



Shire of  
Peppermint Grove

# ORDINARY COUNCIL MEETING

## DRAFT

## eMeeting

<https://www.youtube.com/channel/UC5yIH4gwdRDdpqX5xUVXrGQ>

# 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 the Friday before the scheduled meeting.*

TO BE HELD ON  
**TUESDAY 26 MAY 2020**  
AT  
**5.30 PM**



# Shire of Peppermint Grove

## **DRAFT MEETING AGENDA ATTACHED**

Please note that this meeting will be conducted as an eMeeting, and if you would like to observe you will need to access the YouTube link:

<https://www.youtube.com/channel/UC5yIH4gwdRDdpqX5xUVXrGQ>

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### **DISCLAIMER**

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*Any statement, comment or decision made at a Council or Forum meetings regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.*

*Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Forum meetings.*

*Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request.*



# Shire of Peppermint Grove

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Shire of  
**Peppermint Grove****DRAFT 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 email the CEO Don Burnett [Don.burnett@peppermintgrove.wa.gov.au](mailto:Don.burnett@peppermintgrove.wa.gov.au) prior to commencement of the meeting.

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

**Affirmation of Civic Duty and Responsibility**

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

**2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE****2.1 ATTENDANCE**

Shire President  
Deputy Shire President  
Elected Member  
Elected Member  
Elected Member  
Elected Member  
Elected Member

Cr R Thomas  
Cr C Hohnen  
Cr K Farley  
Cr D Horrex  
Cr G Peters  
Cr P Macintosh  
Cr P Dawkins

Chief Executive Officer  
Manager Library Services  
Manager Corporate and Community Services  
Manager Development Services  
Manager Infrastructure Services  
Zoom Coordinator

Mr D Burnett  
Ms D Burn  
Mr M Costarella  
Mr R Montgomery  
Mr D Norgard  
Mr Josh Dallimore

## **2.2 APOLOGIES**

## **2.3 LEAVES OF ABSENCE**

## **2.4 NEW REQUEST FOR A LEAVE OF ABSENCE**

## **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 and read out questions submitted prior to the commencement of the meeting.

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 on the submitted question and send it to [admin@peppermintgrove.wa.gov.au](mailto:admin@peppermintgrove.wa.gov.au) by **3pm on Monday 11 May 2020**.

If the question relates to an item on the agenda, the item number should also be stated. The Presiding Member will read out the response to the question and a written response will also be provided.

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

NIL

##### **4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

##### **4.3 DEPUTATIONS OF THE PUBLIC**

## **5 DECLARATIONS OF INTEREST**

*Councillors / Staff are reminded of the requirements of section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the Shire's Code of Conduct. Councillors / staff are required to submit declarations of interest in writing on the prescribed form.*

### **5.1 FINANCIAL INTEREST**

*A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.*

*Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.*

### **5.2 PROXIMITY INTEREST**

*A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.*

*Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.*

### **5.3 IMPARTIALITY INTEREST**

*Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.*

### **5.4 INTEREST THAT MAY CAUSE A CONFLICT**

*Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.*



## 5.5 STATEMENT OF GIFTS AND HOSPITALITY

*Councillors and staff are required (Code of Conduct), to disclose gifts and acts of hospitality which a reasonable person might claim to be a conflict of interest. Gifts and acts of hospitality which exceed that amount of prescribed by regulation are to be recorded in the Councils Gift Register.*

## 6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

## 7 CONFIRMATION OF MINUTES

### 7.1 ORDINARY COUNCIL MEETING 28 APRIL 2020

#### OFFICER RECOMMENDATION – ITEM 7.1

**Moved:**

**Seconded:**

**That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 28 April 2020 be confirmed as a true and accurate record.**

## 8 OFFICER REPORTS

### 8.1 MANAGER DEVELOPMENT SERVICES

#### 8.1.1 30R Leake Street – Two Car Garage and En-suite Expansion - LPS 4 variation.

#### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 1</b>	Location Map
<b>Attachment 2</b>	Development Application Plans

Voting Requirement	:	Simple Majority
Acceptance Date	:	17 March 2020
Location / Property Index	:	30R Leake Street, Peppermint Grove
Application Index	:	DA2020/00003
LPS No 4 Zoning	:	Residential, R-12.5
Land Use	:	Residential
Lot Area	:	976m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Ms Janice Rooney
Owner	:	Ms Janice Rooney
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 received an application for an en-suite expansion and a new two car garage to be developed at 30R Leake Street, Peppermint Grove; which is a battle-axe lot with a driveway from Leake Street. The design requires the Shire to vary the LPS 4 setback.

