



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY 23 JUNE 2020
AT
5.30 PM

Shire of
Peppermint Grove**NOTICE OF MEETING**

Dear Councillor

It is advised that the **COUNCIL MEETING** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday 23 June 2020, commencing at 5.30 pm.

Yours faithfully



Don Burnett
CHIEF EXECUTIVE OFFICER

19 JUNE 2020

MEETING AGENDA ATTACHED**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

TABLE OF CONTENTS

ITEM	SUBJECT HEADING	PAGE
1	DECLARATION OF OFFICIAL OPENING	5
2	RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE	5
2.1	ATTENDANCE	5
2.2	APOLOGIES	6
2.3	LEAVES OF ABSENCE	6
2.4	NEW REQUEST FOR A LEAVE OF ABSENCE	6
3	DELEGATIONS AND PETITIONS	6
3.1	DELEGATIONS	6
3.2	PETITIONS	6
4	PUBLIC QUESTION TIME	7
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING	7
4.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	7
4.3	DEPUTATIONS OF THE PUBLIC	7
5	DECLARATIONS OF INTEREST	8
5.1	FINANCIAL INTEREST	8
5.2	PROXIMITY INTEREST	8
5.3	IMPARTIALITY INTEREST	8
5.4	INTEREST THAT MAY CAUSE A CONFLICT	8
5.5	STATEMENT OF GIFTS AND HOSPITALITY	9
6	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	9
7	CONFIRMATION OF MINUTES	9

7.1	ORDINARY COUNCIL MEETING 26 MAY 2020	9
8	OFFICER REPORTS	10
8.1	MANAGER DEVELOPMENT SERVICES	10
8.1.1	17A Venn Street - New Single Dwelling – Variations to Scheme Design Standards	10
8.1.2	20/128 Forrest Street - Replace Enclosure of Balcony Group Dwelling	17
8.1.3	Long Term Cycle Network Plan (draft) – Endorsement	22
8.2	MANAGER INFRASTRUCTURE SERVICES	26
8.3	MANAGER LIBRARY SERVICES	26
8.4	MANAGER CORPORATE AND COMMUNITY SERVICES	27
8.4.1	Financial Statements for Period ending 31 May 2020	27
8.4.2	Accounts Paid – May	31
8.5	CEO/ MANAGEMENT / GOVERNANCE / POLICY	34
8.5.1	National Redress Scheme	34
8.5.2	Matters for Information and Noting	44
8.6	COMMITTEE REPORTS	46
9	NEW BUSINESS OF AN URGENT NATURE	46
9.1	Late Item 2020-2021 Draft Budget	46
10	MOTIONS ON NOTICE	54
11	CONFIDENTIAL ITEMS OF BUSINESS	54
12	CLOSURE	54

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.

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

Affirmation of Civic Duty and Responsibility

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

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

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

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

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

Mr D Burnett
Mr M Costarella
Mr R Montgomery
Mr D Norgard

2.2 APOLOGIES

Manager Library Services Ms D Burn

2.3 LEAVES OF ABSENCE

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

NIL

3.2 PETITIONS

NIL

4 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.

- 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 FROM A PREVIOUS MEETING

NIL

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

4.3 DEPUTATIONS OF THE PUBLIC

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

Cr Dawne Horrex – Item 9.1 Draft Budget 2020/21

The nature of the Interest being that she is a life member of SoPG Tennis Club.

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)

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 26 MAY 2020

OFFICER RECOMMENDATION – ITEM 7.1
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Moved:

Seconded:

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 26 May 2020 be confirmed as a true and accurate record.

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 17A Venn Street - New Single Dwelling – Variations to Scheme Design Standards

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Location Map
Attachment 2	Development Application Plans

Voting Requirement	:	Simple Majority
Acceptance Date	:	29/04/2020
Location / Property Index	:	17A Venn Street, Peppermint Grove
Application Index	:	DA2020/00006
LPS No 4 Zoning	:	Residential R-12.5
Land Use	:	Residential
Lot Area	:	684m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Summit Homes Group
Owner	:	Peter and Lee Farrah
Assessing Officer	:	Josh Dallimore
Authorising Officer	:	Mr. Ross Montgomery – Manager Development Services

COUNCIL ROLE

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

PURPOSE OF REPORT

Council is requested to consider the proposed 'New Single Dwelling' at 17A Venn Street, Peppermint Grove which seeks permission to vary several design parameters from what is deemed to comply with LPS 4.

SUMMARY AND KEY ISSUES

- Applicant completed a self-assessment checklist which identified the proposal is seeking discretion to vary design compliance in several areas
- Proposed front setback is 7m, reduced from 9m
- Proposed rear setback is 3.6m, reduced from 6m
- The proposed plot ratio is calculated to be 0.51 (this exceeds the maximum allowable floor area by 4.79m²)
- The proposed site coverage exceeds the R-Codes Table 1 by 5.7%
- As per Council policy the proposal was advertised for comment to neighbouring properties.
- No objections were received regarding proposed design variations.

LOCATION

17A Venn Street, Peppermint Grove

BACKGROUND

The proposed development site was originally a part of the same lot as 17 Venn Street until it was subdivided several years ago. The new lot at 17A Venn Street was approved in July 2016 and has remained a part of the property at 17 Venn Street as an open grassed garden, with no other major features remaining in the lot.

The approval of the subdivision created two lots, one north and one south. The original house on the lot has been maintained, located on the northern lot, while the proposed development will be situated on the vacant southern lot. The original house at 17 Venn Street is not on the heritage list and therefore has no bearing on assessment of the design outcomes of this proposal.

CONSULTATION

The Shire advertised the proposed development to adjoining landowners on 24 April 2020 informing them of areas of the proposed development that were seeking discretion. The Shire had two enquiries about the proposed works but no official comments were received.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

The proposal seeks variation of multiple LPS 4 Scheme requirements, a matter for a Council decision.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

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

LOCAL PLANNING SCHEME NO. 4		
	Scheme Requirement/Clause	Assessment/Comment
1.	Front Setback – 9m (LPS 4 Cl. 26 (2))	<p>The proposed front setback of 7m whilst non-compliant, <i>is</i> set further back than other buildings along this section of Venn Street. The house to the north is only setback approximately 5.8m, while the house to the south has a garage built up to the lot boundary, and the main building is only setback approximately 5.5m. These were built prior to LPS 4.</p> <p>The reduced front setback of the building (7m), does not comply with the LPS 4 setback, but is more cohesive to this section of Venn Street. The requested variation to LPS 4 in this case is supported.</p>
2	Plot Ratio – 0.5 (LPS 4 Table 5 – Additional Site Requirements)	<p>The proposed plot ratio of the development exceeds the maximum allowable floor area by 4.79m². Council has only considered a variation to design standards in the past where it has been demonstrated to achieve a superior design outcome of the site and locality. This proposes multiple variations to LPS 4 design standards and does not provide justification or demonstrate delivery of a better design outcome for the site or the street.</p>

