



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY 26 NOVEMBER 2019
AT
5.30 PM

Shire of
Peppermint Grove

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Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING AGENDA

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 Presiding Member caused the Affirmation of Civic Duty and Responsibility to be read aloud by Councillor Greg Peters.

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 9 Members of the Public
2 Members of the Press

2.2 APOLOGIES

NIL

2.3 LEAVES OF ABSENCE

NIL

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

NIL

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

NIL

4.3 DEPUTATIONS OF THE PUBLIC

Mr John and Mrs Jennifer Cunningham – 11 Johnston Street, Peppermint Grove – Item 8.1.4 Proposed Places for Entry into Heritage List – Heritage Review Project (Tranche 3)

Ms Jody Lennon – 44 View Street, Peppermint Grove – Item 8.1.4 - Proposed Places for Entry into Heritage List – Heritage Review Project (Tranche 3)

5 DECLARATIONS OF INTEREST

5.1 FINANCIAL INTEREST

NIL

5.2 PROXIMITY INTEREST

Cr Dawne Horrex – Item 8.1.4 Proposed Places for Entry into Heritage List – Heritage Review Project (Tranche 3)

The nature of the interest being that she shares a fence on the N/S boundary with property 11 Johnston street which is proposed to be listed.

Cr Peter Macintosh – Item 8.1.4 Proposed Places for Entry into Heritage List – Heritage Review Project (Tranche 3)

The nature of the interest being that the property 1B Venn street that is proposed in the listing is opposite his own property.

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

7.1 ORDINARY COUNCIL MEETING 15 OCTOBER 2019

OFFICER RECOMMENDATION – ITEM 7.1

Moved: Cr K Farley

Seconded: Cr C Hohnen

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 15 October 2019 be confirmed as a true and accurate record.

CARRIED 7/0

7.2 SPECIAL COUNCIL MEETING 22 OCTOBER 2019

OFFICER RECOMMENDATION – ITEM 7.2

Moved: Cr D Horrex

Seconded: Cr C Hohnen

That the Minutes of the Special Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 22 October 2019 be confirmed as a true and accurate record.

CARRIED 7/0

7.3 SPECIAL COUNCIL MEETING 4 NOVEMBER 2019

OFFICER RECOMMENDATION – ITEM 7.3

Moved: Cr C Hohnen

Seconded: Cr D Horrex

That the Minutes of the Special Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 4 November 2019 be confirmed as a true and accurate record.

CARRIED 7/0

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 144 Forrest Street – New Single House

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	:	DA2019/00031
LPS No 4 Zoning	:	R-12.5
Land Use	:	Residential
Lot Area	:	1734m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Philip Nikulinsky
	:	Josh Dallimore – Planning Officer
Assessing 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 new house at 144 Forrest Street, Peppermint Grove. The land was created through a subdivision of Unalla.

SUMMARY AND KEY ISSUES

- The proposed house exceeds maximum wall and roof heights established as deemed to comply with Local Planning Scheme 4 and the R-Codes.
- Council is therefore requested to exercise its discretion to approve the design in variance to the deemed to comply standards.
- The site is adjacent to several structures which exceed the height of the proposed dwelling. Two of these are houses which are on the Shires Heritage List.
- The plans were referred to neighbours. A letter of objection has been received in regard the proposed development

LOCATION

144 Forrest Street, Peppermint Grove

BACKGROUND

The site of the proposed development is a vacant lot with remnants of landscaping from when the land was part of the neighbouring Unalla House. The site was subdivided and has remained largely untouched since renovations to Unalla House began in late December 2016.

CONSULTATION

Letters were sent to adjoining landowners on 23 September 2019 inviting them to view the proposed plans and make comment. The plans were viewed by several neighbours. The Shire received one comment on the proposed design during this time.

The submission objects generally to the proposed development on the basis of the height variations being sought would detract from the heritage value of a neighbouring heritage property.

In particular, the submission raises concerns with the visual impacts that the proposed development will have, and notes that the side setbacks are in their opinion not large enough to compensate for the non-compliant height of the proposal.

These comments are considered in the assessment against the R-Code Design Principles to determine if the proposed areas of non-compliance create a better design in the context of the site and its surroundings. The development should also be assessed against the Shire of Peppermint Grove Local Planning Policy 3 – Heritage Places which ensures any new development does not adversely impact any existing heritage places.

The objector's comments included in the report are only a summary and the full submission will be provided to Council to be considered in the decision-making process.

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 (LPP 1) – Urban Design and Streetscape

LPP 1 ensures that any new development does not detract from the existing streetscape and surrounding heritage values through setback and other planning controls. In particular, LPP 1 states that Council can vary the required setback from the minimum 9 metres to ensure new developments do not dominate existing houses and the street. Unalla house (5 View Street) to the West of the proposed development site is set back in excess of 20m from Forrest Street, and as such the proposed new house would be located in front of the setback line from Forrest Street, however, Unalla house addresses View Street (and has a View Street Address) so the location of the proposed house on the lot is considered as acceptable. The street setback has not raised objection.

Local Planning Policy 3 – Heritage Places

The objective of LPP 3 is, *"To ensure new residential development reinforces existing streetscapes, development patterns and complements the character of the locality."*

The proposed development site is located between two heritage listed properties, and the design should be responsive to the neighbouring properties and their contribution to the streetscape.

The proposed house is of a traditional Spanish revival design with a pitched roof and rendered exterior walls and Arts and Craft interpretative influences – synonymous with other houses in the suburb. The design uses shapes, built forms and materials sympathetic to the neighbouring properties.

Abutting buildings (2 houses and a school) are already in excess of the height proposed for this house, and this may create a precedent for approval.

While over height, the proposed design fits within the scale of the large 1734m² block and the properties either side (5 View Street and 146 Forrest Street), both of which are taller than the proposed new house. It may be the case that a house designed in a contemporary style and yet fully compliant with the LPS 4 and the R codes may pose a greater detriment in terms of street impact due to squat appearance and dissonant forms and roof profiles.

Local Planning Policy 4 – Building Heights

LPP 4 provides guidance to developers on where Council will consider variations to the height limits established under Category 'B' of the R-Codes through 8 criteria as follows:

LPP 4 Criteria	Assessment
That views from and/or to buildings are not unduly interrupted by the increase in overall height.	Criteria Met - The proposed house is setback approximately 18m from Forrest Street which allows for site lines to and from the neighbouring heritage properties to the east and west.
Compatibility of the resulting scale of a proposed building to neighbouring dwellings.	Criteria Met - Unalla house to the west is 2.8m taller than the proposed house, and 146 Forrest Street to the east has recently been approved for modifications to the roof. As such, the context of the area is for large houses on big lots, which the proposed development meets.
The proposed increase in height would enable a development to fit in with its neighbours.	
The proposed development meeting LPP 1. The streetscape in which the development is proposed not be adversely affected by an increase in height.	Criteria Met - The application proposes a large front setback to Forrest Street to help reduce the appearance of bulk when viewed from the street.
The proposed dwelling would not have any adverse visual impact to an adjoining dwelling.	Criteria Met - Unalla house to the west primarily addresses View Street, and its prominence on the corner lot would not be adversely impacted
Any proposed additions to a heritage listed dwelling do not overwhelm or dominate that heritage place as a result of any height variation.	Criteria Met – New house with no existing heritage.
The development meeting with all other provisions of the Scheme and deemed-to-comply provisions of the R-Codes.	Criteria Met – Application only seeking variation to wall/roof height. All other aspects of the proposed development are deemed-to-comply and are considered acceptable.

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.	R-Codes Table 3 - Category B Building, Wall Height – Pitched Roof Above 6m	The application proposes a wall height of 7.64m, 1.64m in excess of the 6m maximum stipulated by the R-Codes. This is a large variation from the deemed-to-comply provisions of the R-Codes; however, the design still maintains the two-storey height limit outlined in LPS 4 and presents as a traditional home and fits within the scale of surrounding developments.
2.	R-Codes Table 3 - Category B Building, Roof Height – Pitched Roof 9m	As a consequence of the variations being sought on wall height, the total height of the house will be 9.94m, i.e. 0.94m in excess of the R-Codes. The pitched roof has been designed to accommodate the extra wall height and given its 18m setback from Forrest Street this would reduce the scale of the building when viewed from the street. Council has recently approved development at 146 Forrest Street, immediately east of this property, which was over height. Unalla House, immediately to the west, is well over the 9m height limit, approximately 2.8m taller than the proposed house at the top of the pitch roof. As such, when considered within the context of the area the proposed development at 144 Forrest Street is of an appropriate scale to match and sit well with its neighbours.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The proposed development at 144 Forrest Street is seeking variations from the deemed-to-comply provisions of the R-Codes in two areas, both pertaining to height, and is compliant in all other areas.

