



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

**HELD ON
TUESDAY 24 MARCH 2020
AT
5.30 PM**



Shire of Peppermint Grove

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Shire of Peppermint Grove

ORDINARY COUNCIL MEETING MINUTES

1 DECLARATION OF OFFICIAL OPENING

At 5.32pm, 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 Presiding Member caused the Affirmation of Civic Duty and Responsibility to be read aloud by Councillor Horrex.

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
Elected Member
Elected Member
Elected Member

Cr R Thomas
Cr D Horrex
Cr G Peters
Cr P Dawkins

Chief Executive Officer
Manager Corporate and Community Services
Manager Development Services

Mr D Burnett
Mr M Costarella
Mr R Montgomery

Gallery Nil Members of the Public
1 Members of the Press

2.2 APOLOGIES

Deputy Shire President
Elected Member
Elected Member

Cr C Hohnen
Cr K Farley
Cr P Macintosh

Manager Library Services
Manager Infrastructure Services

Ms D Burn
Mr D Norgard

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

4 PUBLIC QUESTION TIME

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

- The Agenda
- Question to Council and
- Deputation Forms

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

Rules for Council Meeting Public Question Time

- 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 FROM A PREVIOUS MEETING

NIL

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

NIL

4.3 DEPUTATIONS OF THE PUBLIC

NIL

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)

The Chief Executive Officer provided a presentation to elected members on the current impact of COVID – 19 on council services.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 25 FEBRUARY 2020

OFFICER RECOMMENDATION – ITEM 7.1

Moved: Cr Horrex

Seconded: Cr Peters

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 25 February 2020 be confirmed as a true and accurate record.

CARRIED 4/0

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 14 The Esplanade – Amendment to DA2019/00007

URBAN PLANNING

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-----------------------------------|-------------------------------|
| Attachment 1 – Item refers | Location Map |
| Attachment 2 | Development Application Plans |

| | | |
|----------------------------|---|------------------------------|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | DB027B |
| Location / Property Index | : | No. 14 (Lot 2) The Esplanade |
| Application Index | : | DA2020/00002 |
| LPS No 4 Zoning | : | Residential |
| Land Use | : | Residential – R-10 |
| Lot Area | : | 718.3m ² |
| Disclosure of any Interest | : | Nil. |
| Previous Items | : | DA2019/00007 |
| Applicant | : | Grounds Kent Architects P/L |
| Owner | : | J & C Stewart |
| Assessing Officer | : | Josh Dallimore |
| Authorising Officer | : | Ross Montgomery |

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 is requested to consider the proposed amendment to approval DA2019/00007 at 14 The Esplanade, Peppermint Grove. The setback of the proposed building to Forrest Street is to be reduced by 500 mm to 4.5m This conforms to LPS 4 setback requirements.

SUMMARY AND KEY ISSUES

- After initial building/demolition works were completed it was determined that a substantial retaining structure would be required within the northern boundary.
- To accommodate this necessary structure the applicant proposes to move the house by 500mm to the south, reducing the setback to Forrest Street to the 4.5m LPS 4 requirement.
- The proposed amendment is compliant with the Scheme and the modification is justified and therefore recommended for approval.

LOCATION

14 The Esplanade, Peppermint Grove

BACKGROUND

The original application (DA2019/00007) proposed a new two storey single house to replace a heritage listed property that was due to be demolished under an approved development application for demolition of a heritage property, and a demolition permit.

The original heritage listed house has now been demolished, and site preparation works which involve excavation and retaining structures along the western and eastern boundaries. Building permits have been obtained for the works and a planning approval is required to shift the house to the south.

CONSULTATION

The original application was advertised to neighbouring properties and as a result of the consultation some design modifications were made.

As the proposed amendment is compliant with the Scheme and does not adversely affect any neighbouring properties further consultation has not occurred for this application.

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 Planning Scheme No.4

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

| <u>RESIDENTIAL DESIGN CODES</u> | |
|--|--|
| Acceptable Development/Performance Criteria | |
| Assessment/Comment | |
| 1. | Secondary Street Setback – 4.5m The original application proposes a lot boundary setback of 5m to the secondary boundary (Forrest Street). The proposed amendment is reducing the setback to 4.5m which is the minimum setback to a secondary street under LPS 4. |

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 current development approval by Council followed careful consideration of all setbacks to the site. The requested Approval to a proposed amendment to the Forrest Street setback whilst compliant with the LPS 4 has been referred to Council for a decision because of the previous deliberation of design variation which did examine streetscape and setback issues.

