



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY 27 OCTOBER 2020
AT
5.30 PM



Shire of Peppermint Grove

TABLE OF CONTENTS

ITEM	SUBJECT HEADING	PAGE
1	DECLARATION OF OFFICIAL OPENING	4
2	RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE	4
2.1	ATTENDANCE	4
2.2	APOLOGIES	5
2.3	LEAVES OF ABSENCE	5
2.4	NEW REQUEST FOR A LEAVE OF ABSENCE	5
3	DELEGATIONS AND PETITIONS	5
3.1	DELEGATIONS	5
3.2	PETITIONS	5
4	PUBLIC QUESTION TIME	6
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING	6
4.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	6
4.3	DEPUTATIONS OF THE PUBLIC	7
4.4	PRESENTATIONS FROM THE PUBLIC	7
5	DECLARATIONS OF INTEREST	8
5.1	FINANCIAL INTEREST	8
5.2	PROXIMITY INTEREST	8
5.3	IMPARTIALITY INTEREST	8
5.4	INTEREST THAT MAY CAUSE A CONFLICT	8
5.5	STATEMENT OF GIFTS AND HOSPITALITY	8
6	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	9
7	CONFIRMATION OF MINUTES	9
7.1	ORDINARY COUNCIL MEETING 22 SEPTEMBER 2020	9
8	OFFICER REPORTS	10

8.1	MANAGER DEVELOPMENT SERVICES	10
8.1.1	1 Monument Street New Grouped Dwelling (Five Townhouses)	10
8.1.2	45 Irvine Street – Additions and Alterations to Heritage Building	19
8.2	MANAGER INFRASTRUCTURE SERVICES	28
8.2.1	Shire of Peppermint Grove DWER Waste Plan 2020	28
8.3	MANAGER CORPORATE AND COMMUNITY SERVICES	33
8.3.1	Financial Statements September 2020	33
8.3.2	Accounts Paid September 2020	36
8.4	CEO/ MANAGEMENT / GOVERNANCE / POLICY	39
8.4.1	Matters for Information and Noting	39
8.5	COMMITTEE REPORTS	41
9	NEW BUSINESS OF AN URGENT NATURE	41
10	MOTIONS ON NOTICE	41
11	CONFIDENTIAL ITEMS OF BUSINESS	41
12	CLOSURE	41



ORDINARY COUNCIL MEETING MINUTES

1 DECLARATION OF OFFICIAL OPENING

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

The media indicated they were not recording the meeting.

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

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 (From 5.31pm)
Cr P Macintosh
Cr P Dawkins

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

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

2.2 APOLOGIES

NIL

2.3 LEAVES OF ABSENCE

NIL

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

Cr Farley has requested a leave of Absence for the Ordinary Council Meeting 24 November 2020.

COUNCIL DECISION – ITEM 2.4

Moved: Cr Farley

Seconded: Cr Hohnen

That Cr Farley be granted a leave of Absence for the Ordinary Council Meeting 24 November 2020.

MOVED 6/0

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

Were 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

Cr Peters entered the chambers at 5.31pm

4.3 DEPUTATIONS OF THE PUBLIC

Mr Zane Barry – 1 Monument Street – Item 8.1.1

Mr Barry addressed Council speaking as the owner of 1 Monument Street

Ms Phillipa Mowbray – 1 Mosman Terrace, Mosman Park – Item 8.1.2 – 45 Irvine Street

Ms Mowbray addressed Council speaking on behalf of the owners of 45 Irvine Street

Mr Leigh Ferguson – 17A Keane Street – Item 8.1.2 – 45 Irvine Street

Mr Ferguson addressed council speaking on behalf of the owners of 45 Irvine Street.

4.4 PRESENTATIONS FROM THE PUBLIC

NIL

5 DECLARATIONS OF INTEREST

Councillors / Staff are reminded of the requirements of section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the Shire's Code of Conduct. Councillors / staff are required to submit declarations of interest in writing on the prescribed form.

5.1 FINANCIAL INTEREST

NIL

5.2 PROXIMITY INTEREST

NIL

5.3 IMPARTIALITY INTEREST

Cr Greg Peters – Item 8.1.1 – 1 Monument Street New Grouped Dwelling (5 Townhouses)

The nature of the interest being that his spouse owns property in strata building opposite.

Cr Charles Hohnen – Item 8.2.1 - DWER Waste Plan 2020

The nature of the interest being that Cr Hohnen is the chairman of the WMRC. WMRC provided assistance in the preparation of the waste plan.

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)

Waterwise accreditation - The Shire has been endorsed as a Waterwise Council by the Department of Water and Environmental Regulation and Watercorp in recognition of the Shire's waterwise initiatives.

Redevelopment of old drycleaners premises on Stirling Hwy – Congratulations to the Architect – Simon Rodrigues from Rodrigues Bodycoate Architecture, the Builder – Adrian Pirone from Pirone Builders, Project Owner/Sponsors – Karl Paganin and Steve Johnson from PAGJON P/L and the tenants – Jardan Furniture and Peps Wine Bar. The development has been done to a very high standard and is a welcome addition to the amenity of Peppermint Grove.

