



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY 23 APRIL 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 **23 APRIL 2019**, commencing at 5.30 pm.

Yours faithfully



Don Burnett
CHIEF EXECUTIVE OFFICER

18 APRIL 2019

MEETING AGENDA ATTACHED

DISCLAIMER

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material. Any statement, comment or decision made at a Council or Forum meetings regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Forum meetings.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request.



Shire of Peppermint Grove

TABLE OF CONTENTS

ITEM	SUBJECT HEADING	PAGE
1	DECLARATION OF OFFICIAL OPENING	5
2	RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE	5
2.1	ATTENDANCE	5
2.2	APOLOGIES	6
2.3	LEAVES OF ABSENCE	6
2.4	NEW REQUEST FOR A LEAVE OF ABSENCE	6
3	DELEGATIONS AND PETITIONS	6
3.1	DELEGATIONS	6
3.2	PETITIONS	6
4	PUBLIC QUESTION TIME	7
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING	7
4.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	7
4.3	DEPUTATIONS OF THE PUBLIC	7
5	DECLARATIONS OF INTEREST	8
5.1	FINANCIAL INTEREST	8
5.2	PROXIMITY INTEREST	8
5.3	IMPARTIALITY INTEREST	8
5.4	INTEREST THAT MAY CAUSE A CONFLICT	8
5.5	STATEMENT OF GIFTS AND HOSPITALITY	9
6	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	9
7	CONFIRMATION OF MINUTES	9
7.1	ORDINARY COUNCIL MEETING 26 MARCH 2019	9

8	OFFICER REPORTS	10
8.1	MANAGER DEVELOPMENT SERVICES	10
8.1.1	Development Single House – 14 The Esplanade, Peppermint Grove	10
8.1.2	Refurbishment and redevelopment of commercial premises at 492 – 494 Stirling Highway Peppermint Grove.	15
8.2	MANAGER INFRASTRUCTURE SERVICES	19
8.3	MANAGER LIBRARY SERVICES & COMMUNITY DEVELOPMENT	19
8.4	MANAGER CORPORATE SERVICES	20
8.4.1	Financial Report – March 2019	20
8.4.2	ACCOUNTS PAID – MARCH 2019	24
8.4.3	Matters for Information and Noting	27
8.5	CEO/ MANAGEMENT / GOVERNANCE / POLICY	29
8.6	COMMITTEE REPORTS	29
9	NEW BUSINESS OF AN URGENT NATURE	29
10	MOTIONS ON NOTICE	29
11	CONFIDENTIAL ITEMS OF BUSINESS	29
12	CLOSURE	29



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 G Peters

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

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

Visitors _____, from _____
Gallery _____ Members of the Public
_____ Members of the Press

2.2 APOLOGIES

Manager Infrastructure Services

Mr D Norgard (A/L)

2.3 LEAVES OF ABSENCE

Cr Peter Macintosh was granted leave of absence for the 23 April OCM

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

3.2 PETITIONS

4 PUBLIC QUESTION TIME

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

- The Agenda
- Question to Council and
- Deputation Forms

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

Rules for Council Meeting Public Question Time

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

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

NIL

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

NIL

4.3 DEPUTATIONS OF THE PUBLIC

NIL

5 DECLARATIONS OF INTEREST

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

5.1 FINANCIAL INTEREST

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

COUNCIL RECOMMENDATION/DECISION
--

7.1 ORDINARY COUNCIL MEETING 26 MARCH 2019

Moved:

Seconded:

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 26 March 2019 be confirmed as a true and accurate record.

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 Development Single House – 14 The Esplanade, Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item refers	Locality Plan
Attachment 2	3D Render
Attachment 3	Site Plan & Elevation
Attachment 4	Checklist
Attachment 5	Map of Notified Properties

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	No. 14 (Lot 2) The Esplanade
Application Index	:	DA2019/0009
LPS No 4 Zoning	:	Residential R-10
Land Use	:	Replacement Single House
Lot Area	:	718.3m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Grounds Kent Architects P/L
Owner	:	J & C Stewart
Responsible Officer	:	Manager 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 received an application to develop a single house on 14 (Lot 2) The Esplanade Peppermint Grove, to replace an existing single house.

