repair works was not required. The applicant's builder lodged an application for a building permit issued in 2016. Since early 2016 repair works have begun including new/replacement roof structure, re-tiling, and internal repairs to plumbing and electrical services.

The landowners have re-assessed some aspects of the design of the house at this stage and contacted the Shire in regard to the process for changing window sizes on the western and eastern elevation of the dwelling.

CONSULTATION

The affected landowners on the common boundaries were contacted directly by the landowners. Both adjoining landowners have signed the plans.

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

Town Planning Scheme No.3

Under the Deemed-to-Comply provisions of the R-Codes, bedroom windows require a minimum boundary setback of 4.5-metres. Alternatively windows should be screened with obscure glazing to 1.6-metres in height.

Under the R-Codes (6.4.1 Visual Privacy) compliance with the Design principles is demonstrated when there is minimal overlooking of active habitable spaces of adjacent dwellings achieved through landscape screening, building layout and the design of major openings. In the case of the proposed major opening to the western boundary the common boundary is separated by a vehicle access leg to a battle-axe lot. While only 2-metres of this may be taken into account it is also noted that there is extensive landscaping on both the subject site and adjoining neighbour's property. The effective distance between the windows and the western neighbour's boundary is 5.1-metres. At the same time the windows are off-set from those of the neighbour and there would be no direct views between habitable rooms.

On the western common boundary the adjoining owners house is relatively close to the common boundary and the side elevation consists of a deep verandah, which prevents any overlooking from the proposed windows on the eastern elevation of the applicants house to the open spaces or windows of the affected eastern neighbour's property.

FINANCIAL IMPLICATIONS

There are minor financial costs associated with alterations to the scheme maps and the publishing.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The proposed changes to the windows have been assessed under the Design principles and would not have a detrimental impact on the amenity of the adjoining/affected landowners.

In the R-Codes, the cone of vision has been adopted as the Deemed-to-Comply standard for all situations. As important as this is in defining privacy, perceptions of overlooking are just as important. In this instance the relative position of the adjoining properties, and the unique context would justify the application of the Design principle.

From a planning perspective there is no objection to the window alterations proposed in this application.

OFFICER RECOMMENDATION/S – ITEM No 8.1.2

That Council grant planning approval for alterations and additions on Lot 111 (No.34A) Leake Street Peppermint Grove, in accordance with the plans and specifications submitted on 24 March 2016, subject to the following conditions;

- 1. The development the subject of this approval shall be commenced within one year of the date of issue of the consent forms, and completed at the conclusion of the second year.**

Advisory Note

- i) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal under the Design Principles of the Residential Design Codes in regard to visual privacy.**

8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Review of Library Management Agreement

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|--|
| Attachment 3 | Letter and spreadsheet from the of Town of Mosman Park |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | CS093D |
| Location / Property Index | : | Grove Library, 1 Leake Street Peppermint Grove |
| 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 | : | Item No. 9.1.3 Ordinary Council Meeting, 26 August 2015 |
| Applicant | : | N/A |
| Owner | : | N/A |
| Responsible Officer | : | Chief Executive Officer, John Merrick |

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

For Council to consider if it would participate in a review of the Agreement.

SUMMARY AND KEY ISSUES

- Proposed by the Town of Mosman Park.
- Town of Cottesloe proposes no change to the funding model.
- Consideration of “business case”.

LOCATION

N/A

BACKGROUND

For the past several years, Mosman Park, through its committee member, has expressed a wish to restructure the funding model, obviously to its advantage, and which has been rejected by the Committee itself, and Council.

Several months ago, Mosman Park submitted a request for a full review of the existing agreement, with a stipulation from Cottesloe that there was no interest in changing the current funding guidelines.

The Shire of Peppermint Grove advised Mosman Park that a business case should be presented for consideration as to whether Peppermint Grove would participate in such a review.

The attached letter and spreadsheet purportedly represent a business case but, however, is a list of familiar issues raised by Mosman Park in the past.

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 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

One of the suggested reasons for a review of the current agreement was the removal of the construction component from the agreement.

Peppermint Grove has argued that this component should remain in place because it represents an historical record of how each of the participants demonstrated their respective willingness to work together towards the completion of a first class, benchmark quality facility, and the depth of the good will intentioned at the time.

Because of the lack of information provided within the supposed “business case”, it is difficult to determine exactly what Mosman Park envisage and it is therefore difficult for Council to consider whether it is willing to participate in the proposed review.

