



Shire of  
**Peppermint Grove**

# **ORDINARY COUNCIL MEETING**

# **AGENDA**

**TO BE HELD ON**  
**TUESDAY 23 OCTOBER 2018**  
**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 **23 OCTOBER 2018**, commencing at 5.30 pm.

**MEETING AGENDA ATTACHED**

Yours faithfully



Don Burnett  
**CHIEF EXECUTIVE OFFICER**

**5 OCTOBER 2018**

**DISCLAIMER**

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



# Shire of Peppermint Grove

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## ORDINARY COUNCIL MEETING AGENDA

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### 1 DECLARATION OF OFFICIAL OPENING

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

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

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

**Affirmation of Civic Duty and Responsibility**

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

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

#### 2.1 ATTENDANCE

Shire President  
Deputy Shire President  
Elected Member  
Elected Member  
Elected Member  
Elected Member

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

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

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

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

## 2.2 APOLOGIES

## 2.3 LEAVES OF ABSENCE

## 2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

# 3 DELEGATIONS AND PETITIONS

## 3.1 DELEGATIONS

## 3.2 PETITIONS

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#### 4 PUBLIC QUESTION TIME

At \_\_\_\_\_ pm the Presiding Member opened the public question time by asking the gallery if there were any questions or deputation for Council.

- The Agenda
- Question to Council and
- Deputation Forms

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

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

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

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

#### 4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

#### 4.3 DEPUTATIONS OF THE PUBLIC

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

## **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.*



## **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 | 25 SEPTEMBER 2018 |
| 7.2 | AGENDA BRIEFING FORUM    | 9 OCTOBER 2018    |

## 8 CHIEF EXECUTIVE OFFICER REPORTS

### 8.1 URBAN PLANNING

#### 8.1.1 Proposed Places for Entry into Heritage List – Tranche 2

### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 –	Heritage Responses by the owner – Summaries
Attachment 2 –	Data Sheets (Under Separate Cover)
Attachment 3 –	Initial advice to the owners (Under Separate Cover)
Attachment 4 –	Owner Responses (Under Separate Cover)

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	Multiple – see Attachment
Application Index	:	Nil
LPS No 4 Zoning	:	Multiple
Land Use	:	Multiple
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	8.1.2 – 24 July 2018 Meeting – Tranche 1
Applicant	:	N/A
Owner	:	Multiple
Responsible Officer	:	Manager Development Services - Mr Ross Montgomery

#### COUNCIL ROLE

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

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## **PURPOSE OF REPORT**

The purpose of this report is to propose the entry of places into the Shire's Heritage list as required by clause 8(1), of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

## **SUMMARY AND KEY ISSUES**

- Clause 8 of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 requires the Shire to establish and maintain a heritage list.
- The Shire wrote to 144 properties (owners and occupiers) in April 2018 regarding the inclusion of their property on the Heritage list.
- In July the Shire listed 96 Properties being those properties which did not raise objection or unconditionally supported listing
- The Shire has also received 22 submissions which express qualified support of the listing, or objected to the extent of the heritage value of the property and some of the buildings or general objection to the principle of heritage listing of private properties.

## **LOCATION**

All places are within the Shire's scheme area (LPS 4).

## **BACKGROUND**

Clause 8 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, requires that a local government must establish and maintain a Heritage List, to identify places in the scheme area that are of cultural heritage significance and worthy of built heritage conservation. This requirement is applied in the Shire's Local Planning Scheme No. 4 as a part of the Deemed Provisions; therefore the Shire has begun taking steps to identify properties for listing on the local Heritage List.

## **CONSULTATION**

The Regulations require that the local government must not enter a place from, the Heritage List or modify the entry of a place in the Heritage List unless the local government – notifies in writing each owner and occupier of the place; and invites each owner and occupier to make submissions on the proposal within 21 days of the notice.

To comply with this requirement, on 10 April 2018 the Shire sent out letters to 144 place owners and occupiers providing notice of intention to enter the place in the Heritage List. The letter also invited owners and occupiers to make a submission on the proposal within 21 days of the notice regarding any issues with the Heritage listing. This was a part of the consultation process that resulted in the receipt of 22 responses now considered as part of Tranche 2.

## **STRATEGIC IMPLICATIONS**

The inclusion of these places in the Shire's Heritage List achieves strategic community objectives, such as an "*Increased capacity for the Shire to ensure that the built environment reflects the aspirations of the community and retains its unique history, heritage and character*" as set out in the 'Community Strategic Plan' and the 'Corporate Business Plan 2014/15 To 2018/19.'

## **POLICY IMPLICATIONS**

The inclusion of these properties on the Shire's Heritage List would make them subject to Local Planning Policy 3 (LPP3), Heritage Places. This includes managing change in such a way that the heritage significance is maintained and/or enhanced. Furthermore, in the case of demolition, replacement buildings should recognise and respect by its adjoining position other heritage residences and their precinct

## **STATUTORY IMPLICATIONS**

It is a requirement of clause 8 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 that the local government must establish and maintain a Heritage List. The legislation also requires that "*If a local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modifications to – the Heritage Council of Western Australia; and each owner and occupier of the place.*"

## **FINANCIAL IMPLICATIONS**

To date, the Shire has invested in obtaining specialist heritage and legal advice and representation in response to contested aspects of heritage management. The action to create an up to date heritage list will provide legislative support for making sound and defensible decisions to guide the community and avert costly disputes.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

This proposal ensures that:

- The community maintains a sense of place by retaining sites of cultural and historical heritage significance;
- that residential reinvestment and redevelopment respects existing streetscape development patterns and complements the character of the locality as per LPP3; and
- the built environment reflects the aspirations of the community and retains its unique history, heritage and character as outlined in the Community Strategic Plan.

