



Peppermint Grove
The Garden Shire

MINUTES ORDINARY COUNCIL MEETING

HELD:

05:30pm Tuesday 28th July 2026

Shire of Peppermint Grove

1 Leake Street

Peppermint Grove WA 6011



Peppermint Grove

The Garden Shire

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Peppermint Grove
The Garden Shire

1.0 DECLARATION OF OFFICIAL OPENING

At 5:30pm, the Presiding Member 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 Singleton.

Members of the Public present at the Council meeting need to be aware that the meeting is recorded and any of their presentations will be recorded and published on the Shire's website.

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.

2.0 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President	Cr K Farley SC
Deputy Shire President	Cr P Dawkins
Elected Member	Cr P Macintosh
Elected Member	Cr E Bond
Elected Member	Cr C Hohnen
Elected Member	Cr D Singleton
Chief Executive Officer	Mr D Burnett
Manager Corporate and Community Services	Mr J Clapham
Manager Development Services	Mr J Gajic
Manager Infrastructure Services	Mr D McBride

Gallery:

1 x Members of the Public
1 x Members of the Press

2.2 APOLOGIES

Elected Member

Cr J Mahony

2.3 LEAVES OF ABSENCE

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3.0 DELEGATIONS AND PETITIONS

Item 8.4 Kate Barsden from Moubray Architecture made a presentation on behalf of the owners of 52 The Esplanade.

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.

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. 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

Nil

5.0 DECLARATIONS OF INTEREST

Nil

5.1 FINANCIAL INTEREST

Nil

5.2 PROXIMITY INTEREST

Nil

5.3 IMPARTIALITY INTEREST

Nil

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Nil

5.5 STATEMENT OF GIFTS AND HOSPITALITY

Nil

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

7.0 CONFIRMATION OF MINUTES

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 7.1

Moved: Cr Bond

Seconded: Cr Hohnen

That the minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 23rd June 2026 be confirmed as a true and accurate record.

Carried: 6/0

For: Councillors' Karen Farley SC, Patrick Dawkins, Charles Hohnen, Peter Macintosh, Emerald Bond, David Singleton.

Against: Nil

8.0 OFFICERS REPORTS**8.1. LIST OF ACCOUNTS PAID – JUNE 2026****ATTACHMENT DETAILS**

Attachment No	Description
Attachments	Accounts Paid – June 2026 - Payment Details - June 26.pdf Credit Card Expenses – June 2026 - Credit Cards - June 26.pdf

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

Purpose of Report

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

Summary and Key Issues

The following payments in excess of \$20,000 were paid in June 2026:

- Veolia – waste collection services \$23,354.10
- DFES – ESL 4th quarter payment \$45,628.70
- BrightMark Group – cleaning services (2 x months) \$22,109
- Superchoice – superannuation - \$20,329.33
- Open Systems Technology – ERP system \$34,393.45
- Advantearing Civil Engineers – foreshore sand renourishment \$20,460
- WP Civil Engineers – 3rd and final claim for 2 x road projects \$70,543.93
- Superchoice – superannuation \$20,535.45
- WA Treasury Corporation – loan payment \$41,700.34

Background

The Attachment list details all payments made in June 2026 and credit card transactions for June 2026 (paid in July 2026). 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	EFT00140 – EFT00147	\$458,912.22
Direct Debits	DD00172 – DD00182	\$56,318.71
BPAY		\$0
Credit Cards – May 2026		\$5,461.99
Payroll		\$118,945.69
Bank charges		\$429.31
TOTAL		\$640,067.92

Consultation

There was no external consultation undertaken.

Strategic Implications

There were no strategic implications evident at this time.

Policy Implications

There were no 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 2025/26 Adopted Budget.

Officer Comments

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

OFFICER RECOMMENDATION / COUNCIL DECISION – ITEM NO 8.1

Moved: Cr Dawkins

Seconded: Cr Bond

That Council receive the list of payment of accounts by electronic funds transfers, direct debit, BPAY and credit cards for the month of June 2026.

Carried: 6/0

For: Councillors’ Karen Farley SC, Patrick Dawkins, Charles Hohnen, Peter Macintosh, Emerald Bond, David Singleton.

Against: Nil

8.2 FINANCIAL STATEMENTS FOR THE PERIOD ENDING – JUNE 2026**ATTACHMENT DETAILS**

Attachment No	Description
Attachments	Monthly financial Report for the period ended 30 th June 2026 - Monthly Financial Report June 2026.pdf

Voting Requirement	: Simple Majority
Subject Index	: Financial Statements for the Period ended 30 th June 2026
Disclosure of Interest	: Nil
Responsible Officer	: Jeremy Clapham, Manager Corporate and Community Services
Authorising Officer	: Don Burnett, Chief Executive Officer

Purpose of Report

To receive the monthly financial statements for the period ended 30th June 2026.