It would be assumed that previously raised issues are part of the agenda and include:

- Counting non-resident members of the Library as an expense to be shared equally by all three participants despite this component being a legitimate operational cost.
- Committee representation reflective of each of the participant’s interests defined by population.
- Separation of the Community Centre from the Library.

OFFICER RECOMMENDATION/S – ITEM No. 8.4.1

That the Chief Executive Officer requests that the Town of Mosman Park provides a detailed outline of each of the issues to be reviewed within the Project Construction and Management Agreement.

8.4.2 Contribution to Mosman Park Men's Shed

MANAGEMENT/GOVERNANCE/POLICY
ATTACHMENT DETAILS

| Attachment No | Details |
|----------------------|------------------------|
| Attachment 4 | Letter from Men's Shed |

| | | |
|----------------------------|---|--|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | File Ref: GS125H |
| 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 | : | Item 9.1.1 Ordinary Council Meeting 23 February 2016 |
| Applicant | : | Mosman Park Men's Shed |
| 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

For Council to consider a contribution to Mosman Park Men's Shed.

SUMMARY AND KEY ISSUES

- | |
|--|
| <ul style="list-style-type: none">• A contribution of \$10,000 from the Shire of Peppermint Grove.• The Shed currently has over ten members who reside in Peppermint Grove. |
|--|

LOCATION

N/A

BACKGROUND

The attached letter has been received from the Mosman Park Community Men's Shed requesting a contribution of \$10,000 from the Shire of Peppermint Grove towards an expansion program.

A similar request has been made to Cottesloe, Claremont and Mosman Park Councils for a contribution of \$25,000 each.

CONSULTATION

N/A

STRATEGIC IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

STATUTORY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

While this would be an unbudgeted expense, Council will be conducting a budget review in March, and our current positive financial position, would enable such a contribution to be made.

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

The letter suggests that “over 10” Peppermint Grove residents are members of the Men’s Shed.

OFFICER COMMENT

Advice has been received that the Town of Claremont has listed an amount of \$16,500 for consideration in its 2016/17 budget. Cottesloe has reportedly agreed to consider an amount of \$16,000, and Mosman Park have allocated an amount of \$25,000 for consideration in its draft budget.

OFFICER RECOMMENDATION/S – ITEM No. 8.4.2

That:

Council considers a contribution of \$10,000 to the Mosman Park Men’s Shed.

8.4.3 CAPH – New Lease
MANAGEMENT/GOVERNANCE/POLICY
ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-----------------------------|-----------------------------------|
| Attachment 5 | Meeting Notes and Lease Agreement |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | CS151A |
| 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 | : | Item No. 9.1.1 Ordinary Council Meeting 27 October 2015 |
| Applicant | : | Wearne Aged Care Facility, Lot 87 Gibney Street Cottesloe |
| 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.*
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PURPOSE OF REPORT

Council's consideration of the proposed new "Agreement to Lease" and "Lease" of the Wearne Aged Care Facility to Curtain Aged Persons Homes (CAPH).

SUMMARY AND KEY ISSUES

- | |
|---|
| <ul style="list-style-type: none">• Support a new 25 year lease |
|---|

LOCATION

N/A

BACKGROUND

At its meeting on 27th October 2015 Council, by resolution number 824, agreed to support a new 25 year lease and authorised the CEO from the Town of Claremont to facilitate the preparation of the documentation with the legal costs being shared by the four Councils.

The "Agreement to lease" and the "LEASE" documents are attached for information.

During the preparation of these documents, the matter of an ongoing administrative and liaison between the Lessee and the four Councils was discussed with the solicitors.

It has been established that the most convenient process for this function would be by delegation to each of the four CEO's to resolve issues which may arise from time to time in regard to the lease.

In the exercise of this delegation of authority, if the CEO believes the matter for decision represents a material change, he/she is to report the matter to Council for decision.

CONSULTATION

Significant consultation has occurred between the four Councils, through the CAPH Working Group, as well as directly with representatives of CAPH.

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

Public advertising is required by Section 3.58 of the Local Government Act 1995 as Council is disposing of the land via a 25 year lease.

