



Shire of  
**Peppermint Grove**

# **ORDINARY COUNCIL MEETING**

# **AGENDA**

**TO BE HELD ON**  
**TUESDAY 18 APRIL 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 **18 APRIL 2017**, commencing at 5.30 pm.

## **MEETING AGENDA ATTACHED**

Yours faithfully



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

**18 APRIL 2017**

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### **DISCLAIMER**

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

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

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



# Shire of Peppermint Grove

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Shire of  
**Peppermint Grove****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 Corporate Services	Mr P Rawlings
Manager Development Services	Mr M Whitbread
Executive Officer	Ms M Tabbakh (Minutes)

**Visitors** \_\_\_\_\_, from \_\_\_\_\_  
**Gallery** \_\_\_\_\_ Members of the Public  
\_\_\_\_\_ Members of the Press

### 2.2 APOLOGIES

Manager Library and Community Services, Ms D Burn  
Manager Infrastructure Services, Mr D Norgard

### 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	28 FEBRUARY 2017
7.2	AGENDA BRIEFING FORUM	11 APRIL 2017
7.3	CONCEPT FORUM	11 APRIL 2017

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## **8 CHIEF EXECUTIVE OFFICER REPORTS**

### 8.1 URBAN PLANNING

#### 8.1.1 Report Heading

For works which are excluded from requiring planning consent under the Deemed to Comply provisions of the Planning and Development Regulations 2015, for the period February to April 2017.

45 Leake Street, Peppermint Grove: Front Boundary Wall and retaining.

## 8.1.2 Rear Setback Variation: Detached Pool Storeroom Lot 12 (No.32) McNeil Street Peppermint Grove.

### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 1 – Item refers</b>	32 McNeil Street

Voting Requirement	:	<b>Simple Majority</b>
Subject Index	:	Property
Location / Property Index	:	32 McNeil Street
Application Index	:	016-198
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	992m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Coast View Australia Pty Ltd
Owner	:	Presbyterian Ladies College
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 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**

For Council to determine a rear setback variation application to construct a 5m<sup>2</sup> pool store located 1-metre from the rear boundary.

## **SUMMARY AND KEY ISSUES**

- The proposed setback variation is considered minor.
- Conditional approval has been recommended.

## **LOCATION**

Please refer to attached location plan.

## **BACKGROUND**

A building permit was issued in January 2017, for a two-storey brick and metal deck roof dwelling on this lot which complied with the Deemed provisions of the R-Codes.

## **CONSULTATION**

The adjoining/affected landowner was contacted in regard to the proposed pool store building and no written comment has been received.

## **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**

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

The proposal has been assessed in regard to the relevant Scheme provisions, Residential Design Codes and Scheme Policies.

### **R-Codes**

On residential lots zoned R12.5 the required rear setback is 6-metres under Table 2a

In this case the applicant is seeking a 1-metre setback in order to accommodate a pool storeroom.

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## **Heritage**

There are no heritage issues associated with this application.

## **FINANCIAL IMPLICATIONS**

There are no costs associated with the proposal 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**

There are no objections to the proposal on planning grounds, and on this basis, a conditional approval can be recommended.

## **OFFICER RECOMMENDATION/S – ITEM No. 8.1.2**

**That Council grant planning approval for alterations and additions on Lot 12 (No.32) McNeil Street, Peppermint Grove in accordance with the plans and specifications submitted on 8 March 2017, subject to the following conditions;**

- 1. The development, the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the third year.**

## 8.1.3 Proposed Two-Storey Single Dwelling with Basement. Lot 50 (No.47) Irvine Street, Peppermint Grove

## URBAN PLANNING

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 2</b>	47 Irvine Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	47 Irvine Street
Application Index	:	016-201
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Dwelling
Lot Area	:	831m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Louise Stewart
Owner	:	Performance Contracting Group
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 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**

For Council to consider a development application for an extension to an existing garage that would involve a boundary wall on the northern boundary of No.47 Irvine Street, Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

- The applicant is seeking variation in the overall building height prescribed in the Scheme.
- The development is assessed as meeting the criteria under draft LPP4 'Building Heights'
- Conditional approval has been recommended.

## **LOCATION**

As per the attached location plan

## **BACKGROUND**

The Shire issued a building licence on the 25 November 1980, for the development of a two-storey brick and zincalume dwelling on the subject site.

