



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 the Friday before the Scheduled meeting.*

**TO BE HELD ON**  
**TUESDAY 26 FEBRUARY 2019**  
**AT**  
**5.30 PM**



# Shire of Peppermint Grove

## **DRAFT MEETING AGENDA ATTACHED**

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*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

## ORDINARY COUNCIL MEETING AGENDA

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### 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 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

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

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

Mr D Burnett  
Ms D Burn  
Mr P Rawlings  
Mr D Norgard  
Mr R Montgomery

**Visitors** \_\_\_\_\_, from \_\_\_\_\_  
**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

### 3.1 DELEGATIONS

### 3.2 PETITIONS

## **4 PUBLIC QUESTION TIME**

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

- The Agenda
- Question to Council and
- Deputation Forms

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

### **Rules for Council Meeting Public Question Time**

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

#### **4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

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

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

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## **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

### COUNCIL DECISION

#### 7.1 ORDINARY COUNCIL MEETING 18 DECEMBER 2019

Moved:

Seconded:

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 18 December 2018 be confirmed as a true and accurate record.

#### 7.2 SPECIAL COUNCIL MEETING 22 JANUARY 2019

Moved:

Seconded:

That the Minutes of the Special Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 22 January 2019 be confirmed as a true and accurate record.

## 8 OFFICER REPORTS

### 8.1 MANAGER DEVELOPMENT SERVICES

#### 8.1.1 2 Bay View Terrace – Single house and Ancillary dwelling

#### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 1 – Site Plan</b>	Map identifying the subject site
<b>Attachment 2 – Neighbours to be consulted</b>	Map identifying the properties that will need to be consulted
<b>Attachment 3 – Approved Plans</b>	Copy of the plans to be approved

Voting Requirement	:	Simple Majority
Subject Index	:	
Location / Property Index	:	2 Bay View Terrace, Peppermint Grove
Application Index	:	
LPS No 4 Zoning	:	R-12.5
Land Use	:	Single house and Ancillary Dwelling
Lot Area	:	
Disclosure of any Interest	:	Nil.
Previous Items	:	Concept Forum 9/10/18 and 11/ 12/18
Applicant	:	Sharp and Vanryan Architecture
Owner	:	Mrs and Mrs J Gillett
Responsible Officer	:	Mr Ross Montgomery

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- 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 Council is requested to consider the proposed development consisting of a new 2 storey house and ancillary dwelling (pool house) on vacant land at 2 Bay View Terrace, Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

- Proposal is for the development of a new 2 storey dwelling and pool house on the western portion of the vacant land on the corner of Bay View Terrace and Irvine Streets in Peppermint Grove.
- The proposal is designed for a site to be created by a re-subdivision of the land into two parcels (WAPC No to be advised by applicant). All development will be located on the western parcel of this subdivision.
- The design sets development well back from the boundaries and will establish new ground levels as part of returning the land back to its previous ground levels.
- The application is required because the design approach opts for design-principles, rather than deemed-to-comply. This requires Council to consider the merits of the design based on a planning assessment and overall design objectives.
- The height of the walls and the roof, and a plot ratio in excess of 0.5 (Scheme nominates this at the maximum) are notable aspects of the design.
- The design provides larger than usual setbacks to afford a view corridor along Keane St and towards the river.
- This very large site falls steeply from the western edge and has previously undergone extensive excavation during previous demolition and redevelopment activities.
- Although the house includes a substantial basement garage the design is set into the lot and the proposal will require fill onto the site to recreate the previous sloping landform.
- This proposal does not involve the eastern parcel.

## **LOCATION**

2 Bay View Terrace, Peppermint Grove

## **BACKGROUND**

The proposed new 2 storey house and ancillary dwelling (pool house) is situated on 2 Bay View Terrace which was part of the previous site. This site has been vacant or in a state of redevelopment now for approximately 10 years.

The proposed development has been designed to create a house and ancillary dwelling with grounds in keeping with a Peppermint Grove landscape setting.

The site was significantly excavated due to the previous development of the land and subsequent demolition of incomplete structures. The plans have identified this and intend to restore the landform of the site closer to that of its previous form. The work will require re-

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contouring as well as fill to raise ground levels surrounding the house to match abutting levels.

The Applicant presented a design concept to Council at the November 2018 meeting, seeking feedback on the draft design before lodging a Development Application. Some minor changes were made to the draft plans to address comments made by Councillors and staff, and then an official Development Application was submitted.

