



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY 25 JUNE 2019
AT
5.30 PM



Shire of Peppermint Grove

TABLE OF CONTENTS

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



7.1	ORDINARY COUNCIL MEETING 28 MAY 2019	7
8	OFFICER REPORTS	8
8.1	MANAGER DEVELOPMENT SERVICES	8
8.1.1	5 Venn Street – New Double Storey Single Residence	8
8.1.2.	40 The Esplanade – Proposed Fixed Louvre Screen and Modifications to Northern Boundary Fence	14
8.2	MANAGER INFRASTRUCTURE SERVICES	19
8.2.1	Waste Management Report	19
8.3	MANAGER LIBRARY SERVICES & COMMUNITY DEVELOPMENT	27
8.4	MANAGER CORPORATE SERVICES	27
8.4.1	Financial Report – May 2019	27
8.4.2	Accounts Paid – May 2019	31
8.4.3	Matters for Information and Noting	34
8.5	CEO/ MANAGEMENT / GOVERNANCE / POLICY	36
8.5.1	Review of Delegated Authority	36
8.6	COMMITTEE REPORTS	40
9	NEW BUSINESS OF AN URGENT NATURE	40
10	MOTIONS ON NOTICE	40
11	CONFIDENTIAL ITEMS OF BUSINESS	40
12	CLOSURE	40



Shire of Peppermint Grove

ORDINARY COUNCIL MEETING MINUTES

1 DECLARATION OF OFFICIAL OPENING

At 5.30pm, the Shire President declared the meeting open and requested that the Affirmation of Civic Duty and Responsibility be read aloud by a Councillor and requested the recording of attendance and apologies.

The media indicated that they are not recording the meeting.

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

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 Membe

Cr R Thomas
Cr C Hohnen
Cr K Farley
Cr D Horrex
Cr G Peters (From 5.34pm)



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

Mr D Burnett
Ms D Burn
Mr P Rawlings
Mr R Montgomery
Mr D Norgard

Gallery 3 Members of the Public
 1 Member of the Press

2.2 APOLOGIES

Cr P Macintosh

2.3 LEAVES OF ABSENCE

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved: Cr Farley

Seconded: Cr Hohnen

Cr Karen Farley be granted a leave of Absence for Ordinary Council Meeting 23 July 2019.

CARRIED 4/0

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

NIL

3.2 PETITIONS

NIL

Cr Peters entered the Council Chambers at 5.34pm

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

- (a) *Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.*
- (b) *During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- (c) *Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- (d) *All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary meeting, and at a Special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the President.*
- (e) *The person presiding will control Public Question Time and ensure that each person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask a question will be given 2 minutes within which to address their question to the Council. The person presiding may shorten or lengthen this time in their discretion.*

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING

NIL

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

4.3 DEPUTATIONS OF THE PUBLIC

Mr Andrew Boughton – 4/120 Broadway, Crawley – Item 8.1.2 40 the Esplanade.

Mr Boughton addressed council speaking on behalf of the owners of 40 the Esplanade.

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

NIL

5.2 PROXIMITY INTEREST

NIL

5.3 IMPARTIALITY INTEREST

NIL

5.4 INTEREST THAT MAY CAUSE A CONFLICT

NIL

5.5 STATEMENT OF GIFTS AND HOSPITALITY

NIL

6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

NIL

7 CONFIRMATION OF MINUTES

OFFICER RECOMMENDATION/COUNCIL DECISION

7.1 ORDINARY COUNCIL MEETING 28 MAY 2019

Moved: Cr Horrex

Seconded: Cr Hohnen

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 28 May 2019 be confirmed as a true and accurate record.

CARRIED 5/0



8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 5 Venn Street – New Double Storey Single Residence

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Location Map
Attachment 2	Checklist
Attachment 3	Development Application Plans
Attachment 4	Development Modifications

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	5 Venn Street, Peppermint Grove
Application Index	:	DA2019/00005
LPS No 4 Zoning	:	Residential (R12.5)
Land Use	:	Single Residence
Lot Area	:	921m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Studio Atelier
Owner	:	Ngaire Beck
Responsible Officer	:	Mr. Ross Montgomery – Manager of Development Services

COUNCIL ROLE

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

PURPOSE OF REPORT

Council is requested to consider the proposed development of a new double storey single residence at 5 Venn Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The proposed development consists of a new double storey single residence
- The proposal includes a garage setback 0.3m from the property boundary which will require council discretion.

LOCATION

5 Venn Street, Peppermint Grove

BACKGROUND

An application for development approval was originally received on the 12th of March 2019 outlining a proposed new double storey single residence with a second garage and workshop/store room at the rear of the property. The proposed plans were then presented at the April concept forum where Council outlined a number of areas where the design could be altered to create a development that is more sympathetic to the surrounding properties.