The Shire issued a demolition for the removal of this dwelling on the 25 January 2017 and demolition works were completed by the end of March 2017.

## **CONSULTATION**

Adjoining/affected land owners were advised of the proposed development in writing and given 14 days to make a submission. No written submissions were received.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

The proposal has been assessed in regard to the relevant Scheme provisions, Residential Design Codes and Scheme Policies as outlined in the table below.

<b><u>LOCAL PLANNING SCHEME NO. 4</u></b>		
<b>Scheme Requirement/Clause</b>		<b>Assessment/Comment</b>
<b>1.</b>	9-metre rear setback	9-metres: Complies
<b>2.</b>	0.50 Plot ratio (Clause 26)	0.50: Complies
<b>3.</b>	Averaged Floor level	
<b><u>RESIDENTIAL DESIGN CODES</u></b>		
<b>Deemed-to-Comply</b>		<b>Assessment/Comment</b>
<b>1.</b>	55% Open Space	69% open space: Complies
<b>2.</b>	Height (Category B) 7-metres	8.14-metres: Does not comply. Please refer to Officer's Comment below
<b>3.</b>	Rear Setback 6-metres	11.5-metres: Complies

### *Heritage*

There are no heritage issues associated with either the subject site or adjoining properties.

## **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.



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## **OFFICER COMMENT**

The plans for this replacement dwelling were developed prior to the gazettal of the new Scheme in 2017.

It was the applicant's intention to pursue a design based on complying with the Deemed-to-Comply provisions of the R-Code, as well as the latitude provided under height and basement definition provisions of Town Planning Scheme No.3. The outcome envisaged by the applicants' designer was a house that would contribute to the prevailing streetscape along this portion of Irvine Street. The designer's letter justifying the increased height and requesting Council's consideration is attached.

The finished floor level of the house previously on this site was RL 11.03. An assessment of the plans for the replacement dwelling indicates that the *mean natural ground level* 'prescribed under Clause 26 of LPS 4 would be RL 11.1. The proposed finished floor level of 12.172 which is approximately 1.1-metre higher than the floor level of the house it replaces. This increase in levels is not to the boundary of the site, but rather under the house footprint and is the result of the proposed basement. One of the notable benefits of basement car parking, is that the footprint of the new house can often be considerably less than the house it replaces, and the 69% open space proposed allows for generous landscaping on this 831m<sup>2</sup> site.

In order for the basement car parking to work in terms of access gradient levels it was necessary to have this element of the building raised as shown in the plans and this large underground parking area also allows a car to turn and exit the site in forward gear from Irvine Street.

Given that the site falls from west to east by 1 metre, not only on this site, but also on the adjoining sites which have created a streetscape where the houses are retaining on the lower side and step down the street in a sequence that creates a cohesive and consistent approach in dealing with level difference.

Local Planning Scheme 4 has substantially reduced the height of building from 10-metres to category B under the R-Codes, in Council's draft Local Planning Policy 4 'Residential Building Heights' (LPP4) provides Council with in considering the merits of an application where a building height variation is requested. In this instance it is assessed that the following criteria, outlined in LPP 4 for varying residential building heights have been met.

- 1. That views from and/or to buildings are not unduly interrupted by the increase in overall height;*
- 2. Compatibility of the resulting scale of a proposed building to neighbouring dwellings;*
- 3. The proposed increase in building height would enable a development to fit in with its neighbours.*

The approach adopted by the designer is considered respectful in this context, and the increased building height is supported from a planning perspective.

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On this basis the application can be supported subject to standard conditions for this form of development.

**OFFICER RECOMMENDATION/S – ITEM No.8.1.3**

**That Council grant planning approval for alterations and garage additions on Lot 50 (No. 47) Irvine Street, Peppermint Grove, in accordance with the plans and specifications submitted on 24 March 2017, subject to the following conditions:**

- 1. All stormwater being retained and disposed of on-site, details of which are to be submitted and approved prior to the issue of a building permit by the Shire.**
- 2. The development, the subject of this approval, shall be commenced within two-years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.**
- 3. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining how building materials and deliveries to the site will be managed without affecting access to adjoining properties, controlling dust and the provision for trades parking to ensure two way road access is maintained along Irvine Street.**
- 4. The proposed new crossover shall be either concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer of the Shire, prior to the occupation of the dwelling.**
- 5. The street verges shall not be used for the storage of construction materials, skip bins and site facilities.**
- 6. The street tress shall be protected during construction and fencing to the drip line shall be installed prior to the commencement of construction.**