FINANCIAL IMPLICATIONS

The preparation of the Lease documentation has been quoted at approximately \$10,000 which is to be shared equally by the four Councils.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

OFFICER RECOMMENDATION/S – ITEM No. 8.4.3

That Council

1. Approves the Agreement to Lease and Lease (Attachment 2 and Attachment 3);
2. Authorises the Shire President and Chief Executive Officer to execute the documents on behalf of the Shire of Peppermint Grove following completion of all statutory requirements pursuant to Section 3.58 of the *Local Government Act 1995*;
3. Authorises the Chief Executive Officer in conjunction with the Towns of Claremont, Cottesloe and Mosman Park to give local public notice of the proposal to dispose of lot 555 in accordance with the Section 3.58 of the *Local Government Act 1995*;
4. (a) Pursuant to Section 5.42 of the *Local Government Act 1995* delegates to the Chief Executive Officer the duty, power and authority to, in consultation with the CEOs of the co-owners:
 - (i) make and give any determination required by the Lease of lot 555 on behalf of the Lessor, approval, direction or order in relation to the Property; monitor compliance with and enforce as necessary the provisions of the CAPH lease (but this power does not include statutory powers of the Town of Cottesloe); and
 - (ii) all matters relating to the Agreement to Lease of lot 555 to Curtin Care.

(b) In exercising this delegation of authority the Chief Executive Officer shall not make a determination if:

- (i) the CEO believes the matter for decision is a material change to the terms and conditions of the Lease or Agreement to Lease, or**
- (ii) the majority of the other co - owner Chief Executive Officers do not agree to exercise their delegated authority.**

(c) If the Chief Executive Officer declines to give a determination (for reasons set out in part 4(b)) the CEO must report the matter to the Council for decision.

8.5 CORPORATE

8.5.1 Financial Report – March 2016

CORPORATE

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|-------------------------------|
| Attachment 6 | Financial Report – March 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

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PURPOSE OF REPORT

To provide Council with a report of financial activity for the period 1 July 2015 to 31 March 2016.

SUMMARY AND KEY ISSUES

- The financial report for the nine months ended 31 March 2016, indicates a year-to-date surplus some \$229,787 more than forecast.
- Operating revenue (excluding rates) is some \$44,282 more than forecast.
- Operating expenditure is some \$138,432 less than forecast (\$182,713 after deduction of depreciation and loss on sale of assets, being non-cash items).
- Capital expenditure totalling \$262,924 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 includes the full 2015/16 rates and charges, the first three quarterly contributions for the Library and Community Centre, all insurance premiums, twenty fortnightly payrolls and around 76% of annual estimated contract/materials expenses.

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) Fees and Charges

Revenue from fees and charges exceeds the estimated year-to-date budget by some \$34,112.

This strong performance relates mainly to town planning fee income being well in advance of the budget at this point-in-time. Other areas such as unbudgeted kiosk rental income and building fee income have also contributed to the above figure.

(2) Other Revenue

Revenue from other sources exceeds the estimated year-to-date budget by some \$18,090.

This relates mainly to additional interest on overdue rates and a reimbursement for workers compensation payments (the worker has successfully returned to pre-injury duties).

(3) Employee Costs

Employee costs after seventeen fortnightly payrolls are some \$49,055 less than expected.

This saving is due to the non-replacement of an outside worker after his departure in July with his duties being performed by contractors. The estimated full-year saving for this category is around \$50,000.

(4) Materials and Contracts

Materials and contracts expenses are some \$163,496 less than expected due mainly to invoices yet to be received and processed.

Given the deletion of one outside worker position in favour of increased use of contractors was not included in the budget this category may exceed its total year budget by up to \$50,000, less any savings.

(5) Depreciation

The recent completion of the 2014/15 audit and revaluation of infrastructure assets to fair values, together with recent announcements by the Australian Accounting Standards Board clarifying componentisation of short and long-cycle asset consumption and allowable residual values, has revealed the need to alter depreciation charges.

The following table depicts the budgeted and estimated charges for the full year to 30 June 2016:

| Asset Class | 2015/16 Budget | 2015/16 Estimated |
|-----------------------|---------------------------|------------------------------|
| Buildings | 84,500 | 105,100 |
| Furniture & Equipment | 15,000 | 14,600 |
| Plant & Equipment | 25,000 | 15,700 |
| Roads | 132,000 | 146,500 |
| Footpaths | 20,000 | 54,200 |
| Parks | 10,000 | 43,800 |
| Drains | 7,000 | 6,200 |
| Other Infrastructure | 0 | 1,400 |
| TOTALS | 293,500 | 387,500 |

Whilst the above increased charges have no impact on Council's cash position the resultant estimated \$94,000 additional expenditure will flow through the asset management and long-term financial plans as well as the asset-related financial ratios, requiring future attention.

