



Shire of
Peppermint Grove

Policy Manual

Updated July 2024



Shire of Peppermint Grove

SECTION ONE

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Shire of Peppermint Grove

What is a Policy?

A policy is a general rule to be applied in the exercise of a function (power or duty) and includes a statement of conditions under which an authorisation may or is to be given or withheld.

A policy will ordinarily apply irrespective of whether a matter is to be determined –

- by an employee with delegated authority; or
- at a meeting of the Council.

Policies should not be confused with delegations and procedures. A delegation for the purposes of the Act, will only apply when –

- a 'person' has a statutory power or duty;
- the person has the power of delegation;
- the person commits that power or duty, in writing to another to perform;
- the person has the power to make the delegation to the delegatee.

A "procedure" (Macquarie dictionary) is "the act or manner or proceeding in any action or process; conduct", and procedural statement can be construed accordingly.

In very simple terms –

Policy provides what can;
Delegation provides who can;
Procedures provide how to.

Policies are the province of Council. Delegations are primarily the province of the CEO – ie Council can delegate only to a committee or the CEO, whereas the latter delegates to employees. Procedures are appropriately a function of management.

Only policies should be in the Policy Manual.

SECTION ONE

Governance Policies

1.1 CODE OF CONDUCT – Rescinded 25 May 2021

This policy was rescinded on 25 May 2021. Council adopted a new Code of Conduct which is held separately to this manual.

1.2 MEETING POLICY AND PROCEDURE

Purpose	To provide a process for effective meetings for the Shire of Peppermint Grove.
Status	GOVERNANCE - OPERATIONAL
Policy	<p>In general, meetings of the Shire of Peppermint Grove will be conducted in accordance with the principles of effective meeting management. The fundamental principles of meetings are as follows:</p> <p>Principles:</p> <p>A fair hearing Every elected member has the right to expect to have a fair hearing at any meeting of Council;</p> <p>Code of Conduct All elected members and staff present at a meeting have the right and obligation to abide by the Council's Code of Conduct;</p> <p>Majority decision All members of Council and staff will accept the decision of the majority of members of council except that there is nothing to prevent an elected member from seeking to move a Rescission Motion at a subsequent meeting of Council.</p> <p>Statutory Compliance Where the local Government Act 1995 provides for requirements relevant to meeting procedure those will be upheld in the course of the meeting.</p> <p>The Shire of Peppermint Grove conducts the following meetings on a monthly basis, as determined to be the most useful mix of forums to facilitate strategic discussion and effect good decision-making:</p> <ol style="list-style-type: none">1. Concept Forums2. Agenda Briefing Forums3. Ordinary Meetings of Council <p>PROCEDURE - CONCEPT FORUMS</p> <p>Concept Forums involve Elected Members, staff and, where appropriate, external advisors, experts or proponents. They are to provide the opportunity to exchange information and ideas about issues or ideas that may affect the Shire of Peppermint Grove.</p> <p>Concept forums will generally involve projects or matters that are in the early planning stages and are some time away from being presented to the Council for consideration of a formal decision.</p>

During concept forums:

- The Chief Executive Officer or relevant officers will present on agenda items;
- the Chief Executive Officer seeks input from the Elected Members as input into research and further drafting of concepts for any future report;
- Elected Members are fully informed on matters to enable decisions to be made in the best interests of the Shire;
- Elected Members represent the views of the community.

The input through open and free-flowing exchange of ideas and the willingness to contribute to concept forums will provide invaluable direction to the Chief Executive Officer for research and the preparation of any report on the matter if required.

Concept Forums will be closed to the public and agendas will be Confidential. Concept Forums will generally be held on a monthly basis on the same evening, and immediately following, an Agenda Briefing Forum. Additional Concept Forums may be held at the discretion of the Chief Executive Officer in consultation with the President.

Where considered appropriate to ensure Elected Members are fully informed on a matter, guests including experts, consultants or proponents for an item listed on the agenda may be invited to attend and provide a presentation. They will only be present for so much of that forum that applies to their presentation.

The Chief Executive Officer, in consultation with the President, will prepare the agenda for the Concept Forum. The Chief Executive Officer will ensure timely written notice and a confidential agenda for each forum will be provided to all Elected Members, including briefing papers where necessary.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

As Council's Meeting Procedures will not apply in Concept Forums, it will be responsibility of the Presiding Member to ensure the good conduct of the meeting.

The Presiding Member shall:

1. Advise Elected Members that no decisions will be made during the forum.
2. Encourage all Elected Members present to participate in the sharing and gathering of information.
3. Ensure that all Elected Members have a fair and equal opportunity to participate.
4. Ensure the time available is liberal enough to allow for all matters of relevance to be identified.

Elected Members, employees and invited experts, consultants or proponents shall disclose their interests on any matter listed in accordance with the meeting procedures of an Ordinary Meeting of Council.

Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future forum by:

- A request to the Chief Executive Officer; or
- A request made during the forum.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A confidential copy of the record is to be forwarded to all Elected Members.

PROCEDURE - AGENDA BRIEFING FORUMS

These are forums for Elected Members to become more informed on matters prior to formal consideration at the Ordinary Meeting of Council. The forums encourage open dialogue between Elected Members, Officers and members of the public, and allow Elected Members to gain maximum knowledge and understanding of issues prior to presentation at the Ordinary Meetings of Council.

Agenda Forums involve Elected Members, staff, residents and/or their representatives, and external advisors (where appropriate) and will be open to the public.

Agenda forums provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next Ordinary Meeting of Council for formal consideration and decision.

Agenda Briefing Forums are not decision-making forums and items on the agenda are not to be debated at the Forum.

Agenda Briefing Forums occur two weeks prior to a Council meeting and consider the agenda prepared for the next Ordinary Meeting of Council.

The Agenda should be read in conjunction with the agenda for the next Ordinary Meeting of Council which will be issued at the same time. Both agendas will be publicly available in the Library and on the Shire's website.

The Agenda Briefing Forum will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995 and as detailed in the meeting procedure for the Ordinary Meeting of Council.

The Chief Executive Officer will ensure timely written notice and an agenda for each forum will be provided to all Elected Members. The agenda will be available to the public at the Library and on the Shire's website.

The President is to be the Presiding Member. If the President is unable or unwilling to assume the role of Presiding Member, then the Deputy President may preside. If the Deputy President is unable or unwilling, those Elected Members present may select one from amongst themselves to preside.

The Meeting Procedures for the Ordinary Meetings of Council will generally apply including procedures around deputations and questions from the public which will be adhered to.

There is to be no debate or decision-making amongst Elected Members on any matters raised, however elected members may seek further information or request additional information be supplied prior to the Ordinary Meeting of Council.

Relevant employees of the Shire will make a presentation on agenda items and be available to respond to questions on matters listed on the agenda.

All Elected Members will be given a fair and equal opportunity to participate.

The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.

Elected Members and employees shall disclose their interests on any matter listed in accordance with the meeting procedure for Ordinary Meetings of Council.

A record shall be kept during the forum, however, as no decisions are made, the record need only be a general record of the items covered but shall record requests for further information and any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members and shall be posted on the Shire's website.

Additional requested information will be provided to elected members prior to the Ordinary Meeting of Council as soon as available unless there is a requirement to clarify information in the officer's report or add additional information to the report. This will be clearly shown in the version presented to the council meeting under the heading of 'Further Information. at the end of 'Officers Comment.'

Members of the public may make a deputation by making a written request to the Chief Executive Officer on the working day immediately prior. Deputations must relate to matters listed on the agenda. Deputations are restricted to no more than 5 minutes.

ORDINARY MEETINGS OF COUNCIL

1. Convening Meetings

Council can decide to hold a meeting by resolution.

In the case of special meetings, the President, or at least one third of Councillors, can do so by giving the CEO written notice setting out the date and purpose of the meeting. The CEO will convene a meeting by giving the notice required by the Local Government Act 1995.

Ordinary Meetings will be set each year for the following twelve months.

2. Presiding at Meetings

The President will preside at all Shire of Peppermint Grove Ordinary Meetings of Council at which he/she is present and able to preside at. If the Presiding Member is not present or is unable to preside, the

Deputy Shire President will automatically take the chair. If he/she is also not present or unable to preside, the elected members present will choose a chair from amongst themselves.

No member who has disclosed an interest in a matter is able to preside while that matter is dealt with.

3 Confidentiality

In general, all Council meetings are open to the public. A report on any matter that the Chief Executive Officer considers should be dealt with at a closed meeting will contain an explanation of why confidentiality is recommended. If Council resolves to deal with the matter in this way, the report will be deferred until immediately before the end of the meeting when the public will be asked to leave.

4 Processing Business

The order of business will be as stated on the agenda paper unless Council resolves otherwise.

Public question time will precede the making of any decisions by Council.

Only business shown on the agenda will be discussed.

At Special Meetings only business specified in the notice of the purpose of the meeting will be discussed.

The order of business used will be as follows:

1. Declaration of Official Opening
2. Recording of Attendance, Apologies and Leaves of Absence
3. Delegations and Petitions
4. Public Question Time
5. Declarations of Interest
6. Announcements and Declarations by Members
7. Confirmation of Minutes
8. Officer/Committee Reports
9. New Business of An Urgent Nature
10. Motions on Notice
11. Confidential Items of Business
12. Closure

5 Apologies and Leave of Absence (S2.25 Local Government Act 1995)

Leave of absence may be granted to a member by resolution of Council. A member wishing to apply for leave should give notice of this to the CEO prior to the meeting. Leave cannot be granted for more than 6 consecutive ordinary meetings.

A member who is absent from more than 3 consecutive ordinary meetings without obtaining leave is disqualified as a member.

6 Public Question Time

Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the council and should not be a statement or personal opinion.

During the Council meeting 15 minutes is allocated to public question time, after public question time, no member of the public may interrupt the meeting's proceedings or enter into conversation.

Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.

All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an ordinary meeting, and at a special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting at the discretion of the President.

The person presiding will control public question time and ensure each person wishing to ask a question is given a fair and equal opportunity to do so. A 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, people seeking to ask questions will be given two minutes within which to address their question to the Council. The Presiding Member may shorten or lengthen this time at their discretion.

7 Confirmation of Minutes

Minutes of all Council meetings are to be submitted to the next Ordinary Council meeting for confirmation. No discussion regarding the minutes will take place other than as to their accuracy. The President must sign and date the minutes to certify confirmation.

8 Disclosure of Interest

A member who has a financial, impartiality or proximity interest in a matter that is to be discussed at a meeting of Council or a Committee must disclose the nature of that interest if the member will be in attendance at the meeting.

Disclosure must be made in a written notice to the CEO before the meeting; or at the earliest possible time after the member has

become aware of the interest.

9 Announcements by the President Without Discussion

The person presiding may make any announcements on any matters that he/she considers of interest to Council. No discussion will take place or resolution regarding the matters raised.

10 Delegations and Petitions

In the event a guest speaker (or speakers) is in attendance as a delegation to address council on a specific issue, the guests will speak immediately after the President has made announcements without discussion. Following presentations, the President may facilitate questions and answers from elected members. Presentations will be limited to 5 minutes unless extended by the Presiding Member.

In the event of any petitions being presented, the Presiding Member will present the petition immediately following any delegation. Where a petition is presented, the Presiding Member shall read aloud the petition and advise council of the number of petitioners. The Presiding Member may move a motion as follows:

- That the petition be received; or
- That the petition be referred to the Chief Executive Officer for a report to be presented at the next ordinary meeting.

There will be no debate on petitions at the meeting to which they are presented.

11 Officer's Reports

The Chief Executive Officer may make any announcements on any matters relevant to the council as a matter of update for information. No discussion will take place or resolution regarding the matters raised.

The order of reports for consideration will be:

1. Urban Planning
2. Infrastructure
3. Community Development
4. Management/Governance/Policy
5. Corporate

13 Motions on Notice

A member may raise any matter which relates to the good government of the Shire, providing he or she gives notice of the motion to the CEO for distribution to other members.

Such notice should be given at least 7 clear days prior to the day of the meeting to enable distribution to other members and availability to the public prior to the meeting. (7 clear days is 7 business days – therefore Motions on Notice would need to reach the CEO by the Thursday two weeks before the meeting (i.e. – 9 days prior to the meeting)).

Motions on Notice will be treated procedurally by being referred to the Chief Executive Officer, without debate, for a report to be presented to the next Ordinary Meeting of Council.

14 Closure

If the business of an ordinary or special meeting of Council is not completed by 9pm the person presiding may seek the leave of Council to proceed to the transaction of unopposed business, and to then adjourn the meeting. If a simple majority of members agree to this, unopposed business will be transacted and the remaining business will be adjourned to a specified time or to a time to be advised.

DEBATE

All motions under consideration require a mover and a seconder unless the Local Government Act 1995 requires otherwise. (e.g. for a motion to revoke a decision which was made by absolute majority see Administration regulation 10)

15 Recommended Motions

The recommendations in reports will be drafted as motions recommended for adoption.

16 Moving Recommendations

The person presiding will invite members to move the recommendations in the reports, in the order they appear in the agenda.

Members may move recommendations individually; or may move any number of recommendations in numerical sequence up to any

recommendation which has been identified as subject to an interest disclosure, or on which Members have indicated they would like to debate or where a member has indicated that they have a disclosure of interest.

17 Recommendations Identified for Interest Disclosure

Before the recommendation of a report that has been identified as subject to an interest disclosure is moved:

- the person presiding will bring the contents of any written notice of an interest regarding that report to the attention of the meeting;
- any member who has an interest in the report which is not yet disclosed will disclose the nature of the interest;
- any member who has disclosed an interest which is a direct or indirect financial interest or a proximity interest, will leave the room while the matter is dealt with unless the interest is of the kind which falls under S5.63 of the Local Government Act 1995;
- Should the member wish to seek council approval to remain in the room but not take part in the discussion or the vote on the matter, they must leave the room while the council determines whether they will be allowed to remain in the room during discussion. In these circumstances, the nature and extent of the interest must also be disclosed. (S 5.68 & 5.69 Local Government Act 1995).

18 Clarification of Reports

Members may request that Officers explain or clarify reports prior to, or during, any discussion of a recommended motion.

19 No Opposition

The person presiding will ask the meeting if any member opposes the motion. If it is not opposed the motion will be declared carried without debate or taking a vote.

20 Opposition to the Motion

If there is opposition to a motion the person presiding will (in the following order):

- invite the mover of the motion to speak to the motion;
- invite any member opposing the motion to speak to it;

- allow other members who wish to speak for or against the motion to speak.

21 Members to Only Speak Once

Members may speak more than once on a motion. The person moving the motion he/she has the right at the end of debate to reply to any matters raised during the debate. Seeking points of clarification or seeking additional information relevant to the report is not considered to be speaking more than once.

22 Person Presiding to Control Debate

The person presiding will ensure that points of view on a motion are given a fair and reasonable opportunity to be expressed and debated. However, he/she is not obliged to permit every member to speak on a motion nor to permit members to speak for excessive periods of time.

The general rule will be:

- each member permitted to speak will have approximately three minutes to present his/her case;
- the person presiding will determine when he or she believes that a motion has been given a fair and reasonable opportunity to be debated;
- all decisions of the person presiding will be final except if a motion of dissent with a ruling is moved by a member, such a motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final; and
- the person presiding will follow the meeting's ruling.

23 Amending a Motion

Amendments to a motion on the table:

- may be moved at the conclusion of any speech on the motion;
- cannot negate the meaning of the substantive motion;
- must be of a minor nature such as omitting, substituting or adding words;
- must be seconded;
- must be accurately recorded by the Minute Secretary to the satisfaction of the mover;
- Only one amendment may be considered at a time, but as

often as an amendment is lost, another amendment may be moved before the substantive motion is put to the vote.

24 Seconding the Amendment

An amendment must be seconded. Once seconded, the amendment becomes the motion under consideration.

25 Amendment not Seconded

If an amendment is proposed and not seconded the debate returns to the substantive motion.

26 Amendment Passed

If an amendment is passed:

- the amended motion is the motion before the meeting; and
- the person presiding will follow the same process used when dealing with a motion.

27 Reasons for Decision

If an amended motion is adopted instead of an officer recommendation and the change from the recommendation is significant, the person presiding will:

- summarise the meeting's reasons for coming to that decision; and
- request the meeting to confirm the reasons for the decision for the purposes of recording in the minutes.

29 All Members Must Vote

All members present must vote in all decisions of Council unless they cannot participate because of an interest disclosure.

30 Determining the Vote

The person presiding can ask members to indicate their position on a motion as often as he/she believes is necessary to determine what the vote is. The outcome of the vote will be determined by a simple majority unless the decision requires an absolute majority.

31 Other Options

A recommended motion may be:

- adopted;
- referred back to the Administration for further report;
- amended;
- not adopted; and
- replaced by an alternative motion.

32 Referring Back

Before a motion to refer a recommendation back to the Administration is debated the person presiding will request that an officer provide advice on the implications of delaying the matter. The motion to refer an item back to the Administration must identify the action to be taken by the officer.

If an elected member moves a motion to refer back an item, the motion will be dealt with immediately, without debate.

33 Not Adopted

If a motion is not adopted it is negated. If an officer recommendation is negated the person presiding will:

- summarise the meeting's reasons for coming to that decision;
- request that the meeting confirms those reasons for recording in the minutes.

34 Proposing an Alternative Motion

If a recommendation is not adopted an alternative motion may be moved with the simple majority consent of Council. The minutes must show the reasons for the alternative motion being considered and adopted. If the alternative motion is not adopted, discussion will cease on the matter.

URGENT BUSINESS

35 Person Presiding Consents

If a matter of urgent business is raised:

- the person presiding will determine whether he/she considers the matter sufficiently urgent to be dealt with at the meeting;
- if he/she considers it is, he/she will permit a motion to be moved; and

- will deal with the motion in the same way as an officer recommendation.

36 Meeting consents

If the person presiding determines a matter is not sufficiently urgent to be dealt with as urgent business:

- a member may move a motion of dissent with the ruling;
- the motion will be put to the meeting without a seconder and without debate;
- the decision of the majority of members present will be final;
- the person presiding will follow the meeting's ruling and permit a motion to be moved;
- the motion will be dealt with in the same way as an officer recommendation except that, prior to a final vote on the matter. The person presiding shall invite the Chief Executive Officer to provide advice on the impact of the proposed motion.

RULES OF DEBATE

37 Official Title to be Used

During meetings, speakers should address others by using their accepted title. For example: Mayor, Deputy Mayor, Councillor, or in the case of staff by their position title.

38 Order of Speakers

When two or more members indicate they wish to speak at the same time, the President will decide who may speak first.

39 Members not to Interrupt

A member must not interrupt or speak out of turn during a meeting, other than to raise a point of order, make a personal explanation or move a procedural motion.

40 President may Participate in Discussion

The President may discuss any motion before the meeting, providing that he/she addresses the meeting before the right of reply is exercised. The President must exercise a deliberate vote and if the votes are tied may exercise a casting vote.

41 President to be Heard without Interruption

If the President wishes to speak during a debate, all other members should be silent so that the President may be heard without interruption.

42 Members not to Reflect Adversely on Resolution of Council

A member shall not reflect adversely upon the resolution of the Council except on a motion that the resolution be rescinded.

43 Members not to Reflect Adversely on other Members or Officers

A member shall not reflect adversely upon the character or actions of another member or an officer of the Shire of Peppermint Grove nor impute any motive to a member or an officer unless the Council resolves that the motion then before the Council cannot otherwise be adequately considered.

44 Members to Apologise if Adversely Reflect

Any member who, in the opinion of the President, uses offensive language or expressions during a Council meeting may be requested by the President to withdraw the statement and formally apologise.

If the member refuses or fails to comply, the President may refuse to hear any further comments from the member on the business currently being discussed.

45 Relevance to Debate

Members must ensure that any comments or remarks made are relevant to the business or motion under discussion.

ORDER

46 Point Of Order

A member may bring to the President's attention, any breach of these Meeting Procedures by stating the grounds for the breach and the name of the offending member.

A member expressing a difference of opinion with, or contradicting, a speaker shall not be recognised as raising a point of order.

The President shall decide all questions of order or practice. The decision is final and must be accepted by the meeting without discussion or argument unless a different ruling is resolved by majority.

A motion, amendment or other business deemed out of order shall not be further discussed and need not be subject of a resolution.

Where anything said or done by a member is deemed out of order, the President may require the member to make an explanation, retraction or apology.

47 Preservation of Order

The President's role is to preserve order and he/she may call any member to order whenever he/she believes it necessary.

If a member persists in any conduct which the President decides is out of order, or the member refuses to explain, retract or apologise as requested by the President the President may direct the member not to take part in the proceedings of the meeting other than to record the members vote. The member must comply with this direction.

48 Serious Disorder

The President may adjourn a Council meeting for fifteen minutes if he/she believes business cannot be effectively continued. Once reassembled, the Council will decide, without debate, whether to continue with business.

If, having once adjourned the meeting, the President again believes that the business of the Council cannot effectively be continued, the meeting may be closed or adjourned by the President.

49 Interpretation

Where a situation arises where no provision or insufficient provision is made in this Policy, the President shall determine the procedure to be observed, based on the principles of fairness and equity. He/she may use the procedure of the Western Australian Parliament as a guide.

50 Council and Committee Meetings held electronically

Under Regulation 12 of the Local Government (Administration) Amendment Regulations 2022, the Shire can conduct up to half of its annual Council and Committee Meetings electronically.

Should the Shire elect to change an in-person meeting to an electronic

meeting they must provide appropriate public notice of this fact under Regulation 12, of the Administrative Regulations.

A record of the number of electronic meetings conducted by the Shire must be kept. This will assist managing compliance with the quota threshold.

A decision by the local government to authorize attendance by electronic means, can be made with a simple majority.

Criteria for Elected Members Remote Attendance at Council Meetings

Council Meetings require a quorum of Elected Members (EM) to attend in order for the meeting to proceed. EM attendance at Council Meetings by electronic means is limited to 50% of meetings per annum. This cap does not apply to EM with a disability.

To facilitate a dial in attendance at Council Meeting, the EM must:

1. Receive approval from the Shire President that they will be attending electronically.
2. The Shire President will consider whether the location from which the person intends to attend the meeting and the equipment used, will enable effective engagement with Council deliberations. A determination will also be made on whether the business of Council can be conducted in a confidential manner.
3. The Elected Member would need to provide details on the location from which they are participating in the meeting, that is, hotel name, city and room number. This information is to be provided to the Shire in advance of the meeting.
4. The other Elected Members would need to be advised of the arrangement and the minutes note the electronic attendance.

Options for Electronic Meetings

Communications that allow instantaneous contact with each person in attendance at the meeting, are permitted. The Zoom/Teams address for telephoning the Shire of Peppermint Grove Council Chambers:

- Chambers conference phone, 011 61 892 868 602 or the EM can be called on their mobiles. Alternately via Zoom or Teams.

Related Procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/ Legislation	
Adopted/ Amended	19 July 2010 Amended 23 May 2023

1.3 POLICY AND DELEGATIONS REVIEW	
Purpose	To ensure good governance through regular review of Statutory and Operational Policies and Delegations
Status	GOVERNANCE - STATUTORY
Policy	<p>The Shire of Peppermint Grove will:</p> <ol style="list-style-type: none"> 1. Review all Statutory and Operational Policies on a bi-annual basis. 2. New policies or existing policies may be approved or reviewed when necessary and outside of the scheduled review process. 3. The Code of Conduct will be reviewed within six (6) months of a Local Government election. 4. Delegations will be reviewed annually.
Related Procedure	
Amendment Authority Level	Council
Related Delegation	
Related Local Law/ Legislation	<p>Local Government Act S 5.103 (2) – Code of Conduct</p> <p>Local Government Act S 5.18 and s 5.46 (2) - Delegations</p>
Adopted/ Amended	<p>18 September 2000</p> <p>14 August 2007</p>

1.4 ELECTED MEMBERS' ALLOWANCES AND REIMBURSEMENTS

Purpose	<p>The purpose of this policy is to:</p> <ol style="list-style-type: none">1. Provide elected members with an appropriate level of remuneration and support in fulfilling their role.2. Clarify those payments that elected members have a right to receive and those that are payable at the discretion of the Shire of Peppermint Grove.3. Assist with budgeting and financial management.4. Promote transparency and accountability.
Status	GOVERNANCE - STATUTORY
Policy	<p>This policy complies with the requirements of the <i>Local Government Act 1995</i> ("the Act") and Local Government (Administration) Regulations 1996 ("the Regulations").</p> <p>Section 5.98 of the Act provides that an elected member is entitled to be paid a fee for attending a council or committee meeting. Under section 5.98 (1) of the Act each elected member has the right to decide whether he or she wishes to be paid meeting attendance fees. Each elected member must have the freedom to make their own decision on this matter without influence or pressure from other members. If an elected member wishes to receive meeting fees, he or she is entitled to the prescribed minimum fee under the regulations or to a higher fee set by the Council.</p> <p>The Council of the Shire of Peppermint Grove has determined that elected members will be paid an Annual Attendance Fee in lieu of fees for attending meetings.</p> <p>The Salaries and Allowances Tribunal (SAT) set the range for band 4 Local government and the allowances paid are within the band range.</p>

FEES AND ALLOWANCES

Shire President

The Shire President is entitled to an Annual Attendance Fee in lieu of meeting fees in accordance with Regulation 34 (2), paid quarterly in arrears. The allowance is set at 95% of the maximum of the band.

