



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

**HELD ON
TUESDAY 27TH JUNE 2023
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 5.31pm, the Shire President declared the meeting open and requested that the Affirmation of Civic Duty and Responsibility be read aloud by a Councillor and requested the recording of attendance and apologies.

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

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

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 efficient, effective and orderly decision making within this forum.

2. RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President (Presiding Member)
Elected Member
Elected Member
Elected Member

Cr R Thomas
Cr P Macintosh
Cr D Jackson
Cr P Dawkins

Chief Executive Officer
Manager Development Services
Manager Corporate & Community Services

Mr Don Burnett
Mr J Gajic
Mr M Costarella

Gallery 4 Members of the Public
 1 Members of the Press

2.2 APOLOGIES

Elected Member	Cr K Farley
Elected Member	Cr D Horrex
Deputy Shire President	Cr C Hohnen
Manager Infrastructure Services	Mr D Norgard

2.3 LEAVES OF ABSENCE

NIL

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3. DELEGATIONS, AND PETITIONS

3.1 DELEGATIONS, DEPUTATIONS AND SUBMISSIONS

Jess Hamdorf, Senior Associate, Glen McLeod Legal - Item 8.1.2 25 Irvine Street
– Single House and Ancillary Works

3.2 PETITIONS

NIL

4.0 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.

1. The Agenda;
2. Question to Council; and
3. 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. In the event there are no public members present, the Presiding Member will dispense with Public Question Time.

Rules for Council Meeting Public Question Time

- a) *Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.*
- b) *During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- c) *Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- d) *All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary meeting, and at a Special meeting only questions that relate to the purpose of the meeting may be answered. Questions*

may be taken on notice and responded to after the meeting, at the discretion of the President.

- e) *The person presiding will control Public Question Time and ensure that each person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask a question will be given 2 minutes within which to address their question to the Council. The person presiding may shorten or lengthen this time in their discretion.*

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

Nil

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

Mr David Read, Element – Item 8.1.2 25 Irvine Street – Single House and Ancillary Works

Question 1: Is the Council aware that plot ratio has previously been considered by the State Administrative in DR274/2019 Bradshaw versus City of Joondalup and the statement that:

“... while it may be the case that there is a plot ratio exceedance, this is not, of itself, an issue in our view. We do not have an issue with the overall bulk, massing and scale of the Proposed Development”?

Response: The Shire President advised that she was not aware of the referenced SAT case, nonetheless Councillors would make their decision tonight based on the officers report.

Question 2: Does the Council believe that it is good practice to spend ratepayers money defending an Application for Review to the State Administrative Tribunal where no community benefit or planning purpose can be gained from the outcome?

Response: The Shire President advised as per her response to question 1, Councillors would make a decision tonight based on the officer report and recommendations, also taking into consideration the overall amenity of the locality when dealing with plot ratio determinations. Whether or not the matter ultimately proceeds to the SAT is a matter for the proponent.

Question 3: Has the Shire considered making changes to Local Planning Policy 5 – Plot Ratio to allow for plot ratio variations to be

approved by the Shire when all other planning requirements have been satisfied?

Response: The Council President advised the Council has only recently reviewed the plot ratio local planning policy and has no immediate plans for further revisions.

Further to the Shire President's response it is noted that the Council has the ability to apply discretion with regards to the planning policy framework.

5.0 DECLARATIONS OF INTEREST

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

5.1 FINANCIAL INTEREST

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

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

The CEO declared a financial interest in 12.1 as this matter deals with his contract with Council.

5.2 PROXIMITY INTEREST

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

5.3 IMPARTIALITY INTEREST

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member

/ employee declares that their impartiality will not be affected then they may participate in the decision making process.

5.4 INTEREST THAT MAY CAUSE A CONFLICT

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

5.5 STATEMENT OF GIFTS AND HOSPITALITY

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

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.0 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 23rd MAY 2023

OFFICER RECOMMENDATION/ COUNCIL DECISION– ITEM 7.1

Moved: Cr Macintosh

Seconded: Cr Dawkins

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 23rd May 2023 be confirmed as a true and accurate record.

CARRIED 4/0

8.0 OFFICERS REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

URBAN PLANNING

8.1.1 Lot 1 (12) Bungalow Court, Peppermint Grove – Dividing Fence (Wall)

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Development Application Submissions and Drawings
Attachment 2	Marked-up Elevation Showing the Neighbour's Approved Aluminium Slatted Fence and Uniform Ground Levels
Attachment 3	Schedule 1 - Specifications for a Sufficient Fence on a Residential Lot

Voting Requirement	:	Simple Majority
Location / Property Index	:	Lot 1 Bungalow Court
Application Number	:	DA2023/00007
LPS No 4 Zoning	:	Residential R 10
Land Use	:	N/A
Lot Area	:	1042m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil
Applicant	:	Developed – Town Planning
Owner	:	John Gillett and Jocelyn Gillett
Assessing Officer	:	Mr J Gajic
Authorising Officer	:	Mr J. Gajic

PURPOSE OF REPORT

To seek Council determination for a development application for a dividing fence (masonry wall) that seeks variations to a sufficient fence as defined by the Shire of Peppermint Grove Fencing Local Law 2021.

SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R10) and is presently vacant.
- The Shire's Fencing Local Law 2021 requires an application to be made to the local government for the grant of consent to any variation to the specifications of a sufficient fence.
- Should variations to a sufficient fence not otherwise be sought, the development would be exempt from planning approval in accordance with the deemed provisions

contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- The Residential Design Codes of Western Australia (R-Codes) allows as-of-right construction of boundary walls behind the street setback to abut an existing or simultaneously constructed boundary wall of equal or greater dimensions.
- The proponent has sought to match the dimensions of a masonry dividing fence within 10 Bungalow Court for which development approval has been granted. This wall is no longer proposed to be constructed. Building licence (BA2023/00014) was issued on 1 May 2023 for an alternative aluminium design that satisfies the definition of a sufficient fence.
- The application was advertised to three affected neighbours. One objection was received within the advertising period.

LOCATION

12 Bungalow Court, Peppermint Grove

BACKGROUND

The subject site is presently vacant and cleared of any significant vegetation. Sections of retaining walls remain on the southern property boundary and a boundary wall remains intact on the western property boundary.

For the purposes of determining the natural ground levels the uniform levels provided to the Western Australian Planning Commission (WAPC) at the time of seeking subdivision of the parent title have been applied. These uniform levels were required to be established to clear the corresponding local government condition of subdivision.

The uniform levels fall from 20.4m to 15.5m as one travels eastwards along the boundary with 10 Bungalow Court and have been superimposed on the elevation drawings accompanying this report. The proposed dividing fence does not step down the slope such that it rises from 2.2m above the level of the abutting right-of-way to a height of approximately 4.04m above the uniform levels and approximately 4.85m above the identified current ground level at its easternmost point. The dividing fence is proposed to extend for a length of 16.3m (the southern boundary is 31.91m long).

The proposed masonry wall will not perform a retaining function based on the current ground levels or the uniform levels provided to the WAPC. Should the dividing fence be subsequently required to retain soil as a result of development of the subject site then further structural certification will be required.

The proponent has justified exceeding the 1.8m sufficient fence height on the basis of matching an approved structure of equal or greater dimensions to which they provided their consent to be over height. The neighbour consented to the release of their Building Permit application that confirmed the proposed boundary fencing has been significantly reduce in scale from that for which the proponent is seeking to match.