In order to facilitate extra retaining wall works the architects have proposed to shift the house 500mm closer towards the southern, Forrest Street, setback. This has resulted in the setback reducing from 5m to 4.5m, which remains compliant with the R-code and LPS 4 requirements.

Other than the proposed amendment to the housing position via reduced setback, there have been no further changes to the proposed plan.

The requested amendment to shift location of the house on site has been explained as a necessary measure to facilitate retaining structures abutting the northern boundary. The application is assessed to be compliant with the LPS 4 and consistent with the previous approval. The variation is recommended for approval.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.1**Moved: Cr Peters****Seconded: Cr Horrex**

That Council notes the proposed amendment submitted 27 February 2020 to DA2019/00007 at 14 The Esplanade, Peppermint Grove, and adopts the submitted plans (A10-A12, A20, A21) as the approved plans, subject to the conditions contained within the original approval (DA2019/00007).

CARRIED 4/0**8.2 MANAGER INFRASTRUCTURE SERVICES**

NIL

8.3 MANAGER LIBRARY SERVICES

NIL

8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

8.4.1 Financial Report – 31 January 2020

CORPORATE

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|------------------------------------|
| Attachment | Financial Report – 31 January 2020 |

| | | |
|---------------------|---|--|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | FM026A |
| Responsible Officer | : | Michael Costarella, Manager Corporate and Community Services |

COUNCIL ROLE

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PURPOSE OF REPORT

To report on financial activity for the period 1 July 2019 to 31 January 2020.

SUMMARY AND KEY ISSUES

- Operating revenue is \$173,000 less than the year to date budget as the budget contained a grant that related to the previous year. This was corrected in the Revised Budget.
- Operating expenditure is some \$189,000 less than the year to date budget and mainly due to materials and contract under expended for the period.
- Capital expenditure- This is some \$500,000 less than the year to date budget and mainly due to the works for Johnston street and plant not yet purchased.

LOCATION

N/A

BACKGROUND

Nil

CONSULTATION

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

STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan

POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

The financial report for January 2020 shows the current net assets of \$1.1million which includes the rates debtors of \$400,000.

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) Grants and Subsidies

- Grants and subsidies revenue is \$173,000 less than the year to date budget as the budget contained a grant that related to the previous year. This was corrected in the Revised Budget.

(3) Employee Costs

The YTD Actuals were \$44,000 more than the expected and this was mainly due to accruals to be reversed following the completion of the audit for 2018/19

(5) Materials and Contracts

Materials and contract expenses are some \$217,000 less than expected, due largely to timing variances with respect to invoices.

Further information following the Agenda Briefing Forum 10 March 2020

A correction to the reserve funds statements within the financial statements should read YTD 19/20 instead of YTD 18/19 in list of attachments.

| |
|--|
| OFFICER RECOMMENDATION/COUNCIL DECISION– ITEM NO. 8.4.1 |
|--|

Moved: Cr Peters

Seconded: Cr Dawkins

That Council receive the monthly financial report for the period 1 July 2019 to 31 January 2020.

CARRIED 4/0

8.4.2 Financial Report – 29 February 2020
CORPORATE
ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-----------------------------|--|
| Attachment | Financial Report – 29 February 2020 |

Voting Requirement : Simple Majority
 Subject Index : FM026A
 Responsible Officer : Michael Costarella, Manager Corporate and Community 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 2019 to 29 February 2020.

SUMMARY AND KEY ISSUES

- Operating revenue is \$80,000 more than the year to date budget allowed for the Library Contribution to be received in March 2020.
- Operating expenditure is some \$135,000 less than the year to date budget and mainly due to other expenses under spent for the period and depreciation to be raised for the period.
- Capital expenditure- This is some \$500,000 less than the year to date budget and mainly due to the works for Johnston street and plant not yet purchased.

LOCATION

N/A

BACKGROUND

Nil

CONSULTATION

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

STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan

POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

The financial report for January 2020 shows the current net assets of \$1.025million which includes the debtors of \$553,000. The debtors total includes the library contributions.

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) Grants and Subsidies

Grants and subsidies revenue is \$231,000 less than the year to date budget as the budget contained a grant that related to the previous year of \$103,000. This was corrected in the Revised Budget.