The Shire President is also entitled to an Annual Shire President Allowance under regulation 33 set at 95% of the maximum of the band.

Deputy Shire President

The Deputy Shire President is entitled to an Annual Attendance Fee in Lieu of meeting fees in accordance with Regulation 34 (1), paid quarterly in arrears, set at 95% of the maximum of the band.

The Deputy Shire President is also entitled to a maximum of 25% of the Annual Shire President Allowance as prescribed in regulation 33A.

Elected Members Annual Attendance

Elected Members are entitled to an Annual Attendance Fee in Lieu of meeting fees in accordance with Regulation 34 (1), paid quarterly in arrears, set at 95% of the maximum of the band.

EXPENSES THAT MUST BE REIMBURSED

Elected members are entitled to be reimbursed upon request for the following expenses covered under Regulation 31:

1. Telephone and facsimile machine rental charges.
2. Childcare expenses.
3. Travel costs.

Claims for these expenses must relate to the actual cost incurred and be supported by documentation. Claims are for reimbursement of costs and are not an allowance.

EXPENSES THAT MAY BE REIMBURSED

In accordance with Section 5.98 (3) of the Act and Regulation 32, elected members may be reimbursed for expenses incurred:

	<ol style="list-style-type: none"> 1. In performing a function under the express authority of the Shire. 2. By reason of being accompanied by no more than one other person while performing an official function where the Shire considers it to be appropriate. 3. In performing a function in the elected member's official capacity. <p>A decision to reimburse these expenses is at the absolute discretion of the Chief Executive Officer and will only be considered following verification of sufficient information. Where a conflict arises relating to a decision not to reimburse an expense, then the matter will be referred to Council.</p> <p>Information Technology</p> <p>Elected Members are entitled to an annual information and technology allowance as determined each year as part of the budget process.</p> <p>Payment of fees and allowances will be paid by electronic funds transfer (EFT) into the elected members nominated bank account quarterly in arrears.</p> <p>Elected Members are entitled to an annual information technology allowance of \$1,200 per year for costs associated with purchase of electronic equipment for Council purposes. This payment is subject to the elected member receiving agendas, minutes, and other documents in electronic format.</p>
Related Procedure	
Amendment Authority Level	Council
Related Delegation	
Related Local Law/ Legislation	Local Government Act 1995 S. 5.98 and 5.99 Local Government Administration Regulations 33 and 34 .
Adopted Amended	27 July 2010 24 May 2022

1.5 SMOKE FREE POLICY

Purpose	<p>The Shire recognises the extreme negative health impact that tobacco smoke, including environmental tobacco smoke, has on all people exposed to it.</p> <p>Tobacco smoking increases the risk of cancers, cardiovascular and respiratory diseases and other illnesses.</p> <p>It is the greatest single risk factor for health and has been estimated to cause 10 per cent of the total Australian burden of disease (NT Department of Health).</p> <p>The Smoke Free Policy has been developed to protect and promote the best health outcomes for its staff and for the users of our services. The Policy has been developed to:</p> <ul style="list-style-type: none"> • Safeguard our staff against the health impacts of tobacco smoke, including environmental tobacco smoke; • Protect those who use our services and visit our facilities; • Promote an attitudinal and behavioural change to smoking.
Status	GOVERNANCE - OPERATIONAL
Policy	<p>This Smoke Free Policy applies to the Grove Precinct where tobacco smoking will not be permitted within the buildings and grounds. This policy extends to all staff, contractors, volunteers and customers.</p> <p>Appropriate signage will be provided to advise that the precinct is a smoke free area.</p> <p>The Grove Precinct includes the Shire Office, Community Centre, Library and all grounds.</p>
Related Procedure	Nil
Amendment Authority Level	Council
Related Delegation	Nil
Related Local Law/Legislation	Nil
Adopted/Amended	22 February 2011

1.6 COUNCILLOR'S WORKS REQUESTS	
Purpose	To ensure Councillors requests are appropriately identified and handled promptly and efficiently.
Status	
Policy	<p>All general enquiries made by Councillors should be directed to the Chief Executive Officer or Managers</p> <p>Special Note</p> <ol style="list-style-type: none"> 1. The officer in charge will inspect the request or complaint and place it on the list of maintenance works according to priority. 2. Special works requests or major works should be discussed with the Chief Executive Officer. 3. Regarding major works the CEO can then recommend to the Council that it is / is not possible to modify the Works Program or the matter be placed for consideration on following years budget.
Related Procedure	Nil
Amendment Authority Level	Council
Related Delegation	Nil
Related Local Law/Legislation	Nil
Adopted/Amended	18 September 2000

1.7 ELECTED MEMBERS TRAINING AND PROFESSIONAL DEVELOPMENT

Purpose	The <i>Local Government Act 1995 (the Act)</i> requires all new Elected Members to undertake training within 12 months of being elected. The Shire is required under the Act to report on training undertaken by new councillors and professional development training taken by existing Elected Members.
Scope	<p>This policy applies to the Elected Members of the Shire of</p> <p>1. New Elected Member Training</p> <p>In accordance with Section 5.126 of <i>the Act</i>, each new Elected Member must complete training in accordance with the Local Government (Administration) Regulations 1996. The regulations prescribe the type of training for elected members which is the 'Council Member Essentials' course.</p> <p>This course consists of the following modules –</p> <ul style="list-style-type: none">a) Understanding Local Governmentb) Serving on Councilc) Meeting Proceduresd) Conflicts of Intereste) Understanding Financial Reports and Budgets <p>The course is provided by WALGA and the North and South Metropolitan TAFE's.</p> <p>Elected Members are to ensure training is to be completed within 12 months beginning on the day on which the council member is elected.</p> <p>Funding</p> <p>The 'Council member Essentials' course will be funded by the Shire from allocations in the Training and Conference Budget.</p> <p>2. Continuing Professional Development (CPD)</p> <p>The Shire's preferred training provider is WALGA.</p> <p>The Shire will investigate opportunities for professional skills development based on the direction of the Council or individual Elected Member needs and/or requests.</p>

2.1 Local Government Industry Specific

Any professional development to be undertaken by an Elected Member as required by the Act or Regulations, will be arranged and paid for by the Shire.

2.2 Non Local Government Industry Specific

Elected Members may attend non-local government industry specific professional development –

- a) Attendance that incurs a cost must be applied for in writing to the Chief Executive Officer, prior to commitment.
- b) Attendance must be relevant to the role of an Elected Member.
- c) There must be sufficient individual training budget allocation remaining to cover all related costs.
- d) Attendance may be refused by the Chief Executive Officer to ensure the effective governance of Council.

Conference, Seminars or Courses organised by organisations of which Council is a member or has an interest in would usually be attended by Council's appointed representatives to those organisations, e.g., Local Government Association Conference would be attended by the Local Government Association Delegates.

In the case of Conferences relevant to specific disciplines the Presiding Member of the relevant Standing Committee would have priority in attending.

When determining costs of a conference all reasonable costs including travel, accommodation, meals and telephone are to be supported by receipts and paid for by Council. Elected Members can access

- \$2,000 per annum for attending conferences that match the criteria set out in this policy without needing to refer this to Council, however it is subject to sign off by the CEO.
- Costs in excess of \$2,000 per annum would be referred to Council for approval.

Conferences in other States would be dealt with in the same way as any other Conference within the State except that whenever attendance at the conference entails travelling outside the State, the proposal be referred for the approval of

full Council if time permits.

The type of conferences that Councillors attend would generally be related to a particular function or activity in which council is involved rather than individual or personal development Conference/Seminars.

3.0 Paying for Professional Development Training

3.1 All fees associated with an Elected Member:

- a. attending professional development while representing the Shire, as approved by the Shire or the Chief Executive Officer; or
- b. while undertaking professional developments as required under legislation,

will be met by the Shire from the Training and Conference Budget.

3.2 The Shire may pay for or reimburse travel expenses to and from events and other expenses in accordance with relevant Shire policy.

3.3 Elected Members will not be paid any additional payment or allowances for attending a professional development occasion in their capacity as an Elected Member.

4.0 Website Publication of Elected Member Training

Section 5.127(1) of the Act, outlines a local government must prepare a an annual report on the training undertaken by council members. Section 5.127 (2) of the Act states that that the training undertaken by Elected Members must be published on the local government's website.

The Shire will update council members training on an annual basis. This detail is to be disclosed in the Elected Member Training Register on the Shire's website.

5.0 Dispute Resolution

Any disputes with regard to this policy will be referred to the Chief Executive Officer in the first instance. In the event that

	<p>the Elected Member and the Chief Executive officer cannot reach an agreement, the matter will be reported to Council for consideration.</p> <p>6.0 Policy Review</p> <p>Section 5.128 (5) of the Act, states the Shire's policy for continuing professional development of council members must be reviewed after each ordinary election.</p>
Complementary Legislation/Agencies	
Related Procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/Legislation	<p>Local Government Act 1995</p> <p>Section 5.126 Training for council members</p> <p>Section 5.127 Report on Training</p> <p>Section 5.128 Policy for Continuing Professional Development</p>
Adopted/Amended	<p>18 September 2000</p> <p>28th November 2023</p>
Next Review date	2027

1.8 CONFERENCE ATTENDANCES – REPRESENTATION AND RELATED ISSUES

Purpose	To determine the nature and extent of Council's representation at international/interstate/state conferences, study tours, seminars or conventions
Status	
Policy	<p>The following guidelines are to be considered for any proposal for representatives of the Council to attend conferences, study tours, seminars or conventions -</p> <ol style="list-style-type: none">1. when it is considered desirable that the Council be represented at an international/interstate and/or state conference, study tour, seminar or convention, a maximum of two councillors and one officer may attend.2. following attendance at such conferences, the councillors and officer be required to submit a report on the conference proceedings for the Council's information and records.3. a list be maintained on the Council's records of councillors' attendance at conferences.4. the representatives be determined by the Council and a list of previous attendances be submitted on each occasion to assist with that decision.5. where it is not appropriate for the Chief Executive Officer to attend a particular conference, other senior officers be given the opportunity to gain valuable experience as part of their career development.6. Attendance is subject to budget provisions

Related Procedure	Nil
Amendment Authority Level	Council
Related Delegation	Nil
Related Local Law/Legislation	Nil
Adopted/Amended	18 September 2000

1.9 COMMUNITY ENGAGEMENT POLICY

Purpose	The Shire will inform and consult our community on matters that affect them, understanding that the best outcomes come from working together. Feedback will be used to inform and strengthen the Shire's decision-making process.
Status	
Policy	<p>This policy applies to elected members, Shire of Peppermint Grove employees and the Peppermint Grove community, which includes residents, visitors, workers, volunteers and businesses.</p> <p>Principles The Shire recognises the importance of open, transparent, accountable, inclusive and appropriate community engagement.</p> <p>The Shire undertakes community engagement to:</p> <ul style="list-style-type: none">• improve and strengthen decision making• enable community involvement and participation• understand community priorities and concerns• improve the quality of services and facilities it provides. <p>Council will take account of the views and opinions expressed by the community and balance this feedback with other factors such as budgetary constraints, and legal requirements.</p> <p>When to engage The Shire will embed community engagement in appropriate decision-making processes at all levels of the organisation and, where possible, use community engagement outcomes to help inform actions and decisions.</p> <p>The Shire undertakes to engage when:</p>

- a matter requires information from the community in order for a decision to be properly informed;
- a new significant project or plan is being developed or a major review is occurring with an existing project or plan;
- a matter affects the rights and entitlements of community members or a significant group within the community;
- a matter has a significant impact on the quality of community life, services or facilities;
- it is required under the Local Government Act 1995 or other legislation.

The Shire acknowledges that community confidence in consultation is paramount to its success. If a decision has already been made, or the community or the Shire cannot effectively influence the final decision, the Shire will not undertake a community engagement process.

Where routine matters to be determined by Council require consultation it will be undertaken by staff and the results presented to Council to assist in the decision making process.

Where issues affect the strategic direction of the Shire or are sensitive and potentially divisive, consultation will be undertaken following Council's consideration of the issue so that Council's in-principle resolution can guide the consultation process.

Levels of engagement

Differing levels of participation are legitimate depending on the project goals, timeframe, resources and level of interest in the decision to be made.

The Shire may use the International Association for Public Participation (IAP2) spectrum to consider and apply the most suitable level of engagement and to define the role of the community in the decision making process.

Tools and Promotion

The Shire strives to deliver meaningful, informed and genuine community participation to inform Council's decision

making process. The Shire endeavours to clearly communicate the matters on which it is consulting and to outline any constraints or limitations on the consultation process.

To maintain proactive and best practice community engagement the Shire will explore and utilise contemporary tools of engagement and be open to new and innovative ways to engage. Community engagement techniques will be selected based on the project scope and level of community impact (the number of persons potentially affected by the topic).

Communication methods will be tailored to best encourage participation in each individual project.

Measurement and evaluation

The Shire recognises that the level and type of engagement with the community will vary depending on the community interest in the topic and perceived impact. Both quantitative and qualitative measures will be assessed during project evaluation.

Definitions

IAP2 - International Association for Public Participation. An international member association which seeks to promote and improve the practice of public participation and stakeholder engagement.

IAP2 Spectrum - a process document designed to assist with the selection of the level of participation to define the public's role in community engagement, with increasing levels of influence ranging from 'inform', 'consult' and 'involve' to 'collaborate' and 'empower'. Provides a guide as to how to engage with the community in different situations.

Related Sources

- IAP2 Public Participation Spectrum
- City of Subiaco Community Engagement Toolkit

Related Procedure	Nil
Amendment Authority Level	Council
Related Delegation	Nil
Related Local Law/Legislation	Nil

1.10 RELATED PARTY TRANSACTION AND DISCLOSURES

Purpose	<p>The objective of this policy is to ensure that an entity's financial statements contain disclosures necessary for users to understand the potential effects on the financial statements may be affected by the existence of related parties and transactions.</p> <p>This policy outlines required mechanisms to meet the disclosure requirements of AASB 124.</p> <p>The purpose of this policy is to stipulate the information to be requested from related parties to enable an informed judgement to be made.</p>
Status	
Policy	<p>This Policy is to be applied in:</p> <ul style="list-style-type: none">• Identifying related party transactions and relationships;• Identifying outstanding balances including commitments between an entity and its related parties;• Identifying circumstances in which disclosure of the above items are required; and• Determining the disclosures to be made about those items. Related Parties• AASB 124 provides that the Shire will be required to disclose in its Annual Financial reports, related party relationships, transactions and outstanding balances.• Related parties include a person who has significant influence over the reporting entity, a member of the key management personnel (KMP) of the entity, or a close family member of that person who may be expected to influence that person.• For the purposes of determining the application of the standard, the Shire has identified the following persons as

meeting the definition of Related Party:

- ↗ An elected Council member;
- ↗ Key management personnel being a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or any Manager reporting directly to the CEO;
- ↗ Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner; and
- ↗ Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).
- ↗ Entities controlled by Council, jointly controlled by Council or over which Council has significant influence are related parties of Council. Council will need to identify transactions with these entities and may need to make extra disclosure about them in Council's financial statements. When assessing whether Council has control or joint control over an entity Council must consider AASB10 and AASB11.
- ↗ AASB128 details the criteria for determining where Council has significant influence over an entity.
- ↗ Council's Contracts Register, Leases and License Register and the Schedule of Debts Written Off will be reviewed to identify Related Party Transactions/Parties.

The Shire will therefore be required to assess all transactions made with these persons or entities.

Related party transactions

A related party transaction is a transfer of resources, services or obligations between the Shire (reporting entity) and the related party, regardless of whether a price is charged.

For the purposes of determining whether a related party transaction has occurred, the following transactions or provision of services have been identified as meeting this criteria:

Examples of related party transactions are:

- purchases or sales of goods;
- purchases or sales of property and other assets;
- rendering or receiving of services;
- rendering or receiving of goods;
- leases;
- transfers under licence agreements;
- transfers under finance arrangements (example: loans);
- provision of guarantees (given or received);
- commitments to do something if a particular event occurs or does not occur in the future;
- settlement of liabilities on behalf of Council or by Council on behalf of that related party.

Ordinary Citizen Transactions (OCTs)

These transactions are those that an ordinary citizen would undertake with council and are referred to as an Ordinary Citizen Transaction (OCT). Where the Shire can determine that an OCT was provided at arm's length, and in similar terms and conditions to other members of the public and, that the nature of the transaction is immaterial, no disclosure in the annual financial report will be required.

Council declares that in its opinion, based on the facts and circumstances, the following OCT (that are provided on terms and conditions no different to those applying to the general public and which have been provided in the course

of delivering public service objectives, are unlikely to influence the decisions that users of the Council's financial statements make), no disclosure in the annual Related Party Disclosures - Declaration form will be required for the following transactions:

Paying rates;

Fines;

Use of Shire owned facilities such as Recreation Centre, Civic Centre, library, parks, ovals and other public open spaces (whether charged a fee or not); and

Attending Council functions that are open to the public.

Where these services were not provided at arm's length and under the same terms and conditions applying to the general public, elected Council members and KMP will be required to make a declaration in the Related Party Disclosures - Declaration form about the nature of any discount or special terms received.

Disclosure Requirements

For the purposes of determining relevant transactions above, elected Council members and key management personnel as identified above, will be required to complete a Related Party Disclosures - Declaration form.

The Ordinary Citizen Transactions:

Non-material in Nature -A KMP is not required to notify in a RPT Notification, and Council will not disclose in its financial statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature.

Material in Nature - A KMP is required to notify in a RPT Notification, and Council will disclose in its financial statements related party transactions that are ordinary citizen transactions assessed to be material in nature.

Materiality Assessment - The Manager of Corporate Services

will review and assess the materiality of the related party transactions' that are ordinary citizen transactions to determine whether the disclosure of such transactions is necessary for an understanding of the effects of the related party transactions on the financial statements, having regard to the criteria specified.

Information Extraction - The Finance Officer will identify and extract information specified in against each notified related party transaction that is an ordinary citizen transaction assessed as being material in nature in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

As a general rule, Council will utilise \$10,000 as the threshold for materiality.

Register of Relation Party Transaction

The Finance Officer will maintain and keep up to date a register of related party transactions that captures and records the information for each existing or potential related party transaction (including ordinary citizen transaction assessed as being material in nature) during the financial year.

The contents of the register of related party transactions must detail:

The description of the related party transaction;

The name of the related party;

The nature of the related party's relationship with Council;

Whether the notified related party transaction is existing or potential;

A description of the transactional documents the subject of the related party.

Procedures

The method for identifying the close members and associated entities of KMP will be by KMP self-assessment. KMP have an ongoing responsibility to advise Council immediately of any Related Party Transactions.

The preferred method of reporting is for KMPs to provide details of Related Parties and Related Party Transactions to the Manager Corporate Services.

Information provided will be reviewed in accordance with the Council's operational requirements and held on a centralised register held within the Corporate Services area.

Should a KMP have any uncertainty as to whether a transaction may constitute a Related Party Transaction they should contact the Manager Corporate Services who will make a determination.

Frequency of disclosures

Elected Council members and KMP will be required to complete a Related Party Disclosures - Declaration form each annually.

Disclosures must be made by all Councillors immediately prior to any ordinary or extraordinary election.

Disclosures must be made immediately prior to the termination of employment of/by a KMP.

Confidentiality

All information contained in a disclosure return, will be treated in confidence. Generally, related party disclosures in the annual financial reports are reported in aggregate and as such, individuals are not specifically identified.

Notwithstanding, management is required to exercise judgement in determining the level of detail to be disclosed based on the nature of a transaction or collective

	<p>transactions and materiality. Individuals may be specifically identified if the disclosure requirements of AASB 124 so demands.</p> <p>Associated Regulatory Framework</p> <p>AASB 124 Related Party Disclosures Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996 Related Party Disclosures - Disclosure Form</p> <p>Application</p> <p>Responsibility for the implementation of this policy rest with the Mayor, Councillors and Chief Executive Officer. The Policy is to be reviewed as required.</p>
Related Procedure	Nil
Amendment Authority Level	Council
Related Delegation	Nil
Related Local Law/Legislation	Nil

PRIVACY COLLECTION NOTICE
RELATED PARTY TRANSACTIONS AND
DISCLOSURES BY KEY MANAGEMENT
PERSONNEL

Purpose of Collection, Use and Disclosure

Effective for annual financial periods beginning on or after 1 July 2016, Council must disclose certain related party relationships and related party transactions together with information associated with those transactions in its general purpose financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures July 2015 (AASB 124)*.

Related parties include Council's key management personnel (KMP), their close family members, and any entities that they or any of their close family members control or jointly control.

A related party transaction is any transaction (whether a transfer of resources, services or obligations) between the reporting local government and any of the related parties, whether monetary or not.

If there is a related party transaction with Council applicable to a reporting financial year, AASB 124 requires Council to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

For more information about Council's disclosure requirements under AASB 124, please refer to Council's Related Party Disclosure Policy.

Notifications by Key Management Personnel

In order to comply with AASB 124, Council has adopted a policy that requires all members of its KMP to periodically provide notifications to the Manager Corporate Services of any existing or potential related party transactions between Council and any of their related parties during a financial year, and any changes to previously notified related party relationships and transactions relevant to the subject financial year.

To this end, each KMP must provide a Related Party Disclosure, in the approved form, notifying any existing or potential related party transactions between Council and any related parties of the KMP, to the Manager Corporate Services by no later than the following periods during a financial year:

- 30 days after the commencement of the application of this policy;
- 30 days after a **KMP** commences their term or employment with Council; and
- 30 June (each year).

Note, these related party disclosure requirements are in addition to the notifications KMPs are required to make to comply with the Shire's Code of Conduct.

This includes disclosures relating to Conflicts of Interest (Pecuniary and Non-Pecuniary) and Gifts and Benefits. Council's Auditors may audit related party information as part of the annual external audit.

For privacy and right to information status of this information, please refer to Council's Related Party Disclosure Policy.

Who are KMPs?

- An elected Council member;
- Key management personnel being a person employed under section 5.36 of the Local Government Act 1995 in the capacity of Chief Executive Officer or Director and any Manager reporting directly to the CEO;
- Close members of the family of any person listed above, including that person's child, spouse or domestic partner, children of a spouse or domestic partner, dependents of that person or person's spouse or domestic partner; and
- Entities that are controlled or jointly controlled by a Council member, KMP or their close family members. (Entities include companies, trusts, joint ventures, partnerships and non-profit associations such as sporting clubs).

Who are close family members of a KMP Person?

Close family members, or close members of the family, of a KMP are family members who may be expected to influence, or be influenced by, that person in their dealings with Council and include:

- that person's children and spouse or domestic partner;
- children of that person's spouse or domestic partner; and
- dependents of that person or that person's spouse or domestic partner.

Under AASB 124, close family members could include extended members of a family (such as, without limitation, a parent, grandparent, siblings, etc) *if* they could be expected to influence, or be influenced by, the KMP in their dealings with Council.

The following table may assist you in identifying your close family members:

Definitely a close family member	Maybe a close family member
Your spouse/domestic partner	Your brothers and sisters, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your children	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with Council
Your dependents	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with Council
Children of your spouse/domestic Partner	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with Council
Dependents of your spouse/domestic partner	Any other member of your family if they could be expected to influence, or be influenced, by you in their dealings with Council

What is an entity that I, or my close family member, control or jointly control?

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

Control

You control an entity if you have:

- power over the entity;
- exposure, or rights, to variable returns from your involvement with the entity; and
- the ability to use your power over the entity to affect the amount of your returns.

Example of control

Fred is the Mayor of Sunny Shire Council and owns 100% of the ordinary shares in Sunny Development Company Pty Ltd (the company). The ordinary shares are the only shares in the company that have voting rights. Fred controls the company because he has the power to affect the company's decisions and the return that he will get from the company. Fred will need to include the company on his related party disclosure.

Joint control

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Example of joint control

Fred is the Mayor of Sunny Shire Council and owns 50% of the ordinary shares in Sunny Development Company Pty Ltd (the company). Fred's brother Stan owns the other 50% of the ordinary shares. Fred and Stan are the only Directors of the company and have equal voting rights on the board.

Fred and Stan have joint control of the company because any decisions require the unanimous consent of them both.