Summary and Key Issues

The surplus at 30th June 2026 is \$473,709, which is \$7,459 less than forecast. The main reasons for this variance are: overspend in operating expenditure of \$126,987, less income than forecast of \$168,380, non cash amounts excluded from operating activities of \$66,173, underspend in capital expenditure of \$188,081 and less capital grants received than budgeted for of \$5,065. The surplus may change due to year end adjustments and audit adjustments. Also, the library accounts have not yet been finalised.

Background

The Monthly Financial Statements are prepared in accordance with the requirements of the *Local Government Act 1995* and Local Government (Financial Management) Regulations 1996. Monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30th June 2026.

Consultation

There was no external consultation undertaken.

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

The surplus at 30th June 2026 is \$473,709, which is \$7,459 less than forecast.

Officer Comments

The opening surplus is \$528,946 (confirmed after completion of the 2024-25 audit) and is \$89,562 less than estimated at the time that the budget was compiled, and \$448,628 more than budgeted for. The surplus at 30th June 2026 is \$473,709, which is \$7,459 less than forecast. Please note that the surplus is subject to year adjustments and any adjustments during the audit process. Also, the library financial statements still need to be finalised.

Investment of Municipal and Reserve Funds - as at 30th June 2026:

Fund	Purpose	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest for the year
Corporate Cheque Account	Municipal Funds	\$911,605.24	Ongoing	Ongoing	N/A	3.65%	\$82,000
Term Deposit	Reserve Funds	\$2,127,878	24/6/2026	22/12/2026	276	5.25%	\$87,243

OFFICER RECOMMENDATION / COUNCIL DECISION– ITEM NO 8.2**Moved: Cr Dawkins****Seconded: Cr Bond**

That Council receives the monthly financial statements for the period ended 30th June 2026.

Carried: 6/0

For: Councillors' Karen Farley SC, Patrick Dawkins, Charles Hohnen, Peter Macintosh, Emerald Bond, David Singleton.

Against: Nil

8.3 GARDEN SHIRE PUBLIC HEALTH PLAN**ATTACHMENT DETAILS**

Attachment No	Description
Attachment	SOPG Garden Shire Public Health Plan 2026-2031_ST (1).pdf

Location	:	Shire-wide
Land Use	:	Garden Shire Public Health Plan
Voting Requirement	:	Simple Majority
Disclosure of Interest	:	Nil.
Previous Items	:	Item 3.6, Concept Forum dated April 2026
Assessing Officer	:	Mr P Zadeian
Authorising Officer	:	Mr J. Gajic

PURPOSE OF REPORT

This report recommends Council adopt, implement and regularly review the Garden Shire Public Health Plan (GSPHP) 2026.

SUMMARY AND KEY ISSUES

- Under the Public Health Act, 2016 the Shire is required to have adopted a Public Health Plan, endorsed by the Chief Medical Officer in 2026.
- Local Public Health Plans must be consistent with the State Public Health Plan, which focuses on chronic disease prevention, environmental protection and Aboriginal health.
- In April 2026, the Shire's Concept Forum resolved to advertise the Draft GSPHP for 28 days with some minor amendments and then presented back to Council.
- Modifications to the Draft GSPHP have been made in response to technical submissions from North Metropolitan Health Services and on the advice of Food Technology Services.

BACKGROUND

Under the *Public Health Act, 2016*, the Shire has a statutory responsibility to assist its community in creating healthier lifestyles because its role in improving community health and wellbeing is diverse. It includes the civic places and spaces it builds and/or maintains, early childhood health services, and waste management.

In this regard, the Shire is required to have in place an adopted Public Health Plan by July 2026. However, the Chief Medical Officer has provided the Shire with a three (3) month extension until September 2026. Under the *Public Health Act, 2016*, the GSPHP is required to address Aboriginal health, regardless of the relatively low population base.

CONSULTATION

The draft GSPHP was publicly exhibited for 28 days across April and May 2026. A public notice of the Draft GSPHP was published in the local newspaper as well as in the Library Foyer and on the Shire's website, with physical copies provided at the Shire's administration centre.

In response to technical submissions, particularly from Food Technology Services, North Metropolitan Health Service and Injury Matters, adjustments have been made to the structure and content of the GSPHP.

STRATEGIC IMPLICATIONS

There are no additional strategic implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

There were no local planning policy implications evident at this time.

STATUTORY IMPLICATIONS

Under the *Public Health Act, 2016*, the Shire is required to work closely with the Chief Health Officer to make sure the goals, strategies and priorities of this GSPHP remain relevant and effective.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report. The costs of administering and advertising the GSPHP will be through Development Services operational accounts.

OFFICER COMMENT

There are many inter-related health risk elements in the everyday life of Shire residents.

Based on '*The Shire of Peppermint Grove Health Profile 2011-2020*', prepared by the Epidemiology Directorate of the WA Department of Health, in collaboration with the Public Health Advisory Group, an overview of the Shire's health risk elements and its health risk factors are a feature of this GSPHP.