As a part of the consultation process the Shire received an objection to the proposed development on the basis of height. The objection to the height relates to one of the matters Council is requested to provide discretion to approve. In particular, Local Planning Policies 1, 3, and 4 provide the circumstances whereby the Council may relax height requirements.

These in addition to the over-height nature of abutting houses address the concerns of the objector by ensuring that over height developments have no adverse impact. In assessing the proposal against these policy documents the proposed roof height is consistent with neighbouring houses and therefore is unlikely to impact these or the streetscape.

Part 5.1.6 of the R-Codes also addresses building heights and ensures that views and access to light for neighbouring properties are not adversely affected by new developments. For the most part the criteria are echoed by Local Planning Policy 4 (assessment above), but part 5.1.6 also address the access to light by neighbouring properties. The proposed development is set back 18m from the southern boundary, with Forrest Street separating it and the nearest southern neighbour. The proposed new house will not overshadow existing houses to the south and will permit access to northern light for all surrounding neighbours.

The proposed house draws upon Spanish revival style with Arts and Crafts elements – its details feature rendered brick and terracotta tiles, presenting as a traditional style home. While oversize, it is of a similar scale to the other houses and buildings in its area and the height is assessed to pose no adverse effects on surrounding properties, and therefore, approval is recommended subject to conditions.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.1**MOVED: Cr K Farley****SECONDED: Cr C Hohnen**

That Council approves the application (20 September 2019) for a ‘New Single House’ at 144 Forrest Street, Peppermint Grove, in line with the approved plans (SK01-04, SK06), 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 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 approving this application Council has assessed the proposed plans against the Design Principles of the R-Codes and Local Planning Policy 4 – Building heights, and has provided discretion on the following areas:

- Residential Wall Height**
- Residential Building Height**

The design principles assessment concluded there would be no adverse impact on the street or abutting properties.

CARRIED 7/0



8.1.2 5 Venn Street – Workshop & Carport Roof – Application to Modify Approval

Application has been withdrawn at the request of the applicant

8.1.3 492-494 Stirling Highway – Modification to Internal Walls, Street Façade, Awning and New Window

URBAN PLANNING

ATTACHMENT DETAILS

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

Voting Requirement	:	Simple Majority
Location/Property Index	:	492-494 Stirling Highway, Peppermint Grove
Application Index	:	DA2019/00030
LPS No 4 Zoning	:	District Centre
Land Use	:	Commercial - Retail
Lot Area	:	283m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	DA2019/00008
Applicant	:	Rodrigues Bodycoat Architects
Owner	:	Pagjon Pty Ltd
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.*
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- ☐ **Legislative** *Includes adopting local laws, town planning schemes & policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☒ **Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Council is requested to consider the further proposed modifications to the heritage listed shops at 492-494 Stirling Highway, Peppermint Grove. The Shire previously approved the redevelopment of these premises. This application reflects the most recent heritage advice with respect to the height and design of the awning.

SUMMARY AND KEY ISSUES

- The application is proposing modifications to the heritage shop in 3 areas.
- The height of the awning on the front façade will be changed to be in line with the neighbouring 488-490 Stirling Highway.
- Some sections of internal wall will be removed to create a more open plan retail space.
- The application is proposing to introduce an approximately 4m² window in the southern wall of the building.

LOCATION

492-494 Stirling Highway, Peppermint Grove

BACKGROUND

Previously Council approved plans (DA2019/00008) at the subject address that proposed restoration works to the front of the heritage building, and the construction of a new storage/office space at the rear of the property. The proposals contained within the current application aim to build on the original approval to create a space more suitable for showroom type retail.

One of the primary concerns of the original application was the requirements of parking on site and how the retail space would be accessed. The proposed changes included in the current application do not change the floor space of the site and subsequently the parking requirements and arrangements are not affected by the internal change.

CONSULTATION

The subject property is heritage listed and this application was referred to a heritage architect (Phil Griffiths) for review and comment. These comments are included in the report to inform the decision-making process.

The proposal involves mainly internal changes and in the case of the window it faces a blank wall and is assessed to pose no adverse effect on neighbouring properties. The application was not referred for comment.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Local Planning Policy 3 – Heritage Places

The objective of LPP 3 is primarily focussed upon development within the residential areas of Peppermint Grove, however the intent of this planning policy should be given due regard in the district centre. The Policy addresses that “the form and fabric of buildings on the Heritage List is preserved” and previously Councillors held concerns that walls and any material with heritage value should not be altered or removed.

The policy intends that any new works to the subject property are sympathetic to the heritage aspects of the building. It is noted in this case that most of the works are to internal walls and the window is to a wall which is obscured to public view and has been for many years.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The proposal seeks to amend approval DA2019/00008 previously granted by Council to include the additional works to make internal changes, add a window and renovate the awning above the street footpath.

The premises is located directly on a busy stretch of Stirling Highway. The street has a low pedestrian amenity and the lot is presently affected by a Major Regional Road Reservation, which if implemented would remove much of the heritage buildings abutting the road.

The design changes included in this application intend to recreate a veranda/awning that is consistent with the adjacent shop, the removal of a section of internal wall is to create a sufficient retail/showroom floor space in what was a series of small shops – which will retain this appearance from the street.

Council previously voiced concerns that renovation should respect and retain as much of the heritage fabric as possible. With this concern in mind the application was referred to Philip Griffiths (Heritage Architect) for review and comment. The comments have been received and considered in the assessment and final decision of this application.

Veranda Awning

The proposal seeks to raise the height of the awning on the front façade to match the awning height of the neighbouring property. The works will restore and retain the current steel brackets for the awning to retain the appearance of the façade. The current corrugated steel cladding is corroded and will be replaced with new coated steel cladding of a similar profile. The applicant asserts (and corroborated by Mr Griffiths) that the awning is not an original fitting, and as a recent addition to the façade of the building, the proposed changes do not detract from the heritage value of the property.

The following comments are made by Philip Griffiths:

I can see no objection to moving the southern awning a little further up to match that on the northern side. It will not obscure any more detail than is already obscured. The awning in itself is a recent thing and has no heritage value.

Interior Wall Modification

The application is to remove sections of interior walls to transform previously separate shops into a united commercial space conducive to a larger retail and office tenancy.

Phil Griffiths comments about the removal of sections of wall as follows:

The wall removals can be contemplated on condition that at least 450mm of pier will be left each side and that the location of the wall removed is recognized in floor treatments.

This means that the location of internal walls is visible and their alignment is not lost in the course of the remodelling of the space. In the event the proposed works be approved, a condition is required on the Approval to require there be detailing in the remaining wall and floors to indicate the location of the original walls.

New Window Opening – south wall

The application proposes a new opening in the southern brick wall for a window of approximately 4m² in size, and located back 1.5m away from the façade on the southern wall of the property.

That section of wall is currently solid and does not overlook anything other than a side setback area. The approved plan creates a pedestrian thoroughfare along this wall to connect the rear tenancies to the street, and to facilitate a flow-through between this property and Editeur to the south. The proposed new window will overlook the new pedestrian walkway was along the southern boundary of the property which will provide a more visually engaged retail space with pedestrians movement past the southern perimeter of the property.

Phil Griffiths commented as follows:

The southern building was built later and seems not to have the same heritage values attached to it as the northern side. A window in that wall is acceptable but should have a hob like the other windows do on the west elevation.

Based on this advice that this building has less heritage value than the property to the north, the proposed window is probably a good design idea and can be approved provided the recommended “hob” detail is included in the plans submitted for the building permit. This requirement is to be placed in a condition of approval.

