



Shire of  
**Peppermint Grove**

## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**TO BE HELD ON**  
**TUESDAY 28 MAY 2019**  
**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 MAY 2019**, commencing at 5.30 pm.

Yours faithfully



Don Burnett  
**CHIEF EXECUTIVE OFFICER**

**24 MAY 2019**

## **MEETING AGENDA ATTACHED**

### ***DISCLAIMER***

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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 read 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 the efficient, effective and orderly decision making within this forum.***

**2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE****2.1 ATTENDANCE**

Shire President  
Deputy Shire President  
Elected Member  
Elected Member  
Elected Member

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

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

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

**Gallery**    \_\_\_\_\_ Members of the Public  
                  \_\_\_\_\_ Members of the Press

## **2.2 APOLOGIES**

## **2.3 LEAVES OF ABSENCE**

Cr Greg Peters

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

Shire President Rachel Thomas has requested a Leave of Absence from 29 May until 24 June 2019.

## **3 DELEGATIONS AND PETITIONS**

### **3.1 DELEGATIONS**

NIL

### **3.2 PETITIONS**

NIL

#### **4 PUBLIC QUESTION TIME**

The Presiding Member will open the public question time by asking the gallery if there were any questions or deputation for Council.

- The Agenda
- Question to Council and
- Deputation Forms

Have been placed at the end of the Council Meeting table in front of the public gallery, for the public, as well as on the Shire Webpage.

#### **Rules for Council Meeting Public Question Time**

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

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

NIL

#### **4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

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

## **5 DECLARATIONS OF INTEREST**

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

### **5.1 FINANCIAL INTEREST**

*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.*

*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.*

### **5.3 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 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

## **7 CONFIRMATION OF MINUTES**

### **OFFICER RECOMMENDATION**

#### **7.1 ORDINARY COUNCIL MEETING 23 APRIL 2019**

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 23 April 2019 be confirmed as a true and accurate record.

## 8 OFFICER REPORTS

### 8.1 MANAGER DEVELOPMENT SERVICES

#### 8.1.1 New Music Centre at Presbyterian Ladies College (PLC) – 14 McNeil Street

#### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Location Map
Attachment 2	Copy of DAP Responsible Authority Report

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	Lot 55 & 56 14 McNeil Street, Peppermint Grove
Application Index	:	DA2019/00006
LPS No 4 Zoning	:	Private clubs, institutions, and places of worship
Land Use	:	Educational Institution
Lot Area	:	Lot 55: 1589m <sup>2</sup> Lot 56: 1457m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Allerding and Associates
Owner	:	Presbyterian Ladies College
Responsible Officer	:	Manager of Development Services – Mr. Ross Montgomery

#### COUNCIL ROLE

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

## **PURPOSE OF REPORT**

Council is requested to consider the proposed development at Presbyterian Ladies College (PLC) for a new music centre.

## **SUMMARY AND KEY ISSUES**

- The proposed new development exceeds maximum allowable height for land zoned private clubs, institutions, and places of worship.
- The proposal is to be assessed by the Metro West Joint Development Assessment Panel (JDAP).
- As the responsible authority the Shire is required to submit a Responsible Authority Report to the JDAP as a part of the decision process.

## **LOCATION**

14 McNeil Street (Lots 55 and 56), Peppermint Grove

## **BACKGROUND**

The proposed development of a new music centre at 14 McNeil Street is located on the grounds of the Presbyterian Ladies College (PLC). The need for a new music centre has been included in the schools' long-term plan and was identified as a priority in the Masterplan produced by Parry and Rosenthal Architects in 2017.

The development is located immediately adjacent to the junior school on lots 55 and 56. The heritage listed building Finlayson house abuts the new building and will be connected to it. As a part of the redevelopment, there will be a partial demolition of previous additions to Finlayson House (Heritage Listed) to accommodate the new music centre. The works will not detract from the heritage value of Finlayson House.

The school music curriculum has been located in Finlayson House for a number of years, but this activity was relocated last year to several demountable buildings installed on the schools' basketball courts for a short-term occupation during the period required to build the new music centre.

## **CONSULTATION**

The development was advertised to single residential properties on the opposite side of McNeil Street to the proposed sites (Lot 55 and 56). Letters were hand delivered by Shire staff on the 17<sup>th</sup> of April 2019 and owners of the properties were invited to view plans and respond within 14 days.

### **Plans Advertised To**

17 McNeil Street	25 McNeil Street
19 McNeil Street	27 McNeil Street
21 McNeil Street	29 McNeil Street
23 McNeil Street	

<b>Address</b>	<b>Response</b>	<b>Shire Comment</b>
25 McNeil Street	Do not have any problems with the height of the building but would be concerned about trucks etc. in McNeil Street we already have the school traffic. Spoken to PLC and they indicated that they would have all the construction traffic within the school grounds. I would be interested in seeing their traffic plans.	Respondent was informed that as a part of an Approval the applicant would be required to submit a Site Development and Site Access Management Plan. This would address the issue raised.
23 McNeil Street – Rowe Group representing the owner	Rowe Group responded to the plans on behalf of the owner. The response is mainly based around the excess height and concern the terrace is overlooking into their client's front yard and master bedroom.	<p><b>1.</b> Respondent quotes a maximum height of 10.83m for the proposed development which is not correct. It was explained that from McNeil Street the development is partially hidden and from the visible ground floor to the roof pitch the height would be perceived as 10.83m. However, total building height is approximately 12.1m which is 2.1m above the LPS 4 height. Detailed explanation of the method of calculation for height included in the Officer Comment of the Report</p> <p><b>2.</b> Respondent states issues with overlooking into their front yard and master bedroom from the balcony on the top floor. Front yards are visible from the street, and there is partial screening of elevated views by existing trees, and the proposed development is located on the other side of McNeil street.</p>

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident.

## **POLICY IMPLICATIONS**

### Local Planning Policy 1 – Urban Design and Streetscape Policy

- The Shire of Peppermint Grove places a high value on protecting its tree-lined streets which provide arcaded views towards the river and a treed skyline. New development should respect the current streetscape and address the street with urban greenspace, trees and with a setback in accordance prevailing LPS 4 requirement.
- The music centre is a larger scale than the large single houses on the opposite side of the street however it will complement the current assembly of multi-storey school buildings distributed across the campus and along McNeil Street.
- The height of the building proposed is slightly taller to the adjacent school buildings but of equivalent scale and size.
- The Applicant has committed to restore external features and garden finishes of Finlayson House following the construction of the music centre. This will improve the streetscape address of the property. The music centre will have a landscaped edge to McNeil Street.
- Once Finlayson House has been returned to a residential style this will terminate the street presentation of institutional school buildings, which together with heritage listed Scorgie House will return a residential scale to the intersection of McNeil and View Street.