**Advisory Note:**

- i. The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal under the Design Principles of the Residential Design Codes and draft Local Planning Policy 4 `Building Heights' in regard to the external wall height.**

## 8.1.4 Results of the Review of Heritage Management Category 2 Definition: Shire of Peppermint Grove Municipal Inventory

### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 3</b>	Schedule of Submissions

Voting Requirement	:	Absolute Majority
Subject Index	:	
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	:	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 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**

For Council to consider revising the management Category 2 definition under the Municipal Inventory in light of the long term impact on the cultural heritage of the Shire, if demolition is at the landowner's discretion.

## **SUMMARY AND KEY ISSUES**

- Revision of Municipal Inventory Category 2 definition to accord with SPP 3.5 was advertised for a 21 day period in March 2017.
- Four written objections were received.
- Adoption of the revised definition has been recommended.

## **LOCATION**

Please refer to the attached location plan.

## **BACKGROUND**

Since the adoption of the Municipal Inventory in 1999, the following definition has applied to management Category 2 places.

*'Buildings which also contribute to the character and atmosphere of Peppermint Grove. These buildings may be altered or extended in a manner which recognises and retains some original features or which may be demolished, but the replacement building should recognise, by its position, the adjoining residence and precinct. The owner to provide an archival record for any building demolished under this Category and the Shire to provide a plaque for inclusion in the adjoining footpath to recognise the cultural significance of the property.'*

Council at its meeting held on the 28 February 2017 resolved to;

- 1) *...adopt the modified definition of a Category 2 place under the MI for the purposes of consultation with affected landowners.*
- 2) *...landowners of Category 2 places be notified in accordance with the Part 3 (8) (3) of the Deemed Provisions the Planning and Development (Local Planning Schemes) Regulations 2015.*

The following is the modified definition advertised to affected landowners;

### **Category 2**

*Buildings which also contribute to the character and atmosphere of Peppermint Grove. These buildings may be altered or extended in a manner which recognises and retains some original features and retains the heritage contribution of the building to the streetscape.*

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At the same time, in response to advice received from the Department of Planning, in regard to the status of the Shires Heritage List under LPS 4, both Category 1 and 2 landowners were advised of the proposed re-adoption of the MI as the Heritage List.

The results of this separate consultation process is addressed under a separate report in this agenda **item 8.1.5** – Adoption of a Heritage List: Local Planning Scheme No.4: Shire of Peppermint Grove

### **CONSULTATION**

The Planning and Development (Local Planning Schemes) Regulations 2015, prescribes the process for altering the status of a heritage place. This requires the written notification to the owner of the affected land outlining the reasons for the modification to the entry of a place on the Heritage Register.

Each landowner received a detailed letter outlining Council's decision to review the definition of a Category 2 property. This letter also included reference to the adoption of the MI as the Shire's Heritage list under Local Planning Scheme No.4.

In response to the proposed change of definition five written submissions were received. A schedule of the submissions received along with copies forms a confidential attachment to the report.

At the same time the advertising of Category 2 places also brought to light some anomalies and this process provides an opportunity to review at least two properties on the MI which is discussed in detail below.

### **STRATEGIC IMPLICATIONS**

Changes to the definitions under the Shire's Municipal Inventory would be in line with the overall sentiment in the community for the retention of the Shire heritage building which create its *'...character and atmosphere'*.

The proposed change to the right to demolish a building under the Category 2 definition of the MI from the landowner to Council is also in line with State Planning Policy 3.5.

### **POLICY IMPLICATIONS**

A draft Local Planning Policy (LPP) on Heritage was also adopted for advertising during March 2017. This along with other LLP's and will be submitted to Council in the May 2017 round of meetings for consideration.