Minor Modifications

There are other small changes proposed to focus on maintenance and restoration work, and these are as follows:

- Removal of extraneous brackets, conduit, cables, etc. from the street façade.
- Refinishing of masonry, timber, and metal joinery associated with the original shop fronts.
- Removal of air conditioning and hot water appliances, including all associated brackets and pipework from the surface of external walls and in particular the southern wall of the building.
- Repair of masonry and timber pediments to the front façade.

These proposed works restore the building to create a cleaner and more presentable façade to Stirling Highway, this does not impact the heritage character of the building. Although the Council indicated its reluctance in the process of discussion before the previous decision to approve the redevelopment, this proposal has been referred for heritage advice.

In essence the proposed works will need to be executed to a high quality with a sensitivity to the fabric of the building, to respect and record the form or original walls and features. The proposed uses for the buildings will need to mould around the building as much as the building is to be remade to suit the uses. This will call for skilful detail design and building execution.

The design program envisages re-purposing the structure in a manner which is contemporary and suited to the present-day restrictions imposed by a highway reservation and diminished street amenity, rather than restoring the building which was, at best a simple utilitarian industrial building. The redesign will seek to create internal spaces suited for the display and sale of bulky goods – a studio style. The external parts of the property will be reconfigured to allow pedestrian circulation, small break-out spaces and the potential for a more humanistic suite of uses.

Heritage advice indicates that provided the modifications are executed carefully and with respect for the fabric, materials and original layout the proposal may achieve a balance of contemporary utility and faithful record of heritage values and historic narrative.

Given the advice that the changes do not necessarily adversely impact the heritage character of the building and that renovation of the building spaces will help to create a more functional retail studio space within the District Centre, Approval subject to conditions is recommended.

Further Information following the Agenda Briefing Forum 12 November 2019

Point 7 in the recommendation has been changed, deleting the words “but not necessarily mimic the style of that era”

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.3**MOVED: Cr C Hohnen****SECONDED: Cr D Horrex**

That Council approves (16 September 2019) the proposed works at 492-494 Stirling Highway, consistent with plans DA01, 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 in addition to (DA2019/00008) shall form part of the development approval issued.**
- 2. All works are to be executed subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.**
- 3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.**
- 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:**
 - How materials and equipment will be delivered and removed from the site;**
 - How materials and equipment will be stored on the site;**
 - Parking arrangements for contractors;**
 - Construction Waste disposal strategy and location of waste disposal bins;**
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;**
 - Other matters likely to impact on surrounding properties.**
- 5. With respect to the sections of internal wall which are to be removed, a minimum 450mm pier is to be left on each side of the opening, with the remnant footing outline of the removed wall to remain visible within new floor treatments (this is to assist in the recognition of the removed sections of wall).**
- 6. A window hob in a similar style to other windows is to be included in the application for building permit for the proposed new window on the southern wall.**
- 7. The veranda awning is to be finished and trimmed consistent with materials, colours, profiles and textures that were available and used contemporary with the original building.**



Advice Note

In granting approval to the additional works the Council notes it has considered the advice of an independent heritage advisor, the importance of achieving a premises which is suitable for contemporary businesses and yet retains a visibly record and experience of the original fabric of the building.

The applicant is encouraged to ensure modern materials where used do not dominate, over-write or diminish the original fabric of the building.

CARRIED 7/0

DECLARATION OF INTEREST – PROXIMITY – CR D HORREX
DECLARATION OF INTEREST – PROXIMITY – CR P MACINTOSH
8.1.4 Proposed Places for Entry into Heritage List – Heritage Review Project (Tranche 3)
URBAN PLANNING
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3	Location Map
Attachment 2	Heritage Assessment Reports (Under Separate Cover)
Attachment 3	Owner Responses (Under Separate Cover)

Voting Requirement	:	Simple Majority
Location / Property Index	:	Multiple – See Attachment
Application Index	:	Nil
LPS No 4 Zoning	:	Multiple
Land Use	:	Multiple
Lot Area	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	8.1.1 – 23 October 2018 Meeting – Tranche 2
Applicant	:	N/A
Owner	:	Multiple
Assessing Officer	:	Mr Joshua 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

The purpose of this report is to propose the entry of places into the Shire's Heritage List as required by clause 8(1), of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

SUMMARY AND KEY ISSUES

- Clause 8 of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015 requires the Shire to establish and maintain a heritage list.
- The Shire wrote to 144 properties (owners and occupiers) in April 2018 regarding the inclusion of the property on the Heritage List. It invited submissions of comment.
- In July of 2018 the Shire listed 96 properties being those properties which did not raise objection or advised of unconditional support of the listing.
- In October of 2018 the Shire listed a further 27 properties where heritage status was supported, however the material facts of the MHI description cited in the listing were challenged but the heritage merits of listing was not.
- This report refers to those properties where the owners or their advisors lodged submissions either challenging the heritage value and/or objecting to listing.
- In order to obtain a fresh and independent assessment of the proposed listing and the merits of any submissions received, the Shire engaged several heritage consultants to independently review the submissions received, analyse available information including the Municipal Heritage List and related documentation before reporting on the heritage value and making a recommendation to Council as to the proposed listing.

LOCATION

All places are within the Shire's scheme area (Local Planning Scheme 4)

BACKGROUND

Clause 8 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (The Regulations), requires that a local government must establish and maintain a Heritage List, to identify places in the scheme area that are of cultural heritage significance and worthy of built heritage conservation. This requirement is applied in the Shire's Local Planning Scheme No. 4 as a part of the Deemed Provisions; therefore, the Shire has begun taking steps to identify properties for listing on the local Heritage List.

CONSULTATION

The Regulations require that the local government must not enter a place from, the Heritage List or modify the entry of a place in the Heritage List unless the local government – notifies

in writing each owner and occupier of the place; and invites each owner and occupier to make submissions on the proposal within 21 days of receipt of the notice.

To comply with this requirement, on 10 April 2018 the Shire sent out letters to 144 place owners and occupiers providing notice of intention to enter the place in the Heritage List. The letter also invited owners and occupiers to make a submission on the proposal within 21 days of the notice regarding any issues with the Heritage listing. This was a part of the consultation process that resulted in the receipt of 18 responses now considered as part of Tranche 3.

STRATEGIC IMPLICATIONS

The inclusion of places with heritage value in the Shire's Heritage List achieves strategic community objectives, such as an *"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"* as set out in the 'Community Strategic Plan' and the 'Corporate Business Plan 2014/15 To 2018/19.'

POLICY IMPLICATIONS

The inclusion of properties on the Shire's Heritage List affords them the process of assessment with regard to Local Planning Policy 3 (LPP3), Heritage Places. This includes managing change in such a way that the heritage significance is maintained and/or enhanced. Furthermore, in the case of partial demolition, replacement portions of buildings should recognise and respect by its adjoining position other heritage residences and their precinct.

STATUTORY IMPLICATIONS

It is a requirement of clause 8 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 that the local government must establish and maintain a Heritage List. The legislation also requires that *"If a local government enters a place in the heritage list or modifies an entry of a place in the heritage list the local government must give notice of the entry or modifications to – the Heritage Council of Western Australia; and each owner and occupier of the place."*

FINANCIAL IMPLICATIONS

The Shire engaged specialist heritage advisors and has previously obtained legal advice and representation in response to contested aspects of heritage assessment, listing and project management.

This action fulfils the statutory requirement for the Shire to create an up-to- date heritage list, that will provide legislative support for making sound and defensible decisions to guide the community and avoid litigation to defend decisions.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

This proposal ensures that:

- The community maintains a sense of place by retaining sites of cultural and historical heritage significance;
- residential reinvestment and redevelopment respects existing streetscape development patterns and complements the character of the locality as per LPP3; and
- the built environment reflects the aspirations of the community and retains its unique history, heritage and character as outlined in the Community Strategic Plan.
- Owners and others who have made submissions of objection or who may have questioned the accuracy Shire MHI have a clear indication as to how their views have been considered and addressed on a case-by-case basis.

OFFICER COMMENT

The Shire is required by legislation to establish and maintain a Heritage List to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation. With the support of owners and occupiers it has already listed 124 places on the Heritage List.