Modelling the latest available data from multiple sources, reveals that across all physiological and psychological health influences, the Shire has a lower prevalence rate of illness including chronic disease, with a vast majority of residents indulging in healthy behaviours and active lifestyle choices.

When health risk elements act alone or in combination with one or more other health risk elements certain trends and patterns become evident when grouped into chronic diseases and environmental health risk factors. The GSPHP considers the implications of health risk factors on the future health and wellbeing of Shire residents.

To do this the GSPHP leverages off a diverse range of health and wellbeing services and programs that the Shire already delivers such as land use planning, building control and food premise inspections.

Of particular importance are the programs delivered through the Westcoast Community Centre and the Early Childhood Centre, both operated from the Community Room, Grove Library Precinct. In addition, the Shire has a strong partnership with Curtin Heritage Living in the provision of aged care services.

As an informing strategy under the Integrated Planning and Reporting Framework, this GSPHP will be reviewed as part of the Shire's corporate planning cycle, working closely with the Chief Health Officer to make sure it remains relevant and effective. A full review will be undertaken when the 5-year replacement plan is due in 2031.

OFFICER RECOMMENDATIONS / COUNCIL DECISION – ITEM NO 8.3

Moved: Cr Hohnen

Seconded: Cr Bond

That Council:

- 1. Adopt, implement and regularly review the Garden Shire Public Health Plan.**
- 2. Refer the Garden Shire Public Health Plan to the Chief Health Officer for final endorsement.**
- 3. Place a public notice in the local newspaper to inform Shire residents and businesses of the adoption of the Garden Shire Public Health Plan.**

Carried: 6/0

For: Councillors' Karen Farley SC, Patrick Dawkins, Charles Hohnen, Peter Macintosh, Emerald Bond, David Singleton.

Against: Nil

8.4 52 (Lot 63) THE ESPLANADE – BOUNDARY WALL/FENCE (RIGHT OF-WAY WALL)**ATTACHMENT DETAILS**

Attachment No	Description
Attachment 1	Development Application Covering Letter and plans Item 8.4 Attachments Complete.pdf

Location / Address	52 The Esplanade, Peppermint Grove
Application Number	DA2026/00014
LPS No 4 Zoning	Residential R10
Land Use	Single House
Lot Area	3,652m ²
Disclosure of Interest	Nil.
Previous OCM Items	8.1.1 October 2023
Applicant	Mowbray Architects
Owner	Mr & Mrs Tim & Linda Goyder
Assessing Officer	Mr J Gajic
Authorising Officer	Mr J. Gajic

PURPOSE OF REPORT

To seek Council determination for a development application for a right-of-wall (ROW) wall/fence which cannot be determined by the CEO under section 257(C) of the *Planning and Development Act 2005* due to the place being heritage-listed.

SUMMARY AND KEY ISSUES

- Significant construction works are ongoing which included approval to replace a ROW fence.
- A new development application has been received to increase the height of the approved ROW wall/fence to a height between 2430mm and 2623mm.
- LPP12 prescribes that the proposed ROW wall/fence does not exceed 2100mm measured from the ROW side.
- The Shire's Fencing Local Law 2021 defines a 'sufficient fence' as being a masonry, steel or timber fence 1800mm high.
- Justification as to why Council discretion should be exercised has been provided, however; it is the assessing officer's view that a compelling case has not been made to depart from the local planning policy provisions.
- A 10m long masonry section of the ROW wall/fence has been constructed to a height of 2350mm – 2400mm exceeding that for which development approval has been granted and which has been certified under the building permit.
- The place is on the Heritage List (category 1).

LOCATION

52 The Esplanade, Peppermint Grove

BACKGROUND

52 The Esplanade is uniform in shape with a 40.24m frontage to a rear ROW. The ROW is approximately 3.6m in width. Where available the planning policy framework encourages principal vehicular access from a ROW. The planning policy framework recognises that a ROW need not provide the same level of amenity as a street, and surveillance requirements under the Residential Design Codes of Western Australia (R-Codes) do not apply. Notwithstanding, the ROW network provides valued connectivity including for pedestrians, and the impact of bulk and scale and upon views from the public realm are a planning consideration.

The ROW levels are consistent for the most part. The elevations submitted as part of this development application identifies a 172mm rise towards the southernmost corner of the subject site. The ROW wall/fence is no longer proposed to be stepped. Assumedly the levels shown on the elevations forming part of the current development approval were misinterpreted or subsequently altered. Access gates, a recessed bin store, and the same construction materials have been carried over. An increase in wall and gate height is sought, 330mm - 523mm above the prescribed maximum height.