The Applicant has since provided new plans based on the advice of Council and addressing the areas of concern. These plans show a reduction in plot ratio, building height, removal of the workshop/store room, and a revision of the rear garage to make it a car port. The proposal is now only seeking discretion on the setback of the northern wall of the garage.

CONSULTATION

The applicant presented to the April concept forum and received advice from Council.

Letters advertising the proposed works were sent to adjoining neighbours on the 4th of June 2019, and the consultation period closes on the 18th of June 2019. At the time of writing the report there have been no official comments made in regard to the proposed development. Any comments received in relation to the proposed development during the consultation period will be provided to Council and given due regard.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

The 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.	Buildings are to be set back from lot boundaries in accordance with Table1, Tables 2a and 2b.	Table 2a of the R-Codes dictates a minimum lot boundary setback of 1m for walls with no major openings. Applicant is proposing a setback of 0.3m from the lot boundary.

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 for development approval at 5 Venn Street, Peppermint Grove, has gone through a series of amendments to help create a design that is more sympathetic to the surrounding properties.

The original proposed plans were presented to Council at the Concept Forum in the 9th of April 2019 and were seeking discretion on several areas. Council advised that the height of the garage adjacent to the northern boundary was too high and would dominate the adjacent property, that the extent of hard-standing on the site appears to be an over development of the site, and that the plot ratio was in excess of the scheme requirements and not likely to be approved. In response to this the applicant submitted a revised set of plans that address the issues presented by council. These amendments include:

- Removal of the workshop/store room at the rear of the property;
- Conversion of the rear garage to an open aspect car port;
- Opening of alfresco on 2 sides;
- Reduction in height of the front garage to reduce the impact on the neighbouring property; and a

- Reduction in overall height and scale of the building.

Each of these amendments to the original plans help to reduce the overall bulk of the proposed development and create a building that is less imposing on neighbouring properties. The plans now demonstrate a building that is compliant with plot ratio (0.47) and all other areas, excluding the setback of the garage to the northern boundary.

The garage at the front of the property has been reduced in height to help limit the impact it has on the neighbouring property at 3 Venn Street. The wall height of the structure has been reduced by 350mm, creating a 900mm protrusion of the structure above the neighbours dividing wall. While the reduction in height does not make the garage deemed-to-comply with the R-Codes, it does reduce the overall bulk of the garage and limit the impact of the building on the neighbouring property.

At the time of writing this report there has been no official comments in regard to the proposed development. The consultation period closes on the 18th of June 2019, and any comments received in regard to the proposed development will be provided to Council and given due regard.

Further information arising from Agenda Briefing Forum held on 11 June 2019

Written notification of the application and plans at 5 Venn Street were delivered to the adjoining neighbours at 3 and 7 Venn Street who were invited to view and comment.

The owner of number 7 Venn Street viewed the plans (10/06/19), and the owner of 3 Venn Street came in to view the plans on two occasions (05/06/19; and 14/06/2019).

Comment period closed on 18/06/2019 and no written comments or objections have been received.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council approves the application for development of a new double storey single residence at 5 Venn Street, Peppermint Grove, 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;
 - How risks of wind and/or water born erosion and sedimentation will be minimised during works;
 - Other matters likely to impact on surrounding properties.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1**MOVED: Cr Farley****SECONDED: Cr Hohnen**

That Council approves the application for development of a new double storey single residence at 5 Venn Street, Peppermint Grove, 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;
 - How risks of wind and/or water born erosion and sedimentation will be minimised during works;
 - Other matters likely to impact on surrounding properties.



Advice Note

Council advises that the assessment of this application resulted in design revisions and improvements. In making this decision Council adopted a design principles approach regarding the proposed reduced setback to the north boundary, and in the light of receiving no objections from the abutting neighbours it determined this reduced setback would be an acceptable design solution for this site and circumstances.

