



Shire of  
**Peppermint Grove**

# **ORDINARY COUNCIL MEETING**

# **AGENDA**

**TO BE HELD ON  
TUESDAY 24 JULY 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 **24 JULY 2018**, commencing at 5.30 pm.

## MEETING AGENDA ATTACHED

Yours faithfully



**Mr Don Burnett**  
**CHIEF EXECUTIVE OFFICER**

**24 JULY 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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Shire of  
**Peppermint Grove**

## **ORDINARY COUNCIL MEETING AGENDA**

### **1 DECLARATION OF OFFICIAL OPENING**

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

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

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

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

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

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



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

Mr Don 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

NIL

## 2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

# 3 DELEGATIONS AND PETITIONS

## 3.1 DELEGATIONS

## 3.2 PETITIONS

#### 4 PUBLIC QUESTION TIME

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

- The Agenda
- Question to Council and
- Deputation Forms

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

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

- (a) *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.*
- (b) *During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- (c) *Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- (d) *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.*
- (e) *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 | 26 JUNE 2018 |
| 7.2 | AGEND BRIEFING FORUM     | 10 JULY 2018 |

## 8 CHIEF EXECUTIVE OFFICER REPORTS

### 8.1 URBAN PLANNING

#### 8.1.1 Building Permits Issued under Deemed to Comply provisions and Building Permit Monthly Approvals.

For works which are excluded from requiring planning consent under the Deemed to Comply provisions of the Planning and Development Regulations 2015, for the month of June 2018;

#### **Building Permit Approvals issued under Deemed to Comply provisions for June 2018;**

Date Issued	Property Address	Building Work	Value
NIL			

#### **Building Permit Approvals for June 2018;**

Date Issued	Property Address	Building Work	Value
7 June 2018	58 The Esplanade	Small additions to existing approved pool house.	\$20,000
25 June 2018	70 Leake Street	Two story dwelling with roof deck, associated garage and outdoor gym, guest house, pergola, screen and retaining walls.	\$2,500,000
26 June 2018	153 Forrest Street	Demolition – Full.	\$19,800
26 June 2018	1B McNeil Street (Unit Complex)	Replace carport with new carport.	\$19,500

## 8.1.2 Proposed Heritage Inventory

### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 8.1.2 refers to</b>	1. Location Map 2. Schedule of Notices – Copy to be tabled 3. Heritage data sheets Schedule of Submissions – Copy to be tabled

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	Multiple – see Attachments
Application Index	:	N/A
LPS No 4 Zoning	:	Multiple
Land Use	:	Multiple
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Items 8.1.4. 18 <sup>th</sup> April 2017
Applicant	:	N/A
Owner	:	Multiple
Responsible Officer	:	Ross Montgomery, Manager of Development Services.

#### COUNCIL ROLE

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

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## **PURPOSE OF REPORT**

For Council to consider the proposal to enter the relevant place's in the Shire's heritage list.

## **SUMMARY AND KEY ISSUES**

- Clause 8(1) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, which forms part of the Shire's Local Planning Scheme No.4, requires that the Shire establish and maintain a heritage list under the Scheme to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.
- The Council made a decision on 18 April 2017 to establish a heritage list under the Deemed provisions.
- However, concerns have arisen with that decision and the Shire has received advice to revisit it.
- In order to address any concern as to whether all the Deemed Provisions' requirements were discharged as part of the 18 April 2017 decision, the Shire has recommenced this process and now returns the matter to the Council for a decision.

## **LOCATION**

All places are within the Shire's local planning scheme No.4 area.

## **BACKGROUND**

The *Heritage of Western Australia Act 1990* (***Heritage Act***), requires local governments to compile an inventory of those buildings within their district which are of cultural heritage significance.

The Shire adopted a municipal inventory by a decision of the Council at the Ordinary Council Meeting on 19 July 1999 (***Municipal Inventory***). 165 places were included in the Municipal Inventory.

The Shire also then adopted a list of heritage places (***Old Heritage List***) under then current Town Planning Scheme No.3 (***TPS3***). The Old Heritage List was simply a replication of the Municipal Inventory.

