



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY **19TH DECEMBER 2023**
AT
5.30 PM



Shire of
Peppermint Grove

NOTICE OF MEETING

Dear Councillor

It is advised that the **Ordinary Council Meeting** will be held in the Council Chamber on the Shire of Peppermint Grove, 1 Leake Street, Peppermint Grove, on 19th December commencing at 5.30pm.

MEETING AGENDA ATTACHED

Yours faithfully

A handwritten signature in black ink, appearing to read 'Don Burnett', written in a cursive style.

Mr Don Burnett
CHIEF EXECUTIVE OFFICER

14TH December 2023



Shire of Peppermint Grove

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Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING AGENDA

1. DECLARATION OF OFFICIAL OPENING

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

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

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

Affirmation of Civic Duty and Responsibility

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

2. RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President	Cr Karen Farley SC
Deputy Shire President	Cr P Dawkins
Elected Member	Cr P Macintosh
Elected Member	Cr J Mahony (via telephone)
Elected Member	Cr D Jackson
Elected Member	Cr E Bond
Elected Member	Cr C Hohnen
Acting CEO	Mr D Norgard
A/Manager Development Services	Mr P Zadeian
Manager Corporate & Community Services	Mr J Clapham

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

2.2 APOLOGIES

Chief Executive Officer
Manager Development Services

Mr Don Burnett
Mr J Gajic

2.3 LEAVES OF ABSENCE

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3. DELEGATIONS AND PETITIONS

4.0 PUBLIC QUESTION TIME

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

1. The Agenda;
2. Question to Council; and
3. Deputation Forms.

Have been placed at the end of the Council Meeting table in front of the public gallery, for the public, as well as on the Shire Webpage. In the event there are no public members present, the Presiding Member will dispense with Public Question Time.

Rules for Council Meeting Public Question Time

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

- 4.1 **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING**
Nil
- 4.2 **QUESTIONS FROM MEMBERS OF THE PUBLIC**
- 5.0 **DECLARATIONS OF INTEREST**
- 5.1 **FINANCIAL INTEREST**
- 5.2 **PROXIMITY INTEREST**
- 5.3 **IMPARTIALITY INTEREST**
- 5.4 **INTEREST THAT MAY CAUSE A CONFLICT**
- 5.5 **STATEMENT OF GIFTS AND HOSPITALITY**
- 6.0 **ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**
- 7.0 **CONFIRMATION OF MINUTES**

OFFICER RECOMMENDATION– ITEM NO 7.1

Moved:

Seconded:

That the minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 28th November 2023 be confirmed as a true and accurate record.

8.0 OFFICERS REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 14 The Esplanade, Peppermint Grove – 7.5m Crossover and Verge Works
(Amendment to DA2022/00012)

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1	DA2022/00012 Approved Plans
Attachment 2	Applicant's Written Submission
Attachment 3	Proposed Verge Landscaping Plan & Perspective

Voting Requirement	:	Simple Majority
Location / Property Index	:	14 (Lot 2) The Esplanade, Peppermint Grove
LPS No 4 Zoning	:	Residential R10
Land Use	:	Residential
Lot Area	:	1177m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Item 8.1.1 22 March 2022 OCM Item 8.1.4 28 July 2020 OCM Item 8.1.1 24 March 2020 OCM Item 8.1.1 23 April 2019 OCM
Applicant	:	Allerding & Associates Town Planners
Owner	:	Mr and Mrs Jon & Carolyn Stewart
Assessing Officer	:	Mr P Zadeian
Authorising Officer	:	Mr J Gajic

PURPOSE OF REPORT

To seek Council determination on an application to amend DA2022/00012 for a Single House and Ancillary Works that was itself an amendment to both DA2020/00008 and DA2019/00007. The approved dwelling is currently under construction. The current application seeks to widen and modify an approved 6m wide double crossover to a secondary street and to undertake verge works.

SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R10) works incidental to a Single House are a 'P' use.
- The existing approved crossover width and sightlines are compliant with the Shire's technical standards and the deemed-to-comply requirements of the R-Codes.
- The proposed amendment to DA2020/00008 relies on the design principles 5.2.4 Sightlines and 5.3.5 – Vehicular access contained in the Residential Design Codes of Western Australia (R-Codes) and seeks Council discretion in regard to Local Planning Policy 1 – Design and Streetscape, the Shire's Public Tree Management Strategy 2022 and Vehicular Crossovers General Requirements and Specifications.