## **SUMMARY AND KEY ISSUES**

- The lot is located away from the street and the development would not be prominent from Leake Street.
- The proposed en-suite addition is assessed to be compliant with Local Planning Scheme 4 - and does not require planning approval.
- The proposed two car garage however seeks a variation to reduce the required side setback from 1 000mm down to 500mm.
- There is a limestone boundary wall (1.8m) adjacent to the proposed garage on the west.
- The Applicant indicates neighbour support for the garage to be built with reduced setback as proposed.
- The development is within other LPS 4 requirements. (plot ratio for the property is well below LPS 4 requirement 0.5 or less).

## **LOCATION**

30R Leake Street, Peppermint Grove

## **BACKGROUND**

The single house development at 30R Leake Street does not have a garage. Resident's cars are presently parked on a hard stand area within the front setback of the house. This application, received in March 2020, proposes a two-car garage to be constructed in that location in the north west corner of the lot.

The proposed garage seeks variation to reduce the side boundary setback from 1m to 0.5 m. The application requests Council to assess and exercise its discretion pursuant to c. of LPS 4 (R Codes) to approve the reduction.

The application includes a small extension to an en-suite on the eastern boundary as part of the application but assessment indicates it has no negative impacts on neighbours and is deemed to comply with the LPS 4 and R codes.

These works do not require a planning determination because they are compliant with the Shire planning scheme.

## **CONSULTATION**

The applicant conducted their own consultation process and submitted a letter of support from one neighbour for the Shire approval of the application.

The Shire contacted neighbours to the north and the west on 24 March 2020 (refer to plan) informing of the application and inviting comment on the garage development (that component seeking variation of LPS 4 setback).

The Shire received no submissions following the 14-day consultation period.

### **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**

<b>RESIDENTIAL DESIGN CODES</b>	
<b>Acceptable Development/Performance Criteria</b>	<b>Assessment/Comment</b>
1. Setbacks – 1m (R-Codes Table 2a)	<p>The application seeks a reduced lot boundary setback of 500mm, half of the required distance for a wall of less than 9m in length.</p> <p>The proposed location of the garage allows for a more efficient use of the site and has been supported by the neighbour to the west.</p> <p>The LPS 4 requires a 1 m setback which would result in a less efficient use of land. Reallocation of the land can improve manoeuvring of vehicles and front landscaping. The requested variation offers a superior design outcome and considering support from the neighbour, this proposal is recommended for approval subject to clause 5.1.3 of the R-Codes Design Principles.</p>

### **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 development application submitted for 30R Leake Street is to build an en-suite connected to the master bedroom and to build a two-car garage to the north east corner of the site as an outbuilding.

The proposed en-suite is compliant with LPS 4 and does not require planning approval.

The garage located on the western boundary would require a setback of 1m from the lot boundary in LPS 4 referring to the R-Codes. The proposed garage has a reduced setback of 0.5m and a design principles assessment is required to indicate whether a variation is warranted.

Part 5.1.3 of the R-Codes nominates relevant design principles to apply in this case. In particular, the important areas to consider are:

- Adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties.
- Any adverse impact on the amenity of the adjoining property.

The slight reduction of the setback of the proposed garage will result in a more efficient use of land, with the reallocation of the 0.5 strip to improve manoeuvrability of vehicles. The reduction of the setback does not adversely impact the neighbour to the west and this neighbour provided signed support for the proposed garage as part of the application. The design principles of the R-Codes warrant the variation as proposed to be approved.

In assessing the application, an overall assessment was made to confirm the development was deemed to comply with LPS 4. The plot ratio was checked and assessed to be 0.275; well within the 0.5 limit contained in LPS 4.

The application is therefore recommended for approval subject to standard conditions.

**OFFICER RECOMMENDATION/S – ITEM NO 8.1.1**

That Council following a design principles assessment of the reduction in the boundary setback approves the proposed Development Application at 30R Leake Street, Peppermint Grove, to develop a “New Two Car Garage and En-suite” (plans 1-5) subject to the following conditions:

1. The development plans, as dated marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the “Approved Plans” as part of this application and shall form part of the development approval issued.
2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.
3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.
4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:
  - How materials and equipment will be delivered and removed from the site;
  - How materials and equipment will be stored on the site;
  - Parking arrangements for contractors;
  - Construction Waste disposal strategy and location of waste disposal bins;
  - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - Other matters likely to impact on surrounding properties.