SUMMARY AND KEY ISSUES

- Existing house has been issued with a demolition permit which was renewed by Council in May 2017. Permit is valid for until November 2019.
- The design proposed is consistent with the R Codes and meets the plot ratio and street setbacks provided for R 10 in LPS 4.
- The site abuts a heritage listed property at 12 The Esplanade and 152 Forrest Street.
- Initial consultation conducted by the applicant indicates no objection has been received to the proposal from neighbours.

LOCATION

14 The Esplanade Peppermint Grove is located on the northern corner of Forrest Street and the Esplanade to the north of Peppermint Grove. The site has a slope and a broad outlook towards Freshwater Bay and Point Water.

BACKGROUND

The existing single house has previously been on the Municipal Heritage Inventory and was rated as a Category 2 management policy. The Shire received an application to demolish this house in 2015 and resolved to issue a demolition permit, notwithstanding there being no approved replacement house for the site. The owner has renewed the demolition permit and now submits plans for a contemporary single house, of two storeys and with a pitched roof.

The architect has presented to the Shire in conceptual format and since made modifications to the design to bring it to within the R codes and LPS 4 design requirements.

CONSULTATION

Council will invite abutting neighbours to view the plans for information and they may comment as needed. It is noted the applicant has already consulted with the Shire and with neighbours to the north and west of the site (12 The Esplanade and 152 Forrest Street). This resulted in some minor modification of the overall design and one neighbour has indicated they are satisfied with the plans now submitted for approval.

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 Planning Scheme No.4

The proposal has been assessed against all relevant Scheme provisions, Residential Design Codes and Scheme Policies (see checklist in Attachments).

The table below identifies specific design aspects which Council has in the past used discretion to approve. The assessment identifies this proposal is compliant:

RESIDENTIAL DESIGN CODES		
Acceptable Development/Performance Criteria		Assessment/Comment
1.	0.5 Plot Ratio	Complies with R-Codes Complies with Scheme and new policy where basement includes all floor area under the mean natural ground level.
2.	Street Setback	Design is 10.2 metres from the Esplanade, 5 metres from Forrest Street: LPS 4 provides that there be at least 9 m from primary street and 4.5 m from secondary street COMPLIES.
3.	Roof height	Ridge is below the 9 metres and walls are below the height of the current house. COMPLIES

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 house has four bedrooms and includes two upper balconies and one sweeping lower balcony which wrap around the house to address both streets. The house itself is setback more than 9 metres from The Esplanade, and 5 metres from Forrest Street.

The bulk of the building is located towards the northern portion of the site and this provides a sufficient area for gardens which address the streets and frame the house.

A swimming pool and terrace is proposed located to the west on top of the four-car garage with a combination of lawn, planters and hanging gardens.

A boundary wall runs along the street edge of the property, and a terraced garden ensures there is a graduated edge to the street corner.

The existing house is listed on the municipal heritage inventory (Cat 2). Notwithstanding the heritage worth of the property the Shire approved the demolition of the existing house in 2015 and re-issued the permit in May 2017.

In assessing the residential design of this application, the Shire notes by way of comparison that the house to be demolished by virtue of the period of its heritage exceeds the R Codes and LPS 4 design standards in terms of height of roof and walls.

This application has been assessed according to the recently developed draft residential plot ratio policy.

In calculating the plot ratio of the proposal, the design sits partly below ground level due to the sloping aspect of the land. The mean natural ground level is taken to be the Level from which the design is assessed to be above or below the ground. The basement level of the house is situated wholly below ground level even although its eastern walls and windows are visible from the lowest part of the lot. The Plot Ratio therefore equates to 0.44 and therefore complies with LPS 4.