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

1. the Municipal Inventory was necessary for the purpose of identifying heritage buildings under the Heritage Act; and
2. the Old Heritage List was necessary for the purpose of identifying heritage places under TPS3, so that consideration of their heritage value would form part of the assessment of any application for planning approval in respect of a place on the Old Heritage List.

As part of the process leading to the Municipal Inventory and Old Heritage List in 1999, the Shire had commissioned Griffiths Architects to prepare a report identifying all those places within the Shire's district being of heritage significance and the basis for that identification (**Griffiths Report**). This included surveys of sites and review of historical information.

On 19 October 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)* came into effect. The LPS Regulations included various provisions in Schedule 2 deemed to be contained in all local planning schemes (**Deemed Provisions**). The Shire reviewed and replaced TPS3 with Local Planning Scheme No.4; gazetted on 3 March 2017 (**Scheme**) and this contains deemed provisions.

Clause 8 of the Deemed Provisions, deals with heritage lists differently from how it had been under TPS3. This key difference is that heritage lists are to be constituted separately from a municipal inventory. Clause 8 sets out a process for a place to be entered in a heritage list (see further below). The Shire undertook this process in March 2017, in respect of all those places in its Municipal Inventory (other than those that had been demolished).

The Council then made a decision at the Ordinary Council Meeting on 18 April 2017 to enter 149 places – that had been the subject of a notice issued under with the Deemed Provisions – into a heritage list under the Scheme.

This decision has since been subject to a challenge from the owner of one of the properties and the challenge requests a judicial review of the process resulting in the decision.

The Shire confirmed on legal advice the process was sound and is defending the process of the decision. This matter is subject to ongoing discussion prior to judicial review.

Given the elapse of time the Shire has decided to revisit all other places listed on 18 April 2017 to consider any recent and pertinent matters.

As a result of this, on 11 and 12 May 2018 the Shire provided written notice to the owners and occupiers of 149 places for the purpose of clause 8(3)(a) and (b) of the Deemed Provisions (**Notices**) (Attachment 1).

The Notices included an invitation for submissions to be made within 21 days on the proposal to enter the relevant place in the Shire's heritage list under the Deemed Provisions.

To facilitate and demonstrate careful consideration of submissions received for each of the listed properties, the Shire has separated the submissions into tranches; the first tranche is considered in this report and includes all properties where there has been either no objection raised in response to the notification, or a response of support expressed for the listing of the property.

Given the support and lack of objection there is no reason to delay the listing of these properties.

Other submissions from owners and occupiers citing various grounds of objection to the heritage listing of properties, either in general principle to the heritage listing of private properties; or in other specific cases there is dispute about the heritage value of that particular property are to be reviewed and considered later.

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## **CONSULTATION**

As referred to above, the owners and occupiers of 149 places have been issued the Notices and were invited to make submissions within 21 days. Each Notice included, as an attachment, the relevant heritage summary extracted from the Griffiths Report (***Heritage Data Sheet***), for that respective place.

45 submissions were received in response to the Notices.

This report only relates to those 96 places (listed in the recommended resolution below) that either made a supportive submission in response to the Notices or did not make any submission at all, and therefore did not raise objection and are not contentious.

Those places that made a submission in response to the Notices and that either queried or objected to the proposal to enter their place in the Shire's heritage list, will be the subject of another report at a later date, once there has been the appropriate opportunity for the Shire to examine in detail the substance of those submissions.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Planning implications at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

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

- (1) *The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.*
- (2) *The heritage list -*
  - (a) *must set out a description of each place and the reason for its entry in the heritage list;*
  - (b) *must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and*
  - (c) *may be published on the website of the local government.*
- (3) *The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government –*

- (a) *notifies in writing each owner and occupier of the place and provides each of them with a description of the place and the reasons for the proposed entry; and*
  - (b) *invites each owner and occupier to make submissions on the proposal within 21 days of the day on which the notice is served or within a longer period specified in the notice; and*
  - (c) *carried out any other consultation the local government considers appropriate; and*
  - (d) *following any consultation and consideration of the submissions made on the proposal, resolves that the place be entered in the heritage list with or without modification, or that the place be removed from the heritage list.*
- (4) *If the local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modification to –*
  - (a) *the Heritage Council of Western Australia; and*
  - (b) *each owner and occupier of the place.*

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

The meaning of a 'place' under section 3(1) of the Heritage of Western Australia Act 1990 applies under the Deemed Provisions. It refers to the relevant parcel of land (ie address or lot) and is the generic term for referencing the building or address that is subject to the heritage interest.