Cappuccino Concerts – the Deputy President and I attended the 10th Anniversary of the very popular Cappuccino concerts at the Grove Library. Congratulation to Tony and Gwenyth Lennon and the team behind the concerts for providing a wonderful series of concerts each year.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 22 SEPTEMBER 2020

OFFICER RECOMMENDATION – ITEM 7.1
--

Moved: Cr Farley

Seconded: Cr Hohnen

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 22 September 2020 be confirmed as a true and accurate record.

CARRIED 7/0

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

IMPARTIALITY INTEREST DECLARED – CR GREG PETERS

8.1.1 1 Monument Street New Grouped Dwelling (Five Townhouses)

URBAN PLANNING

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1	Location Map
Attachment 2	Development Application Plans
Attachment 3	Applicant Justifications
Attachment 4	Site Plans

Voting Requirement	:	Simple Majority
Acceptance Date	:	27/08/2020
Location / Property Index	:	4420
Application Index	:	DA2020/00018
LPS No 4 Zoning	:	Mixed Use
Land Use	:	Residential
Lot Area	:	776m ²
Disclosure of any Interest	:	Impartiality Interest – Cr Peters
Previous Items	:	Nil.
Applicant	:	Mr Zane Barry
Owner	:	Mr Zane Barry
Assessing Officer	:	Mr Josh Dallimore – Planning and Development Officer
Authorising Officer	:	Mr. Ross Montgomery – Manager Development Services

COUNCIL ROLE

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

PURPOSE OF REPORT

Council is requested to consider the proposed new grouped dwelling at 1 Monument Street, Peppermint Grove. The proposed development consists of 5 Townhouses and is seeking Council discretion to vary two areas of design and compliance.

SUMMARY AND KEY ISSUES

- The proposed development is located in the Mixed-use zone which is bound by R80 development requirements as per the Shires Local Planning Scheme 4 (LPS 4).
- The development site abuts the residential zone of Mosman Park on the southern side, a drainage sump on the east and a two-storey and basement commercial office suites development to the north.
- The applicant is seeking Council discretion in two areas (plot ratio and northern boundary setback).

LOCATION

1 Monument Street, Peppermint Grove

BACKGROUND

The plans submitted as a part of this application are a result of several stages of consultation between the applicant, shire planning staff, and elected members. At each stage of consultation, the applicant was advised of areas where the Shire believed improvements could be made, including:

- The orientation of the development
- Access to the lot
- Car Parking
- The need for more greenscaping
- Concerns about an over development of the site (which necessitates requested design variation), for 5 townhouses and associated site facilities.

Some of these concerns have been addressed by the applicant through modifications to the original drawing, such as a more neutral colour palette and planting of greenery along the front boundary. Other concerns have not been addressed through modification of the plans but have been justified through a written response by the applicant. These justifications have been provided as attachment 3 to this report.

CONSULTATION

The proposed works were advertised to neighbours on 20 August 2020 and the consultation period was open for 14 days. Consultation finished on 3 September 2020 and no comments were received by the Shire during the allocated consultation period.

The Shire received one comment from an adjoining property owner after the closure of the consultation period. The submission identified the following areas for consideration:

1. Setback to the new building wall by enough to eliminate the need to remove or interfere with the current brick boundary wall (to the north).
2. Render any exposed brick work to the new wall that appears above the height of existing boundary wall.

The comments site structural integrity as being the need to keep the building off the existing boundary wall. Structural certification is not dealt with at the planning stage, and will need to be assessed by a qualified building surveyor. It is not a planning consideration.

The application was referred to the Town of Mosman Park and to the property abutting this site to the south. The Town of Mosman Park did not provide any comments.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Local Planning Policy 1 – Urban Design and Streetscape Policy

The Shires LPP 1 identifies the relationship between buildings, their setbacks, verge treatments, fences and street trees as creating a distinctive setting unique to the Shire. This is largely brought about by development that is of a comparatively small scale within the development site, providing ample space for landscaped gardens.

The proposed development does not fall within the typical streetscape design criteria of LPS 1 due to the nature of the development site. The proposed development is located in the Shires mixed use zone, allowing for an increased plot ratio of 1.0, facilitating higher intensity land uses in this zone.

While the proposal is wholly residential, the development site has the capacity for other uses such as shops, cafes, and consultation rooms, all of which could create more intense development on the site.

The mixed-use zoned lot is also adjacent to the residential zone of Mosman Park, and therefore, the transition between the two zones is necessary to consider. By proposing a fully residential development, the proposal helps to ease the transition between industry and residential.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

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

LOCAL PLANNING SCHEME NO. 4	
Scheme Requirement/Clause	Assessment/Comment
1. 1.0 Plot Ratio in mixed-use zones – LPS 4, Table 5	<p>The proposed development has a plot ratio of 1.036, 0.036 above the Development Requirements identified in table 5 of LPS 4. This equates to an extra 28m² of floor space across the development.</p> <p>Plot ratio is included in the Shires LPS 4 to help limit the bulk of buildings on lots. This development is located within the mixed-use zone, and therefore can support a higher density. The 3.6% variation is within the realm of discretion for Council.</p>
1. Table 3 - Zoning Table	Grouped Dwellings within a Mixed-use Zone are a D use and as such require Council discretion for the use to proceed.
RESIDENTIAL DESIGN CODES	
Acceptable Development/Performance Criteria	Assessment/Comment
1. Northern Boundary Setback – R Codes Table 2a and 2b	<p>The proposed development is seeking a nil setback on the north-east corner. This is adjacent to a drainage sump owned by the Shire to the east, and a series of commercial suites to the north.</p> <p>Neither of the uses adjacent to the part of the proposed development seeking setback discretion have active uses of the parts of the lot affected by the nil setback.</p> <p>The proposed development foregoes the benefits of a northern aspect to ensure the bulk of the building is sited against the mixed-use zone, limiting the impact of the development on the neighbouring residential zone.</p>

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The Shire Strategic Community Plan identifies housing diversity as an objective for the Shire.

