



Shire of  
**Peppermint Grove**

# **ORDINARY COUNCIL MEETING**

# **AGENDA**

**TO BE HELD ON  
TUESDAY 17 OCTOBER 2017  
AT  
5.30 PM**



# Shire of Peppermint Grove

## **NOTICE OF MEETING**

Dear Councillor

It is advised that the **COUNCIL MEETING** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday **17 OCTOBER 2017**, commencing at 5.30 pm.

## **MEETING AGENDA ATTACHED**

Yours faithfully



**Mr John Merrick JP**  
**CHIEF EXECUTIVE OFFICER**

**17 OCTOBER 2017**

### ***DISCLAIMER***

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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

## TABLE OF CONTENTS

ITEM	SUBJECT HEADING	PAGE
<b>1</b>	<b>DECLARATION OF OFFICIAL OPENING</b>	<b>5</b>
<b>2</b>	<b>RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE</b>	<b>6</b>
2.1	ATTENDANCE	6
2.2	APOLOGIES	6
2.3	LEAVES OF ABSENCE	6
2.4	NEW REQUEST FOR A LEAVE OF ABSENCE	6
<b>3</b>	<b>DELEGATIONS AND PETITIONS</b>	<b>6</b>
3.1	DELEGATIONS	6
3.2	PETITIONS	6
<b>4</b>	<b>PUBLIC QUESTION TIME</b>	<b>7</b>
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	7
4.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	7
4.3	DEPUTATIONS OF THE PUBLIC	7
<b>5</b>	<b>DECLARATIONS OF INTEREST</b>	<b>8</b>
5.1	FINANCIAL INTEREST	8
5.2	PROXIMITY INTEREST	8
5.3	IMPARTIALITY INTEREST	8
5.4	INTEREST THAT MAY CAUSE A CONFLICT	8
5.5	STATEMENT OF GIFTS AND HOSPITALITY	9
<b>6</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)</b>	<b>9</b>
<b>7</b>	<b>CONFIRMATION OF MINUTES</b>	<b>9</b>
7.1	ORDINARY COUNCIL MEETING 26 September 2017	9
7.2	AGENDA BRIEFING FORUM 10 October 2017	9

<b>ITEM</b>	<b>SUBJECT HEADING</b>	<b>PAGE</b>
7.3	CONCEPT FORUM 10 October 2017	9
<b>8</b>	<b>CHIEF EXECUTIVE OFFICER REPORTS</b>	<b>10</b>
8.1	URBAN PLANNING	10
8.1.1	Building Permits Issued	10
8.2	INFRASTRUCTURE	10
8.3	COMMUNITY DEVELOPMENT	10
8.4	MANAGEMENT / GOVERNANCE / POLICY	10
8.5	CORPORATE	11
8.5.1	Financial Report – September 2017	11
8.5.2	Accounts Paid – September 2017	14
<b>9</b>	<b>NEW BUSINESS OF AN URGENT NATURE</b>	<b>17</b>
9.1	Late Items	17
9.1.1	Addition to Heritage List. Lot 100 (No.52) The Esplanade, Peppermint Grove Report Heading	17
9.1.2	Access and Inclusion Plan 2017-2022	24
<b>10</b>	<b>MOTIONS ON NOTICE</b>	<b>28</b>
<b>11</b>	<b>CONFIDENTIAL ITEMS OF BUSINESS</b>	<b>28</b>
11.1	Confidential Item	28
11.1.1	Chief Executive Officer Performance Review 2017	28
11.1.2	Recruitment of the Chief Executive Officer	28
<b>12</b>	<b>CLOSURE</b>	<b>28</b>

Shire of  
**Peppermint Grove**

## ORDINARY COUNCIL MEETING AGENDA

### 1 DECLARATION OF OFFICIAL OPENING

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

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

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

#### **Affirmation of Civic Duty and Responsibility**

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

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

### 2.1 ATTENDANCE

Shire President	Cr R Thomas
Deputy Shire President	Cr C Hohnen
Elected Member	Cr K Farley
Elected Member	Cr S Fleay
Elected Member	Cr D Horrex
Elected Member	Cr P Macintosh
Elected Member	Cr G Peters
Chief Executive Officer	Mr John Merrick
Manager Library and Community Services	Ms D Burn
Manager Corporate Services	Mr P Rawlings
Manager Infrastructure Services	Mr D Norgard
Manager Development Services	Mr M Whitbread
Executive Officer	Ms Tabbakh (Minutes)

