



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY 19 DECEMBER 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 **19 DECEMBER 2017**, commencing at 5.30 pm.

MEETING AGENDA ATTACHED

Yours faithfully



Mr John Merrick JP
CHIEF EXECUTIVE OFFICER

19 DECEMBER 2017

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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.

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 M 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

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.

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 NOVEMBER 2017
7.2	AGENDA BRIEFING FORUM	12 DECEMBER 2017
7.3	CONCEPT FORUM	12 DECEMBER 2017

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 November 2017;

Nil

8.1.2 Proposed Alterations and Additions Lot 12 & 13 (No.17) McNeil Street, Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	17 McNeil Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	17 McNeil Street, Peppermint Grove
Application Index	:	DA2017/00012
LPS No.4 Zoning	:	Residential R12.5
Land Use	:	Single Dwelling
Lot Area	:	(Lot 12) 736m ² and (Lot 13) 1470m ² (= 2206m ²).
Disclosure of any Interest	:	Nil
Previous Items	:	Item 8.1.6. OCM 23 February 2015
Applicant	:	D Millar
Owner	:	D Millar
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 consider an application for alterations and single storey additions at the rear of a Category 1 listed property. A reduced side boundary setback from 1.5-metres to 1-metre is proposed.

SUMMARY AND KEY ISSUES

- The alterations proposed are at the rear of the building.
- Original heritage fabric will remain.
- The form of the building will remain.
- The reduced eastern boundary setback is acceptable.

LOCATION

Please refer to the attached location plan.

BACKGROUND

In 1978 a building licence was issued for alterations and additions at the rear of the building and included two new bedrooms, master bedroom ensuite additions, and kitchen/dining area.

Council at its meeting held on the 21 September 1998, granted planning consent for the redevelopment of the rear section of the house.

Council at its meeting held on the 24 March 2015, granted planning consent for ensuite additions along the eastern elevation of the site that utilised existing openings and were contained within the return verandah.

CONSULTATION

The adjoining/affected landowners have been advised of the proposal. No written submission have been received in regard to the application.

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.3

The proposal complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies with the exception of those outlined in the table below.

<u>LOCAL PLANNING SCHEME NO. 4</u>		
Scheme Requirement/Clause		Assessment/Comment
1.	55% Open Space	83% Open space: Complies
2.	0.50 plot ratio	0.16 Plot Ratio: Complies
<u>RESIDENTIAL DESIGN CODES</u>		
Deemed-to-Comply		Assessment/Comment
1.	1.5-metre setback to eastern boundary	1.0-metre proposed, does not comply
2.	7.5-metres to a Juliet balcony	11.9-metres proposed: Complies
<u>SCHEME/COUNCIL POLICY</u>		
Policy Provisions		Assessment/Comment
1.	Heritage Policy	Assessed as complying. Refer to the heritage section of the report for details.

Heritage Policy:

No.17 McNeill Street is on the Shire's Heritage List as a Category 1 place.

The proposed changes are located within the rear area of the building which was added in 1978 and the original floor layout, walls and fenestration were demolished at the time.

Local Planning Policy 3 `Heritage Places' sets out the following criteria for the assessment of any contemplated changes to a building.

1. *the form and fabric of buildings on the Heritage List is preserved;*
2. *the contribution of a heritage building to the streetscape is protected;*
3. *alterations and additions result in architecture that is both of its time and is respectful to places of local heritage significance; and*
4. *the existing building remains the dominant structure on the site when viewed from the street.*

It is assessed that the proposed scope of works will not affect the original fabric or form of the building and as it is confined to the rear of the building, the existing building will remain the dominant feature when viewed from McNeil Street.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The proposed alterations and additions have been assessed as complying with LPP3 'Heritage Places'.

The subject site has lower natural ground level than the adjoining eastern property. The reduced setback would have a negligible visual and amenity impact.

The proposed development can be supported on heritage and planning grounds subject to standard and appropriate conditions.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.2

That Council grant planning approval for alterations and additions/demolition/replacement dwelling on Lots 12 & 13 (No.17) McNeil Street, Peppermint Grove in accordance with the plans and specifications submitted on 9th November 2017, subject to the following conditions;

- 1. The development the subject of this planning consent shall comply with the plans submitted for approval and any specific conditions imposed by Council.**
- 2. The street trees adjacent to the Lot 12 & 13 shall be protected during construction and no goods or building materials shall be stored on the street verge or within the drip line of the street tree(s).**
- 3. 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.**
- 4. 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.

- 5. The applicant shall adhere to the construction management plan during the development of the site, to the satisfaction of the Chief Executive Officer.**

8.1.3 Heritage List Review Lot 50 (No.36) McNeil Street, Peppermint Grove
URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 2	36 McNeil Street Peppermint Grove

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	36 McNeil Street
Application Index	:	N/A
LPS No 4 Zoning	:	Residential R10
Land Use	:	Single Dwelling
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 18 April 2017 & OCM 25 July 2017
Applicant	:	Mrs C Fermanis
Owner	:	Mrs C Fermanis
Responsible Officer	:	Michael Whitbread, Manage 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.*
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PURPOSE OF REPORT

For Council to re-consider the heritage status of No. 36 McNeil Street Peppermint Grove, following a request made by the landowners.

SUMMARY AND KEY ISSUES

- The building at 36 McNeil Street, was entered on the 1999 Heritage List.
- Council has supported its retention on the Heritage List.
- The owner is seeking a reconsideration of the decision to retain 36 McNeil Street, on the Heritage List.

LOCATION

Please refer to the attached location plan.

BACKGROUND

Council at its meeting held on 18 April 2017, considered two submissions in regard to the changes to Category 2 definitions under the Shire's Heritage List from the owners of No. 6 The Esplanade and No. 36 McNeil Street, Peppermint Grove.