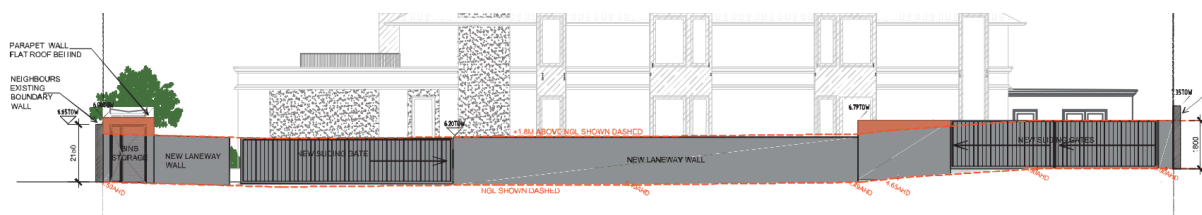


Figure 1 Current Development Approval ROW Boundary Wall/Fence

The ROW wall/fence will have no impact on the original fabric of the place or detract from its significance.

ROW fencing between Irvine Street and Keane Street is not uniform in height or materials. There are two notable buildings on or near the ROW. In 1976 a garage at 58 Irvine Street with access off the ROW was approved with an approximate 2200mm setback. In 1972 a single garage with access off Irvine Street with a zero setback to the ROW was enlarged and a storeroom added. The storeroom was later converted to a laundry. No fencing or buildings have been approved contrary to the current planning policy framework.

To justify variations to the ROW wall/fence height the proponent asserts their client *have expressed concerns regarding personal privacy, security, and property protection in this location*. It is further asserted that the existing built form (laneway character) has established a precedence.

It is the assessing officer's view that additional boundary wall/fence height should be limited to trivial departures, where the site context is unique, where a community benefit is

demonstrated, or where compliance (retrospective or otherwise) would impose an unreasonable burden.

CONSULTATION

The proponent submitted preliminary plans and discussed the proposal prior to lodgement. A preliminary planning assessment was undertaken, the CEO briefed, and the proponent provided two options.

1. To decrease the ROW wall/fence height to 2100mm in which case officer delegation would be sought from Council, or
2. To proceed with the proposal as submitted and have the matter go before Council with an officer recommendation for refusal.

Advertising was undertaken to landowners between Irvine Street and Keane Street with a frontage to the ROW and the elevations and written submission published on the Shire website for a period of 14 days in accordance with Local Planning Policy 6 – Neighbour Consultation on Development. There were no submissions received during advertisement period. The owners of 58 Irvine Street signed a statement of no objection.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

Should the Shire be of a mind to approve the development as proposed it is recommended that the LPP12 provisions for ROW fencing be reviewed.

STATUTORY IMPLICATIONS

Single house development may only be determined by the CEO under section 257(C) of the *Planning and Development Act 2005* should the place not be heritage-listed. Officer delegation was not sought as the development as proposed is not supported.

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

There are no Local Planning Scheme provisions pertaining to a ROW wall/fence.

There are no R-Codes design elements pertaining to a ROW wall/fence, nor are modifications to vehicular access or siteworks sought. The construction materials remain compliant with the Fencing Local Law.

<u>LOCAL PLANNING POLICY</u>	
Policy Type	Assessment/Comment
Local Planning Policy 1 – Design and Streetscape	N/A. The proposal does not change the approved construction as it relates to The Esplanade or impact an adjoining heritage listed property.
Local Planning Policy 2 – Ecological Urban Design and Sustainability	N/A. The proposal does not change the approved construction footprint.
Local Planning Policy 3 – Heritage Places	The proposal is consistent with the policy intent and meets the recommended guidelines of the Burra Charter. If approved, the development will be required to adhere to the heritage report prepared by Palassis Architects and endorsed as part of the broader site redevelopment works.
Local Planning Policy 4 – Residential Building Heights	N/A. The proposal does not pertain to a habitable building.
Local Planning Policy 5 – Plot Ratio For R10 Coded areas the maximum plot ratio shall be 0.5	N/A. The proposal does not change the gross floor area.
Local Planning Policy 6 – Consultation on Development	The policy intent is to advise affected landowners adjoining development sites in residential areas before they proceed, and to ensure neighbours are consulted on applications that may rely on discretion and are afforded an opportunity to make written submissions. The 14-day advertising period has concluded. No submissions were received during the consultation period. Any late submissions will be made available to Councillors.
Local Planning Policy 8 – Construction Environmental Management Plans (CEMP)	If approved, the development will be required to adhere to the Northerly CEMP endorsed as part of the broader redevelopment works.
Local Planning Policy 9 – Development Bonds	If approved, the development will form part of the broader redevelopment works that are subject to a \$5,000 bond.
Local Planning Policy 11 – Building on Side and Rear Boundaries	N/A. No buildings or building additions are proposed on any boundary
Local Planning Policy 12 – Residential Fences	The policy provides guidance on the circumstances and parameters whereby residential fencing can 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. The policy sets aside what constitutes a sufficient fence as defined by the Fencing Local Law.