RESIDENTIAL DESIGN CODES	
Acceptable Development/Performance Criteria	Assessment/Comment
<p>1. Rear Setback – 6m (R-Codes Table 1)</p>	<p>A rear setback of only 3.6m (6m) is 2.4m deficient. The reduced rear setback does not meet the design principles outlined in Part 5.1.3 of the R-Codes.</p> <p>The development impinges on the area of setback which would count as open space and as a buffer between houses. The reduction creates a building which significantly encroaches the rear of the lot.</p> <p>The house to the west has a large side setback which mitigates some of the building bulk in this area, however, when considered in its entirety the proposed amount of developed space cannot be justified as delivering a superior design outcome for the site or the neighbourhood.</p>
<p>2. Site Coverage – 55% Open Space (R-Codes Table 1)</p>	<p>This application does not meet this requirement. With only 49.7% open space on the lot as a part of the development the proposed development will have insufficient space for green space and landscaping.</p> <p>Open space requirements are included in the R-Codes to help reduce the bulk of buildings and allow for open landscaped gardens consistent with neighbourhoods such as Peppermint Grove (characterised by houses with plenty of open, usable space, and large established trees).</p> <p>The requested reduction in open space has not been justified or demonstrated to deliver a superior design outcome for the site or the neighbourhood.</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 Shire introduced additional residential design specifications in LPS 4 to deliver a style of residential development consistent with the character of Peppermint Grove. Setbacks and plot ratios were devised to apply in addition to the R Codes because the objective was to deliver the style of residential neighbourhood most highly valued by the community for its landscape urbanism aesthetic.

The proposed development requests Council to exercise its discretion in several design elements to approve a development which would not meet the R-12.5 deemed-to-comply design requirements for the lot.

The main areas of requested variation are:

Design Element	Proposed	Compliant
Site coverage (open space)	49.3%	55%
Rear setback	3.6m	6m
Plot ratio	0.51	0.5

Each design variation (if considered in isolation) might be assessed to be a minor variation to LPS 4 and only so provided there be a beneficial design element this may offset a minor under provision in one area. This would need to be demonstrated to deliver a superior design outcome for the site and locality. (R-Codes design principles assessment requires demonstration the design achieves a superior outcome compared to the deemed to comply design specification).

The applicant is aware of the degree to which the design does not comply with LPS 4, however they provided no justification for the variations sought or addressed the need to offset any impact with overall better quality of design.

Assessment of the combined result of the multiple variations proposed has concluded the overall design will not deliver a superior design outcome, either for the site, or the neighbourhood. The expanse of the house is too big for the lot.

The built area proposed for the site exceeds plot ratio and site coverage, intrudes into the street setback and rear setback (as per LPS 4 and R Codes) established in the deemed to comply standards. The house as proposed would provide insufficient open space for gardens and green space.

The neighbourhood of Venn Street immediately around the proposed development site, is characterised by houses surrounded by spacious gardens. Some of these houses may not comply with the current LPS 4 street-setback of 9m, however their overall design, plot ratio and coverage of the site provides sufficient open space and green areas to buffer to the street and neighbouring properties.

To warrant approval the variation to design should demonstrate superiority via design principles outlined in Part 5.1.3 of the R-Codes. Specifically, it would need to demonstrate that the proposed variation would:

- Reduce impact of building bulk on adjoining properties.
- Provide adequate direct sun and ventilation
- Make more effective use of space

This lot is a regular size and shape consistent with R-12.5. There has been no justification for the reductions in site requirements. The intrusion of building within the rear setback area sets the house closer to the existing dwelling to the east. It will limit the amount of direct sun and ventilation available to both houses and will diminish possible green or outdoor open space between the properties. Given the lack of justification provided and obvious design shortcomings due to the varied design elements, this application is not recommended for approval.

Should the applicant consider a redesign to more closely meet the LPS 4 specifications and design objectives, the Shire may consider the reduced 7m street setback in context of abutting houses but would only do so provided the plot ratio, rear setback and site coverage were fully compliant with LPS 4 and R Codes (R-12.5).

Additional information following the Agenda Briefing Forum held on 9 June 2020

Correction to page 13 rear setback – the house to the “West” should read the house to the “East”.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council refuses the proposed “New Single House” at 17A Venn Street, Peppermint Grove, for the following reasons:

1. Non-compliance with LPS 4 and R Codes, specifically-
 - a. Site coverage exceeds provisions of the R-Codes Table 1 for lots zoned R-12.5
 - b. Rear setback exceeds provisions of the R-Codes Table 1 for lots zoned R-12.5
 - c. Plot ratio exceeds the provisions of Local Planning Scheme 4 Table 5
2. Overall design and variations proposed have not been justified or demonstrated to surpass the quality of deemed to comply design outcomes, or to meet planning and design objectives for the locality.

Advice:

1. In considering this application Council assessed the proposed plans against the Shire’s Local Planning Scheme 4 (LPS 4), and Residential Design Codes (R-Codes) in accordance with Design Principles approach of the R-Codes.
2. Council advises that should the applicant undertake a redesign to better meet the LPS 4 specifications and design objectives, the Shire may accept the reduced 7m street setback in context of abutting houses but would only do so provided the plot ratio, rear setback and site coverage were compliant with LPS 4 and R Codes (R-12.5) and the house was respectfully oriented towards abutting properties and the street.

8.1.2 20/128 Forrest Street - Replace Enclosure of Balcony Group Dwelling
URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item refers	Location Map
Attachment 2	Development Application Plans

Voting Requirement	:	Simple Majority
Acceptance Date	:	02/04/2020
Location / Property Index	:	20/128 Forrest Street, Peppermint Grove
Application Index	:	DA2020/00005
LPS No 4 Zoning	:	Residential – R-80
Land Use	:	Residential – Grouped Dwelling
Lot Area	:	6740m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Building lines Approvals Pty Ltd
Owner	:	Mrs E Bond
Assessing Officer	:	Mr Josh Dallimore
Authorising Officer	:	Mr Ross Montgomery – Manager Development Services

COUNCIL ROLE

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

PURPOSE OF REPORT

Council is requested to consider the proposal to update the enclosure of a balcony on the west of the group dwelling building at 20/128 Forrest Street, Peppermint Grove

SUMMARY AND KEY ISSUES

- The site of the proposed development is located in a R-80 zone along Stirling Highway. The building was built in the 1970s and the balcony has been subsequently roofed with clear acrylic sheets and has PVC bistro blinds – these have now decayed due to UV and weather exposure.
- This proposed development will more formally enclose the balcony through the introduction of some new brickwork and windows, but will not alter the area or increase the footprint of the building
- The enclosure of the balcony into a room requires an assessment as to any impact the works will make on the bedroom (it currently relies upon the balcony for ventilation and light).
- The additional habitable space will warrant recalculation of plot ratio.

