



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY 25 FEBRUARY 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 25 February 2020, commencing at 5.30 pm.

Yours faithfully



Don Burnett
CHIEF EXECUTIVE OFFICER

21 FEBRUARY 2020

MEETING AGENDA ATTACHED

DISCLAIMER

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Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Forum meetings.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request.



Shire of Peppermint Grove

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Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING AGENDA

1 DECLARATION OF OFFICIAL OPENING

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

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

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

Affirmation of Civic Duty and Responsibility

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

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 Library Services
Manager Corporate and Community Services
Manager Development Services
Manager Infrastructure Services

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

Gallery _____ Members of the Public
 _____ Members of the Press

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

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

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

5.4 INTEREST THAT MAY CAUSE A CONFLICT

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

5.5 STATEMENT OF GIFTS AND HOSPITALITY

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

6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 17 DECEMBER 2020

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 17 December 2020 be confirmed as a true and accurate record, subject to the following change to Item 8.1.5 32 Leake Street – New Single House, by replacing 129m² on page 41, 42, 44 and 45 with 94m², which presents the correct m² rate over the scheme allowance.

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 144 Forrest Street – Amendment to Approved Plan DA2019/00031

URBAN PLANNING

ATTACHMENT DETAILS

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

Voting Requirement	Simple Majority
Location / Property Index	144 Forrest Street, Peppermint Grove
Application Index	DA2020/00001
LPS No 4 Zoning	Residential, R-12.5
Land Use	Residential (Vacant)
Lot Area	1734m ²
Disclosure of any Interest	Nil.
Previous Items	DA2019/00031
Applicant	Philip Nikulinsky
Owner	Nil.
Assessing Officer	Mr. Josh Dallimore – Planning Officer
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 proposed amendment to the Approved Plan DA2019/00031 approved by Council at the Ordinary Council Meeting of November 2019

SUMMARY AND KEY ISSUES

- The plan proposes two variations to the plans approved by Council in November.
- A revised outdoor living space (terrace) has been proposed to the north of the house.
- This additional space is compliant with the R-Codes and Shire Local Planning Scheme 4 and is situated away from abutting houses.
- A second gateway is proposed to the north east boundary into the lane way to access the proposed terrace.

LOCATION

144 Forrest Street, Peppermint Grove

BACKGROUND

In November of 2019 the Shire approved plans for a new house at 144 Forrest Street, Peppermint Grove, subject to conditions.

Consistent with Council policy the plans were advertised to adjoining landowners for review and comment. An objection was received to the proposed height of the development however the height was lower than adjacent houses and considered to be complementary to the streetscape. Council accepted the requested variation on the roof height was warranted because the design was intended to match the surrounding architecture of the streetscape, most of which pre-dated the R Codes.

Council determined that the extra height of the building was within the character of the area and approved the application without any change.

CONSULTATION

No consultation with neighbours is necessary because the proposed design revision to the approved plans are deemed to comply with the R-Codes and Shire Local Planning Scheme 4.

STRATEGIC IMPLICATIONS

There are no specific strategic implications at this time.

POLICY IMPLICATIONS

Local Planning Policy 3 – Heritage Places.

The properties immediately east and west of the development sight are both included on the Shires Heritage List under LPS 4. Therefore, the amendment to the proposed plan should be consistent with the provisions of the policy and not detract from the heritage of the area. The proposed amendment is single storey and is located at the rear of the property. It will not be visible from the street and does not affect the heritage value or amenity of the area.

STATUTORY IMPLICATIONS

The amended plan to DA2019/00031 is deemed-to-comply with the Residential Design Codes and complies with the provisions of the Shires Local Planning Scheme 4 however to substitute the plan will require a formal decision of the Council to accept the variation as consistent with the previous terms of approval. There are no statutory implications for this variation at this time.

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 application submitted seeks Shire approval to make an amendment to a recently approved DA (DA2019/00031) at 144 Forrest Street. The amendment to the approved plans proposes a revised outdoor living/entertaining space to create a small courtyard area between the main house and the outdoor living space.

