



Shire of  
**Peppermint Grove**

# **ORDINARY COUNCIL MEETING**

# **AGENDA**

**TO BE HELD ON  
TUESDAY 28 MARCH 2017  
AT  
5.30 PM**



# Shire of Peppermint Grove

## **NOTICE OF MEETING**

Dear Councillor

It is advised that the **COUNCIL MEETING** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday **28 MARCH 2017**, commencing at 5.30 pm.

## **MEETING AGENDA ATTACHED**

Yours faithfully



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

**28 MARCH 2017**

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### **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 the efficient, effective and orderly decision making within this forum.***

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

### 2.1 ATTENDANCE

Shire President	Cr R Thomas
Deputy Shire President	Cr C Hohnen
Elected Member	Cr K Farley
Elected Member	Cr S Fleay
Elected Member	Cr D Horrex
Elected Member	Cr P Macintosh
Elected Member	Cr G Peters
Chief Executive Officer	Mr John Merrick
Manager Library and Community Services	Ms D Burn
Manager Corporate Services	Mr P Rawlings
Manager Infrastructure Services	Mr D Norgard
Manager Development Services	Mr M Whitbread
Executive Officer	Ms M Tabbakh (Minutes)

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

### 2.2 APOLOGIES

### 2.3 LEAVES OF ABSENCE

### 2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

## **3 DELEGATIONS AND PETITIONS**

### 3.1 DELEGATIONS

### 3.2 PETITIONS

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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

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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*



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*the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.*

## 5.5 STATEMENT OF GIFTS AND HOSPITALITY

*Councillors and staff are required (Code of Conduct), to disclose gifts and acts of hospitality which a reasonable person might claim to be a conflict of interest. Gifts and acts of hospitality which exceed that amount of prescribed by regulation are to be recorded in the Councils Gift Register.*

## 6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.

## 7 CONFIRMATION OF MINUTES

7.1	ORDINARY COUNCIL MEETING	28 FEBRUARY 2017
7.2	AGENDA BRIEFING FORUM	14 MARCH 2017
7.3	CONCEPT FORUM	14MARCH 2017

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## **8 CHIEF EXECUTIVE OFFICER REPORTS**

### **8.1 URBAN PLANNING**

#### **8.1.1 Building Permits Issued**

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

Nil

8.1.2 Retrospective Planning Application Variations the Deemed Provisions. Lot 2  
 (No.19A) View Street, Peppermint Grove

## URBAN PLANNING

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 1</b>	19A View Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	19A View Street
Application Index	:	016-196
TPS No 3 Zoning	:	Residential
Land Use	:	Single Dwelling
Lot Area	:	m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Building Corporation WA Pty Ltd T/A Giorgi Architects and Builders.
Owner	:	M Love
Responsible Officer	:	Michael Whitbread Manager of Development Services

### COUNCIL ROLE

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

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## **PURPOSE OF REPORT**

For Council to consider an application to vary the Deemed-to-Comply provision relating to;

- a) Overlooking from the upper level of bedroom 2 to the adjoining southern neighbour;
- b) Extension of sun terrace and external staircase (retaining and fill);
- c) Retaining along 6.7-metres of the common northern boundary and screen wall.

## **SUMMARY AND KEY ISSUES**

- The proposed is acceptable in Planning terms.
- The written support of neighbours has been provided.
- Approval has been recommended.

## **LOCATION**

As per the attached location plan

## **BACKGROUND**

Council received a certified building permit application for a two storey dwelling on the subject site on the 30 September 2016. A conditional building permit was issued on the 10 October 2016. It was assessed at that time that the proposed development complied with the Deemed-to Comply provisions of the R-Codes and Town Planning Scheme No.3.

However, the applicant has subsequently approached the Shire seeking variation in regard to the screening to the bedroom two window on the western elevation which was shown on the plans.

At the same time, the original building permit application indicated that the raised terrace and retaining walls at the rear of the dwelling would be setback from the boundary in accordance with the R-Codes, as if they were buildings for the purposes of maintaining the amenity of adjoining landowners.

Following the Agenda Briefing Forum, 14 March 2017, the applicant was advised that since the works had already been completed in regard to the sun deck extension, that the application would need to be amended to be retrospective. Under Planning Bulletin 93/2013 there is an additional penalty fee for works already carried out or commenced, which is calculated by the applicable fee, plus twice that fee.