(2) Other Expenses

The year to date budget is some \$56,000 more than the actual amount and relates to the payment of the loan interest of \$30,0000 and other costs.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.2

Moved: Cr Horrex

Seconded: Cr Dawkins

That Council receive the monthly financial report for the period 1 July 2019 to 29 February 2020.

CARRIED 4/0

8.4.3 Accounts Paid – February 2020
CORPORATE
ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-----------------------------|-------------------------------|
| Attachment | Accounts Paid February |

| | | |
|----------------------------|---|--|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | FM045A |
| Disclosure of any Interest | : | N/A |
| Responsible Officer | : | Michael Costarella, Manager Corporate and Community Services |

COUNCIL ROLE

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PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

Significant payments in February 2020 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.
- Solar Panels and systems
- Foreshore Bushfire Load Reduction Works
- (ROW) Maintenance in various areas
- Monthly cleaning services for January and February 2020

LOCATION

N/A

BACKGROUND

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

| PAYMENT TYPE | FUND | NUMBER SERIES | AMOUNT |
|--------------|-------|---------------|-------------------|
| EFT | MUNI | 329 – 333 | 267,928.95 |
| TRUST EFT | TRUST | 20 | 800.00 |
| DIRECT DEBIT | MUNI | 128 – 133 | 7,386.68 |
| BPAY | MUNI | 115 – 116 | 1,644.98 |
| CHEQUE | MUNI | 428 – 431 | 183.15 |
| CREDIT CARDS | MUNI | 3 | 4,124.14 |
| | | TOTAL | 282,066.90 |

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The payments processed by the Shire relate to expenditure approved in the 2019/20 annual budget.

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/COUNCIL DECISION – ITEM NO. 8.4.2

Moved: Cr Peters

Seconded: Cr Horrex

That Council receive the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for February 2020, totalling \$282,066.90.

CARRIED 4/0

8.4.4 2019/20 BUDGET REVIEW
CORPORATE
ATTACHMENT DETAILS

| Attachment No | Details |
|----------------------|------------------------------|
| | 2019/20 Budget Review |

Voting Requirement : Absolute Majority
 Subject Index : FM026A
 Responsible Officer : Michael Costarella, Manager, Corporate & Community Services

COUNCIL ROLE

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PURPOSE OF REPORT

To consider and adopt a revised budget for the 2019/20 Financial year.

SUMMARY AND KEY ISSUES

- The 2019/20 annual budget review builds upon the adopted budget in the current financial year;
- The review has been undertaken and following a number of amendments the closing surplus has increased from \$34,135 to \$46,122.

LOCATION

N/A

BACKGROUND

Staff have revised the income and expenditure of the 2019/20 adopted budget to provide for amendments that will reflect the amounts required by the 30 June 2020.

A comprehensive list of the major changes is included (page 13 & 14) in the 2019/20 Budget Review document.

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

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) *Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.*

FINANCIAL IMPLICATIONS

The proposed variations to the 2019/20 budget are included as an attachment.

The original 2019/20 budget forecast a surplus at 30 June 2020 of \$34,135. The proposed net variations totalling \$11,987 has increase the Closing Surplus to \$46,122.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Staff have undertaken a major review of each account to ensure that funds are required until the 30 June 2020.

Whilst there maybe changing circumstance, staff believe that the changes that have been made are achievable and appropriate.

The following is a list of the major amendments to the budget (in excess of \$5,000):-

- Savings in Salaries with the Staff Structure changes of \$31,000
- Savings in Electricity costs with the installation of the new Solar Panels of \$13,200
- Increase in income for Development Licence Application fees of \$18,000
- Increase in income for Building Licences of \$6,000
- Reduction in Heritage Grant Scheme unlikely to be used by the 30 June 2020 \$40,000
- A transfer from the Infrastructure Reserve of \$103,000 to negate the grant amount shown in the income account.
- A transfer from Reserve funds for the Costs Awarded of \$140,000
- Increase amount for the 3 bin system from \$68,618 to \$75,000.
- Increase in recycling costs of \$10,000
- Additional Planning Consultant costs of \$10,000
- Additional Swimming Pool Inspection costs \$12,500
- Update for the Municipal Heritage Inventory of \$12,000.
- Reduced Investment interest of \$ 26,000
- Purchase of Art Sculpture project of \$25,000 (with Transfer from Reserve of \$20,000)
- Additional IT and Records management costs of \$64,000
- Savings in President Allowance and Councillors meeting fees of \$24,208
- Additional Expenses for Tree Audit of \$10,000