CARRIED 5/0

8.1.2. 40 The Esplanade – Proposed Fixed Louvre Screen and Modifications to Northern Boundary Fence

URBAN PLANNING

ATTACHMENT DETAILS

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

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	40 The Esplanade, Peppermint Grove
Application Index	:	DA2019/00013
LPS No 4 Zoning	:	Residential (R12.5)
Land Use	:	Residential
Lot Area	:	1597m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Boughton Architecture
Owner	:	Alison Louise Wooles & Anthony Edwards Wooles
Responsible Officer	:	Mr. Ross Montgomery – Manager of Development Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

Council is requested to consider the proposed operable louvre screen and modifications to the North boundary fence at 40 The Esplanade, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The Development Application plans are proposing to introduce an operable louvre facing North on the first-floor balcony, as well as modifications to the existing North boundary fence.
- Both parts of the application are being proposed to increase privacy at 40 The Esplanade. The proposed louvre presents no planning issues; however, the proposed fence is over height in some areas

LOCATION

40 The Esplanade, Peppermint Grove

BACKGROUND

The development at 38 The Esplanade has generated some privacy concerns for the adjoining neighbours at 40 The Esplanade, Peppermint Grove. That their front balcony could be overlooked. The following has been provided by the applicant with their application.

Recent developments at the adjoining lot 113 (38 The Esplanade) have led to compromise the privacy of the outdoor living area at ground floor level and the first-floor master suite balcony and en-suite.

Accordingly, the following modifications are proposed to ameliorate these new conditions:

- *The raising of various extents of the existing masonry fencing which steps down the northern boundary to the street.*
- *The addition of an operable louvre privacy screen located on the first-floor master suite. Balcony, providing screening to the en-suite window in particular.*

CONSULTATION

A letter advising the neighbour to the North (38 The Esplanade, Peppermint Grove) of the proposed works was sent on the 4th of June 2019, and the consultation period closes on the 18th of June 2019. At the time of writing the report there have been no official comments made in regard to the proposed development. Any comments received in relation to the proposed development during the consultation period will be provided to Council and given due regard.

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

Shire of Peppermint Grove, Local Laws Relating to Fencing

The proposed plans show multiple sections of fence in excess of the allowed 1.8 metres, with sections towards the east of the property up to 3 metres in height. The Local Laws Relating to Fencing allow the Council to either approve or refuse to approve parts of a fence in excess of 1.8 metres.

Clause 8 of the Local Laws Relating to Fencing states that "A person shall not erect or amend, alter, extend or enlarge an existing fence within the district whereby the finished height of the fence exceeds 1.8 metres without also submitting written reasons therefore and the local government may in its discretion approve or refuse to approve the plans and specifications insofar as they relate to that part of the fence in excess of 1.8 metres."

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The Shire recently took action to ensure that the owners of 38 The Esplanade erected a visual privacy screen as required by the planning approval for the development. This screen has now been installed to match the Approved Plan and is now considered satisfactory by the Shire.

The owners of 40 The Esplanade advise they require a greater degree of visual privacy for their front balcony and advise they will install a screen to the northern end of the balcony and also want to increase the height of fencing along the common boundary with 38 The Esplanade.

This application seeks approval to add to the height of the dividing fence between 300mm and 3m, which if approved will exceed the 2.1m maximum height provided for by Shire local laws (up to 3.5m above ground level in some places).

The proposed modifications to the dividing fence also demonstrate the additional height will be of solid construction with an acrylic textured coating.

Due to the fence being above 1.8 metres in height council is required to provide discretion on the application, taking into consideration the justification provided by the applicant. Typically, in this instance a fence greater than 2.1m is undesirable, and as such approval for the modifications above 1.8 metres cannot be recommended.

Further information arising from Agenda Briefing Forum held 11 June 2019

Officers visited 40 The Esplanade to view the boundary at the invitation of the land owner who asserted the case for needing an over-height boundary fence.

A written objection was subsequently received from the neighbour (circulated to councillors under separate cover).

An architect acting on the behalf of the owners of 40 The Esplanade visited the offices with a set of plans showing proposed alternative fencing and heights. He indicated they would explore with the applicant different ways to achieve visual privacy through boundary fencing screens and possibly planting. He was advised by officers that any modified plans would need to be lodged with the Shire before Friday 21 so that they could be included into the Agenda for the Council consideration.

Officers affirm the Recommendation at Agenda Briefing would stand unless there was a significantly different proposal which in any case may warrant either a deferral, or refusal and lodgment of a fresh and different application.

On Thursday the 20 June 2019 the Shire received new plans for the proposed works at 40 The Esplanade. These plans will be assessed separately and subject to a fresh development application. Therefore the Recommendation remains unchanged.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.2

That Council:

1. Refuses to approve the proposed modifications to the Northern boundary fence greater than 1.8 metres at 40 The Esplanade, Peppermint Grove, because the proposed modifications of the Northern boundary fence above 1.8 metres create an increase in bulk on the boundary which can dominate adjacent properties and cause overshadowing issues.
2. Council delegate the decision to the Chief Executive Officer to approve the Louvre and a Boundary Fence no greater than 2.1 metres in height.

Advice Note

Applicant is advised the installation of the louvre screen does not require planning approval.