### Local Planning Policy 3 – Heritage Places

- The music centre will create a linked but visually separate edge to differentiate between the old and the heritage parts of the campus.
- Finlayson House is a heritage listed property which abuts the proposed building. Applicant has committed to restore Finlayson House which will return this intersection to reflect the single residential scale which characterises most of McNeil Street.
- Finlayson House is listed in the Shire of Peppermint Grove heritage list. Abutting development should respect the heritage aesthetics and values. Any demolition proposed should retain and enhance the integrity of the original house and connection to the new music centre should make a clear definition between the old and the new.
- In this respect the Application proposes that only later additions will be removed which are not of heritage significance. A listed garden pavilion will be relocated into a nearby landscaped site which maintains its heritage context as a garden structure.

## **STATUTORY IMPLICATIONS**

### **Local Planning Scheme No.4**

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

<b>LOCAL PLANNING SCHEME NO. 4</b>		
	<b>Scheme Requirement/Clause</b>	<b>Assessment/Comment</b>
1.	C.32 (1) Maximum height of building for areas zoned Private Clubs, Institutions and places of worship: The lesser of 10 metres or half of the horizontal distance measured from the mean natural ground level of the nearest adjoining land boundary in a residential zone and the vertical line of the highest point of the building.	The proposal exceeds the prescribed Scheme maximum height but the disposition of the height is away from the McNeil St edge and so this design considers ways to reduce the visual impact to the street. Local Planning Scheme 4 provides some ambiguity as to how the height should be measured from the mean natural ground level and with respect to residential properties – which in this case are separated by a road. Further clarification to be provided in the officer comment.
1.	C.32 (1) Maximum site coverage to be 0.5.	Proposal distributes the development over two lots (55 & 56) to achieve LPS 4 site coverage target. The proposal is only compliant when the site coverage is calculated across the two lots.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

The application proposes a large institutional building designed to complement adjacent buildings and respect the residential streetscape on the opposite side of McNeil Street. The setback from McNeil Street is 6.4m and the building places one floor below the street level to minimise the height as perceived from the street.

The street setback area is to be landscaped to reflect the garden streetscape of trees and open views. Although the building occupies the entire span of the street frontage between the School and Finlayson House – it has been designed to repeat and re-interpret the rhythm of school buildings along the southern side of McNeil Street and reflects landscape themes from the residential aspects of the street.

The use of a minimal edging to the footpath and sunken garden echoes the residential character elsewhere along the street.

The Scheme provides Council with the power via Clause 34 to grant variation to Scheme design requirements but only after consulting with those neighbouring properties likely to be affected by the design variation.

The two design aspects where the proposal seeks variation are:-

- Building height in excess of 10 metres; and
- Site coverage to exceed 0.5 for the lot on which the building is proposed.

Assessment of the building height recognises the impact of the height has been attenuated due to the upper storey being setback further from the street (extra setback of 2.87m from the front façade to McNeil Street). This will mitigate much of the height impact by recessing the top edge of the roof when viewed from the street. The roof when viewed from the opposite side of the street is likely to be screened by the mature street trees.

There are presently no long views available from the opposite side of McNeil Street to the south and beyond the current roof line of buildings and so the new roof line will not alter this outlook or curtail views.

#### Submissions

One submission received by the Shire is prepared by a planning consultant and lodged on behalf of a resident opposite the development. This raises several concerns, a few of which are outside the ambit of the Scheme and those design aspects where discretion being sought. They raise the additional height of the building above 10 metres claiming this results in the terrace overlooking across the street into the front of the home.

Regardless of the building height – a terrace or other outlook would be towards the street and so the issue of privacy of a street setback area and street-facing windows when covered by the R-Codes is not sustained. The concern is not strictly related to the increased building height because there could as easily be this same outlook from a compliant structure.

Currently there are multi-storeyed school buildings which overlook the street and so the proposed music centre is not likely to increase or add to the extent of overlooking. The design of the terrace is such that it looks out and up, it does not focus views down onto either the street or properties opposite. The elevation of houses towards a public street diminishes the case for privacy being breached and does not warrant the refusal of variation to allow the additional building height.

Other submissions received are generally supportive of the application and design. In considering the variation to the Scheme, the Council must form the opinion that any of the detrimental impact claimed is likely to occur due to the increased height. It must also take account that the proposed overlooking is excessive or increases any current overlooking potential from the current school buildings. The terrace is recessed from the façade of the building and is not designed for downwards views.

The site coverage can meet the LPS 4 provided the site area of the combined Lot 55 and 56 are used to calculate this design measure and so variation is not required.

Because the application does not meet site cover requirements of the Scheme unless the area of the two lots is combined (55% Vs 46%) it is reasonable and necessary to require the amalgamation of lots so that the building is built compliant with Scheme standards. Mindful of any future redevelopment the amalgamation will prevent development of the campus beyond the standards of LPS 4.

The Application is recommended for Approval subject to conditions because it presents a contemporary and considered design response to introducing a new music school centre into the PLC campus. The setback from McNeil St and landscaped garden street frontage will provide an appropriate streetscape for the area. The height of the building is set well back from the street and will not impact opposite houses. Amalgamation of lots will resolve site coverage to be within LPS 4 requirements.

It is recommended to present the attached Report to the JDAP requesting the Application be approved subject to conditions.

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

**Council resolves to note the officer report to the Joint Development Assessment Panel (JDAP) for information. (Attachment 2).**



**8.1.2 48A View Street - New single storey additions to single house and outbuilding**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 1</b>	Location Map
<b>Attachment 2</b>	Development Application Plans
<b>Attachment 3</b>	Checklist Assessment
<b>Attachment 4</b>	Area Schedule
<b>Attachment 5</b>	Revised Plans

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	48A View Street, Peppermint Grove
Application Index	:	DA2019/00010
LPS No 4 Zoning	:	Residential - R-12.5
Land Use	:	Residential
Lot Area	:	1348m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Philippa Mowbray Architects
Owner	:	Mrs Yvonne Burns
Responsible Officer	:	Manager of Development Services – Mr. Ross Montgomery

**COUNCIL ROLE**

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

## **PURPOSE OF REPORT**

Council is requested to consider the proposed additions and alterations to a single house at 48A View Street Peppermint Grove. The house is listed in the heritage list and is contained within the Municipal Heritage Inventory (Management Category 2). The application requires a formal planning assessment subject to Design Principles pathway of the R Codes.

