



Shire of  
Peppermint Grove

## ORDINARY COUNCIL MEETING

# AGENDA

TO BE HELD ON  
**TUESDAY 28 FEBRUARY 2023**  
AT  
**5.30 PM**



# Shire of Peppermint Grove

## **NOTICE OF MEETING**

Dear Councillor

It is advised that the **COUNCIL MEETING** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday 28 February 2023, commencing at 5.30 pm.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Don Burnett', is written over a white background.

Don Burnett  
**CHIEF EXECUTIVE OFFICER**

24 February 2023

## **MEETING AGENDA ATTACHED**

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# Shire of Peppermint Grove

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Shire of  
Peppermint Grove

## ORDINARY COUNCIL MEETING AGENDA

### 1. DECLARATION OF OFFICIAL OPENING

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

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

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be ready aloud by Councillor \_\_\_\_\_.

#### **Affirmation of Civic Duty and Responsibility**

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

Cr R Thomas  
Cr C Hohnen  
Cr P Macintosh  
Cr K Farley  
Cr D Horrex  
Cr D Jackson  
Cr P Dawkins

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

Mr Don Burnett  
Mr J Gajic  
Mr M Costarella  
Mr D Norgard

**Gallery** ..... Members of the Public  
..... Members of the Press

## **2.2 APOLOGIES**

## **2.3 LEAVES OF ABSENCE**

## **2.4 NEW REQUEST FOR A LEAVE OF ABSENCE**

## **3. DELEGATIONS AND PETITIONS**

### **3.1 DELEGATIONS**

NIL

### **3.2 PETITIONS**

NIL

### **3.3 PRESENTATIONS FROM THE PUBLIC**

## **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**

#### **4.3 DEPUTATIONS OF THE PUBLIC**

#### **4.4 PRESENTATIONS FROM THE PUBLIC**

#### **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.*

## **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 20<sup>th</sup> December 2022**

#### **OFFICER RECOMMENDATION – ITEM 7.1**

**That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 20<sup>th</sup> December 2022 be confirmed as a true and accurate record.**



**7.2 SPECIAL COUNCIL MEETING 14 February 2023**

**OFFICER RECOMMENDATION – ITEM 7.2**

**That the Minutes of the Special Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 14<sup>th</sup> February 2023 be confirmed as a true and accurate record.**

## 8.0 OFFICERS REPORTS

### 8.1 MANAGER DEVELOPMENT SERVICES

#### 8.1.1 1 (Lot 4) McNeil Street – Front Fence and Ancillary Works

##### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Locality Map
Attachment 2	Development Application Submission
Attachment 3	Heritage Impact Statement

Location / Address	:	1 McNeil Street, Peppermint Grove
Application Number	:	DA2022/00004
LPS No 4 Zoning	:	Residential R12.5
Land Use	:	Single House
Lot Area	:	1636m <sup>2</sup>
Disclosure of Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Huston Architecture
Owner	:	T. Gao
Assessing Officer	:	Mr M. Stocco
Authorising Officer	:	Mr J. Gajic

##### PURPOSE OF REPORT

For Council to determine a development application for a front fence and ancillary works that seeks a variation to sight lines under the Residential Design Codes of Western Australia (R-Codes) and relies upon the corresponding design principles.

##### SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R12.5) a Single House is a 'P' use.
- The place is included on the Shire's Heritage List (Category 2) and a Heritage Impact Statement has been provided.
- Officers encouraged the proponent to resubmit a design that achieved the acceptable development requirements for sight lines or demonstrate compliance with the corresponding design principles.
- The proponent has not provided sufficient justification as to why Council discretion should be exercised or how the design principles for sight lines have been satisfied and seeks determination of the design as submitted on its merits.

- The application affords the opportunity to reinstate to grassed verge a redundant section of the existing double crossover and to address the non-compliant bituminous surface treatment.
- Whether the aesthetic improvements associated with the rationalisation of the crossover outweighs the safety concessions for not achieving sightlines.
- The application was advertised to three (3) affected neighbours for comment and no submissions were received.

## LOCATION

1 (Lot 4) McNeil Street, Peppermint Grove

## BACKGROUND

1 McNeil Street is understood to be a 1930s limestone, brick and render Californian Bungalow, category 2 heritage place. Known for its Arts and Craft detailing, it retains a high level of heritage integrity.

Whilst not uniform, the built form in the immediate area is dominated by expansive heritage homes with open aspect masonry front walls and fences. Front fencing in the locality is predominantly non-compliant with current planning policy.

The current site context is notable for its established landscaping with no front fencing or walls. The prominent *Viburnum opulus* or box hedge is situated across the front of the property, approximately one (1) metre high. The proponent has stated that the hedge will be reinstated behind the proposed front fence, to maintain the abundance of greenery.

The existing bitumen vehicular crossover is approximately 5.9m wide (excluding kerbing) and services a single width driveway. It is assumed that the establishment of additional landscaping and construction of a limestone retaining wall has resulted in approximately half of the crossover being redundant. The Shire's Infrastructure Policy requires that redundant crossovers be removed, and the verge reinstated. The proponent has agreed to reinstate the superfluous 2.5m wide section of crossover with grass.

To justify variations to sight lines and Council discretion the proponent is relying on the precedence of surrounding properties, asserting that the similarity of neighbouring dwellings at 5, 7, 9, 15 McNeil Street share comparable design and noncompliant sight lines. The impact on a single exotic tree (approximately 4m high with a 150mmØ) has also been stated as grounds for not recessing the columns either side of the driveway to achieve sight lines.

