



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY 22 NOVEMBER 2016
AT
5.30 PM



Shire of Peppermint Grove

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Shire of
Peppermint Grove**ORDINARY COUNCIL MEETING MINUTES****22 NOVEMBER 2016**

Minutes of the **Shire of Peppermint Grove** Ordinary Meeting of Council held at 1 Leake Street, Peppermint Grove Council Chambers on Tuesday 22 November 2016.

1 DECLARATION OF OFFICIAL OPENING

At 5.31pm, 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.

The Post and Western Suburbs Weekly indicated that they were not recording the meeting.

Cr. Cr K Farley read the affirmation

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 G Peters (arrived at 5.35)

Chief Executive Officer	Mr John Merrick
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 Nil
Gallery Nil Members of the Public
2 Members of the Press

2.2 APOLOGIES

Nil

2.3 LEAVES OF ABSENCE

Cr P Macintosh was granted a Leave of Absence at the Agenda Briefing 8 November 2016.

Manager Library and Community Services, Ms D Burn

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

Nil

3 DELEGATIONS AND PETITIONS

Nil

3.1 PETITIONS

Nil

4 PUBLIC QUESTION TIME

At 5.33pm the Presiding Member opened the public question time by asking the gallery if there were any questions or deputation for Council. "Rules for Council meeting Public Question Time" were noted in the Agenda. Copies of:

- The Agenda
- Question to Council and
- Deputation Forms

Were placed at the end of the Council Meeting table in front of the public gallery, for the public, prior to commencing the meeting, as well as on the Shire Webpage.

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

Nil

4.3 DEPUTATIONS OF THE PUBLIC

Nil

At 5.33 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

Nil

5.2 PROXIMITY INTEREST

Nil

5.3 IMPARTIALITY INTEREST

Cr G Peters – 8.1.2 Alterations and Single Storey Additions: Lot 37 (No. 58A) Leake Street Peppermint Grove.

Cr G Peters has a contractual arrangement with the owner.

Cr G Peters – 8.1.4 Extension Approval: Two Storey Masonry and Metal Deck Roofed Dwelling with Basement: Lot 142 (No. 43 Keane Street, Peppermint Grove.

Cr Peters has a minor contractual arrangement with the owner.

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Nil

5.5 STATEMENT OF GIFTS AND HOSPITALITY

Nil

6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The demolition of No. 2 Bayview Terrace Peppermint Grove, has been completed and the costs have been reimbursed.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING

25 OCTOBER 2016

COUNCIL DECISION – 974

MOVED: CR C HOHNEN, SECONDED: CR D HORREX

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 25 October 2016 be confirmed.

CARRIED: 5/0

7.2 AGENDA BRIEFING FORUM

8 NOVEMBER 2016

COUNCIL DECISION – 975

MOVED: CR D HORREX, SECONDED: CR C HOHNEN

That the Minutes of the Agenda Briefing Forum, of the Shire of Peppermint Grove held in the Council Chambers on 8 November 2016 be confirmed.

CARRIED: 5/0

7.3 CONCEPT FORUM

8 NOVEMBER 2016

COUNCIL DECISION – 976

MOVED: CR K FARLEY, SECONDED: CR C HOHNEN

That the Minutes of the Concept Forum, of the Shire of Peppermint Grove held in the Council Chambers on 8 November 2016 be confirmed.

CARRIED: 5/0

Cr G Peters arrived at 5.35pm

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 the period September to October 2016.

No 488-490 Stirling Highway, Peppermint Grove.: Office Fit-out for Eye Therapy Clinic
No 8 Venn Street Peppermint Grove: Limestone Boundary Wall
No 46 View Street, Peppermint Grove: Replacement of Timber Balcony
No 2 Hurstford Close, Peppermint Grove: Vergola
No 49R Irvine Street, Peppermint Grove: Detached timber patio
No 3A Keane Street, Peppermint Grove. : Storeroom addition

DECLARATION OF INTEREST – IMPARTIALITY

Cr G Peters has a contractual arrangement with the owner.