## **OFFICER COMMENT**

The Shire is required to establish and maintain a Heritage List to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation. With the support of owners and occupiers it has already listed 97 places on the Heritage List.

These places at the subject of this report are those where the owner has either supported the heritage listing of that place subject to factual qualification, or else challenged the principle of listing heritage properties without disputing the relative heritage value given to the place they own or occupy.

Council, by this report, is considering all and each of the submissions made by the owner and/or occupier of these places as required by Clause 8(3)(d) of the Deemed Provisions.

In cases where the submission objects to the listing of the place on a heritage list because they object to the principle of listing – this issue rests with the origin of powers in the Deemed Provisions and not with the subsequent obedience of the Shire in executing this requirement to notify, assess and list where appropriate. Such objections are therefore not upheld because it is a requirement, an obligation for the Shire to proceed to assess and list to protect heritage values.

In other cases, for this tranche, owners advise they do not object to the heritage listing but question either material facts attributed to the properties and their provenance, or they do not share the level of priority expressed in earlier inventory assessment of the places as either Category 1 or Category 2.

The Heritage List does not require there to be a qualification of the values other than for the Shire to be of the opinion that a place possesses heritage values which would warrant listing for conservation and/or planning management purposes. The Heritage List flags this value as something the Shire must consider when determining a development application for the place and site.

It is for these reasons that submissions which raise these qualifications do not invalidate the intention to merely list the place as somewhere that is valued for its heritage by the Shire. The Shire may note the disputed factual background and either amend or update background inventories as required. This is independent for the purposes of listing a place.

The attached Table summarises each of the submissions and their grounds and also the response by the Shire to these points.

Once this tranche of places is added to the list the Shire will examine a few remaining submissions where there have been opposing heritage research positions presented. This examination will compare the assessment of the Shire advisor to the submission report – and examine where the divergence of heritage value occurs.

Often a case for protection is questioned due to the state of a place and its repair. It is notable that as time passes old places grow in heritage value rather than diminish and this is despite material deterioration or neglect. In these cases, the Shire will need to assess whether one opinion outweighs another and to determine where listing can bring about an improvement in management options. Where there can be made a compelling case for the

value and cumulative worth for example as a streetscape or neighbourhood character attribute the Shire might adopt a position which favours the side of conservation knowing this value increases over time.

By including these places on the heritage list the Shire can take steps towards meeting objectives laid out in the 'Community Strategic Plan' and the 'Corporate Business Plan 2014/15 To 2018/19'. These objectives aim to "ensure that the built environment reflects the aspirations of the community and retains its unique history, heritage and character". The Heritage List plays an important role in achieving these objectives, as well as meeting the objectives and policy requirements of LPP3.

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

The Council resolves to:

Receive and note the information contained within this report, and Attachments which addresses submissions received from each property proposed to be considered for heritage listing; and

In respect of the places listed from 1 to 27 below, that each of the places be entered in the Shire's Heritage List in accordance with clause 8(3)(d) of the Planning and Development (Local Planning Schemes) Regulations 2015.

1. 143 Forrest Street
2. 28 Irvine Street
3. 39 Irvine Street
4. 50 Irvine Street
5. 35 Johnston Street
6. 60 Johnston Street
7. 18 Keane Street
8. 23 Keane Street
9. 28 Keane Street
- 10.11 Leake Street
- 11.15 Leake Street
- 12.36 Leake Street
- 13.37 Leake Street
- 14.38 Leake Street
- 15.54 Leake Street
- 16.57 Leake Street
- 17.58 A Leake Street
- 18.1 View Street
- 19.2 View Street
- 20.24 McNeil Street
- 21.3A View Street
- 22.2-6 View Street
- 23.Lot 50, McNeil Street (PLC Gazebo)
- 24.496 Stirling Highway
- 25.15 View Street
- 26.30 View Street
- 27.46 View Street

## 8.1.2 Renovation and addition to existing single house at Lot 358 (33R) Keane Street, Peppermint Grove

### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 2 – Item refers</b>	8.1.2 – 33R Keane Street

Voting Requirement	:	Simple Majority
Subject Index	:	DB027A
Location / Property Index	:	Lot 358 (33R) Keane Street, PEPPERMINT GROVE
Application Index	:	DA2018/00023
LPS No 4 Zoning	:	R-12.5
Land Use	:	Single house
Lot Area	:	979m
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Distinctive Homes WA
Owner	:	C & J Strickland
Responsible Officer	:	Manager Development Services - Mr Ross Montgomery

#### COUNCIL ROLE

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



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## **PURPOSE OF REPORT**

Council is requested to grant planning approval for additions to an existing single house situated at the rear of 33 Keane Street Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

- Renovations/additions to an existing home;
- Footprint of house is unchanged with additional space created in the roof spaces;
- Minor extension to a garage, and addition of new rooms.
- Second storey master bedroom, study and en-suite, studio bedroom and en-suite contained within the house and garage roof space;
- Renovations update the roofing and wall finishes of the house to produce a visually united architecture.