**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

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## 4 PUBLIC QUESTION TIME

At \_\_\_\_\_ pm the Presiding Member opened 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

At \_\_\_\_\_ pm, there being no further questions the Presiding Member closed the public question time.

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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)

Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.

## 7 CONFIRMATION OF MINUTES

7.1	ORDINARY COUNCIL MEETING	26 SEPTEMBER 2017
7.2	AGENDA BRIEFING FORUM	10 OCTOBER 2017
7.3	CONCEPT FORUM	10 OCTOBER 2017

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## **8 CHIEF EXECUTIVE OFFICER REPORTS**

### 8.1 URBAN PLANNING

#### 8.1.1 Building Permits Issued

For works which are excluded from requiring planning consent under the Deemed to Comply provisions of the Planning and Development Regulations 2015 for September 2017;

- No Permits issued for September 2017

### 8.2 INFRASTRUCTURE

Nil

### 8.3 COMMUNITY DEVELOPMENT

Nil

### 8.4 MANAGEMENT / GOVERNANCE / POLICY

Nil

## 8.5 CORPORATE

### 8.5.1 Financial Report – September 2017

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Financial Report – September 2017

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
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	:	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 provide Council with a report of financial activity for the period 1 July 2017 to 30 September 2017.

## **SUMMARY AND KEY ISSUES**

- The financial report for the three months ended 30 September 2017 indicates a closing surplus of \$3,318,281, some \$201,473 more than forecast;
- Operating revenue is some \$10,159 more than forecast;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$113,772 less than forecast;
- No capital expenditure has been incurred.

## **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 indicates Council exceeded its estimated 1st July 2017 brought forward surplus of \$261,470 by some \$81,216 with only final 2016/17 audit adjustments, if any, to be accounted for. Cash at 30<sup>th</sup> June 2017 was some \$72,008 more than estimated, receivables \$55,382 and payables and provisions \$42,311.

## **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**

The following comments relate to variances greater than \$10,000.

### **(1) Fees and Charges**

Revenue from fees and charges - particularly from development and building applications – is some \$11,916 behind the year-to-date budget. This category will be closely watched over the next few months prior to the annual budget review in March 2018.

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

Year-to-date revenue from grants and subsidies exceeds the budget by some \$16,168. This relates to the receipt of an unbudgeted \$9,686 grant from Lotterywest for this year's Carols by Candlelight event and an additional \$9,489 *Roads to Recovery* grant (brought forward from 2018/19) less a \$2,022 reduction in the State road grant as a result of the reinstatement of the vehicle registration and stamp duty concessions being offset by reductions on local road grants.

### **(3) Employee Costs**

Employee costs are some \$15,392 less than anticipated. This is largely due to timing issues.

### **(4) Materials and Contracts**

Materials and contracted expenses are some \$92,761 less than expected at this stage though much of this relates to invoices yet to be received.

### **(5) Net Current Assets Brought Forward at 1<sup>st</sup> July 2017**

See discussion under "financial implications" above.

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

Net current assets as at 30 September 2017 exceed the forecast figure by some \$201,473 at this stage. This is largely attributable to the additional brought forward surplus (\$81,216 at this stage) and materials and contracts expenses timing issues (\$92,761) discussed above.

## **OFFICER RECOMMENDATION/S – ITEM No. 8.5.1**

**That the interim financial report for the period 1 July 2017 to 30 September 2017 be received.**

**8.5.2 Accounts Paid – September 2017**
**CORPORATE**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 2</b>	<b>Accounts Paid – September 2017</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.*
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## **PURPOSE OF REPORT**

The purpose of this report is to obtain approval for cheques drawn, credit card and electronic funds payments and direct debits since the last report.