8.1.2 Alterations and Single Storey Additions: Lot 37 (No.58A) Leake Street Peppermint Grove.

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	58 A Leake Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	58A Leake Street
Application Index	:	016-186
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	1369m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Gnech Building Company.
Owner	:	Peter Packer
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 internal alteration and a scullery addition on the western side of the dwelling.

SUMMARY AND KEY ISSUES

- The existing house is a Category 2 on the Shire's Heritage List.
- The scope of works proposed would comply with the R-Codes and Town Planning Scheme No.3.
- A conditional approval is recommended.

LOCATION

Please refer to attached location plan

BACKGROUND

In 1998 Council granted planning consent for the development of a detached pool house and garage along the rear boundary of No. 58A Leake Street.

In August 2015, Council resolved to include the house at No 58A Leake Street as a Category 2 place on the Shire's Heritage List.

CONSULTATION

Adjoining/affected land owners were consulted and no written submissions 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

Town Planning Scheme No.3

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

<u>TOWN PLANNING SCHEME NO. 3</u>		
Scheme Requirement/Clause		Assessment/Comment
1	0.5 plot ratio.	0.23: Complies
2.	10-metre height	9.5-metres as existing (no change proposed)
3.	9-metre street setback	No change proposed
<u>RESIDENTIAL DESIGN CODES</u>		
Deemed to comply		Assessment/Comment
1	6-metre rear setback	25-metres Complies.
2.	55% Open Space	78% Open Space: Complies
3.	Side setbacks	Comply with Table 2A
4.	Privacy	Frosted windows to the eastern elevation. Deemed-to-comply distances elsewhere.

Heritage

The house at No.58a Leake Street, Peppermint Grove is a category 2 place on the Shire's Heritage List. Category 2 buildings are seen along with category 1 places as being buildings that by virtue of their character *'...create the atmosphere of Peppermint Grove.'*

The following is an extract from the definition of a category 2 relevant to this application:

'...these building may be altered or extended in a manner which recognises and retains some original features...'

The scope of works proposed is considered minor as the vast majority of the original features of the house are to be retained.

It is proposed to remove a set of French doors on the Eastern elevation to the raised terrace and install within the same opening a concertina arrangement that will allow an improved relationship to the adjoining terrace area.

The removal of internal doorways and the closing of the openings, are aspects of the current submission that are reversible and would only affect a few aspects of the fabric of the dwelling with no permanent change to the form of the house. In addition the plan indicates that the internal wall between the living area and dining room is to be removed. However, nib walls to carry the load as well as signify the removal of the wall will remain and this treatment would meet heritage guidelines. The proposed scullery addition is considered a minor addition, but would greatly enhance the utility of this important area of the house. Although the material style and finish of this scullery addition would match the existing dwelling, it could also be read as sympathetic addition.

The upper floor changes to the master bedroom to create an ensuite bathroom and wardrobes also leave much of the original fabric intact, while at the same time upgrading this space for contemporary living standards.

It is assessed that the particular importance attached to this house is its positive contribution to the Leake Street streetscape, though its design and rarity value as one of the surviving inter-war Mediterranean style building and this key aspect of the building will remain intact.

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

The scope and impact of the proposed changes to this heritage building are modest and respectful, while at the same time allowing a significant upgrading of the accommodation of the house. This type of approach in heritage terms whereby the least amount of change possible, but as much as necessary, ensures the house is able to meet modern expectations of amenity with minimal impact on the form and fabric of the place.

The proposed replacement dwelling complies with the R-Codes and Town Planning Scheme No.3 and approval can be supported from a planning perspective subject to standard and appropriate conditions for this form of development.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.2

That Council grant planning approval for alterations and additions on Lot 37 (No.58A) Leake Street, Peppermint Grove in accordance with the plans and specifications submitted on 11 October 2016, 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 street trees adjacent to the Lot 37 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 fourth year.
4. Prior to the issue of a building permit, the applicant shall submit a schedule of colours, materials and finishes to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.

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.