There is no obligation under the Deemed Provisions or the Scheme, for the Council to obtain an expert opinion on the heritage value of a place prior to entering it on its heritage list. However, the Council has the benefit of the Griffiths Report and associated Heritage Data Sheets to inform its decision.

As set out above, the requirements of clause 8(3)(a) and (b) of the Deemed Provisions have been complied with in relation to the current proposal.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

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## **OFFICER COMMENT**

As set out above, the Shire is required by clause 8(1) of the Deemed Provisions to establish and maintain a heritage list. The places the subject of this report have all been in the Municipal Inventory and the Old Heritage List.

As referred to above, these places are only those which either made a supportive submission in response to the Notices, or no submission at all.

The proposal to enter each of these places in the Shire's heritage list is put to the Council for a decision pursuant to clause 8(3) of the Deemed Provisions.

The reasons for entering each relevant place in the Shire's heritage list are set out in –

1. the respective Notice for that place; and
2. the 'statement of significance' in the Heritage Data Sheet attached to the Notice for the relevant place.

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

The Council is required by clause 8(3)(d) of the Deemed Provisions to consider those submissions made by the owner and/or occupier of those places, even though those submissions are supportive.

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

**That Council –**

- A. notes the submissions received in respect of the places described and listed as number 23, 26, 50 and 72 below and included in Attachment 9.1.1 as referred to in the report for this item;**
- B. resolves in respect of the places described and listed from 1 to 96 below, that each of those places be entered in the Shire of Peppermint Grove's heritage list in accordance with clause 8(3)(d) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and**
- C. recognises and adopts for each of the places described and listed from 1 to 96 below, the findings of the relevant Notice and 'statement of significance' in the relevant Heritage Data Sheet included in Attachment 2, as the reasons for entering the respective place in the Shire of Peppermint Grove's heritage list in accordance with clause 8(3)(d) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

- |   |   |
|---|---|
| 1 | Lot 160 Bay View Terrace (PG Tennis Club) |
| 2 | 25 Bindaring Parade                       |
| 3 | 119 Forrest Street                        |
| 4 | 121 Forrest Street                        |
| 5 | 123 Forrest Street                        |
| 6 | 125 Forrest Street                        |
| 7 | 127 Forrest Street                        |
| 8 | 130 Forrest Street                        |





9	133 Forrest Street
10	134 Forrest Street
11	136 Forrest Street
12	138 Forrest Street
13	140 Forrest Street
14	146 Forrest Street
15	147 Forrest Street
16	152 Forrest Street
17	11 Irvine Street
18	15 Irvine Street
19	17 Irvine Street
20	19 Irvine Street
21	21 Irvine Street
22	22 Irvine Street
23	28 Irvine Street
24	29 Irvine Street
25	30 Irvine Street
26	39 Irvine Street
27	41 Irvine Street
28	42 Irvine Street
29	43 Irvine Street
30	44 Irvine Street
31	45 Irvine Street
32	46 Irvine Street
33	56 Irvine Street
34	60 Irvine Street
35	42A Irvine Street
36	16 Johnston Street
37	43 Johnston Street
38	46 Johnston Street
39	Johnston Street (MHP Pavilion)
40	Keane Street (Boatsheds)
41	3 Keane Street
42	9 Keane Street
43	10 Keane Street
44	11 Keane Street
45	13 Keane Street
46	14 Keane Street
47	17 Keane Street
48	21 Keane Street
49	26 Keane Street
50	28 Keane Street
51	45 Keane Street
52	59 Keane Street