Fred will need to include the company on his related party disclosure and the entity's related party relationship with Fred and Stan.

In some cases, it will be obvious that you or a family member control or have joint control over an entity. In other cases, it will be less clear.

If you are unsure whether you, or a close family member, has control or joint control of an entity then you should contact the Responsible Accounting Officer for a confidential discussion.

Related Standards:

AASB 10 Consolidated Financial Statements, paragraphs 5 to 18, and Appendices A (Defined Terms) and B (Application Guidance).

AASB 128 Investments in Associates and Joint Ventures, paragraph 3 (Definitions).

SHIRE OF PEPPERMINT GROVE

Related Party Transactions and Disclosure by Key Management Personnel

Name of Key Management Personnel: _____

Position of Key Management Personnel: _____

Please read the Privacy Collection Notice provided with this notification, which explains what is a related party transaction and the purposes for which the Shire of Peppermint Grove is collecting and will use and disclose, the related party information provided by you in this notification.

Please complete the table below **for each related party transaction with the Shire of Peppermint Grove** that you, or a close member of your family, or an entity related to you or a close member of your family has previously entered into during the 2018/2019 financial year and which may/may not continue into future years:

If there is no related party transactions, please insert "Nil" in the table below.

Description of Related Party Transaction	Is transaction existing/potential?	Related Party's Name (Individual's or entity's name)	Related Party's Relationship/ Reasons why related	Description of Transaction Documents or Changes to the Related Party Relationship

Notification

I, _____ (full name & position)
notify that, to the best of my knowledge, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving myself, close members of my family, or entities controlled or jointly controlled by me or close members of my family, relevant to the 2017/2018 financial year.

I make this notification after reading the Privacy Collection Notice provided by the Shire of Peppermint Grove, which details the meaning of the words "related party", "related party transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control", and the purposes for which this information will be used and disclosed.

I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

SIGNATURE OF NAMED KEY MANAGEMENT PERSONNEL:

DATED: _____

Definitions

AASB 10 - the Australian Accounting Standards Board - Consolidated Financial Statements - details the criteria for determining whether Council has significant influence over an entity

AASB 11 - the Australian Accounting Standards Board - Joint Arrangements - details the criteria for determining whether Council has significant influence over an entity

AASB 124 - the Australian Accounting Standards Board - Related Party Disclosures Standard under Section 334 of the *Corporations Act 2001*

AASB 128 - the Australian Accounting Standards Board - Investments in Associates and Joint Ventures - details the criteria for determining whether Council has significant influence over an entity

The Act - *the Local Government Act 1993*

The Regulation - *the Local Government (General) Regulation 2005*

Key Management Personnel - are those persons having the authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of the entity.

Material (materiality) - means the assessment of whether the transaction, either individually or in aggregate with other transactions, by omitting it or misstating it could influence decisions that users make on the basis of an entity's financial statements. For the purpose of this policy it is not considered appropriate to set either a dollar value or a percentage value to determine materiality.

Ordinary Citizen Transaction - means a transaction that an ordinary citizen of the community would undertake in the ordinary course of business with Council.

Related Party - any person or entity that is related to the entity that is preparing its financial statements (referred to in this standard as the 'reporting entity').

Related Party Transaction - is a transfer of resources, services or obligations between a Council and a related party, regardless of whether a price is charged.

Significant (significance) - means likely to influence the decisions that users of the Council's financial statements make having regard to both the extent (value and frequency) of the transactions, and that the transactions have occurred between the Council and related party outside a public service provider/taxpayer relationship.

Remuneration - means remuneration package and includes any money, consideration or benefit received or receivable by the person but excludes reimbursement of out-of-pocket expenses, including any amount received or receivable from a Related Party Transaction.

1.11 ATTENDANCE AT EVENTS POLICY

Purpose	<p>This policy addresses attendance at any events, including concerts, conferences, functions or sporting events whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events of council members and the chief executive officer (CEO).</p> <p>Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.</p>
Status	
Policy	<p>5.90 A. Policy for attendance at events</p> <p>(1) In this section — event includes the following —</p> <ul style="list-style-type: none">(a) a concert;(b) a conference;(c) a function;(d) a sporting event;(e) an occasion of a kind prescribed for the purposes of this definition. <p>(2) A local government must prepare and adopt* a policy that deals with matters</p>

	<p>relating to the attendance of council members and the CEO at events, including —</p> <ul style="list-style-type: none"> (a) the provision of tickets to events; and (b) payments in respect of attendance; and (c) approval of attendance by the local government and criteria for approval; and (d) any prescribed matter. <p>* Absolute majority required.</p> <p>(3) A local government may amend* the policy. * Absolute majority required.</p> <p>(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.</p> <p>(5) The CEO must publish an up-to-date version of the policy on the local government's official website.</p> <p>1. Invitations</p> <p>1.1 All invitations of offers of tickets for a council member or CEO to attend an event should be in writing and addressed to the CEO.</p> <p>1.2 Any invitation or offer of tickets not addressed to the CEO is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.</p>
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2 Approval of attendance

2.1 In making a decision on attendance at an event, the council will consider:

- a) who is providing the invitation or ticket to the event,
- b) the location of the event in relation to the local government (within the district or out of the district),
- c) the role of the council member or CEO when attending the event (participant, observer, presenter) and the value of their contribution,
- d) whether the event is sponsored by the local government,
- e) the benefit of local government representation at the event,
- f) the number of invitations / tickets received, and
- g) the cost to attend the event, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

2.2 Decisions to attend events in accordance with this policy will be made by simple majority or by the CEO in accordance with any authorisation provided in this policy.

Guidance Note: If the local government is proposing to provide authorisation to the CEO to determine matters in accordance with this policy, then it will be necessary for the policy statement to include specific principles / criteria by which the CEO may make such determinations.

2.3 Payments in respect of attendance:

	<p>2.3.1 Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the council determine attendance to be of public value.</p> <p>2.3.2 For any events where a member of the public is required to pay, unless previously approved the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the council.</p> <p>2.3.3 If the council determines that a council member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.</p> <p>2.3.4 Where partners of an authorised local government representative attend an event, any tickets for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the council.</p>
.	
Amendment Authority Level	
Related Delegation	
Related Local Law/Legislation	
Adopted/Amended	
Review History	

1.12 CODE OF CONDUCT BEHAVIOUR COMPLAINTS MANAGEMENT POLICY

Purpose/Objective	<p>To establish, in accordance with Clause 15(2) of the <i>Local Government (Model Code of Conduct) Regulations 2021</i> and Shire of Peppermint Grove Code of Conduct for Council Members, the procedure for dealing with complaints about alleged breaches of the behaviour requirements included in Division 3 of the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>To give effect to the Shire of Peppermint Grove's commitment to an effective, transparent, fair and accessible complaints handling process that supports high standards of behaviour of Council Members, Committee Members and Candidates.</p>
Scope	<p>This Policy applies to complaints made in accordance with Clause 11 of the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.</p> <p>This Policy applies to Council Members, Committee Members, Candidates and any person who submits a complaint in accordance with this Policy.</p>
Definitions	<p>Act means the <i>Local Government Act 1995</i>.</p> <p>Behaviour Complaints Committee means the Committee established by the Council in accordance with s.5.8 of the Act for the purpose of dealing with Complaints. The role of the Behaviour Complaints Committee is outlined in Part 2.3 of this Policy.</p> <p>Behaviour Complaints Officer means a person authorised in writing <i>[by Council resolution or by the CEO exercising delegated authority]</i> under clause 11(3) of the Code of Conduct to receive complaints and withdrawals of complaints. The role of the Behaviour Complaints Officer is addressed in Part 2.1 of this Policy.</p> <p>Breach means a breach of Division 3 of the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.</p>

Candidate means a candidate for election as a Council Member, whose nomination has been accepted by the Returning Officer under s.4.49 of the Act but does not include a Council Member who has nominated for re-election. A person is a Candidate from the date on which their nomination is accepted, until the Returning Officer declares the election result in accordance with s.4.77 of the Act.

Candidate Complaint means a Complaint alleging a Breach by a Candidate. Candidate Complaints are dealt with in Part 3.2 of this Policy.

Code of Conduct means the Shire of Peppermint Grove Code of Conduct for Council Members, Committee Members and Candidates.

Committee means a committee of Council, established in accordance with s.5.8 of the Act.

Committee Member means a Council Member, employee of the Shire of Peppermint Grove or other person who has been appointed by the Council to be a member of a Committee in accordance with s.5.10(1) of the Act. A person is a Committee Member from the date on which they are appointed, until their appointment expires or is terminated by Council resolution.

Complaint means a complaint submitted under Clause 11 of the Code of Conduct.

Complainant means a person who has submitted a Complaint in accordance with this Policy.

Complaint Assessor means a person appointed by the Behaviour Complaints Officer in accordance with Part 2.2 and Part 3.8 of this Policy.

Complaint Documents means the Complaint Form and any supporting information, evidence, or attachments provided by the Complainant.

Complaint Form means the form approved under clause 11(2)(a) of the Code of Conduct *[by Council resolution or by the CEO exercising delegated authority]*.

Council means the Council of the Shire of Peppermint Grove.

	<p>Council or Committee Meeting means a formal meeting of the Council or a Committee that is called and convened in accordance with the Act. It does not include informal meetings such as workshops or briefings.</p> <p>Council Member means a person who is currently serving a term of office as an elected member of the Council in accordance with the Act.</p> <p>Finding means a finding made in accordance with clause 12(1) of the Code of Conduct as to whether the alleged Breach has or has not occurred.</p> <p>Plan means a Plan that may be prepared and implemented under clause 12(4)(b) of the Code of Conduct, to address the behaviour of the person to whom the complaint relates (the Respondent), if a Finding has been made that a Breach has occurred.</p> <p>Response Documents means the response provided by the Respondent to the Complaint and includes any supporting information or evidence that is supplied.</p>
Policy	<p>1. Principles</p> <p>1.1 Procedural fairness The principles of procedural fairness, or natural justice, will apply when dealing with a Complaint under this Policy. In particular:</p> <ul style="list-style-type: none"> • the Respondent will be afforded a reasonable opportunity to be heard before any findings are made or a plan implemented; • the decision maker should be objective and impartial with an absence of bias or the perception of bias; and • any findings made will be based on proper and genuine consideration of the evidence. <p>1.2 Consistency The application of this Policy should lead to consistency in process and outcomes. While each Complainant and Respondent will be dealt with according to their circumstances and each Complaint considered and determined on its merits,</p>

similar circumstances will result in similar decisions.

1.3 Confidentiality

The Shire of Peppermint Grove will take all reasonable steps to maintain confidentiality when dealing with the Complaint in order to protect both the Complainant and Respondent.

Council Members, Local Government employees and contractors who have a role in handling a specific complaint will be provided with sufficient information to fulfil their role. They must manage this information securely and must not disclose or inappropriately use this information.

Complainants will be advised of the level of confidentiality they can expect, and that breaches of confidentiality on their part may prejudice the progress of their Complaint.

1.4 Accessibility

The Shire of Peppermint Grove will ensure that information on how to make a complaint, including this Policy, is available at the Shire's Administration Building and on the Shire's website. The Shire of Peppermint Grove will make information available in alternative formats if requested.

Any person wishing to make a complaint may contact the Behaviour Complaints Officer if they require assistance in completing the complaint form or otherwise navigating the complaints process.

2. Roles

2.1 Behaviour Complaints Officer

The Behaviour Complaints Officer is authorised in accordance with clause 11(3) of the Code of Conduct to accept complaints and withdrawal of complaints.

The Behaviour Complaints Officer is not an advocate for the complainant or the respondent. The Behaviour Complaints Officer provides procedural information and assistance to both Complainant and Respondent.

The Behaviour Complaints Officer will liaise with and provide administrative support to a Complaint Assessor appointed under this Policy.

The Behaviour Complaints Officer will liaise with the Local Government to facilitate the calling and convening of Council or

Behaviour Complaints Committee meetings if required.

In undertaking their functions, the Behaviour Complaints Officer will apply the Principles of this Policy.

2.2 Complaint Assessor

The Complaint Assessor is appointed by the Behaviour Complaints Officer in accordance with Part 3.8 of this Policy.

The Complaint Assessor is an impartial third party who will undertake the functions specified in this Policy. In undertaking their functions, the Complaint Assessor will apply the Principles of this Policy.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to manage the administrative requirements of dealing with the Complaint in accordance with this Policy.

2.3 Behaviour Complaints Committee

The Behaviour Complaints Committee is a Committee of Council established in accordance with s.5.8 of the Act for the purpose of dealing with Complaints.

The Behaviour Complaints Committee is a Committee of Council Members only. The membership and purpose of the Behaviour Complaints Committee is outlined in the Behaviour Complaints Committee Terms of Reference.

3. Procedure

3.1 Making a Complaint

Any person may make a Complaint alleging that a Council Member, Committee Member or Candidate has behaved in a way that constitutes a breach of Division 3 of the Code of Conduct [*clause 11(1) of the Code of Conduct*].

A Complaint must be made within one (1) month after the alleged Breach [*clause 11(2)(c) of the Code of Conduct*].

A Complaint must be made by completing the Behaviour Complaint Form in full and providing the completed forms to the Behaviour Complaints Officer.

A Complaint must be made in accordance with the Behaviour Complaint Form and specify which requirement(s) of the Code of Conduct is alleged to have been breached.

A Complaint is required to include the name and contact details of the Complainant therefore anonymous complaints cannot be accepted.

Where a Complaint Form omits required details, the Behaviour Complaints Officer will invite the Complainant to provide this information in order for the Complaint to be progressed.

Where a Complaint is made more than 1 month after the alleged breach, the Behaviour Complaints Officer will give the Complainant written notice that the Complaint cannot be made *[clause 11(2)(c) of the Code of Conduct]*.

3.2 Candidate Complaints

A Complaint in relation to a Candidate must be made in accordance with 3.1, above, but cannot be dealt with unless the Candidate is subsequently declared elected as a Council Member.

Within 7 days after receiving a Candidate Complaint, the Behaviour Complaints Officer will provide written notice:

- To the Complainant confirming receipt, and advising of the procedure for candidate complaints; and
- To the Respondent, including a summary of the complaint, and advising of the procedure for candidate complaints.

No action will be taken until the results of the election are declared by the Returning Officer. If the respondent is elected, then the complaint will be dealt with in accordance with this Policy. Timeframes that would otherwise commence on the receipt of a Complaint will be taken to commence on the election date.

If the Respondent is not elected, the Behaviour Complaints Officer will provide the Complainant with notice that the Respondent has not been elected and that the Complaint cannot be dealt with *[clause 15(1) of the Code of Conduct]*.

3.3 Withdrawing a Complaint

A Complainant may withdraw their Complaint at any time before a Finding has been made in relation to the Complaint *[clause 14 of the Code of Conduct]*.

A Complainant may withdraw a Complaint by advising the

Behaviour Complaints Officer in writing that they wish to do so. After receiving a written withdrawal of the Complaint, the Behaviour Complaints Officer will take all necessary steps to terminate the process commenced under this Policy.

3.4 Notice to Complainant

Within 7 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Complainant that:

- confirms receipt of the Complaint;
- outlines the process that will be followed and possible outcomes;
- explains the application of confidentiality to the Complaint;
- includes a copy of this Policy; and
- if necessary, seeks clarifications or additional information.

If the Complaint Form indicates that the Complainant agrees to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will advise the Complainant of the process in accordance with Part 3.6 of this Policy.

3.5 Notice to Respondent

Within 14 days after receiving a Complaint, the Behaviour Complaints Officer will provide written notice to the Respondent that:

- advises that a Complaint has been made in accordance with the Code of Conduct and this Policy;
- includes a copy of the Complaint documents;
- outlines the process that will be followed, the opportunities that will be afforded to the Respondent to be heard and the possible outcomes;
- includes a copy of this Policy; and
- if applicable, advises that further information has been requested from the Complainant and will be provided in due course.

If the Complainant has agreed to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will ask the Respondent if they are also willing to participate in accordance with Part 3.6 of this Policy.

3.6 Alternative Dispute Resolution

The Shire of Peppermint Grove recognises that Alternative Dispute Resolution may support both parties reach a mutually satisfactory outcome that resolves the issues giving rise to the Complaint. Alternative Dispute Resolution requires the consent of both parties to the Complaint and may not be appropriate in all circumstances.

To commence the process, the Behaviour Complaints Officer will, as the first course of action upon receiving a complaint, offer the Complainant and the Respondent the option of Alternative Dispute Resolution. If both parties agree to participate in Alternative Dispute Resolution, the Behaviour Complaints Officer will pause the formal process.

The objective of Alternative Dispute Resolution will be to reach an agreed resolution that satisfies the Complainant that the formal process is no longer required, allowing them to withdraw the Complaint, in accordance with Part 3.3 of this Policy. For example, an offer by a Respondent to issue a voluntary apology in response to a Complaint, even in the absence of a request from the Complainant, qualifies for consideration as Alternative Dispute Resolution.

If Alternative Dispute Resolution is commenced, both the Complainant and Respondent may decline to proceed with the process at any time. The process may also be terminated on the advice of a third party who is providing assistance to the Local Government such as a facilitator or mediator.

If Alternative Dispute Resolution is terminated or does not achieve an agreed outcome that results in the withdrawal of the Complaint, the Behaviour Complaints Officer will resume the formal process required under this Policy.

3.7 Order of Complaints

Complaints will normally be dealt with in the order in which they are received.

If more than one Complaint is received that relates to the same alleged behaviour, the Behaviour Complaints Officer may decide to progress those Complaints concurrently.

3.8 Appointment of Complaints Assessor

If Alternative Dispute Resolution is not commenced, or

terminated or does not achieve an agreed outcome resulting in the withdrawal of the Complaint, the Behaviour Complaints Officer will appoint a suitably qualified and experienced Complaint Assessor, in accordance with the Shire of Peppermint Grove's Purchasing Policy.

The Behaviour Complaints Officer will endeavour to appoint a Complaint Assessor within a reasonable period. The Behaviour Complaints Officer will provide written notice of the appointment to the Complainant and the Respondent.

3.9 Search of Local Government Records

The Complaint Assessor may request the Behaviour Complaints Officer to search for any relevant records in the Shire of Peppermint Grove's Record Management System.

In particular, if the behaviour is alleged to have occurred at a Council or Committee Meeting the Behaviour Complaints Officer will be requested to identify any Local Government records that provide evidence that may support a decision as to whether:

- the behaviour occurred at a Council or Committee Meeting,
- the behaviour was dealt with by the person presiding at the meeting, and/or
- the Respondent has taken remedial action in accordance with the Shire of Peppermint Grove Meeting Procedures/Policy.

The Complaints Assessor must provide the Respondent with a copy of any records that are identified. In addition, where a clarification or additional information has been sought from the Complainant by either the Behaviour Complaints Officer or the Complaint Assessor, copies must also be provided to the Respondent.

3.10 Assessment of the Complaint

The Complaint Assessor will undertake an assessment of the Complaint in accordance with the process outlined in the Notices given under Part 3.4 and Part 3.5 of this Policy.

The Complaint Assessor must ensure that the Respondent is provided with a reasonable opportunity to be heard before forming any opinions or drafting the Complaint Report or recommendations.

3.11 Complaint Report

The Complaint Assessor will prepare a Complaint Report that will:

- outline the process followed, including how the Respondent was provided with an opportunity to be heard;
- include the Complaint Documents, the Response Documents and any relevant Local Government Records as attachments;
- include recommendations on each decision that may be made by the Complaints Committee; and
- include reasons for each recommendation, with reference to Part 4 of this Policy.

If the Complaint Report recommends that a Plan is prepared and implemented in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy, the Complaint Report must include a Proposed Plan.

The Complaint Assessor will liaise with the Behaviour Complaints Officer to include the Complaint Report in the Agenda for a meeting of the Complaints Committee. The Behaviour Complaints Officer will be responsible for preparation of an Officer Report with the Complaint Report provided as a confidential attachment. The recommendations of the Complaint Report will be provided as the Officer Recommendations.

3.12 Complaints Committee Meeting

The Agenda will be prepared on the basis that the part of the meeting that deals with the Complaint Report will be held behind closed doors in accordance with s.5.23(2) of the Act.

The Behaviour Complaints Committee will consider the Complaint Report and attachments and give due regard to the recommendations.

In accordance with Regulation 11(d)(a) of the *Local Government (Administration) Regulations 1996*, reasons for any decision that is significantly different from the Officer Recommendation must be recorded in the meeting minutes.

If the behaviour that is the subject of the Complaint is alleged to have occurred at a Council or Committee Meeting the Behaviour

Complaints Committee will determine whether or not to dismiss the Complaint in accordance with Clause 13 of the Code of Conduct and Part 4.2 of this Policy.

If the Behaviour Complaints Committee dismisses a Complaint, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the decision and the reasons for the decision in accordance with clause 13(2) of the Code of Conduct. This concludes the process for this Complaint.

If the Complaint is not dismissed, the Behaviour Complaints Committee will consider the Complaint and make a Finding as to whether the alleged Breach that is the subject of the Complaint has or has not occurred, in accordance with clause 12 of the Code of Conduct and Part 4.3 of this Policy.

If the Behaviour Complaints Committee finds that the alleged Breach **did not** occur, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of the Finding and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee finds that the alleged breach **did** occur, the Committee will decide whether to take no further action in accordance with clause 12(4)(a) of the Code of Conduct or prepare a plan to address the behaviour in accordance with clause 12(4)(b) of the Code of Conduct and Part 4.4 of this Policy.

If the Behaviour Complaints Committee decides to take no further action, the Behaviour Complaints Officer must give the Complainant and the Respondent written notice of this decision and the reasons for the Finding in accordance with clause 12(7)(a) of the Code of Conduct. This concludes the process for this Complaint.

If the Behaviour Complaints Committee decides to prepare a Plan, the Committee will first consult with the Respondent in accordance with clause 12(5) of the Code of Conduct. The Behaviour Complaints Committee will consider any submissions made by the Respondent before preparing and implementing a Plan.

3.13 Compliance with Plan Requirement

The Behaviour Complaints Officer will monitor the actions in timeframes set out in a Plan.

Failure to comply with a requirement included in a Plan is a minor breach under section 5.105(1) of the Act and clause 23 of the Code of Conduct.

The Behaviour Complaints Officer must provide a report advising Council of any failure to comply with a requirement included in a Plan.

4. Decision Making

4.1. Objective and Principles

All decisions made under this Policy will reflect the Policy Objectives and the Principles included in Part 1 of this Policy.

4.2. Dismissal

The Behaviour Complaints Committee must dismiss a Complaint in accordance with clause 13(1)(a) and (b) of the Code of Conduct if it is satisfied that -

- (a) the behaviour to which the Complaint relates occurred at a Council or Committee Meeting; and
- (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the Respondent has taken remedial action in accordance with the Shire of Peppermint Grove Meeting Procedure Policy.

4.3. Finding

A Finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [*clause 12(3) of the Code of Conduct*].

This may involve first considering whether the behaviour occurred, on the balance of probabilities, and then whether that behaviour constituted a breach of a requirement of Division 3 of the Code of Conduct.

4.4. Action

In deciding whether to take no further action, or prepare and implement a Plan, the Complaints Committee may consider:

- the nature and seriousness of the breach(es);
- the Respondent's submission in relation to the contravention;
- whether the Respondent has breached the Code of Conduct knowingly or carelessly;
- whether the Respondent has breached the Code of Conduct on previous occasions;
- likelihood or not of the Respondent committing further breaches of the Code of Conduct;
- personal circumstances at the time of conduct;
- need to protect the public through general deterrence and maintain public confidence in Local Government; and
- any other matters which may be regarded as contributing to or the conduct or mitigating its seriousness.

4.5. Plan Requirements

The Proposed Plan may include requirements for the Respondent to do one (1) or more of the following:

- engage in mediation;
- undertake counselling;
- undertake training;
- take other action the Complaints Committee considers appropriate (e.g. an apology).

The Proposed Plan should be designed to provide the Respondent with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives expressed in the Code of Conduct.

The Proposed Plan may also outline:

- the actions to be taken to address the behaviour(s);
- who is responsible for the actions;
- any assistance the Local Government will provide to assist achieve the intent of the Plan; and
- a reasonable timeframe for the Plan action(s) to be addressed by the Respondent.

1.13 Whistle Blowers Policy for Employees, Councillors, and Contractors

Purpose

The Shire recognises that effectively addressing illegal and undesirable behaviour requires a system where employees and others can report concerns safely and without fear of consequences.

The Whistleblower Policy serves as this mechanism, promoting the reporting of such conduct. Supported by the Public Interest Disclosure Act 2003, this policy enables individuals to disclose wrongdoing in Local Government while safeguarding them from retaliation. It encourages employees, elected members, contractors, and consultants to report unlawful, unethical or misconduct cases they believe violate the Shire's Code of Conduct, policies or laws.