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM No 8.4.4**Moved: Cr Dawkins****Seconded: Cr Peters****That Council adopts the revised 2019/20 budget as attached to the Agenda for the OCM of the 24 February 2020.****CARRIED 4/0**

8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY

8.5.1 Matter for Information and Noting

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|--|
| | 1. Building Permits Issued 2. Planning Approvals Issued 3. Infringements Issued 4. 4.Library Statistics |

Voting Requirement : Simple majority
 Subject Index :
 Disclosure of any Interest : Nil
 Responsible Officer : CEO

COUNCIL ROLE

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PURPOSE OF REPORT

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

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

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

- Building permits issues
- Demolition permits issued
- Advisory notes from WALGA, DLG&C or other stakeholders
- WESROC Mayor/President forum notes
- WALGA Zone minutes
- WALGA State Council minutes
- Seal register advising of when the Shire seal has been applied
- Shine statistics
- Infringements for parking/dogs etc
- Waste and recycling data
- Library statistics

SUMMARY AND KEY ISSUES

The following reports are presented to Council at the Ordinary Council Meeting of February 2020:

1. Building Permits Issued
2. Planning Approvals Issued
3. Infringements Issued
4. Seal Register – Goods and Services Contract for cleaning tender between the Shire and Iconic Property Services.

CONSULTATION

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

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.5.1

Moved: Cr Peters

Seconded: Cr Horrex

That Council receives the information in this report.

CARRIED 4/0

8.6 COMMITTEE REPORTS – AUDIT, RISK AND GOVERNANCE COMMITTEE MEETING HELD 10 MARCH 2020

8.6.1 2019 COMPLIANCE AUDIT RETURN

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-------------------------|------------------------------|
| Attachment– Item refers | 2019 Compliance Audit Return |

| | | |
|----------------------------|---|--|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | 2019 Compliance Audit Return |
| Disclosure of any Interest | : | Nil |
| Responsible Officer | : | Michael Costarella, Manager Corporate & Community 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

The purpose of this report is to present to Council the 2019 Compliance Audit Return (CAR) for adoption and endorsement.

SUMMARY AND KEY ISSUES

There are two items of non-compliance in the 2019 return. This relates to the review of the Corporate Business Plan and the Community Strategic Plan. Both these plans will be reviewed prior to the 30 June 2020.

BACKGROUND

Completion of the Compliance Audit Return is a Statutory requirement and requires endorsement by the Audit Committee and adoption by Council.

Following the CAR being presented to Council, a certified copy of the return along with the relevant section of the minutes and any additional information be submitted to the Director General of the Department of Local Government no later than the 31 March 2020. (certified means Signed by the President and the CEO).

CONSULTATION

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

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS.

Local Government Act 1995

FINANCIAL IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The 2019 CAR consisted of 104 Questions within the following compliance areas:-

- | | |
|---|--------------|
| • Commercial Enterprises by Local Governments | 5 Questions |
| • Delegation of Power / Duty- | 13 Questions |
| • Disclosure of Interest- | 19 Questions |
| • Disposal of Property- | 2 Questions |
| • Elections- | 2 Questions |
| • Finance- | 14 Questions |
| • Integrated Planning and Reporting- | 7 Questions |
| • Local Government Employees- | 5 Questions |
| • Official Conduct- | 6 Questions |
| • Optional Questions- | 4 Questions |
| • Tenders for Providing Goods and Services- | 27 Questions |

COMMITTEE RECOMMENDATION/COUNCIL DECISION – ITEM 8.6.1

Moved: Cr Horrex

Seconded: Cr Dawkins

That Council adopts the 2019 Compliance Audit Return as attached to the Audit Governance and Risk management Committee Agenda of 10 March 2020.

CARRIED 4/0

8.6.2 RISK MANAGEMENT FRAMEWORK - Review on Appropriateness and Effectiveness in accordance with Local Government Audit Regulations

ATTACHMENT DETAILS

| Attachment No | Details |
|--------------------------|---|
| Attachment refers | Risk Management Profiles Summary Report |

Voting Requirement : Simple Majority
 Subject Index : Risk Management
 Responsible Officer : Michael Costarella, Manager Corporate and Community 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

The Committee is requested to consider the CEO's review of the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management, internal controls and legislative compliance. This is in accordance with the requirements of the Audit regulation 17 which requires the report to be submitted to the Audit & Risk Management Committee prior to the 30 June 2020.