## **SUMMARY AND KEY ISSUES**

Significant payments in September 2017 included the following:

- GST & PAYG remittance to ATO;
- Remittance of portion of library cash reserve to Town of Mosman Park;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

## **LOCATION**

N/A

## **BACKGROUND**

Attachment 1 lists details of all cheques drawn since the last report and accounts now presented for payment. The following summarises the cheques, credit card payments, electronic fund transfers, direct debits and accounts included in the list presented for payment.

<b><u>PAYMENT TYPE</u></b>	<b><u>AMOUNT</u></b>
Cheques 294 - 300 & 302	\$20,968.41
Electronic Funds Transfers 00134 – 00142	<u>\$402,479.38</u>
<b>TOTAL</b>	<b>\$423,447.79</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**

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

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**FINANCIAL IMPLICATIONS**

The payments processed by the Shire relate to expenditure approved in the 2017/2018 annual budget (as amended).

**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. 8.5.2**

**That:**

**The payment of cheques, electronic funds payments and credit card payments for September 2017, totalling \$423,447.79 be approved.**



## 9 NEW BUSINESS OF AN URGENT NATURE

### 9.1 LATE ITEMS

9.1.1 Addition to Heritage List. Lot 100 (No.52) The Esplanade, Peppermint Grove  
Report Heading

### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment Late Item 1A, 1B, 1C, 1D, 1E 1F, 1G &amp; 1H</b>	52 The Esplanade, Peppermint Grove

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	Lot 100 (No.52) The Esplanade
Application Index	:	N/A
LPS No 4 Zoning	:	Residential R10
Land Use	:	Single Dwelling
Lot Area	:	3652m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	Items 8.1.4. 18 <sup>th</sup> April 2017
Applicant	:	N/A
Owner	:	Dain Pty Ltd
Responsible Officer	:	Michael Whitbread, Manager of 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 e.g. 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**

For Council to consider the proposal to enter 52 The Esplanade, Peppermint Grove (**Property**) as a place in the Shire's heritage list.

## **SUMMARY AND KEY ISSUES**

- Clause 8(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which forms part of the Shire's Local Planning Scheme No.4, requires that the Shire establish and maintain a heritage list under the Scheme to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation .
- The Property was entered in the new heritage list at the time that heritage list was established in April 2017, and its entry was also considered by Council in a separate decision in July 2017, but both of those decisions have been challenged by the owners of the Property.
- In order to address any concern as to whether the requirements of the Deemed Provisions were complied with in respect of the Property being entered in the heritage list, the Shire has recommenced this process and returned it to Council for a decision.

## **LOCATION**

Please refer to the attached location plan of the Property (see Attachment 1A).

## **BACKGROUND**

Under the *Heritage of Western Australia Act 1990* (**Heritage Act**), local governments are required to compile an inventory of buildings within their district (**Municipal Inventory**), which are of cultural heritage significance.

The Shire adopted a Municipal Inventory by a Council decision at the Ordinary Council Meeting on 19 July 1999. 165 places were included in that Municipal Inventory.

The Shire also then adopted a list of heritage places (**Old Heritage List**) under its then Town Planning Scheme No.3. The Old Heritage List was simply a replication of the Municipal Inventory.

While being similar documents they served different functions. These being that –

1. the Municipal Inventory was for the purpose of identifying heritage buildings under the Heritage Act; and
2. the Old Heritage List was for the purpose of identifying heritage places under the planning scheme, so that consideration of their heritage value would be included in

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the assessment of an application for development approval in respect of a place on the Old Heritage List.

It is understood that the Property was entered in both the Municipal Inventory and Old Heritage List. A report by Griffiths Architects commissioned by the owner of the Property was submitted to the Shire in 2014 (**Griffiths Report**) as part of a request to remove the Property from the Old Heritage List (see Attachment 1B).

On 19 October 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)* came into effect and included various provisions in Schedule 2 that were deemed to be included in all local planning schemes (**Deemed Provisions**). In addition to this, the Shire replaced its local planning scheme with the gazettal of Scheme No.4 on 3 March 2017 (**Scheme**).