The Shire is able to demand an application for retrospective building approval for these works.

## **CONSULTATION**

The proposed work was advertised to adjoining landowners. Both affected landowners have provided written support for the proposed changes to the privacy provision and the degree of fill and retaining.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

The works proposed in this application are subject to the provisions of the R-Codes.

## **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 reason bedroom 2 on the upper level required screening to meet the cone of vision under the R-Codes, was the fact that despite facing View Street, the bedroom window was located behind the 9-metres setback line. It has been assessed that there would be no overlooking issue created if the requirement for obscured glass on a portion of this bedroom window was removed.

In regard to the proposed extension of the retaining wall and fill above 500mm, a site inspection conducted on the 8 March 2017, revealed that the works applied for had already been carried out. The works involved fill of approximately 1-metre and the relocation of the staircase further east from the sun terrace. Nevertheless, the works have not greatly affected the amenity of the adjoining landowners, and while less than an ideal design solution, the outcome would meet the design principles outlined in the R-Codes.

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

**That Council grant planning approval for minor R-Code variations on Lot 2 (No.19A View Street, Peppermint Grove, in accordance with the plans and specifications submitted on 17 February 2017 without conditions.**

## 8.1.3 Proposed Change of Roof Cladding and Replacement Roof Cladding. Lots 148 &amp; 149 (No.56) The Esplanade, Peppermint Grove

## URBAN PLANNING

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 2</b>	56 The Esplanade

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	56 The Esplanade
Application Index	:	016-197
TPS No 3 Zoning	:	Residential
Land Use	:	Single Dwelling
Lot Area	:	4048m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	Item 9.1.1 28 February 2014
Applicant	:	Michael Suttor Architects
Owner	:	Satterley Property Group
Responsible Officer	:	Michael Whitbread Manager of Development Services

### COUNCIL ROLE

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

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## **PURPOSE OF REPORT**

For Council to consider a development application for the replacement roof cladding to the category 1 building and a change in the roof cladding of the previous approved side and rear additions. The application also proposes copper guttering and downpipes, plus the introduction of ventilation louvres to the roof gable.

## **SUMMARY AND KEY ISSUES**

- |   |
|---|
| <ul style="list-style-type: none"><li>• The proposed cladding is acceptable in heritage terms.</li><li>• Concerns have been raised in regard to the proposed gable ventilation</li><li>• Approval has been recommended.</li></ul> |
|---|

## **LOCATION**

As per the attached location plan

## **BACKGROUND**

Council at its meeting held on the 28 February 2014 (item 9.1.1 refers), has granted planning consent for alterations and additions to the heritage dwelling. The works are in progress and the building is expected to be completed by late 2017.

The scope of works included the retention of the existing terracotta roof cladding to the heritage house and a metal deck roof cladding to the side and rear addition, which was chosen at that time as it was not possible to source new examples of terracotta Marseille roof tiles.

Concerns were raised by the architect and builder in regard to the condition of the existing terracotta Marseille roof tiles. It was felt that during this current phase of construction that it would be opportune to replace this roof cladding. At the same time it was acceptable the additions to be clad in the same material

While it is possible to source small quantities of these tiles second hand for maintenance purposes, the need to reroof what was already a substantial roof area would not be readily achieved and is certainly not a long term solution.

## **CONSULTATION**

The proposed work was advertised to adjoining landowners and no written submissions were received.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.



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## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

Under the Deeming provisions of the Planning and Development (Local Planning Schemes) Regulation 2015, all works to a building on the Municipal Inventory requires development approval.

#### Heritage

The application was referred to the Shire's heritage consultant for comment. While the change of roof cladding over the existing house and the addition was supported hesitation was expressed in regard to the proposed changes to the extant gables, gutter and downpipe materials;

*The gables are a prominent original feature and no compelling case is made for the change. The eaves on these houses are traditionally very leaky and generally provide the air intake to clear the roof void. Rather than gables having grilles, the language is generally gablets about a third of a gable proportions. I think the proponents need to come up with an alternative solution.*

*The material change for rainwater goods is acceptable and we should be told the profiles intended.*

Conditions dealing with the heritage issues raised have been included in the 'Officers recommendation' below.

## **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 replacement of the existing roof on the original portion of the house is pragmatic given the extensive building programme being undertaken to date and the inability to find identical

profile replacement tiles. What is continued is the roof tile size and materials, on this basis approval for this element in the scope of works can be supported.

