



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

DRAFT

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.

**TO BE HELD ON
TUESDAY 25TH JULY 2023
AT
5.30 PM**



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 11th July 2023, commencing at 5.30pm.

MEETING AGENDA ATTACHED

Yours faithfully

Mr Donovan Norgard
A/CHIEF EXECUTIVE OFFICER

6th July 2023

DRAFT MEETING AGENDA ATTACHED

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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

Deputy Shire President (Presiding Member)	Cr C Hohnen
Elected Member	Cr P Macintosh
Elected Member	Cr D Horrex
Elected Member	Cr D Jackson
Elected Member	Cr K Farley
Elected Member	Cr P Dawkins
Chief Executive Officer	Mr Don Burnett
Manager Development Services	Mr J Gajic
Manager Corporate & Community Services	Mr M Costarella
Manager Infrastructure Services	Mr D Norgard

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

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE

Shire President

Cr R Thomas

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3. DELEGATIONS AND PETITIONS

3.1 DELEGATIONS AND SUBMISSIONS

NIL

3.2 PETITIONS

NIL

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

Councillors / Staff are reminded of the requirements of section 5.65 of the Local Government Act 1995 (Act), 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.

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.

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.0 CONFIRMATION OF MINUTES

Nil adoption of Minutes at this Forum.

8.0 OFFICERS REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 Final Adoption Scheme Amendment No. 2 – Recoding Lot 24 and Lot 26 (No. 12) Johnston Street, Peppermint Grove

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Scheme Amendment Report – Rowe Group

Voting Requirement	Simple
Location / Address	Lot 24 & Lot 26 (No.12) Johnston Street, Peppermint Grove
Application Number	LPS4 Scheme Amendment No. 2
LPS No 4 Zoning	Residential R15
Land Use	Single House & Vacant
Lot Area	1503m ²
Disclosure of Interest	Nil
Previous Items	8.1.3, 28 March Ordinary Council Meeting
Applicant	The Rowe Group
Owner	The Shire of Peppermint Grove & S L Yu
Assessing Officer	Mr J Gajic
Authorising Officer	Mr J Gajic

PURPOSE OF REPORT

To seek a Council resolution for final adoption of Local Planning Scheme 4 (LPS4) Scheme Amendment No. 2 (AMD2) as advertised for submission to the Department of Planning Lands and Heritage.

SUMMARY AND KEY ISSUES

- Item 8.1.3 contained in the 28 March Ordinary Council Meeting minutes provides a rationale to the merit of AMD2 and should be read in conjunction with this report.
- The Environmental Protection Agency (EPA) determined that AMD2 did not need an environmental review that enabled the commencement of advertising.
- AMD2 was advertised for a period of forty-two (42) days. No submissions were received.
- Ministerial endorsement of AMD2 will inform possible further investigation to similarly recode other properties in the same context, a recommended action to be included in the next Local Planning Strategy.

LOCATION

Lot 24 & Lot 26 (No.12) Johnston Street, Peppermint Grove. The subject site is located directly opposite and to the south of Cottesloe Primary School and is situated approximately

125 metres from commercial tenancies along Stirling Highway, 600 metres from the Mosman Park Train Station, and 700 metres from the Cottesloe Train Station.

BACKGROUND

AMD2 is considered to be a ‘standard’ amendment for which referral to Environmental Protection Agency (EPA) was required under section 81 of the *Planning and Development Act 2005*. The EPA determined that an environmental review was not required.

No submissions were received during the statutory advertising period that closed on 26 June 2023. As such, the Council must as soon as practical resolve to either not support the amendment or to support the amendment with or without modifications.

In accordance with section 87(1) of the *Planning and Development Act 2005* the WAPC has 60 days to consider a standard amendment and provide a recommendation to the Minister.

CONSULTATION

The EPA advised under section 48A of the *Environmental Protection Act 1986* that an environmental review was not required.

