



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY **25 OCTOBER 2022**
AT
5.30 PM



Shire of Peppermint Grove

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Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING MINUTES

1. DECLARATION OF OFFICIAL OPENING

At 5.30pm, 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 Farley.

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 (Presiding Member)
Deputy Shire President (Presiding Member)
Elected Member
Elected Member
Elected Member

Cr R Thomas
Cr C Hohnen
Cr P Macintosh
Cr P Dawkins
Cr K Farley

Chief Executive Officer
Manager Development Services
Manager Infrastructure Services

Mr Don Burnett
Mr J Gajic
Mr D Norgard

Gallery NIL Members of the Public
1 Members of the Press

2.2 APOLOGIES

Elected Member
Elected Member
Manager Corporate & Community Services

Cr D Jackson
Cr D Horrex
Mr M Costeralla

2.3 LEAVES OF ABSENCE

NIL

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

NIL

3.0 DELEGATIONS AND PETITIONS

NIL

3.1 DELEGATIONS

NIL

3.2 PETITIONS

NIL

4.0 PUBLIC QUESTION TIME

The Presiding Member will open the public question time by asking the gallery if there were any questions or deputation for Council.

1. The Agenda;
2. Question to Council; and
3. 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 FROM A PREVIOUS MEETING

NIL

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

NIL

4.3 DEPUTATIONS OF THE PUBLIC

NIL

4.4 PRESENTATIONS FROM THE PUBLIC

NIL

5.0 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.

5.3 IMPARTIALITY INTEREST

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

5.4 INTEREST THAT MAY CAUSE A CONFLICT

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

5.5 STATEMENT OF GIFTS AND HOSPITALITY

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

6. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

NIL

7. CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING

27 SEPTEMBER 2022

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM 7.1

Moved: Cr Macintosh

Seconded: Cr Horrex

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 27 September 2022 be confirmed as a true and accurate record.

CARRIED 5/0

8 OFFICERS REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 11 (Lot 5 & 210) Irvine Street, Peppermint Grove – Single House - Additions and Alterations

URBAN PLANNING

ATTACHMENT DETAILS

Attachment No	Description
Attachment 1	Locality Map
Attachment 2	Development Application Submissions and Drawings
Attachment 3	Heritage Report

Location / Address	:	11 Irvine Street, Peppermint Grove
Application Number	:	DA2022/00027
LPS No 4 Zoning	:	Residential R12.5
Land Use	:	Single House
Lot Area	:	810m ²
Disclosure of Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Griffiths Architects
Owner	:	J Lomas
Assessing Officer	:	Mr M. Stocco
Authorising Officer	:	Mr J. Gajic

PURPOSE OF REPORT

To consider development application for a Single House – Additions and Alterations.

SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R12.5) a Single House is a 'P' use.
- The property is in the Municipal Heritage List, Category 1.
- The application was advertised to the western affected neighbour and was referred to for comment. No submissions were received.
- The proponent has provided justification why Council discretion should be exercised for the local planning policy framework and how the design principles for lot boundary setbacks, street walls and fences, sight lines, and open space have been satisfied.

LOCATION

11 Irvine Street, Peppermint Grove.

BACKGROUND

11 Irvine Street contains a 1910-1913 Federation Queen Anne cottage.

The neighbourhood character is notable for a cluster of heritage properties with open framed fencing and landscaping gardens.

The proponent has provided a heritage report with acknowledgment of the significance of the place and an assessment of the impact of the proposed additions.

The proposed additions and alterations are limited to the conversion of a carport to a storage shed, widening of the existing vehicular crossover and additional hard stand, conversion of a shed to a cellar including new steps, and alterations and minor additions to an alfresco area. The proposed works are considered to satisfy the relevant design principles, provisions, and policy objectives of the planning policy framework. This report focuses on the impact on the streetscape and the neighbours to the west.

CONSULTATION

The proponent discussed the proposal at the time of lodgement and met with planning officers to clarify the works and better understand the planning framework. Further information was sought to clarify the layout and address sight lines. The front fence column layout was subsequently revised.

Advertising to the western neighbour for a period of 14 days was required in accordance with the Shires Local Planning Policy 6 – Neighbour Consultation. The advertisement period has now concluded, and no submission was received.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

The proposal complies with relevant Local Planning Policy.

