



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

The draft agenda submitted to this Forum is subject to change and should not be read as the final Agenda to the next Ordinary Council Meeting. The final Agenda will be placed on the Shire's website on the Friday before the scheduled meeting.

TO BE HELD ON
TUESDAY 24 MAY 2022
AT
5.30 PM



Shire of Peppermint Grove

MEETING AGENDA ATTACHED

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Shire of Peppermint Grove

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Shire of
Peppermint Grove

DRAFT ORDINARY COUNCIL MEETING AGENDA

1 DECLARATION OF OFFICIAL OPENING

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

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

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

Affirmation of Civic Duty and Responsibility

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

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

ATTENDANCE

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

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

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

Mr Don Burnett
Mr D Norgard
Mr J Gajic
Mr M Costarella

Gallery Members of the Public
 Members of the Press

APOLOGIES

LEAVES OF ABSENCE

NIL

NEW REQUEST FOR A LEAVE OF ABSENCE

3 DELEGATIONS AND PETITIONS

DELEGATIONS

NIL

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.*

- (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.*

RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING

NIL

QUESTIONS FROM MEMBERS OF THE PUBLIC

DEPUTATIONS OF THE PUBLIC

PRESENTATIONS FROM 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

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.



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

ORDINARY COUNCIL MEETING 26 APRIL 2022

OFFICER RECOMMENDATION – ITEM 7.1

Moved:

Seconded:

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 26 April 2022 be confirmed as a true and accurate record.

8 OFFICER REPORTS

MANAGER DEVELOPMENT SERVICES

8.1.1 145 (Lot 6) Forrest Street, Peppermint Grove – Retrospective Development Application for a Front Fence and Front Access Gate

URBAN PLANNING

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1	Locality Map
Attachment 2	Retrospective Development Application Drawings (Redacted) Approved Front Fence Drawings

Voting Requirement	: Simple Majority
Acceptance Date	:
Location / Property Index	: 145 (Lot 6) Forrest Street
Application Index	: DA2022/00008
LPS No 4 Zoning	: Residential, R-12.5
Land Use	: Single House
Lot Area	: 851m ²
Disclosure of any Interest	: Nil.
Previous Items	: (DA2020/00014)
Applicant	: Seymour Clifford
Owner	: Mr Stephen Davies
Assessing Officer	: Mr M. Stocco
Authorising Officer	: Mr J Gajic

PURPOSE OF REPORT

To seek Council determination for a Retrospective Development Application for a Front Fence incorporating an Access Gate that seeks a variation to Local Planning Policy 12 – Front Fences.

SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R 12.5).
- The Retrospective Development Application was lodged on 04 March 2022 (DA2022/00008) for a Front Fence and Front Access Gate.
- Single House approved March 30, 2020 (DA2020/00014).
- 2nd Development Application (Amendment) approved July 22, 2021 (DA2021/00024) for Relocation of Swimming Pool and Pond Feature.
- Construction of the Single House was completed in 2021. The Front Fence is not in compliance with the approved plans.

LOCATION

145 Forrest Street, Peppermint Grove (adjoins a right of way).

BACKGROUND

Shire officers undertook a compliance inspection of 145 Forrest Street following the recent completion of the Single House. The inspection identified front fencing not in compliance with the Development Approval or Local Planning Policy 12 – Front Fences.

Shire officers requested and subsequently received a Retrospective Development Application for a modified Front Fence incorporating an Access Gate.

The dwelling is north facing and has been designed with large glass pane windows for passive views to the street. The dwelling is recessed slightly below the primary street and includes a reflection pond, paved forecourt, landscaping and lawn areas. Primary pedestrian access is from Forrest Street and vehicular access via the adjacent laneway.

Front fencing in the immediate vicinity is predominantly visually permeable and compliant with the local planning policy framework. Exceptions are the Category 1 heritage listed Lee Steere residence at 143 Forrest Street sections of the limestone block wall being solid, and 146 Forrest Street the brick wall with porthole style opening. These two walls appear to have been in place for some time and were not subject to the current fencing policy.