The issues raised at that time related to the confusion created by the transfer of a street address when development occurred on the corner of the Esplanade and McNeil Street. What is now known as No. 36 McNeil Street, was originally known as No. 6 The Esplanade, when built in 1933. However, following the subdivision of this corner site in 1958, the street address of No. 6 The Esplanade was transferred to the new house. The fact that both properties were built and then lived in by the WA Pioneer Aviator and RAAF Group Captain, Sir Norman Brearley added to the confusion.

The submission made by both owners cast doubt on some of the information contained in the Municipal Data sheets. Research confirmed the concerns raised that the information is not entirely correct for both properties listed as Category 2 properties.

In response Council resolved to authorise:

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

During May 2017, the Shire's Heritage Consultant carried out site inspections at both No. 6 The Esplanade and No. 36 McNeil Street and the subsequent report was considered at the meeting held on the 25 July 2017, and the following determination was made in regard to the heritage status of the subject property.

1. That Council resolves to retain Lot 50 (No. 36) McNeil Street Peppermint Grove, on the Municipal Inventory and Heritage List as a Category 2 place, due to the historical

link with Sir Norman Brearley and its aesthetic value as an example of an eclectic version of the Inter-War Mediterranean style.

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

Under Clause 8 of the Deemed Provisions (Local Planning Schemes) Regulations 2015, Council is required to '...establish and maintain', a heritage list.

Entry onto the list is at the discretion of the Local Government following a process of consultation with the owners as outlined under Clause 8 (3). This was undertaken early in 2017, with all owners of Category 2 properties when the definition was amended.

Heritage Assessment;

The following is the report received by the Shire's Heritage Consultant.

36 McNeil Street (formerly 6 The Esplanade)

The existing data sheet correctly identifies the place as an Inter-War Mediterranean style house of limestone, brick, rendered brick and a tiled roof, and points out its eclectic nature. It also acknowledges changes, without describing them.

The base house comprises a main ground floor with a first floor created within the roof space initially. It was built to take advantage of the views to the east, with its main entrance to the north, leaving the east face of the house free to be oriented to the views. There is a flat roofed verandah supported on tall Tuscan columns, which gives it its characteristic style, with a kind of English revival roofscape with dormer windows, tall tapered rendered chimneys and clay chimney pots.

There have been modifications to the east face of the house, including the introduction of a wrought steel balustrade and a good deal of modification to the east facing windows to the upper level completed in a crude manner, while the ground floor level on this face is little altered.

The north side of the building has a fenced pool, a late addition car port in a style that is sympathetic to the house, then the thrust bay to the west entrance, and a further bay to the east. The walls are rendered, tiled roofs have wide overhands supported on brackets, walls are rendered and windows are timber double hung sashes, with flat sunhoods, also supported on brackets, with simple brick motifs in the rendered gables. The carport partially obscures the front of the house, though this need not be a permanent situation.

The west side is not readily viewable due to the proximity of the adjoining house to the west. The south side of the house includes a small unsightly single storey addition.

The interior ground floor plan is little altered, but the present owners have added much well-designed paneling and fittings so that the ground floor interiors are largely authentic in terms of planning, but altered in their detailing, other than the bathroom (fittings apart), and stairs to the first floor level. Original floors, door openings, doors, windows, and the like remain in place, as do ceilings, skirtings, architraves and the like.

The first floor is a series of bedrooms and bathrooms, which would appear to be much altered and the openings to the east are poorly conceived changes to the original dormer window arrangement.

In terms of the assessment then:

Historical: The values could stand. The Fairbairns owned the lot prior to subdivision, so their association is not strong. The association with Sir Norman Brearley would stand, though his days pioneering were at an end, he was running his Western Australian Airways Ltd company in his early years in the house, and later went on to service in World War II, while residing there.

Aesthetic: The value might be clarified to reflect that it is an eclectic rendering of the Inter-War Mediterranean style. It might also be amended to reflect that the underlying house has a degree of aesthetic value, but that the alterations at first floor level are intrusive.

Technical: I think we can discern the original style and deal with the changes in authenticity.

Social: leave as is.

Cultural Group: The Fairbairn connection would appear to be simply ownership of the land, so that the association with Brearley could be left as the main value.

Rarity: leave as is.

Representativeness: Leave as is.

***Statement of Significance:** It should be amended to read that the place has significance for its historic associations with Sir Norman Brearley and some aesthetic value as an example of an eclectic version of the Inter-War Mediterranean style.*

***Management:** Given the values as stated, we find it difficult to assess this place as being any more than a management Category 3, for its historic associations.*

Further discussions were held with the Heritage Consultant at the time, particularly in regard to his recommendation that the place be re classified from a Category 2 to a Category 3 place.

At present Management Category 3 is a Heritage WA recommended standard only and its purpose is to note a place for its heritage values, but does not always insist on retention. The Shire's management categories are limited to 1 & 2 on the adopted Heritage List. Therefore, if the dwelling at No. 36 McNeil Street was removed from the Heritage List altogether, a demolition licence could be issued without any requirement for planning approval and the opportunity to require an historical record of the building, or for the appropriate location of a replacement building which has also be foregrounded by the Heritage Consultant.

If the house remains as a Category 2 place, it would ensure that the replacement house recognises by its position the location of the original dwelling and that an archival record is made prior to demolition in accordance with Council's Heritage Policy (LPP3).

FINANCIAL IMPLICATIONS

There are no financial implication 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

As outlined in the 25 July 2017 report, it was apparent that the original assessment of No. 36 McNeil Street during the formation of the MI in 1999, confused this place with the later construction of what is now No. 6 The Esplanade.

It was on that basis together with confirmation by Shire staff that Council removed No. 6 The Esplanade from the Heritage List. Furthermore, Council considered the Heritage Consultants' report on No. 36 McNeil Street, and while acknowledging the limited heritage values of this site, formed a view that it should be retained at this stage.

Council has the discretion of retaining No. 36 McNeil Street on the Heritage List for the reasons outlined above. Alternatively, Council is able to have the building removed from the Heritage List.

Draft resolutions that consider both options have been provided.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.3**Option 1:**

That Council resolves to retain Lot 50 (No. 36) McNeil Street Peppermint Grove, on the Municipal Inventory and Heritage List as a Category 2 place, due to the historical link with Sir Norman Brearley and its eclectic Inter-War Mediterranean style.