Clause 8 of the Deemed Provisions, deals with heritage lists and sets out a process for a place to be entered in a heritage list (see further below). The Shire undertook this process in March 2017, in respect of all those places in its Municipal Inventory (other than those that had been demolished). 3 submissions were received in response to the notifications sent out as part of the process. These submissions included a submission in respect of the Property (see Attachment 1C) and a report by TPG Place Match also in respect of the Property (**TPG Report**) (see Attachment 1D).

Council then made a decision at the Ordinary Council Meeting on 18 April 2017 to enter all of those places the subject of the notice, including the Property, in a heritage list under the Scheme (**Heritage List**).

Following correspondence with the owner of the Property, the matter of the Property's entry in the Heritage List was considered again by Council at the Ordinary Council Meeting on 27 June 2017. The Council made the decision at that time not to make any amendment to the Property's entry in the Heritage List.

In August 2017, the lawyers for the owner of the Property wrote to the Shire challenging various aspects of the Council decisions made in April 2017 and June 2017 relating to the entry of the Property in the Heritage List. The owner of the Property has since commenced legal proceedings in the Supreme Court of Western Australia seeking to quash both decisions.

While the Shire intends to defend the legal proceedings based on legal advice obtained from LSV Borrello Lawyers, that legal advice also recommended that the Shire take the opportunity to revisit the entry of the Property in the Heritage List in order to remove any concern as to whether the process set out in the Deemed Provisions has been complied with.

As a result of this, on 15 September 2017 the Shire provided written notice to the owner and occupier of the Property for the purpose of clause 8(3)(a) and (b) of the Deemed Provisions (**Notice**) (see Attachment 1E).

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The Notice included the invitation for submissions to be made within 21 days on the proposal to enter the Property in the Heritage List. A submission was received from the owner of the Property dated 5 October 2017 (see Attachment 1F).

The proposal to enter the Property in the Heritage List is now put to Council for a decision pursuant to clause 8(3) of the Deemed Provisions.

### **CONSULTATION**

As referred to above the owner and occupier of the Property have been invited to make submissions and 1 response was received. This discharges the requirement in clause 8 (3)(a) and (b) of the Deemed provisions.

In addition, under Clause 8 (3)(c) of the Deemed Provisions the Shire may carry out any other consultation it `... *considers appropriate*`. Due to the fact that Griffiths Architects and TPG Place Match had prepared written reports on the heritage significance of the Property in the past, it was considered appropriate to invite their comments on the proposal to enter the Property in the Heritage List (see Attachment 1G).

Griffiths Architects has provided a response that acknowledges the heritage value of the Property qualifies for it to be in the Heritage List (see Attachment 1H).

TPG Place Match did not provide a response. In a follow up telephone call to Marc Beattie of TPG Place Match, he advised that the invitation to comment had been received, which was forwarded to the owner of the Property but that TPG Place Match had no comment as they had not received any instructions from the owner of the Property.

### **STRATEGIC IMPLICATIONS**

There are no Strategic Planning implications at this time.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY IMPLICATIONS**

#### **Local Planning Scheme No.4**

Clause 8 of the Deemed provisions of the Scheme provides that:

- (1) *The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.*

- 
- (2) *The heritage list -*
- (a) *must set out a description of each place and the reason for its entry in the heritage list;*
  - (b) *must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and*
  - (c) *may be published on the website of the local government.*
- (3) *The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government –*
- (a) *notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and*
  - (b) *invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and*
  - (c) *carried out any other consultation the local government considers appropriate; and*
  - (d) *following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.*
- (4) *If the local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modification to –*
- (a) *the Heritage Council of Western Australia; and*
  - (b) *each owner and occupier of the place.*

As set out above, the Shire is required by clause 8(1) of the Deemed Provisions to establish and maintain a heritage list.

The meaning of a 'place' under section 3(1) of the Heritage Act applies under the Deemed Provisions. It refers to the relevant parcel of land (ie address or lot) and is the generic term for referencing the building or address that is subject to the heritage interest. The Property is a 'place' for the purposes of the Deemed Provisions.