The existing bituminous crossover surface treatment is non-compliant with the Shire's Vehicular Crossovers General Requirements and Specifications (Specifications) for residential properties. Bitumen is only permissible for commercial or industrial properties. The rationalisation of the existing double crossover affords an opportunity to address the non-compliant bituminous surface treatment.

## CONSULTATION

The proponent discussed the merits of the proposal at the time of lodgement in late January 2022. A heritage statement was requested in late March and provided in mid-November. The design was modified in this time to better respond to the heritage attributes of the dwelling. The only outstanding matter of non-compliance was agreed to be compliance with the acceptable development requirement for sight lines. A written response to justify discretion on this matter has been provided and determination by Council is now sought on the design as presented.

Advertising to affected neighbours for a period of 14 days was required in accordance with the Shires Local Planning Policy 6 – Neighbour Consultation and Development. The advertisement period has now concluded. No written submissions were received.

## STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

## LOCAL PLANNING POLICY IMPLICATIONS

Notwithstanding that the decorative capping for two (2) of the front wall columns marginally exceed the 2.1m height limit, the proposal complies with the intent of relevant local planning policies.

## STATUTORY IMPLICATIONS

The statutory timeframe to determine an application that has been advertised is ninety 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.

The table below identifies compliance and demonstrated design principles contained in the R-Codes that are relied upon and provides an assessment against the local planning policy framework.

<b>LOCAL PLANNING SCHEME NO. 4</b>	
<b>Scheme Provisions/Modification of R-Codes</b>	<b>Assessment/Comment</b>
<b>Building Height</b> The maximum height of dwellings coded R10, R12.5, R15 and R20 shall be determined in accordance with the R-Codes for category B areas and not exceed two storeys excluding any basement.	N/A. The proposal does not seek to establish a new dwelling or alter the established building height of the current house.
<b>Street Setbacks</b> For R10, R12.5 and R15 coded areas the setback from the front street boundary to any building,	N/A. The proposal does not impact on the primary street boundary setback. The subject site has a single street frontage. The street setback is 12.7m.

including a carport or garage, shall be a minimum of 9 metres from the primary street and 4.5 metres from the secondary street.	
<b>RESIDENTIAL DESIGN CODES</b>	
<b>Design Principles</b>	<b>Assessment/Comment</b>
<b>Site Area</b> 5.1.1, Table 1 of the R-Codes.	N/A. No new lots or additional dwelling(s) are proposed.
<b>Street and Lot Boundary Setbacks</b> 5.1.2 & 5.1.3, Tables 1, 2a and 2b of the R-Codes.	N/A. The deemed-to-comply requirements for street setbacks are varied by clause 26(2) of the local planning scheme and addressed in the Scheme/R-Codes Modification table above.
<b>Open Space</b> 5.1.4, Table 1 of the R-Codes.	N/A. There is no proposed change to the building footprint.
<b>Building Heights</b> 5.1.6, Table 3 Figure Series 7 of the R-Codes.	N/A. The deemed-to-comply requirements for building height are varied by clause 26(1) of the local planning scheme and addressed in the Scheme/R-Codes Modification table above.
<b>Setback of Garages and Carports</b> 5.2.1, Table 1 Figure 8a and 8b of the R-Codes.	N/A. The deemed-to-comply requirements for street setbacks are varied by clause 26(2) of the local planning scheme and by Local Planning Policy 1 – Design and Streetscape. These requirements are further addressed in the Scheme/R-Codes Modification table above and in the Scheme/Local Policy table below.
<b>Street Surveillance</b> 5.2.3 of the R-Codes.	Compliant. The deemed-to-comply requirement is for the street elevation(s) of the dwelling to address the street with clearly definable entry points visible and accessible from the street, at least one major opening from a habitable room to face the street.
<b>Street Walls and Fences</b> 5.2.4, Figure 12 of the R-Codes.	N/A. The deemed-to-comply requirement for street walls and fences is varied by Local Planning Policy 12 – Front Fences and addressed in the Council Policy table below.
<b>Sight Lines</b> 5.2.5, Figure 9a of the R-Codes.	<p>The deemed-to-comply requirement is for all fences to be truncated or reduced in height to no more than 750mm within 1.5m of where the driveway intersects with the street.</p> <p>The design principles require the provision of unobstructed sight lines at vehicle access points to ensures safety and visibility along access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.</p> <p>The entry gate brick columns either side of the vehicular crossover exceed 750mm in height and are not recessed 1.5m within the property boundary. Sight lines are obstructed for pedestrians utilising the adjacent footpath, and for motorists when exiting the property.</p> <p>The justification for precedence elsewhere in the street is not considered determinate of the matter. The cultural or habitat significance of the single exotic tree that would otherwise need to be removed to facilitate one of the columns being recessed off the property line has not been demonstrated. The impracticality of relocating the tree elsewhere on the property has also not been evidenced. It is further noted that the property is located opposite PLC such that the footpath is likely to be heavily utilised including by children. The design principles are not considered to be met.</p>