- Development Services has concluded that the finished floor level of the garage has been designed at a level above which vehicles may scrape due to summit grade changes between the crossover and road surface and summit grade changes between the crossover and the footpath exceeding 1:8 (12.5%). The maximum crossover and driveway gradient is within 1:4 (25%) as recommended by Australian Standard AS2890.1 Parking facilities – Off-street parking.
- The proponent has provided insufficient technical justification that the approved double crossover is not fit for purpose and why Council should apply its discretion and approve a non-standard width crossover and removal of a street tree.
- Footpath intercept works to the southeast corner of the site are proposed that at some point in time would be undertaken at the Shire's cost. These works constitute a community benefit that need to be weighed against the streetscape impact and precedent in permitting an over width crossover.

LOCATION

14 (Lot 2) The Esplanade, Peppermint Grove (corner of Forrest Street & The Esplanade).

BACKGROUND

A modern single dwelling has been substantively constructed on the subject site that replaced a Category 2 listed heritage place. Verge works and landscaping works have been deferred to facilitate the parking of construction vehicles and temporary storage of building materials.

The Forrest Street verge has a notable fall both towards the adjacent street and towards The Esplanade. The verge contains a footpath with two (2) sets of brick stairs providing connectivity to Forrest Street, three (3) mature WA Weeping Peppermint trees (peppermint trees), and a redundant single concrete crossover and a single bitumen crossover.

The footpath and kerbing adjacent to the development site have been significantly damaged including through the establishment of an informal vehicle crossing point onto The Esplanade. The verge is in poor condition due to the storage of building materials and parking of construction vehicles. The handrail to brick stairs immediately west of the approved crossover was damaged during construction. The builder was advised by Shire staff to ensure the stairs were suitably protected; however, they have now been completely removed. Neither of the stairs were reference in the heritage data sheets for the previously heritage listed place.

The current application represents the fourth modification related to the redevelopment of the subject site. The new crossover was originally approved at a width of 5m under DA2019/00007 and was subsequently approved at 6m under DA2020/00008.

The proponent has raised concerns regarding the speed at which vehicles approach the Forrest Street/The Esplanade intersection from the east. It is noted that since the submission was received the faded yellow 'no stopping' lines on Forrest Street have been repainted for the full length of the subject site that will ensure parked vehicles will not obstruct sightlines.

The amendment principally seeks to improve the ease of access by increasing the double crossover width by 1500mm and reducing the gradient of the approved crossover. In order to reduce the gradient of the footpath is proposed to be lowered by approximately 300mm.

The garage has now been constructed such that lowering the floor level to reduce the driveway gradient would incur significant costs.

Proposed ancillary works within the Forrest Street verge including removing and replacing a mature peppermint tree in an alternative location, relocating the brick stairs immediately west of the approved crossover, removing the brick stairs east of the crossover, and reconfiguring a footpath intercept at the southeastern corner of the site.

The proponent has asserted that the works will enhance the streetscape by delivering a well-considered, respectful landscaping outcome. In addition, repair and maintenance works at the proponent's cost will improve pedestrian safety and connectivity near the intersection of Forrest Street and The Esplanade. The proposed 7.5m wide crossover constitutes 16.9% of the 41.4m secondary street frontage.

It is accepted that the crossover will not dominate the streetscape and the additional width is mitigated by the landscaped verge. Notwithstanding, the Council had due regard to the siting and design when it exercised discretion in approving a 6m wide double crossover. Council discretion at that time was in part justified by landscaping and the retention of existing street trees. Furthermore, the proponent has not evidenced why the 1500mm additional crossover width is necessary to facilitate safe access.

CONSULTATION

Adjoining landowners were previously consulted regarding redevelopment of the subject site and no further consultation was undertaken. It is noted that a standalone Application to Construct a Crossover or proposals for verge works including street tree removal need not be advertised.

The proponent was requested to provide a traffic engineering assessment evidencing non-compliance with Australian Standard AS2890.1 and sightlines, that was not submitted.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

There are no Local Planning Policy implications evident at this time.

STATUTORY IMPLICATIONS

The statutory timeframe to determine an application (including an amendment) that has not been advertised is sixty (60) days excluding any period the application is on hold pending the submission of further information. After this date the application is 'deemed to be refused' for the purposes of enabling an application for determination to be lodged to the State Administrative Tribunal (SAT). The application is within the statutory timeframe.