COUNCIL DECISION – 977

MOVED: CR K FARLEY, SECONDED: CR C HOHNEN

That:

Council grant planning approval for alterations and additions on Lot 37 (No.58A) Leake Street, Peppermint Grove in accordance with the plans and specifications submitted on 11 October 2016, 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 street trees adjacent to the Lot 37 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 fourth year.**
- 4. Prior to the issue of a building permit, the applicant shall submit a schedule of colours, materials and finishes to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.**

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.**

CARRIED: 6/0

8.1.3 Demolition of a Two-Storey Brick Tile Dwelling and Replacement Two-Storey Dwelling Additions: Lot 113 (No.8) Columba Place, Peppermint Grove.

URBAN PLANNING
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2	8 Columba Place

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	8 Columba Place
Application Index	:	016-182
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	1009m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Sigrid Gibson.
Owner	:	M A And S T Gibson
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 replacement two-storey dwelling that is seeking a side setback variation to allow a parapet wall, a reduced rear setback and fill over portion of the site in excess of 500mm.

SUMMARY AND KEY ISSUES

- The existing house is not heritage listed and can be demolished.
- The replacement dwelling seeks three variations to development standards in the R-Codes and draft Local Planning Scheme No.4.
- A conditional approval is recommended.

LOCATION

Please refer to attached location plan

BACKGROUND

Council granted approval in 1968 for the development of a single storey brick and tile house on the subject site.

In 1980 approval was granted for two-storey additions to the dwelling.

CONSULTATION

A written submission was received from the adjoining/affected land owners indicating support for the proposed parapet wall.

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

Town Planning Scheme No.3

The proposal has been assessed in regard to the relevant Scheme provisions, including those in Local Planning Scheme No.4, which is considered a seriously entertained planning document. Residential Design Code standards and Scheme Policies provisions are also addressed as necessary in the table below.

<u>LOCAL PLANNING SCHEME NO. 4</u>		
Scheme Requirement/Clause		Assessment/Comment
1	0.5 plot ratio.	0.46: Complies
2.	Category B metre height	7-metres to the top of a flat roof: Complies.
3.	9-metre street setback	9-metres; Complies
<u>RESIDENTIAL DESIGN CODES</u>		
Deemed to comply		Assessment/Comment
1	6-metre rear setback	5-metres (refer Officer comments section)
3.	55% Open Space	58% Open Space: Complies
4.	Side setbacks	Parapet wall does not comply with Table 2A
5.	Fill to a maximum of 500mm	1000mm of fill to be introduced:
6.	Privacy	Frosted windows to the eastern elevation. Deemed-to-comply distances elsewhere.

Heritage

The house currently on the site is not on the Shire's heritage list. The subject site does not adjoin any heritage listed sites.

Front Fencing

The application lodged depicts a front screen wall comprising of blocks that are denoted as visually permeable. However given that the floor level of the house is almost 2-metres lower than the level at the front boundary, further details of exactly how much of the front fence has an open aspect would need to be submitted prior to the issue of a building permit.

It is also recommended that the wall height be limited to a maximum height of 1.8-metres. Due to the winter courtyard being located within the front setback any additional visual screening should be provided via planting, rather than closed aspect fencing design.

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

The existing house is setback almost 13.5-metres from the street alignment and has a finished floor level of RL16.36. The replacement dwelling is proposed to be setback 9-metres from Columba Place although closer to the street by some 4-metres than the house it replaces. However, this being a site that in terms of levels recedes from Columba Place, the new floor level would only be approximately 300mm higher at RL 16.68. It is assessed that the impact to both the streetscape and neighbouring properties would be negligible in this instance.

Although the maximum fill proposed at the highest point will be 1-metre, the house design indicates that it steps down the site, and it has been calculated that the degree of fill proposed at the front section of the house will equal the cut that occurs to accommodate the kitchen area. This is evidenced by the internal stairs provided and on this basis the additional fill proposed above 500mm can be supported on planning grounds.

The R-Codes require a rear setback of 6-metres to be achieved on land zoned R12.5. The applicant is seeking a minor variation to allow a 5-metres minimum rear setback. Given that the single storey cabana occupies only a small portion of the setback area and that the averaged setback would be much greater than 6-metres this aspect of the application can be supported.

In regard to the parapet wall on the western common boundary, the applicant has made a submission requesting that this be supported on the grounds that both adjoining properties have parapet walls, that it would not be seen from the street, and that it provides the opportunity for additional storage space. The adjoining houses were built some years ago before the advent of the current R-Codes. Further these parapet walls are located well behind the building line.