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## **STATUTORY IMPLICATIONS**

### **State Planning Policy (SPP 3.5)**

The awareness of the value of heritage to the identity of a community, and has seen a steady increase in support in many local authorities for the adoption of broader heritage preservation measures at a local level. State Planning Policy 3.5 which states that;

*Demolition of a local heritage place should be avoided wherever possible, although there will be circumstances where demolition is justified. The onus rests with the applicant to provide a clear justification for it.*

*Demolition approval should not be expected simply because redevelopment is a more attractive economic proposition, or because a building has been neglected.*

The proposed changes to the definition of a Category 2 place on the MI and heritage list would bring the Shire's heritage management in line with this State Planning Policy.

## **OFFICER'S COMMENT**

Two of the submissions received relate to what seems to be a confusion of street address based on a corner development carried out in 1933 and 1958 by the same person and the street address was transferred from the older to the newer property.

The submission made by both owners cast doubt on some of the information contained in the MI data sheets. Research carried out in response to his information has confirmed the concerns raised that the information is not entirely correct for both properties listed as Category 2 properties. Although this issue may be considered a separate exercise to the proposed change of definition, now is considered a good opportunity to have both of these properties re-evaluated by the Shire's Heritage Consultant. An appropriate recommendation dealing with this matter has been suggested for Council's consideration.

In regard to the two other submission made, it is claimed in one case that the house has been substantially altered. If this is the case and the heritage values of the property have been eroded to a point where demolition can be considered through a development application to Council for demolition and a fresh heritage review. The fourth submission objected to the removal of the right of the landowner to demolish their property and considers the proposed change a retrospective loss of rights.

As outlined in the February 2017 report to Council, the current definition of a Category 2 place allowing demolition of a heritage place at the owners' discretion is contrary to State Planning Policy 3.5 and heritage management best practice. Changing the definition does not alter a place heritage value, it is intended to allow Council as the planning authority for the Shire to determine demolition applications of places of local heritage significance based on the merits of the building in question.

On this basis the management definition for a Category 2 place can be recommended to be amended as outlined below. At the same time a re-evaluation of No 6 The Esplanade and

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No.36 McNeil Street should be undertaken to ensure the current MI and heritage list accurately reflect the heritage values of these properties.

**OFFICER RECOMMENDATION/S – ITEM No. 8.1.4**

1. That Council adopts the following revised definitions for a Category 2 place under the Category 2 Heritage List and advises affected landowners of the change.

*Buildings which also contribute to the character and atmosphere of Peppermint Grove. These buildings may be altered or extended in a manner which recognises and retains some original features and retains the heritage contribution of the building to the streetscape.*

2. That Council authorises the re-evaluation of the Heritage Assessment for No 6 The Esplanade and No. 36 McNeil Street Peppermint Grove.

## 8.1.5 Adoption of a Heritage List: Local Planning Scheme No.4: Shire of Peppermint Grove

**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 4</b>	Distribution Map Category 1 & 2

Voting Requirement	:	Absolute Majority
Subject Index	:	
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	:	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 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**

For Council to consider the adoption of a heritage List based on the Municipal Inventory following the completion of the 21 day public consultation period.

## **SUMMARY AND KEY ISSUES**

- Adoption of heritage list under LPS 4 was advertised for a 21 day period in March 2017 to affected landowners;
- Three written submissions were received;
- Adoption of the attached heritage list is recommended.

## **LOCATION**

Please refer to the attached location plan.

## **BACKGROUND**

Council at its meeting held on the 28 February 2017, discussed the unexpected changes to LPS 4 by the Minister for Planning, which removed the automatic adoption of the Municipal Inventory as the Heritage List under the Local Planning Scheme No.4.

There is some debate as whether the previous heritage list under Town Planning Scheme No.3 would carryover as a planning instrument under section of the Planning and Development (Local Planning Schemes) Regulations 2015. Department of Planning has commented on the matter and provided the following comments on this issue:

*The Department does not support new schemes including a provision which provides that the municipal inventory is to be regarded as the local heritage list as each of these documents are prepared for significantly different purposes. Where a municipal inventory provides a cultural and historic record of places which may have cultural heritage significance, a local heritage list attaches statutory protections to registered places. Accordingly, to include a place on the local heritage register is likely to demand a higher level of consultation with affected landowners than would be required for a place to be listed on the municipal inventory.*

*As part of the post-implementation review of the Regulations, amendments are being proposed to allow for interim heritage listings for a period of 12 months, or a longer period approved by the Western Australian Planning Commission (WAPC), while the local government undertakes the formal process for including the property on the local heritage list in accordance with the Regulations.*

In the interests of certainty the Shire commenced the process needed to adopt a 'fresh' heritage list under their Local Planning Schemes in March 2017, by writing to each affected land owner of Category 1 & 2 properties in Peppermint Grove.