COUNCIL DECISION – ITEM NO 8.1.2

Moved: Cr Farley

Seconded: Hohnen

That Council defers this matter pending a revised plan being submitted.

CARRIED 5/0

8.2 MANAGER INFRASTRUCTURE SERVICES

8.2.1 Waste Management Report

INFRASTRUCTURE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Waste Authority - <i>Waste Avoidance and Resource Recovery Strategy 2030</i>

Voting Requirement	:	Simple Majority
Subject Index	:	WM151A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Donovan Norgard – Manager Infrastructure Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

The purpose of this report is for Council to consider various waste management options and note the Waste Authority *Waste Avoidance and Resource Recovery Strategy 2030*.

SUMMARY AND KEY ISSUES

- The Shire of Peppermint Grove (the Shire) currently has a two-bin waste collection model – Municipal Solid Waste (MSW) and Recycling
- It is proposed that Council considers providing a third bin Garden Organics (GO) bin to all residential properties over 400m², with an 'opt in' system for remaining dwellings to be assessed on a case by case basis by the Shire. This leaves open the possibility of transitioning to Food Organics & Garden Organics (FOGO) at a later date.
- The Shire currently provides a kerbside bin return service to residents. It is proposed that Council continues this service.
- The Shire currently provides three combined bulk and greenwaste verge collections per year. It is proposed that Council continues this service in the current format.
- 'Better Bins' funding is available until 30 June 2019 for LG's wishing to move to a three-bin service model. The Shire has applied for 'Better Bins' funding.
- That Council note the Waste Authority *Waste Avoidance and Resource Recovery Strategy for Western Australia 2030* and the associated waste management implications for the Shire.

BACKGROUND

Current Shire waste management system

- Municipal Solid Waste (MSW) - weekly collection with dark green lid 240 litre bins
- Recycling - fortnightly collection with yellow lid 240 litre bins
- Bin service returning kerbside bins to inside property line (Shire does not take them out)
- Bulk verge collections - 3 x collections a year for both greenwaste and general.
- Waste charges are incorporated into the general rate, which is not the norm in local government. The cost of the waste service is not transparent, and any cost savings aren't clearly shown to ratepayers.
- There are possibly up to 300 additional bins in circulation that aren't being charged the extra bin service fee.

State Waste Strategy

The State Government through the Waste Authority has finalised the *Waste Avoidance and Resource Recovery Strategy for Western Australia 2030*, which indicates the desire for all Perth metropolitan and Peel Councils to have a FOGO system in place by 2025.

The new State Waste Strategy [the strategy] calls for all local governments to progress to a 'harmonised kerbside collection system, which includes FOGO, in all Perth and Peel regions by 2025'. To achieve this a third bin is required. In addition to the above outlined in the strategy, there is a requirement to progress toward Australian Standard bin lid colours, which would require the Shire to replace all MSW kerbside bins with new compliant red lids.

The Waste Strategy anticipates that the three-bin system by 2025 would have:

- 240 litre yellow lid recycling bin collected fortnightly
- 240 litre lime green lid FOGO bin collected weekly
- 120 litre red lid MSW bin collected fortnightly (down from a weekly 240 litre).

The increased MSW diversion target rates outlined in the strategy are as follows:

- 65% by 2020 (currently SoPG 34%)
- 67% 2025
- 70% 2030

FOGO utilises a lime green lid 240 litre organics bin, with a small kitchen caddy bin in each household. Food scraps are placed in a biodegradable liner in the kitchen caddy, then taken outside and disposed of into the larger FOGO bin for the weekly collection. The FOGO waste is then turned into compost.

The Strategy suggests MSW collections would move from weekly 240 litre collections, to an alternating fortnightly 120 litre cycle with the yellow top 240 litre recycling bins. This effectively only allows for 25% of the current MSW volume per household, which is a substantial reduction.

It is important to note there does not appear to be any legislation attached to the strategy compelling local governments to adopt the full FOGO service. There are a number of local governments not introducing a GO bin at all, and therefore not going to FOGO. These local governments will remain with the two-bin system and send their MSW waste to Waste to Energy (WTE) plants for incineration and energy production.

There is a lot of industry confusion on which way to go at this stage and it is recommended that the Shire adopt a third GO bin system for the time being and review the FOGO or WTE options as and when the situation becomes clearer.

Local governments are required to develop a waste plan and the WMRC will be coordinating this with member Councils.

Waste to Energy (WTE)

There are soon to be two waste to energy plants built south of the river, with member Councils of the Rivers Regional Council opting not to pursue a third bin, but instead sending all their municipal waste to incineration. These developments effectively complicate the future direction of waste disposal rather than clarify it, although any improvement is arguably a step in the right direction. Further complicating matters is the to-date unsuccessful DiCom facility and the associated legal disputes which brings further uncertainty to the situation.