The additions consist of a single storey addition, a glazed roof veranda at the rear and a pool house/studio at the rear.

## **SUMMARY AND KEY ISSUES**

- Application proposes new single storey additions at the front, side and rear of the single house. There is also a pool house/studio at the rear of the property. The application proposes a design which requires a variation to the LPS 4/R Codes with respect to reduced boundary setbacks.
- New outbuilding being built up to the boundary on the Southern edge, adjacent to an existing parapet wall at 50 View Street.
- Proposed wall on the northern edge of development encroaches into the R Code minimum setback and requires a design principles assessment.
- 48A View Street is a Heritage Listed Property valued for its streetscape presentation.

## **LOCATION**

Rear 48A View Street, Peppermint Grove

## **BACKGROUND**

The house at 48A View Street is included on the Shires Heritage List and is a management category 2 listing in the Municipal Heritage Inventory. The application proposes a partial demolition on the ground floor at the rear of the house, with most of the work at the side and the rear. A glass conservatory will be affixed to the front of the house replacing the current windows which repeat the form and geometry of other street windows, and they are a feature of the façade elevation.

48 View street (to the north) is also a heritage listed property and the proposed works are located away from the property, and so the effects on the heritage aspect of neighbouring properties is negligible.

## **CONSULTATION**

The Shire contacted neighbouring properties on the 17 April 2019 informing them of the proposed works at 48A View Street and inviting them to view the plans. No formal comments have yet been received as a part of that consultation process.

Prior to the submission of plans the owner approached neighbours at 48 and 50 View Street to seek their endorsement of the plans. Each neighbour was presented with the proposed

floor plans and elevations which highlighted the relevant areas of non-compliance. The Applicant states that both neighbours had no issues with the plans, with the owner at 48 View Street providing signed copies of the plans submitted by the applicant.

### **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident.

### **POLICY IMPLICATIONS**

The house at 48A View Street is heritage listed, therefore Local Planning Policy 3 – Heritage Places needs to be considered. The Heritage Management Category 2 (MHI) contemplates that some modifications can be considered subject to retention of heritage features, Most of the proposed additional development is situated at the rear of the property and is therefore unlikely to affect the heritage presentation to View Street. The five policy criteria areas are satisfied, however the addition of a glass conservatory and removal of a feature window at the front of the property call for judgement about Category 2 impact.

### **STATUTORY IMPLICATIONS**

#### **Local Planning Scheme No.4**

The proposal complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies (refer to checklist), however the following boundary setback issues require the special consideration from the Council.

<b><u>RESIDENTIAL DESIGN CODES</u></b>	
<b>Acceptable Development/Performance Criteria (required)</b>	<b>Assessment/Comment</b>
<b>1.</b> 1.5m setback for 10m wall between 3.5m and 4m tall (Table 2a R-Codes).	The proposed wall is setback 1.1m from the lot boundary on the northern side. This setback keeps the wall in line with other parts of the building. The wall is part of the single storey additions, with a second storey on top which is stepped back. The new wall has no major openings and is unlikely to impact the neighbouring house.
<b>2.</b> Rear setback of 6m (Table 1 R-Codes)	The proposed pool house/studio is setback in line with the existing garage on the lot (approximately 2m from the lot boundary). The construction of the pool house will completely close the view to the R.O.W from the rear of the lot, however a screen wall or fence would also do this. There is no opening in the wall facing the R.O.W. and given the 2m setback from the lot boundary matches the garage this structure would not impact the R.O.W.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident.

### **SOCIAL IMPLICATIONS**

There are no social implications evident.

### **OFFICER COMMENT**

The proposal to build additions will update a heritage listed house by adding 117m<sup>2</sup> of floorspace in a single storey addition. The overall floor area of the premises is quoted to be 0.47 which is less than the 0.5 plot ratio limit in the Scheme.

The outbuilding is a pool-house/studio which will provide toilet and change facilities next to the swimming pool.

The street presentation of the house is altered by the proposal, to add a glass conservatory to the front gable in the place of an original feature window. This modification will remove and disrupt the rhythm of windows and will detract from the attractive street presentation of the house which presents as an intact inter-war original.

The front glass conservatory is not supported because it detracts from the street presentation of the house and heritage features of the house. There has been no heritage architect assessment provided of impact on the heritage aesthetic of the house.

The design of the rear additions reconfigure and enlarge internal rooms to provide an open flow rather than the separated smaller rooms typical of the era of the house. They update the house to meet the needs of the current owners. The interior work has not been assessed by a heritage architect, however original interior features which may be removed or altered should first be assessed by a heritage interiors architect and where possible re-integrated into proposed work.

The requested reduction of side boundary setback to 1.1m relates to a new 10 m long wall with no major openings which according to the R codes requires a 1.5m setback.

A variation to that section of the wall is unlikely to raise an impact on the abutting house and the work is not visible from the street. This variation is supported.

The reduction of the rear setback from 6m to 2m for the pool house/studio is significant, however there is no opening onto the R.O.W. and the result will provide adequate separation from the swimming pool and the setback proposed matches the current setback of the rear garage. The side boundary wall butts up against an existing garage at 50 View Street and would have no impact. This variation is therefore supported.

In conclusion the proposal is recommended for approval but the front conservatory addition to the façade is refused because it removes heritage features and detracts from the intact presentation of the house to the street.