## **LOCATION**

The existing house is located at the rear of 33 Keane Street.

## **BACKGROUND**

Renovations are proposed to a single house to update and increase the number of bedrooms and facilities to accommodate a family with a diversity of ages.

The renovations will update the finish of the existing house, and add increased functionality by establishing a bedroom loft above the garage and a master bedroom suite in the roof space of the main house. The structures are to be united by one roof structure.

There are no changes to the footprint of the house and upper floor windows are proposed in the form of recessed dormer windows internal aspect to the lot.

## **CONSULTATION**

The design of the renovations is compliant with the R Codes and the owner consulted with abutting landowners to advise them and seek their input to the plans.

The application is accompanied by four signed response forms stating the abutting owners have sighted the proposed plans and offer no objection to the renovation.

## **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.

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

The proposal complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

The adaptation and upgrading of existing housing stock will better meet social needs of the residents.

### **OFFICER COMMENT**

The proposal adapts the design of the existing house to meet social needs of a changing family dynamic; the intergenerational use of a house for the one family.

Consultation with abutting neighbours has been undertaken by the owner and indicates overall support for the proposal. No further consultation is required.

This design of the additions aims to minimise external change to the house. The works will be undertaken by a builder - Distinctive Homes WA and these works will be subject to a process of certification as deemed to comply with the Building codes prior to the issue of a Permit.

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

Council resolves that the additions and renovations proposed by Distinctive Homes WA to the single house at 33R Keane Street Peppermint Grove as per Application DA2018/00023 with Plans Job 000 dated July 7 2018 and submitted on September 4<sup>th</sup> 2018 be APPROVED subject to the following conditions:-

1. The development the subject of this approval must at all times comply with the plans approved and also the land use by the Shire as part of this approval. (Approved Plans/Land Use)
2. Building works on the site are to comply with the terms of the Planning Approval and associated Approved Plans at all times.
3. All subsequent certification of building plans for the purposes of permit issue shall assess and address Planning Approval Conditions and approved plans.
4. The development, the subject of this Approval shall be substantially commenced within two years of the date of issue of the consent forms, and completed before the conclusion of the third year, whereby all works are to be completed and conditions met.
5. A Site Access and Works Management Plan (SAWMP) is to be prepared for the management of noise, dust and other possible off-site impacts, the organisation for delivery and storage of materials,
6. construction worker parking and resolution of site access and parking for all workers associated with undertaking works to implement this approval.
7. The SAWMP is to be submitted for approval to the satisfaction of the Shire prior to the issue of a Building Permit.

**Advice notes**

1. With regard for Condition 1, all subsequent building plans required to implement this Planning Approval or subsequent use of the site and premises shall not be certified for issue of a Permit unless they agree with Planning Approval Conditions, Approved Plans and other site relevant requirements (LPS 4) of the Shire of Peppermint Grove.
2. With regard to Conditions which state “to the satisfaction of the Shire” compliance with this shall be determined by the Chief Executive Officer.

**8.1.3 Alterations to Single House - Lot 37 (58A) Leake Street, Peppermint Grove**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 3 – Item refers</b>	8.1.3 58A Leake Street

Voting Requirement	:	Simple Majority
Subject Index	:	DB027A
Location / Property Index	:	Lot 37 (58A) Leake Street, PEPPERMINT GROVE
Application Index	:	DA2018/00022
LPS No 4 Zoning	:	Residential R-12.5
Land Use	:	Single house
Lot Area	:	1369m
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Designwise Concepts
Owner	:	A Packer
Responsible Officer	:	Manager Development Services - Mr Ross Montgomery

**COUNCIL ROLE**

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

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## **PURPOSE OF REPORT**

Council is requested to grant approval to the renovation of a two storey, single house at 58A Leake Street Peppermint Grove. The property is on the Shire Heritage List and so this work requires a planning application to be submitted for Council consideration.

## **SUMMARY AND KEY ISSUES**

- House is on Heritage List (and is Category 1 on MHI).
- Internal renovations and reconfiguration and addition of an alfresco terrace, new dining room, kitchen extension, upper floor bathroom extension (to accommodate a bath).
- Other works include bricking up internal doorways, restoring fireplaces, remodelling a bay window.
- Works do not alter street presentation of house.
- Additions depart from R Code setback requirements (3m at closest point).
- Referred to neighbours for comment regarding reduced side setback (nil response at 3/10/2018)

## **LOCATION**

Refer to Attachments for Location Plan.

## **BACKGROUND**

The house is included in the LPS 4 Heritage List (See 81.1 - Tranche 2 ) and is a 1938 vintage brick and tile two storey house in the Inter-war period – Mediterranean style with Art Deco features.

The house is situated on a large 1369m<sup>2</sup> lozenge-shaped lot, zoned Residential R 12.5.

It has a stepped aspect to the western side boundary with the closest point of the existing house being 2.5m from this boundary, adjacent to 58 Leake Street.

The neighbouring house at 58 Leake Street (adjacent to this boundary ) is however set well back from this boundary, a distance in excess of R Codes with a driveway and garden immediately between the boundary and the house.