**Advice:**

In approving this application Council has assessed the proposed plans against the Shires Local Planning Scheme 4 and the Design Principles of the R-Codes, and has provided discretion on the following areas:

- Lot Boundary Setback

The design principles assessment concluded there would be no adverse impact on abutting properties.

**The reallocation of the space created by reduction of the setback should be used to improve vehicle manoeuvring and to create space in front of the house for planting shade trees.**

**The Shire notes there is a road widening on the property and this approval does not address or change this requirement.**

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**8.1.2 38 Leake Street – New Garage and Gym - Single House Addition**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 2</b>	Location Map
<b>Attachment 2</b>	Development Application Plans

Voting Requirement	:	Simple Majority
Acceptance Date	:	19/03/2020
Location / Property Index	:	38 Leake Street, Peppermint Grove
Application Index	:	DA2020/00004
LPS No 4 Zoning	:	Residential, R-12.5
Land Use	:	Single Residential
Lot Area	:	1818m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Mr Ross McAndrew Architect
Owner	:	Mr and Mrs L & W Coli
Assessing Officer	:	Mr Josh Dallimore – Planning and Development Officer
Authorising Officer	:	Mr Ross Montgomery – Manager Development Services

**COUNCIL ROLE**

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## **PURPOSE OF REPORT**

Council received an Application requesting the consideration of a proposed “Garage and Gym Addition” at 38 Leake Street, Peppermint Grove

## **SUMMARY AND KEY ISSUES**

- The proposed new structure replaces the existing garage with a new, larger garage and gym.
- The replacement building increases the length of building to be built along the eastern lot boundary by almost 10 metres.
- The proposed increase in floor space will not exceed the LPS 4 requirement for a maximum plot ratio of 0.5 (0.38 proposed).

## **LOCATION**

38 Leake Street, Peppermint Grove

## **BACKGROUND**

The proposed development at 38 Leake Street, Peppermint Grove is situated on a 1818m<sup>2</sup> block with a two-storey single dwelling situated towards the northern boundary of the property. The lot addresses Leake Street and the proposed development is situated to the south of the primary residence and along the eastern boundary.

40 Leake Street is on the Heritage List and was recently subdivided to create a rear lot with a 1m walkway connecting the rear house (40R) to Leake Street along the western boundary. The approved new dwelling has a boundary wall with 38 Leake Street for the section of the common boundary near the laneway.

## **CONSULTATION**

On 24 March 2020 the Shire sent a letter to the neighbour abutting the property to the east and with a shared boundary advising them of the proposed works and seeking any comments about the zero setback of the proposed structure. The consultation period closed on 7 April 2020 and no submissions were received by the Shire.

## **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 with the exception of those outlined in the table below.

<b>RESIDENTIAL DESIGN CODES</b>	
<b>Acceptable Development/Performance Criteria</b>	<b>Assessment/Comment</b>
1. 1.5m Lot Boundary Setback	The application is proposing to extend a the current extent of parapet wall along the eastern boundary from 5.9 m to 15.7m in length. The LPS 4 via R-Codes requires a 1.5m setback from the boundary. The current wall is 5.9m in length and will be completely replaced with a new structure. The proposed setback does not meet any aspects of the deemed-to-comply provisions of the R-Codes and requires assessment with regard the Design Principles identified in the R Codes.

## **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 development application for 38 Leake Street, Peppermint Grove, proposes a new garage and gym additions to the south of the property, replacing an existing garage and storage space. The proposed garage and gym will be 135.5m<sup>2</sup> which combined with floor area of other structures does not exceed the plot ratio requirements of LPS 4 (0.5).

The proposed development is seeking discretion to allow a zero setback for a wall 15.7m in length and a maximum of 2.58m high (when viewed from the eastern neighbour) situated along the eastern common side boundary. To meet the deemed-to-comply provisions of the LPS 4 (R-Codes) the proposed development would require a 1.5m setback from the lot

boundary. It does not meet the deemed-to-comply provisions and so a design principle planning assessment is required.

The application was advertised for 14 days to the neighbours to the west where the development will abut the lot boundary. No comments were received from the neighbours.

Apart from any comments from neighbouring landowners, a planning assessment of the proposal and its design merits is also required.

Part 5.1.3 of the R-Codes nominates relevant design principles to apply in this case. In particular, the important areas to consider are:

- Adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties.
- Any adverse impact on the amenity of the adjoining property.

