



Shire of
Peppermint Grove

NOTICE OF MEETING

Dear Councillor

It is advised that the **Agenda Briefing Forum** will be held in the Council Chamber on the Shire of Peppermint Grove, 1 Leake Street, Peppermint Grove, on 13th August commencing at 5.30pm.

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read 'Don Burnett'.

Mr Don Burnett
CHIEF EXECUTIVE OFFICER

8th August 2024



Shire of
Peppermint Grove

AGENDA BRIEFING FORUM

AGENDA

The draft agenda submitted to this Forum is subject to change and should not be read as the final Agenda to the next Ordinary Council Meeting. The final Agenda will be placed on the Shire's website on Friday before the scheduled meeting. Council does not make determinations at the Agenda Briefing Forum.

**TO BE HELD ON
TUESDAY 13TH AUGUST 2024
AT
5.30 PM**

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Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

**TO BE HELD ON
TUESDAY 27th AUGUST 2024
AT
5.30 PM**



Shire of Peppermint Grove

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Shire of
Peppermint Grove

AGENDA BRIEFING FORUM 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 efficient, effective and orderly decision making within this forum.

2. RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President	Cr Karen Farley SC
Deputy Shire President	Cr P Dawkins
Elected Member	Cr P Macintosh
Elected Member	Cr J Mahony
Elected Member	Cr D Jackson
Elected Member	Cr E Bond
Elected Member	Cr C Hohnen
CEO	Mr D Burnett
Manager Development Services	Mr J Gajic
Manager Corporate & Community Services	Mr J Clapham
Manager Infrastructure Services	Mr D Norgard

Gallery Members of the Public
..... Members of the Press

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3. DELEGATIONS AND PETITIONS

4.0 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.

1. The Agenda;
2. Question to Council; and
3. 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. In the event there are no public members present, the Presiding Member will dispense with Public Question Time.

Rules for Council Meeting Public Question Time

- a) *Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.*
- b) *During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- c) *Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- d) *All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary meeting, and at a Special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the President.*
- e) *The person presiding will control Public Question Time and ensure that each person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask a question will be given 2 minutes within which to address their question to the Council. The person presiding may shorten or lengthen this time in their discretion.*

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING

Nil

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5.0 DECLARATIONS OF INTEREST

5.1 FINANCIAL INTEREST

5.2 PROXIMITY INTEREST

5.3 IMPARTIALITY INTEREST

5.4 INTEREST THAT MAY CAUSE A CONFLICT

5.5 STATEMENT OF GIFTS AND HOSPITALITY

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.0 CONFIRMATION OF MINUTES

OFFICER RECOMMENDATION– ITEM NO 7.1

Moved:

Seconded:

That the minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 23rd July 2024 be confirmed as a true and accurate record.

8.0 OFFICERS REPORTS**8.1 MANAGER DEVELOPMENT SERVICES****8.1.1 Draft Local Planning Policy LPP 7 – Tree Retention****ATTACHMENT DETAILS**

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Draft Local Planning Policy 7 – Tree Retention
Attachment 2	WALGA Model Local Planning Policy – Tree Retention

Voting Requirement	:	Simple Majority
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Assessing Officer	:	Mr J Gajic
Authorising Officer	:	Mr J. Gajic

PURPOSE OF REPORT

To seek Council support to initiate advertising of Draft Local Planning Policy 7 – Tree Retention (Draft LPP7).

SUMMARY AND KEY ISSUES

- The Shire of Peppermint Grove has investigated the most appropriate planning tool(s) to better maintain and enhance the tree canopy cover on private land.
- The long-standing state government preferred planning control to achieve this outcome is through the adoption of a Significant Tree Register for which trees on private property are nominated for inclusion by the landowner was not deemed adequate.
- The implementation of more effective planning controls through local planning schemes have been rejected by the Minister for Planning and there is no indication that a state planning policy for tree retention will be developed.
- The Western Australian Local Government Association (WALGA) has developed a model tree retention local planning policy that relies on the premise that vegetation removal falls under the legislated definition of development and requires development approval unless otherwise exempted.