In regard to the proposed change in roof cladding on the additions to the house, there are no objections to the previously approved metal roof cladding in the 2014 approval being replaced with terracotta shingles which would provide a consistent and coherent roof finish.

In terms of the gutters and downpipes, there were no objection on heritage grounds subject to the profile being complementary to the original style for this era of house.

The proposal to place ventilation louvres in the existing gables is assessed that this would result is an unacceptable change to an original element of the building and as alternative means of roof ventilation are available these should be explored in the first instance.

On this basis approval can be recommended.

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

**That Council grant planning approval for replacement roof cladding and a change in roof cladding on Lots 148 & 149 63 (No.56) The Esplanade, Peppermint Grove, in accordance with the plans and specifications submitted on 23 February 2017, subject to the following conditions:**

- 1. Prior to the issue of a building permit for the works, the details of the gutter and downpipe profiles shall be submitted to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.**
- 2. The proposed alteration to the gables shall be deleted from the plan**

#### **Advice Note:**

- i) In regard to condition 2 above Council would support alternative solution to roof ventilation that does not affect the original design elements and features of the building.**

8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

## 8.4 MANAGEMENT / GOVERNANCE / POLICY

### 8.4.1 Local Law Review

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3	Western Australian Government Gazette

Voting Requirement	:	Simple Majority
Subject Index	:	File Ref: LE098F
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	John Merrick, Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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## **PURPOSE OF REPORT**

Advice to Council of the advertisement of its intention to review its Local Laws

## **SUMMARY AND KEY ISSUES**

- Council to undertake public consultation
- Review required at the Ordinary Council Meeting 27 June 2017.

## **LOCATION**

N/A

## **BACKGROUND**

Our Local Laws have not been reviewed since Gazettal in 2001 and, while remaining largely relevant, some minor changes are recommended along with an increase in the penalties to be applied.

Council's intention to review was advertised in the West Australian on Saturday 4<sup>th</sup> March and Wednesday 8<sup>th</sup> March, with submissions being invited until the 31<sup>st</sup> May 2017, in accordance with Section 3.16 of the Local Government Act 1995.

It is proposed that any submissions received be considered in a final item at the June 2017 Council meeting, where any resolution would require the approval of the Minister and the Attorney Generals Department before Gazettal.

## **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**

Nil

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## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

Nil

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Council may wish to consider the following recommendations for change as well as any other proposals from either Councillors or from within the submissions received.

### Fencing

In respect to "Street Frontages" on page 5119 of the Western Australian Government Gazette, Council should consider whether policy within the R-Codes covers this adequately.

### Emissions

Penalties of \$100 may be considered inadequate sixteen years after they were originally gazetted.

### Parking

Council to consider the adoption of the Cottesloe Parking and Parking Facilities Local Law, as we are currently enforcing those Laws through Cottesloe rangers.

### Activities on thoroughfares

Consideration on an increase to the penalties contained on page 5151 of the Western Australian Government Gazette, to reflect current practice and review.

### Dogs

Once again, Council should review this law to reflect current practice through Cottesloe rangers and to review the penalties given that we have very few occasions of involvement in breaches of the Dog Act.

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

**That Council consider any changes it requires within our Local Laws for inclusion in an agenda item to the June Meeting following the receipt of public submissions.**

## 8.5 CORPORATE

## 8.5.1 FINANCIAL REPORT – JANUARY 2017

## CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4	Financial Report – January 2017

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager, Corporate Services

COUNCIL ROLE

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

To provide Council with a report of financial activity for the period 1 July 2016 to 31 January 2017.

## **SUMMARY AND KEY ISSUES**

- The financial report for the seven-month period ended 31 January 2017, indicates a year-to-date surplus of \$1,768,405 some \$87,463 more than forecast;
- Operating revenue is some \$4,996 more than forecast.
- Operating expenditure is some \$57,815 less than forecast;
- Capital expenditure totalling \$386,900 has been incurred.

## **LOCATION**

N/A

## **BACKGROUND**

Nil

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

There are no specific financial implications at this time.

Council's 2016/17 budget forecast a surplus of around \$230,000 at 30<sup>th</sup> June 2017. The financial performance to date suggest that this figure will be achieved if not exceeded.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.