	An increase in wall and vehicular access gate height is sought above the as-of-right 2100mm height (measured from the ROW side). The justification is to provide adequate privacy, security, and property protection. These grounds are explored in detail under the heading Officer Comment. The variations sought to the policy provisions are considered inconsistent with the policy intent. It is recommended that a condition of any subsequent approval require modifications to the ROW wall/fence to comply with LPP12.
Vehicular Crossover Policy and Technical Specification	N/A. No vehicular crossovers are proposed.

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 ROW wall/fence does not satisfy the policy objectives of the local planning policy framework or advance the Garden Shire narrative. A compelling case has not been demonstrated to warrant the exercising of discretion to increase the height to an average height exceeding 2500mm and maximum height of 2623mm. The proponent's grounds to justify discretion and the officer assessment follows:

Existing Context and Precedent

The lack of uniformity and constructed height of ROW walls/fences and built form is not considered to establish a precedence. The cited examples of construction between Irvine and Keane Streets are largely representative of undesirable planning outcomes. Mitigating excessive bulk and scale on or immediately adjacent to boundaries drove amendments in 2023 to the local planning policy for street walls and fences and the adoption in 2020 of a (then) new local planning policy for building on side and rear boundaries. The local planning policy for residential fencing now specifically addresses dividing and ROW fencing.

Local Planning Policy 11 - Building on Side and Rear Boundaries (LPP11) was adopted to address the impact of building construction on boundaries for residential areas coded R10 and R12.5. LPP11 also reinforced the narrative of local planning policy for ecological urban design and sustainability that *boundary setbacks are important to break up the built form across*

properties. They are to be principally used for landscaping or urban green space associated with a garden or private open space.

Local Planning Policy 12 – Street Walls and Fences (LPP12) was amended and renamed Residential Fences to regulate all boundary and court fencing and to facilitate retrospective compliance where warranted. Prior to amendment of LPP12 ROW and dividing fencing was controlled under the Fencing Local Law. The Fencing Local Law only prescribes the materials and minimum height for a sufficient fence. The R-Codes only has regard to street and communal street walls or fences (not ROW fencing).

The suite of local planning policies which have been introduced from 2020 reinforce the Garden Shire narrative and have improved built form outcomes.

Privacy and Security

With respect to visual privacy there is no obvious source of overlooking in the immediate vicinity. Furthermore, the subject site does not have any habitable room windows (major openings) within 5990mm of the ROW. At ground level the major openings to the west wing are to a day spa, gymnasium and to non-primary living area. These openings are dimensioned 979mmW x 2253mmH and are further screened or obscured by landscaping and a pergola structure above a basement ramp. On the upper floor there are no major openings. Plans accompany this report provide further site context.

The opportunity for loitering or concealment is presented by an alcove forward of recessed gates and garage doors on the opposite side of the ROW (58 Irvine Street). Notwithstanding, such opportunities are mitigated by surveillance from the upper-floor windows on the subject site and elevated major openings and relatively low fencing at 58 Irvine Street. Crime statistics and anecdotal evidence do not support the assertion that Peppermint Grove ROWs present a personal or property security risk. The Red Suburbs crime map of Australia quotes the chances of becoming a victim of violent in Peppermint Grove as 1 in 319 as opposed to 1 in 41 in Western Australia. There are no areas of entrapment created by bollards or fencing within the ROW that may otherwise compromise public safety.

Safety is one of the ten design principles that are applied when assessing development design quality. The Safer Places by Design Guidelines - Crime Prevention through Environmental Design Planning Guidelines (Safer Place Guidelines) were referenced as they primarily relate to safety. Whilst the ROW does not constitute a high-risk environment as contemplated by the Safer Place Guidelines, this does not set aside security being a design consideration. Blank walls are contrary to *passive surveillance* being one of the four principles of crime prevention through environmental design (CPTED). The four CPTED principles are *passive surveillance*, *territorial definition*, *natural access control*, and *space management*. These four principles are explored below.

Active surveillance measures (such as CCTV and security patrols) need only be employed where passive surveillance is not achievable or sufficient to prevent anti-social or criminal activity. Passive surveillance to the ROW is achieved by a combination of the approved open aspect sliding gates and clear sightlines from upper-level west wing windows in addition to

elevated windows at 58 Irvine Street. Sensor lighting directed internal to the subject site would appear an adequate additional control.

Territorial definition refers to the clear demarcation between public and private space. Territorial definition is achieved by the currently approved design.

Natural access control relates to the ability to attract people and vehicles to some places and restrict them from others. The approved design incorporates access control at designated entry points (automated gates and a personal access door). Inappropriate access would be obvious to surrounding 'eyes on the street'. LPP12 prescribes as-of-right fencing to a height considered not easily scalable.

Space management relates to the management of public spaces. Blank walls that may attract graffiti should be avoided.

Other Assessment Criteria

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations* (Deemed Provisions) identifies the holistic considerations for local government to determine a development application. All relevant matters have been considered.