The places at the subject of this report are those where following the provision of notice to list, the owner has objected to the listing on the grounds that there is insufficient heritage value to warrant listing on the property on the Shire's Heritage List.

Council, by this report, is considering all and each of the submissions made by the owner and/or occupier of these places as required by Clause 8(3)(d) of the Deemed Provisions. In cases where the submission objects to the listing of the place on a heritage list because they object to the principle of listing – this issue rests with the origin of powers in the Deemed Provisions and not with the subsequent obedience of the Shire in executing this requirement to notify, assess and list where appropriate. Such objections are therefore not upheld because it is a requirement, an obligation for the Shire to proceed to assess and list to protect heritage values.

The Heritage List does not require there to be a qualification of the values other than for the Shire to be of the opinion that a place possesses heritage values which would warrant listing for conservation and/or planning management purposes. The Heritage List flags this value as something the Shire must consider when determining a development application for the place and site. The information will influence the decision including conditions attached to that decision.

It is for these reasons that submissions which raise these qualifications do not invalidate the intention to merely list the place as somewhere that is valued for its heritage by the Shire. The Shire may note the disputed factual background and either amend or update background inventories as required. This is independent for the purposes of listing a place.

The attached Table summarises each of the submissions and their grounds and also the response by the Shire to these points.

The consultants were provided with a portfolio of six properties and assessed the heritage value of each against the opposing submissions. A property was also included for review despite the failure of the owner to lodge an objection (due to poor health).

This report received the summary of an examination by heritage advisors of the merits of each submission and noting that their recommendation is based upon the information available at the time and without any further site inspections. In a couple of instances the consultants have recommended that there be a more thorough investigation not only of available building and other records, but also potentially a meeting with the owners to obtain permission to physically inspect the premises to confirm the claims of alteration or destruction of heritage significance on the site.

It is also noted that often a case for protection is questioned due to the state of a place and its disrepair.

It is usual that as time passes old places grow in heritage value rather than diminish for a number of reasons related to scarcity, and increased appreciation for history and this occurs in spite of material deterioration or neglect. The Heritage Act makes provision for works to be required where a place has been neglected or requires urgent repairs and maintenance.

In cases where the condition of the premises is raised to object to listing, the Shire will assess whether one opinion outweighs another and to determine where heritage listing can bring about an improvement in management options to retain and repair. Where there can be made, a compelling case for the value and cumulative worth, for example as a streetscape or neighbourhood character attribute, then the Shire might adopt a position which favours conservation of a place knowing this value to the community will increase over time.

By including these places on the heritage list the Shire can take steps towards meeting objectives laid out in the 'Community Strategic Plan' and the 'Corporate Business Plan 2014/15 To 2018/19'. These objectives aim to "ensure that the built environment reflects the aspirations of the community and retains its unique history, heritage and character".

The Heritage List plays an important role in achieving these objectives, as well as meeting the objectives and policy requirements of LPP3 and the statutory requirements of the Planning and Development Regulations.

Attachment of each review and recommendation for the individual properties addresses the issues, the analysis and findings. A couple of properties are not yet confirmed to be suitable for listing, because they require further research. These are therefore not advanced at this

stage, however the Shire will continue to engage with the owners to seek permission to inspect and make a more definitive assessment of the worth of the properties.

This stage substantially completes the review project with only a few properties requiring further assessment and report to Council for a decision. Council should resolve to list all properties and note that it will further review listings should new information indicate that listing is not appropriate.

Further Information following the Agenda Briefing Forum 12 November 2019

The Shire has obtained legal advice as to the correct manner with regard to the Planning and Development Regulations 2015 (Deemed Provisions) in which the Council needs to consider and address the merits of each property proposed to be placed in the Heritage List.

The following supplements and updates information provided in the Officer Report:-

For all of the properties, Council must form its own view, having regard to the reports from the heritage consultants and the submissions received, as to whether the properties meet the criteria for entry in the Heritage List – being that they are of cultural heritage significance and worthy of built heritage conservation. Where the consultants have recommended that a property meets the criteria and should be entered in the Heritage List, Council can either agree or disagree with this. For the couple of properties referred to above where the consultants have recommended further investigations, Council may form its own view that those properties do meet the criteria for entry in the Heritage List, but if so it is recommended that the Shire still engage the heritage consultants to undertake the further investigations as a matter of priority. If those further investigations conclude that either property does not meet the criteria for entry in the Heritage List, Council can then consider whether to remove the property from the Heritage List. Alternatively, if Council considers that the further investigations referred by the consultants are necessary before being able to determine whether either of the properties in question meets the criteria for entry in the Heritage List, that property should not be entered, but should await the outcome of the further investigations.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.4

That Council:

1. receives and note the advice for the properties listed in the attached series of Heritage Advisor Reports;
2. accepts the recommendations and will list the following properties onto the Shire Heritage List:

Property	Listing	Summary of reasons from Heritage Advisor Reports	Report date
430 Stirling Highway (Lots 30 & 31)	Yes	The tall stone Star of the Sea, Roman Catholic Church, in the Federation Gothic style, meets the criteria for entry in the heritage list because: It is a pleasing and striking landmark on Stirling Highway; It is an increasingly rare grouping of Parish activities and buildings representative of centralised Roman Catholic Parish facilities in this period; It is a competent work of M C Cavanagh, the pre-eminent Roman Catholic architect of this period.	24 September 2019
430 Stirling Highway (Lots 28 & 29)	Yes	This single storey struck rendered brickwork and iron former school cum hall meets the criteria for entry in the heritage list because: It has considerable historic and social significance; It provided the first Roman Catholic school in the district, which was later converted into a hall for use by the local Parish; It was the only school of its type in the suburb; It forms a landmark group with the neighbouring "Star of the Sea" Roman Catholic church; It appears to have been a standardised model for a small school.	24 September 2019
21 McNeil Street	Yes	This place is a robust example of the Californian Bungalow style, modified by the upper storey and belvedere. It also forms part of a grouping of cultural heritage places.	24 September 2019
33 McNeil Street	Yes	This two storey and dormered place constructed of brickwork and shingles, in the Inter-War Old English style, meets the criteria for entry in the heritage list because: It has historical significance due to its association with Winterbottom, the McNeil holding and with A B Creightmore; It is an exemplar of the Inter-War Old English style, and has a high degree of	24 September 2019

		authenticity; It was designed by its influential owner-occupant-architect A B Creightmore; It is generous and handsomely proportioned and evocative of the spirit of its era; It forms part of a grouping of cultural heritage places.	
36 McNeil Street	Yes	This place is closely associated with the pioneering family of the Fairbairns, the air mail service provider Sir Norman Brearley and Deputy Mayor of Perth, Tess Stroud.	24 September 2019
24 View Street	Yes	This large two storey painted brick, timber and tile residence, in Federation Queen Anne style, sited on a prominent corner site, meets the criteria for entry in the heritage list because: It is of considerable historical significance being the practice residence for 45 years of the prominent medical practitioners serving the suburb; It is of considerable aesthetic significance as a major work of the architect Charles Oldham; It is a notable and accomplished example of the Federation Queen Anne style; It represents a major early phase of development of the suburb.	24 September 2019
22 The Esplanade	Yes	The rendered brick, timber, concrete and shingled tile roof, in Post-War Georgian Revival style, has cultural significance because: Its association with prominent business people Harry Boan, Garrick Agnew and Robert Holmes A'Court; It illustrates the influence of post war North America trends on certain groups in Australia; It is a Post-War place established for captains of commerce to suit their social activities.	24 September 2019
19 Leake Street	Yes	This single storey brick, iron and timber bungalow, in a plain version of the Federation Queen Anne style, meets the criteria for entry in the heritage list because: It has close associations with Alfred Canning, surveyor, explorer and founder of the iconic Canning Stock Route; It is part of a cultural group and a townscape area.	31 October 2019
27 Leake Street	Yes	This single storey brick, render, tile and iron residence, in the Federation Queen Anne style, meets the criteria for entry in the heritage list because: It is associated with Geoffrey G Martin and his family, who were part of the wave of vigorous merchants who moved into the suburb	30 October 2019