LOCATION

20/128 Forrest Street, Peppermint Grove

BACKGROUND

The site is a one of the Forrest Grove Villas, a group housing development on the corner of Stirling Highway and Forrest Street in Peppermint Grove. These were built around the 1970s' and are now zoned Residential R-80 in LPS 4.

It is one lot back from the Stirling Highway and is allocated in the Shire LPS 4 for slightly higher residential density. The group dwellings are strata titled.

This complex developed from a pre-R codes set of design controls. The design features internal communal courtyard areas, common gardens and walkways and private balconies overlook these areas. This design provides for outlook and passive surveillance of these communal areas as well as promotes resident interaction between dwellings.

The formal enclosure of the balcony to make a room will increase the plot ratio area for the site due to its habitable nature (open balconies and al-fresco do not count).

CONSULTATION

Prior to submission to the Shire the applicant submitted the proposed plans to the Council of Owners at 128 Forrest Street. The proposed plans were supported by the Council of Owners and written confirmation in the minutes of that meeting has been provided to the Shire.

STRATEGIC IMPLICATIONS

The overall development provides for a style of housing that caters for studio flat needs. It is located close to public transport and has a high quality of landscaping and good separation between dwellings. The complex meets WAPC Policy needs for higher density housing yet retains the garden character of the suburb. Over time there is scope to modify or update the housing spaces and finishes without detracting from the original design intent for a community of flats with limited floor area and a small footprint. It is important to protect the diversity of housing, and the character of the development as part of the Shire housing range. There are no other Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

The Shire is aware of modifications being made to individual group and multiple dwelling developments which expand the habitable area of respective dwellings. Enclosure of balconies and conversion of garages into rooms are examples of such ad-hoc development. In this case previous works would have not necessarily required a Planning Approval given their temporary nature. This application will require an assessment for site impact.

STATUTORY IMPLICATIONS

An assessment of the proposal has been undertaken and it has been determined that the proposed alterations to the building do not change the impact of the existing house on neighbouring properties or the public domain (street).

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

This application proposes to more permanently enclose an existing west facing balcony at unit 20/128 Forrest Street, Peppermint Grove. The balcony is currently covered by clear roofing which is laid over a pergola-type beam structure, and the openings are enclosed with café style blinds around the perimeter. The proposed alterations will create a more weather proof and habitable space, especially during the winter.

The balcony is a currently a private open space that once the alterations are complete will convert that open space to habitable room (thereby increasing the plot ratio). The Plot Ratio has been recalculated just for this unit – the increase in floor area is 25m² which is

approximatley 12% increase of the overall floor area of that dwelling. A change in floor space of this scale will not require any additional parking on the lot Any increase is offset by the already sizeable landscaped garden surrounding the property which provides adequate outdoor living space.

The balcony by virtue of its translucent cladding currently allows for light to enter the adjoining bedroom during the day, as well as helping airflow through the upper floor of the house. The proposed plans show that while some brickwork is being added at the top of the wall as a part of the roof structure, the window openings will remian the same size and will facilitate some light and airflow when required. Additional light adjacent to the bedroom could be achieved through the use of opening skylights.

As a part of the application package the Shire was also provided with approval from the Council of Owners at "Forrest Grove Villas" 128 Forrest Street, Peppermint Grove. The Council of Owners have agreed in writing that the proposed alterations fit within the context of the unit complex and will not have any adverse impacts.

Inspection indicates a number of other developments within the same complex where originally open balconies have been enclosed to create a space more suitable for all seasons. As the balcony itself is pre-existing and already partially enclosed, the full enclosure of the space with windows will not reduce sight lines to other properties.

The proposal is indicating an extra 5 courses of bricks above the current window line which will add a small amount of bulk to the exterior of the property. The silhouette of the enclosure will match the current works and may be therefore considered to be complementary to the overall appearance of the complex.

The works once completed may improve the liveability of this dwelling and it is recommended for approval, provided the proposal is able to be certified to comply with BCA standards for daylighting and ventilation.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.2

That Council approves the application submitted to Council on 2 April 2020 for “Enclosure of Balcony” at 20/128 Forrest Street, Peppermint Grove, consistent with plans A1.01, A2.01, A3.01, and A3.02 subject to the following conditions:

- 1. The development plans, as dated marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the “Approved Plans” as part of this application and shall form part of the development approval issued.**
- 2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.**
- 3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.**
- 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:**
 - How materials and equipment will be delivered and removed from the site;**
 - How materials and equipment will be stored on the site;**
 - Parking arrangements for contractors;**
 - Construction Waste disposal strategy and location of waste disposal bins;**
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;**
 - Other matters likely to impact on surrounding properties.**
- 5. Two skylights are to be included in the proposed new roof adjacent to the bedroom window and door.**

Advice

Prior to the issue of a Building Permit the shire requires the proposed design be certified against the Building Codes of Australia for airflow and lighting into internal rooms.

8.1.3 Long Term Cycle Network Plan (draft) – Endorsement
URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 1	LTCN – Endorsement Memo

Voting Requirement	:	Simple Majority
Acceptance Date	:	29/05/2020
Location / Property Index	:	Shire of Peppermint Grove
Application Index	:	N/A
LPS No 4 Zoning	:	N/A
Land Use	:	Local Road
Lot Area	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Department of Transport
Owner	:	Crown
Assessing Officer	:	N/A
Authorising Officer	:	Mr. Ross Montgomery – Manager Development Service

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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- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Council is requested to endorse the Long Term Cycle Network (LTCN) plan prepared by the Department of Transport for the Shire of Peppermint Grove.

SUMMARY AND KEY ISSUES

- The Department of Transport presented to the Shire in May at Concept Forum.
- The Plan identifies which local roads should be future bicycle routes for local bicycle travel.
- Endorsement of the Plan does not commit the Shire to further works or financial outlay other than to have regard to the Plan in any future management of local roads.
- Should the Shire seek future roads funding for bicycle infrastructure, the endorsement of the Plan would be considered by the Department of Transport when recommending allocation of funds.