It is an important and sustainable objective to provide housing options.

This site is one of the few sites which could accommodate apartments in a location that is suitable because it:-

- Can be accommodated in the zone – Mixed use
- Is located close to commercial facilities and public transport;
- Abuts development which could offer employment in service industries such as commercial offices and retail.
- Is close to a similar unit development on the western corner of Monument and Johnston Streets

The proposed application seeks Council discretion to grant variation of design standards in the following issues:

1. Plot Ratio
2. Lot Boundary Setbacks
3. Residential use in the Mixed-use Zone

Design criteria 1 and 2 relate to the scale of the development (the proportion of the block occupied by building). These controls have been put in place to ensure structures are suitable to the scale of the area and development site. Therefore, for Council to exercise its discretion to vary site design standards for this development it will need to be satisfied that the proposed design for the group dwelling will benefit rather than detract from the amenity of this area.

The requested variation to plot ratio of 3.6% equates to an additional 28m² of floor area, which is within the scope of variation which can be accepted subject to meeting Council Policy LPP5 – Residential Plot Ratio. The varied design standard has been justified because it allows for 5 Townhouses to be built on the lot and for these to offer ample living spaces.

Informal concept design review had previously queried the decision to include 5 Townhouses on the lot, rather than 4 , on the basis that an extra dwelling unit would add

bulk to the building as it occupies the site. The applicant now provides justification for this in attachment 3, but effectively, the economic driver for the project is that 5 Townhouses provides a greater development return for the applicant. Granting minor variation in Scheme development standards will facilitate redevelopment of the site to deliver 5 rather than 4 additional apartment units in a location which might accommodate denser housing development.

The proposed development site is located in the Shires Mixed-use Zone and on the boundary of the Town of Mosman Parks Residential Zone. Although in theory the zone is intended to provide a mixture of uses rather than just residential development, the economic reality is few developers have traditionally operated successfully in that market. (They either specialise in residential or commercial property development). The reality is also that residential use is one of the most sensitive in terms of possible adverse impact (noise, smells, congestion). It is therefore problematic to include residential into Mixed Use without there being reluctance by developers to embrace non-residential uses in proximity.

In this case whilst the proposed grouped dwelling development does not provide other uses it does deliver higher density housing in a location close to other uses such as commercial and retail, and is considerate of the neighbouring residential zone.

Achieving a transition between zones is a challenging area of development and planning because different land uses are difficult to operate effectively without some type of potential for negative impact on residential neighbours.

The proposed development transitions between the high intensity commercial development on Johnston Street, and the low intensity residential zone of Mosman Park.

By proposing an exclusively residential development for the site the final outcome will not introduce any extra commercial traffic or associated noise into the area. This further reduces the effects of the mixed-use zone on neighbouring houses yet achieves some of the objectives for the Zone in LPS 4.

The design and orientation of the townhouses considers the residential zone and limiting potential impacts. The development is shifted towards the northern boundary of the lot, ensuring the new building is set back from the single house to the south. The nil setback proposed to part of the northern boundary will create an imposing three storey structure but is of an equivalent height to the commercial suites to the north. The comments submitted by a neighbouring property owner don't identify any issue with a nil setback other than to suggest that the building should be built behind the existing fence.

This request can be reasonably addressed by a condition of the approval.

While the areas being sought for Council discretion might contribute towards an excess bulk for the site, the proposed development will meet Shire objectives for the zone and achieves good design and a housing product not available within the Shire at this time.

In conclusion therefore the development as designed and proposed would address:-

- Shire LPS 4 objectives for Mixed Use and housing diversity; and
- State Government housing targets, and
- Achieve a transition between adjacent commercial and lower density residential uses.

The requested variation and design presented in the application is therefore considered on balance to warrant Approval subject to conditions as detailed in the draft resolution below.

Further Information following the Agenda Briefing Forum held on 13 October 2020

Councillors have been circulated a plan which explains the floor areas of each unit which are assessed to contribute to the Plot Ratio calculation for the development.

Should Council wish to approve this application and with regard to issues raised regarding trees and streetscape there should be an additional condition (6) which requires the applicant is to prepare and submit a landscape plan showing the species and location of shade trees and other species in the form of a landscape plan and for this plan to be submitted to the Chief Executive for approval prior to the issue of a Building License.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council Approves the proposed 5 Townhouses Grouped Dwelling at 1 Monument Street, Peppermint Grove, in line with plans dated 27/07/2020, 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.