Status

Administrative – Statutory

Policy

The objectives of this policy are to:

- a) encourage disclosures of potential misconduct.
- b) help deter potential misconduct.
- c) ensure that individuals who disclose potential misconduct can do so safely, securely and with confidence that they will be protected and supported.
- d) ensure that disclosures are dealt with appropriately and on a timely basis.
- e) provide transparency around receiving, handling and investigating disclosures; and
- f) meet the Shire's legal and regulatory obligations.

The Shire will endeavor to provide protection to 'Whistleblowers' from any detrimental action in reprisal for the making of a public interest disclosure.

Anyone found to have caused harm to someone for speaking up may face disciplinary measures, including termination of employment or engagement.

All documents, records and reports relating to the investigation of reported Misconduct will be confidentially stored and retained in an appropriate and secure manner, in accordance with the *Public Disclosure Act 2003*.

Who the Policy applies to:

Individuals who have knowledge of possible misconduct are encouraged to report it. This policy applies to an individual who is:

- a) a current or former Shire employee, including employees who are permanent, part-time, fixed term or temporary or casual.

- b) a service provider or contractor who is providing, or has provided goods or services to the Shire, whether paid or unpaid (e.g. volunteering) including their employees; and
- c) a relative, dependent, or spouse of an individual identified in (a) to (b) above.

External advice can be provided by the 'Integrity Advisory Services' at the Public Sector Commission by phoning 6552 8888.

Reporting

Employees are to report suspected misconduct internally via the:

- Chief Executive Officer; or
- Public Interest Disclosure Officer, which is the role of the Manager of Corporate and Community Services.

Should a whistleblower fear retaliation, reports of misconduct can be provided to:

- The Ombudsman.
- Public Sector Management Commission
- Depending on the nature of the misconduct, it may be appropriate to inform the Police or the Corruption and Crime Commission

Related Procedure

- Code of conduct for Council Members, "Committee Members and Candidates
- Code of Conduct for Staff

Amendment Authority Level

Council.

Related Delegation

N/A

Related Local Law/Legislation

N/A

Adopted/Amended

2 May 2022

Reviewed

23rd July 2024

SECTION TWO

ADMINISTRATIVE POLICIES

2.1 RECORD KEEPING POLICY

Purpose	<p>The purpose of this policy is to define the principles of the Shire of Peppermint Grove records management function and to document an orderly and efficient approach to the proper management of records. The policy incorporates applicable legislative requirements into standard Shire of Peppermint Grove practices and enumerates basic records management requirements.</p> <p>Records are recognised as an important information resource for the Shire of Peppermint Grove, and it is accepted that sound record management practices will contribute to the overall efficiency and effectiveness of the Shire of Peppermint Grove. Due to legislative requirement, the Shire of Peppermint Grove is obliged to maintain a records management system that completely, accurately and reliably creates and maintains evidential records, and to dispose of those records only through an approved scheme.</p> <p>The policy applies to all external and internal records, which are handled, received or generated by the Shire of Peppermint Grove, regardless of their physical format or media type.</p>
Status	ADMINISTRATIVE - STATUTORY
Policy	<ul style="list-style-type: none">(a) All records created and received in the course of Shire business are to be captured at the point of creation, regardless of format, with required metadata, into appropriate recordkeeping and business systems, that are managed in accordance with sound recordkeeping principles;(b) All records are to be managed according to whether they are significant or ephemeral records, vital or non-vital records, and in accordance with their security classification;(c) All records are to be categorized as to their level of sensitivity and adequately secured and protected from violation, unauthorized access or destruction, and kept in accordance with necessary retrieval, preservation and storage requirements;(d) Registers are to be maintained of all records series and special categories, including but not limited to, registers of policies, databases, FOI applications, assets, tenders and quotations, forms, vital records, files and contracts;(e) All contractual arrangements are to ensure the Shire of Peppermint Grove ownership of significant documents;

- (f) Access to the Shire's records by staff and contractors will be in accordance with designated access and security classifications. Access to the Shire's records by the General Public will be in accordance with the Freedom of Information Act 1992 and Shire policy. Access to the Shire's records by elected members will be via the Chief Executive Officer in accordance with the Local Government Act 1995;
- (g) Only approved record formats are to be used in effecting the Shire of Peppermint Grove business;
- (h) All records kept by the Shire will be retained and disposed of in accordance with the General Disposal Authority for Local Government Records produced by the State Records Office; and
- (i) Records are not to be removed from the Shire of Peppermint Grove sites unless in accordance with the approved retention and disposal schedule, or in the custody of an officer performing official business.

ROLES AND RESPONSIBILITIES

1. Elected Members

All Elected Members are to create and maintain records relating to their role as an Elected Member for the Shire of Peppermint Grove in line with legislation and state policies and procedures for the management of records. Political and personal records of Elected Members are exempt.

2. Chief Executive Officer

In accordance with section 5.41 of the Local Government Act 1995, the Chief Executive Officer is to "Ensure that records and documents of the local government are properly kept for the purpose of this act and any other written law."

3. Managers

All managers are to ensure that there are records management systems established to manage the records under their control. They are also to ensure that all new staff are inducted as to their record keeping responsibilities.

4. All Staff

All staff (including contractors) are to create, collect and retain records relating to business activities they perform. They are to;

- (a) Identify significant and ephemeral records, ensuring that the significant documents are captured into the record keeping system, and that all records are handled in a

manner compliant with legislation and the Shire of Peppermint Grove policies and procedures for record keeping.

- (b) Ensure that only authorised disposal of records occur in accordance with the General Disposal Authority (GDA) for Local Government.

5. Records Staff

The Records and Administration Officer is responsible for providing a records management service which complies with the Shire of Peppermint Grove records management policy and procedures, and Western Australia State Records Office requirements.

STATUTORY OBLIGATIONS

There are legislative requirements for managing records, the primary legislation relating to the keeping of public records being the State Records Act 2000 (previously sections 22-23 of the Library Board Act of Western Australia).

In accordance with Section 19 of the State Records Act 2000, the Shire of Peppermint Grove has a Record Keeping Plan that has been approved by the State Records Commission.

Other legislation impacting on records management includes but is not limited to the:

- Evidence Act 1906
- Limitation Act 1935
- Freedom of Information 1992
- Local Government Act 1995
- Financial and Administration and Audit Act 1985
- Criminal Code 1913 (section 85)
- Electronic Transactions Act 2000
- Privacy Act 2001
- Crimes Act 1914

DEFINITIONS

1. Ephemeral Records

Ephemeral records are duplicated records and/or those that have only short term value to the Shire of Peppermint Grove, with little or no on-going administrative, fiscal, legal, evidential or historical value. They may include insignificant drafts and rough notes, records or routine enquiries.

2. General Disposal Authority (GDA)

The General Disposal Authority for Local Government records (the schedule) is designed to provide consistency throughout Local Government in disposal activities and decisions. It is a

continuing authority for the disposal and archival of records which document a Local Government's operations.

3. Government Record

A record created or received by a government organisation or a government organisation employee in the course of their work for the organisation.

4. Information Services

Is the service area within the Administrative Services section of the Shire of Peppermint Grove responsible for records and archives.

5. Record

A record is information recorded in any form created or received and maintained by an organisation in the transaction of business and kept as evidence of such activity.

6. Record Keeping Plan

The Record Keeping Plan ensures that records are created, managed and maintained over time and disposed of in accordance with principles and standards issued by the State Records Commission. It is the primary means of providing evidence of compliance with the Act, and that best practices have been implemented in the organisation.

7. Records Disposal

Disposal is by way of depositing records in the State Archives, managing the records as designated by State Archives, or by destruction in accordance with policy.

8. Significant Records

Significant records contain information, which is of administrative, legal, fiscal, evidential or historical value, and are not recorded elsewhere on the public record. They describe an issue, record who was involved, why a decision was made, and may include actual guidelines.

	<p>9. State Record</p> <p>A parliamentary or government record.</p> <p>10. Vital Records</p> <p>Vital records are records, which are essential to the continued business of the Shire of Peppermint Grove. Vital records include those that protect the rights of the individual and the organisation and are absolutely essential for reconstruction in the event of a disaster.</p>
Related Procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/ Legislation	State Records Act 2000
Adopted/ Amended	OCM 24 th May 2022 Amended 23 rd May 2023

2.2 PUBLIC INTEREST DISCLOSURE	
Purpose	To ensure that elected members and staff are supported under the <i>Public Interest Disclosure Act 2003</i> .
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>The Shire of Peppermint Grove:</p> <ol style="list-style-type: none"> 1. Does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the Shire of Peppermint Grove and its officers, employees and contractors. 2. Is committed to the aims and objectives of the Public Interest Disclosure Act 2003. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff as to corrupt or other improper conduct. 3. Will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for the making of a public interest disclosure. 4. Does not tolerate any of its officers, employees, or contractors engaging in actions of victimisation or reprisal against those who make public interest disclosures. <p>Disclosures of public interest information shall be made to the Public Interest Disclosure Officer (PID Officer) of the Council. The person holding the position of Manager Corporate and Community Services shall be designated as the Public Interest Disclosure Officer, or PID Officer, for the Shire of Peppermint Grove.</p> <p>The Shire of Peppermint Grove's 'Public Interest Disclosure (PID) Guidelines' and official lodgement form to be used for a disclosure made under the Public Interest Disclosure Act 2003 (PID Act), is available on the Shire's website.</p>
Amendment Authority Level	Council
Related Delegation	
Related Local Law/ Legislation	Public Interest Disclosure Act 2003 Public Interest Disclosure Regulations 2003 Corruption and Crime and Misconduct Act 2003
Adopted/ Amended	19 July 2004

2.3 SENIOR EMPLOYEES

Purpose	To designate senior employees as required under the Local Government Act.
Status	ADMINISTRATIVE - STATUTORY
Policy	The Chief Executive Officer is the only employee designated as a Senior Employee under the Local Government Act.
Related Procedure	
Amendment Authority Level	Council
Related Delegation	
Related Local Law/ Legislation	Local Government Act S. 5.37
Adopted/ Amended	18 September 2000 Amended 14 August 2007

2.4 WORK HEALTH AND SAFETY POLICY

Purpose	<p>The purpose of this policy is to confirm Shire of Peppermint Grove's (SoPG) commitment to upholding provisions of the <i>Work Health and Safety (WHS) Act 2020</i> and the <i>WA Work Health Safety (General) Regulations 2022</i>.</p> <p>The Shire will take all reasonable steps to provide and maintain a safe work environment through the implementation of safe work practices, the provision of safe plant and equipment and through fulfilling ongoing training requirements for its workers.</p> <p>The Shire will regularly review the efficacy of work health and safety measures to ensure compliance with legislation.</p>
Status	ADMINISTRATIVE – STATUTORY
Scope	<p>This policy applies to all workers as defined in the <i>Work Health and Safety Act 2020</i>. The definition of a worker includes, but is not limited to, persons undertaking work in the workplace such as:</p> <ul style="list-style-type: none">• Workers• Contractors• Subcontractors• Students and• Volunteers <p>A 'workplace' is a place where work is carried out for a business and includes any place where a worker undertakes work activities.</p>
Policy	<p>The Shire of Peppermint Grove recognises its duty of care and is committed to achieving the highest standards in work health and safety. All workers are to comply with the requirements of <i>the Act</i> and the <i>WA WHS (General) Regulations 2022</i>.</p> <p>To achieve this, the CEO, managers, and workers will collectively contribute to achieving a high standard in work health and safety in the Shire and will ensure:</p> <p>(a) safety risks are identified, assessed and controlled in an effective and timely manner to eliminate or minimise risks arising from work.</p> <p>(b) consultation occurs with workers and work health and safety specialists, in the development and improvement of</p>

	<p>work health and safety policies, procedures, programs and work instructions, wherever appropriate.</p> <p>(c) managers and supervisors develop and maintain a positive organisational culture with a high level of health and safety awareness that complies with current legislation and best practice.</p> <p>(d) workers are provided with the necessary information, instructions and training to increase their knowledge and skills in order to work safely.</p> <p>(e) managers will take responsibility for providing and maintaining a safe and legislatively compliant workplace. Workers will cooperate with their manager and colleagues on all work health and safety matters, report hazards, incidents and any other matters posing a risk.</p> <p>(f) scrutiny and review of work health safety functions and procedures will be a standing item on management and team meetings and will drive continuous improvements and higher standards of work health and safety.</p> <p>(g) the Shire will review its WHS policy annually and procedures when there is a change or following an incident.</p>
Related Procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/ Legislation	<p><i>Work Health and Safety Act 2020</i> <i>Western Australia's Work Health and Safety (General) Regulations 2022.</i></p>
Adopted/ Amended	<p>February 2020 May 2022</p>
Review	23 rd July2024

2.5 COMPLAINTS POLICY	
Purpose	To provide procedures to control the processing of complaints as a way of improving services to our customers, enhancing the image of the Shire, and ensuring that complaints are investigated efficiently and effectively.
Status	ADMINISTRATIVE – OPERATIONAL
Policy	<p>Objectives</p> <ul style="list-style-type: none"> • To recognise, promote and protect the customer's right to complain about their dealings with the Shire of Peppermint Grove; • To ensure an accessible complaints procedure is in place; • To recognise the need to be fair to both the complainant and the organisation, or the person complained about; • To provide a mechanism for responding to complaints in a timely and courteous manner; • To determine and implement remedies if appropriate; • To provide adequate resources to support the complaints management process; • To provide an appeal and review process; and • To record, assess and review complaints on a regular basis to ensure responsiveness and on-going commitment to service improvement. <p>Definition</p> <p>A service complaint is a grievance against a process or the quality of service that a customer receives when dealing with the Shire of Peppermint Grove.</p> <p>Complaints are not:</p> <ul style="list-style-type: none"> • Requests for services; • Requests for information or explanation of policies or procedures; or • Lodging of an appeal in accordance with standard policy or procedure. <p>Complaints can be made:</p> <ul style="list-style-type: none"> • By letter – either through the mail, or email; or • Verbally – either in person or over the telephone.

Complainants may be residents, members of the public, other local governments, State government agencies, service providers, businesses or community organisations.

Complaints cannot be made where another avenue of appeal already exists e.g. State Administrative Tribunal.

Complaints which when assessed relate to corrupt or improper conduct must be referred to the Shire's nominated Public Interest Disclosure Officer for investigation under the Public Interest Disclosure Act.

Commitment

This Policy will be disseminated to all staff and included in all staff inductions. Information about how to lodge a complaint will be included on the Shire's website and in a printed brochure available at the Shire.

All complaints will be reviewed in a timely and efficient manner, with a view to resolving issues in a non-confrontational and non- adversarial way.

Complaints will be documented and reviewed regularly as part of on-going service quality assessment.

The privacy of a complainant will be maintained at all times.

Complaints Handling Process

This Policy will be supported by a complaints handling process map and procedure approved by the Chief Executive Officer.

A Complaints Handling Officer with responsibility for recording and monitoring complaints will be appointed by the Chief Executive Officer. The Complaints Handling Officer will refer the complainant to the appropriate manager for review and response to the complainant.

If the Manager's response is appealed, then it will be referred to the Chief Executive Officer for review and response.

In the event that a complaint is made against the Chief Executive Officer, the Manager of Corporate and Community Services will determine an appropriate course of action which may include referral

	<p>to the Shire President and Deputy Shire President for review and determination.</p> <p>Complaints will be responded to within five working days of being lodged. Appeals will be responded to within five working days of being lodged.</p> <p>Complainants will be advised of the Complaints Handling process available within the Shire of Peppermint Grove.</p> <p>Complainants will be advised of external avenues for further review of their complaint if they are not satisfied with the resolution provided.</p> <p>The Complaints Handling Officer will also provide regular reports to the Chief Executive Officer to ensure on-going service improvement.</p>
Related Procedure	Complaints Process Map and Procedure
Amendment Authority Level	Nil Council
Related Delegation	Nil
Related Local Law/ Legislation	Nil
Adopted/ Amended	New 26 July 2011

2.6 EMPLOYEES PAYMENTS IN ADDITION TO CONTRACTS

Purpose	To outline the circumstances in which gratuity payments may be made to an employee as a token of appreciation for their commitment and service to the Shire upon termination.
Status	ADMINISTRATIVE – STATUTORY
Policy	<p>Commitment</p> <p>The Shire is committed to recognising long serving employees within the parameters set by the <i>Local Government Act 1995</i> and the associated regulations.</p> <p>Eligibility for Gratuity Payments</p> <p>An employee may be entitled to a gratuity payment as outlined within this policy based on the completed years of service when an employee's services are ceasing with the Local Government for any of the reasons identified below:</p> <ul style="list-style-type: none">• Resignation (not as a result of any performance management or investigation being conducted by the Local Government);• Retirement; or• Redundancy. <p>An employee who has been dismissed by the [Local Government] for any reason other than redundancy, will not be eligible to receive any Gratuity Payment under this policy.</p> <p>Prescribed amounts for Gratuity Payments</p> <p>For 2 years or more \$30 per completed year, pro rata for part time staff with the payment to be at the discretion of the CEO. And a 'Certificate of Appreciation' will be provided.</p> <p>The Shire acknowledges that at the time this policy was introduced, employees may be entitled to payments in addition to this policy as a result of accrued unused long service leave benefits, redundancy payments or notice periods as prescribed by, legislation or a relevant industrial instrument. The Shire has considered these provisions when setting the prescribed amount of any gratuity payment in this policy.</p>

Determining Service

For the purpose of this policy continuous service shall be deemed to include:

- Any period of absence from duty on annual leave, long service leave, paid compassionate leave, accrued paid personal leave and public holidays;
- Any period of authorised paid absence from duty necessitated by sickness of or injury to the employee up to a maximum of three months in each calendar year, but not including leave without pay or parental leave; or
- Any period of absence that has been supported by an approved workers compensation claim up to a maximum absence of 12 months.

For the purpose of this policy, continuous service shall not include:

- Any period of unauthorised absence from duty unless the Shire determines otherwise;
- Any period of unpaid leave unless the Shire determines otherwise; or
- Any period of absence from duty on parental leave unless the Shire determines otherwise.

Financial Liability for Taxation

The employee accepts full responsibility for any taxation payable on a gratuity payment and agrees to fully indemnify the Shire in relation to any claims or liabilities for taxation in relation to the gratuity payment.

Payments in addition to this Policy

The Shire agrees not to make any gratuity payment in addition to that contained within this policy until the Policy has been amended to reflect the varied amount and the Shire has caused local public notification to be given in relation to the variation.

Financial Implications

The Shire acknowledges that at the time the policy was introduced, the financial implications were understood and that these financial implications had been investigated based on the workforce position current at that time.

The Shire will take reasonable steps to notify employees prior to the variation of this policy or the introduction of any new gratuity policy.

	<p>Consequences of Breaching this Policy</p> <p>The policy constitutes a lawful instruction to anyone involved in administering a gratuity payment. Any breaches of the policy may lead to disciplinary action.</p> <p>Variation to this Policy</p> <p>This policy may be cancelled or varied from time to time. All the organisation's employees will be notified of any variation to this policy by the normal correspondence method.</p>
Related Procedure	
Amendment Authority Level	Council
Related Delegation	
Related Local Law/Legislation	Local Government Act 1995 (Sections 5.36 (2 - 3), 5.41 (g) & 5.50) Local Government (Administration) Regulations 1996 (Reg. 19A)
Adopted/Amended	December 2016

2.7 SOCIAL MEDIA

Purpose	To guide all councillors, employees, contractors, agents and volunteers of the Shire of Peppermint Grove in the appropriate use of social media.
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>Context</p> <p>The Shire of Peppermint Grove recognises that social media provides new opportunities for dynamic and interactive two-way communications which can complement existing communication and further improve information, access and delivery of key services.</p> <p>The intent of this policy is to provide understanding and guidance for the appropriate use of social media platforms and tools by council staff, councillors and contractors, agents and volunteers of the Shire of Peppermint Grove who purport to use social media for the purpose of conducting Council business.</p> <p>Statement</p> <p>The policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct council business. It aims to:</p> <ul style="list-style-type: none">• Inform appropriate use of social media tools for the Shire of Peppermint Grove;• Promote effective and productive community engagement through social media;• Minimise miscommunication or mischievous communications; and• Help the Shire of Peppermint Grove manage the inherent challenges of speed and immediacy. <p>The policy applies to those digital spaces where people may comment, contribute, create, forward, post, upload and share content, including – but not limited to:</p> <ul style="list-style-type: none">• Blogs• Bulletin boards• Citizen journalism and news sites• Forums and discussion boards• Instant messaging facilities• Microblogging sites• Online encyclopaedias• Podcasts• Social networking sites• Video and photo sharing sites• Wikis• Any other websites that allow individuals to use simple publishing tools or

new technologies emerging from the digital environment.

This policy is not intended to cover personal use of social media where:

- the author publishes information in their personal capacity and not on behalf of, or in association with the Shire of Peppermint Grove; and
- no reference is made to the Shire of Peppermint Grove, its councillors, staff, policies and services, suppliers or other stakeholders or council related issues.
- Individuals should use discretion and keep personal use of social media to a minimum during work hours. For guidance on acceptable levels of personal use of social media during work hours see your manager.

This policy should be read in conjunction with other relevant policies and procedures of the Shire of Peppermint Grove.

Social Media Policy/Guidelines

When using social media, council staff and contractors are expected to:

- Seek prior authorisation from the CEO
- Adhere to the Shire of Peppermint Grove Code of Conduct, policies and procedures
- Behave with caution, courtesy, honesty and respect
- Comply with relevant laws and regulations
- Reinforce the integrity, reputation and values of the Shire of Peppermint Grove.

The following content is not permitted under any circumstances:

- Abusive, profane or sexual language
- Content not relating to the subject matter of that blog, board, forum or site
- Content which is false or misleading
- Confidential information about Council or third parties
- Copyright or trademark protected materials
- Discriminatory material in relation to a person or group based on age, colour, creed, disability, family status, gender, nationality, marital status, parental status, political opinion/affiliation, pregnancy or potential pregnancy, race or social origin, religious beliefs/activity, responsibilities, sex or sexual orientation
- Illegal material or materials designed to encourage law breaking
- Materials that could compromise council, employee or system safety
- Materials which would breach applicable laws (defamation, privacy, trade practices, financial rules and regulations, fair use, trademarks)
- Material that would offend contemporary standards of taste and decency
- Material which would bring the Council into disrepute
- Personal details or references to councillors, council staff or third parties, which may breach privacy laws
- Spam, meaning the distribution of unsolicited bulk electronic messages

- Statements which may be considered bullying or harassment.

If you have any doubt about applying the provisions of this policy, check with the Communications team before using social media to communicate. Depending upon the nature of the issue and potential risk, it may also be appropriate to consider seeking legal advice.

Authorisation

Ensure appropriate authorisation has been obtained before using social media including but not limited to uploading content and acting as a spokesperson on behalf of Council.

Expertise

Do not comment outside your area of expertise. Do not commit Council to actions or undertakings.

Disclosure

Only discuss publicly available information. Do not disclose confidential information, internal discussions or decisions of Council, employees or third parties. This includes publishing confidential, personal or private information where there is sufficient detail for potential identification of councillors, Council staff or third parties.

Accuracy

Be accurate, constructive, helpful and informative. Correct any errors as soon as practicable. Do not publish information or make statements which you know to be false or may reasonably be taken to be misleading or deceptive.

Identity

Be clear about professional identity or any vested interests. Do not use fictitious names or identities that deliberately intend to deceive, mislead or lie. Do not participate anonymously or covertly via a third party or agency.

Opinion

Clearly separate personal opinions from professional ones and be mindful of Council's Code of Conduct when discussing or commenting on council matters. In general, don't express personal opinions using Council tags or other identifications. Only where this is not possible, consider using a formal disclaimer to separate official council positions from personal opinions and distance council from comments made by public and other outside interests.

Privacy

Be sensitive to the privacy of others. Seek permission from anyone who appears in any photographs, video or other footage before sharing these via any form of social media. If asked to remove materials do so as soon as practicable.

Intellectual Property

Seek permission from the creator or copyright owner to use or reproduce copyright material including applications, audio tracks (speeches, songs), footage (video), graphics (graphs, charts and logos), images, artwork, photographs, publications or music. Also seek permission before publishing or uploading material in which the intellectual property rights, such as Trademarks, are owned by a third party e.g. company logos. Seek permission from the website's owner wherever possible before linking to another site (including a social media application).

Defamation

Do not comment, contribute, create, forward, post, upload or share content that is malicious or defamatory. This includes statements which may negatively impact the reputation of another.

Reward

Do not publish content in exchange for reward of any kind.

Transparency

Do not seek to buy or recompense favourable social media commentary. Encourage online publishers to be open and transparent in how they engage with, or review council personnel, services or wares.