STATUTORY IMPLICATIONS

The statutory timeframe to determine an application that has been advertised is ninety (90) days excluding any period the application is on hold pending the submission of further information. After this date the application is 'deemed to be refused' for the purposes of enabling an application for determination to be lodged to the State Administrative Tribunal (SAT). This application is within the statutory timeframe.

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

LOCAL PLANNING SCHEME NO. 4	
Scheme Provisions/Modification of R-Codes	Assessment/Comment
Building Height The maximum height of dwellings coded R10, R12.5 , R15 and R20 shall be determined in accordance with the R-Codes for category B areas and not exceed two storeys excluding any basement. Height shall be measured in accordance with ' <i>mean natural ground level</i> ' as defined in the Scheme as opposed to ' <i>natural ground level</i> ' as defined in the R-Codes.	Compliant. The deemed-to-comply requirement for a wall of a dwelling with a hipped and pitched roof is 7m and overall height is 10m.
Street Setbacks For R10, R12.5 and R15 coded areas the setback from the front street boundary to any building, including a carport or garage, shall be a minimum of 9 metres from the primary street and 4.5 metres from the secondary street.	Non-compliant. The existing carport is setback is 7m. The subject site has a single street frontage. The impact of the carport conversion on the street setback is further explored under the Council Policy table below.

RESIDENTIAL DESIGN CODES	
Design Principles	Assessment/Comment
Site Area 5.1.1, Table 1 of the R-Codes.	N/A no new lots or additional dwelling(s) are proposed.
Street and Lot Boundary Setbacks 5.1.2 & 5.1.3, Tables 1, 2a and 2b of the R-Codes.	<p>The deemed-to-comply requirements for street setbacks are varied by clause 26(2) of the local planning scheme and addressed in the Scheme/R-Code Modification table above.</p> <p>The deemed-to-comply requirements for buildings built up to a boundary in areas coded R10 and R12.5 is varied by Local Planning Policy 11 and addressed in the Scheme/Council Policy table below.</p> <p>Western Setback – The existing carport is located on the side boundary of the neighbouring property. Setback nil from the boundary and is 3.57m in height. The location of the shed is consistent with an existing carport which has parapet. The shed is being enclosed on two sides and will not be used for vehicle storage. The hipped roof is being replaced with a gable roof and the existing parapet raised 900mm.</p>

<p>Open Space 5.1.4, Table 1 of the R-Codes.</p>	<p>There is no significant change to the size of the building footprint. However, the deemed-to-comply requirement 55% has not been achieved. 43% of open space has been provided.</p> <p>The proposal relies on the design principles that take into consideration streetscape character, solar access, building bulk, landscaping and the usability of open space.</p> <p>The proposed building works will have little to no impact on the streetscape and are of single-story construction. The subject site has functional open space. Due to the heritage property and the of the dwelling, which appears to be unchanged in building layout, the open space remained consistent at 43%.</p> <p>The design principles are considered to be met.</p>
<p>Building Heights 5.1.6, Table 3 Figure Series 7 of the R-Codes.</p>	<p>The deemed-to-comply requirements for building height are varied by clause 26(1) of the local planning scheme and addressed in the Scheme/R-Code Modification table above. The proposal does not rely on Council discretion.</p>
<p>Street Surveillance 5.2.3 of the R-Codes.</p>	<p>Compliant. The deemed-to-comply requirement is for the street elevation(s) of the dwelling to address the street with clearly definable entry points visible and accessible from the street, at least one major opening from a habitable room to face the street.</p>
<p>Street Walls and Fences 5.2.4, Figure 12 of the R-Codes.</p>	<p>Compliant. The deemed-to-comply requirement for street walls and fences to be visually permeable above 1.2m and solid pillars to not exceed 1.8m has been met. The deemed-to-comply requirements are varied by Local Planning Policy 12 – Front Fences and addressed in the Scheme/Council Policy table below.</p>
<p>Sight Lines 5.2.5, Figure 9a of the R-Codes.</p>	<p>The deemed-to-comply requirement is for all walls, fences and other structures to be truncated or reduced in height to no more than 750mm within 1.5m of where the driveway intersects with the street / right-of-way.</p> <p>The design principles require the provision of unobstructed sight lines at vehicle access points to ensures safety and visibility along access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.</p> <p>The eastern column adjacent to the driveway encroaches slightly into the 1.5m truncation. However, the fence is permeable and affords sightlines to and from the adjacent footpath.</p> <p>The design principles are considered to be met.</p>
<p>Outdoor Living Areas 5.3.1, Table 1 and Figure 13 of the R-Codes.</p>	<p>N/A. There are no measurable changes to the existing outdoor living area.</p>