Assessment of the submitted plans indicates the proposed plans are deemed-to-comply with the R-Codes and Shires Local Planning Scheme 4. The modification will have no impact on abutting properties and therefore, approval of the proposed amendment to the outdoor living area is recommended.

The modified plans indicate a new gate to provide access to the property from the laneway along the eastern boundary. Access to the rear of the property from a second access point has no impact on the streetscape and does not affect other properties.

An application for additional access to the Shire will be required to demonstrate the access is compliant with engineering standards, and there are adequate sight lines to and from the property for vehicles entering and exiting.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council approves the amended design for Development Application DA2019/00031 at 144 Forrest Street, Peppermint Grove, according to plans (SK01-05) and resolve s to substitute these as the approved plans, subject to the conditions adopted by Council at the November OCM for DA2019/00031.

Advice

- **Council advises that in accepting the revised plans to be substituted as the approved plans, it accepts the plans assessed as deemed-to-comply with the R-Codes.**
- **Council advises any proposed access between the laneway on the eastern boundary and the property requires a separate application for new access to be lodged with the Shire for assessment and approval.**
- **A 1.5m x 1.5m visual truncation on either side of vehicle access point is to be maintained at all times. No walls, landscaping or visually impermeable fences greater than 0.75m in height above natural ground level are to be located within this truncation.**

8.1.2 54 Johnston Street – Proposed Single House
URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 1	Location Map
Attachment 2	Development Application Plans
Attachment 3	Checklist

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	54 Johnston Street, Peppermint Grove
Application Index	:	DA2019/00036
LPS No 4 Zoning	:	Residential – R-12.5
Land Use	:	Residential
Lot Area	:	1116m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	DA2019/00027
Applicant	:	Cross Design Group
-Owner	:	Penelope DiGiovanni
Assessing Officer	:	Mr. Josh Dallimore – Planning and Development Officer
Authorising Officer	:	Mr. Ross Montgomery – Manager Development Services

COUNCIL ROLE

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- 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 a development application for a “New Two Storey Single House” at 54 Johnston Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The proposed development meets with the R-Codes and Shires Local Planning Scheme requirements in all but 2 areas (privacy and street fencing laws).
- The cone of vision from the overlooking window intersects with the eastern boundary however it is assessed to meet the design principles of the R-Codes in terms of privacy and overlooking.
- The proposed fence exceeds the maximum height identified of Shire Local Laws and policy relating to fencing, however it is consistent with neighbourhood fencing in this vicinity.

LOCATION

54 Johnston Street, Peppermint Grove

BACKGROUND

A development at this address was lodged with the Shire in mid-2019 as a building permit application (applicant considered that the proposed house was deemed-to-comply with R Codes). Shire assessment of the proposed plans determined that the application would require a formal Planning Application and design principles assessment of the development approval.

The application was received and presented to Council in October 2019. Council deferred the application to allow for the applicant to address issues Council raised centred around the inadequate rear setback of the proposed house posed by the irregular southern boundary. The application was withdrawn by the applicant pending a redesign.

The redesign application to address the concerns of Council by increasing the rear setback was received by the Shire on 16 December 2019. That application is seeking Council to exercise its discretion in two design elements; these being overlooking and fence height. A preliminary assessment determined that the overlooking from a window can be approved upon consideration of the Design Principles of the R-Codes, however the fence height was well in excess of the Shires Local Law provisions and the applicant was informed that the application could not be recommended for approval on these grounds.

The applicant amended the fence design reducing the fence height to respond to assessment feedback by Shire Officers. The revised design submitted for assessment proposes a fence that is more sympathetic to its surroundings and closer to an acceptable design in terms of streetscape and urban design policy.

CONSULTATION

In accordance with Shire policy adjoining landowners were invited by letter (7 January 2020) to view the plans at the Shire Office. One neighbour viewed the plans and provided comments to the Shire on the proposed development.

These comments are supportive of the proposed new single house as follows:-

1. Proposed revised height of fence will not negatively impact on the area; and
2. The overlooking onto the eastern boundary is into a part of their property which has no impact on them, and.
3. They request that the small bathroom window on the southern elevation be finished with obscure glass to mitigate the possible direct sight lines into a bedroom. This can be considered as part of any approval and conditioning.

