



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. Council does not make determinations at the Agenda Briefing forum.

**TO BE HELD ON
TUESDAY 12TH MARCH 2024
AT 5.30 PM**

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Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

**TO BE HELD ON
TUESDAY 26TH MARCH 2024
AT
5.30 PM**



Shire of Peppermint Grove

NOTICE OF MEETING

Dear Councillor

It is advised that the **Agenda Briefing Forum Meeting** will be held in the Council Chamber on the Shire of Peppermint Grove, 1 Leake Street, Peppermint Grove, on 12th March 2024 commencing at 5.30pm.

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read 'Don Burnett', is written over a white background.

Mr Don Burnett
CHIEF EXECUTIVE OFFICER

7th March 2024



Shire of Peppermint Grove

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ORDINARY COUNCIL MEETING AGENDA

1. DECLARATION OF OFFICIAL OPENING

At ____ pm, the Shire President declared the meeting open and requested that the Affirmation of Civic Duty and Responsibility be read aloud by a Councillor and requested the recording of attendance and apologies.

Council recognises that it is permissible to record the Shire's Council and Forum Meetings in the written, sound, vision medium (or any combination of the mediums) when open to the public, however, people who intend to record meetings are requested to inform the Presiding Member of their intention to do so.

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

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Councillors and Officers of the Shire of Peppermint Grove. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability. We will observe the Shire's Code of Conduct and meeting procedures to ensure 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
Elected Member
Elected Member

Cr K Farley SC
Cr P Macintosh
Cr J Mahony
Cr D Jackson
Cr E Bond
Cr C Hohnen

Chief Executive Officer
Manager Development Services
Manager Corporate and Community Services
Manager Infrastructure

Mr D Burnett
Mr J Gajic
Mr J Clapham
Mr D Norgard

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

2.2 APOLOGIES

Deputy Shire President

Cr P Dawkins

2.3 LEAVES OF ABSENCE

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3.0 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 27th February 2024 be confirmed as a true and accurate record.

8.0 OFFICERS REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 Review of Local Planning Policy 6 – Neighbour Consultation on Development and Local Planning Policy 8 - Construction Management Plans

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Description</u> |
|----------------------|---|
| Attachment 1 | Draft Local Planning Policy 6 – Consultation on Development |
| Attachment 2 | Draft Local Planning Policy 8 - Construction Environmental Management Plans |

| | | |
|------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Disclosure of Interest | : | Nil |
| Previous OCM Items | : | Item 8.1.3 - 22 September 2020 Item 9.1 - 24 November 2020 |
| Assessing Officers | : | Mr P Zadeian/ Mr J Gajic |
| Authorising Officer | : | Mr J Gajic |

PURPOSE OF REPORT

To seek Council support to initiate advertising of Draft Local Planning Policy 6 – Consultation on Development and Draft Local Planning Policy 8 – Construction Environmental Management Plans.

SUMMARY AND KEY ISSUES

- Local Planning Policy 6 – Neighbour Consultation on Development (LPP6) and Local Planning Policy 8 – Construction Management Plans (LPP8) were adopted by Council on 24 November 2020 and are due for review.
- The review of LPP6 has been prioritised in anticipation of imminent legislated changes to officer delegation and its implications on the Shire’s Schedule of Fees and Charges for 2024/25.
- Holistic revisions to LPP8 are necessary as the current local policy is no longer fit for purpose.
- The Information Sheet – Residential Development (Information Sheet) will be updated pending adoption of revisions to the local policies.
- The Shire may adopt without changes, adopt with amendments, or rescind LPP6 or LPP8 without the need for referral to or the approval of the Western Australian Planning Commission (WAPC).

BACKGROUND

LPP6 and LPP8 were advertised on 1 October 2020 with no submissions received. Both were subsequently adopted by Council on 24 November 2020. No further amendments or revisions have been made.

The recent adoption of amendments to Local Planning Policy 5 – Plot Ratio and Local Planning Policy 12 – Residential Fences has established a preferred structure for the suite of local policies and the requirement to articulate the need and nexus for each policy.

The Information Sheet – Residential Development has captured the nuances of the local planning policy framework and reflected how planning officers are interpreting the framework. It has additionally identified current best practice dust and traffic management controls that are proposed to be strengthened through the adoption of amendments to LPP8. The information sheet is silent on consultation processes.

LPP6 is no longer fit for purpose. There is an opportunity for this local policy to respond to the state government's planning reforms, and to recognise that alternative means of notification may be appropriate. LPP6 is also silent on any obligations on the proponent including erecting signage and publishing public notices and contributing to the cost of preparing and distributing notification letters. It is accepted practice that proponents undertake consultative actions at their own cost. The Shire's fees and charges schedule prescribes the recovery of costs associated with more than ten (10) notification letters to be recovered.

LPP8 has not been embraced by proponents by virtue of the ongoing need to provide clarification on Shire expectations, and the documentation received often being generic and/or lacking detail. LPP8 is also fundamentally flawed in that it prescribes that documentation is to be lodged prior to the issuance of a building permit. Unless associated with preliminary demolition works, it is best practice for construction environmental management plans to support a development application.