Assessment of the relevant Scheme provisions, R-Codes, Planning Policies and Technical Specifications are detailed in the table below.

LOCAL PLANNING SCHEME NO. 4	
Scheme Provisions/Modification of R-Codes	Assessment/Comment
Street Setbacks For R10, coded areas the setback from the front street boundary to any building, including a carport or garage, shall be a minimum of 9 metres from the primary street and 4.5 metres from the secondary street.	N/A. Planter boxes or the ornamental pond that are deemed to be minor structures and not a building for the purposes of secondary street boundary setbacks.

RESIDENTIAL DESIGN CODES	
Design Principles	Assessment/Comment
Open Space 5.1.4, Table 1 of the R-Codes.	N/A. There is no proposed change to the building footprint.
Setback of Garages and Carports 5.2.1, Table 1 Figure 8a and 8b of the R-Codes.	N/A. There is no proposed change to the garage footprint.
Garage Width 5.2.2, Figure 8c of the R-Codes	N/A. There is no proposed change to the garage footprint.
Street Walls and Fences 5.2.4, Figure 12 of the R-Codes.	The deemed-to-comply requirement for street walls and fences is varied by Local Planning Policy 12 – Residential Fences and addressed in the Council Policy table below.
Sight Lines 5.2.5, Figure 9a of the R-Codes.	Non-compliant. All walls and other structures are truncated within 1.5m of where the driveway intersects with the street. The design principles require the provision of unobstructed sight lines at vehicle access points to ensure safety and visibility along access ways, streets, rights-of-way, communal streets, crossovers, and footpaths. The adjacent footpath is located hard up against the property boundary and is utilised as linkage between the Cottesloe Activity Centre and PLC to the foreshore. The proponent has not provided a design principles response for sightlines. The design principles are not considered to be met.
Design of Car Parking Spaces 5.3.4 of the R-Codes.	N/A. There is no proposed change to the garage footprint. Vehicles need not exit the site in forward gear given the distance from the parking spaces to Forrest Street is less than 15m.
Vehicular Access 5.3.5 of the R-Codes.	Non-compliant. The deemed-to-comply requirement is for access to onsite car parking spaces to be provided where available from a secondary street where no communal street or right-of-way exists, no driveway wider than 6m at the street boundary, no closer than 500mm from a side lot boundary or street pole, located to avoid street trees, or where this is unavoidable, the street trees replaced at the applicant's expense or re-planting arrangements to be approved by the decision-maker, and adequately paved and drained. The proposal seeks to vary the minimum 6m crossover width to 7.5m and increase the adjacent footpath gradient to 1:8

	<p>(12.5%). An engineering assessment referencing AS2890.1 has not been provided or justification for increasing the footpath gradient above 1:14 (7.1%). The approved crossover gradient has been assessed by Development Services to exceed 18% such that the method at Appendix C of AS2890.1 should be employed.</p> <p>In addition, the proposal now seeks to remove and replace a peppermint tree.</p> <p>The variation sought has not been qualified with technical justification demonstrating other engineering solution are available other than the widening the crossover, or indeed whether the proposed design is compliant with AS2890.1 and AS1428.1 Design for access and mobility (footpath gradient). The approved driveway is located approximately 5.3m from the western property boundary and need only be offset 500mm to satisfy the deemed-to-comply requirement. It is unlikely that the previously approved crossover location would have been supported should it have required removal of a street tree given the driveway could have been readily positioned further from the tree.</p> <p>The design principles are not considered to be met.</p>
<p>Site Works 5.3.7, Table 4 of the R-Codes.</p>	<p>N/A. There are no proposed changes to the existing site levels between the street boundary and the street, or in close proximity to any lot boundary.</p>