BACKGROUND

The Shire's Local Planning Strategy recognises the importance of maintaining and enhancing the Shire's streetscapes. The local planning policy framework prescribes additional measures to protect and enhance the garden suburb attributes of the locality. The Shire is committed to enhancing the number and quality of the nearly 1,200 trees located within parks, verges and median strips, encouraging both tree retention and establishment of new trees on private land.

Perth has the lowest tree canopy cover of any Australian capital city. The Shire of Peppermint Grove has one of the highest tree canopy coverages of any metropolitan local government area in Perth. Notwithstanding, state planning policy dictates that residential densities in established suburbs must be lifted to slow expansion of the metropolitan area and associated environmental impacts on the rural-urban fringe. Infill development, subdivision, capital investment, and change in ownership all contribute to facilitate vegetation removal.

The *Environmental Protection (Native Vegetation) Regulations* administered by the Department of Water and Environmental Regulation (DWER) seeks to regulate the broadacre removal of indigenous vegetation. It is not applicable for development in the Shire of Peppermint Grove.

The Residential Design Codes of Western Australia (R-Codes) incorporates provisions for minimum soft landscaping areas and tree requirements. Whilst development approval conditions can then require small or medium trees to be established and maintained, enforcement of such conditions is problematic. The R-Codes does not address tree retention or restrict vegetation removal.

There is an expectation that local government should introduce tree retention controls for private property. Attempts by the City of South Perth and City of Nedlands to introduce local planning scheme controls have been rejected by the Minister for Planning. Significant tree registers lack the ‘teeth’ to prevent the at times needless removal of significant trees, or to ultimately preserve tree canopy cover.

The Shire of Peppermint Grove does not have a Significant Tree Register or geographical database that maps significant trees on private land. LiDAR (aerial 3D mapping) is the industry standard to accurately map the distribution and 3D structure of vegetation.

McLeod’s legal advice to WALGA and verbal feedback from the Department of Planning Lands and Heritage (DPLH) supports the premise that vegetation removal falls under the legislated definition of development. Whilst yet to be tested at the State Administrative Tribunal (SAT), a policy providing transparency around this assertion is considered fundamental to set aside an appeal to this premise.

The WALGA model tree retention local planning policy is considered the most appropriate planning tool to maintain and enhance tree canopy cover on private land within the Shire of Peppermint Grove.

Local planning policies that do not amend or augment the R-Codes do not require the endorsement of the Western Australian Planning Commission (WAPC). Anecdotal evidence suggests that departure from the WALGA model tree retention local planning policy to amend or augment the R-Codes are unlikely to be supported by the WAPC. The content of Draft LPP7 – Tree Retention aligns as far as practical with the WALGA model tree retention local planning policy.

The Shire’s 2024-2025 annual budget has a \$20,000 allowance for tree retention incentives on private land. Adoption of Draft LPP7 will not compromise the ability of the Council to implement any such initiative(s). It is noted that the Heritage Grants Scheme operates independently of Local Planning Policy 3 – Heritage and is supported by standalone

Guidelines. This budgeted amount could alternatively be assigned towards preparing a GIS database of significant (regulated) trees on private property to augment data already held for trees within Council managed land.

CONSULTATION

Draft LPP7 – Tree Retention is required under Schedule 2, Part 2, Division 3, Clause 4(2) of the Deemed Provisions to be advertised for a period not less than twenty-one (21) days.

A further officer report will be prepared having regard to any submission(s) received during the advertising period.

STRATEGIC IMPLICATIONS

Clause 67 of the Deemed Provisions outlines the case and procedure for the preparation and adoption of local planning policies.

LOCAL PLANNING POLICY IMPLICATIONS

The proposed adoption of Draft LPP7 – Tree Retention does not directly or adversely impact on other local planning policies.

FINANCIAL IMPLICATIONS

To effectively enforce the requirement for approval to be sought for a tree damaging activity to a regulated tree it is recommended that a LiDAR mapping exercise be undertaken. LiDAR aerial mapping would confirm the location of trees that meet the minimum height and canopy spread requirements.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER COMMENT

Local policies are important because they articulate local values and link these to how the Shire will plan and make decisions for the benefit of Peppermint Grove as a place and community. Local planning policies also serve the function of articulating local planning scheme provisions and guide the application of Council discretion.