LOCATION

See attachment – LTCN – Shire of Peppermint Grove

BACKGROUND

The Department of Transport has prepared a series of local road based bicycle routes which make up an aspirational network plan covering the Perth metropolitan region.

The justification provided for the plan by the Department is that it will assist with the planning of bicycle network and routes.

The design principles:-

- Ensure cross boundary connectivity
- Establish within each local government a spatial network for future development
- Initiate awareness of the importance of local routes for local bicycle access within the community.

CONSULTATION

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

STRATEGIC IMPLICATIONS

The endorsement of the LTCN will initiate a strategic spatial representation of local bicycle access using local roads and draw state and local government closer together in the pursuit of bicycle route connectivity.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications of endorsement.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The proposal is intended to improve access to local area facilities for cyclists.

OFFICER COMMENT

The Plan has not been produced as a result of local community consultation however Shire officers have met the project officer on a couple of occasions to comment on the plan and the process.

The Shire of Peppermint Grove is well suited to local bicycle access due to the following factors:-

- Local streets have high visual amenity
- Schools in the vicinity could make a greater use of bicycles for access
- Bicycles can integrate with public transport to expand the range of bicycle trips
- Recreational cycling is possible for local trips between the neighbourhood and centre.

The following factors may impede greater levels of bicycle access locally:-

- Parking and traffic on local streets
- Limited signage and wayfinding;
- Difficulty crossing Stirling Highway safely
- Crossing of the Perth Fremantle Railway and use of the station is inconvenient and has poor connectivity.

The LTCN routes involve 5 roads in Peppermint Grove –

- McNeil
- View
- Leake
- Johnston Streets and
- The Esplanade.

What the draft plans do not recognise is that the Shire's cyclists make extensive use of rights-of-way for a local network of 'bicycle friendly' routes.

The Cottesloe Activity Centre study identified poor connectivity across both the railway and the Stirling Highway for bicycles. The aspirational network may require further work in Cottesloe to improve upon the status quo.

The Department has provided the Shire with a proforma wording for endorsement. Although this forms the Recommendation some additional comment has been added to reflect local assessment of bicycle network needs and to serve as a direction for improvement of the Plan.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.3

Council advises it endorses the draft aspirational Long Term Cycle Network (LCTN) developed by the Department of Transport in consultation with Council officers and in so doing recognises this endorsement does not commit the Council or the State government agencies to deliver all, or any part of the LCTN within a particular timeframe – nor does endorsement commit any party to fund any specific route within the LCTN.

Council offers further advice to the Department as follows: -

Advice Notes

- 1 Council advises it will continue to discuss ways with the Department and others of working towards implementing better local bicycle access throughout the Shire and with better connectivity to the adjoining local governments.**
- 2 In respect to the above, the Shire recommends further work is required to be undertaken to connect between Cottesloe and the Shire and that this work will be done as part of the Cottesloe Activity Centre study.**

8.2 MANAGER INFRASTRUCTURE SERVICES

NIL

8.3 MANAGER LIBRARY SERVICES

NIL

8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

8.4.1 Financial Statements for Period Ending 31 May 2020

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Report – 31 May 2020

Voting Requirement	:	Simple Majority
Subject Index	:	Financial Management 2019/20 Statements
Responsible Officer	:	Michael Costarella, Manager Corporate and Community Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To receive the financial statements for the period ended 31 May 2020.

SUMMARY AND KEY ISSUES

- **Total Operating** revenue is \$74,000 or 5% less than the year to date budget
- **Total Operating expenditure** is some \$264,000 less than the year to date budget and mainly due to other expenses under spent for the period.
- **Capital expenditure-** This is some \$360,000 less than the year to date budget and mainly due to the works for Johnston street and works not completed within the current period.

LOCATION

N/A

BACKGROUND

Nil

CONSULTATION

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

STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan

POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

The financial report for April 2020 shows the current net assets (surplus) of \$146.016.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER COMMENT

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

(1) Fees and Charges-\$21,202

The actual fees and charges received, is \$32,000 less than the year to date budget and this generally relates to the reductions in:-

- Community Hire Fee of \$9,000
- Café rent of \$2,000,
- Library revenue during the closure of \$5,000
- Development application fees of \$5,000 and
- Building Licence fees of \$6,000.
- Other minor income \$5,000

The income from fees and charges have been affected by the COVID 19 virus and restriction of movement by the Community.

(2) Grants and Subsidies- \$62,000

Grants and subsidies revenue was \$62,000 less than the budget however this related to additional funds from the Metropolitan Roads Grant of \$43,000. This resulted in a variance of \$56,000 more than the year to date budget. However a grant of \$103,000 is incorrectly shown in the adopted budget but was corrected in the revised budget.

(3) Contributions and Reimbursements - \$24,000

The year to date actual is some \$24,000 more than the budget and this relates to funds transferred from the trust fund of \$15,000 as well as a recoup of costs associated with property clearing of \$5,000. The balance of \$4,000 relates GST corrections for contributions for the library from the previous year as well as additional expenses reimbursed.

(4) Employee Costs- \$36,000

The additional amount generally relates to the cash in of Annual Leave and additional resources. The additional leave is funded from the Reserve funds and these will be transferred to Municipal fund at the 30 June 2020.

(5) Materials & Contract

This year's actual expenditure is some \$203,000 less than the year to date budget and relates to the projects not being completed or under expended. eg Cottesloe Activity Centre \$45,000, and waste recycling of \$36,000 (invoice not yet received in March), Civil Engineering Consultant \$22,000, Waste Costs of \$39,000 and other expenditure of \$60,000.

(6) Other Expenses

The year to date budget is some \$23,000 more than the actual amount and relates to the payment of other costs and a correction is being made to the year to date budget.

OFFICER RECOMMENDATION/S – ITEM NO. 8.4.1

That Council receive the monthly financial report for the period 1 July 2019 to 31 May 2020.

8.4.2 Accounts Paid – May
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment	Accounts Paid May

Voting Requirement	:	Simple Majority
Subject Index	:	FM045A
Disclosure of any Interest	:	N/A
Responsible Officer	:	Michael Costarella, Manager Corporate and Community Services

COUNCIL ROLE

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

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

SUMMARY AND KEY ISSUES

Significant payments in May 2020 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste disposal to WMRC;
- Payments for waste removal and three bin waste rollout to Suez;
- Staff & Shire superannuation contributions;
- Office IT Equipment from Dell Australia.