Landscaping 5.3.2 of the R-Codes.	Compliant. The deemed-to-comply requirement for landscaping of single houses is one tree occupying a minimum tree planting area of 2m x 2m that is free of impervious surfaces.
Parking 5.3.3 of the R-Codes.	Compliant. The development is located within 250m of a high frequency bus route. The deemed-to-comply requirement is for each single house is for one bay.
Vehicular Access 5.3.5 of the R-Codes.	Compliant. The deemed-to-comply requirement is for access to on site car parking spaces to be provided where available from a communal street or right-of-way, from a secondary street where no communal street or right-of-way exists, from the primary street frontage where no secondary street or communal street or right-of-way exists.
Site Works 5.3.7, Table 4 of the R-Codes.	N/A. There are no proposed changes to the existing site levels between the street boundary and the street, or in close proximity to any lot boundary.
Stormwater Management 5.3.9 of the R-Codes.	Compliant. The deemed-to-comply requirement is for all water draining from roofs, driveways, communal streets and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
Visual Privacy C5.4.1, Figure 10, 10a, 10b and 10c of the R-Codes.	N/A. No major openings are proposed, and retrospective compliance is not sought such that the deemed-to-comply requirement does not apply.
Solar Access for Adjoining Sites 5.4.2 of the R-Codes.	N/A. there is no residential zoned land located to the south of the subject site that may otherwise be impacted.
Outbuildings 5.4.3, Tables 1 & 2a of the R-Codes.	<p>The deemed-to-comply requirement for a large outbuilding is individually or collectively does not exceed 60m² in area or 10% in aggregate of the site area (whichever is the lesser), set back in accordance with Table 2a, does not exceed 10m² in area, does not exceed a wall height of 2.4, does not exceed a ridge height of 4.2m, not located within the primary or secondary street setback area, and does not reduce open space and outdoor living area requirements.</p> <p>The floor area of the existing shed to be converted to a cellar is 18.3m² and 2.2m high. There is no proposed change to the building footprint.</p> <p>Setback in accordance with Table 2a – the setback is nil from the north and west boundary. The shed is existing. The design principles require outbuildings to not detract from the streetscape or the visual amenity of residents or neighbouring properties.</p> <p>The outbuilding (cellar) is located in the far northwest corner of the property and cannot be viewed from Irvine Street.</p> <p>The design principles are considered to be met.</p>

External Fixtures, Utilities and Facilities 5.4.4 of the R-Codes.	N/A. The proposal does not include details of solar collectors, aerials, antennas, satellite dishes or other external fixtures.
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SCHEME/COUNCIL POLICY	
Policy Type	Assessment/Comment
Local Planning Policy 1 – Design and Streetscape	The proposal is consistent with the policy intent for replacement dwellings or significant additions and outbuildings to be responsive to the existing context and contribute positively to the prevailing streetscape.
Local Planning Policy 2 – Ecological Urban Design and Sustainability	The proposal is consistent with the policy intent to conserve areas of each site for urban green space and ecological purposes and to provide guidance on building and site design.
Local Planning Policy 3 – Heritage Places	<p>The proposal is consistent with the policy intent for alterations and additions to buildings on the Municipal Heritage List to meet the recommended guidelines of the Burra Charter without precluded a dwelling to be upgraded to meet modern living standards. There is a presumption against demolition and for development application to be accompanied by a report prepared by a heritage consultant detailing the work to be completed and their impacts on the heritage fabric of the building. The policy aligns with State planning policy 3.5 Historic Heritage Conservation and does not vary any deemed-to-comply requirements contained in the R-Codes.</p> <p>The heritage statement was prepared by Griffiths Architects and has determined that the works will “<i>unpick later unsympathetic additions including the existing carport and fence. The proposed utility shed that presents as a garage will store and hide council bins from street view. The internal refit of the rear store will not change the existing envelope of the structure. The new patio will not impact on the adjoining properties. This is overall a good heritage outcome</i>”.</p> <p>The proposal is considered to preserve the form and fabric of the original house, not adversely affect the significance of the place when viewed from the street. The place has a moderate to high level of integrity. The external modifications are reversible. The carport conversion replaces a skillion roof with a Dutch gable design which better aligns with the architecture of the cottage.</p>
Local Planning Policy 4 – Residential Building Heights	N/A. The proposal does not seek to establish a new dwelling or alter the established building height of the cottage.
Local Planning Policy 5 – Plot Ratio For R10, R12.5 , R15 and R20 Coded areas the maximum plot ratio shall be 0.5	Compliant. The proposal has a plot ratio of approximately 0.42.