In the hierarchy of planning controls, the local planning scheme and state planning policies prevail with the exception that a local planning policy may vary a deemed-to-comply requirement contained in the R-Codes.

Local planning policies are not a law or a statute and are not to be applied inflexibly. For this reason, local planning policies cannot allow or disallow. They may encourage **and**

discourage siting and design and establish expectations in regard to the provision of supporting documentation and site management practices.

Draft LPP7 aims to encourage and facilitate the protection of trees and to maintain and enhance new canopy consistent with the objectives of the Shire's Local Planning Strategy and the state government's Urban Greening Strategy for Perth and Peel, Western Australia's Climate Adaptation Strategy and Climate Change Policy.

The Urban Greening Strategy seeks to explore planning incentives regarding tree retention and is in its stakeholder consultation phase. The Strategy recognises that controls need to be implemented ...*"without compromising the critical delivery of new housing supply"*...Notably the State government strategy stops short of proposing a policy. The expectation is that policy development will need to be developed by the local government sector.

Draft LPP7 fundamentally repackages the WALGA model tree retention local planning policy to align with the Shire's local planning policy structure and conventions. The principal proposed departure from the WALGA model tree retention local planning policy is that a regulated tree must satisfy at least two of the three WALGA proposed qualifiers. The rationale for this departure is that the WALGA model tree retention local planning has the potential to capture trees that lack either aesthetic or habitat significance. For example, a mature Pencil Pine Conifer otherwise meeting the WALGA definition would not be a regulated tree under Draft LPP7 due to its limited canopy spread and trunk circumference. Unless a tree on private property exhibits clear significance, requiring development approval would be over-reach. Furthermore, it would not be the community interest to require retrospective development approval or undertake enforcement in circumstances where approval would have been routinely granted. The proposed Draft LPP7 modification to the WALGA definition is considered to strike a reasonable balance.

Where prompted in the model policy, Draft LPP7 limits the policy application to the Residential Zone and references the local planning policy framework. Additionally, any ambiguity associated with tree removal at the demolition stage of works has been removed, and the referenced Australian Standard AS 4373 Pruning of amenity trees has been named in full.

Key aspects of Draft LPP7 are summarised as follows:

- To introduce the terms *tree damaging activity*, *regulated tree* and *maintenance pruning* and to clarify the circumstances in which a development application approval is required.
- To rely upon the premise that tree damaging activity constitutes works under the *Planning and Development (Local Planning Schemes) Regulations 2015* and development under the *Planning and Development Act 2005*.
- Only applies to the Residential Zone.
- Regulated trees must not be included on a weed register and are to satisfy at least two of the following three qualifiers:
 - have an 8m minimum height,
 - have a minimum 6m average canopy spread, or
 - have a 1.5m trunk circumference.

- Unless removal is approved as part of a subdivision or development approval, or is exempt under the draft policy, a regulated tree should be retained in perpetuity and protected.
- *Maintenance pruning* is exempt from requiring approval.
- Where a tree damaging activity is proposed in conjunction with works exempt under the Deemed Provisions, the tree damaging activity will still require approval.
- The siting and design of development should, where possible, avoid impacting any regulated tree.
- An arborist report will be required to justify a tree damaging activity to a regulated tree.

Development Services have commenced a review of LPP1 – Design and Development and LPP2 – Ecological Urban Design and Sustainability. LPP1 – Design and Development is the most appropriate policy to seek any deemed-to-comply variations to the R-Codes minimum tree requirements or minimum tree planting area, or impervious surface requirements.

Tree damaging activities are likely to be undertaken in conjunction with subdivision or other development and not significantly affect processing times. Policy adoption will require Development Services staff to undertake additional education, compliance and enforcement. The Shire website, Information Sheet – Residential Development, MRS Form 1 Application for Planning Approval, Peptalk and public notices will all be platforms used to make proponents and residents aware of the policy change.