## **CONSULTATION**

The proposal was referred to the owners of 58 Leake Street for comment. There has been no objection or other comment received.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

The requested setback reduction is within the margins of discretion (Design Principles). Heritage Policy LPP 3 Identifies that Council may relax Scheme and other design standards if the result will further heritage values and not adversely impact other properties.

## **STATUTORY IMPLICATIONS**

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

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

<b><u>LOCAL PLANNING SCHEME NO. 4</u></b>		
<b>Scheme Requirement/Clause</b>		<b>Assessment/Comment</b>
<b>1.</b>	Deemed Provision 12 allows Council to vary Scheme provisions for heritage purposes	Council is able to exercise its discretion to relax the side boundary setbacks to enhance or preserve values in a heritage area. In this case to allow a reduced setback to the side boundary of 3 m.
<b><u>RESIDENTIAL DESIGN CODES</u></b>		
<b>Acceptable Development/ Performance Criteria</b>		<b>Assessment/Comment</b>
<b>1.</b>	Table 2 Setback – 4.2 m run (requirement is 4.3m) proposal is between 3-4m)	The wall proposed is unlikely to compromise the amenity of the neighbouring house.
<b><u>SCHEME/COUNCIL POLICY</u></b>		
<b>Policy Provisions</b>		<b>Assessment/Comment</b>
<b>1.</b>	Heritage Policy LPP3 Heritage Places refers to Clause 7.5 of LPS4 allowing discretion of the Council to vary setbacks and other provisions for heritage list properties.	Variations requested to relax the side setback are considered to deliver an acceptable design solution to the renovation of a heritage list house, and will not impact the amenity of the neighbouring house at 58 Leake Street Peppermint Grove

## **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 house is part of an imposing and well-ordered street aspect in an assembly of heritage properties. The architecture is typical of Peppermint Grove as it contains quality features and presents as a two-storey large home built at a time where few homes in Perth were of this scale and aesthetic detail.

This proposal is to carry out renovations to the interior, side and rear of the house to update the layout for contemporary living and the proposed changes do not detract from the original architecture or street presentation.

The interior changes to the layout would, at most, impart a minor impact to the statement of heritage significance for the house and do not detract the form of the house, its shape and street appearance.

Where original interior doorways are to be filled-in, these can be denoted in their completion of finish to allow a future reading of the original room format (this requirement is to be addressed as a Condition).

The setback to the western boundary for the additions is 3 metres at its closest point. It is noted the house as currently constructed has its closest point to the western boundary measuring 2.5m.

LPP 3 Heritage Places indicates the Council may elect to exercise its discretion to relax a scheme provision such as a boundary setback where it is of the opinion this will assist with the protection of a heritage place and providing it does not have a detrimental effect on adjoining properties.

The setback ranges from 3 metres from the western boundary at its closest point to more than 5 metres and this range is considered to achieve the degree of visible separation as the structure recedes from view. The additions would not be viewed from the street as closer to the boundary than what is currently built. The minimum setback of 3m is therefore sufficient, given that the walls are divergent to the boundary, and the neighbouring house is situated well away from this point, has ample separation from this boundary and is unlikely to be impacted detrimentally.

The internal modifications of infilled doorways and removal or replacement of fireplaces warrant that where the appearance is to be changed, a photographic record of what was removed is retained, and consideration given to a faint tracer-line in the plaster finish to record the location and dimension of the infilled opening – where this opening was a part of the original house design.

It is recommended the house renovations and additions be approved by the Council in accordance with the submitted plans and subject to conditions.

**OFFICER RECOMMENDATION/S – ITEM NO 8.1.3**

Council resolves that the additions and renovations proposed by Adrian Delucia (Designing Concepts) on behalf of the owner Anna Packer to the single house at 58A Leake Street Peppermint Grove as per Application DA2018/00022 with Plans Series Revised in September 2018 (Rev A 4 sheets) and submitted on August 21<sup>st</sup> 2018 be APPROVED subject to the following conditions:-

1. The development the subject of this approval must at all times comply with the plans approved and also the land use by the Shire as part of this approval. (Approved Plans/Land Use)
2. Building works on the site are to comply with the terms of the Planning Approval and associated Approved Plans at all times.
3. All subsequent certification of building plans for the purposes of permit issue shall assess and address Planning Approval Conditions and approved plans.
4. The development, the subject of this Approval shall be substantially commenced within two years of the date of issue of the consent forms, and completed before the conclusion of the third year, whereby all works are to be completed and conditions met.
5. A Site Access and Works Management Plan (SAWMP) is to be prepared for the management of noise, dust and other possible off-site impacts, the organisation for delivery and storage of materials, construction worker parking and resolution of site access and parking for all workers associated with undertaking works to implement this approval.
6. The SAWMP is to be submitted for approval to the satisfaction of the Shire prior to the issue of a Building Permit.
7. The internal works to fill-in doorways and/or alter walls which may hold value in the interpretation of the original structure shall be denoted by faint trace-line in the plaster finish.
8. Alterations to fireplaces or other internal fittings which are considered to be associated with the heritage value of the house shall be photographically recorded and referenced as part of the heritage manifest of the house.

**Advice notes**

1. With regard for Condition 1, all subsequent building plans required to implement this Planning Approval or subsequent use of the site and premises shall not be certified for issue of a Permit unless they agree with Planning Approval Conditions, Approved Plans and other site relevant requirements (LPS 4) of the Shire of Peppermint Grove.
2. With regard to Conditions which state “to the satisfaction of the Shire” compliance with this shall be determined by the Chief Executive Officer.