<b>Outdoor Living Areas</b> 5.3.1, Table 1 and Figure 13 of the R-Codes.	N/A. There are no changes to the existing outdoor living area.
<b>Landscaping</b> 5.3.2 of the R-Codes.	Compliant. The deemed-to-comply requirement for landscaping of single houses is one tree occupying a minimum tree planting area of 2m x 2m that is free of impervious surfaces. The landscaping deemed-to-comply requirement is varied by Local Planning Policy 2 – Ecological Urban Design and Sustainability and addressed in the Scheme/Council Policy table below.
<b>Parking</b> 5.3.3 of the R-Codes.	N/A. The proposal does not impact on the existing parking arrangements that complies with the deemed-to-comply requirement. Ancillary accommodation does not require any additional car parking spaces and the existing dwelling complies with the deemed-to-comply requirement.
<b>Design of Car Parking Spaces</b> 5.3.4 of the R-Codes.	Compliant. The deemed-to-comply requirement is for car parking spaces and manoeuvring areas to be designed and provided in accordance with AS2890.1 (as amended).
<b>Vehicular Access</b> 5.3.5 of the R-Codes.	Compliant. Access to onsite car parking spaces have been provided. The driveways to the streets will not be narrower than 3m at the street boundary, and not closer than 500mm from a side lot boundary or street pole.
<b>Site Works</b> 5.3.7, Table 4 of the R-Codes.	N/A. There are no proposed changes to the existing site levels between the street boundary and the street, or in close proximity to any lot boundary.
<b>Stormwater Management</b> 5.3.9 of the R-Codes.	N/A. The proposal does not include any impervious surface treatments, roofed areas, or alter the natural ground levels.
<b>Visual Privacy</b> C5.4.1, Figure 10, 10a, 10b and 10c of the R-Codes.	N/A. No major openings are proposed, and retrospective compliance is not sought such that the deemed-to-comply requirement does not apply.
<b>Solar Access for Adjoining Sites</b> 5.4.2 of the R-Codes.	N/A. there is no residential zoned land located to the south of the subject site that may otherwise be impacted.
<b>External Fixtures, Utilities and Facilities</b> 5.4.4 of the R-Codes.	N/A. The proposal does not propose solar collectors, aerials, antennas, satellite dishes or other external fixtures. The subsequent installation of external fixtures is generally subject to further planning consent for heritage listed places.

<b><u>SCHEME/COUNCIL POLICY</u></b>	
<b>Policy Type</b>	<b>Assessment/Comment</b>
<b>Local Planning Policy 1 – Design and Streetscape</b>	The proposal is consistent with the policy intent for development to be responsive to the existing context and contribute positively to the prevailing streetscape.  The policy encourages single width crossovers to retain and protect green street verges and street trees. The proponent has been advised by the Manager of Infrastructure Services that the redundant section of the double crossover will need to be removed and the verge reinstated. The bituminous surface treatment of the crossover is non-compliant with the Shire’s Specifications for and should be resurfaced.

<b>Local Planning Policy 2 – Ecological Urban Design and Sustainability</b>	Subject to rationalisation of the crossover and reinstatement of the redundant section of crossover into the verge, the proposal is consistent with the policy intent to conserve areas of each site for urban green space and ecological purposes.
<b>Local Planning Policy 3 – Heritage Places</b>	<p>The proposal is consistent with the policy intent for alterations and additions to buildings on the Heritage List to meet the recommended guidelines of the Burra Charter without precluding a dwelling to be upgraded to meet modern living standards. There is a presumption against demolition and for development application to be accompanied by a report prepared by a heritage consultant detailing the work to be completed and their impacts on the heritage fabric of the building. The policy aligns with State planning policy 3.5 Historic Heritage Conservation and does not vary any deemed-to-comply requirements contained in the R-Codes.</p> <p>The proposed does not adversely impact the footprint of the property. The proposed respects the architectural form of the buildings era and does not adversely affect the significance of the place when viewed from the street.</p> <p>The heritage report was prepared by Alan Kelsall Architect and has determined that the works will <i>“create a clear, coherent and respectful relationship between the new wall and the heritage significance embodies in the fabric of the place and its setting”</i>.</p>
<b>Local Planning Policy 4 – Residential Building Heights</b>	N/A. The proposal does not seek to establish a new dwelling or alter the established building height of the current house.
<b>Local Planning Policy 5 – Plot Ratio</b> For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5	N/A The proposal does not alter the dwellings floorspace.
<b>Local Planning Policy 6 – Neighbourhood Consultation on Development</b>	<p>The policy intent is to advise affected landowners adjoining development sites in residential areas before they proceed, and to ensure neighbours are consulted on applications that rely on variations to the R-Codes and are afforded an opportunity to make written submissions on non-compliant aspects of the development.</p> <p>A 14-day advertising period to three (3) affected neighbours has concluded. There were no submissions received.</p>
<b>Local Planning Policy 8 – Construction Management Plans</b>	<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>The construction management plan will need to have specific regard to site access and pedestrian safety. The submission of a construction management plan will be addressed with a condition of development approval.</p>
<b>Local Planning Policy 9 – Development Bonds</b>	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>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>
<b>Local Planning Policy 10 – Design Review Panels</b>	N/A. The proposal does not meet the criteria to be considered by a Design Review Panel.
<b>Local Planning Policy 11 – Building on Side and Rear Boundaries</b>	N/A. No buildings or building additions are proposed on any boundary.
<b>Local Planning Policy 12 – Front Fences</b>	<p>The policy provides guidance on the circumstances and parameters whereby front fencing is able to be approved without causing detriment to the streetscape or the character of the neighbourhood or the loss of visibility of valued properties from the street such as heritage listed properties. An objective of the policy is to ensure front fencing to heritage places are of a complementary design, scale and materiality.</p> <p>The policy provisions state that solid sections of front fencing shall not exceed 900mm. Council may consider permitting a section solid to 1.8m for part of a front wall for the provision of utility meters. Furthermore, columns forming part of the structural support shall not exceed 2.1m. Notwithstanding that the policy refers to height above the mean natural ground level, it is not practical to apply this methodology for properties with significant crossfall. There is a precedence for front fence height to be measured from the natural ground level and for front fencing to step down in response to crossfall.</p> <p>The decorative capping of two (2) of the columns exceed the maximum 2.1m by 70mm. The remainder of the fence is compliant and in keeping with the heritage significance of the place. Solid sections do not exceed 889mm and the columns dimensions are compliant at 600mm x 600mm.</p> <p>The trivial variation sought to the policy provisions do not compromise the policy intent.</p>
<b>Vehicular Crossover Policy and Technical Specification</b>	<p>The Manager of Infrastructure Services has provided comment. The existing 5.9m wide bitumen vehicular crossover (excluding kerbing) which will need to be reduced in width to reflect the usable driveway width and the verge be reinstated. Bituminous crossovers are only permitted for commercial or industrial properties. The existing crossover should be resurfaced with an approved material and constructed to Shire specifications. Further plans will need to be submitted demonstrating the reconfiguration of the existing crossover and surface treatments compliant with the Shire’s Specifications.</p>
<b>Tree Management Strategy</b>	N/A. The proposal will not impact any street 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 proposed front fence has been assessed to partially satisfy the pertinent design principles, provisions and policy objectives of the state and local planning policy framework. The only element of the design not assessed as being compliant pertains to sight lines contained in the R-Codes.