Political bias

Do not endorse any political affinity or allegiance.

Respect

Always be courteous, patient and respectful of others' opinions, including detractors.

Discrimination

Be mindful of anti-discrimination laws and do not publish statements or information which may be discriminatory.

Language

Be mindful of language and expression.

State of Mind

Do not use social media when inebriated, irritated, upset or tired.

Be Safe

Protect your personal privacy and guard against identity theft.

Media

Do not issue statements or make announcements through social media channels unless authorised. Do not respond directly if approached by media for comment through social media.

Refer the inquiry to the CEO.

Modification and moderation

Ensure that any social media sites created or contributed to can be readily edited, improved or removed and appropriately moderated.

Access

Be mindful of the requisite government web standards for accessibility. Information made available via non-compliant platforms should be made accessible in another form where practical.

Be Responsive

Specify the type of comments and feedback that will receive a response and clearly communicate a target response time. Make it easy for audiences to reach Council via other methods by publishing Council's phone number, generic email, Facebook, Skype and Twitter accounts.

Roles and responsibilities

Roles	Responsibilities	
Members	<ul style="list-style-type: none">• Seek approval for any council branding of social media;• Register social media account/tools/site with the CEO;• Understand and comply with the provisions in this policy;• Seek training and development for using social media;• Seek advice from the CEO if unsure about applying the provisions of this policy.	
Staff and contractors	<ul style="list-style-type: none">• Seek approval from relevant manager for business strategy incorporating social media;• Seek advice and authorisation from CEO on using social media and developing a communications plan to support business strategy• Seek approval for council branding of social media;• Register social media account/tools/site with the CEO;• Seek training and development for using social media;• Understand and comply with the provisions in this policy;• Maintain records of email addresses, comments, 'friends', followers and printed copies or electronic 'screen grabs' when using externally hosted sites to the extent	

		<p>practicable;</p> <ul style="list-style-type: none"> • Seek advice from the CEO if unsure about applying the provisions of this policy; • Ensure relevant contractors are provided with a copy of this policy. <p>Familiarise self with the End User Licence Agreements of any external social media tools being used.</p>	
	Managers	<p>Approve business strategy incorporating use of social media;</p> <p>Ensure staff consult and obtain authorisation from the CEO on their planned use of social media ensure contractors are provided with a copy of the social media policy;</p> <p>Offer training for staff using social media;</p> <p>Authorise use of social media tools for conducting Council business;</p> <p>Provide advice and assist with the development of communication plans using social media;</p> <p>Educate councillors, staff and contractors about this policy and their responsibilities when using social media;</p> <p>Advise appropriate precautions e.g. disclaimers;</p> <p>Maintain a register of social media being used for conducting Council;</p> <p>business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience;</p> <p>Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs;</p> <p>Monitor social media accounts/tools/sites registered for conducting Council business;</p> <p>Monitor social media for references to the Shire of Peppermint Grove;</p> <p>Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council;</p> <p>Advise IT of approval to access social media for business purposes.</p>	
	Corporate and Community Services	<p>Facilitate secure access to support delivery of council business via social media;</p> <p>Regularly back up and archive internally hosted social media sites.</p>	
		<p>Authorise use of social media tools for conducting Council business;</p> <p>Provide advice and assist with the development of</p>	

		<p>communication plans using social media; Educate councillors, staff and contractors about this policy and their responsibilities when using social Media; Advise appropriate precautions e.g. disclaimers Maintain a register of social media being used for conducting Council business including records of the business case for using social media, its strategic imperative, the intended administrator, URL, login, password and audience; Assist staff to retain some record explaining the context or purpose of social media, and a sample of posts where it is impractical to retain large volumes of screen grabs; Monitor social media accounts/tools/sites registered for conducting Council business; Monitor social media for references to the Shire of Peppermint Grove; Seek legal advice as appropriate where an issue is likely to be contentious or may create legal risk for Council.</p>	
	<p>Enforcement</p> <p>The Shire of Peppermint Grove actively monitors social media for relevant contributions that impact on the Shire, its operations and reputation. The Shire will be able to find and act upon – contributions made by councillors and staff if deemed necessary.</p> <p>This policy will be published and promoted to councillors and staff of the Shire of Peppermint Grove. Breaching this policy may result in disciplinary action, performance management and review. Serious breaches may result in suspension or termination of employment or association. The Shire of Peppermint Grove reserves the right to remove, where possible, content that violates this policy or any associated policies.</p>		
Related Procedure	<ul style="list-style-type: none"> • Community Engagement Policy • Shire of Peppermint Grove Code of Conduct • Shire of Peppermint Grove employment contracts • Shire of Peppermint Grove Human Resource Policy • Shire of Peppermint Grove Information and Communications Technology Policy 		

Related Local Law/ Legislation	<ul style="list-style-type: none"> • Copyright Act 1968 • Fair Work Act 2009 • Freedom of Information Act 1992 • Local Government Act 1995 • Equal Opportunity Act 1984 • Australian Human Rights Commission Act 1986 • Spam Act 2003 • Privacy Act 1988
Adopted/ Amended	December 2015

2.8 PURCHASING AND TENDERING

Purpose

The Shire of Peppermint Grove is committed to applying the objectives, principles and practices outlined in this Policy, to all purchasing activity and to ensuring alignment with the Shire of Peppermint Grove strategic and operational objective and complies with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*.

Status

ADMINISTRATIVE - OPERATIONAL

1. PURCHASING

1.1 OBJECTIVES

The Shire's purchasing activities will:

- a. Achieve best value for money that considers sustainable benefits, such as environmental, and social factors.
- b. Use consistent, efficient and accountable purchasing processes and decision-making, including competitive quotation processes, assessment of best value for money and sustainable procurement outcomes for all purchasing activity, including tender exempt arrangements.
- c. Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly and consistently.
- d. Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest.
- e. Comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, other relevant legislation, Codes of Practice, Standards and the Shire's Policies and procedures.
- f. Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire of Peppermint Grove.
- g. Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire of Peppermint Grove's Risk Management framework.
- h. Ensure records evidence purchasing activities in accordance with the *State Records Act 2000* and the Shire of Peppermint Grove's Record Keeping Plan;
- i. Ensure confidentiality that protects commercial-in-confidence information and only releases information where appropriately approved.

1.2 ETHICS & INTEGRITY

The Shire of Peppermint Grove's Code of Conduct applies when undertaking purchasing activities and decision making, requiring Council Members and employees to observe the highest standards of ethics and integrity and act in an honest and professional manner at all times.

1.3 VALUE FOR MONEY

The Shire of Peppermint Grove will apply value for money principles in critically assessing purchasing decisions and acknowledges that the lowest price may not always be the most advantageous.

1.3.1 Assessing Value for Money

Value for money assessment will consider:

- a. All relevant Total Costs of Ownership (TCO) and benefits including transaction costs associated with acquisition, delivery, distribution, and other costs such as, but not limited to, holding costs, consumables, deployment, training, maintenance and disposal.
- b. The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality. This includes but is not limited to an assessment of compliances, the supplier's resource availability, capacity and capability, value-adds offered, warranties, guarantees, repair and replacement policies and response times, ease of inspection and maintenance, ease of after sales service, ease of communications, etc.
- c. The supplier's financial viability and capacity to supply without the risk of default, including the competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history.
- d. A strong element of competition by obtaining a sufficient number of competitive quotations consistent with this Policy, where practicable.
- e. The safety requirements and standards associated with both the product design and the specification offered by suppliers and the evaluation of risk arising from the supply, operation and maintenance.
- f. The environmental, economic and social benefits arising from the goods, services or works required, including consideration of these benefits in regard to the supplier's operations, in accordance with this Policy and any other relevant Shire Policy including Local Economic Benefit; and
- g. Analysis and management of risks and opportunities that may be associated with the purchasing activity, potential supplier/s and the goods or services required.

1.4 PURCHASING THRESHOLDS AND PRACTICES

1. Defining the Purchasing Value

The Shire will apply reasonable and consistent methodologies to assess and determine Purchasing Values, which ensure:

- a. The appropriate purchasing threshold and practice is applied in all purchasing activities; and
- b. Wherever possible, purchasing activity for the same category of supply is aggregated into single contract arrangements to achieve best value and efficiency in future purchasing activities where the requirements can be provided by a single supplier.

A ***category of supply*** can be defined as groupings of similar goods or services with common: supply and demand drivers; market characteristics; or suppliers.

1. Strategic Purchasing Value Assessments

The Shire will periodically review recent past purchasing activity across its operations to identify categories of supply for which the Shire will have continuing need, and which can be aggregated into single contract arrangements in order to achieve best value for money and efficiency in future purchasing activity.

The assessment of aggregated expenditure for the same category of supply capable of being supplied by a single supplier will determine the Purchasing Value threshold applicable to future purchasing activity.

2. Individual Purchasing Value Assessments

In any case, where there is no relevant current contract, each purchasing activity is to assess the Purchasing Value based upon the following considerations:

- a. Exclusive of Goods and Services Tax (GST); and
- b. The estimated total expenditure for the proposed supply including the value of all contract extension options and where applicable, the total cost of ownership considerations.
- c. The appropriate length of a contract is to be determined based on market volatility, ongoing nature of supply, historical purchasing evidence and estimated future purchasing requirements.
- d. Requirements must not be split to avoid purchasing or tendering thresholds [F&G Reg. 12].
- e. The calculated estimated Purchasing Value will determine the applicable threshold and purchasing practice to be undertaken.

Table of Purchasing Thresholds and Practices

Supplier Order of Priority

The Shire will consider and apply, where applicable, the following Supplier Order of Priority:

Priority 1:	Existing Prequalified Supplier Panel or other Contract Current contracts, including a Panel of Prequalified Suppliers or contracted supplier, must be used where the Shire supply requirements can be met through the existing contract. If the Shire does not have a current contract relevant to the required supply, then a relevant WALGA PSA is to be used.
Priority 2:	Local Suppliers Where the Purchasing Value does not exceed the tender threshold and a relevant local supplier is capable of providing the required supply, the Shire will ensure that wherever possible quotations are obtained from local suppliers permanently located within the district or surrounding western suburbs as a first priority. If no relevant local supplier is available, then relevant WALGA PSA may be used.

<p>Priority 3:</p>	<p>Tender Exempt - WALGA Preferred Supplier Arrangement (PSA)</p> <p>Use a relevant WALGA PSA regardless of whether or not the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant PSA exists but an alternative supplier is considered to provide best value, then the CEO, or an officer authorised by the CEO, must approve the alternative supplier. Reasons for not using a PSA may include:</p> <ul style="list-style-type: none"> i. Local supplier availability (that are not within the PSA); or, ii. Social procurement – preference to use Aboriginal business or Disability Enterprise. <p>If no relevant WALGA PSA is available, then relevant State Government CUA may be used.</p>
<p>Priority 4:</p>	<p>Tender Exempt - WA State Government Common Use Arrangement (CUA)</p> <p>Use a relevant CUA regardless of whether or not the Purchasing Value will exceed the tender threshold.</p> <p>However, if a relevant CUA exists, but an alternative supplier is considered to provide best value for money, then the proposed alternative supplier must be approved by the CEO, or an officer authorised by the CEO.</p> <p>If no relevant CUA is available, then a Tender Exempt <i>[F&G Reg. 11(2)]</i> arrangement may be used.</p>
<p>Priority 5:</p>	<p>Other Tender Exempt arrangement <i>[F&G Reg. 11(2)]</i></p> <p>Regardless of whether or not the Purchasing Value will exceed the tender threshold, the Shire will investigate and seek quotations from tender exempt suppliers, and</p>

	will specifically ensure that wherever possible quotations are obtained from a WA Disability Enterprise and / or an Aboriginal Owned Business that is capable of providing the required supply.
Priority 6:	<p><u>Other Suppliers</u></p> <p>Where there is no relevant existing contract or tender exempt arrangement available, purchasing activity from any other supplier is to be in accordance with relevant Purchasing Value Threshold and Purchasing Practice specified in the table below.</p>

The Purchasing Value, assessed in accordance with clause 1.4.1, determines the Purchasing Practice to be applied to the Shire's purchasing activities.

Purchase Value Threshold (ex GST)	Purchasing Practice
Up to \$10,000 (ex GST)	Obtain at least one (1) verbal or written quotation from a suitable supplier in accordance with the Supplier Order of priority detailed in clause 1.4.2(1). The purchasing decision is to be saved as an electronic record in the Shire's record keeping system.
From \$10,001 and up to \$50,000 (ex GST)	<p>Seek at least three (3) verbal or written quotations from suitable suppliers in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).</p> <p>If purchasing from a WALGA PSA, CUA or another tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> • a brief outline of the specified requirement for the goods; services or works required; and • Value for Money criteria, not necessarily the lowest price. <p>The quotes obtained, and the purchasing decision is to be saved as an electronic record in the Shire's record keeping system.</p>
From \$50,001 and up to \$250,000 (ex GST)	<p>Seek at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1). These quotes are to be recorded and saved in the Shire's record system.</p> <p>The purchasing decision is to be based upon assessment of the suppliers response to:</p> <ul style="list-style-type: none"> • a detailed written specification for the goods, services or • works required; and • pre-determined selection criteria that assess all best • and sustainable value considerations. <p>The purchasing decision is to be saved as an electronic record in the Shire's record keeping system.</p>
Over \$250,000 (ex GST)	Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&G Reg.11(2)</i>) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation in accordance with the Supplier Order of Priority detailed in clause 1.4.2(1).

Purchase Value Threshold (ex GST)	Purchasing Practice
	<p><u>OR</u> Public Tender undertaken in accordance with the <i>Local Government Act 1995</i> and relevant Shire Policy and procedures. The Tender Exempt or Public Tender purchasing decision is to be based on the supplier's response to:</p> <ul style="list-style-type: none"> • A detailed specification; and • Pre-determined selection criteria that assess all best • and sustainable value considerations. <p>The purchasing decision is to be saved in the Shire's Record system.</p>
Emergency Purchases <i>(Within Budget)</i> Refer to Clause 1.4.3	<p>Where goods or services are required for an emergency response and are within scope of an established Panel of Pre-qualified Supplier or existing contract, the emergency supply must be obtained from the Panel or existing contract using relevant unallocated budgeted funds.</p> <p>If there is no existing Panel or contract, then clause 1.4.2(1) Supplier Order of Priority will apply wherever practicable. However, where due to the urgency of the situation; a contracted or tender exempt supplier is unable to provide the emergency supply <u>OR</u> compliance with this Purchasing Policy would cause unreasonable delay, the supply may be obtained from any supplier capable of providing the emergency supply. However, an emergency supply is only to be obtained to the extent necessary to facilitate the urgent emergency response and must be subject to due consideration of best value and sustainable practice.</p> <p>The rationale for policy non-compliance and the purchasing decision must be evidenced in accordance with the Shire's Record Keeping system.</p>
Emergency Purchases <i>(No budget allocation available)</i> Refer for Clause 1.4.3	<p>Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the <i>Local Government Act 1995</i>, the President must authorise, in writing, the necessary budget adjustment prior to the being incurred.</p> <p>The CEO is responsible for ensuring that an authorised emergency expenditure under s.6.8 is reported to the next ordinary Council Meeting.</p> <p>The Purchasing Practices prescribed for Emergency Purchases (within budget) above, then apply.</p>

Purchase Value Threshold (ex GST)	Purchasing Practice
LGIS Services Section 9.58(6)(b) Local Government Act	<p>The suite of LGIS insurances are established in accordance with s.9.58(6)(b) of the <i>Local Government Act 1995</i> and are provided as part of a mutual, where WALGA Member Local Governments are the owners of LGIS. Therefore, obtaining LGIS insurance services is available as a member-base service and is not defined as a purchasing activity subject to this Policy.</p> <p>Should Council resolve to seek quotations from alternative insurance suppliers, compliance with this Policy is required.</p>

Exemptions

The following items are **exempt from Purchasing/Quotation Thresholds and Purchase Orders**:

- Landgate Charges
- Financial Institution Charges
- Courier Charges
- Cab charge Charges
- Credit Card purchases in accordance with the Procedures
- Postage Charges
- Utilities Charges
- Statutory Charges
- Groceries including Milk, food for Shire Services
- Payments for Contributions/Refunds
- Payments for Approved Grants/Scholarships
- Legal Advice
- Insurance Policy Payments
- Lease/Rental Charges
- Recurring association memberships
- ESL and SES payments
- Software Licencing charges
- Fees for Confidential Matters or internal reviews
- Security Call Out Charges
- Minor Hardware items for maintenance of assets (not exceeding \$250 per invoice exclusive GST)
- Western Metropolitan Regional Council
- Emergency Repairs to Buildings and Other Infrastructure
- Australian Taxation Office
- National Police Certificates
- Working with Children Certificates
- Lost Books- Other Local Governments
- IT Support
- Local, State or Federal Government Agencies

1.4.1. Authorising Officers

The CEO delegates to the following Officer authority to raise Purchase Orders within the following limits:-

Chief Executive Officer (or Acting CEO) Unlimited

Manager of Infrastructure	\$50,000
Manager of Development Services	\$40,000
Manager of Corporate & Community Services	\$40,000
Co-ordinator of Library Services	\$20,000
Projects and Policy Officer	\$5,000
Senior Finance Officer	\$5,000
Administration and Community Services Officer	\$5,000
Administration and Records Officer	\$2,000

Payment for goods and services can occur by using purchase orders or credit cards

1.4.4 Emergency Purchases

Emergency purchases are defined as the supply of goods or services associated with:

- (a) A local emergency and the expenditure is required (within existing budget allocations) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets; OR
- (b) A local emergency and the expenditure is required (with no relevant available budget allocation) to respond to an imminent risk to public safety, or to protect or make safe property or infrastructure assets in accordance with s.6.8 of the *Local Government Act 1995* and Functions and General Regulation 11(2)(a); OR
- (c) A State of Emergency declared under the *Emergency Management Act 2005* and therefore, Functions and General Regulations 11(2)(aa), (ja) and (3) apply to vary the application of this policy.

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

1.4.5 Inviting Tenders Though not Required to do so

The Shire may determine to invite Public Tenders, despite the estimated Purchase Value being less than the \$250,000 prescribed tender threshold, but only where an assessment determines that the purchasing requirement cannot be met through a

tender exempt arrangement and the use of a public tender process will enhance, value for money, efficiency, risk mitigation and sustainable procurement benefits.

In such cases, the tender process must comply with the legislative requirements and the Shire's tendering procedures *[F&G Reg.13]*.

1.4.6 Expressions of Interest

Expressions of Interest (EOI) will be considered as a prerequisite to a tender process *[F&G Reg.21]* where the required supply evidences one or more of the following criteria:

- (a) Unable to sufficiently scope or specify the requirement;
- (b) There is significant variability for how the requirement may be met;
- (c) There is potential for suppliers to offer unique solutions and / or multiple options for how the purchasing requirement may be obtained, specified, created or delivered;
- (d) Subject to a creative element; or
- (e) Provides a procurement methodology that allows for the assessment of a significant number of potential tenderers leading to a shortlisting process based on non-price assessment.

All EOI processes will be based upon qualitative and other non-price information only.

1.4.7 Unique Nature of Supply (Sole Supplier)

An arrangement with a supplier based on the unique nature of the goods or services required or for any other reason, where it is unlikely that there is more than one potential supplier may only be approved where the:

- (a) purchasing value is estimated to be over \$10,000; and
- (b) purchasing requirement has been documented in a detailed specification; and
- (c) specification has been extensively market tested and only one potential supplier has been identified as being capable of meeting the specified purchase requirement; and
- (d) market testing process and outcomes of supplier assessments have been evidenced in records, inclusive of a rationale for why the supply is determined as unique and why quotations / tenders cannot be sourced through more than one potential supplier.

An arrangement of this nature will only be approved for a period not exceeding one (1) year. For any continuing purchasing requirement, the approval must be re-assessed before expiry, to evidence that only one potential supplier still genuinely exists.

1.4.8 Anti-Avoidance

The Shire will not conduct multiple purchasing activities with the intent (inadvertent or otherwise) of "splitting" the purchase value or the contract value, so that the effect is to avoid a particular purchasing threshold or the need to call a Public Tender. This includes the creation of two or more contracts or creating multiple purchase order transactions of a similar nature.

1.4.9 Contract Renewals, Extensions and Variations

Where a contract has been entered into as the result of a publicly invited tender process, then *Functions and General Regulation 21A* applies.

For any other contract, the contract must not be varied unless

- (a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract.

Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

2 Sustainable Procurement

The Shire is committed to implementing sustainable procurement by providing a preference to suppliers that demonstrate sustainable business practices (social advancement, environmental protection and local economic benefits).

The Shire will apply Sustainable Procurement criteria as part of the value for money assessment to ensure that wherever possible our suppliers demonstrate outcomes which contribute to improved environmental, social and local economic outcomes.

Sustainable Procurement can be demonstrated as being internally focussed (i.e. operational environmental efficiencies or employment opportunities and benefits relating to special needs), or externally focussed (i.e. initiatives such as corporate philanthropy).

Requests for Quotation and Tenders will include a request for Suppliers to provide information regarding their sustainable practices and/or demonstrate that their product or service offers enhanced sustainable benefits.

2.1 SOCIALLY SUSTAINABLE PROCUREMENT

The Shire will support the purchasing of requirements from socially sustainable suppliers such as Australian Disability Enterprises and Aboriginal businesses wherever a value for money assessment demonstrates benefit towards achieving the Shire's strategic and operational objectives.

A qualitative weighting will be used in the evaluation of Requests for Quotes and Tenders to provide advantages to socially sustainable suppliers in instances where the below tender exemptions are not exercised.

Aboriginal Businesses

Functions and General Regulation 11(2)(h) provides a tender exemption if the goods or services are supplied by a person on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia, or Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation), where the consideration under contract is \$250,000 or less, or worth \$250,000 or less.

The Shire will first consider undertaking a quotation process with other suppliers (which may include other registered Aboriginal Businesses as noted in *F&G Reg.11(2)(h)*) to determine overall value for money for the Shire.

Where the Shire makes a determination to contract directly with an Aboriginal Business for any amount up to and including \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

2. Australian Disability Enterprises

Functions and General Regulation 11(2)(i) provides a tender exemption if the goods or services are supplied by an Australian Disability Enterprise.

The Shire will first consider undertaking a quotation process with other suppliers (which may include other Australian Disability Enterprises) to determine overall value for money for the Shire.

Where the Shire makes a determination to contract directly with an Australian Disability Enterprise for any amount, including an amount over the Tender threshold of \$250,000 (ex GST), it must be satisfied through alternative means that the offer truly represents value for money.

If the contract value exceeds \$50,000 (ex GST), a formal Request for Quotation will be issued to the relevant Aboriginal business. The rationale for making the purchasing decision must be recorded in accordance with the Shire's Record Keeping Plan.

2.2 ENVIRONMENTALLY SUSTAINABLE PROCUREMENT

The Shire will support the purchasing of recycled and environmentally sustainable products whenever a value for money assessment demonstrates benefit toward achieving the Shire's strategic and operational objectives.

Qualitative weighted selection criteria will be used in the evaluation of Requests for Quote and Tenders to provide advantages to suppliers which:

- (a) demonstrate policies and practices that have been implemented by the business as part of its operations;
- (b) generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed; and
- (c) encourage waste prevention, recycling, market development and use of recycled/recyclable materials.

3. PANELS OF PRE-QUALIFIED SUPPLIERS

3.1. OBJECTIVES

The Shire will consider creating a Panel of Pre-qualified Suppliers ("Panel") when a range of similar goods and services are required to be purchased on a continuing and regular basis.

Part of the consideration of establishing a panel includes:

- (a) there are numerous potential suppliers in the local and regional procurement related market sector(s) that satisfy the test of 'value for money';
- (b) the Panel will streamline and will improve procurement processes; and
- (c) the Shire has the capability to establish a Panel, and manage the risks and achieve the benefits expected of the proposed Panel through a Contract Management Plan.

3.2. ESTABLISHING AND MANAGING A PANEL

If the Shire decides that a Panel is to be created, it will establish the panel in accordance with the Regulations.

Panels will be established for one supply requirement, or a number of similar supply requirements under defined categories. This will be undertaken through an invitation procurement process advertised via a state-wide notice.

Panels may be established for a maximum of three (3) years. The length of time of a Local Panel is decided with the approval of the CEO/ Executive Director.

Evaluation criteria will be determined and communicated in the application process by which applications will be assessed and accepted.

In each invitation to apply to become a pre-qualified supplier, the Shire will state the expected number of suppliers it intends to put on the panel.

If a Panel member leaves the Panel, the Shire will consider replacing that organisation with the next ranked supplier that meets/exceeds the requirements in the value for

money assessment – subject to that supplier agreeing. The Shire will disclose this approach in the detailed information when establishing the Panel.