### **CONSULTATION**

The Scheme makes no requirement for specific consultation with the public in regard to the property, however, due to the scale of the proposed development, the likely duration of works and possible interest from the neighbouring properties at:

- 2 Bungalow Court
- 10 Bungalow Court
- 39 View Street
- 41 View Street
- 36 Keane Street
- 6 Bay View Terrace

A notice about the application and invitation has been extended to view the plans and to make comment.

At the time of drafting this report the comment period had not elapsed and so any comments received will be reported to Council before it makes formal decision as to whether it should be approved.

### **STRATEGIC IMPLICATIONS**

This site is unique in its size and setting for Peppermint Grove. The landform and aspect warrant a design principles or on-merit design rather than a formulaic design.

Local Planning Scheme 4 includes the R-Codes by reference, and these set the maximum roof height for Category B buildings at 9 metres, and wall height at 6 metres from the mean natural ground level. This site is exceptional as one of the largest sites for a single house in Peppermint Grove. Should Council decide to approve these plans, it would warrant a variation of the policy requirements of the R-Codes, however this would be an 'on merit' case particular to this site only.

The application foreshadows the re-subdivision of the site into two lots, and if an application for subdivision proceeds, the proposed plans would deliver a plot ratio of 0.57, 0.07 above the maximum plot ratio (LPS4).

Notwithstanding the plot ratio of 0.75, the purpose of design principles approach is to balance compliance with overall design objectives to make an aesthetically suitable and functional development, for the particular site considering also the neighbourhood context.

## **POLICY IMPLICATIONS**

As there are a number of aspects to the proposal that vary from deemed-to-comply under the R-Codes, and Local Planning Policy 6 requires that neighbours are consulted as part of the assessment process on matters that vary the development standards.

When considering then height of the proposed 2 storey dwelling, due regard should be given to Local Planning Policy 4 on 'Residential Building Heights'. This policy outlines criteria that need to be satisfied for a development seeking a variation of the R-Codes to be approved in regard to height. These are:-

- That views from and/or to buildings are not unduly interrupted by the increase in overall height;
- Compatibility of the resulting scale of a proposed building to neighbouring dwellings;
- The proposed increase in building height would enable a development to fit in with its neighbours;
- The proposed development would not have an adverse visual impact on the adjoining dwelling;
- Any proposed additions to a heritage listed dwelling do not overwhelm or dominate that heritage place as a result of any height variation;
- The streetscape in which the development is proposed not be adversely affected by an increased height;
- The development meeting with all other provisions of the Scheme and the Deemed-to-comply provisions of the R-Codes.

## **STATUTORY IMPLICATIONS**

### **Town 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><u>RESIDENTIAL DESIGN CODES</u></b>	
<b>Acceptable Development/Performance Criteria</b>	
<b>Assessment/Comment</b>	
<b>1.</b>	Maximum roof height of 9 metres for a Category B building.
	The top of the roof exceeds the maximum permitted building height of 9 metres by 400mm. The setbacks of the building are however well in excess of all requirements, and therefore the added bulk of the build is likely to be less significant on surrounding properties.
<b>2.</b>	Maximum wall height of 6 metres of a Category B building.
	The maximum wall height of 6 metres is exceeded by 1850mm. The shallow pitched roof helps to reduce the overall bulk of the building and this balances the over-height roof and walls.

3.	Maximum plot ratio of 0.5	Plot ratio of the site is 0.5698 and exceeds the allowable 0.5. Due to the large setbacks and the overall size of the two blocks included in the development, it is likely the overall bulk of the building, the slope of the site and context of the large block would mitigate any possible impact.
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### **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 proposed new development at 2 Bay View Terrace consists of a new 2 storey single house and an ancillary dwelling (pool house) and will occupy a large western portion subdivided from the 'parent' lot and aims to bring the contours of the site back to a naturally graded level.

The site in its current state is the result of an extensive excavation as part of the development and demolition processes. The new development will step down from the height of the upper portion towards the middle of the new lot and this will involve some fill and relocation of levels to achieve a graded finish from the west down to the east.

The plans show that the parent lot (Lot 90) is intended to be subdivided to create two separate lots with the house situated on the western sub-lot, towards the western boundary. Extensively landscaped terrace gardens will transition levels towards the eastern boundary. Subdividing the lot in this way creates a higher mean natural ground level, allowing the property to sit atop the gradient of the block without being greatly in excess of the maximum allowable height of 9 metres. It also provides for a more open aspect towards Keane Street and provides for long views towards the river.