OPTIONS FOR COUNCIL CONSIDERATION

- **GO service** – Council can consider introducing a 240 litre lime green GO bin with fortnightly collection cycle (alternating with the recycling bin so that there are only ever two bins out). There would be a one-off capital cost to purchase the bins and for their distribution. Additional annual costs would be the fortnightly collection costs and the GO disposal costs. It is anticipated that the Shire will divert approximately 25% of green waste from the MSW bin to the GO bin, which results in savings on the disposal costs as the disposal cost per tonne for MSW is considerably less than for a tonne of GO waste.

In the last Catalyse community survey, the following question was asked “*Would you support Council offering a green waste bin service at a cost to the ratepayer of \$95 to purchase the bin and \$50 per year for fortnightly collections*”. The response was 65% supported this proposal.

- **FOGO service** - The strategy states metropolitan local governments should have a three-bin system of MSW, recycling and a FOGO bin in place by 2025. FOGO utilises a lime green lid 240 litre organics bin, with a small kitchen caddy bin in each household. Food scraps are placed in a biodegradable liner in the kitchen caddy, then taken outside and disposed of into the larger FOGO bin for the weekly collection. The FOGO waste is then turned into compost.
- **MSW** – the current 240 litre bins used for MSW would need their dark green lids changed to red, and due to age and general wear and tear of the current stock it may be more practical to replace the whole bin with new ones. This would mean the old bins, which are owned by the ratepayers, would need to be disposed of by the owners or the Shire at a cost. The Waste Strategy has the MSW as a 120 litre bin emptied fortnightly once FOGO is in, however it is recommended that a 240 litre weekly service be maintained in Peppermint Grove.
- **Recycling Service** – currently a 240 litre yellow lid bin with fortnightly collections. No change to this service is proposed or recommended.

- **Bulk waste verge collection** – the WMRC is investigating ‘on demand’ bulk waste where the occupier would ring the contractor and advise that they are putting out their rubbish and the contractor then collects the waste. In larger local governments this has proven to be more cost effective as less waste is actually put out. It also creates less visual impact compared to the normal bulk waste collection. For SPG there does not appear to be a lot of advantage and it is recommended the current system be maintained. The current bulk system and the ‘on demand’ service option could be reviewed in two years after other WMRC members have had trialled it over a period of time.
- **Additional bin fees** – As part of the rollout of new bins, households would be advised that they have the option to ‘purchase’ additional bins at a fee set by the Shire.
- **Bin return service** – the current service provides for the return of bins by a contractor to a designated location behind each property line. It is not clear how much this will increase by with the introduction of the additional GO bin, however quotes are currently being sought.

CONSULTATION

In the last Catalyse community survey, the following question was asked “*Would you support Council offering a green waste bin service at a cost to the ratepayer of \$95 to purchase the bin and \$50 per year for fortnightly collections*”. The response was 65% supported this proposal.

Community engagement will be required for houses that receive the third bin. This will be undertaken in the form of media releases, letter drops, education sessions and website pages.

STRATEGIC IMPLICATIONS

In the Natural Environment section of the Shire’s Community Strategic Plan, one of the priorities identified is to “*Participate in a Regional Waste Management Partnership to minimise waste going to landfill and provide a cost-effective sustainable service*”

POLICY IMPLICATIONS

The Shire will need to develop a suitable waste management policy that reflects the new waste management model.

STATUTORY IMPLICATIONS

The Waste Avoidance and Resource Recovery [WARR] Act 2007 will inform the process and application of the waste streams in the Shire.

FINANCIAL IMPLICATIONS

Budget implications for 2019/20

Capital costs

One off cost to supply and deliver 240 litre GO bins

- Assuming 600 new bins, $600 \times \$47.71 = \$28,626$

One-off cost to replace the existing 240 litre MSW bins

- Replacing with brand new red lid bins: $750 \times \$47.71 = \$35,782.50$
- Plus collection / disposal costs of 750 x old bins = \$ 3,750.00

Or

One-off cost to replace old dark green lids with new red lids

- Replacing lids only: $750 \times \$20.32 = \$15,240$

Less possible 'Better Bins' grant contribution for new 240 litre GO bins:

- $600 \times \$24 = \$14,400$

Recurrent costs/savings

Annual collection/disposal costs for GO bins (Assuming 200t GO diverted ex MSW)