There is no obligation under the Deemed Provisions or the Scheme for Council to obtain an expert opinion on the heritage value of a place prior to entering it on its heritage list. However, it is the Council's custom and practice to do so.

As set out above, the requirements of clause 8(3)(a) and (b) of the Deemed Provisions have been complied with in relation to the current proposal. The Shire has also carried out other consultation as provided for in clause 8(3)(c).

### **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 reasons for entering the Property in the Shire's heritage list are set out in the Notice. These reasons include that the Property is a place that:

1. is representative of:
  - (a) a Federation Queen Anne Bungalow; and
  - (b) a large house constructed in Peppermint Grove for the leading members of Western Australian society;
2. contributes to the heritage of the locality;
3. is a landmark place as part of a cultural group of developments from a consistent historical period and architectural style;
4. has historic value and is a rare example of a place of its style; and
5. is associated with historical figures and prominent past residents of Peppermint Grove.

These are all reasons that are referred to in the Griffiths Report and the TPG Report.

The owner's objections to these reasons are set out in the submission (as per Attachment 1F referred to above).

Council is required by clause 8(3)(d) of the Deemed Provisions to consider the submissions made by the owner.

Council should also consider the contents of the Griffiths Report and the TPG Report, as well as the further comments received from Philip Griffiths of Griffiths Architects in response to the consultation carried out under clause 8(3)(c) of the Deemed Provisions.

Having regard to these matters, the officer recommendation is that the Property be entered in the Heritage List as a place of cultural heritage significance and worthy of built heritage conservation.

Council should consider afresh, without regard to the decisions made in April 2017 or June 2017, whether or not the Property ought to be entered in the heritage list.

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If Council considers that the Property ought to be entered in the Heritage List, Council should also consider whether to make any modification to the entry of the Property as compared to either the proposal set out in the Notice or the decisions made in April 2017 and June 2017.

If Council considers that the Property ought not to be entered in the Heritage List, then for completeness and to avoid the need for any legal proceedings, Council should resolve to remove the Property from the heritage list.

**OFFICER RECOMMENDATION/S – ITEM No. 9.1.1**

**That Council –**

- 1. notes the submissions and comments received as referred to in the report and attachments for this item;**
- 2. in respect of the place described as:
  - (a) 52 The Esplanade, Peppermint Grove; and**
  - (b) Lot 100 on Diagram 71487 being the whole of the land contained in Certificate of Title volume 1842 Folio 15,****resolves that this place be entered in the Shire of Peppermint Grove heritage list, in accordance with clause 8(3)(d) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.****

**9.1.2 Access and Inclusion Plan 2017-2022**
**COMMUNITY DEVELOPMENT**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment late Item 2</b>	Access and Inclusion Plan 2017-2022

Voting Requirement	:	Simple Majority
Subject Index	:	CS118F
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	:	Vanessa O'Brien, Community Development 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**



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The purpose of this report is to submit the Access and Inclusion Plan 2017 - 2022 for Council endorsement.

## **SUMMARY AND KEY ISSUES**

- In pursuit of its ongoing commitment to developing an even more friendly and welcoming community and in response to its legal obligation under the State Disability Service Act 1993 (DSA) (and amendments 2004), the Shire of Peppermint Grove has reviewed its Disability Access and Inclusion Plan (DAIP) 2012- 2016.

## **LOCATION**

N/A

## **BACKGROUND**

The Shire is responding positively to its obligations under Federal and State disability laws. Since implementing a formal disability planning process in 2007, the Shire has developed and implemented a range of initiatives to improve access and inclusion.

A disability access audit was conducted in 2009. The audit identified what needed to be done to meet minimum standards and priorities were set. The Grove Library incorporated all priorities when it was constructed in 2010, and all recommendations were achieved. Playground facilities and pathways have been upgraded to improve access for people with disabilities and the Shire will continue to complete other priority items and will continue to implement all improvements over time.