Subject to the redundant section of the existing crossover being reinstated to verge and the remaining single crossover being resurfaced to a compliant surface (concrete or brick paving) the proposal will enhance the streetscape amenity and the front fencing maintain a connection between the heritage-listed dwelling and the street.

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. Where a proposal does not meet the deemed-to-comply provisions of the R-Codes and addresses design principles, the decision-maker is required to exercise judgement to determine the application.

The proponent has been engaged on numerous occasions by Shire officers to seek further justification or an alternative design response for the truncation of the front fence entry gate. The proponent has not pursued a design change. The proposal has thus been assessed on its merits.

Notwithstanding that vehicles are unlikely to exit the residence in forward gear or at speed due to the length and dimensions of the driveway, it is the officer assessment that a compelling case has not been put forward to set aside the design principles for sight lines. Approval of the current design would set an undesirable precedent, particularly for properties located in the immediate vicinity of schools, or where footpaths are likely to be heavily utilised. The design principles are - *Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, rights-of-way, communal streets, crossovers, and footpaths.*

It is recommended that the two (2) 600mm wide columns either side of the entry gate are recessed a minimum 1.5m within the property boundary to maintain unobstructed sight lines for vehicles exiting the property and for pedestrians. The precedence of other fencing in the street, or the need to remove or relocate a single juvenile exotic tree does not afford a higher level of safety than compliance with the acceptable development provision. The safety of pedestrians is of paramount importance and has been previously recognised by Council to be an area that planning staff should be endeavouring to ensure or improve compliance.

A condition of approval requiring the two (2) columns to be recessed 1.5m within the property boundary is a practical response to better align the otherwise compliant front fencing with the planning policy framework. It is also prudent that the approval conditionally requires amended plans to be submitted that confirm the design specifications associated with the removal of the redundant section of the double crossover and reinstatement into the verge, in addition to the timing of these works. The requirement of a development bond would additionally ensure the satisfactory completion of the works.

The proponent would retain the ability to challenge any condition of approval at the SAT.

Development Application DA2022/00004 is recommended for conditional Approval for the reasons articulated above.

Should Council be of the view that the resultant improvement to the streetscape amenity is sufficient grounds to exercise discretion and allow the columns either side of the driveway to remain on the property boundary it is suggested that condition 2a and advice note 3a be deleted, and an additional advice note be added to recognise that the Council has exercised its direction in relation to sight lines.

#### **OFFICER RECOMMENDATION/S – ITEM NO 8.1.1**

**That Council approves DA2022/00004 for a Front Fence at 1 (Lot 4) McNeil Street, Peppermint Grove in accordance with the submitted plans and application lodged on 2 February 2022 subject to the following conditions:**

- 1. The approved building works and layout shall not be altered without the prior written consent of the CEO.  
The development plans, as dated and stamped “approved” together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove are the “approved plans” as shall form part of the Development Approval.**
- 2. Prior to this permit having force or effect amended plans generally in accordance with the revised plans dated 11 November 2022 shall be submitted to the satisfaction of the CEO and endorsed. The amended plans shall have further regard to the following:**
  - a) Recession of the two (2) 600mm wide columns either side of the entry gate a minimum 1.5m within the property boundary to create unobstructed sight lines for vehicles and pedestrians.**
  - b) The removal of the redundant section of the double crossover and reinstatement into the verge.**
  - c) The design specifications including splays and revised permissible surface treatment for the retained single crossover.**

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

- 3. Within six (6) months of the commencement of works, or within three (3) months of the completion of the front fencing (whichever is the sooner) the redundant**

section of the double crossover shall be reinstated into the verge and lawn or an alternative permissible treatment applied to the reinstated section.

4. 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.
5. As part of the Building Permit application the applicant 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.