LOCATION

N/A

BACKGROUND

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

PAYMENT TYPE	FUND	NUMBER SERIES	AMOUNT
EFT	MUNI 1	346 - 349	247,088.65
TEFT	TRUST	N/A	0.00
Direct Debit	MUNI 1	147 – 152	13,583.55
BPAY	MUNI 1	139 – 152	4,164.92
Cheque	MUNI 1	432	173.00
Credit Card	MUNI 1	6	4,738.47
			269,748.59

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 2019/20 annual budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM NO. 8.4.2

That Council receive the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for May 2020, totalling \$269,748.59.

8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY

8.5.1 National Redress Scheme

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Department of Local Government, Sport and Cultural Industries, National redress Scheme for Institutional Child Sexual Abuse discussion paper

Voting Requirement	:	Simple majority
Subject Index	:	National Redress Scheme
Disclosure of any Interest	:	Nil
Responsible Officer	:	CEO

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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KEY ISSUES

- The Royal Commission into Institutional Responses to Child Sexual Abuse made a number of recommendations for redress for victims
- The State Government, in consultation with WALGA and Local Government have developed a process to allow local governments to come under the umbra of the State Government when dealing with redress claims.
- Claims made to a local government can only relate to services or facilities under the Shire control and management
- Under the proposed scheme, the Shire's limit of liability is \$3000 per claim.

BACKGROUND

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) was established in 2013 to investigate failures of public and private institutions to protect children from sexual abuse. The Royal Commission released three reports throughout the inquiry:

- Working with Children Checks (August 2015);
- Redress and Civil Litigation (September 2015); and
- Criminal Justice (August 2017).

The Royal Commission's Final Report (15 December 2017) incorporated findings and recommendations of the three previous reports and contained a total of 409 recommendations, of which 310 are applicable to the Western Australian Government and the broader WA community.

The implications of the Royal Commission's recommendations are twofold: the first is accountability for historical breaches in the duty of care that occurred before 1 July 2018 within any institution; the second is future-facing, ensuring better child safe approaches are implemented holistically moving forward.

The scope of this report addresses only the historical element of institutional child sexual abuse through the National Redress Scheme.

All levels of Australian society (including the WA local government sector) will be required to consider leading practice approaches to child safeguarding separately in the future.

National Redress Scheme

The Royal Commission's *Redress and Civil Litigation (September 2015)* Report recommended the establishment of a single National Redress Scheme (the Scheme) to recognise the harm suffered by survivors of institutional child sexual abuse.

The Scheme acknowledges that children were sexually abused, recognises the suffering endured, holds institutions accountable and helps those who have been abused access counselling, psychological services, an apology and a redress payment.

The Scheme commenced on 1 July 2018, will run for 10 years and offers eligible applicants three elements of Redress:

- A direct personal response (apology) from the responsible institution, if requested;
- Funds to access counselling and psychological care; and
- A monetary payment of up to \$150,000.

All State and Territory Governments and many major non-government organisations and church groups have joined the Scheme.

The WA Parliament has passed the legislation for the Government and WA based non-government organisations to participate in the National Redress Scheme.

The Western Australian Government (the State) started participating in the Scheme from 1 January 2019.

Under the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth), local governments may be considered a State Government institution.¹

A decision was made at the time of joining the Scheme to exclude WA local governments from the State Government's participation declaration. This was to allow consultation to occur with the sector about the Scheme, and for fuller consideration of how the WA local government sector could best participate.

DETAILS

Following extensive consultation, the State Government (December 2019):

- Noted the consultations undertaken to date with the WA local government sector about the National Redress Scheme;
- Noted the options for WA local government participation in the Scheme;
- Agreed to local governments participating in the Scheme as State Government institutions, with the State Government covering payments to the survivor; and
- Agrees to the Department of Local Government, Sport and Cultural Industries (DLGSC) leading further negotiations with the WA local government sector regarding local government funding costs, other than payments to the survivor including counselling, legal and administrative costs.

The following will be covered for local governments participating in the Scheme as a State Government institution and part of the State's declaration:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination of requests for information and record keeping in accordance with the *State Records Act 2000*); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below for further explanation).

State Government financial support for local government participation in the Scheme, as set out, will ensure that Redress is available to as many WA survivors of institutional child sexual abuse as possible.

Individual local governments participating in the Scheme as a State Government institution, with the State will be responsible for:

- Providing the State with the necessary (facilities and services) information to participate in the Scheme;
- Resources and costs associated with gathering their own (internal) information and providing that information (Request for Information) to the State (if they receive a Redress application); and
- Costs associated with the delivery of a DPR (apology), if requested (based on a standard service fee, plus travel and accommodation depending on the survivor's circumstance). The State's decision includes that all requested DPR's will be

coordinated and facilitated by the Redress Coordination Unit – Department of Justice, on every occasion.

The WALGA State Council meeting of 4 March 2020:

1. Acknowledged the State Government's decision to include the participation of Local Governments in the National Redress Scheme as part of the State's declaration;
2. Endorsed the negotiation of a Memorandum of Understanding and Template Service Agreement with the State Government, and
3. Endorsed by Flying Minute the Memorandum of Understanding prior to execution, in order to uphold requirements to respond within legislative timeframes.

The State and WALGA will sign a Memorandum of Understanding to reflect the principles of WA local governments participating in the Scheme as State Government institutions and being part of the State's declaration.

State agencies (led by DLGSC), WALGA and Local Government Professionals WA will support all local governments to prepare to participate in the Scheme from 1 July 2020 (or earlier, subject to completing the necessary arrangements).

The State's decision allows for the WA Government's Scheme participation declaration to be amended to include local governments and this report seeks recommends that the Shire participates in the Scheme.

As an independent entity and for absolute clarity, it is essential that the Shire formally indicates via a decision of Council, the intention to be considered a State Government institution (for the purposes on the National Redress Scheme) and be included in the WA Government's amended participation declaration.

The Shire of Peppermint will not be included in the State's amended declaration, unless it formally decides to be included.

The financial and administrative coverage offered by the State will only be afforded to WA local governments that join the Scheme as a State Government institution, as part of the State's amended declaration.

The option also exists for the Shire to formally decide not to participate in the Scheme (either individually or as part of the State's declaration).

Should the Shire formally decide (via a resolution of Council) not to participate with the State or in the Scheme altogether, considerations for the Shire include:

- Divergence from the Commonwealth, State, WALGA and the broader local government sector's position on the Scheme (noting the Commonwealth's preparedness to name-and-shame non-participating organisations).
- Potential reputational damage at a State, sector and community level.
- Complete removal of the State's coverage of costs and administrative support, with the Shire of Peppermint Grove having full responsibility and liability for any potential claim.
- Acknowledgement that the only remaining method of redress for a victim and survivor would be through civil litigation, with no upper limit, posing a significant financial risk to the Shire.