A Panel contract arrangement needs to be managed to ensure that the performance of the Panel Contract and the Panel members under the contract are monitored and managed. This will ensure that risks are managed and expected benefits are achieved. A Contract Management Plan should be established that outlines the requirements for the Panel Contract and how it will be managed.

3.3. DISTRIBUTING WORK AMONGST PANEL MEMBERS

To satisfy Regulation 24AD(5) of the Regulations, when establishing a Panel of pre-qualified suppliers, the detailed information associated with each invitation to apply to join the Panel will prescribe one of the following as to whether the Shire intends to:

- (a) obtain quotations from each pre-qualified supplier on the Panel with respect to all discreet purchases; or
- (b) purchase goods and services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- (c) develop a ranking system for selection to the Panel, with work awarded in accordance with the Regulations.

In considering the distribution of work among Panel members, the detailed information will also prescribe whether:

- (a) each Panel member will have the opportunity to bid for each item of work under the Panel, with pre-determined evaluation criteria forming part of the invitation to quote to assess the suitability of the supplier for particular items of work. Contracts under the pre-qualified panel will be awarded on the basis of value for money in every instance; or
- (b) work will be awarded on a ranked basis, which is to be stipulated in the detailed information set out under *Functions and General Regulation 24AD(5)(f)* when establishing the Panel.
 - i. The Shire will invite the highest ranked Panel member, who is to give written notice as to whether to accept the offer for the work to be undertaken.
 - ii. Should the offer be declined, an invitation to the next ranked Panel member is to be made and so forth until a Panel member accepts a Contract.
 - iii. Should the list of Panel members invited be exhausted with no Panel member accepting the offer to provide goods/services under the Panel, the Shire may then invite suppliers that are not pre-qualified under the Panel, in accordance with the Purchasing Thresholds stated in clause 1.4.2(2) of this Policy.

- iv. When a ranking system is established, the Panel will not operate for a period exceeding 12 months.

In every instance, a contract must not be formed with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend the contract.

3.4. PURCHASING FROM THE PANEL

The invitation to apply to be considered to join a panel of pre-qualified suppliers

must state whether quotations are either to be invited to every Panel member (within each category, if applicable) of the Panel for each purchasing requirement, whether a ranking system is to be established, or otherwise.

3.5. COMMUNICATIONS WITH PANEL MEMBERS

The Shire will ensure clear, consistent and regular communication with Panel Members.

Each quotation process, including the invitation to quote, communications with Panel members, quotations received, evaluation of quotes and notification of award communications must all be made through eQuotes (or other nominated electronic quotation facility).

4. Record Keeping

All Local Government purchasing activity, communications and transactions must be evidenced and retained as local government records in accordance with the *State Records Act 2000* and the Shire's Record Keeping Plan.

In addition, the Shire must consider and will include in each contract for the provision of works or services, the contractor's obligations for creating, maintaining and where necessary the transferral of records to the Shire relevant to the performance of the contract.

5. Purchasing Policy Non-Compliance

The Purchasing Policy is mandated under the *Local Government Act 1995* and Regulation 11A of the *Local Government (Functions and General) Regulations 1996* and therefore the policy forms part of the legislative framework in which the Local Government is required to conduct business.

Where legislative or policy compliance is not reasonably able to be achieved, records must evidence the rationale and decision-making processes that substantiate the non-compliance.

Purchasing activities are subject to internal and external financial and performance audits, which examine compliance with legislative requirements and the Shire's policies and procedures.

If non-compliance with legislation, this Purchasing Policy or the Code of Conduct, is identified it must be reported to the Chief Executive officer.

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated, it may be treated as:

- (a) an opportunity for additional training to be provided;
- (b) a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; or
- (c) where the breach is also identified as potentially serious misconduct, the matter will be reported in accordance with the *Corruption, Crime and Misconduct Act 2003*.

Related Procedures

SoPG Code of Conduct

SoPG Record Keeping Policy

Operational Procedures RFQs and RFT

Finance Procedures detailing authorizations for Credit Card Use and receipting of invoices.

Amendment Authority Level

N/A

Related Delegations

N/A

Related Local Law/Legislation

S3.57 of the Local Government Act 1995

Part4 of the Local Government (Functions and General) Regulations 1996

Adopted Amended

December 2016

Reviewed

23RD July 2024

2.9 INFORMATION AND COMMUNICATION TECHNOLOGY (ICT) USE POLICY

Purpose	To ensure effective security is maintained by every employee who deals with information and/or information systems and devices.
Status	ADMINISTRATIVE – STATUTORY
Policy	<p>General Use of ICT Equipment</p> <ul style="list-style-type: none">• While the Shire's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on the corporate systems remain the property of the Shire. Because of the need to protect the Shire's network, the confidentiality of personal (non-work-related) information stored on any network device belonging to the Shire cannot be guaranteed; and• A degree of personal use is allowed on Shire's equipment/devices/systems. Employees should exercise conservative judgement regarding the reasonableness of personal use but should be guided by the following principles:<ul style="list-style-type: none">○ Personal use should be conducted either before or after contracted hours of work or authorized breaks;○ Personal use should be limited and brief, avoiding excessive download or transmission. An example of acceptable personal use would be conducting brief transactions through internet banking;○ Personal use should not breach anything in the policy, particularly relating to the downloading of offensive or copyrighted materials;○ Managers will determine the specific acceptable personal use for their respective business areas as this will differ according to the needs of each group; and○ If there is any uncertainty regarding acceptable personal use then employees should consult their supervisor or manager for guidance.• For security and network maintenance purposes, authorized individuals within the Shire may monitor equipment, systems and network traffic at any time according to the specific nature and requirements of their roles.• The Shire reserves the right to audit networks and systems on a periodic basis to ensure system integrity and compliance with this policy.

All emails sent by Shire staff should include the 'signature' and disclaimer at the foot of the body of the email, in the format specified by the Shire's style guide or as otherwise advised by the CEO.

Security and Proprietary Information

- All information stored on the Shire's corporate systems should be regarded as confidential and care must be exercised before sharing or distributing any information. If there is any uncertainty regarding the level of confidentiality involved, then employees should consult their supervisor or manager for guidance;
- Passwords should be kept secure and accounts must not be shared. Authorised users are responsible for the security of their passwords and accounts. Passwords should be changed in accordance with the Shire's advice from the ICT consultant.
- All devices connect to the Shire's computing systems/networks, regardless of ownership, must be running approved and up to date virus-scanning software; and
- People must use caution when opening files received from unknown senders.

Unacceptable Use

The information in this policy provides a framework for activities which fall into the category of unacceptable use, but do not represent an exhaustive list. Some users are exempted from these restrictions during the course of carrying out responsibilities related to their role. Under no circumstances is any user authorised to engage in any activity that is illegal under local, state, federal or international law while connected to or utilising the Shire's ICT systems or resources.

Systems and Network Activities

The following activities are not permitted:

- Violations of the rights of any person or company/organisation protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the duplication, installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Shire or the end user;
- Unauthorised copying or digitising of copyrighted material and the installation of any copyrighted software for which the Shire or the end user does not have an active license;
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws. The appropriate manager should be consulted prior to export of any material where status is unclear;
- Introduction of malicious programs or code into the network or onto

devices connected to the network;

- Revealing your account password to others or allowing use of your account by others;
- The Shire's equipment is not to be used for the downloading or distribution of any material that could be considered as offensive. If a user receives such material they should notify their manager and also the ICT Team;
- Making fraudulent offers of products, items, or services, or running private business interests via any Shire equipment, device or account; and
- Undertaking private work.

The following activities are not permitted unless they are within the scope of regular responsibilities for an expressly authorised role/position:

- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the user is not an intended recipient or logging into a server or account that the user is not expressly authorised to access;
- Executing any form of network monitoring which will intercept data not intended for the user's host;
- Attempting to avoid or bypass the Shire's network security measures;
- Interfering with any other user's account, by whatever means; and
- Using the system in a way that could damage or affect the performance of the network in any way.

Email and Communications Activities

The following activities are not permitted:

- Except in the course of normal business notifications, sending or forwarding unsolicited electronic messages, including the sending of "junk mail" or other advertising material, jokes, or chain communication to individuals who did not specifically request such material;
- Any form of harassment via electronic/ICT means;
- Unauthorised use, or forging, of email header information;
- Solicitation of communication for any other electronic address, other than that of the poster's account, with the intent to harass or to collect replies;
- Creating or forwarding "chain letters" or "pyramid" schemes of any type;
- Use of any of the Shire's network or systems for the purpose of generating unsolicited communications;
- Providing information about, or lists of the Shire's employees to parties outside the Shire or to personal email addresses;

- Communicating in a manner that could adversely affect the reputation or public image of the Shire; and
- Communicating in a manner that could be construed as making statements or representations on behalf of the Shire without express permission to do so.

Users should also endeavour to clean out their Inbox, Sent Items, Deleted Items and other email boxes on a regular basis, by either deletion or saving in the central record system. A size limit per mailbox may be implemented to ensure that the system is functioning optimally.

Remote Access

Users with remote access should be reminded that, when they are connected to the Shire's network, their machines are an extension of that network, and as such are subject to the same rules and regulations that apply to the Shire's corporate equipment and systems. That is, their machines need to connect and communicate reliably with the Shire's network and servers to ensure the security and integrity of data and records.

Users are reminded of the following conditions relating to remote access to the Shire's system:

- Family members must not violate any of the Shire's policies, perform illegal activities, or use the access for outside business interests;
- The device that is connected remotely to the Shire's corporate network should be secure from access by external non-Shire parties and should be under the complete control of the user;
- The use of non-Shire email accounts (e.g., Yahoo, Hotmail, Gmail etc.) or other external resources is not permitted for the conduct of Council business, thereby ensuring official business is not confused with personal business; and
- All devices (whether personal or corporate) connected to the Shire's networks via remote access technologies should have up-to-date anti-malicious-code software.

Provision and use of Mobile Phones and Information/communication Devices

Some Officers will be supplied with a mobile phone and/or other mobile computing device if it is deemed necessary to their position. All mobile devices supplied remain the property of the Shire and users must not change service providers unless permitted to do so.

Where a mobile device provides an email service, all emails sent or received or otherwise processed via the mobile device that are classified as a record of the Shire should be through the Shire's server, to ensure the integrity of the recordkeeping system.

	<p>Where the device includes a digital camera, users are to use the technology in a sensible manner. A failure to do so may lead to disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.</p> <p>It is unlawful for drivers to operate a mobile phone and/or other mobile computing device whilst driving. Phone calls may otherwise be made or received providing the device is accessible while mounted/fixed to the vehicle or does not need to be touched by the user. An employee who operates a mobile phone and/or other mobile computing device whilst driving may face disciplinary action including possible termination of employment. Employees may also be held criminally liable for their actions.</p> <p>Consequences of Breaching This Policy</p> <ul style="list-style-type: none"> Any user found to have breached this policy may be subject to disciplinary action including possible termination of employment. The Shire may also be obligated to refer any breach of this policy to an external agency where an employee may be held criminally liable for their actions. Private/personal or unauthorised use of corporate ICT systems and/or devices may result in the user being obligated to pay any extra costs incurred. <p>Variation to This Policy</p> <p>This policy may be cancelled or varied from time to time. All the Shire's employees will be notified of any variation to this policy by the normal correspondence method. All users of the organisations ICT are responsible for reading this policy prior to accessing the organisations ICT.</p>
Related Policies Procedures	<ul style="list-style-type: none"> Code of Conduct Social Media Use Policy
Amendment Authority Level	Council
Related Local Law/Legislation	
Adopted/Amended	December 2015

2.10 ACTING CHIEF EXECUTIVE OFFICER	
Purpose	To maintain continuity in the office of the CEO
Status	
Policy	That where the CEO is to be absent from office The CEO is authorised to appoint an Acting CEO from one of the Management Team with authority to exercise the powers and duties of that position. For periods exceeding 4 weeks, Council is to appoint Acting CEO.
Special Note	Depending on the length of absence involved a relieving officer or senior employee will be appointed. Delegations to the CEO will carry over to the Acting CEO for the period they are acting.
Related procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/Legislation	Local Government Act S.5.36 provides that a local government is to employ a person to be the CEO of the local government. Delegation No. 1 to the CEO
Adopted Amended	18 September 2000
Review History	19 April 2010

2.11 DONATIONS	
Purpose	To outline the circumstances in which donations may be made to an eligible recipient.
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>Commitment The Shire is committed to recognising the value of charitable organisations within the local community and will provide assistance where appropriate.</p> <p>Eligibility Priority for assistance will be given to requests where:</p> <ul style="list-style-type: none"> • Applicant is a not-for-profit incorporated organisation and is based in, or has a visible presence or significant impact in either Peppermint Grove or immediately adjacent local government districts; • Applicant can demonstrate that the funded project will provide an on-going benefit to Peppermint Grove residents; • Funding is required for a new initiative or a significant one-off project with evidence of other funding sources having been pursued (successfully or otherwise); • If donation is for an event, entry to the event is free of charge to Peppermint Grove residents to attend or participate. <p>Council will consider donations that meet the eligibility criteria on a case-by-case basis and will make an annual budget provision for donations. The CEO is authorised to approve donations up to \$1000 subject to consultation with the councillors. Request over \$1000 will be presented to council.</p>
Related Procedure	
Amendment Authority Level	Council

2.12 VEHICLE USE	
Purpose	To achieve higher levels of productivity, more flexible work practices and to remain competitive in the employment market by offering varying levels of vehicle usage to new and existing personal.
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>The Shire may provide specified staff with a council vehicle for either commuting or private use on the basis of work requirement or as part of a salary package. The provision and use of such vehicles shall be in accordance with the current Management Practices. The following arrangements are provided:</p> <ol style="list-style-type: none"> 1. Managers (As below) <ul style="list-style-type: none"> - The vehicle will wherever possible be made available at the discretion of the CEO, during hours for use by other staff. - Members of the employee's immediate family are permitted to drive the vehicle within the guidelines provided by the CEO and provided they have a current drivers licence. - Use of vehicle is restricted to the state of WA unless otherwise approved by the CEO. - Fuel card provided. - The vehicle must generally be made available during business hours, for use by other staff members who require a vehicle to carry out their normal duties. - The employee's partner is permitted to drive the vehicle within the guidelines provided by the CEO and provided they have a current drivers licence. - Fuel card provided but not to be used for extensive travel.

	<p>2. Commuter Use (as below)</p> <ul style="list-style-type: none"> - The vehicle will not be available for the employees use whilst on leave, leave without pay or sick leave of more than three (3) Days duration. - Vehicle is for business use only. - Fuel card for officer use only.
Related Procedure	
Amendment Authority Level	Council

2.13 PUBLIC ART POLICY

Purpose	To maintain and express the unique identity and amenity of the shire of Peppermint Grove through appropriate arts and cultural representations in the public realm.
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>The Shire has limited public space for public art; however, it will endeavour to incorporate public art where possible, within budgetary constraints, within the following general guidelines; the same criteria will be applied to proposed donations of public artworks.</p> <p>Themes: should reflect and be sympathetic to the values of the shire, including heritage, the environment, and local stories</p> <p>Places: The Grove Precinct Reserve, Manners Hill Park, Keane's Point Reserve, and the foreshore, without obstructing or detracting from already established activities, streetscapes or views.</p> <p>Forms: Could include, but is not limited to, street furniture, sculptures, heritage interpretation, virtual installations, and artworks for interior display at the Shire offices</p> <p>Source: Wherever possible, public artworks should be sourced from local West Australian artists</p> <p>Other factors: artistic and structural quality and durability of the work, the cost of installation, maintenance, and disposal; and the ongoing moral rights of the artist.</p> <p>Approval process:</p> <p>Where a work of art is under consideration, it will be assessed and processed as follows:</p> <ul style="list-style-type: none">• Assessed against themes;• Assessed for aesthetic quality (a consultant may be engaged to assist council)• Possible sites identified;• Assessed for engineering integrity;• Risk assessment for potential harm, for example, from climbing on artwork;• Estimation of longevity;• Calculation of acquisition, installation and ongoing maintenance costs;• Adequate budget provision for purchases and installation.

2.14 LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES

Purpose	This policy sets out guidelines to assist the Shire in determining when it is appropriate to pay legal representation costs attributed to Elected Members (EM) and Employees where they have become involved in legal proceedings as a result of their official functions.
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>1. General Principles</p> <p>In the first instance, the EM or Employee must refer to the Local Government Insurance Scheme for assessment of their case under the Management Liability Insurance (Elected Members and Employees Liability) cover.</p> <p>2. Application for Payment</p> <p>Should cover not be available under this scheme, a written submission is to be prepared to the Shire's CEO, for approval by Council. The details of the written submission requesting financial support for legal services under this policy, must address the following criteria:</p> <ol style="list-style-type: none"> The matter for which legal representation is requested; How the matter relates to the functions of the EM and Employee; The legal firm nominated to provide the legal representation; The nature of the legal representation to be sought (such as advice, representation in court, preparation of a document etc); An estimated cost of the legal representation; Why it is in the interests of the Shire for payment to be made; That the EM or Employee acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and That financial support for legal services, complies with the financial interest of the Local Government Act 1995. <p>2.1 As far as possible, the application is to be made before commencement of the legal representation to which the application relates.</p> <p>2.2 Each application will be reviewed by Council to determine whether the provision of legal representation costs is justified.</p> <p>3. Legal representation costs – Limit</p> <p>The Shire, in approving an application, shall set a limit on the legal representation costs to be paid, based on the estimated costs in the application and the Shire's annual budget.</p> <p>4. Council's Powers:</p> <p>The Council may:</p> <ul style="list-style-type: none"> Refuse;

- Grant; or
- Grant subject to conditions,

An application for payment of legal representation costs.

The Council may at any time revoke or vary an approval, or any conditions of approval for the payment of legal representation costs.

5. Approval

Council approves applications requesting legal representation costs under this policy. If there is a need for the provision of urgent legal services before an application can be considered by Council, the CEO may give an authorisation to the value of \$5,000.

The EM or Employee shall sign an agreement with the Shire agreeing that the financial assistance shall be provided on the terms and conditions of this policy.

Where it is the CEO who is seeking urgent financial support for Legal Services the Council shall deal with the application.

6. Repayment of Legal Costs

Any amount recovered by an EM or Employee in proceedings, whether for costs or damages, will be off set against any monies paid or payable by the Shire.

Financial assistance for legal representation costs will be withdrawn where council determines, upon legal advice that a person has acted dishonestly. Where assistance is so withdrawn, the person who obtained financial support is to repay any monies already provided. The Shire may take legal action to recover such monies in court.

Special Notes	
Related Procedures	
Amendment Authority Level	
Related Delegation	Chief Executive Officer
Related Local Law/Legislation	
Adopted Amended	September 2023
Review	September 2025

2.15 CHILD SAFE AWARENESS POLICY

Purpose	The purpose of this Policy is to establish clear guidelines and practices that promote child safety awareness and cyber safety within the Shire. It aims to ensure that children and young people are kept safe from harm, both in physical and digital spaces.
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>The Shire of Peppermint Grove is committed to creating a safe and welcoming environment for children and young people who visit the Shire. This policy extends to the Shire Offices, Depot and the Grove Library.</p> <p>Background</p> <p>Staff at the Shire that work with children, acknowledge recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse. The Shire supports organizations to be child safe and to protect children and young people from harm and/or abuse. Further to this, the Shire acknowledges the General Principles developed in response to the Royal Commission which are:</p> <ul style="list-style-type: none">• The rights of children and young people are upheld.• Children and young people are respected, listened to, and informed about their rights.• Children and young people have the fundamental right to be safe and cared for.• Children and young people have the right to speak up, be heard and taken seriously without the threat of negative consequences.• The safety and best interests of children and young people are a primary consideration when making decisions that concern them.• Access to trusted and reliable information, including the National Principles for Child Safe Organizations, helps support organizations to understand what they must do to help reduce the risk of harm and abuse.• Communities are informed and involved in promoting the safety and wellbeing of children and young people including protection from harm. <p>Compliance with National Principles.</p> <p>The Shire will also support the National Principles for Child Safe Organisations that include, but are not limited to:</p>

- Ensuring that Child Safety and wellbeing is embedded in organizational leadership, governance and culture;
- Physical and online environments promote safety and wellbeing while minimising the opportunity for children to be harmed; and
- People working with children are suitable and supported to reflect child safety and wellbeing values in practice.

Policy Functions

The Shire will promote the safety and wellbeing of children across the community through various communication platforms. This extends to using the Grove Library website and message boards within the Shire to:

- Raise Awareness – to deliver child safe messages such as promoting cyber safety.
- Connect and supporting local community groups organisations and stakeholders to child safe resources such as disclosing information on how to find assistance or make a complaint.
- Report - how to take action that can help prevent harm and abuse.

Child Safety Officer

The CEO will designate an Officer to be responsible for overseeing this policy and handling any child safety concerns within the Shire.

Responsibilities for Child Safety within the Grove Library

Library Staff

- Staff working with children will have a current 'Working with Children Check'.
- Staff members will be vigilant and attentive to the needs and behaviours of children and young people using the library.
- Any concerns about a child's well being or safety will be reported to the designated Child Safety Officer.

Supervision

Parents, guardians or caregivers are responsible for the supervision of their children while in the library.

The library staff cannot assume the role of caregivers and are not responsible for supervising children.

Unaccompanied Children

Children under 12 must be accompanied by a responsible adult or caregiver at all times.

Lost Children

Library staff will assist lost children in a sensitive and supportive manner.