The proposed house is entirely compliant with contemporary R Codes and LPS 4 provisions. It is Council's policy to invite review of planning applications by the owners of heritage listed properties abutting a development site. Neighbours will be advised of the application and may provide comments however in this case the Shire notes the design is compliant to the LPS 4 and should be approved subject to standard conditions which relate to planning, and management of site works and building so as to contain any impacts to the site.

FURTHER INFORMATION

The Shire has obtained legal advice that this design, although compliant with R Codes in terms of height and the LPS 4 in terms of plot ratio, locates three of the four bedrooms into the basement level facing east, towards the river, and so according Part 4 Cl.26 (1) this portion of the building is three storeys – something which is not compliant to the LPS 4 variation to the R Codes. If these were non-habitable rooms then the building would be considered to be two storey and a basement.

The legal advice to the Shire is that this matter should be considered pursuant to the Design Principles rather than Deemed to Comply procedure. To meet Council Policy 6, the application has been notified to surrounding properties and they were invited to view the plans and provide comment. Comments received are responded for Council regard (Attachment 5) prior to their decision.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.1

Council approves the single house design subject to plans SK series dated FEB 2019 subject to the following conditions:-

- 1. The development plans, as dated marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the plans approved as part of this application and shall form part of the development approval issued.**
- 2. All subsequent Building Permits issued as required to implement this Planning Approval shall reflect and agree with Planning Approval Conditions, Approved Plans and other planning requirements instructed by the Shire of Peppermint Grove for this approval.**
- 3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.**
- 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:**
 - How materials and equipment will be delivered and removed from the site;**
 - How materials and equipment will be stored on the site;**
 - Parking arrangements for contractors;**
 - Construction Waste disposal strategy and location of waste disposal bins;**
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;**
 - How risks of wind and/or water born erosion and sedimentation will be minimised during works;**
 - Other matters likely to impact on surrounding properties**

Council will advise neighbours at 12 The Esplanade and 152 Forrest Street of the decision and invite their comment prior to the issue of the Building Permit.

8.1.2 Refurbishment and redevelopment of commercial premises at 492 – 494 Stirling Highway Peppermint Grove.

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2	Locality Plan
Attachment 2	Site Plan
Attachment 3	3D Render
Attachment 4	Parking Calculations

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	492 - 494 (Lot 207) Stirling Highway
Application Index	:	DA2019/0008
LPS No 4 Zoning	:	District Centre
Land Use	:	Redevelopment/Refurbishment Commercial premises
Lot Area	:	283m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Rodrigues Bodycoat Architects P/L
Owner	:	PAGJON P/L
Responsible Officer	:	Manager 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 received a planning application to redevelop two shops at 492 - 494 (Lot 207) Stirling Highway Peppermint Grove. The proposal is to refurbish the heritage shop front creating two smaller shops and redevelop the rear of the site for a storeroom and offices. There will be a walkway joining the rear of the property to the Stirling Highway frontage. The Council is required to consider the application because it is within a heritage listed building.

SUMMARY AND KEY ISSUES

- The current shop building is heritage listed. The proposal is to retain and repair the front portion of the building to maintain a faithful street presentation of the original form and finish but split it into smaller shops.
- The rear of the premises is to be redeveloped into a storeroom and office.
- The site abuts a heritage listed property to the north which is already approved for a refurbishment and use as a furniture showroom/studio.
- This application will complement the furniture showroom to offer interior design, furnishing storeroom and office functions.
- There is no car access possible to the site and no car parking bays on the site at present. The redevelopment proposes to allocate 16 car bays on a portion of 488-490 Stirling Highway located and approved to the north. The number of bays is required to service the new additional floorspace (this is the most feasible design to achieve this) and the balance is adequate to meet floorspace requirements of 488-490 furniture premises.
- Clearly marked walk paths will link shoppers and employees between the premises and the car parking.

LOCATION

492 – 494 Stirling Highway is formerly a manicure salon located between the former Highway Dry-cleaning shop, and the Atelier Furnishings Showroom on the eastern side of the Stirling Highway.