The approved design featured visually permeable 'blade' style steel slats 1300mm high rising towards the laneway where supported by a low retaining wall. to a maximum height of approximately 1500mm. The design featured five (5) solid piers dispersed at regular intervals, the central pier containing the letterbox and displaying house numbering. An access gate was seamlessly incorporated into the blade style design and centrally positioned along the frontage. The gate location provided a linear approach to the front entry of the dwelling.

The retrospective design features 1800mm high visually permeable steel fencing recessed 600mm into the property boundary featuring four (4) horizontal bars affixed to steel upright columns. The visually permeable steel fencing sits atop a low retaining wall that is largely obscured when viewed from the street and rises to an approximate height of 250mm at the eastern end.

The steel fencing is bookended by solid walls at either end. The walls are approximately 1800mm high wall at the western end and varies between 2050mm and 2300mm high at the eastern end. The solid wall at the eastern end connects to the truncated section of solid front wall that incorporates a solid front (blue painted) entry gate are varies in height between approximately 2700mm and 2990mm. The mailbox is located adjacent to the truncated section of wall fronting the laneway. The letterbox location may not comply with Australia Post conditions of delivery location standards as it does not front the footpath.

The retrospective application has been assessed based on the design merit, and specifically against the objectives of Local Planning Policy 1 – Design and Streetscapes and 12 – Front Fences.

CONSULTATION

There has been no public consultation undertaken specific to the front fencing changes.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

The proposal complies with relevant Scheme provisions with the exception of Local Planning Policy 12 – Front Fences.

STATUTORY IMPLICATIONS

<u>LOCAL PLANNING SCHEME NO. 4</u>	
Scheme Requirement/Clause	Assessment/Comment
Plot Ratio	N/A

<u>RESIDENTIAL DESIGN CODES</u>	
Development/Performance Criteria	Assessment/Comment
Site Setbacks	N/A
Building Heights	N/A
Visual Privacy	N/A
Solar Access for Adjoining Sites	N/A

<u>SCHEME/COUNCIL POLICY</u>	
Policy Type	Assessment/Comment
Local Planning Policy 1 – Design and Streetscape	The planning policy objectives are not compromised by the change in front fence design. The truncated wall section incorporating the front entry gate is unroofed such that it does not constitute a gate house.
Local Planning Policy 2 – Ecological Urban Design and Sustainability	N/A
Local Planning Policy 3 – Heritage Place	N/A
Local Planning Policy 4 – Residential Building Heights	N/A
Local Planning Policy 5 – Plot Ratio	N/A
Local Planning Policy 6 – Neighbourhood Consultation on Development	N/A

Local Planning Policy 8 – Construction Management Plans	N/A
Local Planning Policy 9 – Development BONDS	N/A
Local Planning Policy 10 – Design Review Panels	N/A
Local Planning Policy 11 – Building on Side and Rear Boundaries	N/A
Local Planning Policy 12 – Front Fences	A variation is sought to the following policy provisions pertaining to primary street frontage: <ol style="list-style-type: none">1. <i>A front boundary fence is to be of an appropriate height and open aspect design and construction in order that there is strong visual relationship between the street, the front setback area and the front of the house.</i>2. <i>For all walls along the front boundary, where the lower portion of the wall is solid, the height shall not exceed 900mm.</i>3. <i>Columns, piers or posts forming the structural support shall not exceed 2100mm in height above the nature mean ground level on the street side of the fence, and not exceed 600mm in either depth or width.</i>
Vehicular Crossover Policy and Technical Specification	N/A

FINANCIAL IMPLICATIONS

There are no financial implication 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

Whilst the as constructed front fence design is not fully compliant with the policy provisions of Local Planning Policy 1 – Front Fences, the fencing has been assessed to meet the planning policy objectives. Specifically, the fencing is considered of a high-quality standard, it provides adequate physical security while maintaining an open visual aspect between the house and the street. The deletion of vertical louvered panels improves overall passive visual surveillance. Furthermore, changes to perimeter landscaping in response to the

600mm recession of the horizontal steel sections (landscaping now forward of the fencing) will likely ensure a continuity of surveillance.