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The proposed plans are generally consistent with Local Planning Scheme 4 and the R-Codes, and provide for a harmonious and landscaped residential precinct, however there are 3 areas where Council may exercise its discretion to allow:

- The top of the roof for the primary 2 storey single house to measure 9.4 metres from the mean natural ground level, (this height exceeds by 400mm the R Code policy of 9 metres).
- The external walls of the primary dwelling measure 7.85 metres from the mean natural ground level, which exceeds by 1850mm the R Code Policy height of 6 metres.
- The plot of the proposed development when taking into consideration the planned subdivision of the lot is 0.57; 0.07 in excess of the Scheme objective of 0.5.

Council may exercise discretion in these cases if it forms the opinion that the overall design result will be beneficial for the site and surroundings.

It is noted the proposed plans demonstrate design measures to reduce the impact of the building on the street and neighbouring properties. All buildings on the proposed plans have a greater setback than the minimum requirements as set out in LPS4. This helps to reduce the scale of the buildings when viewed from the street, but also limits the impact of the buildings on neighbouring properties and their sight lines. A shallow pitched roof has been adopted to minimise intrusion into views across the property and mitigates the 1850mm excess in external wall height. The finished levels are below the finished levels of roof lines on neighbouring properties to the west of the site. Each of these design aspects help to address the points outline in LPP4 when varying the R-Codes.

The proposed development is in a prominent location and does include some variations to the R-Code Policy. It is prudent for the Council to seek comments from those neighbours immediately adjacent 2 Bay View Terrace. Neighbour comments are encouraged to focus on the aspects of the design related to off-site impacts rather than aesthetic preferences. Comments received will be included in the formal Planning Report presented to the Shire in the future and within reason these may guide the Shire as to the exercise of its discretion to approve the application subject to a Design Principles approach.

In conclusion, Council is reminded the R-Code is a policy intended to guide good design. It can therefore be varied to allow for projects with a strong and positive design outcome. Upon initial examination the proposed plans demonstrate a development that fits within the context and scale of the block to creating a family estate with large landscaped gardens sympathetic with the rest of the suburb.

Therefore, it is recommended that the proposed plans are approved subject to any comments received by neighbouring properties.

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

Council resolves to approve the submitted plans for the construction of a new 2 storey dwelling and pool house 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 plans approved as part of this application and shall form part of the development approval issued.
2. All subsequent building permits issued as required to implement this Planning Approval shall reflect and agree with Planning Approval Conditions, Approved Plans and other planning requirements instructed by the Shire of Peppermint Grove for this approval.
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 submission of an application for a Building Permit, the applicant is to submit, have approved, and thereafter implement, a management plan detailing how risks of wind and/or water born erosion and sedimentation will be minimised during the works to the satisfaction of the Shire of Peppermint Grove.
5. 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:
  - a. How materials and equipment will be delivered and removed from the site;
  - b. How materials and equipment will be stored on the site;
  - c. Parking arrangements for contractors;
  - d. Construction Waste disposal strategy and location of waste disposal bins;
  - e. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f. How risks of wind and/or water born erosion, dust and sedimentation will be minimised during works;
  - g. Other matters likely to impact on surrounding properties.

**Advice:**

1. Applicant is to be advised that Council, in granting approval for the development, has assessed the proposal subject to the Design Principles of the Residential Design Codes in regard to plot ratio, roof height, and height of external walls.
2. The subdivision of the land to create the site identified within this application shall be finalised prior to the issue of a building permit by the Shire.



**8.1.2 Proposed New 2 Storey Single House and Cabana at 40 Leake Street**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 2 – Site Map</b>	Site Map showing location of 40 Leake Street in Peppermint Grove
<b>Attachment 2 - Approved Plans</b>	Copy of the plans to be approved.

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	40 Leake Street, Peppermint Grove
Application Index	:	
LPS No 4 Zoning	:	R-12.5
Land Use	:	Single House
Lot Area	:	
Disclosure of any Interest	:	Nil.
Previous Items	:	OCM 18/12/2018
Applicant	:	Coast View Australia P/L
Owner	:	Brendan Kennedy
Responsible Officer	:	Mr Ross Montgomery – Manager Development Services

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

## **PURPOSE OF REPORT**

Council is requested to consider the construction of a new single house (two storey dwelling) and cabana at 40 Leake Street. The land forms part of a place that is on the heritage list but has recently been subject to a strata subdivision to create a vacant site for the proposed house. The application therefore warrants a planning application to ensure the building is designed and sited appropriately with respect to the listed street front house.