The proposed masonry wall represents a significant departure from the height of a sufficient fence. Whilst not a prerequisite, it is unusual that an application for dividing fencing does not form part of a broader development application that may otherwise provide the context for

the need for the additional height. Given there is no existing or simultaneously constructed boundary wall the potential amenity impacts on the abutting neighbour must be considered. The abutting neighbour has objected to the scale of the masonry wall.

A deemed-to-comply check has been received for a single house on the subject site. The deemed-to-comply identified that the design principles for site works contained in the R-Codes would need to be demonstrated and the subject lot be amalgamated with 40 Keane Street. An amalgamation application (WAPC reference 162975) that included significant site works including retaining structures near this southern boundary has recently been withdrawn. The Shire was not supportive of the site works associated with the amalgamation but did provide in principle support for the amalgamation itself.

CONSULTATION

The proponent was advised on the change of circumstances to the abutting neighbour's boundary wall, and that the uniform levels provided to the WAPC will inform the assessment. Upon receiving consent, the building application package for the alternative aluminium design and written objection was provided. Modified plans were subsequently received that continue to rely on matching the boundary wall that is no longer proposed.

Advertising to three affected neighbours for a period of 14 days was required in accordance with the Shires Local Planning Policy 6 – Neighbour Consultation on Development. The advertisement period has now concluded. A written objection was received that has been distributed to Councillors. The nature of the grounds of objection is provided in the table below.

Submission	Matters Raised
1	<ul style="list-style-type: none">• The rationale for not proceeding with the masonry wall for which the proponent is seeking to match and seeking approval for an alternative less impactful aluminium fence.• The visual impact of constructing a wall of the scale of that formerly proposed.• The overshadowing effect of constructing a wall of the scale of that formerly proposed.• The likelihood of resultant dampness to the adjoining land.• overshadowing of outdoor living area.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

The proposal complies with relevant Local Planning Policy.

STATUTORY IMPLICATIONS

The statutory timeframe to determine an application that has been advertised is ninety (90) days excluding any period the application is on hold pending the submission of further information. After this date the application is 'deemed to be refused' for the purposes of enabling an application for determination to be lodged to the State Administrative Tribunal (SAT). This application is within the statutory timeframe.

Dividing fences are exempt from approval under the R-Codes. The R-Codes does allow as-of-right the construction of boundary walls behind the street setback to abut an existing or simultaneously constructed boundary wall of equal or greater dimensions.

The local planning scheme and local planning policies do not address dividing fencing.

Schedule 1 of the Shire's Fencing Local Law 2021 (local law) defines what constitutes a sufficient fence on a residential lot. The local law requires an application to be made to the local government for the grant of consent to any variation to the specifications of a sufficient fence. The proposed masonry wall exceeds 1.8m in height such that approval is required.

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 masonry wall by virtue of its bulk and scale has been assessed to have an unreasonable impact on the adjoining neighbour and is not in keeping with community expectations for dividing fencing. The proposed departure from the specifications of a sufficient fence for a residential lot is too great to be approved in its current form.

A compelling case cannot be made that the granting of development approval in 2021 of a boundary wall of similar dimensions justifies approval of the proposed masonry wall. Given the neighbour has confirmed in writing that they are no longer seeking to construct their boundary wall, and have subsequently obtained a building permit for an alternative compliant design, staff accept that the original over height boundary wall is no longer contemplated. Should the boundary wall approved in 2021 have been constructed or be under construction then it is the position of Development Services that denying approval for the proposed masonry wall would be unreasonable.

The circumstances of the development approval in 2021 are fundamentally different. The neighbour's consent was provided such that amenity impacts were likely set aside by the

assessing officer. The affected neighbour's outdoor living area is also on the south side of the proposed masonry wall such that the shadow cast is a consideration.

Without accompanying proposed residential development it is not possible to fully comprehend the context in which a dividing fence would be required to rise from 2.2m above the level of the abutting right-of-way to a height of approximately 4.04m above the uniform levels approved as part of the subdivision which established the subject lot. Notwithstanding that a deemed-to-comply check has been received for a single house on the subject site it cannot be assumed that the assessed design will mirror what is ultimately proposed particularly given the assessed design would rely on a number of design principles to be demonstrated in order to be supported.

The potential for approval for an over height boundary wall being interpreted as tacit support for any future site works that seek to raise ground levels in the vicinity of the southern boundary cannot be discounted. It is noted that the proponent has sought by way of a withdrawn development application (DA2022/00020) and a withdrawn amalgamation application (WAPC reference 162975) to significantly raise the ground levels of the subject site.

The significant slope of the subject site warrants consideration. It is further acknowledged that the Shire has since the adoption of the local law supported dividing fencing that exceeds 1.8m in height where neighbours have either consented or not objected.

It is the officer's assessment that an alternative design that steps down the slope and does not exceed 2.2m at any point above the uniform levels provided to the WAPC would be a reasonable compromise. It is not impractical to conditionally approve an alternative design that better respects the approved subdivision levels and more closely conforms to a sufficient fence as prescribed by Schedule 1 of the Fencing Local Law 2021.

Development Application DA2023/00007 is recommended for Approval subject to the submission of revised plans for the reasons articulated above.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.1

Moved: Cr Jackson

Seconded: Cr Dawkins

That Council approves DA2023/00007 for a Dividing Fence (Masonry Wall) at 12 Bungalow Court, Peppermint Grove in accordance with the application lodged on 8 March 2023 subject to the following conditions:

- 1. Prior to this permit having force or effect amended plans generally in accordance with the submitted plans dated 1 May 2023 shall be submitted to the satisfaction of the CEO and endorsed. The amended plans shall have further regard to the following:**
 - a. The masonry wall height to not exceed the height of the neighbour's approved aluminium slatted fence as shown in purple in attachment 2 of this**

Council Report or 2.2m above the approved uniform ground levels provided to the Western Australian Planning Commission at the time of seeking subdivision of the parent title (whichever is the greater).

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

- 2. In accordance with the Shire of Peppermint Grove Local Planning Policy 9 – Development Bonds a development bond to the satisfaction of the CEO must be submitted to the Shire prior to the issuance of a Building Permit to ensure any damage to public property caused by building works is rectified and the satisfactory completion of the development.**
- 3. Prior to the issuance of a building permit the proponent shall submit for approval and to the satisfaction of the CEO a Construction Management Plan (CMP) binding all contractors working on the site.**

Once approved, the CMP shall form part of this development approval.

- 4. The construction works shall only occur between the hours of 7.00am and 7.00pm, Monday to Saturday, and not at all on Sundays or Public Holidays. Any variation to the above hours must be identified in an approved Construction Management Plan or, the prior written consent of the CEO otherwise obtained.**
- 5. This approval shall remain current for development to commence within two years of the date of issue of this notice. All works associated with this approval (once commenced) shall be completed before the end of the third year from the date of issue of this notice.**

Advice Notes.