Local Planning Policy 6 – Neighbourhood Consultation on Development	<p>The policy intent is to advise affected landowners adjoining development sites in residential areas before they proceed, and to ensure neighbours are consulted on applications that rely on variations to the R-Codes and are afforded an opportunity to make written submissions on non-compliant aspects of the development.</p> <p>A 14-day advertising period to the western neighbour has concluded and no submission was received. The consultation letter individually identified the respective variations sought and advised that submissions will be kept on file and may be included in a planning report to Council.</p>
Local Planning Policy 8 – Construction Management Plans	<p>The policy requires owners and their contractors to undertake the effective management of approved development. Proponents are required as a condition of planning approval to submit a construction management plan for assessment and approval prior to the issuance of a demolition or building permit.</p> <p>The construction management plan will need to have specific regard to site access, dust control and parking. The submission of a construction management plan will be addressed with a condition of development approval.</p>
Local Planning Policy 9 – Development Bonds	<p>To ensure that any damage to public property caused by building work is fixed properly, the policy allows for the lodgement of a bond based on the value of work being undertaken.</p> <p>The Manager of Infrastructure Services has been notified of the proposed development and will document the condition assets in the road verge. A development bond will be required prior to the commencement of works.</p>
Local Planning Policy 10 – Design Review Panels	<p>N/A. The proposal does not meet the criteria to be considered by a Design Review Panel.</p>
Local Planning Policy 11 – Building on Side and Rear Boundaries	<p>For areas zoned R10 or R12.5 there are no deemed-to-comply requirements contained in the R-Codes for boundary walls. The design principles for buildings built up to boundaries (other than street boundaries) contained in the R-Codes apply.</p> <p>The proposal is consistent with the policy intent. The policy intent is to ensure that the regular spacing or street rhythm is maintained and to provide a set of criteria where Council may consider boundary walls in areas zoned R10 or R12.5. The pertinent policy provisions are for side boundaries the incursion into the street setback should be located at least 3m behind the 9m primary street setback.</p> <p>The western parapet boundary wall is 7m front the primary street.</p> <p>The parapet wall to the existing boundary masonry boundary wall ensures fire separation between the neighbouring properties.</p>

	<p>The proponent claims that if the shed was setback 3m within the 9m front setback, the western shadow cast will be of detriment to the neighbour.</p> <p>The construction on the boundary is considered minor and raised no objection from the affected neighbour. The construction does not compromise the policy intent being achieved and is consistent with recent Council discretion for similar variations and should be supported.</p>
Local Planning Policy 12 – Front Fences	<p>The policy provides guidance on the circumstances and parameters whereby front fencing is able to be approved without causing detriment to the streetscape, or the character of the neighbourhood, or the loss of visibility of valued properties from the street such as heritage listed properties. An objective of the policy is to ensure front fencing to heritage places are of a complementary design, scale and materiality. This has been achieved.</p> <p>The supporting columns either side of the entry gate are 1.719m apart, just short of the 1.8m requirement.</p> <p>The variation sought to the policy provisions are considered minor and do not compromise the policy intent being achieved and should be supported.</p>
Vehicular Crossover Policy and Technical Specification	<p>The proposal seeks to widen the existing single crossover by 800mm. The crossover will need to be constructed in accordance with Shire specifications.</p> <p>The Manager of Infrastructure Services has been consulted and has no objection.</p>

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The proposed additions and alterations are of a limited nature being the conversion of a carport to a storage shed, widening of the existing single vehicular crossover and additional hard stand, the conversion of a shed to a cellar including new steps, and alterations and minor additions to an existing alfresco area. The proposed works are considered to satisfy the relevant design principles, provisions, and policy objectives of the planning policy framework.