(6) Profit/Loss on Sale of Assets, (7) Plant Purchases and (8) Proceeds from Sale of Assets

The following table is an extract from the 2015/16 budget regarding asset sales:

| | Net Book Value | Sale Proceeds | Profit(Loss) |
|-------------------------|---------------------------|---------------------------|---------------------------|
| | 2015/16 BUDGET | 2015/16 BUDGET | 2015/16 BUDGET |
| | \$ | \$ | \$ |
| Transport | | | |
| Mitsubishi Challenger | 30,000 | 30,000 | 0 |
| Holden Colorado | 19,000 | 19,000 | 0 |
| Mazda BT50 | 19,000 | 19,000 | 0 |
| Tenant Street Sweeper | 4,000 | 4,000 | 0 |
| Caterpillar 904B Loader | 30,405 | 30,000 | (405) |
| | 102,405 | 102,000 | (405) |

The following table depicts the results of asset sales to date:

| | Net Book Value | Sale Proceeds | Profit(Loss) |
|----------------------------|-------------------------|-------------------------|-------------------------|
| | 2015/16 ACTUAL \$ | 2015/16 ACTUAL \$ | 2015/16 ACTUAL \$ |
| Plant and Equipment | | | |
| Holden Commodore Utility | 24,125 | 23,778 | (347) |
| Mitsubishi Challenger | 31,683 | 25,042 | (6,641) |
| Holden Colorado | 0 | 0 | 0 |
| Mazda BT50 | 0 | 0 | 0 |
| Ford Ranger XLT | 40,000 | 40,000 | 0 |
| Tenant Street Sweeper | 4,000 | 2,858 | (1,142) |
| Caterpillar 904B Loader | 30,405 | 26,000 | (4,405) |
| | 130,213 | 117,678 | (12,535) |

Due to concerns regarding falling trade-in values, both the Ranger XLT and Commodore utilities have been replaced in addition to those envisaged in the 2015/16 budget. In addition, it is proposed to replace the BT50 and Colorado utilities with two 4WD Hilux's.

This is dealt with at item 8.5.3 of this agenda.

(9) Net Current Assets Year-to-Date

Net current assets exceed estimated net current assets for the first eight months by some \$229,787. This figure reflects the slightly stronger than expected revenue performance, particularly planning fees and, to a lesser extent, building fees and the materials and contracts expenditure committed but not yet posted.

OFFICER RECOMMENDATION – ITEM No. 8.5.1

That the Financial Report for the period 1 July 2015 to 31 March 2016 be received.

8.5.2 Accounts for Payment – March 2016
CORPORATE
ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-----------------------------|--|
| Attachment 7 | Accounts for Payment – March 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.*
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PURPOSE OF REPORT

The purpose of this report is to obtain approval for cheques, electronic funds payments and direct debits drawn since the last report and accounts now presented for payment.

SUMMARY AND KEY ISSUES

Significant payments in March 2016 included the following:

- BAS remittance to ATO;
- Payment for electricity to Synergy;
- Payments for waste disposal to WMRC;
- Staff 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, electronic fund transfers, direct debits and accounts included in the list presented for payment.

| <u>PAYMENT TYPE</u> | <u>AMOUNT</u> |
|--|----------------------|
| Direct Debit Fees & Leases – 413, DD5643, 5665, 5666, 5670, 5679, 5707, 5716 | |
| Cheques 172 - 185 (Inclusive) | |
| Electronic Funds Transfers 9970 - 10089 (Inclusive) | |
| TOTAL MUNICIPAL FUND | \$428,193.17 |
| TRUST FUND PAYMENTS | \$0.00 |
| TOTAL | \$428,193.17 |

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 2015/2016 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 the cheques, electronic funds payments and direct debits drawn and accounts presented for payment for March 2016 and totalling \$428,193.17 be approved.

8.5.3 Light Vehicle Fleet Management
CORPORATE
ATTACHMENT DETAILS

| <u>Attachment</u> | <u>Details</u> |
|--------------------------|-----------------------|
| Nil | |

| | | |
|----------------------------|---|--|
| 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.*
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PURPOSE OF REPORT

To consider a recommendation from the Audit Committee regarding replacing light vehicles.