## **SUMMARY AND KEY ISSUES**

- Plans for the construction of a new single house (two storey dwelling) and cabana at 40 Leake Street were first submitted in September of 2018.
- The application was received by the Shire in September and has been referred to neighbours for information and comment. One owner has responded to raise an objection to several aspects of the proposal.
- These comments have been conveyed to applicant so that the design may be revised to address concerns regarding setbacks, height and plot ratio of the house and cabana.
- The original strata boundaries of the subdivision at 40 Leake Street are being revised to make the rear lot bigger and this aid in plot ratio calculations.
- The Shire officers have met several times with the applicant to resolve design matters towards achieving a better design outcome.
- Setback of the cabana has been increased on the eastern boundary and is now compliant, however the cabana is still not setback from the northern boundary and the Council will consider how it can meet a design principles outcome.

## **LOCATION**

The rear of 40 Leake Street, Peppermint Grove

## **BACKGROUND**

The original lot (103) at 40 Leake Street has been strata subdivided to create two separate lots, with the newly created lot having primary access via the Right of Way (R.O.W). The newly created lot retains access to Leake Street via a pedestrian path.

The application was received by the Shire in September of 2018 and was referred to abutting landowners for comment. One owner raised a number of objections to the initial design. . Comments from concept meeting concerns held by the officers for the way the property addressed the laneway also resulted in a series of revisions to the design.

## **CONSULTATION**

Owners of neighbouring properties were given notice of Development Application (Doc No: R18/01914) and their feedback invited on the proposed new dwelling at the initial application stage.

One letter was received in reply and this raised a number of issues as the basis of an objection to the proposal. The basis of the objection was the initial situation of the house, its building height and proximity to the neighbouring property (to the east) in their opinion the design was unacceptable. Since the objection and Council's comments in response, both of these design aspects of the design have been modified to comply with the R-Codes and LPS 4.

The objection also questioned that the proposed cabana could be used instead as a self-contained granny flat.

The plans show the cabana does include a cooking area (kitchen), bathroom, however the balance of the area is described as a gym however this is not exceptional for Peppermint Grove entertainment areas and in any case the application **does not** seek to use the room as ancillary accommodation.

An ancillary dwelling is permitted within the zone, and it is noted that at only 38m<sup>2</sup> in total floor area the size of this room smaller than the maximum size permitted for an ancillary dwelling as defined in LPS 4 and the Deemed Provisions (Planning and Development Regulations 2015).

For this reason any future use of the room for habitable purposes would be permissible subject to the Scheme and so the objection on that ground is not considered valid.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

The property on the original lot 103 is on the Shire's heritage list and due regard needs to be given to Local Planning Policy 3. Specifically, new development within the immediate locality of a heritage area or precinct is respectful of the heritage area or precinct and does not detract from its heritage significance. New work should, on close inspection be distinguishable from original fabric.

## **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><u>Residential Design Codes and LPS4</u></b>		
<b>Acceptable Development/Performance Criteria</b>		<b>Assessment/Comment</b>
1	1 metre setback of walls with no major openings (Table 2a, SPP3.1)	Proposed plans include 1 wall that is built up to the lot boundary and is not deemed-to-comply. The northern wall is setback 20mm from the northern boundary but can be approved under the design principles of the R-Codes.
2	Plot Ratio – 0.5 for land zoned R12.5	Plot ratio of the proposed development exceeds the maximum allowed plot ratio under the definitions of LPS4.

## **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 proposed development at 40 Leake Street is on a lot created through the subdivision of the original lot 103. It encompasses a single dwelling and cabana with main car access via the rear R.O.W and walk access to Leake Street via a 1.5 metre strip along the western boundary of the front lot.

The front lot (40 Leake Street) has a heritage listed house with a large setback from the common boundary. Shire supported the strata subdivision to create the new strata lot, and so the development of a two-storey house was a foreseeable, likely and reasonable outcome of the subdivision. The proposed house is located behind and therefore unlikely to make an impact on the heritage property or the streetscape because it is set back from the shared boundary (aside from the cabana).

This is the fifth revision of plans submitted for this application to address design improvements.

The cabana included in the proposed plans has a parapet wall abutting the neighbouring lot. The wall has no major openings and (at 8.35m) is less than 9m in length and for it to be deemed to comply requires a setback of 1m from the boundary. The boundary wall requires Council to consider Design Principles for Part 5.1.3. in the R-Codes. The owner of the lot with new development also owns the existing front lot and has advised of no issue with the cabana being built up to the lot boundary and it is noted this provides a secure safety edge to the neighbouring pool.