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## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

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

### **(1) Fees & Charges**

Revenue from fees and charges is some \$10,636 less than forecast at 31<sup>st</sup> January 2017. At this stage revenue from development application fees is the only area that could be more than \$10,000 less than expected at the end of June 2017 though revenue from building applications has been strong to date and may offset any shortfall in the former category.

### **(2) Contributions & Reimbursements**

Revenue from contributions and reimbursements is some \$27,917 greater than forecast. This is due to the unbudgeted raising of contributions from other local governments for long service leave due to S Farley (\$9,800) and P Rawlings (\$19,200). This additional revenue will be transferred to the two staff leave reserves in due course to offset the cost of payments to these employees when they take the leave. Further contributions for long service leave owing to D Norgard (\$10,900) will be raised in April 2017 and treated in a similar manner.

### **(3) Interest on Investments**

A combination of historically-low term deposit interest rates, delays in sending out rates instalments reminders and poor cash flow resulting from a higher than-usual number of “delinquent” rates assessments has impacted Council’s ability to derive interest on investments. The interest budget will be further examined as part of the annual budget review in March.

### **(4) Employee Costs**

Employee costs are some \$14,693 less than expected. This figure mainly represents staff salaries and wages to be accounted for (accrued) as at 30<sup>th</sup> June 2017.

### **(5) Materials & Contracts**

Materials and contracts expenses are some \$22,024 lower than anticipated. This mainly relates to invoices for January (and prior) yet to be received.

### **(6) Insurances**

Council’s total insurance premiums for 2016/17 are some \$17,065 less than estimated. The majority of these savings relates to worker’s compensation premium savings for the current year plus a premium adjustment from 2015/16 rebated in 2016/17. Other minor savings have been achieved under the industrial special risks, liability and vehicle insurance categories.

### **(7) Infrastructure Assets – Roads (CAPEX)**

Road capital expenditure is some \$21,292 less than anticipated, due mainly to savings on two major projects - \$12,333 on Monument Street and \$6,516 on Bay View Terrace.

(8) Net Current Assets Year-to-Date

Net current assets as at 31 January 2017 exceed the forecast figure by some \$87,463, due mainly to the actual versus budget variances noted above.

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

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

**8.5.2 Accounts Paid – February 2017**
**CORPORATE**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 5</b>	<b>Accounts Paid – February 2017</b>

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

**COUNCIL ROLE**

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

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## **PURPOSE OF REPORT**

The purpose of this report is to obtain approval for cheques drawn, credit card and electronic funds payments and direct debits since the last report.

## **SUMMARY AND KEY ISSUES**

Significant payments in February 2017 included the following:

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

## **LOCATION**

N/A

## **BACKGROUND**

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

<b><u>PAYMENT TYPE</u></b>	<b><u>AMOUNT</u></b>
Credit Card Transactions	\$2,701.20
Cheques 249 – 252	\$4,020.90
Electronic Funds Transfers 00057 – 00063 (excl. \$2,701.20- credit cards)	\$376,268.27
<b>TOTAL</b>	<b>\$382,990.37</b>

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

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**FINANCIAL IMPLICATIONS**

The payments processed by the Shire relate to expenditure approved in the 2016/2017 annual budget (as amended).

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

Nil

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

**That:**

**The payment of cheques, electronic funds payments and credit card payments for February 2017, totalling \$382,990.37 be approved.**

**8.5.3 2016/17 Budget Review**
**CORPORATE**
**ATTACHMENT DETAILS**

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

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager, Corporate Services

**COUNCIL ROLE**

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

To consider and adopt the Budget Review as presented in the Statement of Financial Activity for the period 1 July 2016 to 28 February 2017.

## **SUMMARY AND KEY ISSUES**

- |  |
|--|
| <ul style="list-style-type: none"><li>• The annual budget review</li></ul> |
|--|

## **LOCATION**

N/A

## **BACKGROUND**

At its December 2016 meeting Council resolved to vary its 2016/17 budget to, in large part, re-allocate an additional \$107,331 in “surplus” funds brought forward from 2015/16, representing unspent programmed expenditure.

This further review (after eight months of operations) will address changes to revenue and expenditure that have occurred or are expected to occur between now and 30 June 2017.

## **CONSULTATION**

Consultation with senior officers has been 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**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Consideration and review is to be given to a local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.
- (3) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (4) A council is to consider a review submitted to it and is to determine\* whether or

not to adopt the review, any parts of the review or any recommendations made in the review.