- 1. In approving this application Council has exercised its discretion in relation to the Fencing Local Law 2021.**
- 2. The development and use shall at all times comply with the provisions of the Shire of Peppermint Grove Town Planning Scheme, the *Building Code of Australia*, the *Environment Protection Act 1986* and any other relevant Acts, Regulations, Local Laws or Council policies.**
- 3. No building works are to be undertaken prior to the issue of a Building Permit. It is encouraged that plans endorsed as part of the Development Approval form part of the Building Application to ensure consistency. In the event of inconsistency, an amendment may be required to the Development Approval prior to the commencement of works.**
- 5. In respect to Development Bonds, the Shire requires the proponent to arrange for the inspection of all Shire infrastructure including the street verge adjacent to the property post completion of works to establish the impact and necessary remediation of impacts on all public infrastructure and lands. Should any**

necessary remediation works not be satisfactorily completed by the proponent in a reasonable time frame, funds from the bond may be used to satisfactorily complete the works. Project management and/or administrative fees may also apply.

6. In respect to Development Bonds, should the situation on the street verge be dangerous in the opinion of the CEO, funds from the bond may be used to make the site safe or to a standard under the Construction Management Plan. Project management and/or administrative fees may also apply.
7. The Shire does not warrant or exempt the applicant from civil claim arising from damage to private property and associated with the approved works.
8. The CMP shall be prepared in accordance with Local Planning Policy 8 – Construction Management Plans.
9. The prior written approval of the CEO is required for the temporary closure of any footpath, road or laneway.
10. The proponent is responsible for ensuring all contractors adhere to the construction hours. In the event of enforcement action being undertaken, infringement notices will be issued to the proponent.
11. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon without the prior consent of the affected party.
12. During the construction stage adjoining lots are not to be entered without the prior consent of the affected owner(s).
13. Should the owner and/or applicant be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with Part XIV of the *Planning and Development Act 2005* within 28 days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 9219 3111 or 1300 306 017.

CARRIED 4/0

8.1.2 25 Irvine Street – Single House and Ancillary Works

URBAN PLANNING

ATTACHMENT DETAILS

Attachment No	Description
Attachment 1	Development Application Submissions and Drawings
Attachment 2	Plot Ratio Calculations

Voting Requirement	:	Simple Majority
Location / Property Index	:	25 Irvine Street, Peppermint Grove
Application Number	:	DA2023/00005
LPS No 4 Zoning	:	Residential R12.5
Land Use	:	Single House
Lot Area	:	785m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	8.1.2 April 2023 (withdrawn) 8.1.1 May 2023 (withdrawn)
Applicant	:	Planning Solutions
Owner	:	Sophie Claire Leeuwin McComish
Assessing Officer	:	Mr J Gajic
Authorising Officer	:	Mr J. Gajic

PURPOSE OF REPORT

To seek Council determination for a development application for a dwelling and ancillary works that seeks variations to the Part 4 - General Development Requirements contained in the Shire's Local Planning Scheme no. 4 (Scheme) pertaining to plot ratio.

SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R12.5) a Single House is a 'P' use.
- The owner was encouraged in June 2022 to lodge deemed-to-comply check with the Shire.
- The owner lodged a Building Permit in October 2022 that was unable to be processed in accordance with section 20(n) of the *Building Act (WA) 2011* due to the requirement for development approval.
- Planning Solutions have challenged the validity of the Shire's methodology for calculating plot ratio and have submitted that the R-Codes definition of plot ratio area should apply and provided justification for a variation to 0.66 under this alternative definition and corresponding methodology.
- The Shire has obtained legal advice confirming that the R-Codes definition for plot ratio area is set aside by the Local Planning Scheme definition of plot ratio and the corresponding calculation methodology as stipulated by local planning policy prevails.

- Development Services staff have assessed the plot ratio to be 0.797. This figure is unaffected by the recently adopted amendments to Local Planning Policy 5 - Plot Ratio.
- Item 8.1.2 was withdrawn from the April Ordinary Council Meeting agenda and the May at the request of the proponent and amended plans submitted.
- The amended plans addressed previously sought variations to the deemed-to-comply requirements contained in the R-Codes for site works, to the local planning policy provisions for front fences, and to the local law sufficient fence standards.
- Item 8.1.1 was withdrawn from the May Ordinary Council Meeting agenda at the request of the proponent.
- The revised proposal as presented to Council was readvertised affected neighbours concluding on 15 May 2023.

LOCATION

25 Irvine Street, Peppermint Grove.

BACKGROUND

The subject site was created in 1983 as part of a four-lot subdivision. It is one of two front allotments with a further two rear allotments each accessed via a three-metre-wide access leg. The two access legs function as a singular driveway for which the subject site has a right of carriageway.

The subject site falls approximately 2.13m from the street level towards the rear and 0.5m from west to east along its street frontage. The subject site does not contain any significant habitat trees.

A Demolition Permit was issued in March 2022 to remove all buildings. In June the Shire was made aware of siteworks that established distinct levels. The extent of siteworks were assessed to have not changed the natural ground level by more than 0.5 metres so were exempt from approval. The earthworks contractors made available plans in their possession for a proposed residence. The landowner was subsequently encouraged to lodge a deemed-to-comply check and discuss their proposal with planning staff.

A Building Application was received in October 2022 which identified variations to the planning framework which required Development Approval to be first obtained. The landowner asserted the development was fully compliant with the planning framework and challenged the calculation of the ground floor towards plot ratio on the basis that the slab was a minimum of 47mm below the mean natural ground level. This interpretation disregarded the Scheme definition of a basement being entirely underground.

Recent clarification to the local planning policy for plot ratio has sought to remove any ambiguity by clarifying the criteria to be entirely underground and align with the Information Sheet - Residential Development.

Two deemed-to-comply checks were subsequently lodged the first by MAEK Pty Ltd, and the second by Planning Solutions on behalf of the landowner. The Shire provided written confirmation in November and December that several variations were sought, and that Development Approval remained a requirement. Lot boundary setbacks and visual privacy was addressed through the course of these checks.

A Development Application was lodged in February that included notable changes to the front porch and entry arrangements, introduced a solid front wall, and relocated the swimming pool from the rear yard to the street setback area. This application was amended subsequent to a Council report recommending refusal. Two Council reports were withdrawn at the request of the proponent.

The proposal now before Council is better aligned with the planning policy framework and now solely seeks discretion for plot ratio. The application was readvertised in light of concessions no longer being sought for site works and fencing. Affected parties have been notified that their objections remained valid unless formally withdrawn.

CONSULTATION

The proposal was readvertised in accordance with local planning policy to abutting, adjacent and opposite neighbours and closed on 15 May 2023.

Three written objections have been received, and a further objection to the original proposal withdrawn. A summary of the key issues raised, whether they are deemed to have planning merit, and a brief officer's response follows.

Key Issues Raised	Valid	Officer Comment
Plot ratio/bulk and scale amenity impacts	Y	The officer's report assesses compliance with the Scheme requirement and local planning policy provisions for plot ratio in the Scheme/Shire Policy Assessment Table.
Front wall	N	The officer's report does not specifically address compliance with the local planning policy provisions front fencing as front fencing is no longer proposed.
Boundary wall (access leg)	N	The officer's report does not specifically address compliance with the Shire's Fencing Local Law as boundary fencing boundary fencing no longer exceeds the height for a sufficient fence.
Overlooking	N	The officer's report does not specifically address compliance with the design principles for visual privacy contained in the R-Codes as the deemed-to-comply requirements have been met.
Overshadowing	N	The officer's report does not specifically address compliance with the design principles for solar access contained in the R-Codes as the deemed-to-comply requirements have been met.
Excessive fill in the street setback area	N	The officer's report does not specifically address compliance with the design principles for site works contained in the R-Codes as the deemed-to-comply requirements have now been met.
Inconsistent with the intent of the Shire's Local Planning Strategy 2016	Y	The Local Planning Strategy is a high order strategic document. The officer report identifies the criteria contained in the state and local planning policy framework that collectively enables assessment of whether development should be supported.
Inconsistent with the principles of orderly and proper planning	Y	Orderly and proper planning is generally considered a 'capture all' term that in itself has limited weight. The officer report identifies the criteria contained in the state

		and local planning policy framework that collectively enables assessment of whether development should be supported.
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STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

The amendments recently made to Local Planning Policy 5 – Plot Ratio has clarified what constitutes entirely underground for the purposes of basements being excluded from the calculation of plot ratio.