There are no structures on the abutting lot other than a swimming pool adjacent to this wall and so the boundary wall of the cabana provides pool security and privacy to both the front house and the proposed new swimming pool. .

The western side wall of the garage is on the property boundary with 38 Leake Street. It replaces a shed situated in this general location and it is noted 38 Leake Street itself already has a boundary wall on this portion of the common boundary. The second carport initially proposed has now been deleted and this revision now provides a better interface with the Right-of-Way and addresses security and CPTED (Crime Prevention Through Environmental Design) principles for passive surveillance of public spaces.

The plans have been amended to reduce the plot ratio of the development, however it still exceeds the maximum 0.5 (0.52). Therefore, discretion to vary the R-Codes is required should the development be approved.

#### Neighbour Referral

The application proposed a design which required Council to consider design principles as part of its discretion to vary the R Code design, and the initial proposal had been referred to abutting neighbours for examination and invitation to comment.

One objection to the proposal was received citing the boundary walls and, 'on merits' assessment of the overall design is considered to be acceptable.

The objection stated that the house is too high, too big and will remove trees from the present garden area. The objection describes the proposed house as having *"the potential to prejudice the presentation of the high amenity value of a safe and attractive residential environment"*.

The objection extends to the cabana which supposes a future use as an ancillary dwelling, this has not been proposed in this application.

The cabana is an outbuilding which could be used for habitation however this is considered to be acceptable and within the parameters of the R Codes.

The design has been amended since to respond to these issues and to other matters raised by officers as the result of the planning assessment.

The proposal complies with the building height parameters of the Scheme.

The objection to the initial plans submitted for consideration have been responded to in part through the redesign.

The residual objection to a 2-storey house being built on this lot as being unacceptable however does not consider that the proposal :-

- Represents a logical consequence of the strata subdivision of the lot;
- Addresses the LPS 4 objectives for the Residential zone;

- Does not overlook or jeopardise the privacy of neighbouring properties;

If the Shire accepts these three states to be logical and foreseeable outcomes of a strata subdivision and a site responsive design then the application in its redesigned form warrants approval by the Shire.

The application is therefore recommended for approval subject to conditions.

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

**Council resolves to approve the single house and associated outbuildings at 40R Leake Street Peppermint Grove subject to the submitted plans (DA2018/00025) dated (24 January 2019) and in accordance with the following conditions:**

- 1. All works are to be subsequent to the issue of a Building Permit and are to be carried out in accordance with this Permit and consistent at all times with this Planning Approval.**
- 2. The development plans, as dated 24 January 2019 (DA05) marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the plans approved as part of this application and shall form part of the development approval issued.**
- 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:**
  - a) How materials and equipment will be delivered and waste removed from the site;**
  - b) How materials and equipment will be stored on the site;**
  - c) Waste material storage and removal from the site**
  - d) Parking arrangements for contractors;**
  - e) Construction Waste disposal strategy and location of waste disposal bins;**
  - f) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;**
  - g) How risks of wind and/or water born erosion, dust and sedimentation will be minimised during works;**
  - h) Detention of soil and other materials on-site as part of a site drainage management strategy**
  - i) Other matters likely to impact on surrounding properties.**
- 5. The strata subdivision of the site (WAPC 785-18) the subject of this application shall be lodged and issued with an approval prior to the issue of a Building Permit by the Shire.**

**Advice**

1. Applicant is to be advised that Council, in granting approval for the development, has assessed the proposal subject to the Design Principles of the Residential Design Codes in regard to secondary setback and plot ratio.
2. Applicant is required to provide proof of pool certification to the Shire prior to the completion of the building (BA7).

**8.2 MANAGER INFRASTRUCTURE SERVICES**

NIL

**8.3 MANAGER LIBRARY SERVICES & COMMUNITY DEVELOPMENT**

NIL

DRAFT

## 8.4 MANAGER CORPORATE SERVICES

### 8.4.1 Financial Report – December 2018

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3	Financial Report – December 2018

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
LPS No 4 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager, Corporate 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.*



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## **PURPOSE OF REPORT**

To report on financial activity for the period 1 July 2018 to 31 December 2018.

## **SUMMARY AND KEY ISSUES**

- The financial report for the six months ended 31 December 2018 indicates a year-to-date (YTD) surplus some \$193,268 more than YTD budget – see Officer Comment note 4 for additional information.
- Operating revenue is some \$107,451 more than YTD budget (note: the budget is yet to be amended to reflect an additional grant of \$103,300);
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$80,575 less than YTD budget;
- Capital expenditure totalling \$194,511 has been incurred.
- The forecast surplus at 30 June 2019 is **\$23,180**.