*\*Absolute majority required.*

- (5) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

## **FINANCIAL IMPLICATIONS**

The following variations to the 2016/17 budget are proposed:

Acct.	Particulars	Original	Proposed	Variance	Comments
41121	Bay View Tce reseal	(69,569)	(63,055)	6,514	Savings on estimated cost of project
15110	Non-operating Grants - Roads	62,661	58,317	(4,344)	2/3 of Bay View Tce savings reflected in lower RRG grant
41121	Monument Street reseal/drainage	(55,000)	(42,667)	12,333	Savings on estimated cost of project
41121	Hobbs Place reseal	(25,000)	0	25,000	Project deleted - to be replaced by The Esplanade works in 2017/18
28270	Parks & Gardens (contracts)	(33,200)	(59,700)	(26,500)	Parks benches, replace controller, kiosk water & reticulation costs
17160	Interest on reserve investments	7,800	11,300	3,500	Additional interest due to delays at Keane's Pt Café
23100	Tr'fer from Public Open Space Res.	153,000	160,000	7,000	\$3,500 add. interest plus balance to offset costs at 28270 above
28860	Contract landscaping	(22,000)	(15,500)	6,500	Work now performed by Shire staff
31160	Workers Compensation Insurance	(50,315)	(46,815)	3,500	Insurance premium savings (Shire component)
35110	Loan Guarantee Fee	(2,922)	(8,800)	(5,878)	Additional State Govt. charges not budgetted for
17150	Interest on municipal investments	30,000	12,375	(17,625)	Reduction in expected investment interest earnings
17120	Interest on outstanding rates	4,000	10,000	6,000	Increase in expected overdue rates interest earnings
20459	Refuse Removal Charges	16,000	10,000	(6,000)	Decrease in estimated refuse charges pending bin audit
20650	Development Application Fees	60,000	52,000	(8,000)	Decrease in estimated planning fees
27790	CEO Recruitment costs	(20,000)	0	20,000	Consultants costs to be re-budgetted in 2017/18
27790	Consultants - Risk Management	0	(9,000)	(9,000)	Recommendation from Audit Committee (Risk framework)
27730	Consultants - Valuations	(15,500)	(30,500)	(15,000)	Land, buildings, furniture & equipment fair valuations
28615	Swimming Pool Inspections	(5,000)	0	5,000	Inspections costs included as salaries rather than contractor
26110	Salaries & Wages	(1,793,807)	(1,798,807)	(5,000)	Swimming Pool inspection costs
28410	Museum Contribution	(5,000)	0	5,000	No 2016/17 contribution due to Museum refurbishment
28420	Gallipoli Remembered contribution	0	(3,000)	(3,000)	Contribution to "Gallipoli Remembered" publishing costs
CAPEX	Artworks	0	(16,500)	(16,500)	Purchase of 2 artworks
23100	Tr'fer from Arts/Culture Reserve	0	16,500	16,500	"Songlines" by M Kickett plus proposed new purchase
38280	Other Sundry Expenses	0	(101,338)	(101,338)	Share of Library cash reserve - Mosman Pk & Cottesloe
23100	Transfer from Library Reserve	0	101,338	101,338	Share of Library cash reserve - Mosman Pk & Cottesloe
	<b>NET VARIATION</b>			<b>0</b>	



The revised Statement of Financial Activity taking into account the proposed variations follows:

	<b>ADOPTED BUDGET 2016/17</b>	<b>REVISED BUDGET 2016/17</b>	<b>PROPOSED BUDGET 2016/2017</b>
<b>Operating Revenue</b>			
FEES & CHARGES	300,600	374,780	360,780
GRANTS & SUBSIDIES	169,353	164,201	159,857
CONTRIBUTIONS, REIMBURSEMENTS	1,314,302	1,334,302	1,334,302
INTEREST ON INVESTMENTS	47,800	47,800	33,675
OTHER REVENUE	27,300	27,300	33,300
PROFIT ON SALE OF ASSETS	1,065	1,065	1,065
	<b>1,860,420</b>	<b>1,949,448</b>	<b>1,922,979</b>
<b>Operating Expenses</b>			
EMPLOYEE COSTS	(2,090,422)	(2,090,422)	(2,095,422)
MATERIALS & CONTRACTS	(1,795,767)	(1,967,026)	(2,085,364)
PUBLIC UTILITIES	(151,200)	(156,300)	(156,300)
DEPRECIATION	(386,384)	(386,384)	(265,623)
INTEREST EXPENSES	(62,136)	(62,136)	(68,014)
INSURANCES	(117,750)	(117,750)	(114,250)
LOSS ON SALE OF ASSETS	0	0	0
OTHER EXPENSES	(63,250)	(63,250)	(63,250)
	<b>(4,666,909)</b>	<b>(4,843,268)</b>	<b>(4,848,263)</b>
<b>CHANGE IN NET ASSETS</b>	<b>(2,806,489)</b>	<b>(2,893,820)</b>	<b>(2,925,244)</b>
<b><u>Adjustments for Non-Cash (Revenue) and Expenditure</u></b>			
(Profit)/Loss on Asset Disposals	(1,065)	(1,065)	(1,065)
Depreciation on Assets	386,384	386,384	265,623
	385,319	385,319	264,558
<b><u>Capital Expenditure</u></b>			
Land & Buildings	(158,000)	(158,000)	(158,000)
Plant and Equipment	(139,000)	(139,000)	(139,000)
Furniture & Equipment	(30,000)	(37,000)	(53,500)
Infrastructure Assets - Roads	(276,228)	(276,228)	(232,381)
Infrastructure Assets - Other	(232,000)	(232,000)	(232,000)
Infrastructure Assets - Footpaths	(110,000)	(110,000)	(110,000)
Infrastructure Assets - Parks & Reserves	0	0	0
Infrastructure Assets - Drainage	0	0	0
	<b>(945,228)</b>	<b>(952,228)</b>	<b>(924,881)</b>
<b><u>Capital Revenue</u></b>			
Proceeds from Disposal of assets	132,250	132,250	132,250
<b><u>Debt Management</u></b>			
Repayment of Debentures	(24,186)	(24,186)	(24,186)
<b><u>Reserves and Restricted Funds</u></b>			
Transfers to Reserves	(140,300)	(155,300)	(155,300)
Transfers from Reserves	183,000	185,000	309,838

	42,700	29,700	154,538
Net Current Assets July 1 B/Fwd	390,000	497,331	497,331
Net Current Assets Year to Date	229,466	229,466	229,466
<b>Amount Raised from Rates</b>	<b>3,055,100</b>	<b>3,055,100</b>	<b>3,055,100</b>

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

The above Statement of Financial Activity anticipates a small reduction in operating revenue (\$26,469) and a slight increase in operating expenses (\$4,995). This has been achieved by eliminating the depreciation expense for buildings (\$105,818) and furniture and equipment (\$14,943) on the advice of the Dept. for Local Government that these classes of assets may be re-valued to their fair values as at 30 June 2017 in lieu of 1 July 2016 as originally anticipated. (Had the revaluation date of 1 July 2016 still applied these assets would have still been depreciated during 2016/17).

As a result of the above no significant impact on any of Council financial performance indicators is expected and the anticipated \$229,466 remains current.

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

**That Council adopts the review of the 2016/17 budget with the variations listed above for the period 1 July 2016 to 30 June 2017 and amends the budget accordingly.**

**8.5.4 Compliance Audit Return 2016**
**CORPORATE**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 6</b>	<b>Compliance Audit Return 2016</b>

Voting Requirement	:	Simple Majority
Subject Index	:	CM139B
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager Corporate Services

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
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## **PURPOSE OF REPORT**

To consider a recommendation from the Audit Committee regarding acceptance of the Compliance Audit Return for 2016.

## **SUMMARY AND KEY ISSUES**

- |   |
|---|
| <ul style="list-style-type: none"><li>• The Audit Committee recommends adoption of the 2016 Compliance Audit Return</li></ul> |
|---|

## **LOCATION**

N/A

## **BACKGROUND**

The Audit Committee met on 28<sup>th</sup> February 2017 to consider a recommendation regarding the acceptance of the 2016 Compliance Audit Return.

Completion of the Compliance Audit Return is a statutory requirement and requires that it be:

- a) presented to Council at a meeting of the Council;
- b) adopted by the Council; and
- c) recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to the Council, a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General by 31 March 2017. (Certified means signed by the Mayor or President and the CEO).

## **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 Shire has met all statutory requirements under regulation 13 of *the Local Government (Audit) Regulations 1996*.