BACKGROUND

Council recently approved a development application to redevelop 488 – 490 Stirling Highway to accommodate a new furniture showroom. The same applicant has submitted this application to redevelop the adjoining shops at 492 - 494 (Lot 207) Stirling Highway Peppermint Grove.

The application proposes to refurbish the heritage shop front and split into two smaller shops and to redevelop the rear of the site for a storeroom and office with modern toilet facilities.

A walkway will the rear of the property to the Stirling Highway frontage along the southern edge of the building.

CONSULTATION

None required – P uses are permitted by the Scheme and do not require consultation.

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**Metropolitan Region Scheme**

The land abuts Stirling Highway which is reserved in the Scheme as a Primary Regional Road. The applicant is required to complete a Form 1 application which is referred to the WAPC for assessment and decision.

Local Planning Scheme No.4

The proposal is located in a District Centre zone and includes a mixture of uses, some of which are required to be advertised for special notice (Cl.64 Deemed Provisions).

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 is assessed subject to LPS 4. The site is within the District Centre zone and the proposal includes use of space for a bulky good showroom (P use) office (P use) Shop (P use), the application is consistent with the intent and purpose of the zone. The use is acceptable and appropriate to the zone.

The development proposes to restore and improve the current building to retain a historically faithful presence towards the highway and introduce a contemporary commercial premise

at the rear which creates a pedestrian thoroughfare to link together all the properties between 488 and 494 Stirling Highway.

This site has no access to Stirling highway for vehicles and the restrictions of MRWA to limit and reduce any additional crossover access points onto the highway for vehicles.

The proposed development is required to provide at least 12 parking bays under LPS4 however for the reasons just identified the site cannot physically accommodate any car bays on site.

The applicant indicated the intention to set-aside up to 16 bays at the rear of neighbouring 488-490 Stirling Highway. Given that there is already an under-provision of car bays to floorspace in that car park, and this option does not actually provide additional bays so it cannot be possible to meet the LPS 4 provision for car parking at the site.

The Shire should consider not only the site and access restrictions of being on the highway as well as the proximity to a train and bus route (less than 400 m) before determining whether the full Scheme car parking provision is warranted.

The options are to build a multi-storey car-park at the rear of the site; investigate options such as car-stackers (which are not generally cost-effective); or to accept that in this location there will be an under-provision of car bays which can be mitigated through better pedestrian connections as proposed will accommodate for shoppers to access remote car parking stations and public transport. In addition, the provision of bicycle parking and end of trip facilities on the premises for employees may reduce the need for employee car parking bays.

The refurbished premises will provide space for fashion, design and decoration businesses to create a specialised employment and skill focus for the Shire at this location.

The restoration of the façade and parapet combined with the modern rear garden court will offer an attractive and interesting redevelopment; one which shifts activity back from the busy edge of the highway and links to surrounding premises within the centre.

The application is recommended for approval. The MRS Form will be referred to the WAPC with a copy of the LPS 4 Assessment.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.2

Council approves the application to redevelop and refurbish commercial premises at 492 – 494 Stirling Highway Peppermint Grove in accordance with the submitted plans and parking strategy and subject to the following Conditions:-

- 1. The development plans, as dated marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the plans approved as part of this application and shall form part of the development approval issued.**
- 2. All subsequent Building Permits issued as required to implement this Planning Approval shall reflect and agree with Planning Approval Conditions, Approved**

- Plans and other planning requirements instructed by the Shire of Peppermint Grove for this approval.
3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.
 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:
 - How materials and equipment will be delivered and removed from the site;
 - How materials and equipment will be stored on the site;
 - Parking arrangements for contractors;
 - Construction Waste disposal strategy and location of waste disposal bins;
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - 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. Granting of reciprocal access and granting of cross-easement between properties for pedestrian access and carparking provision to be lodged on the titles of 488 – 490 and 492- 494 prior to the completion of all building works (BA7) and occupation of the premises.
 6. Provision of bicycle parking and end of trip facilities on the site to enable workers who choose to use public transport and to cycle.