### **FURTHER INFORMATION**

*Discussion at the May Agenda Briefing Forum of the draft report indicated that the officer recommendation was that Council refuse to support the alterations to the façade proposed by the submitted plans even though the other alterations to the internal and rear portions of the house were assessed to be satisfactory and were supported.*

*The applicant has prepared and submitted revised plans to delete the glass conservatory and alterations to the façade, so that the balance of the proposed alterations may be considered for approval without delay for building approval.*

*The revised plans contain the balance of the proposal and are supported because they do not adversely impact the heritage value of the property. In particular, the streetscape appeal of the property is not impacted by the revised proposal. The work is located behind the front setback and has a minimal impact on the street. The revised plans are now recommended for approval subject to conditions.*

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

**Council approves the proposed redevelopment of the single house at 48 View Street in Peppermint Grove as per the amended plans dated 15.05.2019, and subject to the following conditions:-**

- 1. Prior to the lodgement of a Building Permit application for the works, the applicant is to obtain an assessment of the interior modifications by a heritage interiors architect and to provide this written assessment to the Shire of Peppermint Grove for information and record.**
- 2. The development plans 15.05.2019, as dated, marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the “Approved Plans” as part of this application and shall form part of the development approval issued.**
- 3. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this Planning Approval, Approved Plans consistent with Building Permit certified/approved plans.**
- 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:**
  - How materials and equipment will be delivered and removed from the site;**
  - How materials and equipment will be stored on the site;**
  - Parking arrangements for contractors;**
  - Construction Waste disposal strategy and location of waste disposal bins;**
  - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;**

- **How risks of wind and/or water born erosion and sedimentation will be minimised during works;**
  - **Other matters likely to impact on surrounding properties.**
- 5. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.**

#### **Advice**

- 1. Council records that the element of the proposal to alter and remove the feature windows and brickwork in the façade to accommodate a glass conservatory was not supported for approval because the work would remove building materials and alter the façade; works which will detract from the heritage value of the house and are considered contrary to adopted management policy (MHI Category 2) for the house.**
- 2. In respect to Condition 1 the Council requests that following the assessment and report of the interior changes by a heritage interior architect, that the applicant reviews how future interior finishes can be adopted which may complement and respect the balance of the house interior in design and finish.**

**8.1.3 56 The Esplanade - Roofing to Rear Terrace Area**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 1</b>	Location Plan
<b>Attachment 2</b>	Development Plans

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	56 The Esplanade, Peppermint Grove
Application Index	:	DA2019/00011
LPS No 4 Zoning	:	R-10
Land Use	:	Residential
Lot Area	:	4080m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	Planning Application 013/76
Applicant	:	Michael Suttor Architects
Owner	:	Satterley Property Group
Responsible Officer	:	Manager of Development Services – Mr. Ross Montgomery

**COUNCIL ROLE**

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

## **PURPOSE OF REPORT**

Council is requested to consider the amendment to approved plans “Planning Application: 013/76” (Approved at 25 February 2014 Ordinary Council Meeting) at 56 The Esplanade for the construction of a roof over a terrace area at the rear of the house.

## **SUMMARY AND KEY ISSUES**

- Application is seeking an amendment to the approved plans “Planning Application: 013/76” (Approved at 25 February 2014 Ordinary Council Meeting).
- Application proposes to roof the rear terrace.
- House is heritage listed and Category 1 on the MHI

## **LOCATION**

56 The Esplanade

## **BACKGROUND**

As a part of the original application the applicant provided a *Statement of Heritage Impact*, which provided specific details of the changes to the proposed Category 1 house. The additions and alterations proposed were assessed as acceptable as the basis of the original approval.

## **CONSULTATION**

The terrace exists and the roof is unlikely to impact others. This application is in accordance with R codes and so does require to be referred to neighbours for comment.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

The single house at 56 The Esplanade is Heritage Listed and Category 1 on the Municipal Heritage List. Therefore, the due regard needs to be given to Local Planning Policy 3 – Heritage Places. The proposed amendment to plans is minor, are situated at the rear of the house, and have limited impact on the heritage building itself or the view from the Esplanade.

## **STATUTORY IMPLICATIONS**

The application complies with statutory requirements.

## **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**

Application proposes two changes to the plans approved with Planning Application 013/76, which are as follows:

1. Add an open sided roof structure to the western side of the Lanai above Terrace 1. The roof structure is flat with a central *vergola* which can open to the sky. It matches (in height) the colonnade along the northern side of the rear wing.
2. Extend Terrace area a further 300mm to the north.

The proposal is an open structure that does not change the plot ratio of the house on the lot. It is set back 3m from the northern lot boundary and is approximately 4m in height. The proposed design complies with R codes and the effect of the proposal on the bulk of the building is negligible.

The house at 56 The Esplanade is Heritage Listed and Management Category 1 on the Municipal Heritage List, which means the heritage fabric of the house should be protected. The proposed roofing covers an approved terrace which is separated from the heritage portion of the house. The terrace itself is being extended by 300mm to the north. The modifications to the approved plans are not associated with, and do not affect heritage elements of the building.

The applicant indicates the design of the roofing matches the colonnade along the northern side of the rear wing of the heritage house.

Given that the roof is proposed over a new terrace, does not create a further enclosed area and the extension 300 mm towards the boundary conforms to R Code setbacks; the application raises no planning issues and can be approved with standard conditions.

## **OFFICER RECOMMENDATION– ITEM NO 8.1.3**

**Council approves the amendment to approved plans “Planning Application: 013/76” (Approved at 25 February 2014 Ordinary Council Meeting) for a new cover over the rear terrace, subject to the following conditions:**

1. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.
2. The development plans, as dated marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the “Approved Plans” as part of this application and shall form part of the development approval issued.

- 3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.**

DRAFT

**8.1.4. Synthetic Tennis Court and Associated Outbuildings at 32 Keane Street**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 1</b>	Location Map
<b>Attachment 2</b>	Plans SK Series Sheets 00-03
<b>Attachment 3</b>	Properties invited to comment
<b>Attachment 4</b>	Revised Plan

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	32 Keane Street, Peppermint Grove
Application Index	:	DA2019/00012
LPS No 4 Zoning	:	Residential - R-12.5
Land Use	:	Single Residential
Lot Area	:	1583m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Mike Richardson Architect
Owner	:	Alison Kennedy
Responsible Officer	:	Manager Development Services, Ross Montgomery

**COUNCIL ROLE**

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

## **PURPOSE OF REPORT**

Council has received a planning application to develop a new tennis court and associated outbuildings including a cabana, and three storage buildings at 32 Keane Street, Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

- Application proposes walls and fences surrounding the new tennis court which exceed height provided by the Scheme and R Codes.
- Associated storage outbuildings are built on the lot boundary on the eastern side (each has zero setback).
- Cabana built up against the lot boundary on the eastern side (zero setback).
- The proposal will cover 692m<sup>2</sup> of synthetic turf, or 43% of the entire lot.
- Neighbouring owners were invited to view plans and provide comments.