It is acknowledged that the solid wall sections that bookend the horizontal steel sections exceed 900mm in height. The overall height of the eastern solid wall section including the truncated section that houses the access gate exceeds 2100mm. The truncated section of the wall significantly exceeds this height to match the wall height along the adjacent laneway. Whilst not subject to this application, the local planning policy framework should give consideration to limiting fencing abutting a laneway or right-of-way to 2100mm.

There is a likelihood that any condition to modify the as constructed design or to pursue enforcement action would be contested. Whilst acknowledging the community may perceive seeking retrospective approval is advantageous where variations to the local planning policy framework are sought, taking this approach may not be in the interest of Council on this occasion.

Should Council seek to better align the front fence design with the policy provisions the focus should be on the eastern solid wall section that in combination with the boundary wall fronting the laneway presents significant bulk. If proposed as part of the original Development Application, it is unlikely that this section of fencing would have been supported. There appear to be a number of options available to the applicant to improve visual permeability and/or reduce the height. Reducing the height of the truncated section of solid wall to that of the abutting section fronting Forrest Street and swapping out the solid access gate for a visually permeable option would not be unreasonable.

INFORMATION SUBSEQUENT TO THE AGENDA SETTLEMENT FORUM

Following the Agenda Settlement Forum on 10 May 2022 further investigation was undertaken to confirm the scope of the retrospective works aligned with the submitted plans and to confirm boundary wall heights.

The site inspection confirmed that the truncated wall section was approximately 290mm (2 courses of bricks) above the height of the adjacent laneway wall. It was further confirmed that the adjacent section of laneway wall adjacent had been raised by approximately 790mm (9 courses of bricks) above the approved height.

The officer conclusion based on assessment of the submitted plans that the retrospective changes to the truncated wall section matched the approved laneway wall height was incorrect. On this basis, **an alternative recommendation for point 1** to lower the height of the truncated wall section and a section of the adjacent laneway wall is now provided. Should Council prefer to approve the retrospective application, a further condition should require the submission of a laneway elevation to document the full scope of modifications to the wall for which retrospective approval is sought.

Point 1 recommendation is now

- 1. Prior to this permit having force of effect amended plans generally in accordance with the submitted plans dated 22 February 2022 shall be**

submitted to the satisfaction of the CEO and endorsed. The amended plans shall have further regard to the following:

- a. The truncated section of wall being reduced in height by approximately 290mm to match the height of the adjacent front wall.
- b. The laneway wall immediately adjacent to the truncated section of wall to be reinstated to the originally approved height of 25m AHD (reduced in height by approximately 790mm).
- c. The submission of a laneway (east) elevation clarifying the scope of retrospective changes sought for the boundary wall.

Once approved, the amended plans shall form part of this permit.

The rest of the Officer's recommendation stays as is.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council approves the front fence and access gate at 145 Forrest Street, Peppermint Grove in accordance with the submitted plans and application lodged on 4 April 2022 and delegates to the CEO approval subject to the following conditions:

1. The approved building works and layout shall not be altered without the prior written consent of Development Services.

Note: This approval is limited to the Front Fence as indicated by red ink on the endorsed plans.

2. The ongoing use of the site and approved development works shall not cause erosion or degradation to the subject or surrounding land. Should the Shire deem it necessary to undertake mitigation works; plans, specifications and work schedules may be required to be submitted and the works undertaken by the proponent at no cost and to the satisfaction of the Shire.
3. External lighting shall be installed and maintained so as to avoid distracting passing motorists or causing nuisance to Neighbours.
4. 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. Please note that the letterbox location (off the laneway) may not comply with the Australia Post conditions of delivery guidelines for a single residential premise. You are encouraged to confirm compliance with Australia Post.