The applicant has addressed these provisions of the design principles the proposal in the two areas of justification:

- 1) The proposed new parapet wall partially abuts a pedestrian pathway that connects the rear property at 40R Leake Street to the Leake Street frontage. This pedestrian laneway is about 1 m width and is used for walk access purposes only and not as active open space for the rear property at 40R Leake Street, in effect it functions as a buffer to 40 Leake Street (to the north), and could be considered to mitigate the likely impact of a zero setback along the boundary with the proposed development.
- 2) The development replaces an existing 5.9m boundary wall in the same location and so the additional length is what should be considered in terms of impact.

The heritage listed house at 40 Leake Street is situated with a drive/pathway on the western side of that property, and this allows for adequate sunlight and ventilation. The development abuts the pedestrian access pathway of 40R and despite the reduction of boundary setback it is assessed to have no greater impact than the current garage has on the neighbouring property.

Inspection of the site confirms the variation to allow a boundary wall in the position proposed would be unlikely to impact the houses located to the east of the boundary and the application is therefore recommended for approval subject to standard conditions.

**OFFICER RECOMMENDATION/S – ITEM NO 8.1.2**

That Council approves the proposed Development Application at 38 Leake Street, Peppermint Grove, for a new “Garage and Gym Addition” (plans 100 – 103) subject to the following conditions:

1. The development plans, as dated marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the “Approved Plans” as part of this application and shall form part of the development approval issued.
2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.
3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.
4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:
  - How materials and equipment will be delivered and removed from the site;
  - How materials and equipment will be stored on the site;
  - Parking arrangements for contractors;
  - Construction Waste disposal strategy and location of waste disposal bins;
  - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - Other matters likely to impact on surrounding properties.

**Advice:**

In approving this application Council has assessed the proposed plans against the Shires Local Planning Scheme 4 and the Design Principles of the R-Codes, and has provided discretion on the following areas:

- Lot Boundary Setback

The design principles assessment concluded there would be no adverse impact on the street or abutting properties.

**8.2 MANAGER INFRASTRUCTURE SERVICES**

NIL

**8.3 MANAGER LIBRARY SERVICES**

NIL

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## 8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

### 8.4.1 Financial Report – 30 April 2020

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Report – 30 April 2020

Voting Requirement	:	Simple Majority
Subject Index	:	Financial Management 2019/20
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

To receive the financial statements for the period ended 30 April 2020.

## **SUMMARY AND KEY ISSUES**

- **Total Operating** revenue is \$53,000 or 3% less than the year to date budget
- **Total Operating expenditure** is some \$233,000 less than the year to date budget and mainly due to other expenses under spent for the period.
- **Capital expenditure**- This is some \$448,000 less than the year to date budget and mainly due to the works for Johnston street and works not completed within the current period.

## **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 April 2020 shows the current net assets (surplus) of \$473,382.

## **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) Fees and Charges-\$21,202

The actual fees and charges received, is \$21,202 less than the year to date budget and this generally relates to the reductions in Building Licence fees of \$6,000, Community Hire Fee of \$7,000 as well as the Café rent of \$2,000 and other expected fees of \$5,000. The income from fees and charges have been affected by the COVID 19 virus and restriction of movement by the Community.

(2) Grants and Subsidies- \$53,000

Grants and subsidies revenue was \$103,000 less than the budget however the Shire received a prepayment from the Metropolitan Roads Grant of \$57,000. This resulted in a variance of \$56,000 less than the year to date budget. The grant of \$103,000 is corrected in the revised budget.

(3) Contributions and Reimbursements - \$24,000

The year to date actual is some \$24,000 more than the budget and this relates to funds transferred from the trust fund of \$15,000 as well as a recoup of costs associated with property clearing of \$5,000. The balance of \$4,000 relates GST corrections for contributions for the library from the previous year as well as additional expenses reimbursed.

(4) Employee Costs- \$57,000

The additional amount generally relates to the cash in of Annual Leave and additional resources for staff. The additional leave is funded from the Reserve funds and these will be transferred to Municipal fund at the 30 June2020.

(5) Materials & Contract

This year's actual expenditure is some \$193,000 less than the year to date budget and relates to the projects not being completed or under expended. eg Cottesloe Activity Centre \$45,000, and waste recycling of \$36,000 (invoice not yet received in March), Civil Engineering Consultant \$22,000, Waste Costs of \$39,000 and other expenditure of \$50,000.

(6) Other Expenses

The year to date budget is some \$27,000 more than the actual amount and relates to the payment of other costs and a correction is being made to the year to date budget.