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## **CONSULTATION**

The process for altering the status of a heritage place is set down under Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015, requires the written notification to the owner of the affected land. A written notification outlining the reasons for the entry of their property on the Heritage List under a Local Planning Scheme No.4 was sent out on the 1 March 2017 advising of the proposed inclusion of Category 1 & 2 properties on the Shire's Heritage List.

In response to the proposed change of definition three written submissions were received, the details of which are address in the attached table.

## **STRATEGIC IMPLICATIONS**

The adoption of the places, listed on the MI, as the Shire's Heritage List is outlined in the Local Planning Strategy under Section 1.3.6.1 entitled 'Heritage'.

## **POLICY IMPLICATIONS**

There are no policy implication evident at this time.

## **STATUTORY IMPLICATIONS**

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

The creation of a Heritage List under LPS 4 make provision for the identification of places and precincts of cultural heritage significance and provides statutory protection for places identified as having local heritage significance.

## **OFFICER'S COMMENT**

The process undertaken during March 2017, is simply a different path to ensure properties of local cultural heritage significance continue to enjoy protection under a Local Planning Scheme. This protection is almost identical to the provisions that were available under Town Planning Scheme No.3 until February 2017, when it was replaced by LPS 4.

One of the recurrent issues raised with the heritage listing of private land is the perceived loss of value that may result. The Heritage Council of WA has been aware of these concerns for a number of years and has provided written evidence in the form of three commissioned studies of the Western Australian, and the broader Australian property market that were published in 2005, 2006 and 2008. These studies were conducted by qualified land valuers who concluded that in most cases heritage has a negligible impact on land values.

In the case of Mt Lawley, a clear trend was identified for an increase in land values as a result of the heritage protection and controls in that area. These reports are unanimous in stating that the elements that contribute to property values are complex and that one of the main issue is one of perception. One of the reports goes so far as to say that it is always possible to find a real estate agent that will agree with the landowner on the negative impact

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on property process of heritage listing. Copies of these documents can be made available on request in either hard copy or digital format.

It seems in many cases the concerns raised in regard to heritage listing of private property has a strong foundation in notions of property rights, rather than any tangible evidence of economic losses resulting from built heritage conversation.

The Heritage Council also advised that further and updated work was being conducted in this area in partnership with REIWA.

Apart from issues associated with land values, it has come to light during this public consultation that some Category 2 properties, which have already been demolished would now be entered on to the Heritage List.

Advice from the Shire's Heritage Consultant is that while the sites of demolished should continue to be on the MI, there is no benefit in having these sites on the Heritage List in most cases. On this basis it is suggested that Heritage List be a separate document that excludes those properties already demolished. However, the MI, forms an important as the record of local heritage places under the Heritage Act of WA and listing remain an important marker of the Shire history of built form.

On this basis the adoption of places on the MI as the Shires Heritage list under Clause 8 of Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.

**OFFICER RECOMMENDATION/S – ITEM No. 8.1.5**

**That Council adopts those places on attached as demolished, as the Heritage List under Clause 8 of Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**8.1.6 Proposed Retaining Front Wall: Lot 113 (No.38) The Esplanade Peppermint Grove.**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 5 – Item refers</b>	38 The Esplanade

Voting Requirement	:	<b>Simple Majority</b>
Subject Index	:	Property
Location / Property Index	:	38 The Esplanade
Application Index	:	016-200
TPS No 3 Zoning	:	Residential R10
Land Use	:	Single Residential
Lot Area	:	1645m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Webb & Brown Neaves
Owner	:	Ms Barbara-Dene Gordon Jones
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 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**

For Council to determine an application to construct a retaining wall along the front boundary of the site. The wall will be 1200mm at its highest point, which exceeds the 900mm maximum under the Fencing Local-law.

## **SUMMARY AND KEY ISSUES**

- The proposed setback variation is considered minor.
- Conditional approval has been recommended.

## **LOCATION**

Please refer to attached location plan.