2. 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.

DRAFT

8.1.2- 14 The Esplanade, Peppermint Grove – Modification to Approved Plan – Unauthorised Internal and External Additions and Alterations to Existing Under-Construction Single House

URBAN PLANNING

ATTACHMENT DETAILS

Attachment No	Details
Attachment 2	Locality Map
Attachment 2	Development Application Drawings (Redacted)

Voting Requirement : Simple Majority
 Acceptance Date :
 Location / Property Index : 14 (Lot 2) The Esplanade, Peppermint Grove
 Application Index : DA2022/00012
 LPS No 4 Zoning : Residential, R12.5
 Land Use : Residential
 Lot Area : 1,177m²
 Disclosure of any Interest : Nil.
 Previous Items : DA2019/00007, DA2020/00007, DA2020/00002,
 DA2020/00008 & DA2022/00012
 Applicant : Grounds Kent Architects (Martin Grounds)
 Owner : Mr and Mrs Jon & Carolyn Stewart
 Assessing Officer : Mr M. Stocco
 Authorising Officer : Mr J. Gajic

PURPOSE OF REPORT

To seek Council determination of a Development Application to consolidate a number of approved revisions and 'as constructed' design elements associated with a Single house under construction. The Development Application for Council's consideration will ensure alignment of planning and building approvals and effectively supersede three (3) previous planning approvals and captures Council-directed revision to the most recent application for a Concrete Cantilevered Awning.

This Report should be read in conjunction with Items no. 8.1.1 (April 23, 2019 OCM, and March 22, 2022 OCM).

SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R12.5) a Single House is a 'P' use.
- The following Development Applications pertaining to development associated with the Single House are listed chronologically:
- Initial Development Application for a Single House approved by Council April 23, 2019 (DA2019/00007).
- 2nd Development Application for revisions to the Siting of the Single House and Boundary Structures approved by Council March 24, 2020 (DA2020/00002).
- 3rd Development Application for revisions to the Siting of the Single House, Garage and Swimming Pool approved by Council July 28, 2020 (DA2020/00008).
- 4th Development Application for a Concrete Cantilevered Awning approved by Council 22 March 2022 (DA2021/00050).
- 5th Development Application to Consolidate all Revisions and to align the Development Application with the Building Approvals lodged on April 14, 2022 (DA2022/00012).
- A Building Permit has been granted for applicable components of the consolidated development works.

LOCATION

14 The Esplanade, Peppermint Grove (corner of Forrest Street and The Esplanade).

BACKGROUND

The Single House under construction replaces a Category 2 Municipal Heritage Listed house that occupied a similar building envelope. A demolition permit was issued in 2015 and re-issued in 2017.

In granting planning approval for the replacement house, the Council had specific regard to Local Planning Policy 1 – Design and Streetscape when considering the siting and height of the replacement house. Council also noted the subject site is directly to the south of 12 The Esplanade which is a heritage listed house (Management Category 1).

In the context of the overall development the approved revisions are individually relatively minor, but collectively contribute to a notable change to the initial design.

It is further noted that the Concrete Cantilevered Awning has been modified in accordance with Council's resolution on 22 March 2022. The awning has been reduced by five (5) metres at its northern end and specification of fixtures for securing and tracking of the blind provided.

Additional detail pertaining to site landscaping, paving and hard stand areas has also been provided.

Key external changes to the initial approval (DA2019/00007) include:

- one (1) metre reduction in the building setback from The Esplanade and 0.5 metre from Forrest Street and associated earthworks and retention structures;
- external colour, treatment and materials changes for the roof, timber wall cladding and retaining walls;
- reconfiguration of the swimming pool and pool terrace;
- reconfiguration from four (4) to three (3) bays and relocation of the garage;
- addition of an outdoor dining terrace with vergola roof;
- changes to major openings for the dining room and removal of the adjacent balcony;
- relocation then subsequent expansion to the drying court;
- addition of three (3) chimney/vents;
- modifications to the balcony and installation of a concrete cantilevered awning; and
- changes and further articulation and modifications to fencing, landscaping, paving and paved areas.