Option 2:

That Council resolves to remove Lot 50 (No. 36) McNeil Street Peppermint Grove, from the Municipal Inventory and Heritage List and advises the landowner and HCWA accordingly.

8.1.4 Proposed Change of Purpose ROW Reserves. Shire of Peppermint Grove
URBAN PLANNING
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment Nil	

Voting Requirement	:	Absolute Majority
Subject Index	:	Rights-of-Way
Location / Property Index	:	N/A
Application Index	:	N/A
LPS 4 Zoning	:	Local Road
Land Use	:	N/A
Lot Area	:	
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	Shire of Peppermint Grove
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.*
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- 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 reviewing the status of the ceded portions following advice from the Department of Planning Lands and Heritage (DPLH), and the implications it has for the ceded areas adjoining the ROWs in the ownership of the Shire. Reviewing the status of these ceded areas is the first step in the process in the review of the ROW Policy for the Shire.

SUMMARY AND KEY ISSUES

- The leasing of former ceded portions of land for the purposes of curtilage is no longer supported by DPLH.
- The R-Codes require vehicle access to property via adjoining ROW's wherever possible.
- The purpose of the Crown reservation applied to ceded land has become redundant.
- Any new policy in regard to the management of ROW's will require a change to reserve.

LOCATION

N/A

BACKGROUND

Council at its meeting held on the 26 June 2017, considered a report concerning the current status of its ROW policy in the face of changes to the R-Codes and the advice received from the DPLH.

To briefly recap the 2013 R-Codes impose an obligation on developers and Council's under Clause 5.3.5 that vehicle access and on-site parking spaces, where available, are to be from an adjoining ROW.

In August 2012, the WAPC's Statutory Planning Committee adopted the IPWEA's (Institute of Public Works Engineering Australia), subdivision engineering guidelines as the current best practice minimum engineering standards, that would satisfy subdivision conditions state-wide for the creation of green-fields and infill housing lots.

Planning Bulletin No.33 "*Rights-of-Way or Laneways in Established Areas-Guidelines*", provides a general background together with the technical issues associated with residential development on ROWs. In addition, this Planning Bulletin encouraged Local Authorities to develop Local Planning Policies (LPP) to address specific development standards to suit local needs.

Although Council may adopt a policy in regard to the treatment of ROWs, it is unable to vary the provisions of the R-Codes requiring vehicle access and on-site parking from an adjoining Right-of-Way. The overwhelming tone of the R-Codes, and the Planning Bulletin, is for Council to pro-actively seek to upgrade ROWs for vehicle traffic. In the case of development

applications, the Shire is expected to implement this R-Code provision. The Bulletin recommends there be at least a policy in place that deals with the following:

- a) The ceding of land to ensure two-way traffic can be accommodated.
- b) Increase the size of corner truncations on Rights-of-Way T-junctions.
- c) The standard of construction of the ROW, lighting and drainage.
- d) Developer/landowner contributions to the cost of upgrading the Right-of-Way.

Since the introduction of road profiling's to suppress dust in some ROW's over the last three years, already indicates a shift in attitude to this issue by residents and further requests have been made for adjoining ROW to also be sealed in this way.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

However, extensive public consultation is considered essential if a policy is to be introduced which changes the policy approach taken so far and proposes, in part at least, rationalizing the ceded land/ROWs within the Shire.

The Shire's records indicate that while there are several leases in place for ceded land, there are approximately 25 lots which have simply taken over the ceded land without any authority. It is worth noting in such cases that crown land is not subject to adverse possession and the land is still vested in the Shire.

STRATEGIC IMPLICATIONS

To date, Council has taken on board community concerns in regard to keeping the laneways largely unconstructed and not create under-width roads. Until recently, the definition of 'battle-axe subdivision' and the Town Planning Scheme has meant that no further subdivision of lots in the Shire would be possible and therefore, it was assumed that further subdivision was unlikely to occur in the Shire.

However, with the redefinition of a rear lot under the R-Codes, and more recently under Local Planning Scheme No.4, the requirement for vehicle access of properties to be from ROWs, there has been over the last five years an increase in replacement houses. This trend will increase the use of the ROW for vehicle access to properties.

POLICY IMPLICATIONS

Council's previous unwritten policy of leasing out the ceded portions of the ROWs to abutting landowners is no longer supported by the Department of Planning Lands and Heritage.

This presents a significant policy implication insofar as the previous practice of dealings with ROW is concerned.

Additional pressure has also been put on many ROW's due to their use by rubbish trucks of ever increasing size and the parking of trades and service vehicles often creates bottle necks.

Although several Local Planning Policies are being proposed during the December 2017 round of Council meetings, the issues associated with the ROWs are relatively complex and should be considered separately in early 2018.

STATUTORY IMPLICATIONS

The ceded portions of the ROWs have been classified as reserve for the purposes of Access, Drainage & Curtilage. Given that DPLH will no longer support the leasing of these reserves, a resolution of Council is required to change the status of this land in order to be able to proceed with an effective local planning policy.

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

Ceded Land

The current Rights-of-Way Policy required that 4.25-metres of land adjoining the ROW be ceded at subdivision in order to increase the width of the laneway, with the long-term purpose of enabling dedication and gazettal.

However, to complicate the matter further, the ceded land (4.25-metres), was subsequently transferred into individual reserves which enabled these portions of land to be leased back to immediately adjoining landowners.

The 20 year lease agreements in place for the ceded land state, that the Shire is only required to give three months' notice, in order to take back this land, and that the Leasee is also responsible for the removal of any improvements including fencing, paving and garden areas.

These reserve sections of the ROW's create an opportunity for off street parking and there are numerous examples of trade people, wishing to gain access to facilities such as swimming pools and parking in ROW and blocking traffic including rubbish trucks.