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. Where a proposal does not meet the deemed-to-comply

provisions of the R-Codes and addresses design principles, the decision-maker is required to exercise judgement to determine the application. In respect to lot boundary setbacks for the converted carport and outbuilding (shed) open space, the changes to the building footprints and bulk are negligible. In respect to sight lines, there sufficient visibility for the vehicle crossover to ensure safety for pedestrians.

Notwithstanding that there is a general presumption that Scheme requirements should not be varied, discretion can be applied to the development requirements contained in Part 4 and to development standards in Schedule 1. Part 4 of the Scheme prescribes modifications to the R-Codes for street setbacks. In respect to the street setback, the carport to be converted to a shed is unchanged and the conversion itself will not adversely impact the streetscape or affected neighbour.

Local planning policies are not deemed to be a law or statute and must not be applied inflexibly. Seeking further design revisions to the front fence for the column spacing or to sight lines would be unreasonable as the variations sought by the proponent have been justified and considered minimal.

It is acknowledged that the subject site is split across two equal sized lots. Seeking amalgamation of the titles is not sought as part of the recommended conditions of development approval on the grounds that there is insufficient nexus between the proposed development and the cadastral boundary that would otherwise be removed. The proposed development does not straddle this boundary or require design elements to address fire separation.

The recommended conditions of development approval and endorsement of the heritage statement will ensure consistency between the development and building approvals, and that the construction phase can be managed to not adversely impact on the amenity of the area, that works within the verge will comply with Shire's technical specifications and the construction will not adversely impact the heritage significance of the place.

Development Application DA2022/00027 is recommended for approval for the reasons articulated above.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.1

That Council approves DA2022/00027 for Single House - Additions and Alterations at 11 (Lot 5 & 210) Irvine Street, Peppermint Grove in accordance with the submitted plans, heritage statement and application lodged on 06/09/2022 subject to the following conditions:

- 1. The approved building works and layout as identified on the development plans shall not be altered without the prior written consent of the CEO.**
- 2. Prior to this permit having force or effect, the applicant is to submit for the approval of the CEO construction and engineering details of the widening works for the existing crossover to Irvine Street. The plans must demonstrate a suitable**

truncation to preserve sightlines and safety for all vehicle manoeuvres associated with accessing the site.

Once approved, the construction and engineering details plans shall form part of this permit.

3. The materials, construction techniques and management measures (as applicable) as outlined in the Heritage Statement dated 05 September 2022 shall not be altered without the prior written consent of the CEO.
4. Prior to this permit having force or effect the applicant shall submit for approval and to the satisfaction of the CEO a Construction Management Plan (CMP) binding all contractors working on the site. Unless otherwise approved in writing by the Shire, all management and mitigation measures contained within the CMP shall be adhered with at all times.

Once approved, the CMP shall form part of this permit.

5. Unless otherwise varied by a permit under the Activities in Thoroughfares and Public Places and Trading Local Law 2021 or an approved Construction Management Plan, all construction materials and skip bins associated with the approved works shall be wholly stored wholly within the subject land.
6. The construction works shall only occur between the hours of 7.00am and 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays. Any variation to the above hours must be identified in an approved Construction Management Plan or, the prior written consent of the CEO otherwise obtained.
7. In accordance with the Shire of Peppermint Grove Local Planning Policy 9 – Development Bonds a development bond to the satisfaction of the CEO must be submitted to the Shire prior to the issuance of a Building Permit to ensure any damage to public property caused by building works is rectified and the satisfactory completion of the development.
8. The modified vehicular crossover must be constructed and; thereafter, maintained in accordance with the Shire of Peppermint Grove Vehicular Crossovers General Requirements and Specifications.
9. Stormwater run-off from the approved development shall be retained on site.
10. This approval shall remain current for development to commence within two years of the date of issue of this notice. All works associated with this approval (once commenced) shall be completed before the end of the third year from the date of issue of this notice.

Advice Notes.