Although the proposed parapet wall would not be not readily be seen, mainly due to vegetation, Columba Place has a recognizable street rhythm. Any future redevelopment of the adjoining property would not only expose this wall, but set an undesirable precedent

where there is the potential for two double garages to adjoin one another. The minimum width for a double garage is 5.8-metres to enable the successful parking of two cars. The garage plan submitted is 8.3-metres wide and if a 1-metre side setback was achieved the dimension would be reduced to a still generous 7.3-metres.

On this basis a condition has been included that the parapet wall be deleted from the plan and a 1-metre side setback imposed in accordance with the R-Codes.

Subject to standard and appropriate conditions of this form of development approval can be recommended.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.3

That Council grant planning approval for alterations and additions on Lot 113 (No.8) Columba Place, Peppermint Grove in accordance with the plans and specifications submitted on 27 September 2016, 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 street trees adjacent to the Lot 113 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 fourth year.
4. Prior to the issue of a building permit, the applicant shall submit a schedule of colours, materials and finishes to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.
5. The parapet wall on the western boundary of the site shall be deleted from the plan in order to comply with table 2 of the Residential Design Codes.
6. Further details of the front screen fence shall be submitted to the satisfaction of the Chief Executive Officer, demonstrating a maximum height at the front boundary of 1.8-metres and be of design that is 50% open aspect.
7. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining the 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.
8. The applicant shall adhere to the construction management plan during the development of the site to the satisfaction of the Chief Executive Officer.

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 in regard to fill above 500mm and the reduced rear setback from 6-metres to 5-metres.

COUNCIL DECISION – 978

MOVED: CR K FARLEY, SECONDED: CR G PETERS

That:

Council grant planning approval for alterations and additions on Lot 113 (No.8) Columba Place, Peppermint Grove in accordance with the plans and specifications submitted on 27 September 2016, 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 street trees adjacent to the Lot 113 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 fourth year.**
- 4. Prior to the issue of a building permit, the applicant shall submit a schedule of colours, materials and finishes to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.**
- 5. The parapet wall on the western boundary of the site shall be deleted from the plan in order to comply with table 2 of the Residential Design Codes.**
- 6. Further details of the front screen fence shall be submitted to the satisfaction of the Chief Executive Officer, demonstrating a maximum height at the front boundary of 1.8-metres and be of design that is 50% open aspect.**
- 7. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining the 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.**
- 8. The applicant shall adhere to the construction management plan during the development of the site to the satisfaction of the Chief Executive Officer.**

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 in regard to fill above 500mm and the reduced rear setback from 6-metres to 5-metres.**

CARRIED: 6/0

DECLARATION OF INTEREST – IMPARTIALITY

Cr G Peters has a minor contractual arrangement with the owner

8.1.4 Extension of Planning Approval: Two-Storey Masonry and Metal Deck Roofed Dwelling with Basement: Lot 142 (No.43) Keane Street, Peppermint Grove.

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3	43 Keane Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	43 Keane Street
Application Index	:	014-104
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	1821m ²
Disclosure of any Interest	:	Nil
Previous Items	:	8.1.3 Ordinary Council Meeting 28 October 2014
Applicant	:	Mrs. R Philpott
Owner	:	Mr J and Mrs R Philpott
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 an extension to planning consent for a two storey replacement dwelling at No. 43 Keane Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The land owner has experienced delays in being able to commence construction of a replacement dwelling at No 43 Keane Street.
- Limited approval to the request has been recommended.

LOCATION

Please refer to attached location plan

BACKGROUND

Council at its meeting held on the 28 October 2014, granted planning consent for the demolition of a two storey brick and tile dwelling and for a replacement two storey masonry and metal deck roofed dwelling.

One of the conditions of approval for this new dwelling was that construction should commence within two years and be completed by the conclusion of the third year.

CONSULTATION

Adjoining/affected land owners were consulted and no written submissions were received in regard to this proposal in 2014.