Following assessment of any submission(s) received during the twenty-one (21) day advertising period the Draft LPP7 may be further revised before being brought back to Council. Council will then be requested to proceed with the revised policy with or without further modifications or can resolve to not proceed with the policy. Should the Council resolve to proceed with the policy a further public notice will be published confirming adoption.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council directs the CEO to initiate advertising of Draft Local Planning Policy 7 – Tree Retention in accordance with the procedures contained in Schedule 2, Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

8.2 MANAGER INFRASTRUCTURE SERVICES

Nil

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 List of Accounts Paid – 31ST July 2024

Due to the early closing of the agenda, the accounts paid for 31st July 2024 will be presented at the Ordinary Council Meeting scheduled for 27th August 2024.

8.3.2 Financial Statements for the period ending 31st July 2024

Due to the early closing of the Agenda, the Interim Financial Statements for 31st July 2024 will be presented at the Ordinary Council Meeting scheduled for 27th August 2024.

8.3.3 Cloud Services Agreement for Enterprise Resource Planning (ERP)

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Council First Cloud Services Agreement V4 (Confidential)

Voting Requirement	Simple Majority
Subject Index	: ERP Cloud Services Agreement
Disclosure of Interest	: Nil
Responsible Officer	: J. Clapham, Manager of Corporate and Community Services
Authorised by	: D. Burnett, Chief Executive Officer

PURPOSE OF REPORT

This report is to advise Council of the intent of the Shire to sign a new agreement for the provision of Cloud Services for Enterprise Resource Planning (ERP) purposes.

SUMMARY AND KEY ISSUES

- In 2016 the Shire entered into an agreement with Open Systems Technology Pty Ltd (OST) to implement a new ERP called Council First, to replace Synergy Soft, which was supplied by IT Vision.
- The Shire of Peppermint Grove was the first Local Government in Western Australia to use Council First.
- A contract was entered into and has been ongoing since 2016.
- It is proposed that a new contract be entered into for an initial period of 3 years, with the option of 2 renewals of 3 years each.
- OST is listed as a preferred supplier in the WALGA Preferred Supplier Directory.

BACKGROUND

The Shire has used Council First as the ERP since 2016, and is looking to sign a new agreement with OST for a period of an initial 3 years, with the option of 2 renewals of 3 years each. A new contract has been prepared and reviewed by the Shire's lawyers, ready for signing.

STRATEGIC IMPLICATIONS

To align with objectives 5.1 – Provide accountable and transparent leadership and 5.4 – Sustainable and optimal use of Shire resources of Strategy 5 - Governance section of the Strategic Community Plan.

POLICY IMPLICATIONS

Shire of Peppermint Grove Administrative and Financial Policies.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996 and Local Government (Functions and General) Regulations 1996 Part 4 Division 2 Section 11 (2) – *Tenders do not have to be publicly invited according to the requirements of this Division if (b) – the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program or (f) – the Local Government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier.*

FINANCIAL IMPLICATIONS

The estimated annual cost for cloud based services covered by this contract is \$132,000. Other third party costs charged through OST and mentioned separately in this contract on an annual basis are estimated to be \$60,000. This amount covers cloud recordkeeping, Microsoft licences, and rates management software.

OFFICER COMMENT

The Shire used Synergy Soft as the ERP until 2016 when a decision was made to change to Council First. It is a significant undertaking to change ERP's and a decision to change is not taken lightly. Council First is a good system and is gaining traction in Western Australia with around 10 Local Government now using it. It is also cost effective and while the annual costs seem high, is more cost effective than most other ERP's. The Shire does not wish to change ERP's anytime soon but would like to have a signed agreement in place to ensure continuity of service and enable accountability on behalf of the supplier. As this is an essential service, very difficult to change and time consuming to implement, the Shire has not sought alternative quotes from other suppliers.

OFFICER RECOMMENDATION/S – ITEM NO 8.3.3

That Council authorises the Chief Executive Officer to sign a contract with OST for the supply of Cloud Services for an initial period of 3 years, with the option of 2 renewals of 3 years each.