	<p>A designated safe area will be established for lost children to wait until their parent or guardian arrives.</p> <p>Cyber Safety Measures</p> <p><i>Internet Access:</i> Access to the internet will be filtered to prevent access to inappropriate material.</p> <p><i>Cyber Safety Education</i> Cyber safety programs will be promoted on the library website and notice boards.</p> <p><i>Privacy and Data Security</i> The library will follow best practices to protect the privacy and data security of children and young people using digital resources.</p> <p>Reporting and Responding to Concerns within the Shire</p> <p>Any Shire staff member who has concerns about the safety or well-being of a child must report it to the designated Child Safety Officer.</p> <p>The Child Safety Officer will respond to the child safety concerns by notifying the appropriate authorities such as the local police or child protection services.</p> <p>Communication and Awareness</p> <p>This policy will be on the Grove Library Website and Shire of Peppermint Grove Website.</p> <p>Brochures promoting child safety measures will be promoted throughout the library and Shire reception.</p>
Scope	<p>This Child Safe Awareness policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the Shire, regardless of their work related to children or young people.</p>
Related Procedures	<p>Consistent with the National Principles for Child Safe Organizations and Commonwealth Child Safe Framework, this policy provides a framework that outlines the role of the Shire in supporting communities to be child safe through access to resources, awareness raising and sharing relevant information.</p> <p>The Child Safety Risk Management Resources, July 2023, provides further</p>

	resources on risk mitigation strategies.
Amendment Authority Level	
Related Delegation	Chief Executive Officer
Related Local Law/Legislation	<p>Related legislation includes:</p> <ul style="list-style-type: none"> • <i>Child Care Services Act 2007</i> • <i>Children and Community Services Act 2004</i> • <i>Civil Liability Act 2002</i> • <i>Corruption, Crime and Misconduct Act 2003</i> • <i>Equal Opportunity Act 1984</i> <p><i>Related Policy includes:</i></p> <ul style="list-style-type: none"> • Aboriginal / First Nations / Cultural Policy • Child Safety Policy • Employee Code of Conduct • Corporate Communications Policy • Community Signage Policy • Employee Complaints Management Policy • Engagement Policy • Information Technology Policy • Record Keeping Policy • Strategic Community Plan • Strategic and Operational Risk Plans • Volunteer Policy • Working with Children Checks Policy • Youth Policy
Adopted Amended	October 2023
Review Date	October 2025

SECTION THREE

FINANCIAL POLICIES

3.1 RATES – PROCEDURE OF COLLECTION

Purpose	To establish a firm, consistent rate collection policy to apply on a year-by-year basis.
Status	
Policy	<ol style="list-style-type: none">1. As soon as possible after the expiry of 35 days following the issue of the Rate Notices, a Final Notice shall be sent to all ratepayers who have not paid the rates imposed, or an instalment.2. After a further period of 30 days, a further notice is to be issued to those debtors who have not responded seeking payment within 14 days to avoid action for collection.3. That action for recovery be taken after that time to the extent allowed in the Act. <p>Special Note: See also Delegation 2.2</p>
Related procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/Legislation	
Adopted Amended	18 September 2000

3.2 PAYMENT OF ACCOUNTS

Purpose	To establish procedures for the authorisation, payment and approval of accounts.
Status	
Policy	<p>That the procedures for the authorisation, payment and approval of accounts be as follows –</p> <ol style="list-style-type: none">1. that an order form be issued for the purchase of goods and services except in the case of small purchases from petty cash.2. that all purchases from petty cash be acquitted by a receipt.3. that where feasible and practical, price be negotiated in advance of a purchase and recorded on the order form.4. that invoices, where practicable, be certified by the person who placed the order so as to indicate –<ol style="list-style-type: none">(i) that the purchase was duly authorized; and(ii) that the goods and services were received in a satisfactory condition, or to a satisfactory standard, and the price and computations on the invoice are correct.5. that the CEO place a list of accounts paid, including credit card purchases under delegated authority before the Council each month in accordance with Financial Management Regulation 13 (1) (together with vouchers and invoices) for recording in the minutes.6. that two signatories be required to all cheques –<ol style="list-style-type: none">(i) the CEO (or Acting CEO in his/her absence or inability) and Senior Administration Officer or the Manager of Development Services. <p>Special Note: See also Delegation No. 2.2</p>
Adopted	18 September 2000
Amended	
Reviewed	June 2024

3.3 ATTENDANCE AT WALGA AGM AND LOCAL GOVERNMENT WEEK

Purpose	To recognise the importance of providing Council members with the opportunity to meet other persons in local government and to participate in a statewide forum on issues relevant to local government.
Status	
Policy	<p>That budget provision be made for four persons to attend Local Government Week each year, with in-house accommodation, these to be –</p> <ul style="list-style-type: none">• President• CEO• Two Council-appointed delegates, preference to be given to LGA zone delegates.• Delegates are approved for full registration, including functions listed in the program.• Voting delegates at the WALGA AGM will be the shire President and one of the two shire delegates as determined by the President. In the absence of the President, CEO will determine the delegates.
Related procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/Legislation	
Adopted Amended	18 September 2000

3.4 ASSET MANAGEMENT

Purpose	To set the broad framework for decision making by Council in undertaking asset management in a structured, coordinated and organised approach.
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>Asset Management in the Shire is the utilisation of best practise within available resources ensuring that the assets under its control are maintained in a safe and functional condition and replaced according to adopted strategies and plans.</p> <p>Asset Management involves Council, administration and the community; from those that plan services, provide services and manage assets and services to those who use the assets. Council will utilise integrated decision making in order that the built, social, economic and natural impacts of asset provision and maintenance are properly considered throughout the asset management lifecycle.</p> <p>The primary goal of asset management is to provide the required level of service in the most cost-effective way through the creation, acquisition, maintenance, operation, rehabilitation and disposal of assets to provide for present and future generations.</p> <p>Asset management is a key objective in the Shire's ten (10) year Strategic Community Plan and Corporate Business Plan and shall be incorporated in to long term financial planning and management plans. The Shire's strategic financial planning will ensure that:</p> <ul style="list-style-type: none">a) Sufficient funds are allocated as a priority each year for operating, maintenance and refurbishment or replacement of existing assets; andb) Additional funds are identified and allocated where appropriate for the investment in new or upgraded assets. <p>Long term financial models will be prepared which identify the whole of life costs for all Shire infrastructure assets. Where appropriate this should include performance modelling of assets based on different funding scenarios.</p> <p>Investments in new infrastructure creation shall consider whole of life costs of the asset assessing benefit/cost ratios, net present values and the environmental and social benefits of investment.</p>

	<p>This policy shall be read in conjunction with the ten (10) year Strategic Community Plan, Strategic Plan, four (4) year Corporate Business Plan and various strategic documents including but not limited to:</p> <ul style="list-style-type: none"> • Asset Management Strategy; • Asset Management Plans; • Forward Financial Plans; and • Disability Access and Inclusion Plan.
Related Procedure	<ul style="list-style-type: none"> • Asset Management Strategy; • Asset Management Plans.
Amendment Authority Level	Council
Related Delegation	
Related Local Law/Legislation	
Adopted/Amended	December 2014

3.5 RISK MANAGEMENT

Purpose	The objective of this Risk Management Policy is to state the Shire of Peppermint Grove's (Shire's) intention to identify potential risk before they occur, so that impacts can be minimised or opportunities realised; ensuring that the Shire achieves its strategic and corporate objectives efficiently, effectively and within good corporate governance principles.
Status	Administrative - Statutory
Policy	<p>Risk Management Objectives</p> <p>Council is committed to ensuring that risk management:</p> <ul style="list-style-type: none">• Optimises the achievement of the Shire's values, strategies, goals and objectives.• Aligns with and assists the implementation of Shire Policies.• Provides transparent and formal oversight of the risk and control environment, enabling effective decision- making.• Reflects risk versus return considerations within the Shire's risk appetite.• Embeds appropriate and effective controls to mitigate risk.• Achieves effective corporate governance and adherence to relevant statutory, regulatory and compliance obligations.• Enhances organisational resilience.• Identifies and provides for the continuity of critical operations. <p>Key Policy Definitions (from AS/NZS ISO 31000:2018)</p> <p>Risk : The effect of uncertainty on objectives.</p> <p>Note 1: An effect is a deviation from the expected – positive or negative.</p> <p>Note 2: Objectives can have different aspects (as a financial, health and safety and environmental goals) and can apply at different levels (such as strategic, organisation-wide, project,</p>

product or process).

Risk Management: Coordinated activities to direct and control an organisation with regard to risk.

Risk Management Process: Systematic application of management policies, procedures and practices to the activities of communicating, consulting, establishing the context, and identifying, analysing, evaluation, treating, monitoring and reviewing risk.

Roles and Responsibilities

The CEO is responsible for:

- Implementation of this Policy.
- Measurement and reporting on the performance of risk management.
- Review and improvement of this Policy and the Shire's risk management framework at least biennially, or in response to a material event or change in circumstances.
- The Shire's risk management framework outlines in detail all roles and responsibilities associated with managing risks within the Shire.

Risk Assessment and Acceptance Criteria

The Shire has quantified its broad risk appetite through the Shires 'Risk Assessment and Acceptance Criteria'. The criteria are included within the risk management framework and as a component of this Policy.

All organisational risks are to be assessed according to the Shire's Risk Assessment and Acceptance Criteria to allow consistency and informed decision -making.

Whilst these risk criteria are necessarily broad in their guidance, they offer insight to staff about risk areas or activities where Council has set reasonable boundaries and before proceeding.

For operational requirements such as Projects, Events, Work Health and Safety, or in rare instances in which the Shire's Risk Assessment and Acceptance Criteria are unclear in determining a level of risk, alternative risk assessment criteria may be utilised, however these cannot exceed the organisation's risk appetite.

Monitor and Review

	<p>The Shire will implement and integrate a monitor and review process to report on the achievement of risk management objectives, the management of individual risks and the ongoing identification of issues and trends.</p> <p>This Policy will be kept under review by the Shire's Management Team. It will be formally reviewed biennially.</p>
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Related Procedure	<p>Shire of Peppermint Grove Risk Management Procedures.</p> <p>The Shire's Policy will be aligned with AS/NZS ISO 31000:2018 Risk Management Guidelines, in the management of all risks that may affect the Shire meeting its objectives.</p> <p>Risk management functions will be resourced appropriately to match the size and scale of the Shire's operations, will form part of Strategic, Operational, and Project responsibilities, and e incorporated within the Shire's Integrated Planning and Reporting framework.</p> <p>This policy applies to all Council Members Employees and Contractors involved in any Shire operations.</p>
Amendment Authority Level	Council
Related Delegation	
Related Local Law/Legislation	Local Government (Audit) Regulations 1996 (Regulation 17)
Adopted/Amended	May 2022

Appendix B: Risk Assessment and Acceptance Criteria

Shire of Peppermint Grove Measures of Consequence								
Rating (Level)	Compliance	Environment	Financial	Health / People	Property	Reputational	Service Interruption	Projects
Insignificant (1)	No noticeable regulatory or statutory impact	Contained, reversible impact managed by on-site response	Less than \$20,000	Near miss. Minor first aid injuries	Inconsequential damage.	Unsubstantiated, low impact, low profile or 'no news' item	No material service interruption <3 hours	<5% deviation in project outputs (Time, Cost, Scope and Quality) or funding
Minor (2)	Some temporary non-compliances	Contained, reversible impact managed by internal response	\$20,001 - \$150,000	Medical - type injuries	Localised damage rectified by routine internal procedures	Substantiated, low impact, low news item	Short-term temporary interruption – backlog cleared <1 day	5-15% deviation in project outputs (Time, Cost, Scope and Quality) or funding
Moderate (3)	Short term non-compliance but with significant regulatory requirements imposed	Contained, reversible impact managed by internal & external agencies	\$150,001 - \$500,000	Lost-time physical or mental injury <30 days / Multiple staff morale problems	Localised damage requiring internal & external resources to rectify	Substantiated, public embarrassment, moderate impact, moderate news profile	Medium-term temporary interruption – backlog cleared by additional resources <1 week	10-25% deviation in project outputs (Time, Cost, Scope and Quality) or funding
Major (4)	Non-compliance results in termination of services or imposed penalties	Uncontained, reversible impact managed by a coordinated response from external agencies	\$500,001 - \$1.0Mil	Lost-time physical or mental injury >30 days / Widespread staff morale problems	Significant and/or widespread damage requiring internal & external resources to rectify	Substantiated, public embarrassment, high impact, high news profile, third party actions	Prolonged interruption of services – additional resources required; performance affected <1 month	25-50% deviation in project outputs (Time, Cost, Scope and Quality) or funding
Catastrophic (5)	Non-compliance results in litigation, criminal charges, significant damages and/or penalties	Uncontained, irreversible impact	More than \$1.0Mil	Fatality, permanent disability. Shire no longer an employer of choice. Loss of key staff.	Extensive damage requiring prolonged period of restitution. Complete loss of plant, equipment & building	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Indeterminate prolonged interruption of services – non-performance >1 month	More than 50% deviation in project outputs (Time, Cost, Scope and Quality) or funding

Shire of Peppermint Grove Measures of Likelihood				
Level	Rating	Description	In the past	Control Effectiveness
1	Rare	The event may only occur in exceptional circumstances (<5% chance)	Less than once in 15 years	Controls are very strong and operating as intended. There is no scope for improvement
2	Unlikely	The event could occur at some time (<10% chance)	Once in 10 years	Controls are strong and operating as intended
3	Possible	The event should occur at some time (<20% chance)	Once in 3 years	Controls are operating as intended, but there is scope for improvement
4	Likely	The event will probably occur in most circumstances (>50% chance)	Once per year	Controls are operating; however, inadequacies exist
5	Almost Certain	The event is expected to occur in most circumstances (>90% chance)	More than once per year	Controls are weak, do not exist, or are not being complied with

Consequence X Likelihood = Risk Rating

Shire of Peppermint Grove Risk Rating						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)

Shire of Peppermint Grove Risk Acceptance Criteria			
Risk Rank	Description	Criteria	Responsibility
Low	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Manager
Moderate	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Manager
High	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Managers
Extreme	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous documented monitoring	CEO and/or Council

Shire of Peppermint Grove Existing Control Ratings		
Rating	Foreseeable	Description
Efficient	There is no scope for improvement with all available resources.	Controls are operating as intended and aligned with policies and procedures. Controls are documented, up to date, understood by users, not forgotten or components missed, does not expose the organisation to theft or fraud and is delivered consistently within statutory or service delivery standards. Controls are subject to ongoing monitoring. Controls are reviewed and tested regularly.
Adequate	There is some scope for improvement.	Controls are generally operating as intended; however, inadequacies exist. Limited monitoring of controls. Controls are reviewed and tested, but not regularly.
Inadequate	There is a need for improvement or action.	Controls are not operating as intended. Controls do not exist or are not being complied with. Controls have not been reviewed or tested for some time.

3.6 STAFF SUPERANNUATION POLICY

Purpose	To set out the criteria for the payment of employee staff superannuation contributions in addition to payments made in accordance with the <i>Superannuation Guarantee (Administration) Act 1992</i> .
Status	ADMINISTRATIVE – STATUTORY
Policy	<p>Council will contribute on a matching basis up to an additional 6% of an employee's gross salary to a complying superannuation fund provided that an employee contributes a maximum amount up to 6% of their gross salary, either as an after-tax deduction or via salary sacrifice.</p> <p>Employees are free to contribute more than 6% of their gross salary but Council's contribution is capped at 6%.</p> <p>This policy does not apply to staff employed under the previous policy of council contribution.</p> <p>Council staff employed prior to 1 January 2019 can continue with the matching arrangements under the previous policy.</p>
Related Procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/Legislation	Superannuation Guarantee (Administration) Act 1992 Local Government Act 1955 (Part VIA – Employee Superannuation)
Adopted/Amended	December 2015

3.7 INVESTMENT POLICY

Purpose	To invest the local government's surplus funds, with consideration of risk and the most favourable rate of interest available to it at the time, for that investment type, while ensuring that its liquidity requirement is being met.
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>INVESTMENT OBJECTIVES:</p> <ul style="list-style-type: none">• To take a conservative approach to investments, but with a focus to add value through prudent investment of funds.• To have investment funds achieve a return consistent with the Bank Bill Swap Rate (BBSW) 90-day Bank Bill Index.• To achieve a high level of security by using recognised ratings criteria• To maintain an adequate level of diversification.• To have ready access to funds for day-to-day requirements, without penalty• To exercise a deliberative preference in favour of "green" investments. <p>STATUTORY COMPLIANCE</p> <p>All investments are to be made in accordance with: (i) Local Government Act 1995 - Section 6.14; and (ii) Local Government (Financial Management) Regulations 1996 – Regulation 19 and 19C.</p> <p>INVESTING FUNDS</p> <p>When investing funds, the Shire:</p> <ul style="list-style-type: none">i) Shall only deposit funds with 'authorised institutions' meaning: a. an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or b. the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;ii) (Shall not invest in 'foreign currency' meaning a currency except the currency of Australia;iii) Shall not deposit for a fixed term of more than 3 years;iv) Shall not deposit at-call for a term of more than 180 days;v) Shall not invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory Government;

- vi) Shall not invest in bonds with a term to maturity of more than 3 years;
- vii) Shall have regard for the investment diversification and credit risk matrix as presented in the 'Diversification and Credit Risk Matrix' table below.

INVESTMENT DIVERSIFICATION AND CREDIT RISK MATRIX INVESTMENT

Shall be made in accordance with the following matrix table. When placing investments, consideration shall be given to the relationship between credit rating and interest rate.

Diversification and Credit Risk Matrix Table

Long Term Rating	Short Term Rating	Maximum % with any	Maximum Total
(Standard & Poor's)	(Standard & Poor's)	one Institution	Total Port
Government Guaranteed Deposits	Government Guaranteed Deposits	100%	100%
AAA Category	A1+	60%	100%
AA Category	A1+	40%	90%

If any of the authorised investments held are downgraded such that they no longer fall within the above listed credit ratings and diversification limits, they shall be divested immediately or as soon as is possible.

The short- term rating order 0-365 days is:

- A1+ extremely strong degree of safety regarding timely payment
- A1 a strong degree of safety for timely payment
- A2 a satisfactory capacity for timely payment

Long Term Rating Order is:

- AAA AAA- AA+ an extremely strong capacity to repay ; to
- AA- A+ a very strong capacity to repay ; to

Green Investments “**Green**” investments are authorised investment products made in authorised institutions that respect the environment by not investing in fossil fuel industries. When investing surplus Council funds, a deliberative preference will be made in favour of authorised institutions that respect the environment by not investing in fossil fuel industries. This preference will however only be exercised after the

	<p>foremost investment considerations of credit rating and risk diversification are fully satisfied.</p>
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	<p>Reporting Documentary evidence must be held for each investment and details thereof maintained in an Investment Register. Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30th June each year and reconciled to the Investment Register. A monthly report shall be submitted to Council with details of the investment portfolio including performance figures/benchmarks and investment diversification/credit risk percentages.</p>
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	<p>Investment Performance Benchmark -Cash 11am Cash rate Cash Plus / or Equivalent / Direct Investments BBSW Bank Bill Index</p>
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3.8 CORPORATE CREDIT CARDS	
Purpose	To establish rules for the use and responsibilities of cardholders using the Shire's corporate credit cards.
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>AUTHORITY FOR APPROVAL OF CORPORATE CREDIT CARDS</p> <p>The Chief Executive Officer has delegated authority to make payments from the Shire's Municipal Fund, and Trust Fund. The Chief Executive Officer must approve the issue of a Corporate Credit Card and any change to credit card limits for any credit cards issue to council officers.</p> <p>The Shire of Peppermint Grove credit cards are issued by the National Australia Bank.</p> <p>Staff authorised to use credit cards must comply with these procedures in conjunction with all Procurement Procedures and the Shire's Code of Conduct. The employee is solely responsible for the proper use of the Credit Card. The Employee will be held responsible for unauthorised use of the Credit Card, the which could result in criminal conviction and will result in termination of employment.</p> <p>Introduction</p> <p>Corporate credit cards can deliver significant benefits to the Shire of Peppermint Grove through improved administrative practices and more effective cash management. However, they can also potentially expose the Town to significant risks if not properly controlled.</p> <p>These procedures and associated purchasing procedures are designed to minimise any risks associated with the use of corporate credit cards.</p> <p>It is a condition of use of credit cards that new employees who are authorised to use credit cards are informed of these procedures as part of the induction process with supervisor, manager, director or CEO.</p> <p>The CEO and Managers will be issued with a corporate credit card upon commencement of employment. Other staff requiring access to the corporate credit card will require approval from the CEO via the relevant Manager.</p>

PURCHASES AND USE OF CORPORATE CREDIT CARDS

The Shire's Corporate Credit Cards shall only be used for purchases of goods and services in the performance of official duties for which there is a budget provision. Under no circumstances are they to be used for personal or private purposes or for the withdrawal of cash through a bank branch or any automatic teller machine.

Where purchases are made by over the telephone or internet, an invoice should be requested to support the purchase. If no invoice or receipt is available, as much detail about the transaction should be recorded and used to support the payment when required.

Where a payment is made for entertainment, it is important to note on the invoice/receipt the number of persons entertained and the names of any Shire of Peppermint Grove employees in that number. This is required to ensure the correct amount of Fringe Benefit Tax is paid by the Shire.

Related Procedure	Procedures have been established for the use of the Credit Card under the delegation of the CEO
Amendment Authority Level	
Related Delegation	
Related Local Law/Legislation	
Adopted Amended	November 2019

3.9 EX-GRATIA PAYMENTS

Purpose	An ex- gratia payment may occur in circumstances where there is no actual “legal liability or legal obligation” on the Shire of Peppermint Grove to make a payment.
Status	
Policy Scope	This policy will be used to maintain goodwill of the community for minor events that cause a sense of injustice or hardship.
Policy Statement	<p>The Shire of Peppermint Grove will consider making an ex-gratia payment to claimants if requested in writing and only after all other reasonable avenues of recourse have been exhausted. For example:</p> <ol style="list-style-type: none"> 1. A third party considers they have suffered an injustice or hardship which has, in their view, occurred as a result of services or actions provided by the Shire of Peppermint Grove or its employees; and 2. The Shire considers it appropriate to make a small payment as a goodwill gesture in order to preserve good relationships with its community and/or such a payment is considered to be administratively expedient. <p>The Shire of Peppermint Grove will take no action on claims for personal injury or those that may lead to a subsequent claim for personal injury which has been refused by the Shire ’s insurers.</p> <p>The Shire of Peppermint Grove will take no action on claims for professional indemnity or those that may lead to subsequent claims for professional indemnity which have been refused by the Shire ’s insurers.</p> <p>In the case of claims for personal property damage up to \$ 500 (that arise as a result of any one occurrence) which are denied by the Shire ’s insurer, if, at the discretion of the Chief Executive Officer, the claim warrants resolution by an ex gratia payment, it shall be made without prejudice or admission of liability basis and upon the signing of a deed of release by the claimant.</p> <p>The Shire of Peppermint Grove will stand by the decision of the Insurer in respect of any claims for personal property damage in excess of \$500 (that arise as a result of any one occurrence).</p>
Adopted Amended	September 2020

3.10 FINANCIAL HARDSHIP POLICY

Purpose	<p>To give effect to our commitment to support the Shire community to meet the unprecedented challenges arising from the COVID19 pandemic, the Shire of Peppermint Grove recognises that these challenges will result in financial hardship for our ratepayers.</p> <p>This Policy is intended to ensure that we offer fair, equitable, consistent and dignified support to ratepayers suffering hardship, while treating all members of the community with respect and understanding at this difficult time.</p>
Status	ADMINISTRATIVE - STATUTORY
Policy	<p>This policy applies to:</p> <ol style="list-style-type: none">1. Outstanding rates and service charges as at the date of adoption of this policy; and2. Rates and service charges levied for the 2020/21 financial year. <p>It is a reasonable community expectation, as we deal with the effects of the pandemic that those with the capacity to pay rates will continue to do so. For this reason, the Policy is not intended to provide rate relief to ratepayers who are not able to evidence financial hardship and the statutory provisions of the <i>Local Government Act 1995</i> and <i>Local Government (Financial Management) Regulations 1996</i> will apply.</p> <p>Payment difficulties, hardship and vulnerability</p> <p>Payment difficulties, or short-term financial hardship, occur where a change in a person's circumstances result in an inability to pay a rates or service charge debt.</p> <p>Financial hardship occurs where a person is unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants. The Shire of Peppermint Grove recognises the likelihood that COVID19 will increase the occurrence of payment difficulties, financial hardship and vulnerability in our community. This policy is intended to apply to all ratepayers experiencing financial hardship regardless of their status, be they a property owner, tenant or business owner etc.</p> <p>Anticipated Financial Hardship due to COVID19</p> <p>We recognise that many ratepayers are already experiencing financial hardship due to COVID-19. We respect and anticipate the probability that</p>

additional financial difficulties will arise when their rates are received.

We will write to ratepayers at the time their account falls into arrears, to advise them of the terms of this policy and encourage eligible ratepayers to apply for hardship consideration. Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.

Financial Hardship Criteria

While evidence of hardship will be required, we recognise that not all circumstances are alike. We will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:

- Recent unemployment or under-employment
- Sickness or recovery from sickness
- Low income or loss of income
- Unanticipated circumstances, such as caring for and supporting extended family
- Your business has been closed by the State Government due to COVID 19 or your business is still traded but had a significant reduction in revenue.

Ratepayers are encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment and where possible, entering into a payment proposal. We will consider all circumstances, applying the principles of fairness, integrity and confidentiality whilst complying our statutory responsibilities.

Small Business Assistance

The Shire will provide a rate refund or rebate for small business that were closed by the State Government as part of the COVID 19 control measures. The refund/rebate will be for the 3-month period 1 July – 30 September 2020. Unless there are special circumstance, this support is not available to national companies operating within the Shire.

For small businesses that were not closed due to COVID 19, but had a significant reduction on cashflow/revenue, you may be eligible for a 30% rate refund/rebate for the period 1 April – 30 June for the 2019/20 rates and 1 July – 30 September 2020 for the 2020/21 rates. The 30% rebate refund will be based on 2019/20 rates raised against this property.

Eligibility criteria will be based on a number of factors which could include participation in the Government Jobkeeper program, receiving lease support from your landlord under the Code of Conduct for Commercial Leases or other supporting evidence considered appropriate by the Shire CEO.

Payment Arrangements

Payment arrangements facilitated in accordance with Section 6.49 of the Act are of an agreed frequency and amount. These arrangements will consider the following:

- That a ratepayer has made genuine effort to meet rate and service charge obligations in the past;
- The payment arrangement will establish a known end date that is realistic and achievable;
- The ratepayer will be responsible for informing the Shire of Peppermint of any change in circumstance that jeopardises the agreed payment schedule.

The Shire will not be charging instalment establishment charges, interest on instalments or interest on overdue rates for 2020/21.

Deferment of Rates

Deferment of rates may apply for ratepayers who have a Pensioner Card, State Concession Card or Seniors Card and Commonwealth Seniors Health Care Card registered on their property. The deferred rates balance:

- remains as a debt on the property until paid;
- becomes payable in full upon the passing of the pensioner or if the property is sold or if the pensioner ceases to reside in the property;
- may be paid at any time, BUT the concession will not apply when the rates debt is subsequently paid (deferral forfeits the right to any concession entitlement); and
- does not incur penalty interest charges.

Debt recovery

We will suspend our debt recovery processes whilst negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment plan and the debtor advises us and makes an alternative plan before defaulting on the 3rd due payment, then we will continue to suspend debt recovery processes.