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

Town Planning Scheme No.3 is silent on the ability if Council to

FINANCIAL IMPLICATIONS

There is the cost of foregone application fees if the existing application is extended.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Under Clause 77 (1) of the Deemed provisions of the Planning and Development Regulations Council is able to amend an approval;

'...to extend the period in which any development must be substantially commenced'.

One of the reason time limits are placed on development approvals is to ensure that when planning standards or zonings change, large numbers of non-conforming buildings and land uses have a limited time in which to be completed.

In this instance the replacement house approved in October 2014 was assessed as being of a high architectural standard and would be in keeping with several new dwellings recently built in this portion of Keane Street. Despite the change in development standards in the draft new Local Planning Scheme, and the Planning and Development Regulations, this proposed house would not be contrary to the orderly and proper planning of the locality.

OFFICER RECOMMENDATION/S – ITEM No.8.1.4

That Council extends the planning approval period for a replacement dwelling at Lot 142 (No.43) Keane Street, Peppermint Grove as per the plans submitted on the 4 September 2014 for a further period whereby construction commencement must substantially commence by the 30 October 2018.

COUNCIL DECISION – 979

MOVED: CR C HOHNEN, SECONDED: CR S FLEAY

That:

Council extends the planning approval period for a replacement dwelling at Lot 142 (No.43) Keane Street, Peppermint Grove as per the plans submitted on the 4 September 2014 for a further period whereby construction commencement must substantially commence by the 30 October 2018.

CARRIED: 6/0

8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Annual Christmas Office Closure – 2016/17

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

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

Voting Requirement	:	Simple Majority
Subject Index	:	File Ref & File Title
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

Council's consideration of the dates for the Christmas/New Year office and library closure.

SUMMARY AND KEY ISSUES

- Monday 26/12/16, Tuesday 27/12/16 and Monday 2/1/17 are gazetted public holidays in Western Australia
- Consideration of the closure of the Office and Library for the 2016/17 Christmas/New Year period.

LOCATION

N/A

BACKGROUND

Council has traditionally closed the Administration office between Christmas Eve and the 2nd January each year.

This year, Christmas Day falls on a Sunday with 2nd January 2017 being a Monday.

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

Nil

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

Nil

OFFICER COMMENT

During the closure, staff are required to take either rostered days off or annual leave to cover those days which are not public holidays.

As in previous years, there will be a “skeleton “staff available to attend to issues within the community and all senior staff are contactable via mobile phone.

OFFICER RECOMMENDATION/S – ITEM No.8.4.1

That Council declare the administration office closed at 4.30pm on Friday 23 December 2016 and the Grove Library be closed at 6pm, with both reopening at 8.30am Tuesday 3rd January 2017.

COUNCIL DECISION – 980

MOVED: CR S FLEAY, SECONDED: CR C HOHNEN,

That:

Council declare the administration office closed at 4.30pm on Friday 23 December 2016 and the Grove Library be closed at 6pm, with both reopening at 8.30am Tuesday 3rd January 2017.

CARRIED: 6/0

8.4.2 Council Meeting Dates for 2017
MANAGEMENT/GOVERNANCE/POLICY
ATTACHMENT DETAILS

Attachment No	Details
Attachment 4	Council Meeting Dates

Voting Requirement	:	Simple Majority
Subject Index	:	File Ref GV043A
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.*
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PURPOSE OF REPORT

The purpose of this report is to adopt the meeting dates for the Agenda Briefing Forum and Ordinary Council Meetings for 2017.

SUMMARY AND KEY ISSUES

- | |
|--|
| <ul style="list-style-type: none">• Notification of planned Council meeting date for 2017. |
|--|

LOCATION

N/A

BACKGROUND

Legislation requires that Council provide public notice of the date and times of its meetings to allow for public participation and attendance.

Councils Agenda Briefing Forum will be held on the second Tuesday of every month and that Ordinary Council Meetings are to be held on the fourth Tuesday.

The exception is the December 2017 Ordinary Council Meeting, which is to be held on the third Tuesday so minutes are completed prior to the Christmas holiday period.

CONSULTATION

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

STRATEGIC IMPLICATIONS

N/A

POLICY IMPLICATIONS

Aligns with current policy.

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

Nil

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM No. 8.4.2

That Council adopt the meeting dates for 2017.