- Collection of 500 verge bins $\times 26 \times \$1.38 = \$17,940$
- Collection of 100 laneway bins $\times 26 \times \$2.74 = \$ 7,124$
- Disposal of 200 Tonnes $\times \$40$ (WMRC) = \$ 8,000
- Total of \$33,064 additional costs per annum

Estimated reduction in tipping costs for MSW bin

- 200 Tonnes @ \$155/t diverted to GO with a \$40/t processing cost would save:
- $200 \times (\$155 - \$40) = \$23,000$ per annum

Estimated additional income for additional bins

- All additional MSW and/or GO bins to be charged for at cost (including \$10 p/a for a five year pay back on bin procurement)

Additional cost of bin return service for GO bins

- Present contract 'smoothes' cost of weekly MSW & fortnightly recycling bins.
- The additional fortnightly GO service may attract an additional cost and quotes will be sought.

Financial Summary

- Net cost of new GO & MSW bins ($\$28,626 + \$35,782.50 + \$3,750.00 - \$14,400 = \$53,785.50$ which could be accommodated in the 19/20 financial year from reserve fund transfer and possible grant.
- Further CAPEX costs could be avoided if the 150 additional (non-commercial) MGB's are not required as most are thought to be used for GO.;
- Annual cost of GO collection/processing is only slightly more than annual savings from redirecting assumed 200t of GO ex MSW waste stream.

It is anticipated that the introduction of the GO bins would occur around March/April 2020.

ENVIRONMENTAL IMPLICATIONS

The *Waste Avoidance and Resource Recovery Strategy 2030* has a number of targets for increased diversion of MSW from landfill. Key numbers for consideration are:

- 65% by 2020 (currently SPG sits at roughly 34%)
- 67% by 2025
- 70% by 2030

SOCIAL IMPLICATIONS

The Community indicated in the last Catalyse survey that the majority would support the introduction of a GO service, therefore reducing the amount of waste to going landfill and improving environmental outcomes overall.

OFFICER COMMENT

Recently the Town of Claremont, Town of Mosman Park, City of Joondalup and the City of Wanneroo indicated they will progress to a GO third bin system in the first instance. The reasons for this are simple; it is relatively clear cut what to expect, it is perceived to be well known to the public, and there are adequate disposal sites to process GO products.

Under a GO arrangement, waste would be transported to WMRC for processing with the SUEZ North Bannister facility as a secondary option. This is in contrast to FOGO disposal model which could result in different outcomes as the end treatment facilities are arguably less developed.

SUEZ have provided a rate to dispose of FOGO at the same North Bannister facility, however it is unknown of the capacity and maturity of this facility for this purpose. Waste to energy, whilst easy to transition to is even more in its infancy and is something the Shire could progress to over time should it become viable.

It is the officer's recommendation that a two-stage approach be adopted:

1. Introduce a third GO bin, with sufficient education and engagement to be a success. This is likely to be early in 2020. SUEZ (the Shire's waste contractor) advised they have capacity to accommodate a three-bin rollout for the Shire as and when required.
2. Await the state government to refine their position and approach to FOGO, aligning our transition with a government or industry determined deadline day for the 'switch' to which all services would change over from, or similarly a transition plan which is coordinated across regions. The strategy indicates this would be a short to medium term outcome and thus likely to be between 2-5 years, which would fit well for a 2025 target.

There are multiple factors to consider when deciding on waste actions. Given the information the Shire currently has to hand regarding pricing structures and potential timeframes, progressing to a third bin GO system would seem to be a step in the right direction without overcommitting and limiting future options. This approach allows the Shire to capitalise on the Better Bins grant program, promote improved household waste separation practices and be ready to participate in a FOGO system should it eventuate. If the waste to energy systems are built and prove successful, then the Shire can reconsider this as an option at a later date for residual waste disposal.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.2.1
--

MOVED: Cr Farley

SECONDED: Cr Hohnen

That Council:

1. Include in the 2019/20 budget:
 - a. Provision to introduce a Green Organics bin service for properties larger than 400m², smaller properties to be considered on request.
 - b. Provision to replace the existing green lid bin stock with new, 240lt red lid MSW bins for weekly collection, with removal of the old bins on request from the property owners at no cost to them.
2. Review the Green Organics bin service option in two years.

CARRIED 5/0

8.3 MANAGER LIBRARY SERVICES & COMMUNITY DEVELOPMENT

NIL

8.4 MANAGER CORPORATE SERVICES

8.4.1 Financial Report – May 2019

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Report – May 2019

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
LPS No 4 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager, Corporate Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

To report on financial activity for the period 1 July 2018 to 31 May 2019.