A public notice was published in The Post newspaper and in the ‘latest news’ page of the Shire’s website. Additionally, 25 owner/occupiers of nearby properties were notified by direct mail.

No written submissions were received with the 42-day advertising period specified under regulation 47(1) and (4) of the *Planning and Development Regulations 2009*. A small number of telephone enquiries were received.

STRATEGIC IMPLICATIONS

Investigation of the merits to recode additional land enabling a better transition between R80 coded areas and commercial zones along the Stirling Highway corridor and immediately abutting IR10 and R12.5 coded areas is one of the strategic planning initiatives contained in the Report of Review recently submitted to the Department of Planning Lands and Heritage.

The Minister’s determination in respect AMD2 will further inform whether the next Local Planning Strategy contains this strategic planning initiative.

LOCAL PLANNING POLICY IMPLICATIONS

The proposal complies with relevant Local Planning Policy.

STATUTORY IMPLICATIONS

There are no statutory implications evident at this time.

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 merits of the proposed recoding were addressed in Item 8.1.3 contained in the minutes to the 28 March 2023 Ordinary Council Meeting.

No submissions were received during the 42-day advertising period.

Support of AMD2 without modifications is considered a procedural matter.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council supports Scheme Amendment No. 2 without modification in accordance with regulation 50(3)(a) of the *Planning and Development Regulations 2009*, and to refer the Amendment with supporting documentation to the WAPC for approval.

8.2 MANAGER INFRASTRUCTURE

NIL

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 List of Accounts Paid – June 2023

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Accounts Paid – June 2023 Credit Cards – May 2023

Voting Requirement	: Simple Majority
Subject Index	: Financial Management
Disclosure of Interest	: Nil
Responsible Officer	: Michael Costarella, Manager Corporate and Community Services

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

- Significant payments in June 2023 included the following:
 - ATO Pay as you go Tax
 - Superannuation
 - Emergency Services Levy Qtr. 4 contribution
 - Building Services Levy

BACKGROUND

The Attachment lists detail all payments made in June 2023. The following summarise credit card payments, electronic fund transfers, direct debits and BPAY included in the list presented for information.

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT00525-528	\$ 211,569.39
Direct Debits	DD00423-429	\$ 6,826.48
Credit Cards –May 2023		\$ 8,880.52
TOTAL		\$ 227,276.39

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 2022/23 Adopted Budget.

COMMENT

The list of Accounts paid are provided to Council for information purposes and in accordance with the delegation to the CEO.

OFFICER RECOMMENDATION/S – ITEM NO. 8.3.1

That Council receive the list of payment of accounts by: -

- 1. Electronic funds transfers, cheque, direct debit & BPAY payments for the month of June 2023, totalling \$ 218,395.87.**
- 2. Credit Card payments for May 2023 totalling \$8,880.52.**

8.3.2 Interim Financial Statements for the period ending 30th June 2023

CORPORATE

The 30th June 2023 Interim Financial Statements will be presented to the Ordinary Council meeting on 25th July 2023.

8.4.1 CEO MANAGEMENT/GOVERNANCE/POLICY

MANAGEMENT/GOVERNANCE/POLICY

8.4.1 Memorial Policy and Memorial Wall

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Details</u>
Attachment 1	Amended Policy 4.10
Attachment 2	Concept design for Memorial Wall.

Voting Requirement	:	Absolute Majority
Subject Index	:	Strategic Management Plans
Disclosure of Interest	:	Nil
Author	:	Don Burnett, Chief Executive Officer
Responsible Officer	:	Don Burnett, Chief Executive Officer

PURPOSE OF REPORT

The purpose of the report is for Council for Council to review the existing Policy for memorials and approve a design for a Memorial Wall

SUMMARY AND KEY ISSUES

- The Shire currently has a policy precluding memorials being installed to recognise deceased persons.
- An amended policy is presented that would allow memorial plaques to be installed on a memorial wall.
- A concept design for the memorial wall is presented.