## **BACKGROUND**

Council granted planning approval on the 24 November 2015, for the development of a two storey brick and colour-bond house incorporating an ancillary dwelling.

The house is currently under construction and is anticipated to be complete by later 2017.

## **CONSULTATION**

The adjoining/affected landowner was contacted in regard to the abutting retaining wall along the common boundary of the subject site. No written comments have been received.

## **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's Fencing Local-law limits the solid portions of solid fences to 900mm in height providing any portion over this height has a 50% open aspect. .

## **FINANCIAL IMPLICATIONS**

There are no costs associated with the proposal evident at this time.

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## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Retaining walls along the front boundaries of this portion of the Esplanade are a common feature, and are characteristic of this streetscape. Given that there is no further fencing above the proposed 1200mm wall the application can be supported. The only proviso however, would be that the security gate is of open aspect design.

The return retaining wall along the northern boundary of the subject site is for structural purposes only to allow for an access driveway. It abuts the neighbour's existing screen wall and on this basis it can be supported.

There are no objections to the proposal on planning grounds subject to the gate being of open aspect design. On this basis, a conditional approval can be recommended.

## **OFFICER RECOMMENDATION/S – ITEM No.8.1.6**

**That Council grant planning approval for alterations and additions on Lot 113 (No.38) The Esplanade, Peppermint Grove in accordance with the plans and specifications submitted on 7 March 2017, subject to the following conditions;**

- 1. The security gate shall be of open aspect design.**
- 2. Details of the proposed security gate shall be submitted to the satisfaction of the Chief Executive Officer of the Shire prior to the issue of a building permit.**

8.1.7 Setback Variation: Detached Storeroom& Cellar Lot 53 (No.2) Hurstford Close  
Peppermint Grove.

**URBAN PLANNING**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 6 – Item refers</b>	2 Hurstford Close

Voting Requirement	:	<b>Simple Majority</b>
Subject Index	:	Property
Location / Property Index	:	2 Hurstford Close
Application Index	:	016-199
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	746m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Matthew Hunter Allure by Design
Owner	:	N. H & H. A. Pollard
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 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.*
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## **PURPOSE OF REPORT**

For Council to determine a rear setback variation from 6-metres to 4-metres in order to allow the construction of a store room and a cellar.

## **SUMMARY AND KEY ISSUES**

- The proposed setback variation is considered minor.
- Approval has been recommended.

## **LOCATION**

Please refer to attached location plan

## **BACKGROUND**

A single storey brick and tile house was approved for construction on the 24 July 1969.

A building permit was issued on the 10 June 2016, for internal alterations.

Council issued a planning approval for the development of an attached double garage with a zero lot line to the northern boundary at its meeting held on the 27 September 2016.

Since that time the house has also undergone extensive external cosmetic changes including a new roof, replacement rainwater goods and rendering. The unsympathetic metal carport within the front set back has been removed and front boundary screen wall has been rebuilt with an open aspect.

## **CONSULTATION**

The adjoining/affected landowner was contacted in regard to the proposed pool store building and no written comment has been received.

## **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**

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

The proposal has been assessed in regard to the relevant Scheme provisions, Residential Design Codes and Scheme Policies.



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On residential lots zoned R12.5 the required rear setback is 6-metres under Table 2a of the R-Codes.

In this case, the applicant is seeking a 4-metre rear setback in order to accommodate both a storeroom and a cellar.

### **Heritage**

There are no heritage issues associated with this application.

### **FINANCIAL IMPLICATIONS**

There are no costs associated with the proposal 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**

There are no objections to the proposal on planning grounds, as the proposed setback relaxation would have no negative impacts to adjoining landowners. Although one portion of the proposed building intrudes into the 6-metres rear setback, the average setback to the rear boundary is approximately 8-metres.

The application is assessed as meeting the Design principals under the R-Codes and on this basis approval can be recommended.