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		during the Gold Boom period; The family were well known members of the community and used the suburbs facilities; It is a lively and vigorous example of its style and period; It is a part of a cultural group and townscape area.	
1B Venn Street	Yes	This single storey painted brick and galvanized iron spacious house, with its extensive cast iron balconies and candlesnuffer, in the Federation Filigree style, meets the criteria for entry in the heritage list because: The place has long historical associations with Mrs Rebecca Wells and Mrs Kenneth Hawke, both prominent members of the Peppermint Grove community; the place is a landmark as it is a striking exemplar of its style and period and grandly addresses its corner location; the place is exemplar of its style; the place is rare; the place is a key elements of its townscape area.	30 October 2019
18 View Street	Yes	This single storey painted brickwork and iron Federation Queen Anne style residence meets the criteria for entry in the heritage list because: It has considerable historical significance; It retains much of the original Queen Anne style and its characteristics and has a moderate/high level of integrity; It represents the role of successful merchants in each phase of the development of the suburb; it is located within a townscape area.	30 October 2019
11 Johnston Street	Yes	This single storey brick, timber and iron residence, in the Colonial Bungalow style, meets the criteria for entry in the heritage list because; It has associations with Kenworthy family and Ronald Oldham; It is a symmetrical bungalow, and added wide well-proportioned veranda; It is part of a townscape area.	September 2019
17 Johnston Street	Yes	This single storey limestone, timber and iron residence, in the Federation Bungalow style, meets the criteria for entry in the heritage list because; It has long associations with the family of Henry Gordon; It is a pleasing example of workers housing in the style of a Federation Bungalow, which has retained a moderate degree of integrity; It is part of a cultural group which demonstrates the range in housing types and standards	September 2019

		in the suburb during its first phase of development; It is within a townscape area.	
53 Johnston Street	Yes	This single storey limestone, render residence, with its large broad slate roof and gabled and shingled entry gable, in the Federation/Inter-War Arts and Crafts style, meets the criteria for entry in the heritage list because; It has historical associations with Percival Oliver, tailor, prominent manufacturer, Sir H L Brisbane and prominent developer W Anderson; It is a fine rare and representative example of the Arts and Crafts Bungalow style, which retains a high level of integrity; It is a rare example in the suburb of a style carrying over from one period into another; It is highly valued by the community; It is part of a cultural group and a townscape area.	September 2019
34 Keane Street	Yes	This single storey painted brick, timber and tile residence, in the Federation Bungalow style, meets the criteria for entry in the heritage list because: It has historical associations with Ella Leslie Davies and Lady Cockburn Campbell; It retains the basic form and character of its style and period and has the potential to be a representative example of its style; Its is part of a cultural group.	September 2019
51 Keane Street	Yes	This single storey brick, timber and tile residence, in the Federation Queen Anne Bungalow style, meets the criteria for entry in the heritage list because: It has associations of more than five decades with the family of Thomas Foster, after being constructed originally for James Fowler; It is a complementary neighbour to the places in Manners Hill Park; The removal of the veranda and the replacement of the roof reduces its level of integrity; It is part of a cultural group and townscape area.	September 2019
42A Irvine Street	Yes	This weatherboard, iron and iron cottage in a transitional Victorian/Federation style meets the criteria for entry in the heritage list because; It has had some historical associations with residents of the Shire; It is an early example of its style and form; It has a reduced level of integrity compromised by inappropriate and	September 2019

		unsympathetic additions; It is part of a cultural group and townscape area.	
148 Forrest Street	Yes – MHI Statement to be reviewed and revised	The site meets the criteria for entry in the heritage list because; It has historical associations because of its associations with W Gale, Charles Oldham, J W Winterbottom and Powell Cameron & Chisholm.	30 October 2019
31 Leake Street	Yes – MHI Statement to be reviewed and revised	This large two storeyed limestone, timber and iron residence, in the Victorian Italianate style, meets the criteria for entry in the heritage list because: It is associated with an early resident, Jessie Stock, and prominent property developer Clive Hartz; It is a fine example of its style which has retained a high level of its integrity; It is a style which was popular in the eastern states, particularly for large residents in Melbourne built following the eastern states gold rush; It is part of a cultural group and townscape area.	30 October 2019

3. advises all owners and submitters of the decision.

The Shire President dealt with this matter in three parts.

COUNCIL DECISION PART 1 .- 1B Venn Street – ITEM NO 8.1.4

Cr P Macintosh, having declared a proximity Interest, left the room at 5.55pm.

MOVED: Cr K Farley

SECONDED: Cr C Hohnen

That Council:

1. receives and note the advice for the properties listed in the attached series of Heritage Advisor Reports;
2. accepts the recommendations and will list 1B Venn Street onto the Shire Heritage List:
3. In consultation with owner and occupier continues to review and update the information contained on the Municipal Heritage Inventory data sheets to better reflect knowledge of the provenance of the places, the condition and nature of buildings and grounds and the dynamic increase of heritage value due to rareness and community heritage awareness.

Property	Listing	Summary of reasons from Heritage Advisor Reports	Report date
1B Venn Street	Yes	This single storey painted brick and galvanized iron spacious house, with its extensive cast iron balconies and candlesnuffer, in the Federation Filigree style, meets the criteria for entry on the heritage list because: The place has long historical associations with Mrs Rebecca Wells and Mrs Kenneth Hawke, both prominent members of the Peppermint Grove community; the place is a landmark as it is a striking exemplar of its style and period and grandly addresses its corner location; the place is exemplar of its style; the place is rare; the place is a key elements of its townscape area.	30 October 2019

CARRIED 6/0

Cr P Macintosh re-entered the Chambers at 5.50pm

COUNCIL DECISION PART 2– 11 Johnston Street - ITEM NO 8.1.4

Cr D Horrex, having declared a proximity Interest, left the room at 5.59pm.

MOVED: Cr K Farley

SECONDED: Cr C Hohnen

That Council:

1. receives and note the advice for the properties listed in the attached series of Heritage Advisor Reports;
2. accepts the recommendations and will list 11 Johnston Street onto the Shire Heritage List:
3. In consultation with owner and occupier continues to review and update the information contained on the Municipal Heritage Inventory data sheets to better reflect knowledge of the provenance of the places, the condition and nature of buildings and grounds and the dynamic increase of heritage value due to rareness and community heritage awareness.

Property	Listing	Summary of reasons from Heritage Advisor Reports	Report date
11 Johnston Street	Yes	This single storey brick, timber and iron residence, in the Colonial Bungalow style, meets the criteria for entry on the heritage list because; It has associations with Kenworthy family and Ronald Oldham; It is a symmetrical bungalow, and added wide well-proportioned veranda; It is part of a townscape area.	September 2019

CARRIED 6/0

Cr Horrex re-entered the Chambers at 6.06pm.

COUNCIL DECISION PART 3– Balance of Remaining Properties - ITEM NO 8.1.4
MOVED: Cr R Thomas
SECONDED: Cr C Hohnen
That Council:

1. receives and note the advice for the properties listed in the attached series of Heritage Advisor Reports;
2. accepts the recommendations and will list the following properties onto the Shire Heritage List:
3. In consultation with owners and occupiers continues to review and update the information contained on the Municipal Heritage Inventory data sheets to better reflect knowledge of the provenance of the places, the condition and nature of buildings and grounds and the dynamic increase of heritage value due to rareness and community heritage awareness.
4. Defers a determination on 36 McNeil Street pending further consideration.