STATUTORY IMPLICATIONS

The statutory timeframe to determine an application that has been advertised is ninety (90) days excluding any period the application is on hold pending the submission of further information. After this date the application is ‘deemed to be refused’ for the purposes of enabling an application for determination to be lodged to the State Administrative Tribunal (SAT). Due to officer reports being withdrawn at the request of the proponent from the previous two Council agendas, this application is now outside the statutory timeframe.

The proposal has been assessed to predominantly comply with relevant Scheme provisions, R-Codes and Planning Policies with the exception of plot ratio. Assessment against the key planning framework elements is outlined in the table below.

LOCAL PLANNING SCHEME NO. 4	
Scheme Requirement/Clause	Assessment/Comment
Plot Ratio For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5	Plot ratio is an additional planning tool that seeks to control building bulk and scale and to ensure development contributes to the predominant character of residential development in the Shire for single dwellings in generous garden settings. The proposal has been assessed to have a plot ratio in accordance with the prescribed methodology of 0.797 by Shire staff. The proponent has assessed plot ratio area of 0.66 using an alternative calculation methodology. This figure has not been validated by Shire staff and is provided for information purposes only.

RESIDENTIAL DESIGN CODES	
Development/Performance Criteria	Assessment/Comment
Site Works Table 4 of the R-Codes.	Compliant. The deemed-to-comply requirements is for site works and retaining walls between the street boundary and the street setback to be 0.5m or less, except where necessary

	<p>to provide for pedestrian, universal and/or vehicular access, drainage works or natural light to a dwelling. Site works and retaining walls within 1m of a lot boundary to be 0.5m or less.</p> <p>The main entry pathway is proposed to be raised to a height of 15.45m AHD to facilitate pedestrian access directly to the upper level of the dwelling. Fill associated with the pedestrian access is permissible.</p>
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SCHEME/COUNCIL POLICY	
Policy Type	Assessment/Comment
Local Planning Policy 1 – Design and Streetscape	<p>The proposal is generally consistent with the policy intent for replacement dwellings or significant additions and outbuildings to be responsive to the existing context and contribute positively to the prevailing streetscape.</p> <p>It is acknowledged that vehicular access is proposed to be maintained from the access leg which mitigates the impact of garage doors, driveways (impervious surfaces) and crossovers on Irvine Street.</p> <p>The planning objective <i>to maintain and encourage a high-quality environment, preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes</i> is compromised by the plot ratio. The additional bulk and scale more significantly impacts neighbouring properties either side and to the rear of the subject site than properties located on the southern side of Irvine Street, or on the view perspectives of pedestrians or motorists travelling along Irvine Street. Plot ratio implications are further discussed below.</p>
Local Planning Policy 2 – Ecological Urban Design and Sustainability	<p>The proposal is consistent with the policy intent to conserve areas of each site for urban green space and ecological purposes and to provide guidance on building and site design. Whilst the policy aligns with the design principles contained in the R-Codes, deemed-to-comply requirements are varied for landscaping.</p> <p>The policy provisions encourage boundary setback areas to be principally used for landscaping or urban green space associated with a garden or private open space. Paving and sealing of the ground in setback areas is to be limited to areas used for thoroughfare or standing of vehicles.</p> <p>In accordance with the policy provisions, at least 20% of the total site is available for viable and functioning ecological green space.</p>
Local Planning Policy 3 – Heritage Places	N/A. The place is not on the Shire’s Heritage List.
Local Planning Policy 4 – Residential Building Heights	No variation to the deemed-to-comply requirements for a Category B building with a concealed roof is sought.

<p>Local Planning Policy 5 – Plot Ratio</p>	<p>The proposal is not consistent with the policy intent to retain the predominant character of residential development for single dwellings in generous garden settings by controlling the bulk and scale of development on individual lots.</p> <p>The proposal has a total plot ratio floor area before deductions of approximately 714.14m². The total of possible exclusions under the Shire’s calculation methodology is 88.5m². The full extent of exclusions has been applied being 39.25m² for the garage, 39.25 m² for veranda and balcony areas and 10m² for plant and storerooms.</p> <p>The proposal has a plot ratio of approximately 0.797.</p> <p>The policy does not provide guidance on the circumstances in which plot ratio can be varied.</p> <p>The increase in plot ratio arguably does not adversely affect the garden setting of the development when viewed from most vantage points along Irvine Street. Furthermore, the deemed-to-comply requirements in the R-Codes pertaining to open space, building height and street and lot boundary setbacks have been satisfied.</p> <p>The increase in plot ratio when viewed from neighbouring properties either side and to the rear, and from the access leg does; however, present significant additional bulk and scale to what would reasonably be expected under the state planning policy framework as varied by the local planning framework.</p> <p>Council discretion has been more recently applied in circumstances of significant community benefit due to heritage restoration (45 Irvine Street), or where very modest concessions have been granted for otherwise substantially compliant development (139 Forrest Street). It is the officer’s view that the concession sought is not outweighed by any community benefit, nor is it modest. Furthermore, such a significant departure to the Scheme prescribed maximum plot ratio would establish an undesirable precedent and compromise the objectives of the local planning policy framework.</p>
<p>Local Planning Policy 6 – Neighbourhood Consultation on Development</p>	<p>Consultation has been undertaken in accordance with Shire requirements.</p>
<p>Local Planning Policy 8 – Construction Management Plans</p>	<p>The policy requires owners and their contractors to undertake the effective management of approved development. Proponents are required as a condition of planning approval to submit a construction management plan for assessment and approval prior to the issuance of a demolition or building permit.</p>

<p>Local Planning Policy 9 – Development Bonds</p>	<p>To ensure that any damage to public property caused by building work is fixed properly, the policy allows for the lodgement of a bond based on the value and nature of work being undertaken.</p> <p>It is alleged that paving within the adjacent access leg has been damaged by contractors undertaking recent demolition and/or site works. Whilst damage has been observed, this is a civil matter for which the \$2500 development bond still held for the Demolition Permit cannot be withheld pending mitigation works.</p> <p>The Manager of Infrastructure Services has been notified of the proposed development and will document the condition of assets in the road verge. A development bond will be required prior to the commencement of works.</p>
<p>Local Planning Policy 10 – Design Review Panels</p>	<p>N/A. The proposal does not meet the criteria to be considered by a Design Review Panel.</p>
<p>Local Planning Policy 11 – Building on Side and Rear Boundaries</p>	<p>N/A. No buildings are proposed on any boundary.</p> <p>The final design of the bin enclosure is to be confirmed. Should Council approve the proposal, a conditional requirement for the enclosure to remain unroofed as indicated on the submitted plans, and the height to not exceed that of the abutting access leg fencing is recommended.</p>
<p>Local Planning Policy 12 – Front Fences</p>	<p>N/A. No front fencing is proposed.</p>
<p>Vehicular Crossover Policy and Technical Specification</p>	<p>N/A. Access is via the abutting access leg.</p>
<p>Tree Management Strategy</p>	<p>N/A. The proposal will not impact any street trees.</p>

STATE POLICY	
Policy	Assessment/Comment
<p>State Planning Policy 2.10 Swan-Canning River System</p>	<p>State Planning Policy 2.10 identifies the key issues that should be taken into account in planning and decision-making in relation to the Swan and Canning Rivers. Proposals for development should be considered in the context of the river setting and the characteristics of the development site, particularly in regard to building height, bulk, scale, form, orientation and location.</p> <p>The proposal will not be visible from the river or foreshore reservations or obscure any identified views of the river. The external finishes and materials are consistent with that of other modern homes in the Shire.</p>

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER COMMENT

The proposed dwelling and ancillary works have been assessed, on balance, to not satisfy the applicable local planning policy framework.