**8.1.4 Application for Amended Planning Approval, 38 the Esplanade Peppermint Grove**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 4 – Item 8.1.4 refers</b>	<b>8.1.4 - 38 The Esplanade Peppermint Grove</b>

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	Lot 113 (38) The Esplanade, PEPPERMINT GROVE
Application Index	:	DA2018/00028
LPS No 4 Zoning	:	Residential -R10
Land Use	:	Single house and ancillary dwelling
Lot Area	:	1645m
Disclosure of any Interest	:	Nil
Previous Items	:	9.1 – 24 November 2015 –015-149 Approval
Applicant	:	Ferraro Planning and Development Consultancy
Owner	:	B Jones
Responsible Officer	:	Manager Development Services - Mr Ross Montgomery

**COUNCIL ROLE**

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

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## **PURPOSE OF REPORT**

Council is requested to consider approval of plans showing a revised internal layout for a single house and ancillary dwelling built at 38 The Esplanade Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

- |   |
|---|
| <ul style="list-style-type: none"><li>• The submission has been generated because of the initiation of a SAT review of the Shire's Direction Notice to Alter the building at 38 The Esplanade Peppermint Grove issued by the Shire to the owner in June 2018;</li><li>• A single house and ancillary dwelling were built over the past few years which departed in their layout from the design which was granted Planning Approval by the Shire in 2015.</li><li>• Applicant seeks approval to substitute a set of plans as the Approved Plans for the development – replacing the layout Approved by the Shire but not built.</li><li>• Submitted Plans reflect the as-constructed format of the building and are a response to the Direction to Alter Notice.</li><li>• Revised design re-configures internal rooms, relocate an external door and windows however does not present a materially different building to the Approved Plan stamped in 2015.</li><li>• The substituted plan shows the interconnecting stairway between the ancillary dwelling and the single house as being fully enclosed – and cites this change as necessary to deliver better thermal efficiency.</li><li>• The plan also includes the visual privacy screen on the southern return of the first-floor balcony. This element was re-instated in response to the Direction to Alter Notice and now accords with the Approved Plan 015-149.</li></ul> |
|---|

## **LOCATION**

38 The Esplanade Peppermint Grove is situated on and overlooks the western edge of Freshwater Bay on the Swan River.

## **BACKGROUND**

Council may recall there has been a Direction to Alter Notice issued to the owner of the property Mrs Barbara Jones. The Direction was made because the Shire discovered the completed single house and ancillary dwelling had been constructed in a manner which was inconsistent with the Approved Plans.

Following the issue of the Direction Notice, the owner requested that the State Administrative Tribunal review this Notice. The matter is presently adjourned awaiting mediation and this lodgement is considered a part of that action to mediate a resolution.

The Council has previously raised its concerns that the layout of an ancillary dwelling with a single house on top of it might give rise to the use of the premises as a multiple dwelling. It had therefore carefully considered the way the building was laid out and this area of the structure was previously revised following Council comments and a previous decision not to approve a similar layout.

## **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**

The Council received a request made pursuant to Planning and development Regulations 2015, to consider and approve the substitution of the submitted plans for the Approved Plan related to the Planning Approval 015-149 of 2015.

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

The plan complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies. The changes contained in the substituted Plan are relate to internal changes to room layout, doors and reconfiguration of rooms. All changes appear to be consistent with the R Codes and LPS 4.

### **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 Shire issued a Direction to Alter Notice to the owner in June 2018.

There were two aspects of the completed building which did not comply with the Approved Plans 015-149 – namely:-

- Omission of a privacy screen to the southern portion of the second floor balcony; and
- Re-configuration of internal spaces and finishes relating to the lower floor of the ancillary dwelling and an interconnecting staircase.

Since the Shire issued its Direction to Alter Notice, Mrs Jones has acted to partially meet the terms of the Notice by building the privacy screen on the upper floor balcony. The screen is on the Approved Plan and was deleted from the design through the Certified Deemed to Comply building process of lodging altered plans for building permit purposes.

Building the screen implements one aspect of the Approved Plan 015-149 required by the Direction and addresses privacy concerns. It meets the first part of the Direction Notice.

The submission of this alternative layout plan for Council approval addresses the second matter covered in the Direction.

#### Internal Layout

The substituted Plan (Sheets 1 – 4) differs to the Approved Plan 015-149 as follows:-

- Relocation of the laundry
- Relocation of the internal laundry door
- Relocated study
- Relocation of bedroom 3
- Relocation of WIR and en-suite
- Internal door on stairway and enclosure

It also shows air-conditioner and hot water units located on the boundary.

Windows on the southern elevation at ground level are re-configured and reflect the internal room layout changes, however this does not raise design or amenity issues.

The substitute plan meets the R Codes and LPS 4 and therefore Council would appear to have no reason to refuse the request to substitute the of plans.

In the past Council was concerned an increased floor area for the ancillary dwelling component of the development may give rise to the premises being owned and used akin to two multiple dwellings.

The internal layout submitted does not lead to future use of the premises as two multiple dwellings. The Scheme does not permit the use of a multiple dwelling in the Residential Zone R10 and any such contravention of the Scheme in the future would be liable to compliance action.