Key internal changes to the initial approval include:

- substantive reconfiguration and/or relocation cellar, laundry, comms/storeroom, kitchen and adjacent open plan living areas, toilet and dressing area to the master bedroom, and WIR to bedroom 2 (formally bedroom 4);
- addition of a workshop, powder room and cool room off the garage; and
- addition of a gymnasium, golf simulator and media room, change room.

CONSULTATION

Neighbour consultation has occurred with regard to the initial Single House application and for subsequent revisions as warranted.

This proposal to consolidate previously approved revisions and 'as constructed' design elements does not, in itself, warranted further advertising.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

Council has considered the state and local planning policy framework when determining previous Development Applications for construction of a Single House on the subject site.

STATUTORY IMPLICATIONS

LOCAL PLANNING SCHEME NO. 4	
Scheme Requirement/Clause	Assessment/Comment
Plot Ratio For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5	The consolidated revisions comply with Plot Ratio

RESIDENTIAL DESIGN CODES	
Development/Performance Criteria	Assessment/Comment
Site Setbacks Table 1, Tables 2a and 2b of the R-Codes.	The consolidated revisions do not alter the building setbacks approved by Development Approval (DA2020/00008)
Building Heights Table 3, Category B Maximum Building Heights	The consolidated revisions do not alter the building height approved by the initial Development Approval (DA2019/00007)
Visual Privacy C5.4.1, Figure 10, 10a, 10b and 10c of the R-codes. (Cone of Vision)	The consolidated revisions are compliant with the deemed-to-comply requirements of the R-Codes
Solar Access for Adjoining Sites (overshadowing) Part 5 - 5.4.2 C2.1	The consolidated revisions do not alter the building setbacks approved by the initial Development Approval (DA2019/00007)

SCHEME/COUNCIL POLICY	
Policy Type	Assessment/Comment
Local Planning Policy 1 – Design and Streetscape	The consolidated revisions are compliant
Local Planning Policy 2 – Ecological Urban Design and Sustainability	The consolidated revisions are compliant
Local Planning Policy 3 – Heritage Place	N/A
Local Planning Policy 4 – Residential Building Heights	The consolidated revisions are compliant
Local Planning Policy 5 – Plot Ratio	The consolidated revisions are compliant
Local Planning Policy 6 – Neighbourhood Consultation on Development	N/A, neighbour consultation was previously undertaken for the initial application and amendments as warranted
Local Planning Policy 8 – Construction Management Plans	Proposed to be addressed with a condition of Development Approval – to be required prior to submission of a Building Application

Local Planning Policy 9 – Development Bonds	N/A, Building Application requirement
Local Planning Policy 10 – Design Review Panels	N/A
Local Planning Policy 11 – Building on Side and Rear Boundaries	N/A
Local Planning Policy 12 – Front Fences	The consolidated revisions are compliant
Vehicular Crossover Policy and Technical Specification	Subject to approval by Manager of Infrastructure Services

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 Development Application for Council's consideration will ensure alignment of planning and building approvals and effectively supersede three (3) previous planning approvals and capture Council-directed revision to the most recent application for a Concrete Cantilevered Awning.

The consolidation of approved plans and 'as constructed' design elements not specifically assessed as part of previous applications is fundamentally an administrative process.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.2

The Council approves the consolidation of approved revisions for a Single House and Ancillary Works at 14 The Esplanade, Peppermint Grove in accordance with the submitted plans and application lodged on, April 14, 2021, and delegates approval to the CEO approval subject to the following conditions:

1. The approved building works and layout shall not be altered without the prior written consent of Development Services.

Note: This approval consolidates and supersedes DA2019/00007, DA2020/00002, DA2020/00008 and DA2021/00050.