Property	Listing	Summary of reasons of significance including updated comment from Heritage Advisor Reports	Report date
430 Stirling Highway (Lots 30 & 31)	Yes	<p>The St Mary Star of the Sea Church constructed of random limestone buttressed walls and a Marseille tile roof, in the Gothic Revival style, meets the criteria for entry on the heritage list because it:-</p> <ul style="list-style-type: none"> - was the centre of social and spiritual life for the parish since 1905; - is a handsome and striking landmark on Stirling Highway; - forms part of an increasingly rare grouping of Parish buildings; - representative of centralized Roman Catholic parish activities during the first half of the 20th century; - is a notable work of M F Cavanagh, Western 	24 September 2019

		Australian pre-eminent Roman Catholic architect of this period.	
430 Stirling Highway (Lots 28 & 29)	Yes	<p>The rendered brick parish hall with corrugated metal roof meets the criteria for entry on the heritage list because it:</p> <ul style="list-style-type: none"> - has association with Parish activities since 1926, originally as a primary school and parish hall, later as a parish hall; - architecturally relates to the adjacent St Mary Star of the Sea Church and therefore forms a landmark grouping; - is a minor work of M F Cavanagh, Western Australian pre-eminent Roman Catholic architect of this period. 	24 September 2019
21 McNeil Street	Yes	This place is a robust example of the Californian Bungalow style, modified by the upper storey and belvedere. It also forms part of a grouping of cultural heritage places.	24 September 2019
33 McNeil Street	Yes	This two storey and dormered place constructed of brickwork and shingles, in the Inter-War Old English style, meets the criteria for entry on the heritage list because: It has historical significance due to its association with Winterbottom, the McNeil holding and with A B Creightmore; It is an exemplar of the Inter-War Old English style, and has a high degree of authenticity; It was designed by its influential owner-occupant-architect A B Creightmore; It is generous and handsomely proportioned and evocative of the spirit of its era; It forms part	24 September 2019

		of a grouping of cultural heritage places.	
24 View Street	Yes	Although aspects of the MHI description of significance may be challenged on the basis of opinion nevertheless - this large two storey painted brick, timber and tile residence, in Federation Queen Anne style, sited on a prominent corner site, meets the criteria for entry on the heritage list because: It was the location of practice and residence for 45 years of the prominent medical practitioners serving the suburb; aesthetic significance as a major work of the architect Charles Oldham; example of the Federation Queen Anne style; and represents a major early phase in the development of the suburb.	24 September 2019
22 The Esplanade	Yes	The two-storey residence constructed of rendered brick with a concrete and wood porte cochere and a shingle-tile roof, in revival Federal style, meets the criteria for entry on the heritage list because:- <ul style="list-style-type: none"> - it is associated with prominent Western Australians, Harry Boan, Garrick Agnew, and Robert Holmes a'Court; and - it illustrates the growing influence of North American trends in post-war Australia. 	24 September 2019
19 Leake Street	Yes	This single storey brick, iron and timber bungalow, in a plain version of the Federation Queen Anne style, meets the criteria for entry on the heritage list because: It has close associations with Alfred Canning, surveyor, explorer and founder of the iconic Canning Stock Route; It is part of a	31 October 2019

		cultural group and a townscape area.	
27 Leake Street	Yes	This single storey brick, render, tile and iron residence, in the Federation Queen Anne style, meets the criteria for entry on the heritage list because: It is associated with Geoffrey G Martin and his family, who were part of the wave of vigorous merchants who moved into the suburb during the Gold Boom period; The family were well known members of the community and used the suburbs facilities; It is a lively and vigorous example of its style and period; It is a part of a cultural group and townscape area.	30 October 2019
18 View Street	Yes	This single storey painted brickwork and iron Federation Queen Anne style residence meets the criteria for entry on the heritage list because: It has considerable historical significance; It retains much of the original Queen Anne style and its characteristics and has a moderate/high level of integrity; It represents the role of successful merchants in each phase of the development of the suburb; it is located within a townscape area.	30 October 2019
17 Johnston Street	Yes	This single storey limestone, timber and iron residence, in the Federation Bungalow style, meets the criteria for entry on the heritage list because; It has long associations with the family of Henry Gordon; It is a pleasing example of workers housing in the style of a Federation Bungalow, which has retained a moderate degree of integrity; It is part of a cultural group which demonstrates the range in	September 2019

		housing types and standards in the suburb during its first phase of development; It is within a townscape area.	
53 Johnston Street	Yes	This single storey limestone, render residence, with its large broad slate roof and gabled and shingled entry gable, in the Federation/Inter-War Arts and Crafts style, meets the criteria for entry on the heritage list because; It has historical associations with Percival Oliver, tailor, prominent manufacturer, Sir H L Brisbane and prominent developer W Anderson; It is a fine rare and representative example of the Arts and Crafts Bungalow style, which retains a high level of integrity; It is a rare example in the suburb of a style carrying over from one period into another; It is highly valued by the community; It is part of a cultural group and a townscape area.	September 2019
34 Keane Street	Yes	This single storey painted brick, timber and tile residence, in the Federation Bungalow style, meets the criteria for entry on the heritage list because: It has historical associations with Ella Leslie Davies and Lady Cockburn Campbell; It retains the basic form and character of its style and period and has the potential to be a representative example of its style; Its is part of a cultural group.	September 2019
51 Keane Street	Yes	This single storey brick, timber and tile residence, in the Federation Queen Anne Bungalow style, meets the criteria for entry on the heritage list because: It has associations of more than five decades with the family of Thomas Foster,	September 2019

		after being constructed originally for James Fowler; It is a complementary neighbour to the places in Manners Hill Park; The removal of the veranda and the replacement of the roof reduces its level of integrity; It is part of a cultural group and townscape area.	
42A Irvine Street	Yes	This weatherboard, iron and iron cottage in a transitional Victorian/Federation style meets the criteria for entry on the heritage list because; It has had some historical associations with residents of the Shire; It is an early example of its style and form; It has a reduced level of integrity compromised by inappropriate and unsympathetic additions; It is part of a cultural group and townscape area.	September 2019
148 Forrest Street	Yes – MHI Statement to be reviewed and revised	The site meets the criteria for entry on the heritage list because; It has historical associations because of its associations with W Gale, Charles Oldham, J W Winterbottom and Powell Cameron & Chisholm.	30 October 2019

31 Leake Street	Yes – MHI Statement to be reviewed and revised	This large two-storey limestone, timber and iron residence, in the Victorian Italianate style, meets the criteria for entry on the heritage list because: It is associated with an early resident, Jessie Stock, and prominent property developer Clive Hartz; It is a fine example of its style which has retained a high level of its integrity; It is a style which was popular in the eastern states, particularly for large residences in Melbourne built following the eastern states gold rush; It is part of a cultural group and townscape area.	30 October 2019
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CARRIED 7/0

8.1.5 Lot 889 Bay View Terrace – Proposed Subdivision to 3 Lots

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4	Existing Subdivision Approval
Attachment 2	Proposed further Subdivision

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	Lot 889, Bay View Terrace
Application Index	:	SA2019/00002
LPS No 4 Zoning	:	R-10
Land Use	:	Residential
Lot Area	:	6582m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	DA2019/00001
Applicant	:	Referred from WAPC for comment
Owner	:	Mr John Gillett
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

To confirm with Council that the proposed subdivision of Lot 889, Bay View Terrace, into 3 lots may be recommended for approval, noting that one lot is undersized. Council is to note the planning assessment and recommendation and if in agreement endorse communication to the WAPC.

SUMMARY AND KEY ISSUES

- The super lot was subdivided into 2 lots earlier this year (Lot 888; 889) to facilitate a development application for a single house and ancillary dwelling.
- An application has been received by the WAPC to further subdivide Lot 889 into 3 lots.
- The original Lot 888 (now referred to as Lot 1) remains the same size (3838m²) as the original proposal and maintains the dimensions and levels which set the approved height and plot ratio (calculation for approval DA2019/00001 for a new single house and ancillary dwelling).
- The survey plan proposes 3 lots (2; 3 & 4); whereby 3 & 4 directly abut Bay View Terrace, and Lot 2 fronts Keane Street and abuts eastern boundary of Lot 888 (Proposed to be renamed Lot 1)
- Proposed Lots 2 and 3 exceed the R-Codes minimum lot size however the proposed Lot 4 at 765m² does not meet the *minimum lot size* requirements for a lot zoned R-10.
- WAPC is able to approve lots without needing to have regard to the R Codes.
- Proposed Lot 4 is a regular shape and it is noted there are smaller size lots coded R 10 further south on Bay View Terrace which contain single houses.

LOCATION

Lot 889, Bay View Terrace, Peppermint Grove

BACKGROUND

The subdivision of Lot 889, Bay View Terrace was originally proposed as a part of DA2019/00001 on which the new single house and ancillary dwelling were to be built on then newly created Lot 888 (now proposed Lot 1). The size and dimensions of the proposed Lot 1 have not changed with the amended plans and therefore do not affect the planning approval granted to that lot.