1. In approving this application Council has assessed the proposal against Local Planning Scheme No. 4, Local Planning Policies and the Design Principles of the Residential Design Codes of Western Australia and has and has exercised its discretion in relation to the following matters:
 - Street setback.
 - Lot boundary setbacks.
 - Front fencing.
 - Sight lines.
 - Open space.
2. The development and use shall at all times comply with the provisions of the Shire of Peppermint Grove Town Planning Scheme, the *Building Code of Australia*, the *Environment Protection Act 1986* and any other relevant Acts, Regulations, Local Laws or Council policies.
3. No building works are to be undertaken prior to the issue of a Building Permit. Your Building Application plan set must align with the plans approved as part of any Development Approval granted by the Shire in relation to the building the subject of this Permit.
4. Building Applications will be placed on hold unless the plan set include duplicates of those endorsed as part of any corresponding Development Approval, or the applicant certifies that the plan set is consistent with those endorsed as part of any corresponding Development Approval or demonstrates to the satisfaction of the Shire that any variations are trivial.
5. In respect to Development Bonds, the Shire requires the applicant to arrange for the inspection of all Shire infrastructure including the street verge adjacent to the property post completion to confirm the satisfactory completion of works and determine any necessary remediation of impacts on public infrastructure and lands. Should any necessary remediation works not be satisfactorily completed by the proponent in a reasonable time frame, funds from the bond may be used to satisfactorily complete the works. Project management and/or administrative fees may also apply.
6. In respect to Development Bonds, should the situation on the street verge be dangerous in the opinion of the CEO, funds from the bond may be used to make the site safe or to a standard under any approved Construction Management Plan. Project management and/or administrative fees may also apply.

7. The Shire does not warrant or exempt the applicant from civil claim arising from damage to private property and associated with the approved works.
8. The CMP shall be prepared in accordance with Local Planning Policy 8 – Construction Management Plans [LPP 8 - Construction Management Plans \(peppermintgrove.wa.gov.au\)](http://peppermintgrove.wa.gov.au)
9. The prior written approval of CEO is required for the temporary closure of any footpath, road or laneway. Infrastructure Services can be contacted on 9286 8600 to discuss traffic management.
10. Attention is drawn to the protection of verge trees. If pruning is necessary, please provide an arborist report.
11. The Proponent is responsible for ensuring all contractors adhere to the construction hours. In the event of enforcement action being undertaken, infringement notices will be issued to the Proponent.
12. During the construction stage adjoining lots are not to be entered without the prior written consent of the affected owner(s).
13. Should the owner and/or applicant be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with Part XIV of the *Planning and Development Act 2005* within 28 days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 9219 3111 or 1300 306 017.

Moved: Cr Farley

Seconded: Cr Dawkins

CARRIED 5/0

8.2 MANAGER INFRASTRUCTURE SERVICES

NIL

COMMUNITY DEVELOPMENT

8.3 COMMUNITY DEVELOPMENT

8.3.1 Updated Library Management Agreement

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1	Management Agreement

Voting Requirement : Simple
Subject Index : Library
Disclosure of Interest : Nil
Author : CEO
Responsible Officer : CEO

PURPOSE OF REPORT

This report considers an updated agreement for the management of the Grove Library and Community Centre (the Library). The Library is jointly owned by the 3-member (members) Councils, being the Towns of Cottesloe and Mosman Park and the Shire of Peppermint Grove, with the Shire being the managers of the facility.

SUMMARY AND KEY ISSUES

- The current Library facility was opened in 2010 and is jointly owned by the 3 members.
- The Shire of Peppermint Grove manages the facility on behalf of the members.
- In June 2009 the members entered into a Project Construction and Management Agreement dealing with the completion of the construction of the facility and thereafter the ongoing management.
- The agreement included the establishment of a Management Committee to facilitate the terms of the agreement.
- An updated agreement is presented to members to reflect the current arrangements for the facility.

LOCATION

N/A

BACKGROUND

The 2009 agreement had a focus on the construction elements of the facility and included the establishment of a Library Management Committee (LMC). This committee was not formally established under the Local Government Act and operated more along the lines as an advisory group. The LMC comprised of one representative from each of the member councils, with equal voting rights. The Shire managed the facility on behalf of the members. Funding for the annual operating shortfall was allocated based the census population of each member. The agreement also addressed the Shire's Administration Centre floor area of the building, with costs for this portion met by the Shire.