A further alternative and/or perhaps shared use would be to use these wider sections of the ROW to introduce trees for shade and visual screening. As these ROWs are well used for walking, the introduction of trees and the shade can provide would be of substantial amenity benefit as well as providing the opportunity for Council to consider introducing a different genus of tree into the Shire.

At present there seems to be no appetite, or need for that matter, to seek to cancel the leases and re-incorporate the Lease areas into the ROWs. At the same time Council may wish to consider, in line with Planning Bulletin 33, whether the width of ceding required be reduced from 4.25-metres to an extent that would allow two vehicles passing, depending upon the current width of the ROW to a minimum of 5-metres. The option from the April 2000 SJB Report to sell back portion, or all of the ceded land, could also be considered.

Summary of Issues

Council has inherited several partially completed policies in regard to the management of ROWs within the Shire. This includes ceded land that has been leased back to adjoining landowners, as well as a large number of ceded areas that have simply been fenced off by abutting landowners without any approval.

As outlined in June 2017 report to Council, Shire staff were endeavouring to meet with Department of Lands to seek further clarification and advice on the matter in an e-mail sent after the meeting held in 2 November 2017, between DPLH staff the following advice was received.

Thanks for the productive meeting to determine the best way forward regarding the Peppermint Grove laneway legacy issue.

To confirm, the Department of Planning, Lands and Heritage (DPLH) agrees with the approach to amend the purpose of the Reserves from "Access, Drainage & Curtilage" to "Right of Way", to better reflect the Shire of Peppermint Grove's future requirements for the laneways in accordance with the Shire's draft R.O.W Policy.

DPLH understands that there is a series of encroachments that will require addressing by way of conveyance and amalgamation pursuant to s.87 of the LAA. This will be potentially captured at redevelopment stage and/or via a piecemeal approach. As discussed, the subject private owners will be required to pay Current Unimproved Market Value for the land as determined by Landgate's Valuer Generals Office.

Further to the above, DPLH would support the partial excisions of the Reserves for amalgamation into the freehold lots.

To facilitate the amendment of the purpose of Reserves from "Access, Drainage & Curtilage" to "Right of Way", DPLH would welcome a Council Resolution or a formal request (letter) from a person of delegated authority – whichever the Shire prefers.

On the basis of the advice received, Council may wish to consider providing a resolution should it wish to proceed with developing a revised ROW policy, particularly given that the

Minister for Lands will issue no further leases for these reserves, or consider renewing existing leases.

The following recommendation would take up the opportunity to amend the reserve status of portion of the ROW and simply revert this land back to its previous as a ROW. It would not however necessarily mean that the occupied portions of the ROW would have to be cleared immediately. Further work on this issue could occur during the consultation phase of a revised ROW policy for the Shire.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.4

That Council resolves to request the Department of Planning Lands and Heritage to amend the purpose of the Reserves within the Rights-of-Way network owned by the Shire from Access, Drainage and Curtilage to Rights-of-Way.

8.1.5 Adoption for the Purposes of Advertising: Draft Local Planning Policies under Local Planning Scheme No.4

URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 3	Local Planning Policies 1, 7, 8, 9 10, 11, 12 & 13

Voting Requirement	:	Simple 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	:	Item 9.1.3 refers (28 February 2017).
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

For Council to consider adopting a further set of Local Planning Policies (LPPs), for the purposes of advertising for public comment in accordance with Local Planning Scheme No.4.

These policies form an important element of the `local planning framework`, for the Shire, as defined under the Residential Design Codes.

SUMMARY AND KEY ISSUES

- Draft LPP's require 21 days advertising prior to final adoption.
- The proposed R-Codes amendments are unlikely in the near future.
- Draft LPP's 1, 7, 8, 9, 10 11, 12 & 13 would complete the suite thought necessary for effective planning controls in the Shire.

BACKGROUND

Council at its meeting held on the 28 February 2017 (item 9.1.3 refers), resolved to adopt the following draft Local Planning Policies under the Planning and Development (Local Planning Schemes) Regulations 2015. .

LPP1 Urban Design and Streetscape (provisional)

LPP2 Carports, Garages and Minor Structures in the Street Setback Area

LPP3 Heritage Places

LPP4 Residential Building Heights

LPP6 Neighbour Consultation on Development

The implementation of LPP 1 `Urban Design and Streetscape`, was contingent upon the WAPC expanding the R-Codes to include, draft Clause 5.27 *Streetscapes*. Although advised by the Department of Planning, that this was likely to occur in April 2017, the change of Government at the State Election has resulted in a change of priorities. The R-Code review has now been delayed, which is of concern as the policy was to ensure that new dwellings are respectful of the existing streetscape context and adjoining heritage listed dwellings.

CONSULTATION

Under the provisions of the Planning and Development Regulations (Local Planning Schemes) Regulations 2015, LPP's are required to be advertised for 21 days in a local newspaper. In addition to this minimum requirement, it is proposed that copies of the draft LPP's will be made available on the Shire's website, as well as hard copies at the front counter of the Shire offices.

STRATEGIC IMPLICATIONS

Local Planning Policies are important planning documents that enable the Shire to implement its Local Planning Strategy in regard to the preservation of the character and amenity of the Shire, including its heritage streetscapes and buildings.

Local Planning Policies also provide a framework for consistent decision making and provide clear guidance to landowners and developers.

POLICY IMPLICATIONS

The Shire is currently in discussions with the Department of Lands, in regard to the treatment of the ceded areas which will have considerable bearing on the details of any new policy. Once resolved the Rights of Way Policy draft LPP5 can be finalized. A separate report regarding the status of the Reserves on the Rights-of-Ways has been included in this agenda under **Item 8.1.4** for Council's consideration.

STATUTORY IMPLICATIONS

The draft policies are required to be advertising for 21 days prior to final adoption.

FINANCIAL IMPLICATIONS

The costs associated with the advertising of the draft LPP's for the 21 day period would be were in the region of \$1500.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Under Clause 7.1 of the R-Codes entitled 'Local Planning Framework', enables Council to adopt Local Planning Policies provided they are:

'... consistent with the provisions of the R-Codes insofar as it guides the consideration of the decision maker to judge proposals.'