<u>COUNCIL POLICY</u>	
Policy Provisions	Assessment / Comment
<p>Local Planning Policy 1 – Design and Streetscape</p>	<p>Non-compliant. This policy intends to maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes. Specifically, the policy encourages a single 6m wide crossover to retain and protect green street verges and street trees.</p> <p>A single 7.5m verge crossover is proposed in combination with verge landscaping works that includes the removal and replacement of a mature peppermint tree, relocating pedestrian stairs and reconfiguring a footpath intercept at the southeastern corner of the site where the crossing is directed to the east towards The Esplanade rather than south to connect with the existing footpath. The footpath intercept works will otherwise need to be undertaken at some point in time at the Shire’s cost.</p> <p>The variation sought has not been substantiated on technical grounds by a traffic engineer or that the peppermint tree proposed to be removed presents a safety risk or is in poor health. It is the officer’s assessment that the proposal will not deliver a higher quality streetscape, nor does footpath intercept works at the proponent’s cost present a compelling case for Council to exercise its discretion.</p>
<p>Local Planning Policy 2 – Ecological Urban Design and Sustainability</p>	<p>Not Compliant. The policy provisions encourage boundary setback areas to be principally used for landscaping or urban green space associated with a garden or private open space. Paving and sealing of the ground in setback areas is to be limited to areas used for thoroughfare or standing of vehicles.</p>

	<p>It is acknowledged that 20% of the total site will remain available for viable and functioning ecological green space (deep soil planting) and that no variations are sought to the policy provisions.</p> <p>Notwithstanding the proposal complies with the policy provisions it is inconsistent with the policy intent to conserve areas of each site for urban green space and ecological purposes.</p>
Local Planning Policy 3 – Heritage Places	N/A. The place is not included on the Municipal Heritage List or on the State Register.
Local Planning Policy 4 – Residential Building Heights	N/A. The proposal does not seek to alter the approved building height of the current house.
Local Planning Policy 5 – Plot Ratio For R10, Coded areas the maximum plot ratio shall be 0.5	N/A. The proposal does not seek to alter the building footprint.
Local Planning Policy 6 – Neighbourhood Consultation on Development	N/A. Adjoining landowners were previously consulted regarding redevelopment of the subject site no further consultation was undertaken. Standalone Applications to Construct a Crossover or proposals for verge works including street tree removal need not be advertised.
Local Planning Policy 8 – Construction Management	<p>The policy requires owners and their contractors to undertake the effective management of approved development. Proponents are required as a condition of planning approval to submit a construction management plan for assessment and approval prior to the issuance of a demolition or building permit. A construction management plan has been approved for construction of the single house.</p> <p>Should this amendment be approved in full the approved construction management plan will need to be modified having further regard to traffic management and safety considerations pertaining to removal and relocation of staircases and the reconfiguration of the footpath intercept at the southeastern corner of the site within the road verge. The submission of a modified construction management plan can be addressed with a condition of development approval.</p>
Local Planning Policy 9 – Development Bonds	<p>To ensure that any damage to public property caused by building work is fixed properly, the policy allows for the lodgement of a bond based on the value and nature of work being undertaken.</p> <p>Previous approvals required a \$2,000 development bond which is recommended to be increased to \$5,000 and paid prior to the commencement of works should this application be approved.</p> <p>The Manager of Infrastructure Services has been notified of the proposed development and will document the condition of assets in the road verge.</p>
Local Planning Policy 10 – Design Review Panels	N/A. The proposal does not meet the criteria to be considered by a Design Review Panel.
Local Planning Policy 11 – Building on Side and Rear Boundaries	N/A. No buildings or building additions are proposed on any boundary.