6. The construction works shall only occur between the hours of 7.00am and 7.00pm, Monday to Saturday, and not at all on Sunday 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.
7. All building materials, machinery, or vehicles remaining overnight must be stored or parked wholly within the development site and removed upon the completion of building works. Any variation to the above storage and parking arrangements must be identified in an approved Construction Management Plan or, the prior written consent of the CEO otherwise obtained.
8. 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. 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.
2. 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.
3. In respect to condition two (2) your attention is drawn to:
  - a. The deemed-to-comply provision C4.1 contained in the Residential Design Codes of Western Australia (Volume 1).

- b. The Shire of Peppermint Grove Crossover Specifications August 2012.**
  - c. Bituminous crossovers are not permitted for residential properties.**
- 4. 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.**
- 5. 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.**
- 6. The Shire does not warrant or exempt the applicant from civil claim arising from damage to private property and associated with the approved works.**
- 7. The prior written approval of CEO is required for the temporary closure of any footpath, road or laneway. Infrastructure Services can be contacted on 9286 8600 to discuss traffic management.**
- 8. 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.**
- 9. 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.**
- 10. 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](http://www.sat.justice.wa.gov.au) or by phoning 9219 3111 or 1300 306 017.**

8.1.2 Draft Local Planning Policy LPP5 – Plot Ratio

## URBAN PLANNING

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Draft Local Planning Policy 5 – Plot Ratio

Voting Requirement	:	Simple Majority
Disclosure of any Interest	:	Nil.
Previous Items	:	Item 9, 24 November 2020 Item 8.1.3, 22 September 2020
Assessing Officer	:	Mr J Gajic
Authorising Officer	:	Mr J. Gajic

### PURPOSE OF REPORT

To seek Council support to initiate advertising of Draft Local Planning Policy 4 – Plot Ratio (Draft LPP5).

### SUMMARY AND KEY ISSUES

- Local Planning Policy 5 – Plot Ratio (LPP5) was advertised on 1 October 2020 and adopted by Council on 24 November 2020. One submission was received that sought clarity on the calculation methodology.
- The ‘plot ratio’ calculation methodology contained in LPP5 varies that for ‘plot ratio area’ contained in the Residential Design Codes of Western Australia (R-Codes).
- Legal advice was obtained confirming the legitimacy of LPP5 and, specifically, the ability to vary the R-Codes calculation methodology.
- Information Sheet – Residential Development (Information Sheet) was recently prepared and published on the Shire’s website to capture the nuances of the local planning policy framework and to articulate how planning officers are interpreting these nuances.
- Alignment between the Information Sheet and LPP5 is proposed to be improved and the calculation methodology better articulated through the revisions contained in the Draft LPP5.
- Although the proposed revisions to LPP5 are predominantly administrative and will provide greater clarity and remove anomalies associated with the plot ratio calculation methodology, they are not considered minor for the purposes of negating the need for advertising.
- The Department of Planning, Lands and Heritage (DPLH) have confirmed that the Western Australian Planning Commission (WAPC) is not required to approve the draft

amendments to LPP5 as they do not amend or replace deemed-to-comply provisions set out in Part 5 of the R-Codes volume 1.

## **BACKGROUND**

Plot ratio has been a feature of the Shire’s planning schemes for over sixty years and has contributed to the amenity of the area and defined the character of the streetscapes by controlling bulk and scale of development.

Clause 32(1) of Local Planning Scheme no. 4 (LPS4) introduces the additional site development requirement for R10, R12.5, R15 and R20 Coded areas to have a maximum plot ratio of 0.5 unless otherwise determined by the local government.

LPP5 has been developed to provide a context as to the intent of the application of plot ratio and the methodology to assess the bulk and scale of development. The methodology for calculating plot ratio varies from the methodology for calculating plot ratio area contained in the R-Codes. Furthermore, the R-Codes volume 1 does not apply plot ratio area to residential development other than ancillary accommodation and aged or dependent persons dwellings.

## **CONSULTATION**

Council was briefed on the practical application of LPP5 and the legal advice obtained confirming to its legitimacy following the November 2022 Agenda Briefing Session. Recommended revisions to LPP5 were flagged at this time.

Information Sheet – Residential Development was subsequently developed with input from Councillors in October 2022.

Draft LPP5 is required under Schedule 2, Part 2, Division 3, Clause 4(2) of the Deemed Provisions to be advertised for a period not less than twenty-one days.

Notwithstanding that the approval of the WAPC is not required, notification of the proposed policy to the DPLH is required given LPP5 is inconsistent with state planning policy 7.3 (the R-Codes).

A further officer report will be prepared having regard to any submission(s) received during the advertising period.

## **STRATEGIC IMPLICATIONS**

There are no strategic implications evident at this time.

## **LOCAL PLANNING POLICY IMPLICATIONS**

The proposed revisions to LPP5 do not directly or adversely impact on other local planning policies.

## **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 application of plot ratio to single dwellings is unique to the Shire of Peppermint Grove's local planning policy framework. As such, it is a requirement that is often overlooked or incorrectly calculated by proponents when preparing development applications. The recent introduction of the Information Sheet – Residential Development has improved the ability for proponents to identify the nuances of the Shire's local planning policy framework in a single document and how planning officers interpret scheme and policy provisions.

LPP5 does not distinguish between habitable or non-habitable spaces and is, with few exceptions, less generous in its application of deductions (areas that do not contribute to the calculation of plot ratio). The Draft LPP5 does not seek to overhaul the methodology pertaining to calculating plot ratio, but rather clarify how and when the methodology is practically applied. Anomalies and grammatical errors have also been corrected, and defined terms contained in the R-Codes introduced where practical.