## **LOCATION**

N/A

## **BACKGROUND**

Nil

## **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**

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

## **FINANCIAL IMPLICATIONS**

The financial report forecasts a closing (30 June 2019) surplus of \$23,180. This figure appears in the yellow column in the attached financial report.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications evident at this time.

## **OFFICER COMMENT**

The following comments relate to year-to-date (YTD) budget versus actuals variances or forecasts that vary from the full year estimate that are greater than \$10,000.

### **(1) Grants and Subsidies**

The \$103,300 grant for the Swan River headland and associated works has already been brought to account (following execution of the funding agreement). The 2018/19 budget will be amended in March to reflect this additional revenue (plus the matching contribution by Council from the infrastructure cash reserve) and the revised capital budget allocation of \$206,600.

### **(2) Materials and Contracts**

Materials and contracted expenses are some \$59,744 less than expected at this stage. This relates to timing variances only with many December-related invoices yet to be received. Such invoices will include amounts owing for waste disposal (WMRC), waste collection (SUEZ), reserves mowing, street sweeping, tree maintenance, legal expenses and so on.

### **(3) Utilities**

Some minor savings in electricity expenses plus timing variances with respect to invoices make up the bulk of under-expenditure on utilities totalling \$11,762 at this time.

### **(4) Net Current Assets Year-to-Date**

Net current assets as at 31 December 2018 exceed the revised budgeted figure by some \$193,268 at this point in time. This is determined as follows:

<b>Category</b>	<b>Impact on YTD Position</b>	<b>Notes</b>
<b>Revenue</b>		
Rates	(\$492)	Interim rating pending
Fees & Charges	(\$247)	Timing variance
Grants & Subsidies	\$103,800	Unexpected grants
Contributions & Reimbursements	\$266	Timing variance
Interest on Investments	\$3,007	Timing of maturing term deposits
Other Revenue	\$624	Interest on outstanding rates
Proceeds of sale of assets	(\$818)	Trade-in values slightly lower
<b>Expenditure</b>		
Employee Costs	\$3,672	Timing of FBT instalment (due March)
Materials & Contracts	\$59,744	See note (2) above – timing related
Utilities	\$11,762	Timing of/savings in electricity expenses

Insurances	(\$52)	Premiums slightly higher
Other Expenses	\$5,450	Savings in Council member allowances
Plant & Equipment Purchases	\$3,103	Savings on purchase of 2 vehicles
Road Infrastructure	\$5,209	Savings on The Esplanade project
Drainage Infrastructure	\$4,677	Savings in cost of sump fence
T'fers to Cash Reserves	(\$6,437)	Additional interest earned
<b>Value of YTD variances at 31.12.18</b>	<b>\$193,268</b>	<b>Year-end forecast surplus is \$23,180</b>

Once the 2018/19 budget is amended to reflect the \$103,300 riverwall grant the difference between YTD Budget and YTD Actuals will narrow to \$193,268 - \$103,300 = \$89,968. Allowing for outstanding invoices and identified minor savings the forecast end-of-year surplus (at this time) is **\$23,180**.

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

**That Council receive the financial report for the period 1 July 2018 to 31 December 2018.**

## 8.4.2 Financial Report – January 2019

**CORPORATE**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment</b>	<b>Financial Report – January 2019</b>

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
LPS No 4 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager, Corporate 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.*

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## **PURPOSE OF REPORT**

To report on financial activity for the period 1 July 2018 to 31 January 2019.

## **SUMMARY AND KEY ISSUES**

- The financial report for the seven months ended 31 January 2019 indicates a YTD surplus some \$207,421 more than YTD budget – see Officer Comment note 4 for additional information;
- Operating revenue is some \$110,968 more than YTD budget (note: the budget is yet to be amended to reflect an additional grant of \$103,300);
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$71,130 less than YTD budget;
- Capital expenditure totalling \$227,238 has been incurred.
- The forecast surplus at 30 June 2019 is **\$39,852**.

## **LOCATION**

N/A

## **BACKGROUND**

Nil

## **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**

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

## **FINANCIAL IMPLICATIONS**

The financial report forecasts a closing (30 June 2019) surplus of **\$39,852**. This figure appears in the yellow column in the attached financial report.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications evident at this time.