SUMMARY AND KEY ISSUES

- The financial report for the eleven months ended 31 May 2019 indicates a YTD surplus some \$189,066 more than YTD budget – see Officer Comment note 5 for additional information;
- Operating revenue is some \$26,121 more than YTD budget;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$159,660 less than YTD budget;
- Capital expenditure totalling \$273,545 has been incurred.

LOCATION

N/A

BACKGROUND

Nil

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no strategic plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial report forecasts a closing (30 June 2019) surplus of \$124,279. This figure appears in the yellow column in the attached financial report.

This figure largely comprises the \$103,300 grant for the headland works at the river foreshore (which will not be transferred to cash reserves but carried forward as restricted cash) plus additional revenue largely from fees and charges.

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

Fees and charges are slightly above budget due largely to additional fees for development licences.

(2) Employee Costs

Employee costs are some \$10,293 under budget at this time. This is partly due to fringe benefits tax to be processed as at 30 June 2019.

(3) Materials and Contracts

Materials and contract expenses are some \$131,810 less than expected, due largely to timing variances with respect to invoices for May 2019.

(4) Plant CAPEX and Proceeds from Disposal of Assets

Replacement of the Toyota Hilux utility vehicle has been delayed pending arrival of the vehicle at Fremantle.

(5) Net Current Assets Year-to-Date

Net current assets as at 31 May 2019 exceed the revised budgeted figure by some \$189,066 at this stage. This is determined as follows:

Category	Impact on YTD Position	Notes
Revenue		
Rates	\$6,564	Interim rating raised
Fees & Charges	\$20,678	Development application fees
Grants & Subsidies	(\$1,318)	Grant shortfall (library)
Contributions & Reimbursements	\$9,461	Additional reimbursements
Interest on Investments	(\$4,643)	Timing of maturing term deposits
Other Revenue	\$1,943	Interest on outstanding rates
Proceeds of sale of assets	(\$29,682)	Trade-in values slightly lower
Expenditure		
Employee Costs	\$10,293	FBT yet to be processed
Materials & Contracts	\$131,810	Mainly timing-related variances
Utilities	\$7,238	Timing of expenses
Interest Expenses	\$2,552	Loan guarantee fee yet to be invoiced
Insurances	(\$53)	Premiums slightly higher
Other Expenses	\$7,820	Timing of donations
Plant & Equipment Purchases	\$33,376	Hilux yet to be replaced
Road Infrastructure	(\$9,413)	Extra costs on The Esplanade project
Footpath Infrastructure	(\$1,685)	Extra costs to date
Drainage Infrastructure	\$4,677	Savings in cost of sump fence
T'fers to Cash Reserves	(\$553)	Additional interest earned
Value of YTD variances at 31.5.19	\$189,066	Year-end forecast surplus is \$124,279

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM No. 8.4.1

MOVED: Cr Horrex

SECONDED: Cr Hohnen

That Council receives the financial report for the period 1 July 2018 to 31 May 2019.

CARRIED 5/0

8.4.2 Accounts Paid – May 2019**CORPORATE****ATTACHMENT DETAILS**

<u>Attachment No</u>	<u>Details</u>
Attachment	Accounts Paid – May 2019

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

COUNCIL ROLE

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

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

Significant payments in May 2019 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste 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	286 – 289	\$334,404.88
EFT	TRUST	T10 - T11	\$3,100.00
CHEQUES	MUNICIPAL		\$0.00
CHEQUES	TRUST		\$0.00
BPAY	MUNICIPAL	42 – 46	\$6,766.13
DIRECT DEBITS	MUNICIPAL	67 - 73	\$29,918.98
TOTAL			\$374,189.99

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 2018/19 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/COUNCIL DECISION – ITEM NO. 8.4.2

MOVED: Cr Hohnen

SECONDED: Cr Peters

That Council receives the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for May 2019, totalling \$374,189.99.

CARRIED 5/0

8.4.3 Matters for Information and Noting

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachments	1. Building Permits Issued May 2019 2. Planning Approvals Issued May 2019 3. Infringements Issued May 2019 4. Library Statistics May 2019

Voting Requirement	:	Simple Majority
Subject Index	:	Multiple
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	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.*
- ☐ **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 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 February 2019:

1. Building Permits Issued May 2019
2. Planning Approvals Issued May 2019
3. Infringements Issued May 2019
3. Library Statistics May 2019

CONSULTATION

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

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.3

MOVED: Cr Horrex

SECONDED: Cr Peters

That Council receives the information in this report.

CARRIED 5/0

8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY

8.5.1 Review of Delegated Authority

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Proposed Delegation Register with track changes
Attachment 2	Proposed Delegation register (final version)

Voting Requirement	:	Absolute
Subject Index	:	GV021B
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Don Burnett, 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 e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ **Legislative** *Includes adopting local laws, town planning schemes & policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☐ **Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

That Council considers the adoption of the reviewed delegation register.