<p>Local Planning Policy 12 – Residential Fences</p>	<p>Not Compliant. The policy provides guidance on the circumstances and parameters whereby residential fencing is able to be approved without causing detriment to the streetscape or the character of the neighbourhood, the loss of visibility of valued properties from the street such as heritage listed properties, or compromise sightlines for pedestrians or vehicles.</p> <p>A 1500mm wide section of the 1800mm high visually permeable automatic sliding gate is proposed to be deleted and the driveway be widened to abut an existing 1800mm high solid limestone wall. Sightlines will no longer be available for motorists and pedestrians to the west.</p> <p>The variations sought to the policy provisions are considered to be inconsistent with the policy intent and it is impractical to be otherwise addressed with a condition of approval.</p>
<p>Vehicular Crossover Policy and Technical Specification</p>	<p>Non-Compliant. The Technical Specification outlines the Shire's requirements for vehicular crossovers and ensures a uniform approach to the construction of vehicle crossovers. For residential properties a standard crossover is defined as being a minimum 3m wide constructed with reinforced grey concrete. Schedule 1 prescribes a residential crossover up to 6m wide at the property boundary and incorporating 1500mm wide splays.</p> <p>The proposal seeks a 1500mm (25%) variation to the minimum 6m crossover width at the property boundary. The justification, in part relies upon the access arrangements for the previous residence and that lawn will be reinstated to the Forrest Street verge that has deteriorated due to construction activities.</p> <p>The Manager of Infrastructure Services supports the Officers recommendation to refuse the proposed amendment and further acknowledged that the landscaping plan contains insufficient detail in order to fully articulate the scope of works.</p>
<p>Public Tree Management Strategy 2022</p>	<p>Non-Compliant. The Public Tree Management Strategy (Strategy) provides guidance for the care, protection, and preservation of Shire trees and defines the circumstances in relation to the tree removal and development applications. Specifically, developers are encouraged to retain and protect existing trees on Shire land wherever possible to preserve the amenity of the streetscape. The Strategy does not permit tree removal if in the way of a non-essential crossover or verge paving option. The Strategy states that <i>“removal of street trees for the placement of new crossovers will only be considered where all other design options have been sought.”</i></p> <p>The proposal seeks to vary the requirement to retain existing trees for the placement of new crossovers on the basis that the peppermint tree to be removed will be replaced with one new ‘mature’ peppermint tree in combination with verge landscaping works, repaired pedestrian footpath and street kerbing.</p> <p>It has not been evidenced why the peppermint tree proposed to be removed is a safety risk or that other design options have been explored including reverting back to a 5m wide crossover to increase separation.</p>

	<p>According to the Shire’s Tree Inventory database the mature WA weeping Peppermint tree proposed to be removed (tree ID 267) has the following attributes:</p> <ul style="list-style-type: none"> ▪ approximately 9m high, ▪ canopy spread of 8m, ▪ useful life expectancy of 11-20 years, ▪ fair condition, and ▪ medium retention value. <p>No detail has been provided by the proponent as to what constitutes ‘mature’ in terms of the proposed replacement tree. It is standard practice that replacement peppermint trees are juveniles sourced from a maximum 90lt pot.</p> <p>The intent of the Strategy is not considered to have been met. In this regard, the Manager of Infrastructure Services supports the Officers recommendation to refuse the proposed amendment and further acknowledged that the landscaping plan contains insufficient detail in order to fully articulate the scope of works.</p>
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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

From the initial engagement with the proponent, it was made clear that an engineering assessment was necessary to justify the approved 6m wide double crossover being widened or the removal of verge trees. Detailed design plans were not prepared that would otherwise enable an engineer to ascertain compliance against relevant technical standards and Australian Standards AS2890.1 - Parking Facilities and AS1428.1 - Design for access and mobility.

It is further noted that the amended crossover will also result in diminished sightlines as the boundary wall and other structures have not been truncated within 1.5m of where the driveway intersects with the street. The proponent has not provided a design principles response for sightlines.

In lieu of a traffic engineering report confirming the approved vehicular access is not fit for purpose, or that all alternative design options have been explored, there is no compelling case that the crossover needs to be widened or that adjacent brick stairs need to be removed and relocated.

There is no compelling case for the removal and replacement of a verge peppermint tree. The Shire’s *Public Tree Management Strategy 2022* encourages the retention and protection

of existing street trees wherever possible to preserve the amenity of the streetscape. Removal of street trees for the placement of new crossovers will only be considered where all other design options have been sought.

There is no compelling case for the brick stairs east of the crossover to be removed or for the footpath to be lowered and regraded west of the crossover. It is further noted that the proposed 1:8 (12.5%) footpath gradient exceeds the maximum prescribed 1:14 (7.1%).

The Shire's 6m wide crossover width is a widely accepted development standard for safe vehicular access and sightlines that is also embedded in the R-Codes. The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. Where a proposal does not meet the deemed-to-comply provisions, Council is required to exercise judgement to determine the application.

In granting the original approval and successive modifications, the Shire carefully considered the siting and design of the new dwelling and vehicular access balanced against the need to conserve the open leafy character of its streetscapes. The retrospective approval of a 7.5m wide crossover is contradictory to the state and local planning policy framework and would establish an undesirable precedent.

In this regard, and in the absence of a compelling technical case, it is recommended that the application be refused, and the proponent be directed to reinstate the brick stairs immediately west of the approved crossover.