53	16A Keane Street
54	18A Keane Street
55	9 Leake Street
56	28 Leake Street
57	29 Leake Street
58	32 Leake Street
59	34 Leake Street
60	40 Leake Street
61	42 Leake Street
62	52 Leake Street
63	56 Leake Street
64	58 Leake Street
65	62 Leake Street
66	72 Leake Street
67	1 McNeil Street
68	3 McNeil Street
69	7 McNeil Street
70	17 McNeil Street
71	25 McNeil Street
72	496 Stirling Hwy
73	502 Stirling Highway
74	550 Stirling Highway
75	488-490 Stirling Highway
76	492-494 Stirling Highway
77	530 Stirling Highway
78	Scotch College Boatshed Res 17113
79	8 The Esplanade
80	12 The Esplanade
81	14 The Esplanade
82	56 The Esplanade
83	10 Venn Street
84	12 Venn Street
85	5 View Street
86	9 View Street
87	27 View Street
88	28 View Street
89	29 View Street
90	32 View Street
91	34 View Street
92	36 View Street
93	40 View Street
94	44 View Street
95	47 View Street
96	48 View Street

### 8.1.3 Proposed Scheme Amendment – No.1 : Lot 90 (No.2) Bay View Terrace, Peppermint Grove - Consideration after Advertisement

## URBAN PLANNING

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment – Item 8.1.3 refers</b>	Amendment Document

Voting Requirement	:	Simple Majority
Subject Index	:	LP118K
Location / Property Index	:	Lot 90 Bay View Terrace Peppermint Grove Lot 91 Keane Street
Application Index	:	LP118K
LPS 4 Zoning	:	Residential
Land Use	:	Vacant
Lot Area	:	900 m2
Disclosure of any Interest	:	Nil
Previous Items	:	1.11 OCM June 2017
Applicant	:	N/A
Owner	:	Mrs Oswal
Responsible Officer	:	Manager Development Services – R 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**

Following the referral for comment from utilities and advertisement for public comment the Council is required to consider the progress of the amendment for Lot 90 (No.2 BayView Terrace) and Lot 91 Keane Street Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

- Amendment proposes to re-code Lot 90 from R25 to R 10; and to transfer Lot 91 from Residential to Local Road Reserve.
- The proposal will round off the R10 code to match property boundaries and will complete road widening for Lot 91 obtained for right of way to the west of Lot 90.
- The amendment implements part of the Shire's approved local planning strategy
- The Amendment was advertised for public comment for 42 days' in March and the period closed on 20 April 2018.
- No submissions were received.

## **LOCATION**

The Amendment Documents are appended for further illustration of the proposal

## **BACKGROUND**

In 2008, Lot 90 Bay View Terrace was created when eight lots were amalgamated. TPS 3 zoned the lots Residential. Six of those lots were coded R10 and two smaller lots abutting Bungalow Court to the south were R25. The amalgamation was approved subject to a scheme amendment being progressed to ensure the new lot was entirely coded as one density. During the advertisement of LPS4 the community supported the site being coded at R10. This amendment makes for a sensible boundary between R10 and R25 codes.

Lot 91 is a strip of road widening ceded on re-subdivision (amalgamation) and is therefore intended to be transferred from the Residential Zone to the Local Road reserve.

Draft LPS4 had progressed past advertisement and to introduce this change would have delayed the gazettal of the new scheme.

## **CONSULTATION**

The proposed Amendment was adopted for advertisement purposes. This period of 42 days' completed on 20<sup>th</sup> April 2018. No submissions were received.

## **STRATEGIC IMPLICATIONS**

The Amendment corrects an anomaly and therefore has no strategic implications.

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**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

This proposal corrects an anomaly which resulted from re-subdivision of land contained within LPS4 which created an R Code change that does not conform to cadastre. The proposal is also necessary to deliver the local road reserve required for local access for abutting properties.

The Scheme Amendment has been advertised for public comment and there have been no comments or objections to the amendment proceeding.

It is recommended the Council resolves to support the Amendment and forward a copy of the Amendment documents to the WAPC with a request that this standard amendment be recommended for Ministerial Approval to be granted subject to s.87(2)(a) of the Planning and Development Act.