2. Unless otherwise approved by the Shire construction works may only occur between the hours of 7am and 7pm Monday to Saturday (excluding public holidays).

3. Construction works must be carried out in accordance with AS 2436- 2010 Guide to Noise and Vibration control on Construction, Demolition and maintenance sites and the approved Construction Management Plan (CMP).
4. Construction materials shall be stored wholly within the subject land.
5. The ongoing use of the site and approved development works shall not cause erosion or degradation to the subject or surrounding land. Should the Shire deem it necessary to undertake mitigation works; plans, specifications and work schedules may be required to be submitted and the works undertaken by the proponent at no cost and to the satisfaction of the Shire.
6. External lighting shall be installed and maintained so as to avoid causing nuisance to neighbours.
7. All works associated with this approval shall be completed within two (2) years from the date of issue.

Advice Notes.

1. No building works are to be undertaken prior to the issue of a Building Permit. It is encouraged that plans endorsed as part of the Development Approval form part of the Building Application to ensure consistency. In the event of inconsistency, an amendment may be required to the Development Approval prior to the commencement of works.
2. The prior written approval of Infrastructure Services is required for the temporary closure of any footpath, road or laneway. Infrastructure Services can be contacted on 9286 8600 to discuss Traffic Management.
3. 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.

MANAGER INFRASTRUCTURE SERVICES

8.2.1 Tree Management Strategy 2022**INFRASTRUCTURE****ATTACHMENT DETAILS***Tree Management Strategy 2022*

Voting Requirement	:	Simple Majority
Subject Index	:	Shire Infrastructure- Environmental Management
Disclosure of Interest	:	Nil
Responsible Officer	:	Donovan Norgard – Manager Infrastructure services

PURPOSE OF REPORT

The purpose of this report is for Council to consider adopting a Tree Management Strategy (TMS).

The aim of the proposed Shire of Peppermint Grove Tree Management Strategy is to:

1. Ensure that Peppermint Grove retains its treasured leafy ambience through the sound management of trees that are managed by the Shire.
2. Provide guidance for the care, protection, and preservation of Shire trees.
3. To define the circumstances in relation to tree removal and aspects relating to development applications.

SUMMARY AND KEY ISSUES

Street trees are a valuable community asset for environmental, aesthetic, and social reasons including shade, heat reduction, habitat for native fauna and managing inviting, sustainable green spaces for everyone to enjoy.

This strategy applies to all trees that are owned and managed by the Shire of Peppermint Grove on road reserves, parks and in public spaces. This document will assist in increasing environmental values by future greening as well as increasing tree numbers and canopy coverage across the Shire.

Amongst aspects covered by this strategy are such elements as:

- Species selection
- Planting locations, spacing and numbers
- Pruning / maintenance
- Removals
- Tree protection Zone (TPZ) requirements at Development sites
- Bonds and Payments

BACKGROUND

The Shire currently has in place Policy 4.5 - *Street Tree and Verge Management* which deals with operational aspects of tree management. This TMS aims to supplement this policy and provides a broader description of the Shire's ongoing strategic management of trees on public land.

The Shire maintains a comprehensive electronic database of all trees on road reserves, parks and in public spaces. All Shire managed trees are inspected on a regular basis by a qualified arboricultural consultant with the data then entered into a specialised tree management software program. Information gathered on each tree includes details on species, health and condition, a QTRA Risk Assessment, a photographic record, plus a list of recommended works which is placed in a priority rating to assist with forward planning.