It is acknowledged that the design is compliant with the applicable deemed-to-comply requirements contained in the R-Codes including lot boundary setbacks, building height, visual privacy, and open space. The design is also compliant with the general development requirements contained in the Scheme for building height, street setback, and the setback of garages and carports. It is further acknowledged that the site context that is notable for the slope falling away from Irvine Street and an access leg adjacent to the eastern property boundary somewhat mitigates the bulk and scale of the development. There is a case for Council discretion to be applied to the plot ratio. Notwithstanding, the extent to which maximum the permissible plot ratio is proposed to be varied is not supported.

A compelling case has not been made to significantly vary the plot ratio. It has been found that there are no grounds to apply the plot ratio area calculation methodology contained in the R-Codes. Plot ratio has been flagged from the initial submission of a Building Application as being incorrectly calculated, and likely unprecedented in the extent of discretion being sought. Whilst design changes have resulted in a slight decrease in plot ratio from 0.812 to 0.797 the fundamental disconnect between what is sought and the Scheme requirement has not been addressed. Given the Scheme prescribes the additional site and development requirement of plot ratio that is otherwise solely controlled by the design principles and deemed-to-comply requirements contained in Part 5 of the R-Codes. It is prudent to consider the overarching Context objectives for that part which includes *To ensure that design and development is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings...*

The planning assessment additionally finds merit in the objections pertaining to bulk and scale. The increase in plot ratio when viewed from neighbouring properties either side and to the rear, and from the access leg, does however, present significant additional bulk and scale to what would reasonably be expected under the local planning framework.

Given the significant revisions required to bring the development into conformity with the Scheme requirements or to seek a modest concession, it is impractical to condition the submission of further amended plans.

The proponent is encouraged to lodge a new application with an alternative design addressing plot ratio that satisfies the planning policy framework.

Development Application DA2022/00005 is recommended for Refusal for the reasons articulated above.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.2

Moved: Cr Macintosh

Seconded: Cr Jackson

That Council refuse Development Application DA2023/00005 for a dwelling and ancillary works at 25 Irvine Street, Peppermint Grove in accordance with the revised submitted plans (Revision L dated 5 April 2023) and application lodged on 17 February 2023 on the following grounds:

1. The proposal is inconsistent with the Additional Site and Development requirements (plot ratio 0.5). for Residential zoned land coded R12.5 contained in clause 32(1) of the Shire of Peppermint Grove Local Planning Scheme No. 4.
2. The proposal is inconsistent with the Planning Objectives of Local Planning Policy 5 – Plot Ratio.
3. Approval would establish an undesirable precedent and is inconsistent with orderly planning.
4. The Proposal is inconsistent with the Objectives of Part 5 Section 5.1 Context contained in the Residential Design Codes of Western Australia Volume 1 which requires consideration of the following:

To ensure that residential development meets community expectations regarding appearance, use and density.

To ensure that design and development is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings, or in precincts undergoing transition, development achieves the desired future character identified in the local planning framework.

ADVICE NOTE

Should the owner and/or applicant be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with Part XIV of the *Planning and Development Act 2005* within 28 days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 9219 3111 or 1300 306 017.

CARRIED 4/0

8.2 MANAGER INFRASTRUCTURE

INFRASTRUCTURE

NIL

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

CORPORATE

8.3.1 List of Accounts Paid – May 2023

ATTACHMENT DETAILS

Attachment No	Description
Attachment	Accounts Paid – May 2023 Credit Cards – April 2023

Voting Requirement : Simple Majority
 Subject Index : Financial Management
 Disclosure of Interest : Nil
 Responsible Officer : Kurt Viskovich, Acting Manager Corporate and Community Services

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

Significant payments in May 2023 included the following:

- ATO Pay as you go Tax
- Superannuation
- Emergency Services Levy Qtr. 4 contribution
- Building Services Levy

BACKGROUND

The Attachment lists detail all payments made in May 2023. The following summarise credit card payments, electronic fund transfers, direct debits and BPAY included in the list presented for information.

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT00519-524	\$481,849.13
Direct Debits	DD00423-429	\$10,960.91
Credit Cards – April 2023		\$11,323.62
BPAY	BPAY297	\$41.65
TOTAL		\$504,175.31

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 2022/23 Adopted Budget.

COMMENT

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

OFFICER RECOMMENDATION/COUNCIL DECISION– ITEM NO. 8.3.1

Moved: Cr Jackson

Seconded: Cr Dawkins

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

1. **Electronic funds transfers, cheque, direct debit & BPAY payments for the month of May 2023, totalling \$492,851.69**
2. **Credit Card payments for April 2023 totalling \$11,323.62**

CARRIED 4/0

8.3.2 Financial Statements for the period ending 31st May 2023

CORPORATE

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 31/05/2023

Voting Requirement	: Simple Majority
Subject Index	: Financial Statements 2022/23
Disclosure of Interest	: Nil
Author	: Kurt Viskovich, Acting Manager Corporate and Community Services
Responsible Officer	: Kurt Viskovich, Acting Manager Corporate and Community Services

PURPOSE OF REPORT

To receive the financial statements for the period ended 31st May 2023.

SUMMARY AND KEY ISSUES

The Financial Statements include the 2022/23 revised budget which provides for an end of year surplus of \$20,940. The surplus for the period of ended May 2023, includes amounts that will be transferred to Reserve funds and unspent CAPEX projects to date.

BACKGROUND

The Monthly Financial Statements are prepared in accordance with the requirements of the Local Government Act 1995 & Financial Management regulations (1996). Monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 31 May 2023.

STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan.

POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies and Investment Policy.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996.

FINANCIAL IMPLICATIONS

There are no detrimental financial implications evident at this time.

OFFICER COMMENT

The Monthly Financial Statements show a surplus that is attributed to the underspend on Capex, and Materials & Contracts.

The major differences between the year-to-date budget and actual expenditure are shown below and which are less than the anticipated year to date budget.

Income - Contributions & Donations – \$153,000
Expenditure - Contract & Materials – \$317,000

Investment of Municipal and Reserve Funds- as at 31st May 2023.