SUMMARY AND KEY ISSUES

- At its last meeting on 22nd March 2016, the Audit Committee recommended Council approve the replacement of two, two-wheel drive utilities with two new four-wheel drive Toyota Hilux utilities for a GST-exclusive net cost of \$33,636.
- If accepted, this proposal will complete the renewal of all four Council-owned utilities and enable their replacement on a regular basis to minimise changeover prices and depreciation expenses.

LOCATION

N/A

BACKGROUND

In the absence of a formal policy on light vehicle changeovers generally vehicles have been replaced after 2 – 3 years at a GST-exclusive net cost of between \$10,000 and \$15,000.

Typically vehicles would have travelled 30,000 to 40,000 kilometres, been serviced at least twice and may have required new tyres and/or batteries. Holding vehicles for long periods also increases the chances of minor damage - not claimable under insurance due to policy excesses - and negatively impacting trade-in valuations.

As an alternative it is proposed to purchase “premium” four-wheel drive vehicles with proven ability to retain value (Toyota Hilux and Ford Ranger) on a regular basis (9,000 to 15,000 kilometres) allowing Council to minimise the changeover cost by maximising the benefit of fleet discounts. For example, the recommended Hilux’s attract fleet discounts of around \$6,000 each allowing for contracted future changeovers of \$1,750 after 9 months or 15,000 kilometres (whichever occurs first). Such an arrangement will limit annual depreciation to around \$2,300 on average, per vehicle, remove servicing and parts expenses and minimise the risk of minor damage.

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. Councils are free to review their budgets periodically during the year and are encouraged to do so.

FINANCIAL IMPLICATIONS

The 2015/16 budget forecast the purchase of two, 2WD Ford Rangers and the sale of the current Mazda BT50 and Holden Colorado for a total net changeover of \$9,000 (from the Plant Reserve).

A quotation was sought from Titan Ford indicating each vehicle would cost around \$11,700 (GST-exclusive) to changeover – a total of \$23,400.

The alternative quote from Gt. Southern Toyota will enable the purchase of two Toyota Hilux 4WD's (1 auto, 1 manual transmission) for a total cost of \$33,636, an additional \$10,236 for a superior vehicle. In addition Gt Southern Toyota offer guaranteed changeover's of \$1,750 after 9 months or 15,000 kilometres on future Hilux's.

It should be noted that to minimise the cost of changing over the XLT Ford Ranger (MIS) and Holden Commodore (MDS) vehicles in the future both have been replaced for net costs of \$2,830 and \$3,690 respectively.

The Ranger is able to be traded for minimal cost every six months (or 9,000 kilometres) via Titan Ford and the Commodore once per year for around \$2,000.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The \$6,520 expended renewing both manager's utilities represents additional items to this year's budget and will need to be funded from the Plant Reserve.

The \$33,636 cost of the two Hilux's are proposed to be funded by re-allocating the budgets for the purchase of a heavy-duty trailer - \$10,000 - (a "work-around" being found for transporting the skid-steer loader and ride-on mower) and the proposed depot fencing - \$20,000 - (having been resolved using an alternative solution). The remaining \$3,636 is to come from the Plant Reserve.

While only around \$1,700 will remain in the Plant Reserve after the above purchases, future annual changeovers will be limited to around \$10,000 for light vehicles. In addition, the skid-steer loader was only purchased in 2015, the tip truck remains in excellent condition and only the ride-on mower needs replacing in the near future, with the cost easily accommodated in that year's budget.

OFFICER RECOMMENDATION/S – ITEM No. 8.5.3**That Council**

- 1. adopts the recommendation from the Audit Committee and accepts the two quotations from Gt Southern Toyota for the supply of two Toyota Hilux four-wheel drives for a net cost of \$33,636, GST-exclusive);**
- 2. endorses the actions of the Chief Executive Officer in changing over the Ford Ranger and Holden Commodore for a total net cost of \$6,520; and**
- 3. authorises amendments to the 2015/16 budget to reflect the above vehicle purchases and the deletion of the heavy-duty trailer purchase and depot fencing projects.**

9 NEW BUSINESS OF AN URGENT NATURE**9.1 LATE ITEM**

9.1.1 Alterations and Two-Storey Additions Lot 122 (No.9) Keane Street Peppermint Grove

10 CONFIDENTIAL ITEMS OF BUSINESS**11 CLOSURE**

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