SUMMARY AND KEY ISSUES

The review of the Risk Management profiles provides an overview of the risks pertaining to the operations of the Council.

There were 15 risk profiles reviewed of which the one was considered of a high Risk-Suppliers and Contracts

LOCATION

N/A

BACKGROUND

A Senior Risk Consultant with the Local Government Insurance Services WA met with the CEO and Managers to assist in the completion of the attached report.

The report provides an overview of the:

- current risks assessed within Council's activities, and the
- appropriateness and effectiveness of the systems and process in place for risk management, internal controls and legislative compliance.

Following this meeting the Manager of Corporate & Community Services undertook an assessment of the following Risk Profiles:-

- Asset Sustainability Practices
- Business & Community Disruption
- Statutory Compliance
- Document Management
- Employment Practices
- Engagement Practices
- Errors Omissions & Delays
- External theft & Fraud (Inc Cyber Crime)
- Management of Facilities, Venues & Events
- IT, Communication System & Infrastructure
- Misconduct
- Project/ Change Management
- Safety & Security
- Suppliers & Contractors

CONSULTATION

The CEO and Managers discussed the Risk Profiles at a meeting with the Representative of LGIS.

STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan

POLICY IMPLICATIONS

Shire of Peppermint Grove Risk Management Policy 3.5

STATUTORY IMPLICATIONS

Local Government (Audit) Regulations 1996 CEO to review certain systems and procedures

(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —

(a) risk management; and

(b) internal control; and

(c) legislative compliance.

(2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 3 years.

(3) The CEO is to report to the audit committee the results of that review.

FINANCIAL IMPLICATIONS

There are no financial implications relating to this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER COMMENT

In response to reg. 17, the Town decided to engage LGIS Risk Management Services to review and suggest improvements to the existing framework with the main outcomes.

Risk Profiles, incorporating existing risk profile data and extending to ensure appropriate coverage of risk across all areas of operations. These profiles cover operating risks; legislative compliance obligations; key controls and any relevant treatment plans to improve the risk position.

A Risk Dashboard Report is attached for the information of Councillors.

COMMITTEE RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.6.2

Moved: Cr Horrex

Seconded: Cr Dawkins

That Council receive the Risk Management report that systems and procedures referred to in the regulations are appropriate and effective for the Shire.

CARRIED 4/0

9 NEW BUSINESS OF AN URGENT NATURE

9.1 Electronic Attendance at Meetings

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|----------------|
| Nil | |

| | | |
|----------------------------|---|-----------------------------------|
| Voting Requirement | : | Absolute majority |
| Subject Index | : | Electronic Attendance at Meetings |
| Location / Property Index | : | N/A |
| Disclosure of any Interest | : | Nil |
| Responsible Officer | : | CEO |

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 COVID-19 virus has meant that Council needs to undertake its normal business in a different manner than traditionally done. The Local Government Act 1995 requires elected members to attend a Council meeting in person. The Local Government (Administration)

Regulation 1996 does allow for an elected member to attend a council meeting by telephone, but they must be at least 150km from the chambers.

The Minister for Local Government has indicated the regulations will be changed to allow for the normal business of a Council meeting to be totally conducted by teleconferencing.

SUMMARY AND KEY ISSUES

- Regulations to be amended to allow Council to conduct meetings via teleconferencing.

LOCATION

N/A

BACKGROUND

COVID-19 has changed the way the Shire can do business. Social distancing and self-isolation will be the norm for some time yet. Currently the Local Government Act 1995 requires elected members to meet in person for Council meetings. Under the Local Government (Administration) Regulations 1996, an elected member can participate via telephone, however there are conditions, and one is that they have to be at least 150km from the chambers.

Local Governments need more flexibility for meeting arrangements for teleconferencing and the Minister for Local government has advised that the regulations will be amended to allow council meetings to be held online or via telephone. The amendments will also modify the provisions relating to the notice of the meeting and public questions time to allow the meetings to be held electronically.

CONSULTATION

No consultation was held in the drafting of this report.