In addition LPP's can be adopted to deal with the planning issues of determining 'Context' (Clause 5.1) and the objectives relevant to the Shire are outlined below;

- a) *To ensure residential development meets community expectations in regard to appearance, use and density.*

-
- b) *To ensure designs respond to the key natural and built features of the area and respond to the local context in terms of bulk and scale, or in the case of precincts undergoing a transition, will respond to the desired future character as stated in the **local planning framework.***

In late 2016, the WAPC recognised this issue and in the following statement outlined the rationale for the proposed amendment to the R-Codes to introduce a 'streetscape' clause 5.2.7.

The proposed streetscape appearance clause seeks to address unintended consequences of the Planning and Development (Local Planning Schemes) Regulations 2015, whereby R-Code compliant single houses bypass development approval (due to exemption under clause 61(1) (d)) and application of local planning policy. Local Planning Policy requirements will apply as if they are 'read into' the R-Codes provided WAPC approves.

This crucial amendment to the R-Codes is subject to further review following the change of Government and on this basis, aspects of the draft LPP 1 Urban Design and Streetscape have been modified to enable adoption and this is highlighted in yellow on the attached draft.

In regard to the existing LPP Super block Development Guidelines, this detailed document has been reformatted and the changes marked in yellow on the attached draft. The key amendments to this policy include the change to the plot ratio from 0.50 to 0.65, to reflect Council decisions to date on the new dwellings in this R25 area of the Shire and the references made to specific sections of the Building Code of Australia, are now redundant and should be deleted from this policy.

If Council resolves to adopt the suite of LPP's as recommended, a 21 days advertising period is required. At the completion of the advertising period these draft policies, together with any submissions made will be referred back to Council to consider final adoption.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.5

1. That Council adopts for the purposes of advertising under Clause 4 of the Deemed Provisions of the Planning and Development (Local Planning Scheme) Regulations 2015, the following Local Planning Policies.

LPP 1 Urban Design and Streetscape (revised)

LPP 7 Demolition and Vacant Lots

LPP 8 Construction Management Plans

LPP 9 Development Bonds

LPP 10 Design Review Committee

LPP 11 Boundary Walls

LPP 12 Front Fences

LPP 13 Bungalow Court Super R25 Super-Lot Design Guidelines (revised)

8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Annual Report 2016/2017

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4	2016-2017 Annual Report

Voting Requirement	:	Absolute Majority
Subject Index	:	CM139A
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.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

The purpose of this report is to adopt the 2016-17 Annual Report and to set a date for the Annual Meeting of Electors.

SUMMARY AND KEY ISSUES

The 2016-17 Annual Report includes:

- President's Report
- Chief Executive Officer's Report
- Report on the Plan for the Future of the District
- Report on National Competition Policy
- Report on Disability Services
- Annual Financial Report
- Audit Report

LOCATION

N/A

BACKGROUND

Sections 5.27, 5.53 and 5.54 of the Local Government Act 1995 set out the requirements for holding an annual meeting of electors and to prescribe the contents of the Annual Report.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

The Annual Report includes an overview of the Strategic Community Plan including major initiatives that are proposed to commence or to continue in 2016/17 and beyond.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Sections 5.27, 5.53 and 5.54 of the Local Government Act 1995 set out the requirements for holding an annual meeting of electors and to prescribe the contents of the Annual Report.

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:

- 1. The Annual Report for the financial year ended 30 June 2017 be adopted.**
- 2. The Annual Meeting of Electors be held in the Council Chambers on Tuesday 13th February 2018 commencing at 7.00pm.**

8.5 CORPORATE

8.5.1 Financial Report – November 2017

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5	Financial Report – November 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.*
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PURPOSE OF REPORT

To provide Council with a report of financial activity for the period 1 July 2017 to 30 November 2017.

SUMMARY AND KEY ISSUES

- The financial report for the five months ended 30 November 2017 indicates a closing surplus of \$2,964,291, some \$274,005 more than forecast;
- Operating revenue is some \$35,784 more than forecast;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$99,265 less than forecast;
- Capital expenditure totalling \$88,105 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 \$86,644.

These additional funds will be recommended for re-allocation at the March 2018 meeting as part of the annual budget review, including as additional transfers to reserves.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER COMMENT

The following comments relate to year-to-date (YTD) budget versus actuals variances greater than \$10,000.

(1) Fees and Charges

Year-to-date revenue from fees and charges are some \$11,069 less than forecast. As in previous months, revenue from development and building application fees remains sluggish. The 30 June 2018 forecast suggests a \$21,300 revenue shortfall from this source that will need to be addressed at the annual budget review in March 2018.

(2) Grants and Subsidies

Year-to-date revenue from grants and subsidies exceeds the budget by some \$15,684. 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. These identified changes will be incorporated into the budget review.

(3) Contributions and Reimbursements

Year-to-date revenue from contributions and reimbursements exceeds the budget by some \$25,119. Major variations are:

- Reimbursements from the Towns of Cottesloe & Mosman Park (\$10,775) for their portions of library capital expenditure;
- Reimbursements from LGIS relating to a worker's compensation claim (\$3,800) and a building insurance claim (\$7,265 to replace a failed main electrical switchboard);
- Long service leave reimbursements (\$10,906) from previous employers of staff.

(4) Employee Costs

Employee costs are some \$22,097 less than anticipated. This is partly due to timing issues with respect to public holiday overtime payments (library) and fringe benefits tax expenses.

(5) Materials and Contracts

Materials and contracted expenses are some \$60,817 less than expected at this stage though much of this relates to invoices yet to be received. It should be noted that some additional expenses have been incurred that are offset by reimbursements (library and insurance) as noted above.

(6) Insurances

Insurance premium expenses (mainly due to workers compensation premium reductions) are \$19,341 less than expected. It is proposed to re-allocate these savings towards risk management initiatives as recommended by the audit committee.