OFFICER RECOMMENDATION– ITEM NO 8.1.1

OFFICER RECOMMENDATION

That Council refuse the proposed amendment to Development Application 2022/00012 for a 7.5m Crossover and Verge Works at 14 (Lot 2) The Esplanade, Peppermint Grove on the following grounds:

- 1. The proposed amendment does not comply with the aims of the Shire of Peppermint Grove Local Planning Scheme No.4 to protect the quality and characteristics of the Shire's streetscapes.**
- 2. The proposed amendment does not comply with the design principles for 5.2.5 Sight lines of the Residential Design Codes of Western Australia (volume 1) to provide unobstructed sightlines at vehicular access points.**
- 3. The proposed amendment does not comply with the design principles for 5.3.5 Vehicular access of the Residential Design Codes of Western Australia (volume 1) to provide minimal crossovers.**
- 4. The proposed amendment does not comply with the policy provisions of Local Planning Policy 1 – Design and Streetscape in respect to crossover width.**
- 5. The proposed amendment does not comply with the Shire of Peppermint Grove Vehicular Crossover General Requirements and Specifications.**

- 6. The proposed amendment does not comply with the purpose and provisions of the Shire of Peppermint Grove Public Tree Management Strategy 2022 in respect to tree removal.**
- 7. Sufficient justification has not been provided to warrant the removal or relocation of brick stairs within the verge that contribute to the amenity of the streetscape.**
- 8. Approval will establish an undesirable precedent.**

8.2 MANAGER INFRASTRUCTURE SERVICES

Nil

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 List of Accounts Paid – November 2023

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Accounts Paid – November 2023 Credit Cards – October 2023

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

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

Significant payments including GST (over \$20,000) in November 2023 included the following:

- SuperChoice – superannuation for staff - \$34,991.04
- InnerVision Engineering – initial payment for car park parking sign - \$23,925.00
- McLeods Barristers and Solicitors – various planning matters - \$22,128.70

BACKGROUND

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

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT00549-552	\$272,032.34
Direct Debits	DD00467-473	\$14,189.74
BPAY		\$0
Credit Cards – October 2023		\$12,130.91
TOTAL		\$298,352.99

CONSULTATION

Information prepared by Finance and Payroll Officer.

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.” 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 2023/24 Adopted Budget.

COMMENT

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

OFFICER RECOMMENDATION/S – ITEM NO. 8.4.1

That Council receive the list of payment of accounts by:

- 1. Electronic funds transfers, direct debit & BPAY payments for the month of November 2023, totalling \$298,352.99**

8.3.2 Financial Statements for the period ending 30th November 2023

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 30 November 2023

Voting Requirement	Simple Majority
Subject Index	: Financial Statements 2023/24
Disclosure of Interest	: Nil
Responsible Officer	: Jeremy Clapham, Manager of Corporate and Community Services
Authorised by	: Don Burnett, Chief Executive Officer

PURPOSE OF REPORT

To receive the financial statements for the period ended 30 November 2023

SUMMARY AND KEY ISSUES

Up to November there has been limited expenditure, while the full rates revenue has been recognised. This has resulted in a large surplus that will be drawn down over the course of the year. Please see attached Monthly Financial Report for an explanation of any material variances.

BACKGROUND

The Monthly Financial Statements are prepared in accordance with the requirements of the Local Government Act 1995 & Financial Management regulations (1996). Monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 November 2023.

STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan.

POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies and Investment Policy.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996.

FINANCIAL IMPLICATIONS

There are no detrimental financial implications evident at this time.

OFFICER COMMENT

The Monthly Financial Statements show a large surplus that can be attributed to the levying of the Rates and Refuse charges in July 2023.

Details of material variances are shown in Note 3 of the attached Monthly Financial Report.

The audit for 2022/23 has been completed and the closing surplus for June 2023 has been finalised.

Investment of Municipal and Reserve Funds - as at 30 November 2023

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

Fund	Purpose	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest
Term Deposit	Reserve Funds	\$1,988,560.40	15 August 2023	28 June 2024	313	5.20%	\$
Corporate cheque account	Municipal Funds	\$2,261,104.78	Ongoing	Ongoing	N/A	4.15%	
Reserve Transfer Account	Municipal Funds	\$3.23 (sundry interest to be transferred to Muni account)	Ongoing	Ongoing	N/A	4.15%	\$

OFFICER RECOMMENDATION – ITEM NO 8.3.2

That Council receives the monthly financial report for the period ended 30 November 2023.