The Shire has the following funds invested as 'on call' and fixed term deposits with the National Australia Bank:-

Fund and TD Number	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest
Reserves Funds	\$1,723,666	30/05/2023	01/06/2023	2	3.10%	\$292.80
Reserves Interest Receivable						\$292.80
Municipal PFA Acc	\$1,030,219.01	ON CALL			3.90%	\$3,597.29
Municipal Interest Received						\$3,597.29

OFFICER RECOMMENDATION/COUNCIL DECISION– ITEM NO. 8.3.2

Moved: Cr McIntosh

Seconded: Cr Jackson

That Council receives the financial report for the period 1 July 2022 to 31st May 2023.

CARRIED 4/0

8.3.3 Adoption of Budget 23/24 Budget

CORPORATE

ATTACHMENT DETAILS

Attachment No	Description
Attachment 1	Statutory 2023/24 Budget
Attachment 2	Schedule of Fees and Charges

Voting Requirement	Absolute Majority
Subject Index	: Budget
Disclosure of Interest	: Nil
Responsible Officer	: Don Burnett, CEO & Michael Costarella, Manager Corporate & Community Services

PURPOSE OF REPORT

To consider and adopt the municipal fund budget for the 2023/24 financial year, together with supporting schedules including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

SUMMARY AND KEY ISSUES

- 2023/24 is a revaluation year for rates.
- The draft 2023/24 budget recommends an 2.9% increase in the rates raised.
- Capital expenditure of \$ 2,856,200.
- Short Term Loan for 24 Johnston Street \$1,500,000
- Sale of Assets of \$2,080,000 (including 24 Johnston Street)

BACKGROUND

The Rate Setting Statement shows total revenue required from property rates of \$3,655,800 compared with \$3,556,752 derived in 2022/23.

The rates income is affected by the new valuations of properties undertaken by the Valuer Generals Office for the 2023/243 financial year effective from the 1 July 2023.

In general terms the new revaluations showed approximately 19% increase in property values. Accordingly, in order to derive the same rates income as the previous financial year, the rate-in-a dollar was decreased from 8.92 cents to 7.555 cents in a dollar. The draft budget shows an increase in rate revenue of 2.9%, however due to the revaluation, some properties will have rare increases or even decreases compared to 2022/23 due to the fluctuations of their Gross Rental Values.

Council has been able to keep rate increases in recent years to a minimum, with the increases as follows;

2018/19	1.55%
2019/20	1.0%
2020/21	0.0%
2021/22	1.7%
2022/23	2.0%

The average increase over this 5-year period is 1.25%

Minimum rates will increase by 2.9% to \$1,494.

A schedule of fees and charges is included with the draft budget document.

CONSULTATION

Consultation was undertaken through workshops held with Councillors and Senior staff.

Senior staff have had input into the document which has been reviewed by the Senior Management Team.

STRATEGIC IMPLICATIONS

The budget recognises the objectives and strategies of the Shire's revised Community Strategic Plan and Corporate Business Plan.

POLICY IMPLICATIONS

The budget is based on the principles contained within the current Plan for the Future (community strategic and corporate business plans).

STATUTORY IMPLICATIONS

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The 2023/24 budget as presented is considered to meet statutory requirements.

FINANCIAL IMPLICATIONS

Specific financial implications are as itemised in the draft 2023/24 budget attached for adoption.

SOCIAL IMPLICATIONS

The draft budget delivers social outcomes identified in various planning and community-supporting strategies. The Council will continue to fund community-focused projects such as SHINE Community Services and events such as Community Citizenship Awards, Carols by Candlelight and Christmas decoration installations.

OFFICER COMMENT

The draft 2023/24 budget continues to deliver on key strategies identified by the community as part of Strategic Community Plan and maintains a high level of service across all programs while ensuring an ongoing focus on renewing all asset classes at sustainable levels.

The following information is provided highlighting the key considerations in developing the 2023/24 budget.

Opening balance as at 1 July 2023

For the purposes of estimating an opening balance as of 1 July 2023, an amount of \$350,000 is estimated as the surplus carried forward. This still could change pending end of year transactions.

This is also subject to final audit and any material variation will be addressed in the mid-year budget review.

Local Government Cost Index

WALGA provides local government with a cost index for local government, which expands on the CPI, and it includes construction costs etc not in the CPI figure. The Perth March 2023 annual CPI was 5.8 % and the WALGA 22/23 projected cost index is 2.9%.

Rates Modelling

The budget shows rates income of \$3.6m based on a 2.9% increase on the rates raised over 2022/23. In a normal year, a 1% increase in rates revenue would equate to \$36,000, The minimum rate is \$1,494. The budget does not include any discount or incentives for early payment.

Salary costs

The draft budget makes provision for a 5% increase for staff salaries. There are no plans for any new staff or any significant staff structure changes. Superannuation costs will increase by 0.5% from 10.5% to 11% on 1 July 2023 in accordance with the superannuation guarantee legislation.

Library Contributions

The net operating cost of running the Grove library is met by the three member councils of the Towns of Mosman Park and Cottesloe and the Shire. The draft library budget was presented at the last Library Management Group meeting and will be taken to the two-member Council's for endorsement.

The Shire is awaiting confirmation that both Councils have endorsed the budget. The level of contribution is based on census population data. The net operating shortfall for 23/24 for the library, history unit and community centre, excluding capital, is \$1,360,048 with the Town of Mosman Park contributing \$670,231, Cottesloe \$564,556 and the Shire \$125,261. The contribution levels have increased by 4.4% over 22/23 years' costs.

The contributions for the 2023/24 financial year have been calculated on the 2021 population census figures which are as follows:

- Town of Mosman Park 49.28% (previously 48.68%)
- Town of Cottesloe 41.51% (previously 42.23%)
- Shire of Peppermint Grove 9.21% (previously 9.09%)

The CAPEX budget is for works linked to the AMP. Each member is also required to make their own provision for the building replacement in accordance with the AMP.

Economic stimulus grants

The Federal Government has provided local governments with Local Road and Community Infrastructure Program (LRCI) grants. The grants are to stimulate local economies. During the 2023/24 financial year, the Shire will be replacing the playground at Keane's Point partially utilising the funds received from the LRCI grant (\$50,000).

Overheads and Activity Based Costing

The Shire does not allocate overheads to jobs, i.e., corporate services costs to Manners Hill Park etc. These costs would be internal charges and have no impact on the budget bottom line. The only overhead charge applied is 5% of Shire corporate management costs to the library.

Loans

A new loan of \$1,500,000 is proposed that will be used to fund the drainage works for 24 Johnston Street. The property will be sold and funds from the sale will repay the loan within the financial year.

A self-supporting loan of \$200,000 is proposed, for the Peppermint Grove Tennis Club to go towards additional courts and upgrade, should the Club proceed with this project.

The library is the only current loan the Shire has. The draft provides for capital repayment of \$38,886 for the library loan, leaving a principal balance as of 30 June 2024 of \$615,807. Interest repayments during the year total \$44,514.

Reserve funds

The balance of the reserve funds as at 30 June 2023 are projected to be \$1.98m.

Transfers into the reserves during the 23/24 year will be \$715,000, which includes interest earnings for the individual reserves estimated at \$84,000 and,

- \$20,000 to the Arts & Culture Reserve,
- \$30,000 Staff Leave Reserve
- \$37,000 to the Road Reserve.
- \$83,362 to Building 7 Infrastructure Reserve
- \$460,000 to the Investment Reserve - relates to the net proceeds from the sale of 24 Johnston St

Transfer out of the Reserve total \$748,000 include the following: -

- Road & Drainage - \$250,000, Bay View parking
- Library Reserve - \$43,284, Digital parking and community sign
- Building & Infrastructure Reserve \$420,000 Keanes Point playground Airconditioning of the administration building and foreshore works.
- Public Art \$35,000 – balance mural and part Memorial wall costs.