## **LOCATION**

Rear garden of 32 Keane Street, Peppermint Grove

## **BACKGROUND**

The primary purpose of this proposal is to provide a synthetic turf area used for tennis court/personal hockey training. The space is approximately 1/8<sup>th</sup> the size of a standard hockey pitch and has been designed for tennis and hockey practice by the family.

## **CONSULTATION**

The proposed development was advertised to neighbouring properties at 30 and 34 Keane Street, and properties across the rear R.O.W at 43R and 45 Keane Street.

Prior to lodgement, the applicant approached the abutting neighbours to seek their consent. Two neighbours signed a proforma consent provided by the applicant, however, following the formal referral and invitation to comment, one owner revoked their previous consent and instead raised concerns about the design.

The Shire has received comments from abutting neighbours raising concern about the height of the boundary wall, setbacks and possible use of outbuildings for uses other than as stated in the application.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident.

## **POLICY IMPLICATIONS**

The proposed design includes several outbuildings which use the western boundary for their external walls. The Local Planning Scheme 4 refers to State Planning Policy 3.1 - R Codes and applies specifically to wall heights, setbacks and the length of walls without major openings. The proposal is to be assessed according to the Scheme with reference to SPP 3.1.

## **STATUTORY IMPLICATIONS**

### **Local Planning Scheme No.4**

The proposal has been assessed according to relevant Scheme provisions, Residential Design Codes and Scheme Policies. The table below highlights where the proposal varies from requirements and provides comment as to the likely implications:

<b><u>Local Laws Relating to Fencing</u></b>	
<b>Scheme Requirement/Clause</b>	<b>Assessment/Comment</b>
1. Clause 8 states that <i>...a person shall not erect a fence or amend, alter, extend or enlarge an existing fence that is greater than 1.8m without also submitting written reasoning.</i> The Council may in its discretion approve or refuse the plans.	The proposed fence is of various heights around the development but is consistently above 1.8m in height. Written justification for the over height fence states that the fence is necessary to stop tennis and hockey balls from exiting the lot when the tennis court/hockey training space is in use.
<b><u>Residential Design Codes</u></b>	
<b>Acceptable Development/Performance Criteria</b>	<b>Assessment/Comment</b>
1. Section 5.1.3 of the R-Codes addresses development up to the lot boundary.  Because there is no setback proposed the development will require a design principles approach as per P3.2 of section 5.1.3.	The plans show there is a length in excess of 20.6 metres of buildings on the boundary. The walls are up to 4 m in height. The Codes provide for setbacks between 1 and 1.8 m (according to height). Outbuildings along the lot boundary result in a building-out of the landscape outlook from the rear garden. Where the boundary walls are in excess of 3 metres this could generate overshadow garden areas.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

The proposed development will remove several established trees and garden at the rear of 32 Keane Street to make room for the new tennis court and associated buildings. The entire rear yard will be converted from a garden to a developed sporting facility.

## **SOCIAL IMPLICATIONS**

There are no social implication.

## **OFFICER COMMENT**

Although the Application relates to a landscape development of the site and does not propose additional habitable buildings it raises issues concerning the likely impact on the abutting properties.

The Shire places a high value on urban green space and believes the garden area of private properties is important to meet environmental and aesthetic objectives for Peppermint Grove to retain its suburban garden character and sustainability values in the Residential zone.

- *To promote a residential environment consistent with the heritage of the locality and to enhance a sense of place and community identity; and*
- *To enhance those characteristics which contribute towards residential amenity, and to avoid those forms of development which have the potential to prejudice the preservation of the high amenity value of a safe and attractive residential environment.*

Although Peppermint Grove has home gardens with private tennis courts (and these have been more recently synthetic rather than natural turf) this proposal will remove almost all vegetation from the rear of the property, to replace it with synthetic turf and hard-paving. The proposal will convert 52% of the lot (828m<sup>2</sup>) from garden to sports facility.

The proposal will result in more than 70% of the total lot (692m<sup>2</sup> in Astro Turf) being developed for other than garden, whereas at present the lot is almost 80% garden.

The properties either side are predominantly less than 30% garden (much of that being in the front setback).

The development focuses impact on one lot, however if that approach was repeated across the suburb it would have a major impact on local environmental values by creating a loss of private gardens, increased urban heat radiation, a reduction in local habitat and biodiversity and deep soil and water quality degradation. Council is aware and concerned of this trend as it assesses the impacts of site coverage and plot ratio for all new residential development.

It is noted that in this proposal the front garden is retained which may offset some of this impact.

Neighbours have questioned the need for and merit of such an extensive redevelopment of the rear garden and the proposed over-height masonry walls. The wall on the eastern boundary will be almost 4 metres in height of solid masonry and run for 20.6 metres along that boundary. This wall will be used to create three storage buildings; two for tennis and

hockey equipment, and a third for garden equipment. It is expected to have an impact by shading the neighbouring garden, affecting plants and dominating the garden outlook.

The R codes setback requirement is 6 metre rear setback and between 1 and 1.8m side setback for buildings of the height and wall length proposed along the shared boundary to the east. None of these proposed buildings meets the R Codes in terms of setback.

The proposal is of a scale that represents an over-development of the site; with large boundary walls which will impact neighbours, and a site coverage which will result in the loss of numerous mature shade trees from the neighbourhood.

Given the Shire is requested to exercise discretion to approve the proposal, the likely impacts do not warrant this approach because they offer not beneficial trade-off for the site or the neighbourhood.

The Shire is therefore recommended to refuse this development because it does not conform to the R codes and is contrary to the objectives of the Residential zone.