5. The proposed nil setback at the north eastern corner of the development site may be built up to the lot boundary, but must not replace the existing boundary wall

Advice:

In approving this application Council has assessed the proposed plans against the Shires Local Planning Scheme 4 and the Design Principles of the R-Codes, and has provided discretion on the following areas:

- Plot Ratio
- Lot Boundary Setbacks
- Residential Use in the Mixed-Use Zone

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

COUNCIL DECISION – ITEM NO 8.1.1

Moved: Cr Farley

Seconded: Cr Peters

That Council Approves the proposed 5 Townhouses Grouped Dwelling at 1 Monument Street, Peppermint Grove, in line with plans dated 27/07/2020, 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.**
- 5. The proposed nil setback at the north eastern corner of the development site may be built up to the lot boundary, but must not replace the existing boundary wall**
- 6. Applicant is to prepare and submit a landscape plan showing the species and location of shade trees and other plant species in the form of a landscape plan to form part of the Approved Plans. This plan is to be submitted to the Chief Executive for approval prior to the issue of a Building License.**

Advice:

- 1. In approving this application Council has assessed the proposed plans against the Shires Local Planning Scheme 4 and the Design Principles of the R-Codes, and has provided discretion on the following areas:**
- **Plot Ratio**
 - **Lot Boundary Setbacks**
 - **Residential Use in the Mixed-Use Zone**

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

- 2. In considering the request to grant variations to the R Codes and LPS 4 to permit additional development of the site the Shire is mindful that any possible impact needs to be offset by careful and appropriate landscaping to screen the additional development from street and neighbour view. The Landscape Plan will need to be prepared which delivers the following:-**
- a) Adequate number of shade trees – the species and location to be appropriate to the site and this development design;**
 - b) Shade trees are to be located in ‘common property’ and addressed by a Strata law to ensure the landscaping is to be maintained in perpetuity so that shade trees and other plantings are retained/replaced over the lifecycle of the development.**

The Shire agreed to grant concession to requested design variation on the grounds that development impact may be mitigated with screening planting of shade trees and therefore the landscape plan must be sufficient to address these two performance requirements.

CARRIED 7/0

8.1.2 45 Irvine Street – Additions and Alterations to Heritage Building
URBAN PLANNING
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Location Map
Attachment 2	Development Application Plans
Attachment 3	Heritage Impact Statement

Voting Requirement	:	Absolute Majority (If delegation applied)
Acceptance Date	:	18/08/2020
Location / Property Index	:	1550
Application Index	:	DA2020/00019
LPS No 4 Zoning	:	Residential, R-12.5
Land Use	:	Residential
Lot Area	:	2470m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Philippa Mowbray Architects
Owner	:	Leigh and Jackie Ferguson
Assessing Officer	:	Josh Dallimore – Planning and Development 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 additions and alterations to the heritage listed property *Altidore* at 45 Irvine Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The property is included on the Shires Heritage List. The Shire Heritage Inventory places the building in Category 1 for management of the heritage value.
- The application is seeking a variation from the Shires Local Planning Scheme 4 (LPS 4) and R-Codes with respect to the wall height of the addition.
- The application proposes a 9.42m building height to a flat roof. This exceeds The Shires maximum wall height to a flat roof of 7m by almost 2.5m.
- The present heritage listed house already exceeds the Shire LPS 4 height requirements and is taller than the height proposed for the addition.
- The new portion of the house is situated well back from the street and is screened from the west by a line of mature tall trees.
- The application if approved will restore the heritage listed portion of the house, and would upgrade the property for use as a house with modern amenities and functionality of a new house, but the appearance from the street of the original listed house.

LOCATION

45 Irvine Street, Peppermint Grove

BACKGROUND

The single house on this property is *Altidore* a heritage listed single house. The property previously sold in 2015 and between 2015 and 2020 the premises has been subject to decay due to vandalism and neglect. The gardens (mentioned in the citation) have been completely lost.

The sale of the property at the beginning of this year to new owners brought the intention to redevelop and restore the heritage listed portion of the property and to add a modern wing at the rear.

The addition is to be a large contemporary design on two levels plus basement. The addition is proposed to be lower in height than heritage portion of house.

CONSULTATION

The proposed works were advertised to neighbours on 31 August 2020 and the consultation period was open for 14 days. The Shire received two letters in response to the proposed works.

Submission One:

- The proposed wall on the western side is imposing
- The proposed works would only be supported if the three large existing trees on the boundary are retained.

Submission Two:

- Supports the proposed work because the repair and redevelopment will benefit the area

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Local Planning Policy 3 – Heritage Places

Local Planning Policy 4 – Residential Building Heights

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

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

<u>RESIDENTIAL DESIGN CODES</u>	
Acceptable Development/Performance Criteria	Assessment/Comment
1. 7m maximum wall height to a concealed roof – Table 3, Category B	The proposal is to add a flat-roofed addition with a height of 9.47m above mean natural ground level. The height is to the rear of the property, setback from neighbouring properties and screened by tall mature trees.

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 new owner and this proposal for redevelopment presents the opportunity for the Shire to resolve what has been an ongoing cause for complaint and neighbour concern.

Altidore was noted for its fine architecture as well as distinctive heritage gardens. The streetscape elevation is the most recognisable aspect of the heritage house and contributes to the streetscape of Irvine Street.