The total projected reserve fund balance as of 30 June 2024 is \$1.95M.

Capital Works program (CAPEX)

The CAPEX program is now linked to the asset renewal requirements as identified in the Asset Management Plan (AMP). The CAPEX schedule is broken to asset classes of Property, Plant & Equipment, Transport and Recreation. New capital projects are also included, however these projects are at Council's discretion as to whether they proceed or not.

Asset renewal or upgrade projects total \$723,700 of which \$91,708 is met by the Towns of Cottesloe and Mosman Park as contributions towards library capital and \$33,000 is the fleet trade in/sale values. The balance is made up of LCRIP grant of \$50,000, reserve funds totalling \$748,284 and the balance from municipal funds

New capital works total \$2,132,500, made up of \$1,587,000 for drainage works in Johnston Street as well as \$300,000 for parking upgrade at Bay View Terrace and \$60,000 for the digital parking sign. The funds from the sale of the pool vehicle of \$26,365 will also be used to fund the digital parking project. An amount of \$100,000 is included to decouple the administration building air conditioning from the grove heat exchange system. Other major projects include \$80,000 for the construction of a Memorial Wall.

The AMP also has a schedule showing amounts that should be transferred on an annual basis that will be required to meet future renewal costs. The reserve fund transfer is to ensure the Shire has the funds to meet the costs when these larger renewal costs are due.

Fees and Charges Schedule

It is not proposed to increase existing fees and charges across the board, however there are few changes to the schedule;

- There are number of new town planning charges for various planning services.
- Additional bin charges have been increased to reflect the cost increase to the Shire for this service.
- Increase in the monthly charge for dingy permits for pro rata annual permits.

Balance (Surplus) 30 June 2024

Based on the draft as presented the financial position is as follows, the 30 June 2024 closing balance (surplus) is anticipated to be \$18,500.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.3.3

Moved: Cr Dawkins

Seconded: Cr McIntosh

That Council adopts the following:

PART A – MUNICIPAL FUND BUDGET FOR 2023/243

Pursuant to the provisions of Section 6.2 of the *Local Government Act 199* and Part 3 of the *Local Government (Financial Management) Regulations 1996*, Council adopts the 2023/24 Shire of Peppermint Grove Budget as contained in Attachment One.

PART B - GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, Council, pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum payments on Gross Rental Values:

1.1 General Rates

- Residential (GRV) 7.555 cents in the dollar
- Commercial (GRV) 7.555 cents in the dollar
- Clubs (GRV) 7.555 cents in the dollar

1.2 Minimum Payments

- Residential (GRV) \$1,494
- Commercial (GRV) \$1,494

2. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 64 (2) of the *Local Government (Financial Management) Regulations 1996*, Council

nominates the following due dates for the payment of rates and charges in full by instalments (assuming date of issue is 19 July 2023):

- Payment in full or first instalments 24 August 2023
- Second of four instalments 26 October 2023
- Third of four instalments 4 January 2024
- Last of four instalments 7 March 2024

3. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an instalment administration charge of \$15.00 per instalment.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council adopts an interest charge where ratepayer elects to pay rates and charges by instalments of 6%
5. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 68 of the *Local Government (Financial Management) Regulations 1996*, Council does adopt a 6% interest charge where payment of rates and charges is in arrears including overdue instalment payments
6. Pursuant to Section 6.45 of the *Local Government Act 1995* and Regulation 67 of the *Local Government (Financial Management) Regulations 1996*, Council adopts a special arrangements administration fee of \$45 with respect to outstanding rates and charges and authorises the Chief Executive Officer to enter into such special arrangements.
7. Pursuant to Section 6.45 of the *Local Government Act 1995* Council adopts the Schedule of Fees and Charges inclusive of the 2023/24 budget included as attachment one.
- 8 Pursuant to Regulation 34 (5) of the *Local Government (Financial Management) Regulations 1996* the level for reporting material variances in monthly statements of financial activity shall be 10% or \$10,000, whichever is the greater.
9. Delegate to the CEO the disposal of assets to a maximum value of \$50,000
- 10 Pursuant to Section 6.11 of the *Local Government Act*, Council adopts the transfers to Reserves as included in the 2023/24 Annual Budget
11. Pursuant to 6.20 of the *Local Government Act*, Council raises loan funds included in the budget for the following purposes: -
 - (a) Self-Supporting Loan- Tennis Club \$200,000- over a 5-year period at the current interest rate
 - (b) Johnston Street Drainage - \$1,500,000- over a 1-year period at the current interest rate.

CARRIED 4/0

8.4.1 CEO MANAGEMENT/GOVERNANCE/POLICY

MANAGEMENT/GOVERNANCE/POLICY

8.4.1 2023 to 2026 Corporate Business Plan

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Details</u>
Attachment refers to	2023-2027 Corporate Business Plan 2023-2033 Long Term Financial Plan

Voting Requirement	:	Absolute Majority
Subject Index	:	Strategic Management Plans
Disclosure of Interest	:	Nil
Author	:	Michael Costarella, Manager Corporate & Community Services
Responsible Officer	:	Don Burnett, Chief Executive Officer

PURPOSE OF REPORT

The purpose of the report is for Council to adopt the 2023- 2027 Corporate Business Plan which refers to the 2021-2031 Strategic Community Plan.

SUMMARY AND KEY ISSUES

- The Corporate Business Plan is focused on achieving the objectives and strategies contained in the 2021-2031 Strategic Community Plan and which represents the views, expectations and aspirations of our community.
- The Corporate Business Plan also provides information on
 - *What we aim to achieve - Objectives*
 - *How we will get there- Strategies*
 - *Measures of Success*

The Plan also includes the net costs of the Shire’s services for the ensuing 4 years together with the partners for the delivery of the service.

BACKGROUND

The Local Government (Administration) Regulations 1996 require local governments to adopt a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP) as part of the Integrated Planning and Reporting Framework.

The framework provides a strategic planning system to enable accountable and measurable linkages between community aspirations, financial capacity and practical service delivery.