8.4 CEO MANAGEMENT/GOVERNANCE/POLICY

MANAGEMENT/GOVERNANCE/POLICY

8.4.1 Matters for Information and Noting

ATTACHMENT DETAILS

Attachment	Description
Attachment 1	Building/Planning Statistics
Attachment 2	Infringements Issued
Attachment 3	Library Statistics
Attachment 4	Recycling Statistics
Attachment 5	MOU for WALGA Sustainable Energy Project

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

PURPOSE OF REPORT

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

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

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

- Building Permits issued
- Demolition permits issued
- Seal register advising of when the Shire seal has been applied
- Infringements for parking and dogs etc.
- Recycling Statistics
- Library Statistics

SUMMARY AND KEY ISSUES

The following reports are presented to Council:

- Planning Approvals

- Building Approvals
- Infringements
- Library Statistics
- Recycling

OFFICER COMMENT

That Council notes the updates outlined in the attached reports across a number of areas of the Shire's operations.

MOU for WALGA Sustainable Energy Project

The Shire has participated in a WALGA sustainable energy project since April 2022. This was under an MOU, which has the Shire purchasing all of its electricity requirements through a purchasing consortium of local government for the supply of natural power. This initial contract produced some small financial savings (\$4,000 over 18 months) and at the same time produced carbon offsets of 96 tonnes.

The attached MOU, which is to be signed by the CEO, is for the next stage of the project, which is the calling of tenders for the next 3 year contract. It is anticipated that the cost of purchasing natural power will increase, however the sustainability benefits of carbon offsets will continue.

Council Meeting Dates

Three council meeting dates have been amended for the 2024, to reflect the 4th Tuesday of every month for the month of May and August, which had incorrectly referenced the 3rd Tuesday. The December Council meeting dates for the Agenda Briefing Forum has been changed to reflect that a meeting will occur on the second Tuesday of the month.

The changes remove:

- 21st May 2024 and replace with 28th May 2024;
- 20th August and replace with 27th August 2024; and
- 11th December 2024 and replace with 10th December 2024 (Agenda Briefing Forum).

The revised Council meeting dates for 2024 are:

Agenda Briefing Forum 2nd Tuesday of every month at 5.30pm (except in January when Council is in recess).	Ordinary Meeting of Council 4th Tuesday of every month's at 5.30pm (except in December – 3rd Tuesday and January when Council is in recess).
13 th February 2024	27 th February 2024
12 th March 2024	26 th March 2024
9 th April 2024	23 rd April 2024
14 th May 2024	28 th May 2024
11 th June 2024	25 th June 2024
9 th July 2024	23 rd July 2024
13 th August 2024	27 th August 2024
10 th September 2024	24 th September 2024
8 th October 2024	22 nd October 2024
12 th November 2024	26 th November 2024
10 th December 2024	17 th December 2024

CONSULTATION

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

OFFICER RECOMMENDATION/S – ITEM 8.4.1

That Council

1. Receives the information in this report.
2. Endorses the changes to 2024 Council meeting dates as contained in this report.
3. Notes the MOU relating to the WALGA Sustainable Energy Project.

9. COMMITTEE REPORTS

9.1 2022/23 Audit Management Letter – Officer of Auditor General & Dry Kirkness

MANAGEMENT/GOVERNANCE/POLICY

CONFIDENTIAL ATTACHMENT

<u>Attachment No</u>	<u>Details</u>
Attachment 6.1.1	2022/23 Audit Management Letter - OAG (Confidential)

Voting Requirement : Simple Majority
 Subject Index : Financial management Audit
 Disclosure of any Interest : Nil
 Responsible Officer : Jeremy Clapham, Manager Corporate & Community Services

PURPOSE OF REPORT

The purpose of this report is for the Committee to receive the Audit Management Letter for the 2022/23 Financial year.

SUMMARY AND KEY ISSUES

The Audit was conducted by Dry Kirkness on behalf of the Office of the Auditor General. The following matters were identified and included in the Management Report. None of these matters were identified as being significant and will not impact the audit findings. Some of them have already been addressed and the others will be addressed before 30 June 2024.