The Grove Library precinct provides fully accessible facilities such as a large-key keyboard as well as upgraded materials and a range of alternative format resources such as talking books, online books, electronic books, large print books and captioned DVDs. A Hearing Loop is available in the Council Chambers and Community Centre.

Sport and recreation activities are made more accessible to people with disabilities with the continuation of the Sportslink program, held at Presbyterian Ladies' College and in partnership with Town of Mosman Park.

Shire information can be made available in a range of formats including Braille, large print, audible and digital formats upon request.

The Shire has an ongoing disability awareness training program for Staff.

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## **CONSULTATION**

The Access & Inclusion Plan review was conducted in accordance with the requirements as set out in the Disability Services Act and included community, staff and stakeholder consultations in March 2017. Consultation was through a range of methods, the main one being an Access and Inclusion Review Survey, which was delivered to each household and business in the Shire, available at the Shire and library offices and on the Shire website. An Access and Inclusion Reference Group has since been established.

The Shire's recent access improvements are acknowledged and barriers identified with outcomes, objectives and strategies outlined for inclusion in the revised Access and Inclusion Plan.

### **Key Findings and Barriers to Access**

While the review and consultation recognised a great deal of achievements in improving access, it also identified a range of barriers that require redress. These access barriers include:

- The Shire's website is currently under review to make improvements to best meet the needs of people with disability.
- People with disability may not be aware of consultation opportunities with the Shire.
- Community members reported that there were some areas where the accessibility of the pedestrian environment could be improved.
- Suitable parking for people with disability may not be meeting the needs of this growing demographic.
- Some staff may be uninformed or lacking in confidence to adequately provide the same level of service to people with disability as that provided to other members of the community
- Some members of the community may feel socially excluded.

The identification of these barriers will form the basis of the Access and Inclusion Implementation Plan, which will be developed to identify specific tasks and time frames for each strategy.

Implementing the Access and Inclusion Plan (AIP) has implications across all functions of the organisation. Responsibility for implementing the Plan lies with all staff. Some actions in the Implementation Plan will apply to all areas of the Shire, while others will apply to a specific area. The Implementation Plan will indicate which officer is responsible for each task and a timeframe for completing that task.

### **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

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## **STATUTORY IMPLICATIONS**

It is a requirement of the Disabilities Services Act 1993, that all Local Governments develop and implement a Disability Access and Inclusion Plan that outlines the ways in which they will ensure that people with disability have equal access to its facilities and services. This Access and Inclusion Plan intends to meet the requirements of the Act.

## **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**

Nil

## **OFFICER RECOMMENDATION/S – ITEM No.9.1.2**

- 1. That the Access and Inclusion Plan (AIP) 2017-2022 be endorsed.**
- 2. That the Access Barriers identified in the Report form the basis of the AIP Implementation Plan, which will be developed to identify specific tasks and time frames for each strategy and which will be incorporated into the Shire's Community Plan.**

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## 10 MOTIONS ON NOTICE

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

## 11 CONFIDENTIAL ITEMS OF BUSINESS

### 11.1 CONFIDENTIAL ITEM

#### **THAT:**

Under section 5.23 of the Act the meeting be closed to members of the public at this point to allow Council to discuss Agenda Items **11.1.1 – Chief Executive Officer Performance Review 2017** and **11.1.2 – Recruitment of the Chief Executive Officer**

11.1.1 Chief Executive Officer Performance Review 2017

11.1.2 Recruitment of the Chief Executive Officer

#### **THAT:**

The meeting be re-opened to the public at \_\_\_\_ pm, the members of the public returned to the Council Chambers.

On the return of the public to the Council Chambers the Presiding Member will read out the Council Decision. There being no members of the public present, the Presiding Member may dispensed with reading out the Council Decision.

## 12 CLOSURE

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

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

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

**NAME:**

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**POSITION:**

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**MEETING DATE:**

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**ITEM NO & SUBJECT:**

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**NATURE OF  
INTEREST:**

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

\* Please Circle  
*applicable*

**EXTENT OF  
INTEREST:**

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**SIGNATURE:**

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**DATE:**

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**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.*