COUNCIL DECISION – 981

MOVED: CR K FARLEY, SECONDED: CR C HOHNEN,

That Council adopt the meeting dates for 2017.

CARRIED: 6/0

8.5 CORPORATE

8.5.1 Financial Report – September 2016

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5	Financial Report – September 2016

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.*

PURPOSE OF REPORT

To provide Council with a report of financial activity for the period 1 July 2016 to 30 September 2016.

SUMMARY AND KEY ISSUES

- The financial report for the three months ended 30 September 2016, indicates a year-to-date surplus of \$3,066,940, some \$301,479 more than forecast;
- Operating revenue is some \$2,066 less than forecast.
- Operating expenditure is some \$274,593 less than forecast with some \$96,596 of such amount attributable to depreciation not yet expensed;
- Capital expenditure totalling \$103,842 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 2016/17 budget forecast a surplus of \$390,000 to be brought forward from the 2015/16 financial year.

The actual surplus brought forward at 1st July 2016 was \$495,186 – a \$458,850 surplus as per the audited financial report – see note 22 (b) on page 44 – with a further \$36,336 (being the balance of the staff leave reserve) written back against the current staff leave provisions.

This additional \$105,186 relates to expenditure savings and additional revenue not identified at the time the budget was compiled (in particular carbon tax refunds from the City of Rockingham) plus around \$40,000 of expenditure associated with the new computer enterprise system software not incurred in June due to a slight delay in implementation by around 7 weeks. These latter funds will be incurred in the first 3 months of 2016/17 and will require amendments to the 2016/17 IT budget.

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) Employee Costs

Employee costs are some \$46,644 less than expected. This figure mainly represents staff salaries and wages to be accounted for (accrued) as at 30th June 2017.

(2) Materials and Contracts

Materials and contracts expenses are some \$113,912 less than expected due mainly to invoices relating to August and September yet to be received and processed.

(3) Depreciation

No asset depreciation expenses have been recorded for 2016.

(4) Transfers from Reserves

Funds transferred from IT Reserve (\$15,556) earlier than forecast (to purchase ten Intel desktop computers) and Arts Reserve (\$1,364) to enable the purchase of Indigenous artwork.

(5) Net Current Assets July 1 B/fwd

See discussion under “Financial Implications” above

(6) Net Current Assets Year-to-Date

Net current assets as at 30 September 2016 exceed the forecast figure by some \$301,479, due to the greater-than expected surplus brought forward from 2015/16 and invoices not yet received and processed.

OFFICER RECOMMENDATION/S – ITEM No. 8.5.1

That the Financial Report for the period 1 July 2016 to 30 September 2016 be received.

COUNCIL DECISION – 982

MOVED: CR S FLEAY, SECONDED: CR C HOHNEN,

That the Financial Report for the period 1 July 2016 to 30 September 2016 be received.

CARRIED: 6/0

8.5.2 Accounts for Payment – October 2016
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment 6	Accounts for Payment – October 2016

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 October 2016 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.

<u>PAYMENT TYPE</u>	<u>AMOUNT</u>
Credit Card Transactions	\$5,157.16
Cheques 226 – 229	\$5,858.90
Electronic Funds Transfers 00010 – 00019	\$313,796.79
TOTAL	\$324,812.85

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 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 October 2016, totalling \$324,812.85 be approved.

COUNCIL DECISION – 983

MOVED: CR S FLEAY, SECONDED: CR K FARLEY,

That:

The payment of cheques, electronic funds payments and credit card payments for October 2016, totalling \$324,812.85 be approved.

CARRIED: 6/0

8.5.3 Annual Financial & Audit Report 2015/2016
CORPORATE
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7	2015/2016 Annual Financial & Audit Report

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 a recommendation from the Audit Committee to receive the 2015-16 Annual Financial & Audit Report.

SUMMARY AND KEY ISSUES

The 2015-16 Annual Financial Report includes:

- Statement of Comprehensive Income by Nature & Type;
- Statement of Comprehensive Income by Program;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Statement of Cash Flows;
- Rate Setting Statement;
- Notes to, and forming part of, the Financial Report; and
- Independent Audit Report.