**OFFICER RECOMMENDATION/S – ITEM NO. 8.4.1**

**That Council receive the monthly financial report for the period 1 July 2019 to 30 April 2020.**

DRAFT

**8.4.2 Accounts Paid – April**
**CORPORATE**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment</b>	<b>Accounts Paid April</b>

Voting Requirement	:	Simple Majority
Subject Index	:	FM045A
Disclosure of any Interest	:	N/A
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 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 April 2020 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions;
- Solar Panel Installation;
- Extensive Reticulation maintenance for Parks and Reserves;
- Traffic Management LED Signs;
- Presidential and Councillors Sitting Fees;
- CouncilFirst Services.

## **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 1	339 – 345	386,737.34
TEFT	TRUST	0	0.00
DIRECT DEBT	MUNI 1	139 – 146	14,353.82
BPAY	MUNI 1	126 – 138	4,691.09
CHEQUE	MUNI 1	0	0.00
CREDIT CARD	MUNI 1	5	4,317.50
			<b>410,099.75</b>

## **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/S – ITEM NO. 8.4.2**

**That Council receive the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for April 2020, totalling \$410,099.75**

## 8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY

### 8.5.1 Delegations Register

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 Refers	3.4 Delegation

Voting Requirement	:	Simple majority
Subject Index	:	Delegations Register
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.*
- 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 review the Shire's delegation register

## **SUMMARY AND KEY ISSUES**

- The Shire's Delegation to the CEO are required to be reviewed every 12 months
- The delegations had an extensive review in June 2019.
- Minor changes are recommended in this review

## **LOCATION**

N/A

## **BACKGROUND**

The Shire's delegations to the CEO are made to ensure the effective and efficient of the Shire are maintained. The delegations had an extensive review undertaken in June 2019. Only minor changes are recommended in this review.

## **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**

The Local Government Act 1995, section 5.42 provides for the delegation of certain functions by Council to the CEO. Section 5.43 specifies what functions can't be delegated. Section 5.46 92) requires Council to review the delegations at least once in a financial year.

## **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 Delegations register had a substantial review in June ,2019. This review proposes several minor adjustments, and these are shown as track changes in the attached document. It is recommended that delegation 2.6, dealing with contract variations is revoked, as the dealing with variations is covered in the tender documentation.

In regard to delegation 3.4, Development Approvals, the guidelines are now incorporated into the delegation.

### **OFFICER RECOMMENDATION/S – ITEM NO 8.5.1**

**That Council endorses the changes to the delegation register as attached to this report and revokes delegation 2.6 attachment two as the updated Policy Manual for the Shire.**

DRAFT

**8.5.2 Matters for Information and Noting**
**MANAGEMENT/GOVERNANCE/POLICY**
**ATTACHMENT DETAILS**

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

Voting Requirement : Simple majority  
 Subject Index :  
 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.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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## **PURPOSE OF REPORT**

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 May 2020:

1. Building Permits Issued
2. Planning Approvals Issued
3. Infringements Issued
4. Library Statistics

## **CONSULTATION**

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

## **OFFICER RECOMMENDATION – ITEM NO. 8.5.2**

**That Council receives the information in this report.**



## **8.6 COMMITTEE REPORTS**

NIL

## **9 NEW BUSINESS OF AN URGENT NATURE**

## **10 MOTIONS ON NOTICE**

*(Automatically sent back to Administration for consideration at the next Council Meeting)*

## **11 CONFIDENTIAL ITEMS OF BUSINESS**

NIL

## **12 CLOSURE**

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

DRAFT

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**DECLARATION OF**  
**FINANCIAL / PROXIMITY / IMPARTIAL INTEREST**  
**THAT MAY CAUSE A CONFLICT**

**TO:** Chief Executive Officer  
SHIRE OF PEPPERMINT GROVE

**NAME:**

\_\_\_\_\_

**POSITION:**

\_\_\_\_\_

**MEETING DATE:**

\_\_\_\_\_

**ITEM NO & SUBJECT:**

\_\_\_\_\_

\_\_\_\_\_

**NATURE OF  
INTEREST:**

Financial / Proximity / Impartiality  
Interest that may cause a Conflict\*

\* Please Circle  
*applicable*

**EXTENT OF  
INTEREST:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNATURE:**

\_\_\_\_\_

**DATE:**

\_\_\_\_\_

**Section 5.65(1) of the Local Government Act 1995 states that:**

## **FINANCIAL & PROXIMITY INTERESTS**

*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.*

## **DISCLOSURE OF 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.*

*“A member who has an interest in any matter to be discussed at a Council or Agenda Briefing Forum meeting that will be attended by that member must disclose the nature of the interest”:*

- (a) In a written notice given to the CEO before the meeting; or*
- (b) At the meeting immediately before the matter is discussed.*