Considering the substituted plans present a re-configured layout which:-

- does not effectively indicate any greater risk or likelihood of the single house and the ancillary dwelling being used as separate multiple dwellings and given the power of the Scheme to restrict such uses; and
- will resolve further conflict between the owner and the Shire about buildings being compliant with the planning approval;

it is recommended the substituted plan be approved to replace the Approved Plan for the approval Decision 015-149 of November 2015.

#### **OFFICER RECOMMENDATION/S – ITEM NO 8.1.4**

**Council resolves that the substitution of plans to replace the Approved Plan 015-149 (described as Figures 1 – 4) as submitted and proposed by Ferraro Planning and Development Consultancy on behalf of Mrs B Jones on September 15 2018, to the single house and ancillary dwelling located at 38 The Esplanade Peppermint Grove shall be APPROVED subject to the following conditions:-**

1. The development the subject of this approval must at all times comply with the plans approved and also the land use allowed by Local Planning Scheme 4 and as part of this approval.
2. The Approved Plans are consistent with Building Permit Plans and therefore all building works on the site are to comply with the terms of the Planning Approval and associated Approved Plans at all times.
3. All subsequent certification of building plans for the purposes of permit issue shall assess and address Planning Approval Conditions and approved plans.
4. The use of the premises shall at all times be in accordance with Local Planning Scheme 4 and strictly conform to the definition of a single house and ancillary dwelling.

#### Advice notes

1. With regard for Condition 1, all subsequent building plans required to implement this Planning Approval or subsequent use of the site and premises shall not be certified for issue of a Permit unless they agree with Planning Approval Conditions, Approved Plans and other site relevant requirements (LPS 4) of the Shire of Peppermint Grove.
2. In making this decision the Shire is satisfied the alterations described in the substituted Approved Plan do not result in a material affect or change to the use and function of the building as a single house and ancillary dwelling.

#### 8.2 INFRASTRUCTURE

NIL

#### 8.3 COMMUNITY DEVELOPMENT

NIL

## 8.4 MANAGEMENT / GOVERNANCE / POLICY

### 8.4.1 Council Meeting Dates for 2019

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Council Meeting Dates 2019

Voting Requirement	:	Simple Majority
Subject Index	:	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	:	Don Burnett, Chief Executive Officer

#### COUNCIL ROLE

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

## **PURPOSE OF REPORT**

The purpose of this report is to adopt the meeting dates for the Agenda Briefing Forums and Ordinary Council Meetings for 2019.

## **SUMMARY AND KEY ISSUES**

Notification of planned Council meeting dates for 2019.

## **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 Ordinary Council Meetings are to be held on the fourth Tuesday.

There is no meeting in January 2019.

In October 2019, when the OCM is brought forward a week to 15 October which allows for a Special Council Meeting to be held on 22 October to swear in new Councillors and the election of the President and Deputy President.

The December 2019 Ordinary Council Meeting is to be held on the third Tuesday, 17 December, so that the minutes are completed prior to the Christmas holiday period.

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

There are no specific Strategic Implications in respect to this matter.

## **POLICY IMPLICATIONS**

There are no specific Policy Implications in respect to this matter.

## **STATUTORY IMPLICATIONS**

There are no specific Statutory Implications in respect to this matter.

## **FINANCIAL IMPLICATIONS**

There are no specific Strategic Implications in respect to this matter.

## **ENVIRONMENTAL IMPLICATIONS**

There are no specific Environmental Implications in respect to this matter.

## **SOCIAL IMPLICATIONS**

There are no specific Social Implications in respect to this matter.

## **OFFICER RECOMMENDATION/S – ITEM NO. 8.4.1**

**That Council adopt the meeting dates for 2019:**

12 February 2019	26 February 2019
12 March 2019	26 March 2019
9 April 2019	23 April 2019
14 May 2019	28 May 2019
11 June 2019	25 June 2019
9 July 2019	23 July 2019
13 August 2019	27 August 2019
10 September 2019	24 September 2019
8 October 2019	15 October 2019 <b>Special Council Meeting -</b> 22 October 2019
12 November 2019	27 November 2019
10 December 2019	17 December 2019



**8.4.2 Annual Christmas Office Closure 2018/19**
**MANAGEMENT/GOVERNANCE/POLICY**
**ATTACHMENT DETAILS**

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

Voting Requirement	:	Simple Majority
Subject Index	:	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	:	Don Burnett, Chief Executive Officer

**COUNCIL ROLE**

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

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

**SUMMARY AND KEY ISSUES**

- Tuesday 25/12/2018, Wednesday 26/12/2018 and Tuesday 1/01/2019 are gazetted public holidays in Western Australia;
- Consideration of the closure of the Office and Library for the 2018/19 Christmas/New Year period.

**LOCATION**

N/A

**BACKGROUND**

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

This year, Christmas Day falls on a Tuesday with 2 January being a Wednesday.

**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 specific policy implications in respect to this matter.

**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.

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## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **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.

This practice has been in place for many years and it is recommended that the CEO be granted delegated authority for future years to implement the Christmas/New Year office closure.

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

**That Council:**

- 1. declare the administration office and the Grove Library be closed at COB on Monday 24 December 2018, with both reopening on Wednesday 2 January 2019; and**
- 2. delegate authority to the CEO to implement the Office and Library closure for the Christmas/New Year Period for future years.**

## 8.5 CORPORATE

### 8.5.1 Financial Report – September 2018

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5	Financial Report – September 2018

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

#### COUNCIL ROLE

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

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## **PURPOSE OF REPORT**

To report on financial activity for the period 1 July 2018 to 30 September 2018.