Key revisions to LPP5 are summarised as follows:

- Additional planning objective inserted acknowledging that plot ratio contributes to housing diversity.
- Background section renamed context and further explanation provided as to the policy scope and replacement of the plot ratio area calculation methodology contained in the R-Codes.
- Plot ratio calculation methodology clarified to remove ambiguity around basement exemptions by clarifying what constitutes being *entirely underground*.
- Consistent with current practice, deductions afforded to garages extended to carports, deductions for stairwells extended to lift shafts, deductions for basements extended to cellars, deductions for verandahs and balconies extended to patios, porches and gate houses.
- Structures not included under the definition of a *building* for the purposes of contributing to plot ratio identified.
- HVAC plant rooms better articulated and qualifiers introduced to ensure the stated function is reflected by their design (no natural light, mechanical ventilation only).
- Clarification as to when the alternative R-Codes plot ratio area methodology should be applied.

Revisions to LPP5 has been identified as a priority and forms part of a broader review of local planning policy review.



Following assessment of any submission(s) received during the twenty-one (21) day advertising period the Draft LPP5 may be further revised before being brought back to Council. Council will then be requested to proceed with the revised policy with or without further modifications, or can resolve to not proceed with the policy. Should the Council resolve to proceed with the policy a further public notice will be published confirming adoption.

## **FURTHER INFORMATION**

The Draft Policy is proposed to be advertised with additional modifications to the exclusion and thresholds table. The additional modifications simplify wording pertaining to the criteria for a basement to be excluded, and to remove the row referencing the total of possible exclusions. Attachment 1 to this report reflects these modifications.

### **OFFICER RECOMMENDATION/S – ITEM NO 8.1.2**

**That Council directs the CEO to initiate advertising of Draft Local Planning Policy 5 – Plot Ratio in accordance with the procedures contained in Schedule 2, Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.**



## **8.2 MANAGER INFRASTRUCTURE**

### **INFRASTRUCTURE**

NIL

## 8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

### CORPORATE

#### 8.3.1 List of Accounts Paid- December 2022 and January 2023

#### ATTACHMENT DETAILS

<b>Attachment No</b>	<b>Description</b>
<b>Attachment</b>	<b>Accounts Paid – December 2022 &amp; January 2023</b>

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

#### PURPOSE OF REPORT

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

#### SUMMARY AND KEY ISSUES

Significant payments in December 2022 & January 2023 included the following:

- LGIS Property Scheme Protection Premium
- ATO Pay as you go Tax
- Superannuation
- WMRC

#### BACKGROUND

The Attachment lists detail all payments made in December 2022 and January 2023. The following summaries credit card payments, electronic fund transfers and direct debits included in the list presented for information.

DECEMBER PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	497-501	\$485,570.95
Direct Debits	0378-385	\$7,803.84
Credit Cards – November 2022		\$11,195.14
<b>TOTAL</b>		<b>\$504,569.93</b>

JANUARY PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	502-505	\$ 278,197.01
Direct Debits	0386-0391	\$ 6,927.59
BPAY	292-295	\$ 931.30
Credit Cards – December 2022		\$ 12,240.49
<b>TOTAL</b>		<b>\$298,296.39</b>

## **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 are provided to Council for information purposes and in accordance with the delegation to the CEO.

## **OFFICER RECOMMENDATION/S – ITEM NO. 8.3.1**

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

- 1. Electronic funds transfers, cheque and direct debit payments for the month of December 2022 and January 2023, totalling \$779,430.69**
- 2. Credit Card payments for November 2022 and December 2022 totalling \$ 23,435.63.**

8.3.2 Financial Management Statements for the period ended the 31 December 2022

## CORPORATE

Attachment No	Details
Attachment	Financial Statements for the period ended 31/12/2022

Voting Requirement	:	Simple Majority
Subject Index	:	Financial Statements- 2022/23
Disclosure of Interest	:	Nil
Responsible Officer	:	Michael Costarella

### PURPOSE OF REPORT

To receive the financial statements for the period ended 31 December 2022.

### SUMMARY AND KEY ISSUES

During the period of ended the 31<sup>st</sup> December 2022, with the levying of the rates and refuse charge, there is a large surplus shown in the Consolidated Income Statements.

### BACKGROUND

The Monthly Financial Statements are prepared in accordance with the requirements of the Local Government Act & Financial Management regulations and are presented to Council for information.

Overall, there is a 1.8% (less) variance between the operating year to date budget and year to date actuals. This is mainly attributed to total rates income included as well as less than expected employee costs and materials and contractors.

### 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 shows a large surplus that is attributed to the levying of the Rates and Refuse Charges. This surplus is drawn down through the financial year.

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. This is attributed to projected monthly cash flow not reflecting actual expenditure. There is no impact on the budget anticipated.

- Contributions & Donations-\$94,000

The amount is less than the expected year to date budget as there are capex project for the Grove Library that were anticipated to be completed.

- Interest Earnings- \$47,000

The amount relates to interest earned on investments and instalment plans for rates levied. The Interest receives also includes \$24,999 for Reserve funds invested until the 29 December 2022. Reserve Funds have been reinvested until the 30 January 2023 at an interest rate of 3.05%. Total Reserve funds now total \$1,696,204.- see page 13 for details.