Although that neighbour affected by the proposed overlooking received invitation to view the plans and make comment as a part of the consultation process this has not occurred. The Shire has not received any communications for or against the proposed plans from that property.

STRATEGIC IMPLICATIONS

Community Strategic Plan - Objectives

Natural Environment

- Protect and enhance Peppermint Groves' natural environment and biodiversity

Built Environment

- Increased capacity for the Shire to ensure that the built environment reflects the aspirations of the community and retains its unique history, heritage, and character.

POLICY IMPLICATIONS

Local Planning Policy 1 – Urban Design and Streetscape

LPP 1 has two planning objectives to achieve a high-quality environment and maintain amenity in the Shire. The policy endeavours to ensure houses address the street in a positive manner to promote a sociable streetscape.

The proposed plans demonstrate a design that is able to comply with the Residential Design Codes with a traditional design; one which is consistent with the character of surrounding properties.

The proposed front fence in excess of 2.1m in height needs to be considered in terms of possible detrimental impact on the interface between the development and the street. It is noted the fence has been proposed over height because the site slopes down towards the street. The fence features an open aspect design as required by the Shire Local Laws for Fencing and this would mitigate the impact of a structure which is slightly above the recommended height of 2.1m.

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.

RESIDENTIAL DESIGN CODES	
Acceptable Development/Performance Criteria	Assessment/Comment
1. Cone of Vision – 7.5m from unenclosed outdoor active habitable spaces	<p>The 7.5m buffer required by the deemed-to-comply provisions of the R-Codes is primarily concerned with overlooking onto active habitable spaces and outdoor living areas.</p> <p>The proposed plans indicate an approximately 1m overlap of the cone of vision with the property boundary. Where this intersects this boundary, the outlook is onto a large external wall built, access path, and some shrubbery planted on the boundary. None of this space is considered to be active habitable space or outdoor living area and for this reason the development design achieves acceptable design principles as provided for in the R-Codes.</p>
SHIRE OF PEPPERMINT GROVE LOCAL LAWS	
Policy Provisions	Assessment/Comment
1. Local Laws Relating to Fencing – Clause 8: A person shall not erect a fence whereby the finished height of the fence exceeds 1.8m	<p>The site is higher than the street (slopes upwards) and the proposed design of the fence exceeds the allowable height stipulated by clause 8 of the Local Laws Relating to Fencing by up to 30 cm at its highest point when measured from the street (low) side. (this section abuts the eastern boundary and includes approximately 700mm of retaining wall which contributes to the height.</p> <p>The Shire policy does not generally support the construction of a fence in excess of 2.1m due to the visual impact a taller fence may impart onto the street and neighbours. In this case however and considering the aspect towards the street, the open view design of the proposed fence will allow sight lines to the house from the street and therefore could be approved without detriment to the street or abutting properties. (Shire Policy intent and objectives).</p>

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications assessed at this time.

SOCIAL IMPLICATIONS

There are no social implications assessed at this time.

OFFICER COMMENT

The application for the proposed development at 54 Johnston Street, Peppermint Grove, requests Council discretion in the following areas:

- Overlooking – Privacy Cone of Vision
- Fence Height – Local Laws and Streetscape - Policy 1

Provisions for privacy are included in the Residential Design Codes and set out to ensure neighbours are not overlooked in the case of new developments. The cones of vision technique and detailed in the attached plans demonstrates the extent of possible overlooking towards the eastern neighbour, with no other boundary effected. Part 5.4.1 of the R-Codes Volume 1 design principles indicates direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings is not permitted.

In this instance however, the area being overlooked by the proposed new house is a narrow side access path down the side of the neighbouring property. That space would not be assessed as a habitable space or outdoor living area and therefore this aspect of the proposed house is acceptable and can be recommended for approval (design principles of the R-Codes).

The house meets the LPS 4 street setback from Johnston Street and this makes the front yard larger than the rear yard. The front yard features a northern aspect towards the street.