LOCATION

N/A

BACKGROUND

At its last meeting on 25th October 2016 the Audit Committee received the report of the independent auditor with respect to Council's 2015/16 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
- Council staff be encouraged to take all annual and long service leave entitlements beyond their current year's accruals as soon as practicable.

The audit committee was advised that Mr Andrew Burchfield, a governance, internal audit and risk management consultant specialising in local government, had been recently 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.

Committee was advised that, following the recent changeover of Council's enterprise and records management IT systems, bringing forward the four-yearly review of financial management systems by 12 months would be appropriate. Such review will include a strong focus on segregation of duties as recommended by the auditor. Mr Burchfield is to commence his review on 7th November 2016.

Considerable progress towards reducing outstanding leave has been made across the administration and works sections since 30 June 2016, though, the task has been somewhat complicated by both myself and the Manager of Infrastructure Services becoming eligible for long service leave in 2016/17.

Non-managerial office staff are mainly part-time employees, some of whom have purchased additional weeks of leave and have taken such additional leave during quiet periods or as an additional day off per week. The impact of such arrangements has been to reduce overall administration employee expenses as absences have been covered by other staff members.

The financial impact of outstanding leave with respect to the library is minimal.

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

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

Council ended the 2015/16 financial year with a surplus of \$458,850, derived from a combination of factors as follows:

- Carried forward capital expenditure projects totalling \$315,247 (see note 15 (b));
- Reimbursements and recoveries (refund of carbon taxes paid via WMRC) totalling \$55,147 (see note 2 (a) (ii));
- Additional revenue (in particular interest earnings and fees and charges) and savings in expenditure (in particular materials and contracts) with a net total of \$88,456.

Unrestricted cash totalled \$562,716 (note 3) and receivables \$146,862 (note 4). It should be noted that the majority of this latter figure relates to rates and charges owed by Mrs Radhika Oswal and has since been paid.

Given payables totalled only \$199,710 (note 8) and staff leave provisions \$166,919 (note 10) the resultant net current assets \$342,949 – increased to \$381,430 after taking into account the balance of staff leave cash reserves – resulted in a very healthy current ratio of 2.002.

Industry best practice is 1.50.

Council's operating position (see Statement of Comprehensive Income) also improved significantly in 2015/16 (due to the impact of many aspects of operations including significant revenue flows from rates and fees and charges as well as decreases in materials and contract expenses). These factors should combine to ensure this ratio stays above the benchmark 0.01 (it was 0.05 in 2015/16 based on a net result of \$274,915 less non-operating grants of \$115,901, or \$159,014).

Industry best practice is 0.15.

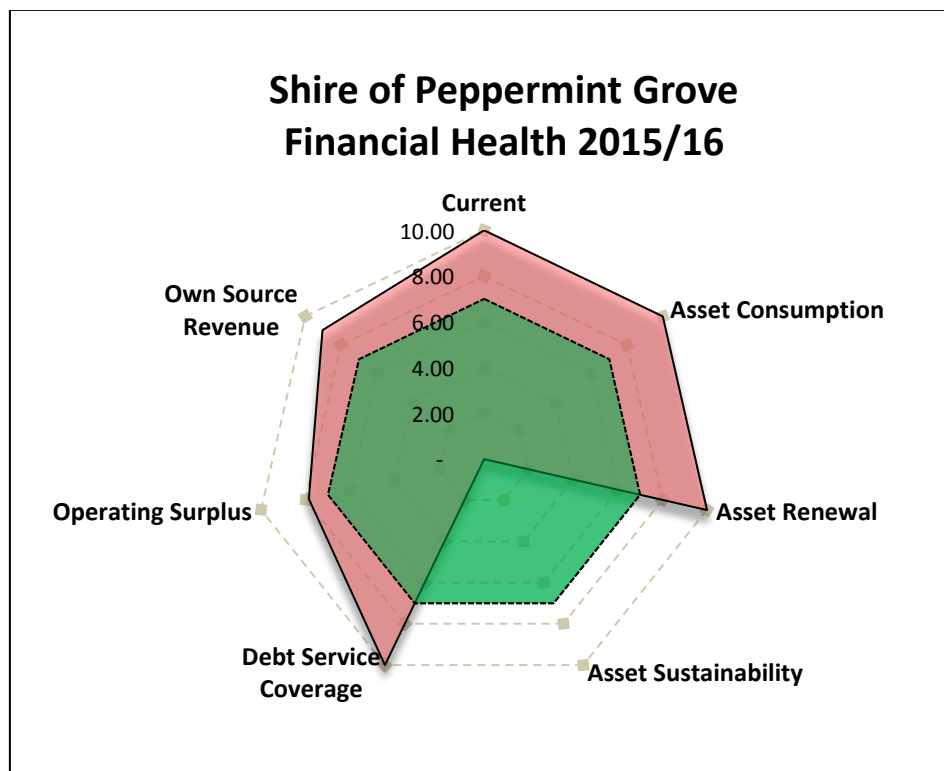
Asset sustainability is the one area where Council is yet to attain the benchmark of 0.75. That is, Council is required to expend at least 75% (net of assets sales and grants/contributions) of its annual depreciation expense on renewing or replacing existing assets. In 2015/16 a ratio of 0.699 was achieved.