## **OFFICER COMMENT**

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) Rates**

Some \$16,400 worth of interim rates have been raised during the year (with the budget forecasting \$5,000). As a result, general purpose funding from rates is some \$16,180 more than expected at this time.

### **(2) Grants and Subsidies**

The \$103,300 grant for the Swan River headland and associated works has already been brought to account (following execution of the funding agreement). The 2018/19 budget will be amended in March to reflect this revenue plus the matching contribution by Council (from the infrastructure cash reserve) and the revised capital budget allocation of \$206,600.

### **(3) Materials and Contracts**

Materials and contracted expenses are some \$65,356 less than expected at this stage. This relates to timing variances only with many 2018-related invoices yet to be received.

### **(4) Net Current Assets Year-to-Date**

Net current assets as at 31 January 2019 exceed the revised budgeted figure by some \$207,421 at this stage. This is determined as follows:

<b>Category</b>	<b>Impact on YTD Position</b>	<b>Notes</b>
<b>Revenue</b>		
Rates	\$16,180	Interim rating raised
Fees & Charges	\$4,699	Timing variance
Grants & Subsidies	\$103,800	Unexpected grants
Contributions & Reimbursements	\$1,874	Timing variance
Interest on Investments	(\$620)	Timing of maturing term deposits
Other Revenue	\$1,215	Interest on outstanding rates
Proceeds of sale of assets	(\$2,682)	Trade-in values slightly lower
<b>Expenditure</b>		
Employee Costs	(\$8,879)	Paid parental & termination leave
Materials & Contracts	\$65,356	See note (2) above – timing related
Utilities	\$9,256	Timing of/savings in electricity expenses
Insurances	(\$53)	Premiums slightly higher

Other Expenses	\$5,450	Savings in Council member allowances
Plant & Equipment Purchases	\$3,376	Savings on purchase of 3 vehicles
Road Infrastructure	\$5,209	Savings on The Esplanade project
Drainage Infrastructure	\$4,677	Savings in cost of sump fence
Transfers to Cash Reserves	(\$1,437)	Additional interest earned
<b>Value of YTD variances at 31.1.19</b>	<b>\$207,421</b>	<b>Year-end forecast surplus is \$39,852</b>

Once the 2018/19 budget is amended to reflect the \$103,300 riverwall grant the difference between YTD Budget and YTD Actuals will narrow to \$207,421 - \$103,300 = \$104,121. Allowing for outstanding invoices and identified minor savings the forecast end-of-year surplus (at this time) is **\$39,852**.

This projected surplus has increased over the previous month's projected surplus of \$23,180 by \$16,672, which is comprised almost entirely by the raising of interim rates.

#### **OFFICER RECOMMENDATION/S – ITEM No. 8.4.2**

**That Council receives the financial report for the period 1 July 2018 to 31 January 2019.**

**8.4.3 ACCOUNTS PAID – DECEMBER 2018**
**CORPORATE**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 4</b>	<b>Accounts Paid – December 2018</b>

Voting Requirement	:	Simple Majority
Subject Index	:	FM045A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager Corporate 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.*
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## **PURPOSE OF REPORT**

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

## **SUMMARY AND KEY ISSUES**

Significant payments in December 2018 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

## **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.

<b><u>PAYMENT TYPE</u></b>	<b><u>AMOUNT</u></b>
Cheques 406 – 411	\$17,065.70
Direct Debits DD32 – DD38	\$14,455.97
BPAY6	\$89.98
Electronic Funds Transfers 263 – 268	<u>\$338,669.20</u>
<b>TOTAL</b>	<b><u>\$370,280.85</u></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.

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**FINANCIAL IMPLICATIONS**

The payments processed by the Shire relate to expenditure approved in the 2018/19 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. 8.4.3**

That Council receive the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for December 2018, totalling \$370,280.85.

**8.4.4 ACCOUNTS PAID – JANUARY 2019**
**CORPORATE**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 5</b>	<b>Accounts Paid – January 2019</b>

Voting Requirement	:	Simple Majority
Subject Index	:	FM045A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager Corporate 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 January 2019 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

## **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	MUNICIPAL	269 – 272	\$225,109.09
EFT	TRUST	T001	\$20,550.00
CHEQUES	MUNICIPAL	413 – 415	\$3,138.10
CHEQUES	TRUST	400201	\$2,000.00
BPAY	MUNICIPAL	7 – 18	\$3,705.63
DIRECT DEBITS	MUNICIPAL	39 – 45	\$18,698.49
<b>TOTAL</b>			<b>\$273,201.31</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.