## **SUMMARY AND KEY ISSUES**

- The financial report for the month ended 30 September 2018 indicates a YTD surplus of \$3,064,303 some \$24,871 more than YTD budget;
- Operating revenue is some \$10,320 more than YTD budget;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$3,219 less than YTD budget;
- Capital expenditure totalling \$27,669 has been incurred.
- The forecast surplus at 30 June 2019 is \$88,053.

## **LOCATION**

N/A

## **BACKGROUND**

Nil

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

There are no strategic plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

The financial report forecasts a closing surplus of \$88,053. This has increased from that adopted as part of the 2018/19 budget by around \$7,000 due to additional operating grants.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications evident at this time.

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**OFFICER COMMENT**

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

**(1) Net Current Assets Year-to-Date**

Net current assets as at 30 September 2018 exceed the budgeted figure by some \$24,871 at this stage. This is largely attributable to revenue being in advance of the estimated budget.

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

**That Council receive the financial report for the period 1 July 2018 to 30 September 2018.**

**8.5.2 Accounts Paid – September 2018**
**CORPORATE**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 6</b>	<b>Accounts Paid – September 2018</b>

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

**COUNCIL ROLE**

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

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

## **SUMMARY AND KEY ISSUES**

Significant payments in September 2018 included the following:

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

## **LOCATION**

N/A

## **BACKGROUND**

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

<b><u>PAYMENT TYPE</u></b>	<b><u>AMOUNT</u></b>
Cheques	\$0
Direct Debits DD11 – DD16	\$25,564.36
Electronic Funds Transfers 00246 – 00250	<u>\$421,112.34</u>
<b>TOTAL</b>	<b><u>\$446,676.70</u></b>

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

Accounts are paid during the month in accordance with Delegation 2 “Payments from the Municipal Fund, Library Advance Account and the Trust Fund”. Power to delegate to the CEO is contained in Section 5.42 of the Local Government Act 1995.



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**FINANCIAL IMPLICATIONS**

The payments processed by the Shire relate to expenditure approved in the 2018/19 annual budget.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

Nil

**OFFICER RECOMMENDATION/S – ITEM NO. 8.5.2**

**That Council receives the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for September 2018, totalling \$446,676.70.**

**8.5.3 Matters for Information and Noting**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment</b>	Building Permits Issued under Deemed to Comply provisions Building Permit Monthly Approvals and Infringements Issued – September 2018 Parking Infringements Issued – September 2018 Dog Infringements Issued – September 2018 Rates Summary

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

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## **PURPOSE OF REPORT**

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

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

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

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

## **SUMMARY AND KEY ISSUES**

The following reports are presented to Council at the Ordinary Council Meeting of August 2018:

1. Building Permits Issued under Deemed to Comply provisions
2. Building Permit Monthly Approvals and Infringements Issued – September 2018
3. Parking Infringements Issued – September 2018
4. Dog Infringements – September
5. Rates Summary

## **CONSULTATION**

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

<b>OFFICER RECOMMENDATION/S – ITEM NO. 8.5.3</b>
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**That Council receives the information in this report.**

## 8.5.4 Emergency Management – Review of Western Central Local Emergency Management Arrangements

### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 7 – Attachment 2 -</b>	SoPG Local Recovery Plan 2018 LEMAs Draft June 2018

Voting Requirement	:	Simple Majority
Subject Index	:	ES118B
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	:	Don Burnett, Chief Executive Officer

#### COUNCIL ROLE

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

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## **PURPOSE OF REPORT**

The purpose of this report is for Council to adopt the Western Central Local Emergency Management Arrangements (WCLEMA).

## **SUMMARY AND KEY ISSUES**

Whilst local government is required to ensure the development of local emergency arrangements, this responsibility is effectively discharged through the Western Central Local Emergency Management Committee (WCLEMC).

Respective local governments do not therefore have a direct role in the development of the local emergency arrangements, albeit the Act and associated policies require their approval by the local government. In practice, this is achieved through local government representation on the LEMC.

Direct response to a local emergency is the responsibility of the relevant Hazard Management Agency (HMA); the organisation which, because of its legislative responsibility or specialised knowledge, expertise and resources has the capacity to combat the condition creating the emergency. For example, the HMA for fire is the Department of Fire and Emergency Services. The arrangements contemplate local government providing resources to support and assist an HMA, but only if requested, and then subject to availability. The only circumstance in which local government becomes the HMA is for fires outside Gazetted Fire Districts, predominantly in outer metropolitan areas and in rural Western Australia.

The current WCLEMC felt that the 2013 arrangements were unnecessarily lengthy and contained superfluous text that made identification of pertinent information more difficult. As a consequence, the review was to be guided by the following set of principles:

- Brevity is preferred.
- Use of tabulation rather than lengthy text.
- Avoid inclusion of information that is contained in other documents that should be readily accessible by HMA's.
- Key references, being contacts and resource lists, need to be readily accessible.
- Recovery planning, although outlined in the Part Four of the arrangements, was to be the responsibility of the individual local governments.