Applying the State Government's weightings to Council's key performance ratios suggests a financial health indicator of 86 for 2015/16. This compares very favourably with scores of 61 in 2014/15 and 40 in 2013/14.

Ratio Names	Ratios
Current	2.00
Asset Consumption	0.97
Asset Renewal	1.10
Asset Sustainability	0.70
Debt Service Coverage	6.77
Operating Surplus	0.05
Own Source Revenue	0.74

Financial Health Indicator	86
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This performance is demonstrated graphically below where the green area depicts the benchmark score and the pink area depicts performance towards best practice.



OFFICER RECOMMENDATION/S – ITEM NO 8.5.3

That the annual financial and audit report for the financial year ended 30 June 2016 be received.

COUNCIL DECISION – 984

MOVED: CR K FARLEY, SECONDED: CR C HOHNEN

That the annual financial and audit report for the financial year ended 30 June 2016 be received.

CARRIED: 6/0

9 NEW BUSINESS OF AN URGENT NATURE

Nil

10 MOTIONS ON NOTICE

Nil

11 CONFIDENTIAL ITEMS OF BUSINESS**COUNCIL DECISION – 985****MOVED: CR K FARLEY, SECONDED: CR S FLEAY****THAT:**

Under section 5.23 of the Act the meeting be closed to members of the public at this point to allow Council to discuss Agenda Items **11.1 – Chief Executive Officer Performance Review 2016 and 11.2 – Australia Day Awards 2017**

CARRIED: 6/0

At 5.45 pm, the members of the public left the Council Chambers

11.2 AUSTRALIA DAY AWARDS 2017

COUNCIL DECISION – 986**MOVED: CR K FARLEY, SECONDED: CR S FLEAY****That:****Council select awardees as appropriate****CARRIED: 6/0****At 6.00pm Staff members left the Council Chambers**

11.1 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW 2016

COUNCIL DECISION – 987**MOVED: CR K FARLEY, SECONDED: CR C HOHNEN****THAT:**

The meeting be re-opened to the Staff and public at 6.15 pm, Staff members returned to the Council Chambers.

CARRIED: 6/0

On the return to the Council Chambers the Presiding Member read out the Council Decision.

COUNCIL DECISION – 988

MOVED: CR G PETERS, SECONDED: CR D HORREX

THAT

- 1. Council complete the annual Chief Executive Officer's Performance Review in accordance with Sections 5.38 and 5.39 (3) (b) and regulation 18D of the Local Government Act 1995 for 2015 and 2016**
- 2. Elected Members endorse the CEO Performance Review**
- 3. Council authorises the extension of the Chief Executive Officer's contract to 30th June 2018**
- 4. That in accordance with the Salaries and Allowances Tribunal finding in May 2016, that the Chief Executive Officer's salary be increased by 1.5% as of 1st July 2016.**
- 5. Council authorises the Shire President, Deputy Shire President and the CEO, to discuss and agree performance criteria, for the next 12 month review period.**

CARRIED: 6/0

12 CLOSURE

At 6.20 pm, there being no further business the meeting closed.