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**FINANCIAL IMPLICATIONS**

The payments processed by the Shire relate to expenditure approved in the 2018/19 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. 8.4.4**

That Council receives the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for January 2019, totalling \$273,201.31.

### 8.4.5 Matters for Information and Noting

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachments</b>	<b>1. Planning Stats</b> <b>2. Dog Registrations</b> <b>3. Infringements Issued</b> <b>4. Library Stats</b>

Voting Requirement	:	Simple Majority
Subject Index	:	Multiple
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Don Burnett, Chief Executive Officer

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

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

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

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

## **SUMMARY AND KEY ISSUES**

The following reports are presented to Council at the Ordinary Council Meeting of February 2019:

1. Planning and Building Stats Dec/Jan 2019
2. Dog Registrations Dec/Jan 2019
3. Issued Infringements Dec 2018/Jan 2019
4. Library Statistics Dec 2018/Jan 2019

## **CONSULTATION**

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

## **OFFICER RECOMMENDATION/S – ITEM NO. 8.4.5**

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

## 8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY

NIL

## 8.6 COMMITTEE REPORTS – AUDIT COMMITTEE

### 8.6.1 Compliance Audit Return 2018

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment</b>	<b>Compliance Audit Return 2018</b>
Voting Requirement	: Simple Majority
Subject Index	: CM139B
Location / Property Index	: N/A
Application Index	: N/A
TPS No 3 Zoning	: N/A
Land Use	: N/A
Lot Area	: N/A
Disclosure of any Interest	: N/A
Previous Items	: N/A
Applicant	: N/A
Owner	: N/A
Responsible Officer	: Paul Rawlings, Manager Corporate 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.*



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## **PURPOSE OF REPORT**

The purpose of this report is to present to Council the 2018 Compliance Audit Return (CAR) for adoption and endorsement.

## **SUMMARY AND KEY ISSUES**

There are two items of non-compliance highlighted in the 2018 return.

## **BACKGROUND**

Completion of the Compliance Audit Return is a statutory requirement and requires that it be:

- a) reviewed by the Audit Committee with the results of the review presented at a meeting of the Council;
- c) adopted by the Council; and
- d) recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to the Council, a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General by 31 March 2019. (Certified means signed by the Mayor or President and the CEO).

## **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 Policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

The Shire has met all but two of the statutory requirements under regulation 13 of *the Local Government (Audit) Regulations 1996*. Regulation 14 requires that Committee reviews the CAR and reports to Council the results of such review.

## **FINANCIAL IMPLICATIONS**

There are no financial implications.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

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## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

In the reporting year, 2018, the Shire has been compliant in all but two mandatory areas.

Due to the changeover of a number of key management personnel in the first half of 2018 two items were overlooked as follows:

1. The annual review of delegations to the CEO was not undertaken in May 2018. This is proposed to be undertaken in the first half of 2019.
2. The Manager of Development Services, as a designated officer under the *Local Government Act*, was required to lodge a primary return under the disclosure of interests provisions within three months of commencement of employment. Due to an oversight, this was not done but was rectified soon after when it was discovered.

In addition to the above areas of mandatory non-compliance, there are a number of voluntary compliance disclosures where it has been decided to choose the option to not respond. Such disclosures cover a number of integrated planning documents that have yet to be reviewed in accordance with the *Act* including:

1. Strategic Community Plan (this is proposed to be undertaken in 2019);
2. Corporate Business Plan (this is proposed to be undertaken in 2019 in conjunction with the strategic community plan);
3. Ten Year Financial Plan (a draft plan is included with this agenda);
4. Asset Management Plan (AMP). This will be undertaken in three stages, the first being a plan covering buildings (excluding the Shire Office, Grove Library and the Community Centre) and all infrastructure assets. A contract has been awarded to Asset Infrastructure Management to undertake this work. The second stage will be a more "in-depth" AMP covering the Shire Office, Grove Library and the Community Centre as requested by the Library Management Committee (a Request for Quote under WALGA's Preferred Supplier Network is currently being drafted). The final stage will be an internal AMP covering furniture, plant and equipment.
5. Workforce Plan (this is proposed to be undertaken in 2019).

## **COMMITTEE RECOMMENDATION**

**That Council adopts the Compliance Audit Return for 2018.**

**9 NEW BUSINESS OF AN URGENT NATURE**

*(New business of an urgent nature approved by the Presiding Member)*

**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.*