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 significant statutory implications evident at this time.

FINANCIAL IMPLICATIONS

There are no significant 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

At the time of writing this report, the actual amendments had not been released. This report is pre-emptive so that council can conduct the next meeting, if it so chooses, in an electronic format. The officer recommendation is drafted on the assumption that this is what will need to be done without council having to meet in person again to resolve this matter.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 9.1

Moved: Cr Peters

Seconded: Cr Dawkins

That Council

- 1. Undertake future council meetings, special council meetings, committee meetings, concept forums and agenda forums electronically and in accordance with the requirements of the Local Government (Administration) Regulations as amended by the Minister for Local Government in March 2020.**
- 2. Authorise the CEO to take the necessary actions to ensure elected members have suitable electronic equipment and software to attend the meeting via teleconferencing, ensuring compliance with the regulations for public question time, notice of meetings and any other requirements to lawfully conduct the meeting.**

CARRIED 4/0

9.2 - 492-494 Stirling Highway – Restaurant/Café Parking Agreement

URBAN PLANNING

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|---|
| Attachment 2 | Location Map |
| Attachment 2 | Proposed Easement – Confidential Document |

| | | |
|----------------------------|---|--|
| Voting Requirement | : | Simple Majority |
| Acceptance Date | : | |
| Location / Property Index | : | 492-494 Stirling Highway, Peppermint Grove |
| Application Index | : | |
| LPS No 4 Zoning | : | District Centre |
| Land Use | : | Restaurant/Café/Bar |
| Lot Area | : | 283m ² |
| Disclosure of any Interest | : | Nil. |
| Previous Items | : | Nil. |
| Applicant | : | |
| Owner | : | 492 Stirling Highway Pty Ltd |
| Assessing Officer | : | Mr Josh Dallimore – Planning and Development Officer |
| Authorising Officer | : | Mr. Ross Montgomery – Manager Development Services |

COUNCIL ROLE

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

- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*

- Legislative** *Includes adopting local laws, town planning schemes & policies.*

- Review** *When Council reviews decisions made by Officers.*

- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Council is requested to consider the proposed parking agreement between 492-494 Stirling Highway and 488-490 Stirling Highway.

SUMMARY AND KEY ISSUES

- The Shire has not received an official Development Application for the use of the building as a licensed Restaurant/Café is a **P** use in Local Planning Scheme 4 (LPS 4)
- Due to the restrictions of properties along Stirling Highway and the retention of a heritage listed building the subject lot is not capable of providing parking on site.
- An agreement (via easement) has been drafted to facilitate the required parking as per LPS 4 parking requirements.

LOCATION

492-494 Stirling Highway, Peppermint Grove

BACKGROUND

Over the last 18 months the Shire has received 3 development applications in relation to redevelopment and restoration works at this address. While not directly related to the introduction of a restaurant/café, the redevelopment works have been implemented to create a series of commercially functional spaces in a heritage listed series of buildings.

A series of applications has been approved, with Council agreeing that the development would be beneficial for the district centre.

The proposed Café/Bar will compliment the other design-related tenancies to create a small-scale design hub of a heritage character in the Shire District Centre.

In November 2019 the owners of 492-494 Stirling Highway briefed the Council to advise they had interest from a restaurateur in leasing out a portion of the renovated building to a restaurant/café with a small bar license.

A restaurant/café is a P use in the District Centre under the LPS 4 and approval of the use is not required by Council.

The prospective lessor presented to Concept Forum in December 2019 and while the concept of it was supported, elected members requested more information to confirm how car parking and deliveries could be accommodated on site to the premises without broader impacts on the neighbourhood.

CONSULTATION

As per the zoning table in LPS 4 a restaurant/café is P use. It would therefore not be a Scheme requirement for consultation.

The proponent has nevertheless written to residents in Irvine St explaining the proposal and inviting their enquiry. No interest was received in further discussion from those contacted.

Abutting businesses have been consulted by the proponent and comments passed to the Shire indicate there is a supportive response to the introduction of the restaurant/café into the premises.

Shire planning and health staff have had a number of meetings with the landowners and the prospective lessor to ensure the development produces a desirable outcome.