8.4 CEO MANAGEMENT/GOVERNANCE/POLICY

MANAGEMENT/GOVERNANCE/POLICY

8.4.1 Tennis Club CRSSF Grant

Voting Requirement	:	Simple
Subject Index	:	Peppermint Grove Tennis Club
Disclosure of Interest	:	Nil
Author	:	CEO
Responsible Officer	:	CEO

PURPOSE OF REPORT

The Peppermint Grove Tennis Club (the Club) is working on a redevelopment project to convert four grass courts to four all weather synthetic courts.

Part of the funding required for the project will be sought from the State Government's Community Sporting and Recreation Facilities Fund (CSRFF).

SUMMARY AND KEY ISSUES

- The Club is looking to convert four grass court to four all weather synthetic courts
- Funding from the CSRFF grant will be required to complete the project.
- Grant applications are to be lodged and considered by local governments by the end of September 2024 with the local government to rank the applications in order of community benefit.

LOCATION

Lot 160 Johnston Street (Bayview to Keane Street).

BACKGROUND

The Club has been working on redevelopment project, with stage 1 being the conversion of four grass courts to four synthetic courts. This will reduce maintenance costs, water usage and at the same time increase court use/revenue.

The project cost is estimated by the Club to be in the range of \$800k - \$900,000, with the grant requested to be \$300,000.

CONSULTATION

No consultation has taken place at this time.

STRATEGIC IMPLICATIONS

Improving access to four all weather synthetic courts aligns with the Shire's Community Plan – Strategic Priority 1 Social objective 1.4 – Promote community connection and activation.

POLICY IMPLICATIONS

There are no specific policy implications in respect to this matter.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications at this time. The Club will be looking at accessing a \$200,000 self-supporting loan from the Shire should the Club receive the grant and the project proceeds. The granting of the self-supporting loan to the Club would be the subject of a separate report to Council. The Club would be required to provide a detailed business plan for the project, indicating its financial capacity to undertake and complete the project and to also meet the loan repayment commitments.

ENVIRONMENTAL IMPLICATIONS

Conversion of four courts from grass to synthetic will reduce the amount of water drawn from the Shire's annual bore allocation.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

A condition of the CSRFF grant is that the local government rank the project from a community benefit perspective. This is the only grant application for CSRFF funding so can be rated as the top priority by Council.

OFFICER RECOMMENDATION/S – ITEM NO 8.4.1

That Council considers the CRSFF application of \$300,000 by the Peppermint Grove Tennis Club as having a high community benefit and endorses the application.

8.4.2 Matters for Information and Noting

ATTACHMENT DETAILS

Attachment	Description
Attachment 1	Building/Planning Statistics
Attachment 2	Infringements Issued
Attachment 3	Library Statistics

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information July 2024
Disclosure of Interest	:	Nil
Author	:	Jennifer Court, Projects and Policy Officer
Responsible Officer	:	Mr Don Burnett, Chief Executive Officer

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 of 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 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 issued
- Demolition permits issued
- Seal register advising of when the Shire seal has been applied
- Infringements for parking and dogs etc.
- Recycling Statistics
- Library Statistics

SUMMARY AND KEY ISSUES

The following reports are presented to Council:

- Planning Approvals
- Building Approvals
- Infringements
- Library Statistics
- Recycling

OFFICER COMMENT

That the Council notes the updates outlined in the attached reports across a number of areas of the Shires operations. Further to this, the Shire's Seal was applied to the following documents:

- Peppermint Grove Tennis Club lease.
- Memorandum of Understanding with the West Coast Community Centre; and
- CEO Employment Contract.

CONSULTATION

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

OFFICER RECOMMENDATION/S – ITEM 8.4.1

That Council receives the information in this report.

9. COMMITTEE REPORTS

10. NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL

11. MOTIONS ON NOTICE

(Automatically sent back to administration for consideration at the next Council meeting)

12. CONFIDENTIAL ITEMS OF BUSINESS

13. CLOSURE OF MEETING

At ___pm, there being no further business the meeting closed.