CONSULTATION

The issue of updating the 2009 agreement has been discussed by the LMC for a number of years, along with legal advice on the construct of a new agreement being sought.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no specific policy implications in respect to this matter.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The 2009 agreement was due for updating and modernising. The new agreement as presented doesn't alter voting entitlements nor the funding formulae, but mainly deals with the governance of the LMC, which under the new agreement, would be established as the Library Management Group (LMG). For day-to-day operations, there would be no change to the running of the library and the meetings of the LMG would deal with the same matters as the current LMC. Membership arrangements would not change.

The intent is that all 3-member Council's would adopt the new agreement, with the implementation date being 1 January 2023. The old agreement would fall away with the joint signing of the new agreement.

OFFICER RECOMMENDATION/S – ITEM NO 8.3.1

That Council

- 1. Endorse the Cottesloe, Peppermint Grove and Mosman Park Library and Community Learning Centre Management Agreement with an implementation date of 1 January 2023.**
- 2. Authorise the Shire President and CEO to apply the Shire's Common Seal and sign the document.**

COUNCIL DECISION – ITEM NO 8.3.1

- 1. Endorse the Cottesloe, Peppermint Grove and Mosman Park Library and Community Learning Centre Management Agreement subject to minor amendments with an implementation date of 1 January 2023.**
- 2. Authorise the Shire President and CEO to apply the Shire's Common Seal and sign the document.**

Moved: Cr Farley

Seconded: Cr Macintosh

CARRIED 5/0

8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

CORPORATE

8.4.1 List of Accounts

ATTACHMENT DETAILS

Attachment No	Description
Attachment	Accounts Paid – September 2022

Voting Requirement	:	Simple Majority
Subject Index	:	Financial Management
Disclosure of Interest	:	Nil
Responsible Officer	:	Michael Costarella, Manager Corporate and Community Services

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

Significant payments in September 2022 included the following:

- ATO Pay as you go Tax
- Superannuation
- WMRC

BACKGROUND

The Attachment lists details of all payments made in September 2022. The following summarises credit card payments, electronic fund transfers and direct debits included in the list presented for information

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT 484-489	\$310,086.20
Direct Debits	DD353-357	\$8,538.49
BPay	275-277	\$347.80
Credit Cards – August 2022	August 2022	\$13,335.75
TOTAL		\$332,308.24

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The payments processed by the Shire relate to expenditure approved in the 2022/23 Adopted Budget.

COMMENT

The list of Accounts paid are provided to Council for information purposes and in accordance with the delegation to the CEO.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.1

That Council receive the list of payment of accounts by: -

1. Electronic funds transfers, Cheque and Direct debit payments for the month of September 2022, totalling \$318,972.49
2. Credit card payments for August 2022 totalling \$13,335.75

Moved: Cr Hohnen

Seconded: Cr Farley

CARRIED 5/0

8.4.2 Financial Management Statements for the period ended the 30 September 2022

CORPORATE

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 30/09/2022

Voting Requirement : Simple Majority
Subject Index : Financial Statements- 2021/22
Disclosure of Interest Nil
Responsible Officer : Michael Costarella

PURPOSE OF REPORT

To receive the financial statements for the period ended 30 September 2022.

SUMMARY AND KEY ISSUES

During the period of ended the 30th September 2022, with the levying of the rates and refuse charge, there is a large surplus shown in the Consolidated Income Statements.

BACKGROUND

The Monthly Financial Statements are prepared in accordance with the requirements of the Local Government Act & Financial Management regulations and are presented to Council for information.

Overall, there is a 40.5% (less) variance between the operating year to date budget and year to date actuals. This is mainly attributed to the rates income included from the raising of rates.

STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan.

POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies and Investment Policy.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996.

FINANCIAL IMPLICATIONS

There are no detrimental financial implications evident at this time.

OFFICER COMMENT

The Monthly Financial statements shows a large surplus that is attributed to the levying of the Rates and Refuse Charges in September 2022. This surplus is drawn down through the financial year.

The major differences between the year to date budget and actual expenditure are as below and which are less than the anticipated year to date budget. This is attributed to projected monthly cash flow not reflecting actual expenditure. There is no impact on the budget anticipated.