Applicable local planning policies should be afforded significant weight. The LPP12 recognises that *recent residential trends have promoted high and impermeable fencing for security and privacy. This type of fencing whilst considered necessary by the home occupant, may also lead to a confinement of a view along a street or right-of-way or an interruption to the green corridor of front gardens and is contrary to the principles of crime prevention through environmental design.*

Local planning policies are not deemed to be a law or statute and must not be applied inflexibly. Notwithstanding, the specific parameters for variations to the policy provisions are limited to the distance between columns and allowances for solid sections of front fencing to 2100mm for utility metres. This is in part to the policy provisions already allowing a 300mm as-of-right variation to the height for a sufficient fence height, or to a deemed-to-comply street wall or fence under the R-Codes.

In respect to LPP12, the proponent has submitted that *the proposal does not diminish views of the dwelling from the public realm...*this is not accepted. It is accepted that a ROW has a lower level of amenity than a street and the series of substantial boundary walls and ancillary structures on adjoining does contribute to the existing character of the ROW. Notwithstanding, the proposed additional wall height will contribute to a sense of confinement and is considered contrary to the policy objectives and preferred character.

The Development Application Exercise of Discretion Guidelines (2024) prepared by the DPLH and the WAPC provides a detailed framework for ensuring a consistent and transparent approach to the use and application of discretion. The five principles for guiding discretionary decision-making were applied as part of the planning assessment. Attention is drawn to the third principle – there must be clear and logical reason to depart from the standard. This

principle also recognises that consideration must also be given to the cumulative impact of approving multiple minor departures from a provision or standard.

SUMMARY

The site context does not present an exceptional circumstance to depart from the fencing heights prescribed by the residential fencing local planning policy and broader planning policy framework. Most ROWs in the Shire do not have uniform or compliant fencing. Furthermore, there are many examples of building construction on the boundary. The current planning policy framework seeks to deliver improved planning outcomes and, where warranted, seek retrospective compliance. The prevalence of historic non-compliant development is not a valid ground for the continuance of poor planning outcomes.

There is no evidence of anti-social behaviour or other disturbance within the ROW that may otherwise warrant special consideration. Conversely, solid boundary walls are counter-intuitive to achieving surveillance and accepted crime prevention through environmental design principles.

Evidence has not been presented as to why adherence with the planning policy framework would impose an unreasonable burden on the proponent.

Due regard must also be given to the impact of additional bulk and scale on the public realm. It is the officer's assessment that the additional height sought does not align with the Garden Shire narrative and would establish an undesirable precedence. In this respect approval would not deliver a community benefit.

Put simply, a compelling case has not been presented to exercise discretion, or that the additional height sought will improve the amenity of the area. Refusal is recommended.

It is acknowledged that the ROW wall/fence can be reduced in height without impacting on other design elements or the heritage significance of the place. The proponent should be afforded an opportunity to submit revised plans decreasing the ROW wall/fence height to 2100mm (trivial variations aside) to the satisfaction of the CEO without the need for the matter to return to Council for determination.

OFFICER RECOMMENDATIONS - ITEM 8.4

Moved: Cr Hohnen

Seconded: Cr Macintosh

- 1. That Council REFUSES the Right-of-Way Wall/Fence at 52 The Esplanade, Peppermint Grove on the following grounds:**

The proposed development does not comply with Clause 67(1) of the Deemed Provisions, specifically:

- (b) the proposed development aims and provisions of the local planning scheme namely -**

- (i) To maintain and encourage a high-quality environment, preserve the amenity of the Shire and protect the quality and characteristics of its streets.
 - (ii) To provide for orderly and proper planning.
 - (g) the intent and objectives of Local Planning Policy 12 – Residential Fences have not been met.
 - (m) the proposed development is incompatible with the desired future character of its setting.
 - (x) the cumulative effect of over height right-of-way fencing impacts the community as a whole notwithstanding the impact of the development on particular individuals.
 - (zb) any other planning consideration the local government considers appropriate namely -
 - (i) the local planning policy prescribed permissible dividing and right-of-way fence height exceeds that of a sufficient fence under WALGA model local laws.
 - (ii) the proposed development is inconsistent with the Garden Shire narrative.
 - (iii) the application of discretion would be inconsistent with principle three contained within the Development Application Exercise of Discretion Guidelines (2024)
2. That Council DELEGATES to the CEO the ability to APPROVE the Right-of-Way Wall/Fence at 52 The Esplanade, Peppermint Grove subject to lodgement of amended plans generally in accordance with the West Boundary Wall Elevation DAA 05 dated 8/06/2026 not exceeding 2100mm in height (trivial variations aside), subject to standard planning conditions and advice notes.

Amendment moved: Cr Dawkins

Seconded: Cr Singleton

That the officers recommendation be amended by removing “2100” in point 2 of the recommendation and replacing with “2500”.

The amendment was voted on and carried 4/2.

Carried: 4/2

For: Councillors’ Karen Farley SC, Patrick Dawkins, Emerald Bond, David Singleton.

Against: Councillors Charles Hohnen, Peter Macintosh.

The amendment became the substantive motion.