### **FURTHER INFORMATION**

***The applicant attended Agenda Briefing and has submitted a revised layout plan which responds to the concerns raised by Councillors and the report namely: the loss of trees, extent of the site being covered in synthetic hard surfacing, and the impact of outbuildings being built on the boundaries and impacting the neighbouring properties. The applicant re-iterates the facility is for private and personal use only by the resident (i.e. it is not to be used for fixtures or training sessions other than for the resident).***

***This is an important clarification because the use of 'recreation – private' is premises that are –***

- a) Used for indoor or outdoor leisure, recreation or sport; and***
- b) Not usually open to the public without charge.***

***Such as use is not permitted in a residential zone of LPS 4.***

***The facility still has eight high-level flood lights (more than a tennis court) and this feature will need to be managed to ensure light does not spill onto neighbours garden areas and activity does not continue later into the night.***

***The revisions (Attachment 4) include***

- minor reduction to the synthetic pitch,***
- removal of the cabana and***
- reduction in the size and relocation of the two outbuildings for storing the tennis nets and hockey equipment.***

***A narrow strip of garden is indicated on the western boundary and the hockey and tennis stores are now located at the south-western corner on the boundary. A four-metre strip of garden is indicated to the south of the hockey pitch and this accommodates the retention of some of the existing mature trees.***

***Although the revision ameliorates some of the assessed impacts by slightly reducing the hard-standing area and the extent of buildings along the western boundary, there is still a substantial impact on the garden areas and the loss of trees and planted garden area.***

***The hockey and tennis storage buildings are located along two boundaries (side and rear) and there remain questions about the need for two seated enclosures when the applicant states there will be no competitions held on the facility.***

***The issues remain as to:***

- whether the facility is consistent with the objectives of the Residential Zone in the scheme with respect to high quality of residential and environmental amenity, and***
- whether the proposed scale of development is appropriate with the stated intention of a personal private exercise and training facility?***

***Should Council be of the opinion however that the proposal has merit in terms of its use and is appropriate for a residential zone then possibly a deferral of the decision would permit the applicant to investigate a redesign to better address the remaining concerns regarding its scale and impact on the site and neighbouring properties.***

***An alternative recommendation along the following lines could be appropriate:***

- B** ***Council notes the willingness of the applicant to revise and advises it will defer the decision to refuse the application to provide the applicant the opportunity to reconsider the design to reduce the scale and impacts on the site and neighbours. A redesign of the layout should include the following revisions:-***
- a. A reduction of the area of the turfed surface to provide for a minimum of 6m width garden area across the entire rear boundary for the conservation of mature trees on the site;***
  - b. A relocation of the storage enclosures to be at least 6 m from the rear boundary and to have only one wall on the boundary (along the western boundary);***
  - c. Written undertaking that the facility is to be for personal residential use only (no team competitions) and for the flood lighting of the surface to be switched off by 9:30 pm each evening.***



**OFFICER RECOMMENDATION – ITEM NO 8.1.4**

- A. Council refuses to approve the proposed synthetic sports surface and associated outbuildings for the following reasons:-**
- a. The outbuildings and associated walls are excessive in their length and height, and do not meet setback requirements as per Local Planning Scheme 4 and the R Codes;**
  - b. The development does not meet the objectives of the Local Planning Scheme 4 for the Residential Zone and due to its scale (height, setback and coverage) and will adversely impact neighbours and the neighbourhood.**

**Advice**

- 1. This application as assessed does not comply with the LPS 4, the R Codes and does not meet design principles as having regard to Scheme objectives and neighbourhood design principles.**
- 2. The Shire invites the applicant to revise the design and resubmit an application which reduces the height, length and scale of boundary walls, the number and floor area of outbuildings and introduces compliant setbacks from all boundaries**

### 8.1.5 Heritage Listing Project – Progressive Listings

#### URBAN PLANNING

#### ATTACHMENT DETAILS

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 1</b>	Heritage Assessment - Forrest Street Steps
<b>Attachment 2</b>	Location Map of sites to be heritage listed
<b>Attachment 3</b>	Heritage Place Photographs

Voting Requirement : Simple Majority  
 Location / Property Index : Peppermint Grove  
 Responsible Officer : Manager of Development Services – Mr. Ross Montgomery

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

Council is requested to consider the introduction of four houses and three other key sites onto the Shires Heritage List.

## **SUMMARY AND KEY ISSUES**

- Proposed entry onto the Heritage List for 7 places of local heritage significance.
- Places being recommended for listing are those that either received no official comment or no objection by the owner during the advertising process, or have been identified separately for listing due to heritage value.

## **LOCATION**

Various Properties in the Shire of Peppermint Grove

## **BACKGROUND**

The Shire initiated a review and relisting of heritage properties on the heritage list to meet the requirements of the Deemed Provisions of the P & D Act and following the adoption of Local Planning Scheme No.4.

Owners and occupiers have been notified of the proposed listing. Properties have been progressively listed as it has been evident there are no objections to the listing and there are no reasons presented which remove or cancel the local heritage value.

## **CONSULTATION**

The Shire contacted owners and occupiers of all properties with heritage value informing them of the Shires intentions to enter their property onto the Heritage List and inviting them to make comment. The properties being recommended for listing are those that either didn't provide written comment in response to advertising or did not outline an objection to the listing.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident.

## **POLICY IMPLICATIONS**

The properties have been previously assessed to hold local heritage value based upon the Municipal Heritage Inventory assessment which identifies a Management category and Statement of Local Heritage Significance.

The Street Steps in front of 154 Forrest Street have recently been identified and assessed to hold intrinsic heritage value (see attached Report) for the neighbourhood.

The Shire intends to add properties with local heritage value to the LPS 4 Heritage List.

As properties are placed on the Heritage List they will be covered under Local Planning Policy 3 – Heritage Places.

## **STATUTORY IMPLICATIONS**

The Local Planning Scheme 4 (LPS 4) was gazetted in 2017 and the Shire was required to review and relist on the Heritage List over to the new scheme. These properties are being listed as a part of this process.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

## **SOCIAL IMPLICATIONS**

There are no social implications.

## **OFFICER COMMENT**

In the course of the project the seven properties are identified as now being ready for listing due to a number of reasons including:-

- No objection or the withdrawal of objection;
- Completion of assessment

The following properties have been assessed to hold local heritage value and therefore are proposed for listing.

Property ID	Local Values
1. Lot 17069	Little's Tree - Mature Eucalypt Tree
2. Reserve 2534 Lilla St	Yacht Club Buildings, Gazebo and Grounds
3. No.6 Irvine St	House
4. No.42A View St	House
5. 45 View St	House
6. 48A View St	House
7. 154 Forrest Street	Steps

The listing of these will bring the progressive heritage list to 128 properties (as of May 2019). Work is ongoing to assess remaining 17 properties to complete the project by August 2019.