Considerations for the Shire

Detailed below is a list of considerations to participate in the Scheme:

1. Executing a Service Agreement

All Royal Commission information is confidential, and it is not known if the Shire will receive a Redress application. A Service Agreement will only be executed if the Shire receives a Redress application.

Council needs to give authority to an appropriate position / officer to execute a service agreement with the State, if a Redress application is received. Timeframes for responding to a Request for Information are 3 weeks for priority applications and 7 weeks for non-priority applications. A priority application timeframe (3 weeks) will be outside most Council meeting cycles and therefore it is necessary to provide the authorisation to execute an agreement in advance.

2. Reporting to Council if / when an application is received

Council will receive a confidential report, notifying when a Redress application has been received. All information in the report will be de-identified but will make Council aware that an application has been received.

3. Application Processing / Staffing and Confidentiality

Administratively the Shire will determine:

- Which position(s) will be responsible for receiving applications and responding to Requests for Information;
- Support mechanisms for staff members processing Requests for Information.

The appointed person(s) will have a level of seniority in order to understand the magnitude of the undertaking and to manage the potential conflicts of interest and confidentiality requirements

4. Record Keeping

The State Records Office advised (April 2019) all relevant agencies, including Local Governments, of a 'disposal freeze' initiated under the *State Records Act 2000* (the Act) to protect past and current records that may be relevant to actual and alleged incidents of child sexual abuse. The Shire's record keeping practices as a result, have been modified to ensure the secure protection and retention of relevant records. These records (or part thereof) may be required to be provided to the State's Redress Coordination Unit in relation to a Redress application.

The Redress Coordination Unit (Department of Justice) is the state record holder for Redress and will keep copies of all documentation and RFI responses. Local Governments will be required to keep their own records regarding a Redress application in a confidential and secure manner, and in line with all requirements in *The Act*.

5. Redress Decisions

The Shire should note that decisions regarding Redress applicant eligibility and the responsible institution(s), are made by Independent Decision Makers, based on the information received by the applicant and any RFI responses. The State Government and the Shire do not have any influence on the decision made and there is no right of appeal.

CONSULTATION

The State, through the Department of Local Government, Sport and Cultural Industries (DLGSC), consulted with the WA local government sector and other key stakeholders on the Royal Commission into Institutional Responses to Child Sexual Abuse (in 2018) and the National Redress Scheme (in 2019).

The consultation throughout 2019 has focused on the National Redress Scheme with the aim of:

- raising awareness about the Scheme;
- identifying whether WA local governments are considering participating in the Scheme;
- identifying how participation may be facilitated; and
- enabling advice to be provided to Government on the longer-term participation of WA local governments.

Between March and May 2019, DLGSC completed consultations that reached 115 out of 137 WA local governments via:

- Webinars to local governments, predominately in regional and remote areas;
- Presentations at 12 WALGA Zone and Local Government Professional WA meetings;
- Responses to email and telephone enquiries from individual local governments.

It was apparent from the consultations local governments were most commonly concerned about the:

- potential cost of Redress payments;
- availability of historical information;
- capacity of local governments to provide a Direct Personal Response (apology) if requested by Redress recipients;
- process and obligations relating to maintaining confidentiality if Redress applications are received, particularly in small local governments;
- lack of insurance coverage of Redress payments by LGIS, meaning local governments would need to self-fund participation and Redress payments.

LGIS published and distributed an update (April 2019) regarding the considerations and (potential) liability position of the WA local government sector in relation to the National Redress Scheme.

The WALGA State Council meeting on 3 July 2019 recommended that:

1. *WA local government participation in the State's National Redress Scheme declaration with full financial coverage by the State Government, be endorsed in principle, noting that further engagement with the sector will occur in the second half of 2019.*
2. *WALGA continue to promote awareness of the National Redress Scheme and note that local governments may wish to join the Scheme in the future to demonstrate a commitment to the victims of institutional child sexual abuse.*

DLGSC representatives presented at a WALGA hosted webinar on 18 February 2020 and presented at all WALGA Zone meetings in late February 2020.

The State's decision, in particular to cover the costs / payments to the survivor, has taken into account the feedback provided by local governments during the consultation detailed above.

STRATEGIC IMPLICATIONS

There are no Strategic implications evident at this time.

STATUTORY IMPLICATIONS

In agreeing to join the Scheme, is required to adhere to legislative requirements set out in the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018* (Cth).

Authorisation of an appropriately appointed person to execute a service agreement with the State, if a Redress application is received, will be in accordance with s.9.49A(4) of the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

The State's decision will cover the following financial costs for local governments:

- Redress monetary payment provided to the survivor;
- Costs in relation to counselling, legal and administration (including the coordination or requests for information and record keeping); and
- Trained staff to coordinate and facilitate a Direct Personal Response (DPR – Apology) to the survivor if requested (on a fee for service basis with costs to be covered by the individual local government – see below).

The only financial cost the local government may incur will be the payment of the DPR's, which is on an 'as requested' basis by the survivor. This will be based on the standard service fee of \$3,000 plus travel and accommodation depending on the survivor's circumstances. All requested DPR's will be coordinated and facilitated by the Redress Coordination Unit – Department of Justice.

The State's decision also mitigates a significant financial risk to the local government in terms of waiving rights to future claims. Accepting an offer of redress has the effect of releasing the responsible participating organisation and their officials (other than the abuser/s) from civil liability for instances of sexual abuse and related non-sexual abuse of the person that is within the scope of the Scheme. This means that the person who receives redress through the Scheme, agrees to not bring or continue any civil claims against the responsible participating organisation in relation to any abuse within the scope of the Scheme.

OFFICER RECOMMENDATION – ITEM NO. 8.5.1

That Council:

- 1) Notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;**
- 2) Endorses the participation of the Shire of Peppermint Grove in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;**
- 3) Grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received;**
- 4) Notes that a confidential report will be provided if a Redress application is received by the Shire.**

8.5.2 Matters for Information and Noting
MANAGEMENT/GOVERNANCE/POLICY
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
	1. Building Permits Issued 2. Planning Approvals Issued 3. Infringements Issued 4. Library Statistics

Voting Requirement : Simple majority
 Subject Index :
 Disclosure of any Interest : Nil
 Responsible Officer : CEO

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

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

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

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

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

SUMMARY AND KEY ISSUES

The following reports are presented to Council at the Ordinary Council Meeting of 23 June 2020:

1. Building Permits Issued
2. Planning Approvals Issued
3. Infringements Issued
4. Library Statistics

CONSULTATION

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

OFFICER RECOMMENDATION – ITEM NO. 8.5.2

That Council receives the information in this report.