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

**With reference to the proposed Scheme Amendment No.1 to LPS4 for Lot 90 Bay View Terrace and Lot 91 Keane Street Peppermint Grove; Council resolves to:**

- 1. Note the planning report following advertisement for public comment there were no submissions received; and**
- 2. Support the Amendment to now be referred to the WAPC for consideration; and**
- 3. Recommend to the WAPC that the Amendment be referred for Approval to the Minister for Planning\*.**

\* [as per Regulation 50(3)(a) P & D Regulations 2015];

8.1.4 Proposed conservation works of St Columba's Presbyterian Church: Lot 33 (No. 16A) Keane Street, Peppermint Grove.

## URBAN PLANNING

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 1 – Item 8.1.4 refers</b>	Location Plan and Drawings

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	16A Keane Street, Peppermint Grove
Application Index	:	DA2018/00016
LPS No 4 Zoning	:	R-12.5
Land Use	:	Church
Lot Area	:	1090m
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Hocking Heritage Studio
Owner	:	Commissioners of the Presbyterian Church of WA
Responsible Officer	:	Mr Ross Montgomery

### COUNCIL ROLE

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

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## **PURPOSE OF REPORT**

For Council to consider a planning application for the upgrading of exterior drainage for existing downpipes and also conservation and restoration of internal floor and wall finishes at the Category 1 Heritage Listed Church at 16A Keane Street, Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

- The St Columba's Presbyterian Church is a Category 1 Heritage Listed building.
- The Planning Application is to undertake necessary repairs and maintenance works to protect the building and upgrade the interior by way of flooring and painting.
- The works are purely restorative works for the Heritage Listed Church. And, with exception to the drainage upgrade, do not introduce changed structural significance.
- The proposed development seeks to reinstate and conserve these heritage elements.

## **LOCATION**

See attached Location Plan and drawings 8.1.4.

## **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**

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>SCHEME/COUNCIL POLICY</u></b>		
<b>Policy Provisions</b>		<b>Assessment/Comment</b>
<b>1.</b>	LPP 3 – Heritage Places. Requires all Heritage listed properties to seek planning approval for proposed works prior to building permit approval.	Complies and allows the Shire to satisfy itself the proposal will be to the benefit of the heritage value of the property.

### **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**

St Columba's is a Presbyterian Church located at 16A Keane Street. It is on the heritage list and the Shire's Municipal Heritage Inventory (Category 1).

The LPS4 requires the applicant to submit an application for planning approval for any external or internal proposed works. This provides the Shire the opportunity to consider the likely impacts and benefit of the proposal upon the heritage values of the building and grounds.

The proposed works include the following;

- Connecting existing downpipes to new soakwells and installing gravel filled trench with sub soil drainage.
- Internal restorative sanding back of floor boards and applying Tung oil finish.
- Repaint all walls to match the existing. This includes corbels supporting timber trusses, window reveals, doors and door frames, and fanlights.
- Remove and replace existing carpet and repair any floorboards as necessary.

The proposed works are assessed as necessary and recommended because they do not remove from the heritage fabric of the building and in fact reinstate and seek to maintain its heritage elements.



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

That Council grant planning approval for proposed work to upgrade the exterior roof and site drainage and to employ conservation and restoration works for the internal floor and wall finishes of St Columba's Presbyterian Church on Lot 33 (No. 16A) Keane Street, Peppermint Grove, in accordance with the plans (Ref: SK01-SK06 dated 09/05/2018) and specifications submitted on 19 June 2018, subject to the following conditions:

1. Building works on the site are to comply with the terms of the Planning Approval and associated Approved Plans at all times.
2. The development, the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the third year.
3. Photographic record of the interior and exterior of the building to show before and after stages of the restoration works is to be submitted to Council for record and approval upon completion of all works, and before August 1 2010.
4. Planning Approval is granted for a two-year period expiring on August 1, 2020 whereby all works are to be completed and conditions met.

**8.2 INFRASTRUCTURE**

Nil

**8.3 COMMUNITY DEVELOPMENT**

Nil

**8.4 MANAGEMENT / GOVERNANCE / POLICY**

Nil

## 8.5 CORPORATE

### 8.5.1 Financial Report – June 2018

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2	Financial Report – June 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.*

**PURPOSE OF REPORT**

To report on financial activity for the period 1 July 2017 to 30 June 2018.

**SUMMARY AND KEY ISSUES**

- The INTERIM financial report for the year ended 30 June 2018 indicates a YTD surplus of \$328,769 some \$328,172 more than YTD budget;
- Operating revenue is some \$1,558 more than YTD budget;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$293,752 less than YTD budget;
- Capital expenditure totalling \$451,628 has been incurred.
- The forecast surplus at 30 June 2018 is \$171,981.