COUNCIL DECISION - ITEM 8.4

1. That Council **REFUSES** the Right-of-Way Wall/Fence at 52 The Esplanade, Peppermint Grove on the following grounds:

The proposed development does not comply with Clause 67(1) of the Deemed Provisions, specifically:

- (c) the proposed development aims and provisions of the local planning scheme namely -
 - (iii) To maintain and encourage a high-quality environment, preserve the amenity of the Shire and protect the quality and characteristics of its streets.
 - (iv) To provide for orderly and proper planning.
- (g) the intent and objectives of Local Planning Policy 12 – Residential Fences have not been met.
- (m) the proposed development is incompatible with the desired future character of its setting.
- (x) the cumulative effect of over height right-of-way fencing impacts the community as a whole notwithstanding the impact of the development on particular individuals.
- (zb) any other planning consideration the local government considers appropriate namely -
 - (iv) the local planning policy prescribed permissible dividing and right-of-way fence height exceeds that of a sufficient fence under WALGA model local laws.
 - (v) the proposed development is inconsistent with the Garden Shire narrative.
 - (vi) the application of discretion would be inconsistent with principle three contained within the Development Application Exercise of Discretion Guidelines (2024)

2. That Council **DELEGATES** to the CEO the ability to **APPROVE** the Right-of-Way Wall/Fence at 52 The Esplanade, Peppermint Grove subject to lodgement of amended plans generally in accordance with the West Boundary Wall Elevation DAA 05 dated 8/06/2026 not exceeding 2500mm in height (trivial variations aside), subject to standard planning conditions and advice notes.

Carried: 4/2

For: Councillors' Karen Farley SC, Patrick Dawkins, Emerald Bond, David Singleton.

Against: Councillors Charles Hohnen, Peter Macintosh.

8.5 MATTERS FOR INFORMATION AND NOTING

ATTACHMENTS DETAILS

<u>Attachment Number</u>	<u>Details</u>
Attachment 1	Building/Planning/Library Statistics and Infringements Issued:

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information
Disclosure of Interest	:	Nil
Author	:	Allana West, Records and Executive Officer
Responsible Officer	:	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.

BACKGROUND

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

- Seal register (when the Shire seal has been applied)
- Development applications determined including amendments and deemed-to-comply checks
- Building permits determined including demolition permits, occupancy permits and time extensions
- Miscellaneous approvals including new food premise registrations, stallholder and trader permits, environmental health approval to construct, extend or alter a public building, and applications approved under the heritage grant scheme
- Subdivisions and amalgamations approved by the Western Australian Planning Commission
- Local laws parking and dog infringements
- Library statistics

SUMMARY AND KEY ISSUES

The following reports are presented to Council in the following tables:

Building Applications Determined
 Development Applications Determined
 Miscellaneous Approvals
 Infringements Issued
 Library Statistics
 Use of Shire of Peppermint Grove Seal

Customer Service Charter updated

Building applications determined for the month of June 2026

Application Number	Location	Description	Decision
BA2026/001018	34A Leake Street	Demolition and Replacement of a Fiberglass Pool with Cast-in-Situ Concrete Pool	Approved
BA2026/001021	1 Bungalow Court	Single House and Ancillary Works	Approved
BA2026/001022	14A View Street	Swimming Pool	Approved

Planning Applications Determined June 2026

Application Number	Location	Description	Discretion Sought	Decision
DA2024/00031	33 View Street	Second Amendment to a Single House Development (Alterations to a Pool House/gymnasium, driveway reconfiguration and access gates)	Nil	Approved under s257C (Single House Development)
DTC-00024	35 Irvine Street	Deemed-to-Comply Check for Additions to a Single House	N/A	Development Approval Required
DA2025/00006	1 Bungalow Court	Amendment to Development Approval for a Single House Development (Internal and External Alterations to Align with Building Permit)	Nil	Approved under s257C (Single House Development)

Infringements Issued June 2026

No Infringements issues in June 2026

Library Statistics June 2026

Library Stats	June 2026	June 2025	June 2024
Loans	20,268	18,981	19,853
New Borrowers Registered	103	81	86

Monthly Website Statistics – June 2026

The Grove Library	Total Users: 2244	New Users: 1905
Shire of Peppermint Grove	Total Users: 1981	New Users: 1880

Recycling Statistics – June 2026

Recycling Recovery 		
June 2026		
PRODUCT	Product - Percentage	Product - Tonnes
AL CANS	0.29	0.03
MIXED PAPER	24.46	2.46
OCC - CARDBOARD	18.72	1.88
STEEL	3.06	0.31
GLASS	19.97	2.00
COLOURED HDPE	0.83	0.08
MIXED PLASTICS	0.00	0.00
PET TRAY	1.53	0.15
PET	0.86	0.09
HDPE	1.79	0.18
PP	0.41	0.04
WASTE TO ENERGY		0.00
TOTAL RECOVERED	71.92	7.22
WASTE / CONTAMINATION	28.08	2.82
MONTHLY TOTAL	100.00	10.04

Seal Register

- Withdrawal of Caveat O153743 Lot 2 on Plan 3783
- Withdrawal of Caveat O245382 Lot 50 on Diagram 29700 Lot 87 on Plan 3783 Lot 125 on Deposited Plan 29242 Lot 126 on Deposited Plan 29242 Lot 127 on Deposited Plan 29242 Lot 1234 on Deposited Plan 29242 Lot 106 on Plan 3783 Lot 107 on Plan 3783 Lot 89 on Plan 3783

Customer Service Charter

The Customer Service Charter for Shire of Peppermint Grove has been reviewed by all staff and updated accordingly.