Advice:

This decision will be referred to the WAPC for their independent assessment and decision subject to the Metropolitan Region Scheme.

8.2 MANAGER INFRASTRUCTURE SERVICES

NIL

8.3 MANAGER LIBRARY SERVICES & COMMUNITY DEVELOPMENT

NIL

8.4 MANAGER CORPORATE SERVICES

8.4.1 Financial Report – March 2019

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Report – March 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 31 March 2019.

SUMMARY AND KEY ISSUES

- The financial report for the nine months ended 31 March 2019 indicates a YTD surplus some \$53,769 more than YTD budget – see Officer Comment note 3 for additional information;
- Operating revenue is some \$20,571 more than YTD budget;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$30,234 less than YTD budget;
- Capital expenditure totalling \$228,481 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 \$56,523. This figure appears in the yellow column in the attached financial report.

This figure largely reflects expected savings in waste collection and disposal costs since the new contract arrangements with Suez and WMRC commenced in November 2018 and January 2019 respectively.

At this stage savings of \$15,000 in residential waste and \$35,000 from Shire waste services have been identified.

This has resulted in a reduction of the current materials and contracts budget from \$1,967,879 to \$1,925,000.

It should be noted that other contracted expenses are reflected in this revised figure, notably legal expenses (that are currently \$34,000 over budget), offset by potential savings in several operational areas (parks/gardens, road sweeping, drainage maintenance amongst others).

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) Materials and Contracts

Materials and contracted expenses are some \$29,891 less than expected at this stage. This relates to timing variances only with many February and March invoices yet to be received.

Also see discussion above under “Financial Implications”.

(2) 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.

(3) Net Current Assets Year-to-Date

Net current assets as at 31 March 2019 exceed the revised budgeted figure by some \$53,769 at this stage. This is determined as follows:

Category	Impact on YTD Position	Notes
Revenue		
Rates	\$181	Interim rating raised
Fees & Charges	\$7,998	Development application fees
Grants & Subsidies	\$500	Unexpected library grant
Contributions & Reimbursements	\$9,586	Additional reimbursements
Interest on Investments	\$487	Timing of maturing term deposits
Other Revenue	\$2,000	Interest on outstanding rates
Proceeds of sale of assets	(\$29,682)	Trade-in yet to take place
Expenditure		
Employee Costs	(\$9,739)	Timing variance
Materials & Contracts	\$29,891	See note (2) above – timing related
Utilities	\$8,435	Timing of/savings in electricity expenses
Insurances	(\$53)	Premiums slightly higher
Other Expenses	\$1,700	Savings in Council member allowances
Plant & Equipment Purchases	\$32,133	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	(\$9,553)	Additional interest earned
Value of YTD variances at 31.3.19	\$53,769	Year-end forecast surplus is \$56,523

OFFICER RECOMMENDATION/S – ITEM No. 8.4.1

That the financial report for the period 1 July 2018 to 31 March 2019 be received.

8.4.2 ACCOUNTS PAID – MARCH 2019
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment	Accounts Paid – March 2019

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 March 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	278 – 282	\$363,509.60
EFT	TRUST	T007 – T009	\$3,550.00
CHEQUES	MUNICIPAL		\$0.00
CHEQUES	TRUST		\$0.00
BPAY	MUNICIPAL	26 – 29	\$1,849.75
DIRECT DEBITS	MUNICIPAL	53 – 58	\$16,817.29
TOTAL			\$385,726.64

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/S – ITEM NO. 8.4.2

That the list of payment of accounts by cheques, electronic funds transfers, direct debit payments for March 2019, totalling \$385,726.64 be received.

8.4.3 Matters for Information and Noting

ATTACHMENT DETAILS

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

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

COUNCIL ROLE

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

PURPOSE OF REPORT

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

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

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

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

SUMMARY AND KEY ISSUES

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

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

CONSULTATION

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

OFFICER RECOMMENDATION/S – 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.

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.*