In simple terms, too much information is currently prescribed in an inflexible manner. LPP8 is far too onerous for minor developments that in many cases can be otherwise controlled through standard building permit or development approval conditions. Conversely, emergency muster points are required to be identified on a site plan and control measures provided to evidence risk minimisation for contractors undertaking day to day activities. These are matters addressed under Work Health Safety legislation administered by WorkSafe and for which local government endorsement brings with it inherent risk.

The proposed draft revisions to LPP6 and LPP8 are not considered minor for the purposes of negating the need for advertising.

CONSULTATION

The draft policies are 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.

The Department of Planning, Lands and Heritage (DPLH) has previously confirmed that the WAPC is not required to approve amendments to LPP's that do not amend or replace the R-Codes. Notwithstanding this, it is considered prudent to inform the DPLH of the revised LPP's once adopted.

STRATEGIC IMPLICATIONS

There are no strategic implications evident at this time.

POLICY IMPLICATIONS

The proposed revisions to LPP6 and LPP8 do not directly or adversely impact on other local policies.

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

Local planning 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 policies also serve the function of articulating local planning scheme provisions and guide the application of Shire 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 (state planning policy 7.3). Neither LPP6 or LPP8 vary a deemed-to-comply requirement of the R-Codes.

Local 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.

The regular review of policy is a standard urban planning practice. Local Planning Policies (LPPs) are a key part of the Shire's local planning policy framework (i.e: scheme, policy and other strategic work) that augment the local planning scheme and guide the exercise of Council discretion in development and building matters.

Key Revisions to Draft Local Planning Policy 6 – Consultation on Development

- Local policy title changed to reflect that consultation may extend to beyond neighbouring properties.
- Local policy restructured to align with recently adopted revisions to the plot ratio and residential fencing policies.
- Generic introduction replaced by a Purpose and a Planning Objective section to align with recently revised local policies and articulate the broadened policy objectives.
- Clarifies that the owner/occupier is to be notified. In the case of vacant land, notifications will continue to be provided to the landowner.
- Articulates the planning objectives of the local policy to now provide guidance on the issuance of courtesy notifications as opposed to advertising letters, what information will be made available for public viewing, and consultation requirements for significant applications.
- The period between the Christmas and New Year public holidays to not count towards the specified advertising period.
- Refers to the ability to recover costs associated with distributing advertising letters and introduces obligations for proponents to erect signage and publish public notices at their own cost.
- Complex and community sensitive development application proposals defined and subject to broader consultation.

Key Revisions to Draft Local Planning Policy 8 – Construction Environmental Management Plans

- Local policy title changed to reflect the scope of documentation sought such as sediment control measures.
- Local policy restructured to align with recently adopted revisions to the plot ratio and residential fencing policies.
- Generic introduction replaced by a Purpose and a Planning Objective section to align with recently revised local policies and articulate the broadened policy objectives.
- Documentation to be submitted and assessed at the earliest opportunity allowing affected parties to understand the proposed management measures. Greater assurance can then be evidenced that the development will not adversely affect the amenity of the area, affected parties are able to provide comment, and the issuance of building permits are not delayed.
- Requires proponents to complete a Site Risk Assessment Matrix to determine the risk classification of the activity and inform whether the works are exempt from the requirement to submit a CEMP.
- Introduction of baseline requirements for mitigation measures, contingencies and monitoring actions for dust and sediment control outlined in *A Guideline for Managing the*

Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and Other Related Activities.

- Stand-alone traffic management plans required for activities that are likely to cause significant disruption to motorists or pedestrians.
- Off-site noise monitoring and dilapidation reporting required for significant works.
- Enforcement and penalties section corrected and updated to reference the ability to issue a Planning Infringement Notice.

Revisions to both LPP6 and LPP8 has been identified as a priority and forms part of a broader review of the Shire's local planning policy framework.

Following assessment of any submission(s) received during the twenty-one (21) day advertising period, further revisions may be recommended as part of the next report to Council to decide whether or not to adopt the LPP's.

| | |
|---------------------------------|-------------------|
| OFFICER RECOMMENDATION/S | Item 8.1.1 |
|---------------------------------|-------------------|

That Council directs the CEO to initiate the concurrent advertising of Draft Local Planning Policy 6 – Neighbour Consultation on Development and Draft Local Planning Policy 8 – Construction Environmental Management Plan in accordance with the procedures contained in Schedule 2, Part 2 Clause 5 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 – February 2024

The list of accounts paid for 29th February 2024 will be presented at the Council Meeting on the 26th March 2024.

8.3.2 Financial Statements for the period ending 29th February 2024

The Financial Statements for 29th February 2024 will be presented at the Council Meeting on the 26th March 2024.

8.4 CEO MANAGEMENT/GOVERNANCE/POLICY

8.4.1 Matters for Information and Noting

ATTACHMENT DETAILS

| Attachment | Description |
|---------------------|-------------------------------------|
| 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 January 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 Council notes the updates outlined in the attachment reports across a number of areas of the Shire's operations.

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

9.1 COMPLIANCE AUDIT REPORT 2023

This report is being considered by the Audit Governance and Risk Committee at the 12th March 2024 Committee Meeting and will be presented to Council following the outcome of the meeting.

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.