**OFFICER RECOMMENDATION – ITEM NO 8.1.5**

**Council resolves to add the following properties to the Local Planning Scheme 4 Heritage List:-**

- 1. Lot 17069 – Little’s Tree**
- 2. Reserve 2534 Lilla Street – RFBYC**
- 3. 6 Irvine Street**
- 4. 42A View Street**
- 5. 45 View Street**
- 6. 48A View Street**
- 7. Steps on Shire land outside 152 Forrest Street/14 The Esplanade**

**Note: Owners and occupiers are to be informed of this decision.**

**8.2 MANAGER INFRASTRUCTURE SERVICES**

NIL

### 8.3 MANAGER LIBRARY SERVICES & COMMUNITY DEVELOPMENT

#### 8.3.1 Library and Community Centre Draft Budget

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 1</b>	Library and Community Centre Draft Budget
<b>Attachment 2</b>	Proposed Fees and Charges 2019-2020

Voting Requirement	:	Simple Majority
Subject Index	:	Multiple
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Debra Burn – Manager Library and Community Services

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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## **PURPOSE OF REPORT**

To present the draft Library and Community Centre 2019-2020 Budget to Council for consideration and ratification.

## **SUMMARY AND KEY ISSUES**

- Ratification of the Library (incorporating the Community Learning Centre) Budget is provided for in the “Management Agreement” between the participant Councils (Towns of Cottesloe and Mosman Park and the Shire of Peppermint Grove) (Section 15.5 of The Agreement).
- The Budget as appended was endorsed for submission to participant Councils by the Library Management Committee at its meeting of 2 May 2019.

## **LOCATION**

N/A

## **BACKGROUND**

The Management Agreement sets out the process and conditions for arriving at a Budget and associated Contributions from each Participant to allow the business of the Library and Community Centre to continue. These include the Library Management Committee’s role in Preparation of a Draft Budget (15.3) and Amendments to the Budget (15.4).

Ratification of the Budget takes place within each Participant Council. “All Library Capital Expenditure must be unanimously ratified by the Participants. Library Operating Expenditure is approved if ratified by a majority of the Participants” (15.5).

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

Library and Community Learning Centre funding achieves the following Goals of the Shire’s Community Strategic Plan:

- Strengthen Community Cohesiveness and participation
- Strengthen the Cultural and Historical significance of Peppermint Grove
- Ensure access to services as needs change within the community

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

### 1. Operational Expenditure

The operational budget for the Library and Community Learning Centre has been maintained at a similar level to the previous year, taking into account the \$25,000 variation to fund legal expenses incurred in reviewing the Library Management Agreement and the Building Asset Management Plan (funded equally between the three participant local governments). Also included in the Forecast for 2018/2019 is a potential shortfall of \$30,793 in operating income and expenditure, being in part due to an unexpected long service leave payout, higher than anticipated electricity costs, and less than anticipated income from Community Centre activities.

The major area of savings in the 2019/2020 Budget is the removal of the Mizco BMS implementation costs, which were spread over the three previous years.

No new initiatives or changes to staffing levels are proposed. There has been no provision made for extraordinary maintenance events.

Operational Budget	Total	Shire Share (9.09%)
18/19 Budget	1,410,921	130,435
18/19 Forecast	1,466,714	141,567
19/20 Budget	1,423,598	129,405



## 2. Capital Expenditure

The following Capital items were ratified for inclusion in the Budget:

	Estimated Total Cost	Shire Library Share (9.09%)	Additional Shire Share (Grounds)
Remote geothermal bore monitoring implementation	18,906	1,719	4,559
Install electrical duct North Wall	3,600	327	
Replace blinds in Library (Half)	6,000	545	
Fencing to below Café deck area	1,254	114	456
CCTV in the Library	5,000	455	
Solar Panels for the Library	73,000	6,636	
<b>Total</b>	<b>107,760</b>	<b>9,796</b>	<b>5,015</b>
<b>Total Shire Share</b>			<b>14,811</b>

The installation of solar panels will significantly reduce energy consumption. These savings haven't been reflection in the operational budget.

3. Proposed Fees and Charges (Attached) were also ratified and will come into effect by being incorporated into the Shire's Schedule of Fees and Charges as part of the 2019/20 budget.

### **ENVIRONMENTAL IMPLICATIONS**

The proposed increase in solar panels to generate power for the Library will have a beneficial impact on the environment.

### **SOCIAL IMPLICATIONS**

The proposed Operational Budget underpins the 2019-2020 Grove Library and Community Learning Centre Business/Operational Plan, which includes activities that service and benefit residents of the Shire, including access to library services, literacy activities for children, on-line library services, provision of community meeting spaces, and literary and cultural events, adding to the social fabric of the Shire.

### **OFFICER COMMENT**

The draft Library and Community Learning Centre Budget was discussed at the Library Management Committee at its meeting of 5 May 2019. Most activities are ongoing from 2018-2019 with no major new initiatives or projects proposed.

After some discussion and amendment of proposed Capital Expenditure, the appended Budget was endorsed unanimously by members of the Library Management Committee.

**OFFICER RECOMMENDATION – ITEM NO 8.3.1**

**That Council incorporate the following in the 2019/20 Budget:**

- 1. The proposed Operational Budget for the Library and Community Learning Centre;**
- 2. The proposed Capital Budget for the Library and Community Learning Centre;**
- 3. The proposed Fees and Charges for the Library and Community Learning Centre.**

**DRAFT**

## 8.4 MANAGER CORPORATE SERVICES

### 8.4.1 Financial Report – April 2019

#### CORPORATE

#### ATTACHMENT DETAILS

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

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

#### COUNCIL ROLE

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

**PURPOSE OF REPORT**

To report on financial activity for the period 1 July 2018 to 30 April 2019.

**SUMMARY AND KEY ISSUES**

- The financial report for the ten months ended 30 April 2019 indicates a YTD surplus some \$46,141 more than YTD budget – see Officer Comment note 4 for additional information;
- Operating revenue is some \$27,271 more than YTD budget;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$35,573 less than YTD budget;
- Capital expenditure totalling \$228,877 has been incurred.

**LOCATION**

N/A

**BACKGROUND**

Nil

**CONSULTATION**

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

**STRATEGIC IMPLICATIONS**

There are no strategic plan implications evident at this time.

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

The financial report forecasts a closing (30 June 2019) surplus of \$6,434. This figure appears in the yellow column in the attached financial report.