- Contract & Materials- \$90,000

This relates to the following accounts: -

- Records Management \$13,000
- Bush Weed Management \$12,500
- Parks & Reserve Maintenance \$28,000
- Consultancies \$16,000
- Building Maintenance \$18,000
- Other \$ 3,000

Investment of Municipal and Reserve Funds- as at 30 September 2022.

The Shire has funds the following funds invested as 'on call' and fixed term deposits with the National Australia Bank:-

Fund and TD Number	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest
Reserves	1,671,206	30/6/2022	29/12/2023	365	3.00%	\$24,999.41
Reserves Interest Receivable						\$24,999.41
Municipal PFA Acc	\$1,504,670	ON CALL			1.58%	\$2,780.87
Municipal Interest Received						\$2,780.87

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.3.3

That Council receives the financial report for the period 1 July 2022 to 30 September 2022;

Moved: Cr Farley

Seconded: Cr Dawkins

CARRIED 5/0

8.5 MANAGEMENT/GOVERNANCE/POLICY

8.5.1 West Metro Recycling Centre – Shire Representative

ATTACHMENT DETAILS

Attachment No	Description
Nil	

Voting Requirement : Simple Majority
Subject Index : WMRC
Disclosure of Interest : Nil
Responsible Officer : Don Burnett CEO

PURPOSE OF REPORT

The Shire's representative on the West Metro Recycling Centre (WMRC), Cr Hohnen has resigned from this role. Council is required to nominate a new representative.

SUMMARY AND KEY ISSUES

- WMRC is a Regional Council formed under the Local Government Act to manage waste disposal for member Councils. The members are the City of Subiaco, the Towns of Claremont, Mosman Park, Cottesloe and the Shire.
- Each member Council has a representative, which they then are WMRC Councillors, with deputies to be nominated as well
- The Shire's representative, Cr Hohnen, has advised he has resigned his position as the Shire's representative.
- The Shire is required to nominate a new representative.

BACKGROUND

WMRC is a Regional Council formed under the Local Government Act to manage waste disposal for member Councils, with the members being the City of Subiaco, the Towns of Claremont, Mosman Park, Cottesloe and the Shire. Each member Council has a representative, and these representatives become the WMRC Councillors, with deputies to be nominated as well. Member representatives are elected by each member following the biennial Council elections.

Following the 2021 elections, Cr Hohnen was elected as the Shire representative on the WMRC, with Cr McIntosh as the Deputy.

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no strategic implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no significant statutory implications.

FINANCIAL IMPLICATIONS

There are no financial implications in respect to this matter.

COMMENT

Cr Hohnen has indicated that he has resigned, effective from 7th October 2022 as the Shire's representative on the WMRC. Council is required to nominate a new representative. Cr McIntosh is the current deputy. In the event that Cr McIntosh becomes the representative, then a deputy would have to be elected.

Cr McIntosh has indicated his willingness to be the Shire's representative.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.5.1

Council Decision;

- 1. Nominate Cr McIntosh as the Shire's representative on the WMRC.**
- 2. Nominate Cr Dawkins as the Shire's deputy on the WMRC.**

Moved: Cr Hohnen

Seconded: Cr Farley

CARRIED 5/0

8.5.2 Matters for Information and Noting

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Description</u>
Attachment refers to	Building Permits Issued Planning Approvals Issued Infringements Issued Library Statistics Recycling Statistics

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information September 2022
Disclosure of Interest	:	Nil
Responsible Officer	:	CEO

PURPOSE OF REPORT

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

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

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

- Building permits issues
- Demolition permits issued
- Seal register advising of when the Shire seal has been applied
- Infringements for parking/dogs etc
- Waste and recycling data
- Library Statistics

SUMMARY AND KEY ISSUES

The following reports are presented to Council September 2022

- Building/Planning Statistics;
- Infringements;
- Library Statistics;
- Recycling and Product Tonnages.

CONSULTATION

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

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.5.2

That Council receives information in this report.

Moved: Cr Macintosh

Seconded: Cr Dawkins

CARRIED 5/0

9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

10 MOTIONS ON NOTICE

(Automatically sent back to administration for consideration at the next Council meeting).

11 CONFIDENTIAL ITEMS OF BUSINESS

Nil

12 CLOSURE OF MEETING

At 5.47pm, there being no further business the meeting closed.

Confirmed this  day of 22 / 11 / 2022.

PRESIDING MEMBER