STRATEGIC IMPLICATIONS

Governance

- Develop relationships which enhance community services

The proposed small bar will provide a residents with a local place to dine and relax within the Peppermint Grove district centre. This may create a renewed economic vigour to this part of the Shire.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

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

| LOCAL PLANNING SCHEME NO. 4 | |
|---|--|
| Scheme Requirement/Clause | Assessment/Comment |
| 1. Restaurant/café – 1 space for every 4 seats or 1 space for every 4 persons the building is designed to accommodate or 1 space for every 4m ² seating area, whichever is the greater, plus 1 space for every staff member present at any one time. | The proposed premises have indicated a maximum capacity of 75 patrons plus 4 staff. This equates to a requirement of 23 bays to be provided. The site itself has no provision for parking, however the neighbouring 488-490 Stirling Highway has available parking bays. The attached proposed easement indicates that adequate parking will be provided for 492-494 Stirling Highway by 488-490 Stirling Highway. |

This information is also to be considered with regard for Clause 32 Table of LPS 4 (Attachment).

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The introduction of a restaurant/bar within the district centre will provide the local community a place within the heart of Peppermint Grove district centre for leisure uses. The Shire does not currently have any facilities of this type within the district centre and this proposal will diversify the service offering to establish the prospect of a small a night-time economy.

OFFICER COMMENT

The Shire has received several presentations about a proposal to establish a small bar/eatery in part of the redeveloped commercial premises at 482 – 492 Stirling Highway in Peppermint Grove.

The use is P in the Mixed Use Zone and therefore the use does not require Council approval, however in this case the site has restrictions placed upon it by the Stirling Highway as well as the heritage listing of the buildings. These prevent the provision of the optimal number of on-site car parking bays as set down in LPS 4.

Reference is made however to LPS 4 via Clause 32 section 5 (Attachment). This makes special allowance for the Shire to accept the granting of easements, sharing of car parking and cross-access of abutting properties to take account of requirements that there be a restriction of direct access to and from Stirling imposed on a property.

492 Stirling Highway is impacted by such an imposition from Main Roads WA and therefore it is necessary for there to be measures as those cited in the Table to provide adequate access to car parking by establishing a basis for the sharing or spaces across abutting properties.

The proponent following a request from the Shire, provided a draft Deed of Easement which provides for the sharing of car parking spaces across all of the properties owned and managed by PAGJON. This Deed includes the Shire as a party to grant consent to any proposed changes and includes the land owner and the tenants.

In addition to this, PAGJON via their architect Rodrigues Bodycoate has prepared a graphic explanation of how the existing number of car spaces when matched to the opening hours and times of peak demand for each of the tenancies, is able to meet likely demand for parking, noting that the bar will be mainly operating in the evening when other premises are closed or closing down.

This has been checked and is acceptable. The Deed of Easement has been referred to the Shire solicitor for examination and is also considered acceptable.

Stirling Highway is a high frequency public transport route, and the Cottesloe Train station is within 400 metres of the premises (10 minute walk). Bicycle parking is also to be provided as part of the redevelopment. In addition therefore to the Deed of Easement there is likely to be a number of additional opportunities for car parking and/or non-car access to be used by patrons.

On this basis the proposal is recommended for approval.

OFFICER RECOMMENDATION/S – ITEM NO 9.2

That Council accepts the proposed Deed of Easement (as attached) as being satisfactory for meeting the parking requirements for a restaurant/café as per the Shire Local Planning Scheme 4.

COUNCIL DECISION – ITEM NO 9.2

Moved: Cr Dawkins

Seconded: Cr Horrex

That Council:

- 1) Accepts the proposed Deed of Easement (as attached) as being satisfactory for meeting the parking requirements for a restaurant/café as per the Shire Local Planning Scheme 4.**
- 2) Authorises the President and CEO to sign the Deed and to affix the Shire seal to the signed copy.**

CARRIED 4/0

10 MOTIONS ON NOTICE

NIL

11 CONFIDENTIAL ITEMS OF BUSINESS

OFFICER RECOMMENDATION

Moved: Cr Dawkins

Seconded: Cr Peters

That this matter be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995 as the Officer report discussed information of a matter affecting an employee or employees.

CARRIED 4/0

No one was in the gallery when moved behind closed doors at 6.10pm.

11.1 Review of the Shire's Workforce Plan

Moved: Cr Dawkins

Seconded: Cr Peters

That Council moved out from behind closed doors at 6.25pm.

CARRIED 4/0

12 CLOSURE

At 6.26 pm, there being no further business the meeting closed.