It should be noted that several changes to this forecast have been identified since last month as follows:

- Additional library costs (\$10,000 salaries, \$25,000 materials and contracts and \$10,000 utilities expenses partly offset by additional contributions from the Towns of Mosman Park and Cottesloe - \$40,000 combined);
- \$50,000 savings in waste collection/disposal costs (materials and contracts), offset by a proposed \$50,000 transfer to a new cash reserve to fund waste initiatives in accordance with the State Government's *Waste Strategy*;
- \$70,000 additional legal expenses (materials and contracts) offset by a reduction in the budgeted transfer to legal reserve from \$150,000 to \$80,000);
- Deferral of the \$206,600 (Infrastructure Assets – Other CAPEX) river headland project until 2019/20, offset by an additional transfer to the building/infrastructure reserve of \$103,300 and deferral of the proposed transfer from the same reserve of the same amount. That is, \$206,600 will be transferred from the reserve in 2019/20 to fund the entire project when tides are more favourable.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications evident at this time.

## **OFFICER COMMENT**

The following comments relate to year-to-date (YTD) budget versus actuals variances or forecasts that vary from the full year estimate that are greater than \$10,000.

### **(1) Fees and Charges**

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

### **(2) Contributions and Reimbursements**

Additional reimbursements including a refund of workers compensation premiums in 2017/18 (\$2,555), a staff laptop novation (\$1,000) and timing of some contributions comprise the \$10,586 variance noted in the finance report.

### **(3) Plant CAPEX and Proceeds from Disposal of Assets**

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

**(4) Net Current Assets Year-to-Date**

Net current assets as at 30 April 2019 exceed the revised budgeted figure by some \$46,141 at this stage. This is determined as follows:

<b>Category</b>	<b>Impact on YTD Position</b>	<b>Notes</b>
<b>Revenue</b>		
Rates	\$181	Interim rating raised
Fees & Charges	\$16,728	Development/Building application fees
Grants & Subsidies	\$500	Library grant
Contributions & Reimbursements	\$10,586	Additional reimbursements
Interest on Investments	(\$3,127)	Timing of maturing term deposits
Other Revenue	\$2,584	Interest on outstanding rates
Proceeds of sale of assets	(\$33,682)	Trade-in values slightly lower
<b>Expenditure</b>		
Employee Costs	(\$6,669)	Library LSL cash payment
Materials & Contracts	\$7,234	Mainly timing-related variance
Utilities	\$6,090	Timing of expenses
Insurances	(\$53)	Premiums slightly higher
Other Expenses	\$1,700	Timing of donations
Plant & Equipment Purchases	\$34,737	Hilux yet to be replaced
Road Infrastructure	\$5,209	Savings on The Esplanade project
Drainage Infrastructure	\$4,677	Savings in cost of sump fence
T'fers to Cash Reserves	(\$553)	Additional interest earned
<b>Value of YTD variances at 30.4.19</b>	<b>\$46,141</b>	<b>Year-end forecast surplus is \$6,434</b>

**OFFICER RECOMMENDATION – ITEM No. 8.4.1**

**That the financial report for the period 1 July 2018 to 30 April 2019 be received.**

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

<b>Attachment No</b>	<b>Details</b>
<b>Attachment</b>	<b>Accounts Paid – April 2019</b>

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

**COUNCIL ROLE**

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

## **PURPOSE OF REPORT**

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

## **SUMMARY AND KEY ISSUES**

Significant payments in April 2019 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

## **LOCATION**

N/A

## **BACKGROUND**

Attachment 1 lists details of all payments made since the last report. The following summarises the cheques, credit card payments, electronic fund transfers and direct debits included in the list presented for information.

PAYMENT TYPE	FUND	NUMBER SERIES	AMOUNT
EFT	MUNICIPAL	283 – 285	\$216,532.67
EFT	TRUST	T009	\$2,000.00
CHEQUES	MUNICIPAL		\$0.00
CHEQUES	TRUST		\$0.00
BPAY	MUNICIPAL		\$0.00
DIRECT DEBITS	MUNICIPAL		\$0.00
<b>TOTAL</b>			<b>\$218,532.67</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 2018/19 annual budget.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

Nil

**OFFICER RECOMMENDATION – ITEM NO. 8.4.2**

**That the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for March and April 2019, totalling \$218,532.67 be received.**

### 8.4.3 Matters for Information and Noting

#### ATTACHMENT DETAILS

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

Voting Requirement	:	Simple Majority
Subject Index	:	Multiple
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Don Burnett, Chief Executive Officer

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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## **PURPOSE OF REPORT**

The Shire of Peppermint Grove regularly receives and produces information for receipt by the Elected Members. The purpose of this item is to keep Elected Members informed on items for information received by the Shire.

The Matters for information report will be presented at each Council meeting and will provide an update on a number of areas of the Shire's operations and also provide information and correspondence of interest to elected members.

It is intended that the following information is provided on a regular basis, either monthly or quarterly, noting some of this data is still to be collected in a presentable format.

- Building permits issues
- Demolition permits issued
- Advisory notes from WALGA, DLG&C or other stakeholders
- WESROC Mayor/President forum notes
- WALGA Zone minutes
- WALGA State Council minutes
- Seal register advising of when the Shire seal has been applied
- Shine statistics
- Infringements for parking/dogs etc
- Waste and recycling data
- Library statistics

## **SUMMARY AND KEY ISSUES**

The following reports are presented to Council at the Ordinary Council Meeting of February 2019:

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

## **CONSULTATION**

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

## **OFFICER RECOMMENDATION – ITEM NO. 8.4.3**

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

**8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY**

NIL

**8.6 COMMITTEE REPORTS**

NIL

**9 NEW BUSINESS OF AN URGENT NATURE***(New business of an urgent nature approved by the Presiding Member)***10 MOTIONS ON NOTICE***(Automatically sent back to Administration for consideration at the next Council Meeting)***11 CONFIDENTIAL ITEMS OF BUSINESS**

NIL

**12 CLOSURE**

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

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

**TO:** Chief Executive Officer  
SHIRE OF PEPPERMINT GROVE

**NAME:** \_\_\_\_\_

**POSITION:** \_\_\_\_\_

**MEETING DATE:** \_\_\_\_\_

**ITEM NO & SUBJECT:** \_\_\_\_\_

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

**EXTENT OF INTEREST:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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

## **FINANCIAL & PROXIMITY INTERESTS**

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

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

## **DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

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

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

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