CONSULTATION

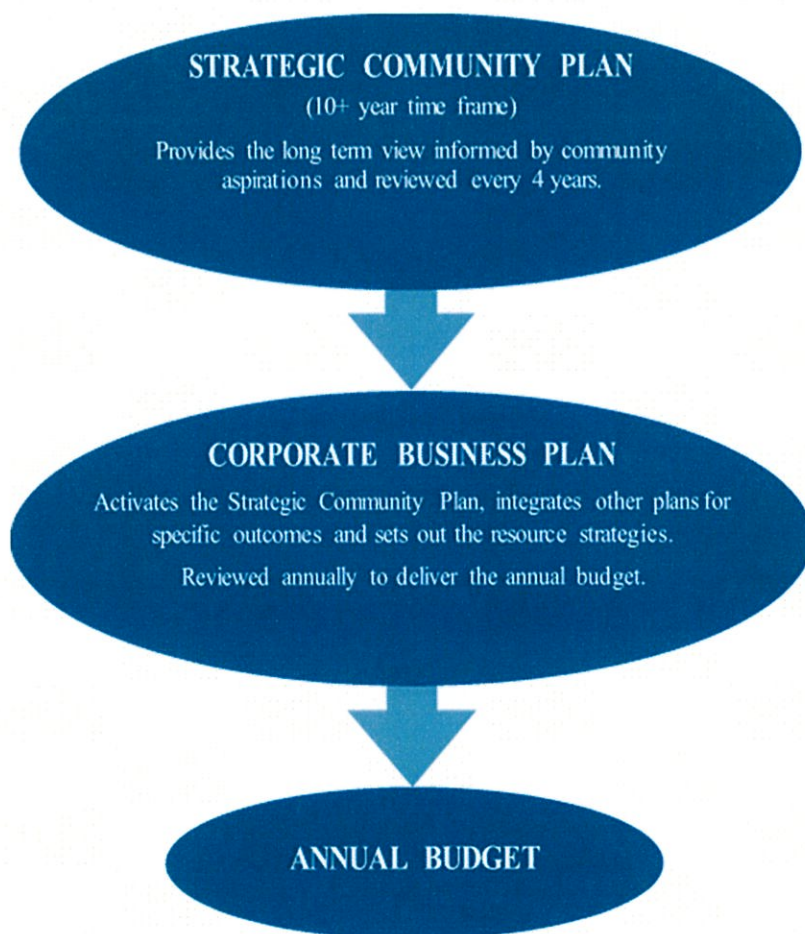
There has been no public consultation undertaken for this plan.

STRATEGIC IMPLICATIONS

The Shire is required to develop the following:

- 10-year Strategic Community Plan - (reviewed every 4 years).
- 4-Year Corporate Business Plan - (reviewed annually); and
- Informing Strategies - Asset Management Plans, Workforce Plans and Long-Term Financial Plans. (reviewed annually).

Detailed implementation for the next four years is covered in the Corporate Business Plan. The “Informing Strategies” – particularly the Long-Term Financial Plan, Asset Management Plans and Workforce Plan – show how the Plan will be managed and resourced.



POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Section 5.56 of the Local Government Act, Regulation 19D, 19DA & 19DB of the Local Government (Administration) Regulations requires the Shire to adopt and review a Community Plan and a Corporate Business Plan.

FINANCIAL IMPLICATIONS

There are no financial implications 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

Corporate Business Plan

The Shire's 2023-2027 Corporate Business Plan provides the Shire's strategies to meet the community's vision and aspirations contained in the 2021-2031 Strategic Community Plan.

The purpose of the Plan is to demonstrate the operational capacity of the Shire to achieve its aspirational outcomes and objectives over the medium-term. All operational planning and reporting are driven by the Corporate Business Plan which is reviewed annually to ensure priorities are achievable and effectively timed.

A review of the Corporate Business Plan will be undertaken every year and a major review every four years.

2023-2033 Long Term Financial Plan

Staff have prepared the 2023-2033 Long Term Financial Plan (LTFP) that was used as a guide in the development of the 2023-2027 Corporate Business Plan (CBP).

The LTFP has been developed with the following assumptions and which shows average increases over a 10 year period (as shown on page 8):-

INCOME

- Rates - Annual Increases 2.7%
- Operating Grants, Subsidies and Contributions 1.0%
- Non-operating Grants, Subsidies, Contributions 1.0%
- Fees and Charges 1.0%
- Interest Earnings 1.0%

EXPENDITURE

- Employee Costs 3.30%
- Materials and Contracts 3.35%
- Utility Charges 3.55%
- Interest Expense 2.05%
- Insurance Expense 4.05%

The above amounts are required to ensure that the LTFP provides a small surplus each year as shown on page 3.

Capital works have been included as detailed in the AMP projected works for the ensuing 10 years. These were updated in May 2022. (as shown on page 4).

OFFICER RECOMMENDATION– ITEM NO. 8.4.1

That Council adopts the 2023-2027 Corporate Business Plan and notes the 2023-2033 Long Term Financial Plan.

COUNCIL DECISION – ITEM NO. 8.4.1

Moved: Cr McIntosh

Seconded: Cr Dawkins

That Council adopts the 2023-2027 Corporate Business Plan and notes the 2023-2033 Long Term Financial Plan, subject to a change to the opening/closing balances.

CARRIED 4/0

MANAGEMENT/GOVERNANCE/POLICY

8.4.3 Matters for Information and Noting

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Description</u>
Attachment 1	Building/Planning Statistics
Attachment 2	Infringements Issued
Attachment 3	Library Statistics
Attachment 4	Recycling Statistics
Attachment 5	Library Management Meeting 16th May 2023

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information June 2023
Disclosure of Interest	:	Nil
Author	:	Jennifer Court, Senior Administration Officer
Responsible Officer	:	Mr Don Burnett, Chief Executive Officer

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 of 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 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 issued
- Demolition permits issued
- Seal register advising of when the Shire seal has been applied
- Infringements for parking and dogs etc
- Recycling Statistics
- Library Statistics
- Minutes for the Library Management Group Meeting held on 16th May 2023.

SUMMARY AND KEY ISSUES

The following reports are presented to Council:

- Planning Approvals
- Building Approvals
- Infringements

- Library Statistics
- Recycling
- Minutes for the Library Management Group Meeting held on 16th May 2023.

OFFICER COMMENT

460 Stirling Highway Cottesloe

The seal of the Shire of Peppermint Grove was applied to two caveats to permit the registration of leases for 460 Stirling Highway Cottesloe.

The Coffee Grove

The Library Management Group (LMG) considered the lease arrangement for The Coffee Grove. LMG supports the lease assignment to Hwayeong Jeong commenced 29th May 2023. This lease will be extended for twelve months to 25th June 2024.

CONSULTATION

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

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.4.3

Moved: Cr Jackson

Seconded: Cr Dawkins

That Council:

- 1. receives the information in this report; and**
- 2. endorses the lease assignment for the Grove café along with a 12-month lease extension to 25 June 2024.**

CARRIED 4/0

9. COMMITTEE REPORTS

Nil

10. NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL

11. MOTIONS ON NOTICE

(Automatically sent back to administration for consideration at the next Council meeting)

12. CONFIDENTIAL ITEMS OF BUSINESS

As per the Local Government Act 1995, Clauses 5.23 (2)(a) – personal affairs of a person, Council can close to members of the public the meeting or part of the meeting. If the meeting or part of the meeting deals with a matter affecting an employee.

12.1 CEO Performance Review 2023 (Confidential)

The purpose of this report is to consider the annual performance review of the CEO.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 12.1

That Council in accordance with Section 5.23 (2) (a) of the Local Government Act close to the members of the public the meeting, as this report deals with a matter affecting an employee.

OFFICER RECOMMENDATION NOT MOVED.

COUNCIL DECISION – ITEM NO 12.2

Moved: Cr Macintosh

Seconded: Cr Jackson

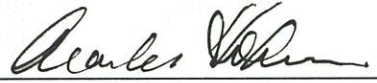
That Council;

1. Note that the CEO's performance has been deemed as very satisfactory.
2. Adopts the Key Performance targets for 2023/24 as contained in this report.
3. Approves a 3.5% package increase as per the Salaries and Allowance Tribunal ruling for CEO packages, linked to the maximum of Band 4 local governments.

CARRIED 4/0

13. CLOSURE OF MEETING

At 5.57pm, there being no further business the meeting closed.

Confirmed  ^{25th} this day of July 2023

PRESIDING MEMBER