(7) Plant and Equipment and Proceeds from Disposal of Assets

The 2017/18 budget contained no plant purchases and a \$20,000 transfer to the plant cash reserve. This was in response a state government proposal (later rejected by parliament) to remove the vehicle registration and stamp duty exemption for local government. In order to protect the trade-in value of Council's small fleet (and in view of there being no "barrier" to trading vehicles more frequently) administration staff have traded two vehicles and propose funding the changeover cost by reducing the cash reserve transfer at the March 2018 budget review.

(8) Infrastructure Assets - Other

The year-to-date budget of \$105,000 relates to all planned works on the Swan River wall which have now been completed. The cost of works has totalled \$61,096.15 of which \$16,180 was paid in 2016/17 – the 2017/18 budget allocation was inadvertently not amended after adoption to reflect this. In addition, some \$30,000 allocated for indigenous consultation will not now be required and further cost savings (\$7,388.85) have been made in repairing the wall. As a result, some \$19,925.90 of grant monies will need to be returned to the Parks and Wildlife Service of the Dept. of Biodiversity, Conservation and Attractions (via a budget re-allocation). The majority of the remaining funds will be re-allocated to cover the \$13,700 cost of the upper path fencing along the foreshore as discussed at last month's concept forum.

(9) Net Current Assets Brought Forward at 1st July 2017

See discussion under "financial implications" above.

(10) Net Current Assets Year-to-Date

Net current assets as at 30 November 2017 exceed the forecast figure by some \$274,005 at this stage. The adopted budget forecast net current assets of \$32,221 and the current forecast (yellow column) is \$118,774 which suggests all targets will be comfortably met.

OFFICER RECOMMENDATION/S – ITEM No. 8.5.1

That the financial report for the period 1 July 2017 to 30 November 2017 be received.

8.5.2 Accounts Paid – November 2017
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment 6	Accounts Paid – November 2017

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

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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PURPOSE OF REPORT

The purpose of this report is to 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 November 2017 included the following:

- GST & PAYG remittance to ATO;
- Annual SPYDUS library software licence fee;
- 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.

<u>PAYMENT TYPE</u>	<u>AMOUNT</u>
Cheques 310 - 322	\$9,142.49
Electronic Funds Transfers 00154 – 00162	<u>\$238,970.40</u>
TOTAL	\$248,112.89

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 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 November 2017, totalling \$248,112.89 be approved.

8.5.1 Audit Committee Recommendations – Meeting Held 28 November 2017
CORPORATE
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7	Audit Committee Meeting Minutes – 28 November
Attachment 7A	2017 Audit Management Letter

Voting Requirement	:	Simple Majority
Subject Index	:	CM139A
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	:	N/A

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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PURPOSE OF REPORT

The purpose of this report is to adopt recommendations from the Audit Committee meeting held on 28th November 2017.

SUMMARY AND KEY ISSUES

The Audit Committee has recommended Council adopts the following resolutions:

- Adoption of the 2016/17 Annual Financial Report and the Independent Audit Report;
- Administration staff draft a Grove Library/Community Centre whole-of-life Asset Management Plan for presentation to the Library Management Committee (LMC) either for adoption or replacement with a similar plan by an external building management specialist with costs to be shared as agreed by the LMC;
- Notes the impacts on local government as a result of the appointment of the Auditor-General to conduct audits of finances and performance; and
- Accepts an integrated services plan proposal from LGIS and allocates insurance premium savings to activating various risk management initiatives.

LOCATION

N/A

BACKGROUND

At its last meeting on 28th November 2017 the Audit Committee received the report of the independent auditor with respect to Council's 2016/17 Financial Report.

Council's auditor, Mr Marius van der Merwe, was also in attendance to discuss various aspects of the audit as well as two matters noted during the course of the audit and highlighted in the Audit Management Report, namely:

- The need to ensure there is as much segregation of duties within the administration of Council's financial systems as possible; and
- The impact of the one-off loss on disposal (demolition) of the Keane's Point kiosk and toilets on the operating surplus ratio which has temporarily fallen below the industry benchmark.

The Audit Committee was advised that Mr Andrew Burchfield, a governance, internal audit and risk management consultant specialising in local government, had been engaged to:

- Review the appropriateness and effectiveness of systems and procedures in relation to risk management, internal control and legislative compliance; and
- Review the appropriateness and effectiveness of financial management systems and procedures.

While financial management systems (including segregation of duties wherever possible) have been updated in line with Mr Burchfield's recommendations, further developing the risk management framework requires the allocation of additional resources. With this in mind LGIS were approached for advice and a request for a quotation. It is proposed to fund this work through a combination of insurance premium savings and scheme entitlements (member discounts).

Discussions regarding the adequacy of Council's cash reserves to fund future asset renewal and/or replacement were also held with Mr van der Merwe. While 2016/17 saw much improvement in cash reserves (with a further \$300,000 to be transferred to the infrastructure/building and road reserves in 2017/18) there was some concern that an asset renewal "gap" still existed, particularly with respect to Council's portion of the Grove library asset renewal.

Committee was advised that the recent re-valuation of this asset had provided staff with useful information regarding building component condition, life expectancy and depreciation estimates that could be used as the basis for whole-of-life cost estimates. A plan would be compiled in-house for further consideration by the Library Management Committee.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no strategic implications evident at this time.

POLICY IMPLICATIONS

There are no policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no specific statutory implications evident at this time.

FINANCIAL IMPLICATIONS

The 2016/17 Financial Year ended with a surplus of \$177,536. This figure includes \$189,630 in current leave liabilities that are largely offset by staff leave cash reserves totaling \$170,577. Therefore, for the purposes of the 2017/18 budget the actual surplus brought forward is $\$177,536 + \$170,577 = \$348,113$. The 2017/18 budget forecast a brought forward surplus of \$261,470, thus an additional \$86,643 is available for re-allocation at the March 2018 budget review.