8.6 COMMITTEE REPORTS

NIL

9 NEW BUSINESS OF AN URGENT NATURE

IMPARTIALITY INTEREST DECLARED – CR DAWNE HORREX

9.1 Late Item 2020-2021 Draft Budget

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Draft Budget 2020/21
	Policy 2.9 Purchasing & Tendering

Voting Requirement	:	Absolute Majority
Subject Index	:	Financial Management Budget 2020/21
Disclosure of any Interest	:	Elected Members are not required to declare an interest in the setting of the rate or fees and charges in accordance with section 5.63 of the Local Government Act 1995
Responsible Officer	:	Michael Costarella, Manager Corporate and Community 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 draft municipal fund budget for the 2020/21 financial year, together with supporting schedules including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

SUMMARY AND KEY ISSUES

The draft 2020/21 budget recommends no increase in the rates income and capital expenditure of \$1,113,331

LOCATION

N/A

BACKGROUND

The Rate Setting Statement shows total revenue required from property rates of \$3,326,228 compared with \$3,312,960 derived in 2019/20. The increase in income relates to estimated interim rates that will be levied in the 2020/21 financial year. The interim rates are attributed to the improvement to dwellings and other structures. The rates income is also affected by the new valuations of properties undertaken by the Valuer Generals Office for the 2020/21 financial year. In general terms the new revaluations showed approximately 10% decrease in property values. Accordingly, in order to derive the same rates income as the previous financial year, the rate-in-a dollar was increased from 7.7690 cents to 8.599 cents in a dollar.

Minimum rates remained the same at \$1,400.

Rates information is shown on Page 8 of the 2020/21 Draft budget document.

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

CONSULTATION

Consultation was undertaken through workshops held with Councilors and Senior staff.

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

STRATEGIC IMPLICATIONS

The budget was to have the objectives and strategies of the Shire's current Community Strategic Plan (CSP) and Corporate Business Plan (CBP) , however due to the implications of COVID 19 the Shire was unable to conduct community consultation and develop revised plans. The new Strategic Community Plan and the Corporate Business Plan will be undertaken in the 2020/21 Financial year and funds have been set aside for this purpose.

POLICY IMPLICATIONS

The budget is based on the principles contained within the current Plan for the Future (community strategic and corporate business plans).

STATUTORY IMPLICATIONS

Division's 5 and 6 of Part 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The draft 2020/21 budget as presented is considered to meet statutory requirements.

FINANCIAL IMPLICATIONS

Specific financial implications are as itemized in the draft 2020/21 budget attached for adoption.

SOCIAL IMPLICATIONS

The draft budget delivers social outcomes identified in various planning and community-supporting strategies. The Council will continue to fund community-focused projects such as SHINE Community Services, Australia Day, Carols by Candlelight and Disability Access and Inclusion projects.

OFFICER COMMENT

The draft 2020/21 budget continues to deliver on other strategies adopted by Council and maintains a high level of service across all programs while ensuring an ongoing focus on renewing all asset classes at sustainable levels.

- **Rates Income**

The rate modelling in the draft shows rates income of \$3.3m based on a zero increase on the rates raised in 2019/20. Council has committed to a zero increase in rates revenue in response to the financial impact to the community caused by COVID 19. In a normal year, a 1% increase in rates revenue would equates to \$33,000, The minimum rate would stay at \$1,400.

There is a revaluation that is being applied to properties for 20/21. This will impact the gross rental values (GRV) for each property. Even though Council will have a zero increase in the rates raised, some properties will have an increase over their 19/20 rates and some will have a decrease.

No income for penalty or instalment interest or administration charges for instalments has been included in the draft budget.

Waste changes

During 19/20 the new 3 bin service was introduced, which reduced the cost of disposal of municipal waste going to landfill as green waste previously going into these red lid bins is now disposed of in the GO (green lid) bins, which had a substantially cheaper landfill cost.

The cost of providing one MWS, recycling and GO bin to each property, other than units (which didn't get a GO bin allocated to each unit) is built into the property rates.

The Schedule of Fees and Charges shows a reduction in the cost of a second MWS bin from \$362 to \$248 for 20/21. The cost of an additional recycling bin is \$199, which is the same as 19/20. The cost an additional GO bin is \$140, which is down from \$199 in 19/20. The introduction of the GO bins and the associated collection and disposal costs have been offset by a reduction in contract collection (Suez) and disposal (WMRC) costs, so that in budget terms they offset each other. The reduction in costs has meant a reduction in the second bin costs for MWS bins.

- **Employee costs**

The Staff Enterprise Agreement expired on 30 June 2019 and staff have agreed to rollover the existing agreement conditions for a further 3 years with the annual pay rise to be the higher of the Perth March Quarter CPI movement or the annual Fair Work Australia (FWA) minimum wage adjustment. Due to the impact of COVID 19 on the economy and the cost to the Shire for the assistance package, combined with the fact that no staff were stood down or terminated (due to COVID 19), staff have agreed to a zero-pay rise for 20/21.

In the past 12 months there have been several structural changes, mainly in the library. A new position of part time (1 day a week) has been created for an Infrastructure Technical Officer The budget for salaries and superannuation has reduced by approximately \$170,000 from 19/20.

- **Events Calendar**

Activities and Events, has a budget of \$30,400. This consists of:-

- \$4,600 bi-annual community breakfast,
- \$7,000 Australia Day,
- \$500 for Christmas Street party support,
- \$1,500 for senior's morning tea,
- \$3,800 for Halloween and
- \$500 for minor events
- \$12,000 for Carols by Candlelight

It is unlikely that some of the upcoming events such as Halloween and possibly the community breakfast will be able to be held due to COVID 19, however it is recommended that the budget remains so that there is scope for alternate events if the need arises.

- **Library Contributions**

The net operating cost of running the Grove library is met by the three member councils of the Towns of Mosman Park and Cottesloe and the Shire. The draft library budget has been endorsed by the Library Management Committee and the Shire is awaiting confirmation that both Town Council's have endorsed the budget. The level of contribution is based on census population data. The net operating shortfall for 20/21, excluding capital is \$1,249,718, with the Town of Mosman Park contributing \$608,363, Cottesloe \$527,756 and the Shire \$113,599. The contribution level is 12.21% lower than 19/20 due to operating efficiencies . Both Councils also contribute to the capital on the same formulae.