CONSULTATION

The WAPC referred the application to the Shire for comment as a part of the consultation process prior to WAPC decision.

STRATEGIC IMPLICATIONS

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.”

While one of the proposed lots is undersized, it is still in excess of 750m², has an adequate width of frontage and maintains the character of large lot sizes within the Shire.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Further subdivision in the Shire progresses the WAPC towards housing targets established in Perth and Peel at 3.5 million and subsequent state government planning documents. The Shire was allocated a target of a total of 280 additional dwellings by 2031 and a further 200 dwellings post 2031 to meet state government infill housing targets for the Shire area; the reality is that the WAPC is responsible for approval of all subdivision.

LPS 4 was approved by the Minister for Planning on advice of the WAPC and this locks in the upper limit of dwellings via density of R codes. It is up to the land owners and development industry to act upon the opportunity for further development within the scope of the approved LPS 4.

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.	R-Codes table 1 - Minimum lot size for land zoned R-10 – 875m ²	The proposed lot 4 has a total size of 765m ² , 110m ² below the minimum size block for an R-10 zone. While the proposed block size is not compliant with the minimum lot size, the average lot size of 1000m ² for the whole subdivision is still met.

In addition to the R Codes it is noted the LPS 4 includes additional site controls of a 9 m street setback and 0.5 maximum plot ratio. These will bear upon the extent to which the under-size lot may be developed.

FINANCIAL IMPLICATIONS

The proposal creates 3 additional lots (i.e. three new rateable properties).

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The proposed subdivision of Lot 889, Bay View Terrace is to create 3 smaller lots; one of which is below the WAPC policy minimum. (Lot 4 is 765m² and is 110 m² under the minimum size for a lot zoned R-10; assuming there can be an average of 1 000 achieved.

In size it sits between R 10 and R 12.5. The undersized lot is a regular shape and an adequate width to accommodate a single house development provided it meets street setback and plot ratio requirements of LPS 4.

The subdivision can be justified considering the broader context of nearby lots sizes and likely development in the adjacent vicinity. The following points are worthy of consideration:

- The parent lot of the proposed subdivision containing proposed lots 2, 3, and 4 is large enough to create 3 compliant lots in excess of 875m² each.
- To create 3 compliant lots proposed lot 4 would need to be extended into proposed lot 2 creating an irregular shaped block which would present development difficulty. The proposed subdivision creates 3 blocks in the eastern section of a more traditional and workable rectangle shape.
- The undersized lot is still significantly larger than the R-25 Lots of Bungalow Court to the immediate south and has a frontage of 25.49m which is adequate (exceeds the minimum by 5.49m).
- The undersized lot is also larger than nearby lots 23 and 24 Bay View Terrace (which have the same R-10 zoning).

The proposed subdivision is to be determined by WAPC, and recently there have been other recent WAPC decisions which disregarded R code and policy requirements for minimum lot sizes and dimensions as well as the advice of the Shire. The WAPC will consider the comments made by Council on the proposed subdivision and may make a decision contrary to Council comments.

In this case the Shire warranted to point out that the lot size is below the minimum policy requirement by 110 m² and that considering the Scheme requirements for a 9 m street setback and a plot ratio of no more than 0.5, the smaller size lot may result in constricted site development.

The applicant via the WAPC should be advised that in recommending approval to the subdivision, the Shire is not indicating willingness to relax site development requirements of

LPS 4 for the site in the event that a future development proposal seeks to over-develop the area.

Further Information following the Agenda Briefing Forum 12 November 2019

Change of wording in the advice note to replace the word 'cannot' to 'does not' so the sentence now reads "In creating an undersized lot the Shire notes it does not commit to consider future variation to LPS 4 development requirements in the event that a development application does not comply with the R Codes development provisions and specification".

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.5

MOVED: Cr C Hohnen

SECONDED: Cr G Peters

That Council recommends that the WAPC approve the proposed subdivision 158430 on Lot 889, Bay View Terrace, Peppermint Grove subject to standard Conditions and the following advice note:

Advice note:

In recommending approval to the subdivision the Shire notes it will produce a lot which is 110 m2 below the policy minimum for R10. The WAPC and the applicant is to be aware that LPS 4 requires a minimum street setback of 9 m and a plot ratio of 0.5 or under. In creating an undersized lot the Shire notes it does not commit to consider future variation to LPS 4 development requirements in the event that a development application does not comply with the R Codes development provisions and specification.

CARRIED 7/0

8.2 MANAGER INFRASTRUCTURE SERVICES

8.2.1 Tender RFT C01-2019 Cleaning of Council Buildings & Public Infrastructure

INFRASTRUCTURE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5	CONFIDENTIAL Assessment - RFT C01-2019
Attachment 2	CONFIDENTIAL Pricing Schedule

Voting Requirement : Absolute Majority
Subject Index : Infrastructure Maintenance
Responsible Officer : Michael Costarella– Manager Corporate & 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 for Council to consider the awarding of Tender C01-2019 for *Cleaning of Council Buildings & Public Infrastructure* for the Shire of Peppermint Grove.

The Tender was advertised in the West Australian on Saturday 14 September 2019 and closed on Friday 18th October 2019. There were 14 requests for the Tender Documents and on the 23rd September 2019, an onsite inspection was held and attended by the 14 applicants. At the Close of tenders on the 18 October 2019, ten (10) organisations submitted a Tender. These were then assessed by a Panel in accordance with the Selection Criteria within the Request for Tender documents. The tendered prices were assessed together with qualitative and compliance criteria to determine the most advantageous outcome for the Shire. The Contract will be for an initial period of three (3) years, with an option to extend for a further two (2) years at the sole discretion of the Shire.

BACKGROUND

Based on the monetary value of the work required to perform these services on an ongoing basis, the need for a Tender has arisen. The *Local Government (Functions and General) Regulations 1996* require tenders to be called for contract for the supply of goods and services where consideration under the contract is, or is expected to be, more or worth more, than \$150,000.

The tender document requested tenderers provide a schedule of rates for the following items:

Item	Description
1.1	Shire Administration Officers, Reception and Meeting Rooms
1.2	Council Chambers & Lounge
1.3	Shire Records Room
1.4	Shire Kitchen
1.5	Shire Staff Toilets
2.1	Main Entry Foyer, Stairwell and Lift Entry area
2.2	Lift
2.3	Carparks, Staff & Public
3.1	Community Centre
3.2	Community Centre Court Yard
4.1	Main Library
4.2	Library Children's Room
4.3	Library Workroom
4.4	Library Kitchen
4.5	Library Staff Toilets
5.1	Public Toilets
6.1	Child Health Room
7.1	Keanes Point Playground public toilets cleaning
7.2	Manners Hill Park Toilets and Pavilion Cleaning

7.3	Shire Depot Cleaning
7.4	BBQ Cleaning
	Rates for Emergency Cleaning
	Rates for Graffiti Cleaning

Contract Type	Lump sum and hourly rate contract
Contract Term	Three (3) years plus two (2) at the sole discretion of the Shire.
Commencement date	On award
Expiry Date	Three years from award.
Extension of contract	Two years at the sole discretion of the Shire.

Tender Assessment:

The following evaluation criteria was included in the request for the tender:

DESCRIPTION OF SELECTION CRITERIA	Weighting
A. Relevant Experience Tenderers must address the following information in an attachment and label it “ Relevant Experience ”:	<30%>
B. Key Personnel Skills and Experience Tenderers must address the following information in an attachment and label it “ Key Personnel Skills and Experience ”	Weighting <20%>
C. Tenderer’s Capacity, including Resource Availability and Financial Viability	Weighting <30%>
<ul style="list-style-type: none"> Demonstrated Understanding Tenderers must address the following information in an attachment and label it “Demonstrated Understanding”: 	Weighting <20%>
TOTAL	100%

A scoring system was used as part of the assessment of the evaluation criteria. For each of the qualitative criteria, contractors were awarded a score out of five possible points. The weighting for each criteria was then applied to provide a score for each criteria.

For price, a simple model based on historical data was constructed using the estimated hours or days of specific tasks the Shire would undertake in a typical year (see attachment 1). The tendered rates for all ten contractors were then entered against the hours and a table produced showing what the estimated annual cost would be for each respective supplier.