BACKGROUND

Council's current policy 4.10 Memorials doesn't to permit the installation of memorials, such as plaques, crosses, shrines or similar. The has also been requests for a seat or tree to be purchased with a memorial plaque. The requests for memorials are usually requested by family members to recognise a family member who has passed.

The Shire has been receiving an increase in requests for memorials and it is considered warranted to review the current policy.

CONSULTATION

There has been consultation with several residents who have requested memorials. No public consultation undertaken.

STRATEGIC IMPLICATIONS

The installation of a Memorial Wall will give residents a place of reflection and this aligns with the Shire’s Community Strategic Plan Objective 1.4 Promote Community Connection and Activation.

POLICY IMPLICATIONS

Policy 4.10 Memorials will be changed to allow for memorial plaques to be installed on the Memorial Wall.

STATUTORY IMPLICATIONS

The proposed location of the Memorial Wall is where the demolished toilet block was along the foreshore walk near the Scotch rowing shed. Due to the proximity of the wall to the river, approval by the Department of Biodiversity Conservation and Attractions will be required and approval under the Aboriginal Cultural Heritage Act 2021.

FINANCIAL IMPLICATIONS

The 2023/24 budget makes provision for the installation of the Memorial Wall and surrounding landscaping. The Schedule of Fees and Charges has a fee of \$400 for the ordering and installation of a plaque.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The ability for residents to instal a plaque to remember family members who have passed and to have a place of reflection that is seen as providing a form of comfort for those grieving loved ones.

OFFICER COMMENT

The Shire is having an increase in the number of residents requesting approval to have a memorial placed in the Shire to recognise family members who have passed. The attached revised policy 4.10 memorials will now permit the installation of a plaque, at a designated size and style, to be attached to the proposed Memorial Wall on the foreshore. The site can be referred to as “Freshwater View” as a place of reflection.

The concept plan for the Memorial Wall is attached. It is intended that the design will use recycled jarrah and compliment the backdrop of the limestone cliff. An amount of \$80,000 is included in the 2023/24 budget, which includes the wall structure, path and step upgrades and landscaping to the site. Two near new seats at the site will be retained but moved on the site.

The plaques to be installed on the timber uprights will be 150mm x 150mm, made of stainless steel and will all have the same font and pitch. Wording is at applicants' discretion. The applicant will pay the \$400 fee, with the Shire ordering and installing the plaque.

The project will be subject to statutory approvals and can't proceed until all approvals are received.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.1

That Council, subject to statutory approvals being granted for the installation of the Memorial Wall,

- 1. adopts the amended policy 4.10 Memorials; and**
- 2. installs the Memorial Wall as per the attached concept design.**

MANAGEMENT/GOVERNANCE/POLICY

8.4.2 Matters for Information and Noting

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Description</u>
Attachment 1	Building/Planning Statistics
Attachment 2	Infringements Issued
Attachment 3	Library Statistics
Attachment 4	Recycling Statistics

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information June 2023
Disclosure of Interest	:	Nil
Author	:	Jennifer Court, Senior Administration 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.

OFFICER COMMENT

Library Management Agreement

The Cottesloe, Peppermint Grove and Mosman Park Library and Community Learning Centre Management Agreement (LMA) signed on 2nd December 2022, did not have the attached Ministerial approval letter. The letter with the Minister's signature has now been included in the Library Management Agreement, Annexure 2 – Consent of the Minister for Lands. The Shire's seal has been applied to the LMA.

40 Marine Parade, Cottesloe

The Seal of the Shire of Peppermint Grove was applied to the Agreement to Lease and Sub-Lease Tenancy One, 40 Marine Parade, Cottesloe. The Shire is the registered Lessor and Curtin Heritage Living is the registered lessee with respect to the land.

CONSULTATION

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

OFFICER RECOMMENDATION/S – ITEM NO 8.4.2

That Council receives the information in this report.

9. COMMITTEE REPORTS

Nil

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.