In August the Shire received a development application for a redevelopment of the site. The proposal had not previously been discussed with technical officers prior to submission. Whereas often a pre-lodgement process of concept discussion may identify or highlight design issues in this case there was no preliminary discussion about design options or reasons for variation of deemed to comply design standards.

Heritage Assessment Report

Griffiths Architects (commissioned by the owner) provided an assessment of the heritage value of the site and resulting impact of the proposed works. The report is attached.

A summary of the report indicates the following modifications will be detrimental to the heritage value of the building as detailed in the Statement of Significance:-

- Re-roofing of the house to replace the terracotta tiles with slate or dark porcelain
- Demolition of internal double arch detail (distinctive of Queen Anne style)
- Repair and replacement of all roof and associated joinery detailing should match that which is removed.

The report notes the house has been altered and added to in its lifetime however the noted fundamental elements (above) are important to the significance and character.

Griffiths describes the proposed modern additions and does not comment of their merit or otherwise except to highlight the choice of contrasting and modern materials which differentiate between the heritage building and the new works.

R Codes and LPS 4 Compliance

The proposed additions are generally compliant with the R Codes and LPS 4 except for the roof and wall height of the new works. It is noted the additions will be below the height of the heritage house and would therefore not impact the streetscape because it is set behind *Altidore*. There would be a portion visible from the street along the setback which exists between *Altidore* and the house to the east.

The additions are of a large size and consist of three levels (2 storeys and a basement). This nevertheless complies with the LPS 4 and R Codes noting the lot is very large and could accommodate the floorspace proposed and meet plot ratio (0.36) and site cover (21% coverage) requirements.

Car parking provides four bays in the basement and two additional open-air parking bays one on the front setback and one in the west side setback as well as a boat and trailer bay located at basement level adjacent to the eastern boundary.

The driveway access to the basement level is located from the eastern portion of Irvine Street frontage and is excavated to achieve the grade necessary for access.

As is often the case with basement carparking the excavated driveway can make an adverse impact on the streetscape. In this case it is the original gardens noted in the heritage citation for which the house was notable from the street. This driveway and associated hard stand for car bays will result in a significant loss of area available for landscaping and gardens. The rear of the house will be used for a swimming pool, cabana, tennis court which all remove from an opportunity to re-instate a garden which matches the original house.

The Shire has in the past as a matter of policy encouraged properties with a right of way access to focus their vehicle access from the right of way to maximise the opportunity for a garden to be developed facing the street.

Neighbour Comment

There has been a comment noting the value of existing mature trees on the property. Whilst it is accepted redevelopment inevitably involves removal of trees and much of the now overgrown and neglected garden areas, it would be an important design outcome to retain and enhance a garden especially the street presentation and also to retain mature trees wherever possible.

Summary of Design Issues

The application requires a planning assessment because it involves a property on the Shire heritage list, and also proposes a design variation to the R Codes/LPS 4 deemed to comply requirements.

A redevelopment of a heritage listed property and modern extension to the rear, is fundamentally acceptable and the Shire encourages re-investment to repair and restore the heritage listed building, however the following design elements have been raised as areas where an improved outcome might occur through a reconsideration taking account of heritage comment and the potential to undertake some design revisions to deliver a more authentic conservation of the heritage portion of the house, its materiality, intrinsic features and its streetscape:-

- Retention of the double arches with staircase
- Selection of roofing materials for *Altidore* which more closely relate to the original or early era of the house in terms of colour, shape and form,
- Faithful retention, repair or reproduction of joinery and roofing details associated with *Altidore*;
- Reconsideration of options for vehicle access to the basement which might use the right of way rather than create a new driveway onto Irvine Street;
- Redesign of street garden areas to more closely reference the previous era in terms of layout form and plant materials.

Conclusion

The application proposes a design which is a major redevelopment of a heritage listed house. The proposed new works will:-

1. Renew, replace and partly restore and repair the external fabric of the listed house;
2. Return the property to a habitable standard by adding a large three level building and associated facilities to occupy the rear of the property,
3. Redevelop and reduce the current amount of garden and green space on the property, including streetscape between the house and Irvine Street.
4. Remove noted internal features of the listed house such as the internal archways
5. Install a driveway down ramp connected onto Irvine street to access the basement car parking, leisure and storage areas.

Whilst the application and design is generally acceptable and will resolve the neglect of the heritage portion of the site, points 3, 4 and 5 raise issues which might be addressed through discussion and review of the design. Heeding the comments of the heritage architect, the removal of interior heritage features in particular is something the Council should discourage.

It is recommended that the Council defer making a decision until further discussion is held with the proponent and designer to explore further accommodation of the heritage concerns and to consider design options which may reduce the impact of the redevelopment onto the streetscape and the local site.

Further Information following the Agenda Briefing Forum held on 13 October 2020

With regard to and following the advice note contained in the Recommendation, a site meeting was organised involving the architect and owners with elected members following the Agenda Briefing Forum to address matters raised at the forum. The applicant and the property owner explained in more detail the basis for design choices and also considered the issues Councillors raised as important to the Shire for the protection of the heritage value of the house and its setting.