**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 \$171,981 (refer to yellow highlighted column).

This largely comprises the following:

- WA Local Government Grants Commission advance payment of the 2018/19 general purpose grant totalling \$27,455. Expected revenue in 2018/19 from this source has been reduced by a similar amount.
- Budgeted expenditure not spent in 2017/18 but re-budgeted to be spent in 2018/19 including website (\$7,200), records management (\$15,000), street tree maintenance (\$30,000), foreshore erosion consultant (\$10,000) and footpath renewal (\$25,000).
- Identified savings in various operating expenditure accounts including employee costs (non-library \$34,500), utilities (non-library \$13,300) and IT operations (non-library \$8,500).

However, the final closing surplus figure will be dependent on several unknowns, in particular, legal expenses incurred during June 2018.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications evident at this time.

## **OFFICER COMMENT**

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

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

Income from building application fees was around \$20,000 less than the (downwardly-revised) budget. Development application fees were also down \$9,000 on the revised budget.

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

Income from grants exceeded the revised budget by \$29,024 due largely to the advance payment of next year's untied grants (\$27,455), described above.

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

Employee costs are some \$57,342 less than the revised budget. This comprises savings in library and non-library (that is, Shire) salaries

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(4) Materials and Contracts

Materials and contracted expenses are some \$209,639 less than expected at this stage.

The final forecast total for this category is some \$105,000 less than the revised budget for reasons explained under “financial implications” above.

(5) Utilities

Utilities expenses are some \$25,942 less than expected at this stage. Savings in office/library power (\$12,000), street lighting power (\$5,000) and water (\$5,000) are the main contributors to these savings

(6) Land and Buildings

\$15,000 was planned to be spent on the Manners Hill Park pavilion. These works – to be funded from cash reserves – have been postponed.

(7) Infrastructure Assets - Footpaths

Some \$25,000 of unspent footpath upgrade works will be carried forward to the 2018/19 budget.

(8) Transfers from Reserves

The \$15,000 transfer from reserves to fund works at the Manners Hill Park pavilion was not required.

(9) Net Current Assets Year-to-Date

Net current assets as at 30 June 2018 exceed the revised budgeted figure by some \$328,172 at this stage. This is attributable to under-expenditure in both operating (\$293,752) and capital expenditure (\$39,631).

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

**That the interim financial report for the period 1 July 2017 to 30 June 2018 be received.**

## 8.5.2 Accounts Paid – June 2018

### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 3</b>	<b>Accounts Paid – June 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 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 June 2018 included the following:

- GST & PAYG remittance to ATO;
- Final Payments to J Wigham for boundary wall behind office/community centre;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

## **LOCATION**

N/A

## **BACKGROUND**

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

<b><u>PAYMENT TYPE</u></b>	<b><u>AMOUNT</u></b>
Cheques 366 – 375	\$8,024.74
Electronic Funds Transfers 00224 – 00230	<u>\$354,372.43</u>
<b>TOTAL</b>	<b>\$362,397.17</b>

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

Nil

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

**That the list of payment of cheques, electronic funds payments and credit card payments for June 2018, totalling \$362,397.17 be received.**



### 8.5.3 Draft Budget 2018/19

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment</b>	<b>Draft Budget 2018-19</b>

Voting Requirement	:	Absolute 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	:	Nil
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 consider and adopt the draft budget for the 2018/19 financial year.

## **SUMMARY AND KEY ISSUES**

- The draft 2018/19 budget recommends an increase in revenue from rates totalling \$57,956 or around a 1.83% increase on the estimated 2017/18 total rate revenue raised.
- The budget has been compiled with reference to Council's corporate business and long term financial plans.
- The budget foreshadows capital expenditure of around \$513,500, with a majority of this sum being spent on renewing existing assets.

## **LOCATION**

N/A

## **BACKGROUND**

The Rate Setting Statement shows total revenue required from property rates of \$3,223,004 compared with \$3,165,048 derived in 2017/18, an increase of \$57,956. This equates to a rate increase of 1.83% where 1% of rates delivers \$32,230.

Due to the impact of last year's expanding rate valuation base a property with a gross rental valuation of \$50,000 will see rates rise from \$3,825.00 to \$3,884.50 an increase of \$59.50 or 1.55%. Assuming all properties retain the same valuation as last year – which is likely the case in the vast majority of instances – all ratepayers will see a similar 1.55% increase.