The arrangements outline the responsibilities of the individual stakeholders, as well as defining potential hazards and hazard management agencies and cover the following elements of emergency management:

- Part One Introduction
- Part Two Planning
- Part Three Response
- Part Four Recovery
- Part Five Exercising and Reviewing

- Part Six Appendices - including critical infrastructure, schedules of resources, contact details, risk treatment plans, special needs groups, Local Recovery Plans, etc.

The revised *Local Emergency Management Arrangements 2018* are now complete. They have been assessed against the State Emergency Management Committee's compliance checklist and need to be formally approved by each Council prior to submission to the District Emergency Management Committee for recording.

In the event of an emergency within the Shire's boundaries, it may be necessary to commit resources, physical, financial and/or human, to support the activity of the HMA. It should also be noted that the WCLEMC member local governments have agreed, enhancing regional cooperation, to assist each other in the event of an emergency that exceeds the capacity of the impacted district should be supported by a written agreement. This agreement is reflected in the Partnering Agreement attached as Appendix 10 to the WCLEMA.

### **LOCATION**

N/A

### **BACKGROUND**

The *Emergency Management Act 2005* (the Act) establishes the roles and responsibility of local government in relation to emergency management. The three main responsibilities under the Act being:

- To establish and support a local emergency management committee.
- To ensure that local emergency management arrangements are prepared, reviewed and maintained for its district.
- To manage Recovery following an emergency affecting the community in its district.

Eight local governments from the Central Metropolitan Police District combined in 2005 to form the Western Central Local Emergency Management Committee (WCLEMC), completing the requirement of local government to establish a local emergency management committee. The WCLEMC consists of representatives from the towns of Cambridge, Claremont, Cottesloe and Mosman Park, the cities of Vincent, Nedlands and Subiaco and the Shire of Peppermint Grove. In addition to local government, the WCLEMC is comprised by representation from Police, Department of Fire and Emergency Services, Department of Communities, Department of Biodiversity, Conservation and Attractions, State Emergency Service, Office of Emergency Management, Red Cross and State Health. This 'combined local government' (western suburbs regional structure) has been approved by the State Emergency Management Committee (SEMC).

Responsibility for convening, resourcing and hosting meetings rotates between the eight (8) local government members on a two (2) year cycle and is currently with the Town of Claremont.

The WCLEMC, on behalf of the eight local governments, and within the framework and guidelines set out in the Act and State Emergency Management policies and procedures, initially created a consolidated set of local emergency management arrangements. These were approved by the Shire of Peppermint Grove in 2008 and subsequently reviewed and adopted by Council on the 7<sup>th</sup> March 2013.

The 2018 WCLEMA have been reviewed by the WCLEMC and are presented to the council for adoption in accordance with Part 3 Division 2 of the Emergency Management Act 2005. This current review was triggered by both time and the adjustment to the boundary of the City of Subiaco by the City of Perth Act.

### **CONSULTATION**

The arrangements have been prepared in conjunction with 7 other local governments and relevant stakeholders that constitute membership of WCLEMC. It is recommended that the completion of the arrangements be advertised in Shire publications and that a link to the document (public copy) not the restricted copy, included on the Shire of Peppermint Grove website.

### **STRATEGIC IMPLICATIONS**

Local government's role is essentially focused on community leadership, management and planning in conjunction with relevant stakeholders through the WCLEMC, offering the community a level of reassurance that agencies have a degree of preparedness, response and recovery capability should a significant emergency impact the district.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY IMPLICATIONS**

The *Emergency Management Act 2005* (Part 3, Division 2) requires local governments to prepare *Local Emergency Management Arrangements*. The Local Emergency Management Arrangements (LEMA) shall be reviewed in accordance with State EM Policy Section 2.5 and amended or replaced whenever the local government considers it appropriate (s.42 of the EM Act).

Although review of the Western Central Local Emergency Management Arrangements will be a continuous process, adoption of the revised set of Arrangements will ensure the Shire of Peppermint Grove and the 7 partnering local governments are compliant with the legislation.

### **OFFICER COMMENT**

The 8 individual local governments in the WCLEMC are required to present the 2018 WCLEMA with their own individual Recovery Plans (as an appendix) to their respective council for adoption.

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Once the WCLEMA and individual Recovery plans have been adopted by the 8 member councils a final copy (controlled version) of the WCLEMA with all the documentation will be presented to the DEMC for noting. This final copy will then be published (public copy) on the Town of Claremont website and the Shire of Peppermint Grove can advertise a link to this document.

N.B – The Shire of Peppermint Grove’s Recovery Plan was adopted by council on the 27<sup>th</sup> March 2018 and is available on the Shire’s website for viewing by residents.

**OFFICER RECOMMENDATION/S – ITEM NO 8.5.4**

**That Council in accordance with Part 3, Division 2 of the Emergency Management Act 2005, adopt the Western Central Local Emergency Management Arrangements dated June 2018.**

**9 NEW BUSINESS OF AN URGENT NATURE**

**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.



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

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

**NAME:**

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**POSITION:**

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**MEETING DATE:**

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**ITEM NO & SUBJECT:**

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**NATURE OF  
INTEREST:**

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

\* Please Circle  
*applicable*

**EXTENT OF  
INTEREST:**

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**SIGNATURE:**

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**DATE:**

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

## **FINANCIAL & PROXIMITY INTERESTS**

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

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

## **DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

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

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

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