A set of revised plans and covering description has now been submitted which show the following changes to those appended to the Agenda Briefing papers and explanation of the design approach:-

- Heritage feature of internal twin arches in stair lobby to remain;*
- Reduction in building height for new portion of residence by 170 mm. This change has been made to further articulate the change between the heritage portion of the house and the new work;*
- Considered options for driveway access from the right of way and to relocate a hardstand bay further down the drive and away from the street setback. Justification that these options did not meet with functional or aesthetic requirements. Landscaping plan will feature detail in terms of planting and paving to soften the impact of the driveway and a 3D rendered model illustrates that the vehicle bay will be lower than and obscured from street view.*
- Refinement of landscape and building materials and design is planned occur prior to lodgement of Building License application where the architect will address the house and street setting by careful selection of materials and design to provide an attractive streetscape.*

The revised plans concede to the heritage concerns by now committing to conservation of the stair lobby and a lowering of the roofline. This will mark a clear differentiation between old and new portions of the completed development. The covering letter provides indication further detail design work is going to mitigate potential impact of driveway and parking lay-down from the street view. This approach is supported and rendered 3D illustrations show how a change in levels will obscure a parked vehicle from street view. The revisions to the design, on balance, adequately address the key issues raised and will present an improved development outcome in terms of heritage, streetscape and landscaping, management and retention of mature trees where practicable over the site.

It is therefore recommended that Council approve the revised plans and authorise the Chief Executive Officer to receive and manage further information in support of the foreshadowed improvements to landscaping and building detail and materiality of design as a pre-requisite to the issue of a Building Permit.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.2

That Council defers its consideration of the application to allow further discussion between officers and the applicant to investigate possible design modification to address and achieve a better outcome for the site and streetscape with regard to the following:

- The vehicle access to the basement to be relocated from street to right of way;
- Reinstatement of a garden facing Irvine Street which is sympathetic to the era of the Altidore, if not elements consistent with original garden features;
- Retention of original internal arch features as part of an intact stair and lobby; and
- Retention of mature trees on site (where practicable).

Advice

Council welcomes this timely application to commence a restoration as part of the redevelopment of the site. It notes that officers were not approached or engaged in the design process by the applicant prior to lodgement of the application. Officers are requested to meet with the applicant and architect to discuss the noted design issues and to explore design options which might yet deliver better outcomes for the site, the conservation of the heritage house and its features and a restoration of the streetscape

COUNCIL DECISION – ITEM NO 8.1.2**Moved: Cr Hohnen****Seconded: Cr Horrex**

That Council approves the proposed single house at 45 Irvine Street, Peppermint Grove, where the revised set of plans submitted to the Shire on 22 October 2020, is to be the ‘Approved Plans’ 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” 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 these shall not be carried out, other than in accordance with this Planning Approval and consistent at all times with Building Permit certified/approved plans. (refer to Advice Note).**
- 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. A landscape plan is to be prepared and submitted to the Shire for Approval, to the satisfaction of the CEO, this plan is to address the following:-**
 - a. Retention of mature trees – nominating management and protection during works;**

-
- b. **Schedule of plant species and their location across the site;**
 - c. **Ground levels by contour and spot level of the site and abutting land;**
 - d. **Landscape technology for terracing, paths, retaining walls and other structural elements of the landscaping treatments**
 - e. **Colours and materials of construction and finish;**
 - f. **Fencing including boundary walls;**
 - g. **Reticulation and lighting plans – with reference to management of the spill of water and light onto abutting properties and Shire administered public spaces (street, verge and right of ways).**
 - h. **Plan is to also indicate the location of the one vehicle hard stand bay within the Irvine Street setback. Plan is to clearly indicate the landscape treatment including ground level and surrounding ground levels, as well as surfacing and screen planting to reduce impact on Irvine Street frontage.**
5. **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 and how these will be managed to reduce impact on public thoroughfares during construction;**
 - **Management of other matters likely to impact on surrounding properties.**

Advice:

In approving this application Council has assessed the proposed plans against the Shires Local Planning Scheme 4 and the Design Principles of the R-Codes, and has provided discretion on the following areas:

- ***Building/Wall Height of the new portion of the house***

The design principles assessment determines that the proposed changes are suitable taking into account the following:-

- **The large size of the lot which forms the development site; and**
- **The height of the heritage listed building; and**
- **The retention and restoration of features to the exterior and interior of the existing heritage listed house.**

Reason for change: Council has had additional information on the development and the plans were changed to address some of councillors' concerns.

IMPARTIALITY INTEREST DECLARED – CR CHARLES HOHNEN
8.2 MANAGER INFRASTRUCTURE SERVICES
8.2.1 Department of Water and Environmental Regulation (DWER) Waste Plan 2020
INFRASTRUCTURE
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Draft WMRC Waste Plan
Attachment 2	Self-Assessment Checklist

Voting Requirement : Simple Majority
 Subject Index : DWER Waste Plan 2020
 Disclosure of any Interest : Impartiality Interest – Cr Hohnen
 Responsible Officer : Donovan Norgard – *Manager Infrastructure Services*

COUNCIL ROLE

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

PURPOSE OF REPORT

The Shire of Peppermint Grove draft Waste Plan is submitted to Council for adoption prior to submission to Department of Water and Environmental Regulation (DWER) for finalisation.