Minimum rates will rise from \$1,360 to \$1,385 and the rate in the dollar is 7.7690 compared with 7.6500 in 2017/18.

A schedule of fees and charges, incorporating GST where required, is included with the draft budget papers.

## **CONSULTATION**

The Long Term Financial Plan was presented to the community in September 2012 and was updated in 2015. This plan has formed the basis of the 2018/2019 draft budget.

Senior staff have had input into the document which has been reviewed by the Senior Management Team.

**STRATEGIC IMPLICATIONS**

The budget will have implications for the Shire's community strategic, corporate business and long- term financial plans.

**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 budget will fund the Shire's capital and operating requirements for financial year 2018/19.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

The 2018/19 budget proposes a decrease in operating revenue of \$134,024 and an increase in operating expenditure of \$22,897.

These changes can largely be attributed to cost reductions in the library and community centre operations and the consequent impact on contributions from the Towns of Mosman Park and Cottesloe.

Other reductions in expected revenue are the result of the WA Local Govt. Grants Commission's forward payment of around 50% of the 2018/19 untied general purpose grants in 2017/18 (\$27,455), minor reductions in the cost of additional, voluntary waste services (reflecting the recent request for quotation from waste contractors under the WALGA preferred supplier arrangements to be considered later in this meeting's agenda) and proposed reductions in the instalment interest and penalty interest rates to encourage more ratepayers to avail themselves of the instalment facility or, if they are unable to, do not incur the large penalties that some experienced in 2017/18 which does not reflect the opportunity cost that Council incurs in reduced cashflow from outstanding rates.

Some non-library operating expenditure savings flow through as a result of efficiencies in the operations of the administration office (allied to the contracts applicable to the library

and community centre) and reductions in the cost of waste collections and waste recyclables collection and processing.

The cash reserves are forecast to increase from \$1,212,006 to \$1,389,386.

A surplus of around \$81,992 as at 30<sup>th</sup> June 2019 is also forecast at this time but will depend upon the final 1 July 2018 brought forward surplus being confirmed after the 2018 audit.

Whilst the offering of a rates discount for payment in full within 35 days of issue of rates notices had been mooted in early budget discussions this has not been incorporated into the draft budget as it would result in a negative Statement of Comprehensive Income result (excluding non-operating grants) and would have a major impact on the 2018/19 financial health indicator.

It appears 2019/20 may be the first opportunity to consider a discount provided the reductions in waste collection costs discussed at item 11.1 of this agenda materialise and filter through to a lower future operating cost generally which could then “absorb” a reduction of around \$35,000 in rate revenue to fund such discount.

### **OFFICER RECOMMENDATION**

**THAT Council:**

- 1. Adopts the 2018/19 Budget including the following:**
  - **Statement of Comprehensive Income (by Nature and Program) for 2018/19 showing a net result of \$110,473;**
  - **Statement of Cash Flows showing a cash balance at 30 June 2019 of \$1,586,069;**
  - **Rate Setting Statement showing amount required to be raised from general rates for 2018/19 totalling \$3,223,004**
  - **Supporting Notes 1 to 17 and other supporting documentation.**
- 2. Adopts the following general and minimum rates for 2018/19:**
  - **General rate of 7.7690 cents in the dollar of gross rental valuation;**
  - **Minimum rate payment of \$1,385 per rates assessment.**
- 3. Adopts the following rates and charges payment options:**
  - **Payment in full by one instalment by 3<sup>rd</sup> September 2018;**
  - **Payment in four instalments where the first instalment includes 25% of current year's rates and charges plus all previous year's amounts in arrears by 3<sup>rd</sup> September 2018 and three subsequent instalments of 25% each of current year's rates and charges by 5<sup>th</sup> November 2018, 3<sup>rd</sup> January 2019 and 4<sup>th</sup> March 2019 respectively.**
- 4. Adopts an instalment administration charge of \$5 for each instalment after the initial instalment is paid.**