1. Purchase orders dated after the supplier tax invoice date.
2. Employee Exit Checklist
3. Opening balance trial balance disagrees with the audited financial statements for 2022
4. Register of financial interest
5. Authorisation of changes to supplier and employee master files
6. Excessive annual leave balances
7. No disaster recovery plan
8. Inadequate monthly maintenance report
9. Excessive administrative rights in system
10. Vulnerability assessment and penetration testing
11. Risk Register

BACKGROUND

The report identifies any issues that need to be reported to the Management and it includes Management comments for the information of the Audit Governance & Risk Management Committee.

CONSULTATION

Chief Executive Officer, Manager of Corporate and Community Services, Dry Kirkness and the Office of the Auditor General.

STRATEGIC IMPLICATIONS

There are no Strategic Implications identified at this time.

POLICY IMPLICATIONS

Financial Management Policies

STATUTORY IMPLICATIONS.

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

There are no Financial Implications identified at this time.

ENVIRONMENTAL IMPLICATIONS

There are no Environmental Implications identified at this time.

SOCIAL IMPLICATIONS

There are no Social Implications identified at this time.

OFFICER COMMENT

Staff have provided comments on the matters raised in the Management Letter and a copy of the questions and management response is included as an attachment.

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION – ITEM NO 9.1

That the Council receives the Audit Management Letter for 2022/23 performed by Dry Kirkness on behalf of the Office of Auditor General and noting actions to address the matters.

9.2 2022/23 Audit Annual Financial Report – Officer of Auditor General & Dry Kirkness

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6.2.1	Audited 2022/23 Annual Financial Statements
Attachment 6.2.2	Audit Report 2022/23

Voting Requirement : Simple Majority
 Subject Index : 2022/23 Financial Statements
 Responsible Officer : Jeremy Clapham, Manager Corporate & Community Services

PURPOSE OF REPORT

The purpose of this report is to receive the Audited Annual Financial Statements for the year ended 30 June 2023.

SUMMARY AND KEY ISSUES

The 2022/23 Audited Annual Financial Statements have been completed and the Committee is requested to receive the document.

BACKGROUND

The financial statements for the year ended the 30 June 2023, were presented to the Auditor for audit purposes and following the required amendments were presented to the Office of the Auditor General (OAG) for signing.

CONSULTATION

Chief Executive Officer, Manager of Corporate and Community Services, Dry Kirkness and the Office of the Auditor General.

STRATEGIC IMPLICATIONS

Strategic Priority 5- Governance

Item 5.1- Continue to monitor the financial sustainability of the Shire’s resources

POLICY IMPLICATIONS

Financial Management Policies

STATUTORY IMPLICATIONS.

Section 6.4 of the Local Government Act states:

6.4 Financial report

(1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

(2) The financial report is to —

(a) be prepared and presented in the manner and form prescribed; and

(b) contain the prescribed information.

(3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —

(a) the accounts of the local government, balanced up to the last day of the preceding financial year;

and

(b) the annual financial report of the local government for the preceding financial year.

FINANCIAL IMPLICATIONS

Nil.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time

SOCIAL IMPLICATIONS

There are no Social Implications identified at this time.

OFFICER COMMENT

The audit for the 2022/23 financial year has been completed and provides an overview of the financial activities for the 2022/23 year.

Annual Electors Meeting

The Shire is required to hold an Annual Electors Meeting and it is recommended that this be held at 5.15pm on Tuesday 13th February 2024 in the Council Chambers. The meeting will be immediately prior to the agenda forum meeting scheduled for 5.30pm.

Draft Annual Report

The Draft Annual Report covering operational aspects of the Shire for 2022/23 will be circulated to Councillors under separate cover with the view of being formatted for presentation at the Annual Electors Meeting.

2022/23 Closing Surplus

The estimated closing surplus as at 30 June 2023 was anticipated to be \$350,026, however following the audit, this was reviewed and adjusted to \$526,882.

The additional surplus of \$176,856 relates to the correction of amounts for the acquisition of fixed assets.

OFFICER RECOMMENDATION/COMMITTEE RESOLUTION – ITEM NO 9.2

That Council

- 1. Receives the audited 2022/23 Annual Financial Statements and Audit Report.**
- 2. Holds the Annual Electors Meeting on Tuesday 13th February 2024 at 5.15pm in the Council Chambers.**

10. NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL

11. MOTIONS ON NOTICE

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

12. CONFIDENTIAL ITEMS OF BUSINESS

13. CLOSURE OF MEETING

At ___pm, there being no further business the meeting closed.