### **OFFICER RECOMMENDATION/S – ITEM No. 8.1.7**

**That Council grant planning approval for alterations and additions on Lot 53 (No.2) Hurstford Close, Peppermint Grove in accordance with the plans and specifications submitted on 13 March 2017 without conditions.**

- 1. The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal under the Design Principles of the Residential Design Codes in regard to the rear setback variation.**

**8.1.8 Proposed Tennis Court Lighting: Lot 123 (No.18) Keane Street, Peppermint Grove.**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 7 – Item refers</b>	18 Keane Street

Voting Requirement	:	<b>Simple Majority</b>
Subject Index	:	Property
Location / Property Index	:	18 Keane Street
Application Index	:	016-202
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	1735m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	J Kramer
Owner	:	Dr. C Turner
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 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.*
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## **PURPOSE OF REPORT**

For Council to determine an application to construct four light poles to illuminate a private tennis court at No. 18 Keane Street, Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

- The proposed tennis court lighting would comply with the Emission and Reflection of Light Local-law.
- Conditional approval has been recommended.

## **LOCATION**

Please refer to attached location plan.

## **BACKGROUND**

Council granted planning approval on the 24 November 2015 for the development of a two storey brick and colour-bond house incorporating an ancillary dwelling.

The house is currently under construction and is anticipated to be complete by later 2017.

## **CONSULTATION**

The adjoining/affected landowners were contacted in regard to the proposal. No written comments have been received.

## **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 assessment of application for tennis court lighting falls under both the Scheme in regard to light pole structures, which fall under the broad definition of development found in the Planning and Development Act.

In regard to the possible negative impacts from light spill the Shire's Emission and Reflection of Light Local-Law sets down a maximum light intensity at the common boundary of 50 lux.

## **FINANCIAL IMPLICATIONS**

There are no costs associated with the proposal evident at this time.

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### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

The application submitted includes a light plan which demonstrates that the light over spill drops to below 50 Lux on the adjoining owner's land and would comply with the Emission and Reflection of Light Local-law.

Four light poles are proposed at 8-metres in height to be located approximately 1.5-metres from the boundary, which is a common setback for tennis court designs. There are no objections to the proposal on planning grounds and a conditional approval can be recommended.

### **OFFICER RECOMMENDATION/S – ITEM No. 8.1.8**

**That Council grant planning approval for tennis court lighting on Lot 123 (No.18) Keane Street, Peppermint Grove in accordance with the plans and specifications submitted on 28 March 2017, subject to the following conditions;**

- 1. The light emission shall not exceed 50 lux at the boundary of the subject site.**

## 8.2 INFRASTRUCTURE

Nil

## 8.3 COMMUNITY DEVELOPMENT

Nil

## 8.4 MANAGEMENT / GOVERNANCE / POLICY

### 8.4.1 SHINE Agreement Renewal

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 8 – Item refers	Deed of Agreement

Voting Requirement	:	Simple Majority
Subject Index	:	File Ref LS009A
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	:	John Merrick, 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.*
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**PURPOSE OF REPORT**

Nil

**SUMMARY AND KEY ISSUES**

- |   |
|---|
| <ul style="list-style-type: none"><li>• Nil</li></ul> |
|---|

**LOCATION**

N/A

**BACKGROUND**

Council provides support services to SHINE together with the Towns of Claremont, Cottesloe and Mosman Park.

Attached is a new five year Deed of Agreement, which requires the signature of the Shire President and Chief Executive Officer.

**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**

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. 8.4.1**

**That Council endorse the signature of the Shire President and Chief Executive Officer to the Deed of Agreement with SHINE.**



## 8.5 CORPORATE

### 8.5.1 Financial Report –February 2017

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 9	Financial Report – February 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 2016 to 28 February 2017

## **SUMMARY AND KEY ISSUES**

- The financial report for the five-month period ended 28 February 2017 indicates a year-to-date surplus of \$, some \$more than forecast;
- Operating revenue is some \$ more than forecast.
- Operating expenditure is some \$ more than forecast;
- Capital expenditure totalling \$ 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**

There are no specific financial implications (other than the budget amendments adopted at the December 2016 meeting emanating from an additional \$105,000 surplus brought/forward from 2015/16) at this time.

However, recent discussions with the Dept. of Local Government suggests a downward revision of this year's depreciation expenses may be required following that agency's decision to standardise fair value revaluations to the 30<sup>th</sup> June 2017 for (in our case) buildings meaning 2016/17 building depreciation expense is to be written back against the asset revaluation reserve.