SUMMARY AND KEY ISSUES

- All Perth and Peel Local Governments and Regional Councils are required by DWER under section 40(4) of the Waste Avoidance and Resource Recovery (WARR) Act 2007 to provide a Waste Plan by 31 March 2021.
- The purpose of the Waste Plans is to align waste management activities across Western Australia, establish benchmarks, monitor progress of Local Governments regarding Waste Strategy targets, and provide support with implementation.
- The Waste Plan must be consistent with the (WARR) Waste Avoidance and Resource Recovery Strategy 2030 (NB: the CEO of DWER has the power to request a Local Government to modify a Waste Plan they consider deficient)

BACKGROUND

All Perth and Peel Local Governments and Regional Councils were served with a notice in November 2019 (updated May 2020) from the CEO of DWER under section 40(4) of the Waste Avoidance and Resource Recovery (WARR) Act 2007 requiring the inclusion of a Waste Plan within their *Plans for the Future*.

The Waste Plan must be consistent with the Waste Avoidance and Resource Recovery Strategy (Waste Strategy) 2030. Under section 41(1) the CEO of DWER has the power to request a Local Government to modify a Waste Plan they consider deficient. Under Section 42 the CEO can prepare a Waste Plan on behalf of the Local Government at the Local Government's cost. Under section 44 the CEO of DWER requires annual reporting on the Waste Plan.

Implementation timelines were revised in May 2020 and are currently as follows:

- 30 September 2020 – deadline for submission of drafts to DWER for review
- 31 March 2021 – deadline for submission of final Waste Plan to CEO DWER
- 1 October 2022 – deadline for first annual report on Waste Plan for 2021-22

The purpose of these Waste Plans is to:

- Align local government waste management activities with the Waste Strategy;
- Map current performance and establish a benchmark to achieve Waste Strategy targets;
- Monitor progress on local government achievement of Waste Strategy targets; and
- Design programs and activities which will support the implementation of waste plans.

DWER's Waste Plans follow a standard format of Excel Spreadsheets in two parts which are intended to generate the requirements of a Waste Plan under the WARR Act.

Most of the spreadsheets (Part 1) are intended to gather detail about the existing treatment of waste within Local Laws, policies, and practices. They also serve to ensure that the waste data against which the Shire is measured are, as far as possible, accurate.

Part 2 is an implementation plan which is required to include actions under five headings:

- Waste Services,
- Waste Infrastructure,
- Policies and Procurement,
- Data and
- Behaviour Change Programs and Initiatives.

The Waste Plan also includes a self-assessment checklist for both Part 1 and 2.

DETAIL

The Shire has been consulting and working with the Western Metropolitan Region Council (WMRC) who have also consulted with Member Council officers in producing the draft Waste Plans for each Member Council as well as its own draft Waste Plan. This ensures that Waste Plans in the Western Suburbs are congruent and consistent with each other and meet DWER requirements.

The Shires draft Waste Plan have been submitted to DWER for review and is now considered 'ready for submission' to Council for adoption and finalisation (attachment 1).

DWER staff have advised that the local governments need to sign off on Part 2 of the Waste Plan – the Implementation Plan as well as submitting a completed checklist (attachment 2). The attached draft Waste Plan includes a summary of the Part 1 baseline information for the Shire as well as situating the Waste Plan within a strategic context.

A summary of the actions in the Implementation Plan under each of DWER's prescribed categories follows:

- **Waste Services:** Verge Valet coordination and preparation for both FOGO and Waste to Energy receipt
- **Waste Infrastructure:** Improving site configuration and equipment (not applicable to the Shire)
- **Policies and Procurement:** maximise material and energy recovery including in own procurement
- **Behaviour Change Programs/initiatives:** Ensure activities aligned with best practice and remain targeted to Member Council needs

- **Data:** improve data accessibility

The implementation of the Waste Plan will be reported on annually with the first report due October 2022 for the 2021-22 financial year. The Waste Plan is due to be reviewed after five years.

CONSULTATION

- DWER Staff have been consulted extensively throughout this process.
- WMRC has been pivotal in developing consistent Waste Plans throughout the Western Suburbs

STRATEGIC IMPLICATIONS

The Shire's Waste Plan, in concert with the WMRC Waste Plan, has a direct bearing on the following strategic objectives:

1. Achieve a comprehensive, cost effective waste management service across the region.
2. Divert waste from landfill making material and energy recovery available.
3. Promote and facilitate waste avoidance and responsible waste management in the community.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time, however implementation of a FOGO system may necessitate formulation of a new Waste Policy for the Shire at a later date.

STATUTORY IMPLICATIONS

- Section 40(4) of the Waste Avoidance and Resource Recovery (WARR) Act 2007
- The draft Waste Plan is submitted to Council for approval prior to its submission for finalisation to DWER.
- The Waste Plan must be consistent with the Waste Avoidance and Resource Recovery Strategy (Waste Strategy) 2030.
- Under section 44 the CEO of DWER requires annual reporting on the Waste Plan.

FINANCIAL IMPLICATIONS

Some activities require a financial commitment for future years. This will be dealt with through the Annual Budget process.