Based on the attached model (see attachment 1), Iconic Property Services offers the most competitive pricing for the Shire of Peppermint Grove's specific requirements.

CONSULTATION

Tender Number C01-2019– Cleaning of Council Buildings & Public Infrastructure on Saturday 14 September 2019 in the Local Government Tenders section of “The Weekend West” newspaper.

STATUTORY IMPLICATIONS

- Local Government Act 1995
- Local Government (Functions and General) Regulations 1996

FINANCIAL IMPLICATIONS

The costs associated with the cleaning services for the first year have been included in the 2019/20 operational budget.

OFFICER COMMENT

The tenders were advertised for a 35 days from the 14th September 2019 and closed on the 18th October 2019. Council received 10 tenders for the Cleaning of the Council Buildings and Public Infrastructure as well as additional hourly rates for emergency cleaning and graffiti removal. A panel of 3 Staff assessed the tenders and a summary of the assessment is included as a confidential attachment. A pricing schedule for all areas is also included as a confidential attachment.

The tenders received were assessed for compliance and this was considered on weighted and non- weighted criteria. The weighted criteria is shown in the background of this report. The non- weighted criteria included:-

- Compliance with Specification contained in the RFT
- Compliance with the conditions of the RFT
- OSH, Demonstrated knowledge of Industry Standards
- Insurance compliance
- Financial Information to determine the viability

Staff have contact the Tenderer's Referees and received positive comments on the efficiency and quality of the work.



OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM 8.2.1

MOVED: Cr C Hohnen

SECONDED: Cr P Macintosh

That Council:

Awards Tender Number RFT CO1 -2019 – Cleaning of Council Buildings & Public Infrastructure to Iconic Property Services for a period of three (3) years, with an optional extension period of two (2) more years at the sole discretion of the CEO for the services outline within this report and shown in the Evaluation contained in the Confidential Attachment.

CARRIED 7/0

8.3 MANAGER LIBRARY SERVICES

NIL

8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

8.4.1 Financial Report – 30 September 2019

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Report – 30 September 2019

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Responsible Officer	:	Michael Costarella, Manager Corporate and Community 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 2019 to 30 September 2019.

SUMMARY AND KEY ISSUES

- Operating revenue is \$389,000 less than the year to date budget as the Shire will receive a contribution for the Library within the next 2 months;
- Operating expenditure is some \$142,185 less than the year to date budget and mainly due to September invoices being processed in October;
- Capital expenditure- This relates to the Printer and Leake Street resealing.

LOCATION

N/A

BACKGROUND

Nil

CONSULTATION

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

STRATEGIC IMPLICATIONS**POLICY IMPLICATIONS**

Shire of Peppermint Grove Financial Management Policies

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

The financial report for September 2019 shows the current net assets of \$2.9million which includes the rates debtors of \$1.2million.

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 September of \$18,000 relate to additional fees for development licence fees.

(2) Grants and Subsidies

Grants and subsidies were \$81,000 less than the year to date budget and this was mainly due to less than expected grant funding for September 2019.

(3) Employee Costs

The YTD Actuals were \$11,324 more than the expected and this was mainly due to payment of the Superannuation expenses paid in September.

(4) Materials and Contracts

Materials and contract expenses are some \$93,776 less than expected, due largely to timing variances with respect to invoices for September 2019.

(5) Insurances

Insurance Premiums are some \$32,000 less than the year to date budget due to the amount paid in October.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.1**MOVED: Cr Hohnen****SECONDED: Cr D Horrex**

That Council receive the monthly financial report for the period 1 July 2019 to 30 September 2019.

CARRIED 7/0

8.4.2 Financial Report – October 2019

CORPORATE

ATTACHMENT DETAILS

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

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Disclosure of any Interest	:	Nil
Previous Items	:	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

To report on financial activity for the period 1 July 2019 to 30 October 2019.

SUMMARY AND KEY ISSUES

- Operating revenue is \$549,000 less than the year to date budget as the Shire will receive a contribution for the Library within the next 2 months;
- Operating expenditure is some \$206,000 less than the year to date budget and mainly due to October invoices being processed in October/ November;
- Capital expenditure- This relates to the Printer, Leake Street resealing and 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

The financial report for October 2019 shows the current net assets of \$2.9million which includes the rates debtors of \$1.2million.

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 October of \$25,000 relate to additional fees for development licence fees.

(2) Grants and Subsidies

Grants and subsidies were \$236,000 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) Contributions, Reimbursements

The amount of \$330,000 relates to the contribution for the Library that will be claimed in the near future.

(4) Employee Costs

The YTD Actuals were \$14,000 more than the expected and this was mainly due to payment of the Superannuation expenses paid in October.

(5) Materials and Contracts

Materials and contract expenses are some \$190,000 less than expected, due largely to timing variances with respect to invoices for October 2019.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.2

MOVED: Cr K Farley

CR G Peters

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

CARRIED 70

8.4.3 Accounts Paid – October 2019

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Accounts Paid – October 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

- | | | |
|-------------------------------------|-----------------------|--|
| <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 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

The Accounts paid include the Purchase of a New truck, the Quarterly BAS Statement and contracts.

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	305-311	\$338,662.00
EFT	TRUST	14	\$340.00
DIRECT DEBITS	MUNICIPAL	101-109	\$22,446.52
BPAY	MUNICIPAL	79-91	\$4,879.29
CHEQUES	TRUST	400223-400224	\$160.00
TOTAL			\$366,487.81

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/COUNCIL DECISION – ITEM NO. 8.4.3

MOVED: CR C Hohnen

SECONDED: Cr G Peters

That Council receive the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for September 2019, totalling \$366,487.81

CARRIED 7/0

8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY

8.5.1 Council Meeting Dates for 2020

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

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

Voting Requirement	:	Simple Majority
Subject Index	:	GV043A
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.*
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PURPOSE OF REPORT

The purpose of this report is to adopt the meeting dates for the Agenda Briefing Forums and Ordinary Council Meetings for 2020.

SUMMARY AND KEY ISSUES

Notification of planned Council meeting dates for 2020.

BACKGROUND

Legislation requires that Council provide public notice of the date and times of its meetings to allow for public participation and attendance.

Councils Agenda Briefing Forum will be held on the second Tuesday of every month and Ordinary Council Meetings are to be held on the fourth Tuesday.

There is no meeting in January 2020.

The December 2020 Ordinary Council Meeting is to be held on the third Tuesday, 15 December, so that the minutes are completed prior to the Christmas holiday period.

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no specific Strategic Implications in respect to this matter.

POLICY IMPLICATIONS

There are no specific Policy Implications in respect to this matter.

STATUTORY IMPLICATIONS

There are no specific Statutory Implications in respect to this matter.

FINANCIAL IMPLICATIONS

There are no specific Strategic Implications in respect to this matter.

ENVIRONMENTAL IMPLICATIONS

There are no specific Environmental Implications in respect to this matter.

SOCIAL IMPLICATIONS

There are no specific Social Implications in respect to this matter.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.5.1

MOVED: Cr K Farley

SECONDED: Cr Macintosh

That Council adopt the meeting dates for 2020:

Agenda Briefing Forum 2 nd Tuesday of every month at 5.30 (except in January when Council is in recess)	Ordinary Meeting of Council 4 th Tuesday of every month at 5.30 (except in December – 3 rd Tuesday & January when Council is in recess.)
11 February 2020	25 February 2020
10 March 2020	24 March 2020
14 April 2020	28 April 2020
12 May 2020	26 May 2020
9 June 2020	23 June 2020
14 July 2020	28 July 2020
11 August 2020	25 August 2020
8 September 2020	22 September 2020
13 October 2020	27 October 2020
10 November 2020	24 November 2020
8 December 2020	15 December 2020

CARRIED 7/0

8.5.2 Matters for Information and Noting

ATTACHMENT DETAILS

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

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

CONSULTATION

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

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.5.1

MOVED: Cr K Farley

SECONDED: Cr D Horrex

That Council receives the information in this report.

CARRIED 7/0



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 6.30pm, there being no further business the meeting closed.