The original proposal was for a front fence of approximately 2.7m in height. Following assessment and feedback from Shire Officers the applicant a fence of this height would not be recommended to Council for approval, amended plans (attached) were submitted for assessment and these propose a fence with a maximum height of no more than 2.4m.

The Shires Local Laws for Fencing stipulates a maximum fence height of 1.8m (does not require approval), however any height excess requires Council to consider on merit. In such cases Council would only support variations up to 2.1m, and therefore the proposal to 2.4m fence needs careful consideration and justification.

As a part of the application the applicant provided justification for the over height fence on this basis:

- *The existing ground level of the site is naturally higher than the existing ground level on the Northern boundary/foot path so therefor it is necessary for us to have some retaining to enable practical proposed ground levels, due to this we require the proposed fence height.*
- *The site and design introduce terracing to minimise the fence height as much as possible and provide screening of front yard.*
- *The proposed solid portions of the fence do not exceed 1200mm above the existing ground level.*
- *The fence on top of the low height (retaining) walls is requested to be approved at 1800mm minimum measured from our proposed ground levels as to provide adequate privacy for household yard activity.*
- *Excessive fence height is not uncommon in this locality.*
- *The proposed fence height will not have a negative impact to the streetscape.*

The applicant cites as further justification that the proposed fence has an open view style.

Assessment indicates the proposed solid portion of the fence does not exceed 1.2m with a metal bar and pillar design for all open view sections above. This aspect facilitates sight lines between the house and the street, while also ensuring the fence does not dominate the streetscape.

Front fencing is one element which impacts the experience of walking along the neighbourhood streets. The Shire has a character of leafy gardens and casual glimpses into front gardens is possible for many of the properties throughout the neighbourhood. This is why Shire policy addresses the need to regulate the height and design of front fences.

In this case there has been sufficient justification due to the relief of the land and the open view design to warrant that sections of the fence be permitted to exceed the 1.8 metre height, and up to 2.4m in some sections. A review of the surrounding properties indicates the proposed fence is of a similar height and design to neighbours and will therefore complement the current streetscape. The revised design is recommended for approval.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.2

That Council approves the application for Development Approval at 54 Johnston Street, Peppermint Grove, in accordance with plan series A01-06 dated November 2019, and 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.

Advice:

- In providing approval for this application the Shire has assessed the application against the Residential Design Codes, Volume 1, and discretion has been provided in the following areas:
 - Overlooking – Cone of Vision
- In approving this application Council has exercised its discretion to approve a fence above 1.8m under the Shires Local Laws Relating to Fencing.
- Excavation and/or retaining greater than 500mm will require a Building Application to the Shire prior to any works being commenced.

8.2 MANAGER INFRASTRUCTURE SERVICES

NIL

8.3 MANAGER LIBRARY SERVICES

NIL

8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

8.4.1 Financial Report – 31 December 2019

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Report – 31 December 2019

Voting Requirement	Simple Majority
Subject Index	FM026A
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 report on financial activity for the period 1 July 2019 to 31 December 2019.

SUMMARY AND KEY ISSUES

- Operating revenue is 36% less than the year to date budget as the Shire is awaiting a Main Roads Grants.
- Operating expenditure is some 7% less than the year to date budget and mainly due to unexpended funds in materials and contracts
- Capital expenditure- This relates to the purchase of Plant & Equipment and Roadworks as well as the purchase of a new Truck.

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

There are no financial implications evident at this time.

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

Additional Fees and charges received to 30 November of \$21,000 relate to additional fees for development licence fees.

(2) Grants and Subsidies

Grants and subsidies were \$180,000 less than the year to date budget and this was mainly due to less than expected grant funding for Leake Street that has been claimed but not yet received.

(3) Employee Costs

The YTD Actuals were \$22,000 more than the expected and this was mainly due to accruals to be reversed following the completion of the audit for 2018/19

(5) Materials and Contracts

Materials and contract expenses are some \$64,000 less than expected, due largely to timing variances with respect to invoices for November 2019.