- **Grant -Local Road and Community Infrastructure Program Grant (LRCI Program)**

The Federal Government has provided local governments with a one-off Local Road and Community Infrastructure Program Grant (LRCI Program). The grant is to stimulate local economies. The Shires grant, subject to compliance with the guidelines, is \$49,642. The draft budget includes this grant, but a CAPEX project hasn't been allocated yet. The intent of the grant is to bring on new projects and Council can consider how these funds can be allocated.

- **Loans (Page 17)**

No new loans are proposed, with the library still the only loan the Shire has. The draft provides for capital repayment of \$31,725, leaving a principal balance as at 30 June 2021 of \$724,962. Interest repayments during the year total \$54,074

- **Reserve funds (Page 18)**

The balance of the reserve funds as at 30 June 2020 are is projected to be \$980,503. Transfers into the reserves during the year will be \$16,600 interest earnings for the individual reserves, \$20,000 to the Arts & Culture Reserve and \$15,000 to Infrastructure reserve for drainage pit renewal in accordance with the Asset Plan.

Transfers out will be \$561,000, made up of \$200,000 for Johnston, \$111,000 for Venn Streets and \$250,000 for the parks and reserves reticulation project. The 30 June 2021 funds in reserve will be \$471,103.

Further transfers to Reserves may be made following the adoption of the 10 year Asset Management Plan and amendments to the Capital Works program.

- **COVID 19 Assistance package**

The Shire has adopted a Financial Hardship Policy (COVID 19). The policy is applicable to residential ratepayers and small businesses within the Shire. Eligible businesses under the Shire's hardship policy can apply for rate relief for the period 1 April to 30 September 2020, with the level of support depending on the individual circumstances of the business. The package also provides support for the West Coast Community Centre and the Peppermint Grove Tennis Club. The budget makes provision for costs associated with the COVID 19 assistance package.

- **Capital Works program (Page 26)**

The attached schedule shows the proposed capital works program totaling \$1,113,331. The schedule includes trade ins, transfers ex reserve, grants and library contributions from Town of Mosman Park and Town of Cottesloe for library capital. The nett cost funded from the Shire's municipal account is \$302,582. This amount is the area of discretionary spending for Council that impacts on the rate revenue needed to balance the budget. As stated above the amount of capital works maybe amended following the adoption of the Asset Management Plans.

- **Fees and Charges Schedule (Page 27)**

Council has committed to not increasing fees or charges. There will be reduction in the charge for the additional MWS bin and GO bin in the schedule. There are several minor changes to the schedule, with the leases and MOU fees having dollar amounts removed from the Schedule as they change according to their agreements;

New fees include:-

- Pro rata Dingy storage fee
- Half day fee for the use of the Manners Hill Pavilion
- Retrospective Planning Development applications

- **Closing balance (Surplus) 30 June 2021**

Based on the draft as presented the financial position is as follows

Opening Balance 1 July 2020 anticipated to be \$139,000, however this can change. Based on the draft as presented, the 30 June 2021 closing balance (surplus) is anticipated to be \$6,840.

- **Local Government (Financial Management) Regulations 1996)- Amendment to Tender Thresholds from \$150,000 to \$250,000**

The regulations were amended on the 8th May 2020 to increase the Tender threshold from \$150,000 to \$250,000. Council's policy 2.9 (attached) requires amendment to allow for this increase in the threshold . There are no projects in the draft that exceed the \$250,000 and the change to the Policy will enable the CEO to call for Request for Quotes and accept a suitable contractor.

- **2020-21 ESL Rates and Determinations**

The ESL rate set by the state Government is the same as 19/20 however only a few properties, mainly those on minimum rates, and others with significant reductions in their GRV will get a reduction as the ESL has a maximum amount (\$441) for residential properties and most of the Shire's residential properties are still capped at this amount. Overall the ESL collected will be down by about \$15700 from last year.

The State Government has set the ESL rate in a dollar that is similar to the 2019/20 financial year. The ESL interest penalty is currently set at 8% however under a special determination Council may wish to reduce the ESL penalty interest rate in line with Council's interest penalty rate, currently suggested at 6%.

OFFICER RECOMMENDATION/S – ITEM NO. 9.1

That Council Adopts the following:

PART A – MUNICIPAL FUND BUDGET FOR 2020/21

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1999* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, Council adopts the 2020/21 Shire of Peppermint Grove Budget as contained in Attachment One.

PART B – GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council, pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum payments on Gross Rental Values:’

1.General rates

- Residential (GRV) 8.599 cents in the dollar
- Commercial (GRV) 8.599 cents in the dollar
- Clubs (GRV) 8.599 cents in the dollar

1.2 Minimum Payments

- Residential (GRV) \$1,400
- Commercial (GRV) \$1,400

2. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64 (2) of the *Local Government (Financial Management) Regulations 1996*, Council nominates the following due dates for the payment of rates and charges in full by instalments (assuming date of issue is 10th July 2020):

- Payment in full or first instalments 14th August 2020
- Second of four instalments 16th October 2020
- Third of four instalments 17th December 2020
- Last of four instalments 17th February 2021

3. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council does not adopt an instalment administration charge.

4. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996* and in accordance with Council’s Financial Hardship Policy, Council does not adopt an interest charge where ratepayer elects to pay rates and charges by instalments.

5. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council does adopt a 6% interest charge where payment of rates and charges rates and charges is in arrears including overdue instalment payments

6. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, and in accordance with Council’s Financial Hardship Policy Council does not adopt a special arrangements administration fee with respect to outstanding rates and charges and authorises the Chief Executive Officer to enter into such special arrangements.

7. In accordance with the **Local Government (Financial Management) Regulations 1996**, Council amend its **Policy 2.9** to reflect the change to the **Tender threshold** from \$150,000 to \$250,000.
8. Pursuant to **Section 6.45** of the *Local Government Act 1995* Council adopts the **Schedule of Fees and Charges** inclusive of the 2020/21 budget included as attached on page 27 of the 2020/21 Draft Budget.
9. Pursuant to **Regulation 34 (5)** of the *Local Government (Financial Management) Regulations 1996* the level for reporting material variances in monthly statements of financial activity shall be **10% or \$10,000**, whichever is the greater.
10. In addition to clauses 3,4,5 & 6 above, the **COVID 19 Assistant package** considered by Council in April 2020 be adopted and included in the 2020/21 Budget.
11. In accordance with the special determination from the State Government on the interest penalty that Council reduce the interest rate for **Emergency services Levy** from **8% to 6%** in line with Council penalty interest rate for unpaid rates and charges and **0%** for installments.

10 MOTIONS ON NOTICE

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

11 CONFIDENTIAL ITEMS OF BUSINESS

NIL

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.*