- Fees & Charges-\$62,000

The amount is less than the expected year to date budget and relates to development applications and building fees.

- Employee Costs- \$50,000

The amount is less than the expected year to date budget as the employee costs budget was distributed evenly over 12 months. This will correct itself at the end of the financial year.

- Contract & Materials- \$185,000

The amounts are less than the expected year to date budget for the following accounts: -

○ Materials & Contracts	\$65,000
○ Consultancies	\$90,000
○ Building Maintenance	\$28,000
○ Other	\$2,000

Investment of Municipal and Reserve Funds- as at 31 December 2022.

The Shire has funds 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	1,696,205	30/6/2022	30/1/2023	32	3.05%	\$4,535.61
Reserves Interest Receivable						\$4,535.61
Municipal PFA Acc	\$1,515,419	ON CALL			1.58%	\$3,841.06
Municipal Interest Received						\$3,841.06

**OFFICER RECOMMENDATION/S – ITEM NO. 8.3.2**

That Council receives the financial report for the period 1 July 2022 to 31 December 2022.

### 8.3.3 2022/23 Budget Review

## CORPORATE

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
	2022/23 Budget Review

Voting Requirement	:	Absolute Majority
Subject Index	:	2022/23 Financial Management
Responsible Officer	:	Michael Costarella, Manager, Corporate & Community Services
Disclosure of Interest	:	No Conflict of Interest

### PURPOSE OF REPORT

To consider and adopt a revised budget for the 2022/23 Financial year.

### SUMMARY AND KEY ISSUES

- The 2022/23 annual budget review builds upon the adopted budget in the current financial year.
- The review has been undertaken and following a number of amendments the closing surplus has decreased from to \$30,295 to \$20,940.

### LOCATION

N/A

### BACKGROUND

Staff have revised the income and expenditure of the 2022/23 adopted budget to provide for amendments that will reflect the amounts required by the 30 June 2023.

A comprehensive list of the changes is included (pages 6) in the 2022/23 Budget Review document.

### CONSULTATION

Consultation with senior officers has been 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**

*Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires:*

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
- (2) Consideration and review is to be given to a local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year.*

## **FINANCIAL IMPLICATIONS**

The proposed variations to the 2022/23 budget are included as an attachment.

The original 2022/23 budget forecast a surplus at 30 June 2023 of \$30,295. The proposed net variations totalling \$9,355 has decreased the Closing Surplus to \$20,940.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Staff have undertaken a major review of each account to ensure that funds are required until the 30 June 2023.

Whilst there maybe changing circumstance, staff believe that the changes that have been made are achievable and appropriate.

Although there have been some changes to the 2022/23 budget amounts, the major increase to the surplus relates to the opening surplus carried forward. This was increased from \$291,000 to \$343,000 following the 2021/22 final audit.

## **OFFICER RECOMMENDATION/S – ITEM No. 8.3.3**

**That Council adopts the revised 2022/23 financial year budget.**



8.3.4 Financial Management Statements for the period ended the 31 January 2023

## CORPORATE

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 31/11/2023

Voting Requirement	:	Simple Majority
Subject Index	:	Financial Statements- 2022/23
Disclosure of Interest	:	Nil
Responsible Officer	:	Michael Costarella

### PURPOSE OF REPORT

To receive the financial statements for the period ended 31 January 2023.

### SUMMARY AND KEY ISSUES

During the period of ended the 31<sup>st</sup> January 2023, with the levying of the rates and refuse charge, there is a surplus shown in the Consolidated Income Statements.

### BACKGROUND

The Monthly Financial Statements are prepared in accordance with the requirements of the Local Government Act & Financial Management regulations and are presented to Council for information.

Overall, there is a 1.8% (less) variance between the operating year to date budget and year to date actuals. This is mainly attributed to total rates income included as well as less than expected employee costs and materials and contractors.

### 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 shows a surplus that is attributed to the levying of the Rates and Refuse Charges. This surplus is drawn down through the financial year.

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. This is attributed to projected monthly cash flow not reflecting actual expenditure. There is no impact on the budget anticipated.

- Contributions & Donations-\$96,000

The amount is less than the expected year to date budget as there are capex project for the Grove Library that were anticipated to be completed.

- Interest Earnings- \$56,000

The amount relates to interest earned on investments and instalment plans for rates levied. The Interest receives also includes \$29,000 for Reserve funds invested until the 31 January 2023. Reserve Funds have been reinvested until the 30 May 2023 at an interest rate of 4.10%. Total Reserve funds now total \$1,700,740.- see page 13 for details.

- Fees & Charges-\$96,000

The amount is less than the expected year to date budget and relates to development applications and building fees.

- Employee Costs- \$60,000

The amount is less than the expected year to date budget as the employee costs budget was distributed evenly over 12 months. This will correct itself at the end of the financial year.

- Contract & Materials- \$195,000

The amounts are less than the expected year to date budget for the following accounts: -

○ Materials & Contracts	\$77,000
○ Consultancies	\$78,000
○ Building Maintenance	\$37,000
○ Other	\$ 3,000

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

The Shire has funds 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	1,700,740	30/1/2022	30/5/2023	32	4.10%	\$ 22925.00
Reserves Interest Receivable						\$22,925.00
Municipal PFA Acc	\$1,519,604	ON CALL			1.58%	\$4,185.04
Municipal Interest Received						\$4,185.04

**OFFICER RECOMMENDATION/S – ITEM NO. 8.3.2**

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

## 8.4 CEO MANAGEMENT/GOVERNANCE/POLICY

### 8.4.1 Mode of Election & Appointment of Returning Officer - 21 October 2023

#### MANAGEMENT/GOVERNANCE/POLICY ATTACHMENT DETAILS

##### ATTACHMENT DETAILS

Attachment No.	Details
Voting Requirement	Absolute Majority Election 2023
Subject Index	Election 2023
Location/ Property Index	N/A
Disclosure of any Interest	NIL
Responsible Officer	CEO

##### PURPOSE OF REPORT

Council's consideration of the mode of election at the 2023 Ordinary Local Government Election on 21 October 2023.