STRATEGIC IMPLICATIONS

The proposed Tree Management Strategy strongly aligns with the Shire's *Strategic Community Plan 2021 – 2031* as follows:

Built Environment Goal - *"Perpetual character and inviting, accessible and connected amenities"*

Built Environment Objectives:

3.1 Perpetual character of Peppermint Grove.

3.2 Inviting, accessible and connected Shire.

Natural Environment Goal - *"Preserved natural environment and minimised environmental impact"*

Natural Environment Objectives:

4.1 Protect and enhance Peppermint Grove's natural environment and biodiversity.

4.2 Maintain a clean, healthy, and sustainable environment.

4.3 Protect our natural resources for future generations.

POLICY IMPLICATIONS

This Strategic document supplements and aligns with Shire Policy 4.5 - *Street Tree and Verge Management Policy* and the Shire's *Strategic Community Plan 2021 – 2031*.

FINANCIAL IMPLICATIONS

In future budget deliberations, consideration may be given by Council to provide sufficient resources to practically implement the management strategies outlined in this document.

OFFICER COMMENT

This strategy aims to provide a practical, concise document outlining the Shire's preferred approach to tree management in public areas. It is intended to address common questions raised by ratepayers, members of the public and developers whilst aligning with the Shire's *Strategic Community Plan 2021 – 2031*.

OFFICER RECOMMENDATION/S – ITEM NO. 8.2.1
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That Council adopts the Shire of Peppermint Grove's *Tree Management Strategy 2022*.

MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 Financial Statements for Period Ended April 2022**CORPORATE****ATTACHMENT DETAILS**

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 30/04/2022

Voting Requirement	:	Absolute 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 April 2022

SUMMARY AND KEY ISSUES

During the month of March, there are some differences between the year-to-date budget and the actual income and expenditure. This relates to timing of the receipt of invoices and the raising of rates and charges.

The main variance between the year-to-date budget and the actual expenditure and income to the 30 April 2022 were: -

- Fees & Charges
- Employees Costs
- Materials & Contractors

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 10% (less) variance between the operating year to date budget and year to date actuals.

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 for the period ended the 30 April 2022 are presented in the new format. The new format includes a number of graphs and executive summary for councillors information.

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 & Charges- \$25,000

The year-to-date budget for the Fees & Charges has been exceeded by additional building fees for the same period.

(2) Employee Costs- \$ 32,000

The amount of \$32,000 is more than the year-to-date budget and relates to year-to-date budget allowing for two pays instead of three pays in July and December 2021 as well as termination payments. This is an accumulated amount that will resolve itself at the conclusion of the financial year.

(3) Materials & Contract-\$212,000

The actual expenditure is some \$212,000 less than the year to date budget and mainly relates to underspend in the following areas:-

- Consultancy Services - \$87,000
- Contractors & Materials - \$135,000

Investment of Municipal and Reserve Funds- as at 30 April 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	1,290,764.00	1/07/2021	24/06/2022	284	0.58%	5,825.06
Reserves Interest Receivable						5,825.06
Municipal PFA Acc	1,374,725.00	ON CALL			0.45%	\$2,190.00
Municipal Interest Received						\$2,190.00

OFFICER RECOMMENDATION/S – ITEM NO.

That Council receives the financial report for the period 1 July 2021 to 30 April 2022;

8.3.2 Accounts Paid April 2022**CORPORATE****ATTACHMENT DETAILS**

Attachment No	Details
Attachments	Accounts Paid – April 2022 Credit Card Statements – March 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 and direct debits since the last report.

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 April 2022 included the following:

- GST & PAYG remittance to ATO;
- Waste Management Services
- WA Superannuation

BACKGROUND

The Attachment lists details of all payments made in March and April 2022 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	NUMBER SERIES	AMOUNT
EFT	EFT00464-466	\$311,516.80
Direct Debits	DD00315-322	\$8,259.21
BPAY	BPAY254-261	\$682.35
Credit Cards – March	CCP00028	\$8,008.52
CHQ	CHQ	0
TOTAL		\$328,466.88

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 2021/22 annual budget.