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Originally Council's buildings were to be revalued at 1 July 2016 (being three years since their initial fair value revaluation) and then depreciated throughout 2016/17 based on the revised values.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

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

#### **(1) Contributions & Reimbursements**

Revenue from contributions and reimbursements is some \$19,927 greater than forecast at the end of November. This is due to the unbudgeted raising of contributions from other local governments for long service leave due to S Farley (\$9,800) and P Rawlings (\$19,200). Some \$10,000 of contributions to be raised for the Infant Health Clinic partially offsets the additional contributions noted above.

#### **(2) Employee Costs**

Employee costs are some \$23,802 less than expected. This figure mainly represents staff salaries and wages to be accounted for (accrued) as at 30<sup>th</sup> June 2017.

#### **(3) Insurances**

Council's total insurance premiums for 2016/17 are some \$13,565 less than estimated. The majority of these savings relates to worker's compensation premium savings for the current year plus a premium adjustment from 2015/16 rebated in 2016/17. Other minor savings have been achieved under the industrial special risks, liability and vehicle insurance categories.

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

Net current assets as at 28 February 2017 exceed the forecast figure by some \$64,758, due to the actual versus budget variances noted above and other minor variations in other categories included in the financial report.

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

**That the Financial Report for the period 1 July 2016 to 28 February 2017 be received.**

## 8.5.2 Accounts Paid – March 2017

## CORPORATE

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 10</b>	<b>Accounts Paid – March 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.*
- 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 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 March 2017 included the following:

- GST & PAYG remittance to ATO;
- Payment for electricity to Synergy;
- 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>
Credit Card Transactions	\$6,067.98
Cheques 253 – 256	\$2,420.35
Electronic Funds Transfers 00064 – 00071 (excl. \$6,067.98 - credit cards)	\$378,663.63
<b>TOTAL</b>	<b>\$387,151.96</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 2016/2017 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 March 2017, totalling \$387,151.96 be approved.**

## 8.5.3 Financial Report – March 2017

**CORPORATE**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 11</b>	<b>Financial Report – March 2017</b>

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 2016 to 31 March 2017

## **SUMMARY AND KEY ISSUES**

- The financial report for the nine-month period ended 31 March 2017 indicates a year-to-date surplus of \$1,825,538, some \$116,224 more than forecast;
- Operating revenue is some \$36,193 more than forecast.
- Operating expenditure is some \$90,942 less than forecast;
- Capital expenditure totalling \$433,627 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 reports indicates Council remains on target to achieve (and probably exceed) its budgeted surplus of \$229,466.

## **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) Contributions & Reimbursements**

Revenue from contributions and reimbursements is some \$22,092 greater than forecast at the end of March. This is due to the unbudgeted raising of contributions from other local governments for long service leave due to S Farley (\$9,800) and P Rawlings (\$19,200). Some \$10,000 of contributions to be raised for the Infant Health Clinic partially offsets the additional contributions noted above.

### **(2) Employee Costs**

Employee costs are some \$35,157 less than expected. This figure mainly represents staff salaries and wages to be accounted for (accrued) as at 30<sup>th</sup> June 2017. In addition the final quarterly fringe benefits tax payment is not included in the above figure.

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

Materials and contracted expenses are some \$37,471 less than expected at the end of March though much of this relates to invoices yet to be received (particularly waste collection and recycling services and building maintenance costs).

Nevertheless some savings in the areas of legal expenses, landscaping and facility cleaning can be expected.

### **(4) Insurances**

Council's total insurance premiums for 2016/17 are some \$12,333 less than estimated. The majority of these savings relates to worker's compensation premium savings for the current year plus a premium adjustment from 2015/16 rebated in 2016/17. Other minor savings have been achieved under the industrial special risks, liability and vehicle insurance categories.

### **(5) Transfers from Reserves**

Funds to cover the cost of public artworks (\$15,000) will be transferred in June. No further transfers will be required in 2016/17.

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

Net current assets as at 31 March 2017 exceed the forecast figure by some \$116,224, due to the actual versus budget variances noted above and other minor variations in other categories included in the financial report.

**OFFICER RECOMMENDATION/S – ITEM No. 8.5.3**

**That the Financial Report for the period 1 July 2016 to 31 March 2017 be received.**

**8 NEW BUSINESS OF AN URGENT NATURE**

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

**9 MOTIONS ON NOTICE**

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

**10 CONFIDENTIAL ITEMS OF BUSINESS****11 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.*