SUMMARY AND KEY ISSUES

- The Local Government Act 1995 provides for the Council to delegate to the COE certain functions. The CEO can on delegate to officers.
- Delegations are required to be reviewed annually by Council. The last review was in May 2017.
- A number of new delegations are recommended.

LOCATION

N/A

BACKGROUND

Council is required to review its delegations to the CEO annually. The last review was in May, 2017.

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

The Local Government Act 1995, Section 5.42 provides for the delegation of certain functions by Council to the CEO. Section 5.43 specifies the functions that cannot be delegated.

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

Attachment 1 is a copy of the current delegations with track changes so that it is clear what the proposed changes are. Attachment 2 is the new draft inclusive of the track changes. All existing delegations have updates to revision dates etc. The register is now divided into an introduction and 3 areas of "Function of Local Government", "Financial Management" and "Planning and Building. Significant changes or new delegations are listed below:

Part 1 Function of Local Government

- 1.1 Appointment of Acting CEO - *No Change*
- 1.2 Make Payments form Municipal & Trust Funds – *remove reference to Library Advance account as this no longer exists*
- 1.3 Appointment of Authorised Persons – Miscellaneous Provisions about enforcement – *no change*
- 1.4 Disposal of Confiscated or Uncollected Goods – *no change*
- 1.5 Appointment of Authorised Persons – Provisions relating to land – *no change*
- 1.6 Appointment of Authorised Persons – Power to remove or impound goods – *no change*
- 1.7 Appointment of Authorised Persons – Power to enter property – *no change*
- 1.8 Appointment of Authorised Persons – Health Act – *change to reflect new Health Act reference*
- 1.9 Enforcement of Local Laws – *no change*
- 1.10 Authorising the Affixing of the Common Seal – *no change*
- 1.11 Appointment of Authorised Officer – Food Act – *no change*

Part 2 Financial Management

- 2.1 Investment of Surplus Funds – *no change*
- 2.2 (new) Agreement as to Payment of Rates and Services – *new delegation on payment arrangements for rates*
- 2.3 (new) Authority to Write off Monies (not Rates or Service Charges) – *new delegation for authorisation to write off minor non rate debtors/charges*
- 2.4 (new) Authority to Write off Rates and Service Charges – *new delegation to write off minor rates and charges*
- 2.5 (new) Rates or Service Charges recoverable in Court – *new delegation for court proceedings for outstanding rates and charges.*

- 2.6 (new) Authority to Extend/Vary Works and Services Contracts – *new delegation for contract variations up to a set amount.*

Part 3 Planning and Building

- 3.1 (new) Building Permits, Demolition Permits, Occupancy Permits & Certificates – *new delegation covering building permits etc*
- 3.2 Building License approvals variations – *change in procedure to advise elected members.*
- 3.3 Appointment of Authorised Persons – Private Swimming Pools – *new delegation for legal proceeding for non-conforming pool fence requirements*
- 3.4 (new) Planning – Development Applications – *new delegation on DA applications*

Further information arising from Agenda Briefing Forum held on 11 June 2019.

Additional changes made

- Delegation 1.11** Page 28 - Food Act, remove Related Documents reference to Building Act.
- Delegation 3.1** Page 41 - add condition in “CEO to advise elected members when a building license is refused.”
- Delegation 3.2** Building Act Page 44 - Replace Town Planning Scheme No3 with No4.
- Delegation 3.4** Planning & Development Act Page 48 - Specific criteria to give parameters to the planning pathway and these are to be included in the Policy. These guidelines are still being developed and until they are endorsed by Council the delegation will not be endorsed.

OFFICER RECOMMENDATION – ITEM NO 8.5.1

That Council approves the changes to delegations and endorses the new delegations as contained in Attachment 2 – Delegations Register.

COUNCIL DECISION – ITEM NO 8.5.1

MOVED: Cr Farley

SECONDED: Cr Peters

That Council approves the changes to delegations and endorses the new delegations as contained in Attachment 2 – Delegations Register. Noting that delegation 3.4 Planning and Development Act is subject to a further report to Council on the interpretation guidelines.

CARRIED 5/0



8.6 COMMITTEE REPORTS

NIL

9 NEW BUSINESS OF AN URGENT NATURE

NIL

10 MOTIONS ON NOTICE

NIL

11 CONFIDENTIAL ITEMS OF BUSINESS

NIL

12 CLOSURE

At 5.43pm, there being no further business the meeting closed.