## **FINANCIAL IMPLICATIONS**

There are no financial implications 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**

In the reporting year, 2016, the Shire has been compliant in all areas.

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

**That Council adopts the recommendation from the Audit Committee meeting held 28<sup>th</sup> February 2017 regarding acceptance of the Compliance Audit Return for 2016.**

## 9 NEW BUSINESS OF AN URGENT NATURE

### 9.5 LATE ITEM

#### 9.5.2 Over-height Rear Wall and Gate Lot 104 (No.38) Leake Street Peppermint Grove. **URBAN PLANNING**

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7 Late Item	38 Leake Street

Voting Requirement	:	<b>Simple Majority</b>
Subject Index	:	Property
Location / Property Index	:	38 Leake Street
Application Index	:	016-195
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	1819m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Cottesloe Constructions
Owner	:	Linda Coli
Responsible Officer	:	Michael Whitbread Manager of Development Services

#### COUNCIL ROLE

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

For Council to determine an application for an over-height limestone wall along the rear boundary of the subject site.

## **SUMMARY AND KEY ISSUES**

- The landowner has experienced security issues with the extant strand height wall.
- The wall height has been reduced.
- Conditional approval is recommended.

## **LOCATION**

Please refer to attached location plan

## **BACKGROUND**

Council considered the application for a 2.8-metre high wall along the rear boundary of No 38 Leake Street at its meeting held on the 28 February 2017 and resolved to defer the matter pending discussions with the applicant in regard to the height of the wall.

## **CONSULTATION**

The adjoining/affected landowners were contacted in regard to the change of use and prior to the February Council meeting a written objection was received.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no Policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

The Shire's Fencing Local-law requires that boundary fences be a maximum of 1.8-metres in height. Above this height Council approval is required.

At the same time it is working practice to require a building permit for any wall over 2.1-metres in height, due to the additional wind loads involved and obvious safety issues, especially when masonry or limestone is involved.

Council is able to consider over height walls on merit.

## **Heritage**

There are no heritage issues associated with this application.

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### **FINANCIAL IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

There are no social implications at this time.

### **OFFICER COMMENT**

There are a number of over-height walls along several laneways in the Shire. As outlined in many police reports on crime, properties with two frontages, such as corner lots and those with rear laneways, are preferred by criminals as they provide two exit points if they are disturbed.

The applicant, in raising the height of the rear wall, is attempting to make access to the site difficult given their recent experience and their desire to deter criminal activity on their property.

The objection received claims that the height would be visually intrusive. However, this is difficult to sustain given that the subject site and the adjoining/affected land is 90-metres in depth. What this means is, that the distance from the rear of the houses to the Right-of-Way is that it is difficult to sustain given that the proposed wall will be offset and located approximately 45-metres from the rear of the objector's house.

Following a site meeting with the applicant, it was agreed that rather than an increase in 2-courses along the entire length of the wall that instead one course plus a cap be added and that the wall be stepped in height along a portion of the eastern third of the wall to ensure a consistent height.

The proposed increase in height of the wall to a maximum of 2.5-metres can be supported on planning grounds and a conditional approval can be recommended in this instance.

### **OFFICER RECOMMENDATION/S – ITEM Np. 9.1.1**

**That Council grant planning approval for a three metre high rear boundary wall and gate on Lot 104 (No.38) Leake Street, Peppermint Grove in accordance with the plans and specifications submitted on 6 February 2017, subject to the following conditions;**

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



- 2. The external face of the wall shall be finished to the satisfaction of the Chief Executive Officer of the Shire.**
- 3. Revised plans demonstrating a maximum height of 2.5-metres with a stepped section along the eastern portion of the wall shall be submitted to the satisfaction of the Chief Executive Officer of the Shire.**

**Advisory Note**

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

**10 MOTIONS ON NOTICE**

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

**11 CONFIDENTIAL ITEMS OF BUSINESS**

## 11.1.1 CONFIDENTIAL ITEM

## 11.1.1 Requests for Review of Rates, Penalty Interest

**12 CLOSURE**

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

---

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

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

**NAME:** \_\_\_\_\_

**POSITION:** \_\_\_\_\_

**MEETING DATE:** \_\_\_\_\_

**ITEM NO & SUBJECT:** \_\_\_\_\_

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

**EXTENT OF INTEREST:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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

## **FINANCIAL & PROXIMITY INTERESTS**

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

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

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

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

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

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