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. 8.5.3**That Council:**

- 1. Adopts the 2016/17 Financial Report and Audit Report;**
- 2. Authorises staff to compile an “in-house” whole-of-life asset management plan with respect to the library/community centre for consideration by the Library Management Committee;**
- 3. Notes the appointment of the State Auditor-General to conduct Council’s financial and performance audits from 2018/19; and**
- 4. Accepts the integrated services plan proposal from LGIS and commits to allocating 2017/18 insurance premium savings and scheme member discounts to enable the progression of identified priorities in such plan.**

9 NEW BUSINESS OF AN URGENT NATURE

9.1 LATE ITEMS

9.1.1 Proposed Alterations and Two-Storey Additions Lot 543 (No.48) View Street Peppermint Grove.

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 Late Item	48 View Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	48 View Street
Application Index	:	DA 2017/00013
LPS No 4 Zoning	:	Residential R12.5
Land Use	:	Single Dwelling
Lot Area	:	1315m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Humphrey Architects and Builders
Owner	:	Mr. & Mrs. Peel
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 for alterations and two-storey addition at No.48 View Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The alterations and two-storey rear additions affect a Category 1 place.
- Rear and side setback variations are proposed together with a setback to a major opening.
- Some modifications to the plans are recommended.
- Conditional approval can be recommended.

LOCATION

Please refer to the attached location plan.

BACKGROUND

The Category 1 Heritage Listed house on the site is one of the earliest homes built in Peppermint Grove, having been constructed in 1892/3, from limestone with a shingle roof.

The limestone and tile bungalow at No.48 View Street, also known as 'Bleak House', underwent extensive alterations and additions including a second storey addition in 1975/6 and has remained largely untouched structurally since that time.

In the 1930's, a portion of the rear of the site was subdivided to become Lot 542 and forms a tennis court as part of the adjoining northern landowner's property.

CONSULTATION

The application has been advertised to adjoining/affected landowners. At the time of writing this report two submissions have been received.

The first submission from the adjoining landowner to the north was that the proposed boundary wall should be no higher than an existing wall.

The second submission expressed concern that the upper level window may result in a loss of privacy.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Heritage Policy

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

The proposal complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies with the exception of those outlined in the table below.

<u>LOCAL PLANNING SCHEME NO. 4</u>		
Scheme Requirement/Clause		Assessment/Comment
1.	Plot Ratio 0.5	0.43: Complies
<u>RESIDENTIAL DESIGN CODES</u>		
Deemed-to-comply		Assessment/Comment
1.	6-metre rear setback	1-metre: Does not comply. (Refer to officers comments below).
2.	Side boundary setbacks	Does not comply: Boundary walls proposed. Refer to officers comments below.
3.	Overshadowing: 25%	21% Overshadowing proposed: Complies.
4.	55% Open Space	65% Open Space: Complies.
5.	Privacy: 4.5-metres to a bedroom window	3.5-metres proposed
<u>SCHEME/COUNCIL POLICY</u>		
Policy Provisions		Assessment/Comment
1.	Heritage Policy LPP3	Refer to Heritage Consultants report comments.

Heritage Assessment

The project architect has met with the Shire' Heritage Consultant prior to working up the design and lodging the application.

The submitted plans were then provided to the Shire's Heritage Consultant for assessment and the following response received has made the following comments:

I have been over the plans and make the following comments

The applicant should supply plans as existing and as proposed. (This has since been provided).

A site inspection would be very useful if that can be arranged, so that the proposed work to the rear rooms at ground floor level can be assessed.

The existing upstairs section is a bit of a mess as I recall and the roof to it is intrusive. I can see what Humphrey is trying to do to reduce the impact, but I believe less attention would be drawn to it with some very simple moves. The fascia detail undoes some of the good things that the new design has achieved in other respects.

I also think that the fenestration might be rationalized so that there are fewer window types and perhaps a higher quality window than domestic aluminium sliders.

Rather than a lot of words I have done a quick overlay of the parts of the place that impact on its presentation from a heritage point of view.

The planning is pretty tight to the rear of the site, but there is not much in the way of an alternative if a garage and private rear garden are required. Difficult site.

This assessment was forwarded to the applicant, along with the overlay. In response the applicant has indicated in writing that they agree to:

Reduce the height and in particular the fascia detail to reduce the heavy impact of the building (some ceiling space must remain for air-conditioning ducting).

Rationalize the windows (fenestration) in terms of consistent sizes and provide a higher quality frame. However, it was requested that the glazing to the stairwell remain generous.

In regard to concern over having sufficient ceiling space to enable ducted air-conditioning and improved natural lighting to the glass link stairwell, the Shire's Heritage Consultant has had further discussion with the applicant and both are satisfied this can be resolved via conditions of approval.

From a heritage perspective the proposed alterations and two storey additions have been assessed as maintaining, if not enhancing, the visual dominance of the listed house by the

modified roof height and form, which translates to the development complying with LPP 3 'Heritage Places'.

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

As outlined in the Heritage Consultants report above, the scope of works, with some important exceptions, can be supported and the applicant has agreed to these changes.

However, here are some planning aspects to be resolved. The subject site is characterised by a setback of 15.5-metres from the front boundary, while the rear portion of the lot is irregularly shaped as demonstrated on the site plan. This situation has resulted in a 6.4-metre wide and 16.5-metre long access leg that connects No 48 View Street to the rear access leg.

It is for these reasons that the applicants have requested Council consider setback variations to provide for covered parking and a laundry area with direct access to the house. The proposed 10.5-metre long garage wall would butt up to an existing boundary wall along portion of the southern boundary. However, it would not match exactly the adjoining boundary wall and would extend eastwards for a further 6.4-metres. The wall height proposed is 3.25-metres in height and the submitted composite plans have the elevations of both overlaid.

Another boundary wall is also proposed on the northern side of this rear access leg. It will be approximately 3.5-metres in height for a length of 10.5-metres. This wall would replace an existing boundary wall to the extant garage. In response to the concerns raised by the northern neighbour concerning the increased height of a replacement boundary wall by approximately 300mm, the applicant has agreed to a redesign of the roof element to allow the proposed wall to be lowered to the same height as the existing wall along the common boundary.