##### SUMMARY AND KEY ISSUES

- Notification of the 2023 Ordinary Election to be held on the 21<sup>st</sup> October 2023
- Appointment of the Western Australian Electoral Commission (WAEC) to the position of Returning Officer for the Election.

##### BACKGROUND

Council has previously resolved to have postal voting as the mode of election in previous elections, whereby the WAEC appoints a returning officer for all aspects of the election.

There are a number of reform amendments to the Local Government Act and correspondence has been received by the Minister for Local Government on the 3rd February 2023.

It should be noted that none of the reform amendment affect the Shire of Peppermint Grove.

##### 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**

Local Government Act 1995 Section 4.20(5) Local Government (Election) Regulations.

## **FINANCIAL IMPLICATIONS**

The WAEC has advised that the cost of the election is \$17,000. This will be include in the 2023/24 budget.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

Council has resolved to hold the Ordinary Local Government Elections by postal vote for past elections. The postal voting mode has traditionally attracted a higher voter turnout than in person elections. The WAEC provides an impartial service which removes Council staff from the process and which includes all advertising and administration.

Council is required under the Local Government Act 1995 formally appoint the Electoral Commissioner to conduct the election and for the election to be by postal vote.

Correspondence received from the Minister for Local Government, states that there are a number of reforms to the LG Act relating the Elections.

These reforms include several measures to strengthen local democracy and increase community engagement, including new requirements for:

- the introduction of optional preferential voting for all local government elections;
- directly-elected Mayors and Presidents for all Band 1 and 2 local governments;
- the abolition of wards for all Band 3 and 4 local governments; and
- aligning the size of councils with the size of the population of each district

The reforms will also include related new changes for the backfilling of vacancies, including:

- in the event that a member of the council is directly elected as the Mayor or President, the consequent vacancy can be filled by the next highest-polling candidate through the relevant district or ward council election held on the same day;
- if a vacancy arises within one year of a council member being elected at an ordinary election, that vacancy may be filled by the next highest-polling candidate; and
- the timeframes for which certain vacancies can remain unfilled ahead of an upcoming ordinary election will also be extended.

Council also has the options of appointing the CEO as the Returning Officer and purchasing the CountWA software to conduct the Election.

**OFFICER RECOMMENDATION/S – ITEM No. 8.4.1**

**That Council requests that the WAEC be responsible for the 2023 Local Government Elections, and:**

- 1. Declares, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required; and**
- 2. Decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.**

## 8.4.2 Matters for Information and Noting

### **DETAILS**

<b><u>Attachment</u></b>	<b><u>Description</u></b>
<b>Attachment refers to</b>	<b>Building/Planning Statistics Infringements Issued Library Statistics Recycling Statistics</b>

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information December 2022 and January 2023
Disclosure of Interest	:	Nil
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 issues
- Demolition permits issues
- Seal register advising of when the Shire seal has been applied
- Infringements for parking and dogs etc
- Recycling Statistics
- Library Statistics

### **SUMMARY AND KEY ISSUES**

The following reports are presented to Council on 28 February 2023

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

## **CONSULTATION**

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

### **OFFICER RECOMMENDATION/S – ITEM NO 8.4.2**

**That Council receives the information in this report.**



## 9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

### 9.1 Lord Mayor’s Distress Relief Fund – Kimberly floods

#### ATTACHMENT DETAILS

<u>Attachment</u>	<u>Description</u>
Attachment	Nil

Voting Requirement : Simple Majority  
Subject Index : Nil  
Disclosure of Interest : Nil  
Responsible Officer : Mr Don Burnett, Chief Executive Officer

#### **PURPOSE OF REPORT**

Council to consider donating to the Lord Mayor’s Distress Relief Fund for the Kimberley Floods.

#### **SUMMARY AND KEY ISSUES**

Destruction across the Kimberley region caused by the flood emergency, has led to the activation of the Lord Mayor’s Distress Relief Fund.

#### **BACKGROUND**

Residents in the Kimberley are experience a one-in-100 year flood event, the most devastating flooding in WA History. The clean-up of the region from this natural disaster is expected to be complex and costly.

#### **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.

#### **OFFICER COMMENT**

The Lord Mayor Distress Relief fund has been launched in view of the devastation caused by the recent floods in the Kimberley. There has been substantial damage to local government infrastructure, the road/bridge network and private homes and property.

**OFFICER RECOMMENDATION/S – ITEM NO 9.1**

**That Council:**

- 1. Donate an amount of \$3,000 to the Lord Mayors Distress Relief Fund for the flood emergency; and**
- 2. Fund the amount from account 38250 - Donations.**

**10. MOTIONS ON NOTICE**

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

**11. CONFIDENTIAL ITEMS OF BUSINESS**

**12. CLOSURE OF MEETING**

At\_\_\_pm, there being no further business the meeting closed.