ENVIRONMENTAL IMPLICATIONS

There are no direct Shire environmental implications at this time, however the Waste Plan (if adopted) will ultimately provide long term environmental benefits.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.2.1

Moved: Cr Farley

Seconded: Cr Macintosh

That Council:

- 1. Adopt the Shire of Peppermint Grove Waste Plan 2020-2025**
- 2. Authorise the CEO to forward the Shire of Peppermint Grove Waste Plan 2020-2025 and completed self-assessment checklist to the CEO of DWER**
- 3. Authorise the CEO to implement the Shire of Peppermint Grove Waste Plan 2020-2025 as required**

CARRIED 7/0

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 Financial Statements September 2020

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 30/09/2020

Voting Requirement	:	Simple Majority
Subject Index	:	FINANCIAL MANAGEMENT-2020/21 STATEMENTS
Disclosure of any Interest	:	Nil
Responsible Officer	:	Michael Costarella

COUNCIL ROLE

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

PURPOSE OF REPORT

To receive the financial statements for the period ended 30 September 2020

SUMMARY AND KEY ISSUES

- **Total Operating Revenue** - The main difference between the Year to date Budget and Actual Income of \$235,000, relates to the Library Contributions that will be levied in October for the 1st quarter of the 2020/21 financial year.
- **Total Operating expenditure**- This is some 13% less than the year to date budget and mainly relates to Insurance, materials and contractors as well as Employee Costs.
- **Capital expenditure**- The capital expenditure for the month of September relates to the replacement of the Bore, Reserve Fence and Purchase of Vehicles.

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 (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

The financial report for September 2020 shows the current net assets of \$2,542,810 which is due to the levying of the rates in July. i.e. the debt has been raised and income is shown in the accounts.

The rates debtors balance at the 30 September 2020 is \$1,504,000. The Shire Levied \$3,338,271 in rates and charges and this means that the Shire has received \$1,480,000 in rates and charges for the months of July to September, or 55% of the rates and charges levied.

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-\$50,180

The actual fees and charges received, is \$50,000 more than the year to date budget and this relates to the raising of the levying of 12 months of refuse charges in the month of August and additional building licences for the same period.

(2) Employee Costs- \$112,000

The additional amount of \$112,000 generally relates to the accruals for the 30 June 2020 that will be reversed at the conclusion of the audit. There are also additional fortnight wages paid and termination payment for a long term Staff member. This contrasts with the spread of the year to date budget equally over 12 months.

(3) Materials & Contract-\$203,000

This year's actual expenditure is some \$203,000 less than the year to date budget and relates to the projects not yet commenced.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.3.1

Moved: Cr Horrex

Seconded: Cr Macintosh

That Council receive the financial report for the period 1 July 2020 to 30 September 2020.

CARRIED 7/0

8.3.2 Accounts Paid September 2020

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Accounts Paid – September 2020

Voting Requirement	:	Simple Majority
Subject Index	:	Accounts Paid September 2020
Disclosure of any Interest	:	Nil
Responsible Officer	:	Michael Costarella, Manager Corporate and Community Services

COUNCIL ROLE

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

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

Significant payments in September 2020 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste disposal to WMRC;
- SUEZ Monthly Refuse Collection and Disposal
- Department of fire & Emergency services
- Western Australia Local Government Association
- WA Superannuation

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	NUMBER SERIES	AMOUNT
EFT	EFT 366-371	\$450,716.56
Direct Debits	DD00168-172	\$7,261.62
BPAY	BPAY157-165	\$8,685.29
Cheque	000437	\$189.60
Credit Cards		\$5,122.06
		\$471,975.13

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 2020/21 annual budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

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

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO.8.3.2

Moved: Cr Hohnen

Seconded: Cr Horrex

That Council receive the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for September 2020, totalling \$ 471,975.13.

CARRIED 7/0

8.4 CEO/ MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Matters for Information and Noting

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
	1. Building Permits Issued 2. Planning Approvals Issued 3. Infringements Issued 4. Library Statistics 5. Recycling Statistics

Voting Requirement : Simple Majority
 Subject Index : Matters for Information September 2020
 Disclosure of any Interest : Nil
 Responsible Officer : CEO

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- 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
- Seal register advising of when the Shire seal has been applied
- Infringements for parking/dogs etc
- Waste and recycling data
- Library statistics

SUMMARY AND KEY ISSUES

The following reports are presented to Council:

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

CONSULTATION

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

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.1

Moved: Cr Farley

Seconded: Cr Macintosh

That Council receives the information in this report.

CARRIED 7/0

8.5 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 6.13pm, there being no further business the meeting closed.

DECLARATION OF
FINANCIAL / PROXIMITY / IMPARTIAL INTEREST
THAT MAY CAUSE A CONFLICT

TO: Chief Executive Officer
SHIRE OF PEPPERMINT GROVE

NAME: _____

POSITION: _____

MEETING DATE: _____

ITEM NO & SUBJECT: _____

NATURE OF INTEREST: Financial / Proximity / Impartiality Interest that may cause a Conflict* * Please Circle applicable

EXTENT OF INTEREST: _____

SIGNATURE: _____

DATE: _____

Section 5.65(1) of the *Local Government Act 1995* states that:

FINANCIAL & PROXIMITY INTERESTS

A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

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

“A member who has an interest in any matter to be discussed at a Council or Agenda Briefing Forum meeting that will be attended by that member must disclose the nature of the interest”:

- (a) In a written notice given to the CEO before the meeting; or*
- (b) At the meeting immediately before the matter is discussed.*