A further variation sought is in regard to the rear setback from 6-metres to 1-metre, where the alfresco is proposed. This setback variation is for a small proportion of the boundary and is designed to create a northern courtyard to the main living areas of the dwelling. If the setback to the building along this portion of the rear boundary was averaged, it would exceed 6-metres and on this basis it is supported. At the same time it would meet the Design-principle P3.1 of the R-Codes.

The final variation proposed is to the upper level window to a bedroom. Under the Deemed-to-comply provision C 5.4.1 of the R-Codes, a major opening (window) to a bedroom must be setback 4.5- metres from a common boundary. The plans indicate a major opening which is proposed to be 3.5 metres from the common boundary. Although this window mainly overlooks the roof of the adjoining southern neighbour, some views may be possible to the back yard of the adjoining site. On this basis it is assessed that the privacy of the adjoining dwelling could be protected by the introduction of privacy screening in accordance with Design-principle 5.4.1. (P1.2) of the R-Codes.

From both a planning and heritage perspective the proposed development can be supported subject to appropriate conditions for this form of development.

OFFICER RECOMMENDATION/S – ITEM No. 9.1.1

That Council grant planning approval for alterations and additions on Lot 543 (No.48) Street, Peppermint Grove in accordance with the plans and specifications submitted on 7 December 2017, subject to the following conditions;

- 1. The development the subject of this planning consent shall comply with the plans submitted for approval and any specific conditions imposed by Council.**
- 2. 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.**
- 3. The street trees adjacent to the Lot 543 shall be protected during construction and no goods or building materials shall be stored on the street verge or within the drip line of the street tree(s).**
- 4. 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.**
- 5. The roof form and height shall be modified in accordance with the overlay plan provided by Phil Griffiths Architects, dated 11 December 2017, to the satisfaction of the Chief Executive Officer of the Shire prior to the issue of a building permit.**
- 6. The fenestration proposed for the additions shall be rationalised to the satisfaction of the Chief Executive Office of the Shire prior to the issue of a building permit.**
- 7. The proposed boundary wall on the northern boundary shall be lowered to be no higher than the wall it is to replace, as indicated in red on the approved plans.**

-
- 8. Privacy screening shall be provided to the upper level bedroom window, marked in red on the approved plan, to the satisfaction of the Chief Executive Officer, and demonstrated in plan form prior to the issue of a building permit.**
 - 9. 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.**
 - 10. The applicant shall adhere to the construction management plan during the development of the site to the satisfaction of the Chief Executive Officer.**
 - 11. The Right-of-Way shall be repaired/regraded at the completion of the development, prior to the occupation of the dwelling, to the satisfaction of the Chief Executive Officer.**
 - 12. The external face of the boundary walls shall be finished to the satisfaction of the Chief Executive Officer.**
 - 13. Prior to the issue of a building permit, the applicant shall submit a schedule of colours, materials and finishes together with a samples of roof colours and gutter profiles if required, to the satisfaction of the Chief Executive Officer.**

Advisory Note

- i) The applicant is advised that during construction the adjoining right-of-way is to be kept clear at all times and not used for parking of trade and delivery vehicles. The Shire is able to issue parking infringement notices where rights-of-ways are blocked.**
- ii) 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, upper level bedroom window and boundary walls.**

9.1.2 Over-height Sports Mesh Fence Lot 802 (No. 41) Keane Street, Peppermint Grove.
URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 2 Late Item refers	41 Keane Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	41 Keane Street
Application Index	:	DA2017/0006
LPS No.4 Zoning	:	Residential R12.5
Land Use	:	Single Dwelling
Lot Area	:	1821m2
Disclosure of any Interest	:	Nil
Previous Items	:	OCM: 12 December 2013
Applicant	:	John Cramer
Owner	:	N. Kerr
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 for a 3-metre high mesh sports fence along 34-metres of the eastern common boundary of No.41 Keane Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- | |
|---|
| <ul style="list-style-type: none">• The sports fence is to enclose a hard-court activity area.• Affected neighbours support the proposal.• Conditional Approval is recommended. |
|---|

LOCATION

Please refer to the attached location plan.

BACKGROUND

Council at its meeting held on the 12 December 2013, granted planning consent for the development of a two-storey dwelling with basement parking.

CONSULTATION

The adjoining/affected landowner has provided written support for the proposed development.

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 under the Provision of Clause 67 of the Scheme, relating to general amenity.

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

There is almost 500mm height difference in ground levels between the subject site and the adjoining neighbour's property to the east, effectively making the boundary fence less than 1.2-metre high.

Therefore, this existing screen fencing is inadequate to protect from stray sports balls and the proposed mesh fence is intended to keep these within the property.

The height of the sports mesh fence would be 3-metres from the lowest side, giving an effective height to the subject property of 2.4-metres.

Open mesh fencing is not considered intrusive and is a common feature in Peppermint Grove, where there are back and front yard tennis courts.

As the proposed fence would not be seen from Keane Street and there would be no loss of amenity under Clause 67 of the Scheme, to the adjoining landowner, approval can be recommended to Council.

OFFICER RECOMMENDATION/S – ITEM No.9.1.2

That Council grant planning approval for over-height boundary mesh fencing on Lot 802 (No.41) Keane Street, Peppermint Grove in accordance with the plans and specifications submitted on 6 December 2017, subject to the following conditions;

- 1. The development the subject of this planning consent shall comply with the plans submitted for approval and any specific conditions imposed by Council.**

10 MOTIONS ON NOTICE

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

11 CONFIDENTIAL ITEMS OF BUSINESS**12 CLOSURE**

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

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

TO: Chief Executive Officer
SHIRE OF PEPPERMINT GROVE

NAME: _____

POSITION: _____

MEETING DATE: _____

ITEM NO & SUBJECT: _____

NATURE OF INTEREST: Financial / Proximity / Impartiality Interest that may cause a Conflict* * Please Circle applicable

EXTENT OF INTEREST: _____

SIGNATURE: _____

DATE: _____

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

FINANCIAL & PROXIMITY INTERESTS

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

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

DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

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

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

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