Supplementary Information- Profit & Loss

Staff have included the Profit and Loss for the period ended the 31 December 2019 and which provides line item details of transaction for the 6 month period. This is an interim report that is provided to Council, however Staff are currently working on providing departmental financial statements that provide the details of the income and expenditure by the various departments. This includes:-

- Corporate & Governance
- Library
- Development Services
- Community Services; and
- Infrastructure

OFFICER RECOMMENDATION/S – ITEM NO. 8.4.1

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

8.4.2 Accounts Paid – December 2019
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment	Accounts Paid December 2019

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.*
- 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

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 December 2019 included the following:

- GST & PAYG remittance to ATO
- Quarterly FESA ESL Levy, capital loan repayments and IT services
- Payment for projects including Erosion Control, Manners Hill Park pavilion restoration and Christmas decorations for 2019
- Payments for waste removal and disposal to WMRC;
- Staff & Shire superannuation contributions.

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	MUNICIPAL	319 - 324	1,011,822.32
TEFT	TRUST	17	10,000.00
DIRECT DEBITS	MUNICIPAL	114 - 119	6,686.87
BPAY	MUNICIPAL	99 - 100	9,289.12
CREDIT CARDS	MUNICIPAL	1	5,448.84
TOTAL			\$1,043,247.15

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 receives the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for December 2019, totalling \$1,043,247.15.

8.4.3 Accounts Paid – 31 January 2020
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment	Accounts Paid – 31 January 2020

Voting Requirement	Simple Majority
Subject Index	FM045A
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

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 January 2020 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste removal and disposal to WMRC;
- Payments for IT services in Records Management
- Payment toward Community contribution, Riverbank Grant project and Election expense
- Staff & Shire superannuation contributions.

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	MUNICIPAL	325 - 328	210,765.48
TEFT	TRUST	18 - 19	2,900.00
DIRECT DEBITS	MUNICIPAL	120-124,126-127	19,630.66
BPAY	MUNICIPAL	106- 114	695.73
CHEQUE	MUNICIPAL	428 – 430	791.35
CREDIT CARDS	MUNICIPAL	125 & 2	13,953.94
		TOTAL	248,737.16

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. 8.4.3

That Council receives the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for January 2020, totalling \$248,737.16.

8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY

8.5.1 Policy Manual Review

ATTACHMENT DETAILS

<u>Attachments</u>	<u>Details</u>
Attachment No 1	Policy Manual, distributed under separate cover
Attachment No 2	Policy Manual with track changes

Voting Requirement	Simple majority
Subject Index	Policy Manual Review 2020
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.*
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PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

- The Shire has a policy manual that provides guidance to elected members, staff and the community on how the Shire will deal with certain aspects of its operations.
- There are a number of policies deleted, amended or new policies introduced.

LOCATION

N/A

BACKGROUND

The Shire's policy manual was last reviewed in December 2015. Best practice would dictate that policies should be reviewed every two years. Due to the length between reviews, this review has been comprehensive and recommends a number of amendments, deletions or additions.

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 adoption of the policies contained in the policy manual ensures that the Shire's policies are current and relevant.

STATUTORY IMPLICATIONS

There are no statutory implications evident at this time.

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 review has identified a number of policies that can be removed. Some are deemed human resources matters under management of the CEO as HR procedures and not policies and some are no longer relevant and can be deleted.

The Policy Manual is divided into 5 sections;

1. Governance
2. Administrative
3. Financial
4. Infrastructure
5. Planning

Planning Policies are not reviewed in this report and will be the subject of a separate report.

Deleting Policies

The following policies are recommended for removal (shown in attachment 2), noting the numbers refer to the old policy manual

The policies 2.11 -2.14 below are human resources procedures, rather than Shire policies. They will still be used as operational procedures.