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no strategic implications in respect to this matter.

POLICY IMPLICATIONS

There are no policy implications in respect to this matter.

STATUTORY IMPLICATIONS

There are no statutory implications in respect to this matter.

FINANCIAL IMPLICATIONS

There are financial implications in respect to this matter.

OFFICER COMMENT

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

OFFICER RECOMMENDATION /COUNCIL DECISION– ITEM NO 8.5

Moved: Cr Dawkins

Seconded: Cr Bond

That Council receives the information in this report.

Carried 6/0

For: Councillors' Karen Farley SC, Patrick Dawkins, Charles Hohnen, Peter Macintosh, Emerald Bond, David Singleton.

Against: Nil

9.0 COMMITTEE REPORTS**10.0 NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL****10.1 LATE ITEM - CHANGE OF DATE FOR ISSUING OF RATES NOTICES AND INSTALMENTS FOR 2026/27**

Voting Requirement	:	Absolute Majority
Subject Index	:	Financial Management
Disclosure of Interest	:	Nil
Responsible Officer	:	Jeremy Clapham, Manager Corporate & Community Services
Authorising Officer	:	Don Burnett, Chief Executive Officer

Purpose of Report

The purpose of this report is to advise that as part of the Budget 2026/27 Report adopted on 23rd June 2026, the date of issue of Rates Notices for 2026/27 and instalment dates have been changed.

Summary and Key Issues

- The original date of issue of the Rates Notices for 2026/27 was scheduled to be 23 July 2026
- This has now been changed to 21 July 2026
- This has resulted in the instalment dates to also be changed to be 2 days earlier for each instalment date

Background

When the Annual Budget was adopted the date of issue of the Rates Notices for 2026/27 was set at 23 July, and the instalment dates were set as follows:

- | | |
|--|-------------------|
| • Payment in full or first instalments | 28th August 2026 |
| • Second of four instalments | 30th October 2026 |
| • Third of four instalments | 15th January 2027 |
| • Last of four instalments | 19th March 2027 |

Due to an administrative action, these dates have been brought forward by 2 days, meaning that the date of issue is changed to 21 July 2026 and the instalment dates are changed to:

- | | |
|--|-------------------|
| • Payment in full or first instalments | 26th August 2026 |
| • Second of four instalments | 28th October 2026 |
| • Third of four instalments | 13th January 2027 |
| • Last of four instalments | 17th March 2027 |

Consultation

There was no external consultation undertaken.

Strategic Implications

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

Policy Implications

The budget is based on the principles contained within the current Community Plan and Corporate Business Plan.

Statutory Implications

Division 5 and 6 of the Local Government Act 1995 refer to the setting of budgets and raising of rates and charges.

Financial Implications

There are no financial implications at this time.

Officer Comments

When the Annual Budget was adopted the date of issue of the Rates Notices for 2026/27 was set at 23 July, and the instalment dates were set as follows:

- Payment in full or first instalments 28th August 2026
- Second of four instalments 30th October 2026
- Third of four instalments 15th January 2027
- Last of four instalments 19th March 2027

Due to an administrative action, these dates have been brought forward by 2 days, meaning that the date of issue is changed to 21 July 2026 and the instalment dates are changed to:

- Payment in full or first instalments 26th August 2026
- Second of four instalments 28th October 2026
- Third of four instalments 13th January 2027
- Last of four instalments 17th March 2027

No ratepayers will be adversely affected in anyway due to this change as there is a grace period of 5 days for payment after the instalments are due, where no interest is payable.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 10.1

Moved: Cr Hohnen

Seconded: Cr Dawkins

That Council adopts the following amended dates for the payment of rates instalments for 2026/27:

- **Payment in full or first instalments 26th August 2026**
- **Second of four instalments 28th October 2026**
- **Third of four instalments 13th January 2027**
- **Last of four instalments 17th March 2027**

Carried: 6/0

For: Councillors' Karen Farley SC, Patrick Dawkins, Charles Hohnen, Peter Macintosh, Emerald Bond, David Singleton.

Against: Nil

11.0 MOTIONS ON NOTICE

12.0 CONFIDENTIAL ITEMS OF BUSINESS

13.0 CLOSURE OF MEETING

At 6:10pm, there being no further business the meeting closed.