- 5. Adopts an interest rate of 3% where ratepayer elects to pay rates and charges by instalments;**
- 6. Adopts an interest rate of 6% where payment of rates and charges is in arrears including overdue instalment payments;**
- 7. Adopts a special arrangements administration fee of \$15 (in addition to interest charges) with respect to outstanding rates and charges and authorises the Chief Executive Officer to enter into such special arrangements.**
- 8. Adopts the Schedule of Fees and Charges for 2018/19.**
- 9. Adopts a level for reporting material variances in monthly financial statements of 10% or \$10,000, whichever is the greater.**

**8.5.4 Curtin Care Inc – Wearne Redevelopment Masterplan – Lot 555 Cottesloe (Wearne Cottesloe)**

## CORPORATE

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachments – Item 8.5.4 refers</b>	1. Submissions 2. Draft Concept Masterplan – Copy Tabled

Voting Requirement	:	Simple Majority
Subject Index	:	CS151A/Curtin Aged Persons Home
Location / Property Index	:	1 Gibney Street, Cottesloe
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	Dwelling
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

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

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## **PURPOSE OF REPORT**

Council at its 27 March, 2018 meeting considered the Draft Master Plan (the Plan) for this facility and approved the Plan for public consultation. The outcome of the public consultation is required to be considered by the co-owning local governments of the Shire of Peppermint Grove and the Towns of Claremont, Cottesloe and Mosman Park.

Curtin Care Inc. will redevelopment and run the facility in accordance with lease terms entered into with the local governments. The site is in the Town of Cottesloe and the town will be responsible for planning matters.

## **LOCATION**

Lot 555 Cottesloe.

## **BACKGROUND**

At the 27 March 2018 Ordinary Council Meeting, Council considered the draft Master Plan for this project and resolved to advertise it for public comment. Curtin Care Inc. have developed the Master Plan in order to allow for a redevelopment of the site to allow for 129 bed residential aged care facilities and 76 retirement apartments.

Each local government is required to consider any submissions they have received. Subject to there being no impediments identified out of the advertising process and each council formally adopts the Plan, the Town of Cottesloe will incorporate the Plan into a Local Planning Policy (LPP) which will be advertised by the Town for public comment. The Town of Cottesloe is the approval authority for the LPP and after it has been adopted, Curtin Care Inc. will prepare a Development Application, which the four co-owners are required to sign before it can be lodged.

## **CONSULTATION**

The four local governments undertook a joint advertising process, with the submission period open for 21 days, closing on 27 April, 2018.

At the close of the submission period, eight submissions were received, seven for Cottesloe and one from Mosman Park. The Shire did not receive any submissions from its residents and isn't required to consider the submissions.

The submissions were generally supportive of the development, although some concerns were raised over building height, setback and parking. It should be noted though, the consultation was specifically in relation to proprietary concerns, and that issues of a planning nature will be considered by the Town of Cottesloe during its LPP consultation process.

(Please refer to Attachment 1 'Submissions on the Draft Concept Masterplan').

**STRATEGIC IMPLICATIONS**

The provision of this aged care facility aligns with the Shire of Peppermint Groves Strategic Community Plan.

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

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

**That Council endorses Curtin Care Incorporated's Wearne Redevelopment Draft Concept Master Plan.**



## 9 NEW BUSINESS OF AN URGENT NATURE

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

## 10 MOTIONS ON NOTICE

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

## 11 CONFIDENTIAL ITEMS OF BUSINESS

**MOVED:**

**SECONDED:**

**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 Item 11.1 Waste Collection Contract.

**CARRIED UNANIMOUSLY:**

At \_\_\_\_ pm, the members of the public left the Council Chambers.

### 11.1 Waste Collection Contract

#### OFFICER RECOMMENDATION/S – ITEM NO 11.1

**That Council adopts the Recommendation as outlined in Confidential Report Item 11.1.**

**MOVED:**

**SECONDED:**

**THAT:**

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

**CARRIED UNANIMOUSLY:**

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

## 12 CLOSURE

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



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

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

**NAME:**

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**POSITION:**

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**MEETING DATE:**

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**ITEM NO & SUBJECT:**

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**NATURE OF  
INTEREST:**

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

\* Please Circle  
applicable

**EXTENT OF  
INTEREST:**

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**SIGNATURE:**

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**DATE:**

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

## **FINANCIAL & PROXIMITY INTERESTS**

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

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

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

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

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

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