- 2.11 Grievances, Investigations & Resolution
- 2.12 Discrimination, Harassment & Bullying
- 2.13 Disciplinary policy
- 2.14 Drugs & Alcohol Policy

Deleted Policies no longer required

- 2.15 Legislation Compliance Policy and Procedures

New Policies

- 1.9 Community Engagement
- 1.10 Related Party Disclosure – requirement to comply with AASB 124
- 1.11 Attendance at Events – recommended by the Department of Local Government.
- 2.13 Motor Vehicle Use
- 2.14 Public Art
- 4.12 Memorials
- 4.13 Asset Disposal

Policy 2.8 has recently been reviewed by Council at the 4 July 2019 Special Council meeting.

The remaining policies have in some cases been amended to reflect current practices and processes.

Further information following the Agenda Briefing Forum held on 11 February 2020

Policy 3.7 Investment Policy has been replaced with a simplified policy to reflect the practices of the Shire.

OFFICER RECOMMENDATION – ITEM 8.5.1

That Council adopt the amended policy manual which deletes policies 2.11, 2.12, 2.13, 2.14 and 2.15 from the existing policy manual.

8.5.2 Matters for Information and Noting

ATTACHMENT DETAILS

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

Voting Requirement	:	Simple Majority
Subject Index	:	Multiple
Disclosure of any Interest	:	N/A
Responsible Officer	:	Don Burnett, Chief Executive Officer

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- 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 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
- Advisory notes from WALGA, DLG&C or other stakeholders
- WESROC Mayor/President forum notes
- WALGA Zone minutes
- WALGA State Council minutes
- 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 December 2019:

1. Building Permits Issued
2. Planning Approvals Issued
3. Infringements Issued
4. Seal Register – Goods and Services Contract for cleaning tender between the Shire and Iconic Property Services.

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.

8.5.3 Purchase of Public Art
MANAGEMENT/GOVERNANCE/POLICY
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Absolute majority
Subject Index	:	Public Art
Location / Property Index	:	N/A
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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PURPOSE OF REPORT

The opportunity has arisen for the Shire to purchase several sculptures from the Sculptures at Bathers exhibition. The Shire budget did not make a provision for this expense so funds would need to be transferred from the Arts and Culture Reserve

SUMMARY AND KEY ISSUES

- The 2019/20 budget did not make provision to purchase public art pieces
- The Shire has an Arts and Culture Reserve fund with \$20,972 in the reserve
- The purchase of any sculpture/s would need to be funded from a transfer from this reserve.

LOCATION

N/A

BACKGROUND

The Shire President and a number of elected members have been viewing sculptures as part of the Sculptures at Bathers exhibition and consider that several pieces would be worthy of purchases.

CONSULTATION

Elected members were invited to view the exhibition and provide feedback to the Shire President.

STRATEGIC IMPLICATIONS

There are no strategic plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

There are no significant statutory implications evident at this time.

FINANCIAL IMPLICATIONS

Should Council proceed with the purchase of a sculpture or sculptures, the funding of the purchase could be met by a transfer from the Arts and Culture Reserve

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Once any pieces are purchased, installation at a suitable location needs to be determined and funded. Installation and ongoing maintenance needs to be adequately funded and the upcoming budget review will make provision for the installation and the draft 2020/21 budget provision for ongoing maintenance. It is also recommended that Public Arts Strategy is developed to provide guidance for future purchases, type of materials and the best locations for installation. This will guide the purchase of future public art pieces. It is also recommended that an annual transfer to the reserve fund is done to provide the necessary funding under the Arts Strategy.

OFFICER RECOMMENDATION/S – ITEM NO 8.5.3

That Council;

- 1. authorises the President and CEO to purchase sculpture/s from the Sculptures at Bathers 2020 exhibition for installation in the Shire.**
- 2. transfers an amount of \$20,000 into the municipal account from the Arts and Culture reserve to fund the purchase/s.**
- 3. develops a Public Art Strategy to guide Council in future purchases on the construction material, cost range for purchases, purchasing authority and suitable locations for installation.**
- 4. considers an amount of up to \$20,000 each as part of the budget deliberations to fund the possible purchase of public in accordance with the Public Art Strategy.**

8.6 COMMITTEE REPORTS

NIL

9 NEW BUSINESS OF AN URGENT NATURE**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.*