OFFICER COMMENT

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

OFFICER RECOMMENDATION/S – ITEM NO.8.3.2

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

- 1. Cheques, Electronic funds transfers, BPay and Direct debit payments for the month of April 2022 totalling \$320,458.36**
- 2. Credit card payments for March 2022 totalling \$8,008.52**

CEO/ MANAGEMENT / GOVERNANCE / POLICY

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

<u>Attachment</u>	<u>Details</u>
Attachment refers to	Building/Planning Statistics Library Statistics

Voting Requirement	Simple majority
Subject Index	Matters for Information
Disclosure of any 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 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
- Infringements for parking/dogs etc
- Waste and recycling data
- Library statistics March

SUMMARY AND KEY ISSUES

The following reports are presented to Council 22 March 2022

1. Building/Planning Statistics
2. Library statistics March

CONSULTATION

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

OFFICER RECOMMENDATION – ITEM NO. 8.4.1

That Council receives the information in this report.

8.4.2 Policy Manual Review 2022**MANAGEMENT/GOVERNANCE/POLICY****ATTACHMENT DETAILS**

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Policy Manual
Attachment 2	Whistle Blower Policy
Attachment 3	Risk Management Policy

Voting Requirement	:	Simple
Subject Index	:	Office of CEO- Policies & Procedures
Disclosure of Interest	:	Nil
Author	:	CEO
Responsible Officer	:	CEO

PURPOSE OF REPORT

This report considers the review of the Shire's Policy manual

SUMMARY AND KEY ISSUES

- The Shire's Policy manual provides guidance to elected members, staff and the community on how the Shire deals with certain aspects of its operations.
- There are minor amendments to current policies and it is proposed two new policies be adopted.

LOCATION

N/A

BACKGROUND

The Shire's policy manual was last reviewed in February 2019 and in accordance with the adopted practice, is to be reviewed every two years.

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

The review of the Policy Manual ensures that the Shire's policies and practices remain current and relevant.

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

In 2019 the Policy Manual had a significant review undertaken. During 2020 and 2021 there were several modifications to the 2019 manual, these were;

Policy 1.1 Code of Conduct. This was revoked in May 2021 and replaced with Policy 1.12 Code of Conduct Behaviour Complaints Management and Policy 1.13 Code of Conduct for Council members, committee members and candidates.

Policy 3.10 Financial Hardship policy was adopted (April 2020) in response to COVID 19 economic impact.

Local Planning Policy 7 Laneways was revoked (August 2021)

Proposed amendment

Policy 1.4 Elected Members allowances and reimbursements. It is proposed to add the following to the Information Technology clause "Elected Members are entitled to an annual information technology allowance of \$1200 per year for costs associated with purchase of electronic equipment for Council purposes. This payment is subject to the elected member receiving agendas, minutes, and other documents in electronic format.

New Policies – the two new policies have been recommended for adoption from the internal audit review process through the Audit and risk Committee.

1.14 Whistle Blowers Policy – this policy is to ensure that there is a genuine commitment to detecting and preventing illegal or other undesirable conduct and is a mechanism for employees to report their concerns freely and without fear of repercussion.

1.15 Risk Management Policy – this policy is to ensure the Shire's potential risks are identified before they occur.

Further Information

Policy 2.4 has been amended but was omitted from the original report and is now provided for Council consideration. The Officer recommendation can also include this for adoption. Policy 2.4 Occupational Safety and health Policy has been amended to reflect the changes to the Work health and Safety Act 2000.

Revised Officer recommendation.

That Council adopted the revised policy manual with the changes to 1.4 and 2.4 and the inclusion of new policies 1.14 Whistle Blowers and 1.15 Risk Management

OFFICER RECOMMENDATION/S – ITEM NO 8.4.2

That Council adopted the revised policy manual with the changes to 1.4 and the inclusion of new policies 1.14 Whistle Blowers and 1.15 Risk Management

9 COMMITTEE REPORTS

NIL

10 NEW BUSINESS OF AN URGENT NATURE

NIL

11 MOTIONS ON NOTICE

NIL

12 CONFIDENTIAL ITEMS OF BUSINESS

NIL



13 CLOSURE

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

DRAFT