Where a ratepayer has not reasonably adhered to the agreed payment plan,

	<p>then for any Rates and Service Charge debts that remain outstanding on 1 July 2021, we will offer the ratepayer one further opportunity of adhering to a payment plan that will clear the total debt by the end of the 2021/2022 financial year.</p> <p>Rates and service charge debts that remain outstanding at the end of the 2021/22 financial year, will then be subject to the rates debt recovery procedures prescribed in the <i>Local Government Act 1995</i>.</p> <p>Review</p> <p>We will establish a mechanism for review of decisions made under this policy and advise the applicant of their right to seek review and the procedure to be followed.</p> <p>Communication and Confidentiality</p> <p>We will maintain confidential communications at all times and we undertake to communicate with a nominated support person or other third party at your request.</p> <p>We will advise ratepayers of this policy and its application, when communicating in any format (i.e., verbal or written) with a ratepayer that has an outstanding rates or service charge debt.</p> <p>We recognise that applicants for hardship consideration are experiencing additional stressors and may have complex needs. We will provide additional time to respond to communication and will communicate in alternative formats where appropriate. We will ensure all communication with applicants is clear and respectful.</p>
Adopted	April 2020

SECTION FOUR

INFRASTRUCTURE POLICIES

4.1 RESERVES – PUBLIC USE

Purpose	To provide direction on the public use of the Shire's three public reserves.
Status	INFRASTRUCTURE - OPERATIONAL
Policy	<p>This Policy applies to the following reserves:</p> <ol style="list-style-type: none">1. Manners Hill Park (reserve 7802)2. Keane's Point Reserve (reserve 22156)3. Foreshore Reserve (reserve 17113) <p>Public usage of the Shire's reserves will be determined in accordance with relevant Local Laws and the following conditions:</p> <ol style="list-style-type: none">1. Public use of reserves is encouraged for individuals, families and groups for recreational and family activities.2. Use of reserves for events and functions will be at the discretion of the CEO, including weddings, is permitted on the basis that they do not negatively impact on local amenity, in particular parking and noise. Other users must have some access to public toilets and other public facilities.3. Commercial use of reserves will be considered on the basis that they do not adversely limit public access to the reserve or impact on the amenity of residents.4. Fees charged for the hire of reserves will be used to offset the cost of maintenance and where necessary, for remedial costs in the event of damage to the reserve and associated facilities.5. A service charge may be applied when Shire staff are required to provide services to accommodate traffic and parking arrangement, or to provide assistance with assessing and erecting approved equipment.6. All applications for hiring of reserves must be submitted on the prescribed form and be approved by the Chief Executive Officer.

	<p>7. Applications may incur a bond charge, a commercial or non-commercial hire fee, and where necessary a service charge, at a rate determined by Council each year in the schedule of fees and charges.</p> <p>8. Where determined by the Chief Executive Officer due to the nature or size of an event, approval may be sought from Council.</p> <p>9. Consumption of alcohol on a Shire reserve will require approval from the CEO. Sale of alcohol will also require an Occasional Liquor Licence from the Department of Racing, Gaming and Liquor.</p>
Related Procedure	
Amendment Authority Level	Council
Related Delegation	
Related Local Law/ Legislation	
Adopted/ Amended	18 September 2000 Amended 14 August 2007
Reviewed	June 2024

4.2 BULK WASTE 'VERGE VALET™' COLLECTION SERVICE

Purpose	To provide a convenient, economical and efficient Verge Valet™ bulk waste removal service for all households in the Shire of Peppermint Grove. Verge Valet™ provides residents of participating councils with year-round access to bulk and/or greenwaste collections at a time convenient to you. The service replaces the standard set-date bulk and/or greenwaste collections that were previously offered by the Shire.
Status	

<p>Policy</p>	<ol style="list-style-type: none"> 1. A combined kerbside Bulk Waste and Bulk Garden Organics Collection Service will be provided to all residential properties within the Shire via the 'Verge Valet™' system subject to the following conditions: <ol style="list-style-type: none"> a) All items for disposal are to be neatly placed on the front verge. Residents are to be considerate with the placement of these items to ensure they do not obstruct the footpath or the line of sight for pedestrians, cyclists or vehicles. b) Any goods placed out on the verge after the specified time will not be collected and the contractor will not return for late pickups. c) Strictly no waste is to be placed on the verge before the specified dates. Any material put out before this date will be treated as illegal dumping by the Shire Ranger. d) All waste is to be placed at least 0.5m away from fences and 1.0m away from street trees. e) Bulk Garden Organics (Green Waste) and Bulk Waste must be placed in clearly separate piles at least 1 metre apart. f) The maximum amount of waste that will be collected from any property shall not exceed 2 cubic metres. g) Tree branches are to be no longer than 1.5 metres in length, 150mm in diameter and the cut ends are to be placed facing the street. h) Loose material such as lawn clippings, small cuttings and leaves must be placed in sealed boxes or bags. These containers will not be returned. i) For child safety reasons all whitegoods such as fridges, freezers, washing machines, ovens etc MUST have the doors / lid removed.
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	<p>2. The Shire and its contactors WILL NOT collect the following:</p> <ul style="list-style-type: none"> a) Gas bottles b) Vehicle parts, tyres or batteries c) Paint, liquids of any description, oils, flammable materials, acids or solvents d) Building materials, cement or cement products, bricks, sand, rubble, plate glass etc. e) Asbestos f) Food waste g) Poisons, pesticides, medicines or other hazardous material h) Mattresses or bed bases <p>3) Council reserves the right to approach any householder for a financial contribution where the amount of bulk waste left on the verge is, in the opinion of the Chief Executive Officer, unreasonably large in comparison with other collections.</p> <p>4) A person other than the owner or occupier of the premises is not to remove any material which has been left on the verge for collection unless authorised to do so by the owner or occupier of the premises or authorised in writing to do so by the Chief Executive Officer.</p>
Related Local Law/Legislation	<p>Thoroughfares' Local Law, clause 2.2 –</p> <p>(1) <i>A person shall not, without a permit -</i></p> <p>(a) <i>subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government.</i></p>
Adopted	September 2000
Amended	November 2015
Reviewed	June 2024

4.3 KERB NUMBERING

Purpose	To establish that kerb numbering is not a Shire service, and if undertaken, is not to prejudice the performance of any other function by the Shire.
Status	
Policy	<p>That Shire will permit street numbers to be painted on kerbs by contractors, subject to the following conditions:</p> <ol style="list-style-type: none">1. It is understood that kerbside number painting is not a Shire requirement, and all costs are the sole responsibility of the property owner.2. The Shire may request the removal of the number at any time and for any reason by the ratepayer or carry out removal at the ratepayer's expense.3. The Shire accepts no responsibility for the maintenance or future re-markings of kerbside numbers.4. That the work being undertaken is performed by suitably qualified person to the Chief Executive Officer's satisfaction and in accordance with this policy.5. That the correct house number is to be painted, not the lot number, and that it is not considered a replacement for the main number displayed on the property fence.6. That all numerals and letters shall be centrally located within the background and not more than 200mm in diameter at its widest point.7. That all markings be retro-reflective in accordance with AS1743. The standard colours shall be a reflective dark green numeral set against a light background.
Adopted	September 2000
Amended	September 2001
Amended	November 2015
Review History	November 2015
Reviewed	June 2024

4.4 CROSSOVERS / VEHICLE ACCESS

Purpose	To enable the Shire to effectively administer its powers and responsibilities regarding Crossing Places, and to ensure a uniform approach to the construction of vehicle crossovers within the Shire of Peppermint Grove whilst ensuring that crossovers provide ease of access, safety and give priority to footpaths users.
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Status	
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Policy	More detailed information can be found in the Shire of Peppermint Grove ' <i>Vehicular Crossovers – General Requirements and Specifications 2012</i> ' booklet which can be downloaded from the Shire website or supplied in hardcopy via the Administration upon request.
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SPECIAL NOTES

- **Construction:** The Shire of Peppermint Grove does not construct crossovers, nor does it have a register of preferred contractors for the construction of crossovers. It is the owner's responsibility to engage a suitably qualified private contractor or have the crossover constructed under contract with their builder.
- **Reinstatements:** It should be noted the Shire will not be held responsible for reinstatement works, by any party, for any reason, regarding matching the existing crossover in materials, colour or texture. This includes lawn, reticulation and other verge treatments.
- **Maintenance or Repair of Existing Crossovers:** All crossovers within the Shire are to be maintained to an acceptable standard as determined by the Chief Executive Officer. The Shire does not maintain private crossovers. This is the sole responsibility of the landowner. When requested by a ratepayer, the Shire will assess an existing residential crossover and provide general advice regarding the maintenance options available.
- **Footpaths:** The footpath is to take priority over any crossover constructed within a verge. Wherever there is an existing, or proposed footpath in the verge, it shall continue through the crossover, matching the width of the surrounding pathways

irrespective of what was there previously.

Where a new crossover is required to cross a pathway, and the existing infrastructure is in good condition, the pathway shall be retained, and the crossover constructed to match up with it. Where the existing pathway is in poor condition, or is less than 100mm thick, the pathway is to be neatly saw cut along the nearest expansion joints to the proposed crossover alignment and removed. The pathway is then to be reinstated in 100mm thick grey in-situ concrete and including F62 reinforcement mesh and the balance of the crossover constructed either side of the pathway in accordance with the Shire's Specifications.

Where it is proposed to change the level or alignment of a footpath to facilitate redevelopment of a property, council will have regard to the design (grades, line of sight, levels and surfacing) prior to issuing consent. All costs associated with the investigating, designing and implementing the works shall be borne by the proponent. With the final design being to the satisfaction of the Chief Executive Officer.

- **Street Trees:** Where a street tree is within 1.5 metres of the proposed crossover, the Applicant shall submit a written request to the Shire's Manager Infrastructure Services requesting an assessment of the street tree with regard to the street tree's relocation or removal and replacement (size and species dependent). For public liability purposes, all works associated with the removal and replacement of any street tree shall be undertaken by the Shire at the Applicant's/Owner's cost.
- **Clearances:** Crossover shall have the following minimum clearances: Side Boundary (at front property line) 0.5m, Street Trees 1.5m, Drainage side entry pits 0.5m, Western Power poles 0.6m
- **Redundant Crossovers and Kerbing:** All redundant crossovers and damaged or modified kerbing are to be removed and / or reinstated according to specifications by the applicant at their expense without delay.

SPECIFICATION

1.1 Standard Crossing – Concrete

A 'Standard Crossover' is defined by the Shire of Peppermint Grove as:

- a single crossover with a minimum width of 3.0 metres at the property boundary and a maximum width of 6 metres
- constructed in non-slip, reinforced grey concrete
- a crossover that is constructed to the Shire's specifications
- a crossover that is for a residential property
- a second crossover is subject to approval by Council.

1.2 Alternative Crossing – Bitumen

When the Shire considers that the circumstances warrant, it may approve a crossing to the standard dimensions provided in the appended sketch plan to be constructed with a base course of 125mm minimum depth compacted road base surface with a 20mm minimum depth of bituminous concrete.

It should be noted the Shire cannot be held responsible for reinstatement works, by any party and for any reason, matching the existing crossover in materials, colour or texture.

1.3 Alternative Crossing – Brick or Block Paving

The Shire may permit brick or block paving or crossing places provided that:

- The bricks or paving blocks or slabs shall be solid clay or concrete of a minimum depth of 60mm laid on an evenly graded, compacted base with all edges laid in a header pattern and retained in a mortar.
- Cast in-situ concrete shall be used to connect to the street for a minimum distance of 900mm towards the building line as shown on the appended sketch plan of the standard concrete crossing place.
- Unless the Shire approves an alternative material, cast in-situ concrete shall be used for any footpath intersecting the crossing place.

	<p>2. Shire Contribution Towards Construction of The First Crossing The Shire shall bear one half of the cost of a standard crossing, as estimated by the Council, for those crossing places constructed as the <i>first crossing to the abutting land</i>. In respect of the alternatives specified in Clause 1 hereof the council's share of the cost will be one half of the cost as estimated by the Council of a standard crossing – concrete as detailed in paragraph 1.1 of that Clause. The Shire will not contribute towards the construction of a new crossover when the Lot is, or has ever previously been, serviced by a crossover. The Shire will not contribute towards the cost of second crossing places, the cost of any area resulting from an increase to the standard width of 3.0 metres as specified or for repairs, resurfacing and reconstruction.</p> <p>3. Non-standard crossings: Any non-standard crossings shall be assessed on merit by a Shire Officer and may require approval by Council if deemed necessary.</p> <p>4. Maintenance of Crossovers The property owner is required to fully maintain the crossover once constructed. All repairs, maintenance and associated costs relating to a private crossover are the sole responsibility of the ratepayer.</p> <p>5. Commercial and Industrial Properties There is no subsidy applicable to crossovers for commercial or industrial properties</p>
Related procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/Legislation	<ul style="list-style-type: none"> Under the provisions of the Local Government Act 1995 (Schedule 9, clause 7) and the Local Government (Uniform Local Provisions) Regulations 1996 (Regulation 12), property owners must make application to the Shire of Peppermint Grove for approval to construct a crossover prior to the works on the verge commencing.

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	<ul style="list-style-type: none"> Local Government (Uniform Local Provisions) Regulations – “Contribution to cost of crossing 15. (1) where – (a) a local government <ul style="list-style-type: none"> under regulation 12 constructs or approves the construction of; or under regulation 13(1) requires the construction of, a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land. (b) the crossing is the first crossing in respect of the land; and (c) the crossing is a standard crossing or is of a type that is superior to a standard crossing, <p><i>“the local government is obliged to bear 50% of the cost, as estimated by the local government, of a standard crossing, but otherwise the local government is not obliged to bear, nor prevented from bearing, any of the cost.”</i> <i>“first crossing” and “standard crossing” are defined in sub regulation (2) of this regulation.”</i></p> <ul style="list-style-type: none"> MRWA if a State Government road is involved. See ULP Reg 14.
Adopted	September 2000
Amended	November 2015
Review History	November 2019
Reviewed	June 2024

4.5 STREET TREE AND VERGE MANAGEMENT POLICY

Purpose	<p>To ensure that Peppermint Grove retains its treasured leafy ambience through the sound management of its street trees and verges.</p> <p>Council affirms that the Shire of Peppermint Grove's <i>Agonis Flexuosa</i> street trees are a valuable community asset for environmental, aesthetic and social reasons including shade, heat reduction, and habitat for native fauna, visual amenity and replenishment of the atmosphere.</p>
Status	
Policy	<p>The Shire is responsible for the establishment and maintenance of street trees on verges, parks and bushland areas within its jurisdiction.</p> <p>The Shire is not responsible for the establishment, maintenance, or reinstatement of lawn on street verges, but encourages residents to establish and maintain the approved grasses to a high standard and welcomes the assistance of residents in the watering of street trees.</p> <p>The Shire is not responsible for reticulation on street verges.</p> <p>Policy</p> <p>The Policy recognises that street verges are required principally to contain:</p> <ul style="list-style-type: none">a) Utility services and associated infrastructure such as communication, electricity, water, gas; sewer, storm water drainage and street lighting.b) Footpaths, cycle paths, and shared paths.c) Street trees.d) Planting to provide useful shade and urban cooling as well as biodiversity and habitat.e) Road furniture such as street name signs, regulatory and advisory traffic signs, traffic signals, bus stops, bus shelters and bus bays, parking spaces, vehicle and pedestrian movement control devices, seating and litter bins. <p>Reticulation of verges by the resident is encouraged within the following conditions:</p> <ul style="list-style-type: none">a) Owners and/or occupiers are responsible for the installation, maintenance, operation, and related costs of reticulation in street verges. NB: all reticulation must comply with watering roster requirements set by the Water Corporation.

	<p>b) Reticulation is to be installed centrally in the verge, not parallel or adjacent to paths, crossovers or kerbs and no wiring or solenoids are to be installed in road reserve and verge areas.</p> <p>c) The Shire will take due care and may, at its cost, reinstate reticulation equipment it damages during works carried out by or authorised for the local government. Then Shire will not be responsible for damage caused by external utility providers or their contractors.</p> <p>1. Street Trees The standard tree is the Peppermint Tree (<i>Agonis Flexuosa</i>). Other species presently standing are to be replaced with Peppermint Trees when they have deteriorated. Street trees may only be planted, pruned and removed by the Shire unless a specific approval is granted by the Chief Executive Officer or Manager of Infrastructure Services.</p> <p>2. Retention of Existing Street Trees Developers will be encouraged to retain existing street trees wherever possible.</p> <p>3. Planting of New Street Trees Council will budget funds each year to plant sufficient new street trees to at least maintain total street tree numbers and preferably increase them. Spacing of street trees shall be the minimum required to maintain a near continuous tree canopy in the street even if this means multiple trees per lot frontage. All properties will have at least one verge tree.</p> <p>4. Maintenance of Street Trees Council will budget sufficient funds each year to properly maintain and water young street trees to ensure a good survival rate.</p> <p>5. Pruning Trees will only be pruned to improve their form, structural integrity/health, or clear infrastructure such as street lights, street signs and to maintain pedestrian and vehicle access and/or sight lines. Only authorised Council contractors may prune trees under instruction from the Shire. The Shire does not prune or remove trees for reasons such as views, leaf litter, allergies, wind noise, aesthetics, sightlines for commercial signage unless approved by the Chief Executive Officer.</p> <p>6. Removal of Trees - Trees will generally only be removed where they are dead, diseased or dangerous.</p>
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| | <p>7. Street Verges Street verges at the front, side or rear of all lots are to be grassed and the establishment and maintenance is the responsibility of the ratepayer. Couch, Buffalo, Dichondra or Lippia are the approved grasses. Vegetation other than Peppermint Trees and approved grasses, are not permitted. Verges already developed with other plants and grasses, shall be allowed to remain, but their continuance may be terminated by Council. If, due to health or financial reasons, a ratepayer is no longer able to maintain a street verge, they are welcome to discuss this matter with the Chief Executive Officer.</p> <p>8. Reinstatement of verges. In the course of activities by the Shire such as kerbing, footpath, drainage works and activities conducted by external utility providers, it is acknowledged that some site disturbance to verges is inevitable. The Shire will ensure that once works are complete the verge will be backfilled with quality soil and any affected reticulation will be reinstated. The Shire will not supply or re-lay turf, replacement turf, nor will it upgrade reticulation systems.</p> <p>9. Overhanging Vegetation It is the responsibility of the landowner to ensure that branches of trees, shrubs and creepers on their property do not extend beyond the boundary of the property or present a hazard to pedestrians, pets, or vehicles.</p> <p>10. Storage of materials and placement of skip bins</p> <p>Council discourages the storage of skip bins or building and landscaping materials on public land, street verges and right of ways, but will consider applications in cases where there are exceptional circumstances.</p> <p>Approval will be at the discretion of the CEO which may include a bond</p> |
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Related Local Law/Legislation	<ul style="list-style-type: none"> Activities on Thoroughfares and Trading In Thoroughfares and Public Places Local Law, particularly Part 2, Div 3 – Verge Treatments. Local Government Act – Schedule 3.1, items 8 & 9 Re trees on private property obstructing or endangering persons on a thoroughfare. Local Government Act (ULP) Regs –“Disturbing local government land or anything on it” <ul style="list-style-type: none"> <i>A person who, without lawful authority –</i> <ul style="list-style-type: none"> <i>(a) interferes with the soil of, or anything on, land that is local government property; or</i> <i>(b) takes anything from land that is local government property, commits an offence the penalty for which is a fine of \$1,000.”</i> Thoroughfares’ Local law, clause 2.2 (1) (i), which requires a permit, and clause 6.3 (g) under which a bond may be imposed.
Adopted Amended	September 2000 September 2004 November 2015
Reviewed	June 2024

4.6 GRAFFITI AND VANDALISM POLICY

Purpose	This policy establishes the principles for the Shire of Peppermint Grove in relation to the removal of graffiti from commercial and residential properties viewable from the public domain.
Status	
Policy	<p>The Shire of Peppermint Grove views graffiti as distasteful, damaging and unwelcome vandalism. The Shire wishes to retain and demonstrate its commitment to maintaining an attractive environment and a strong sense of neighbourhood pride by preserving a graffiti-free environment within the municipality, and endorses the following principles:</p> <p>In order to maintain the ambience of Peppermint Grove, the Shire will endeavour to:</p> <ol style="list-style-type: none">1.Clean, remove or cover all graffiti on buildings, fences and structures that are under the care, control and management of the Shire within five working days of notification.2.If the damage is particularly offensive (e.g. racially motivated, of a sexual nature etc), every effort will be made by the Shire and the nominated contractor to have the graffiti removed within 24 hours.3.Where the structure is a wall, building or fence on a shared boundary between private property and the Shire controlled land, permission will be sought from the landowner for the Shire to clean, remove or cover the graffiti provided a written approval and damage indemnity is given for action to be taken.4.Where graffiti has been placed on private property or a structure belonging to another Government Authority the vandalism will be reported to the owner/authority and a request made for its removal.5.Report incidents of graffiti vandalism to the Police and liaise with neighbouring Local Governments to reduce graffiti vandalism in the Western Suburbs.
Adopted	September 2004
Amended	November 2015
Review History	November 2019
Reviewed	June 2024

4.7 WATERCRAFT VESSEL MANAGEMENT POLICY

Purpose	<p>The aim of the Watercraft Vessel Management Policy is to formally manage the storage of all watercraft vessels along the Shire of Peppermint Grove's River foreshore areas, in accordance with State Government policy, for the protection of the foreshore amenity and environment, whilst optimising convenient access to moored vessels.</p> <p>Scope</p> <p>The Shire of Peppermint Grove Watercraft Vessel Management Policy applies to all persons, organisations or others seeking to store or tether a dinghy, canoe, ski, board or tender type vessel ('dinghy') on the river foreshore areas that fall within the jurisdiction of the Shire of Peppermint Grove.</p> <p>Objective</p> <p>The objectives of the Shire of Peppermint Grove <i>Watercraft Vessel Management Policy</i> are:</p> <ol style="list-style-type: none">1. To prohibit the uncontrolled storage of watercraft vessels along the Shire's foreshore areas2. To control and manage the storage of watercraft vessels in a defined area3. To ensure the needs of all foreshore users are considered when addressing the management of dinghy storage4. To facilitate convenient access to moored vessels5. To further protect and enhance the amenity and ecological value of the foreshore6. Maintain and improve public safety and access to the river foreshore7. Support the Department of Biodiversity, Conservation and Attractions (DCBA) in the implementation of its Statement 45 - <i>Planning for Miscellaneous Structure and Facilities in the Swan Canning Development Control Area</i>. This statement outlines the appropriate storage arrangements for watercraft. In addition, the <i>Swan and Canning Rivers Management Regulations 2007</i>, Section 22A outlines that a person must not leave a vessel unattended for more than eight hours unless they have a permit, or the vessel is in an approved facility. The penalty is a fine of \$5,000.
Status	

	<p>Policy Details</p> <p>The ad hoc storage of watercraft vessels by the public is not permitted in any area of the foreshore. Storage of dinghies is only permitted in the formal watercraft vessel storage area and only with the appropriate Dinghy Storage Registration as issued by the Shire.</p> <ol style="list-style-type: none"> 1. Watercraft vessel storage will be limited by the available space (as determined by the Shire), not by demand. 2. Any watercraft vessels found outside a designated watercraft vessel storage area, or any unregistered dinghy within a designated dinghy storage area may be subject to confiscation, impoundment and disposal by the Shire or DCBA. 3. With the Swan River being a State asset, watercraft vessel storage is available to the general public. 4. An annual registration fee will apply as set in the annual fees and charges schedule. 5. Registration is a flat fee for a calendar year and can be charged on a pro-rata basis, from when the application is received or approved. The annual fees will be charged in accordance with the adopted Fees and Charges schedule. 6. The Shire accepts no responsibility for any damage, theft or vandalism to property in or around this storage facility. 7. The Shire reserves the right to terminate any dinghy registration at any time. 8. If a storage bay is not renewed within 28 days of renewal date falling due, the bay will be considered 'abandoned' by the Shire, the dinghy impounded, and the bay re-let to another applicant on the wait list. If the vessel is impounded, a release fee as per the Shire's fees and charges schedule will be required to retrieve the vessel from the storage sump. 9. All unclaimed impounded dinghies will be disposed of in an appropriate manner as directed by the Chief Executive Officer. 10. The Sea Scouts and PLC may store dinghies at the Chief Executive Officers discretion as, where and when required.
Related Local Law/Legislation	<i>Swan and Canning Rivers Management Regulations 2007, Section 22A</i>
Adopted/Amended	May 2023
Reviewed	June 2024
Page 15	Page 159

4.8 MANAGEMENT OF RIGHT OF WAYS	
Purpose	To specify how the Shire's Right of Ways (laneways) are managed and maintained.
Status	
Policy	<p>The Shire of Peppermint Grove has a network of Right of Ways (ROW) running throughout the municipality. These are mostly unsealed and unnamed thoroughfares which are used by residents for accessing their properties and for the passage of rubbish trucks. These are also used by pedestrians as pathways.</p> <p>The ROW network is surfaced using recycled road profiling. This treatment is cost effective, allows for rainwater infiltration, is easy to maintain and does not unduly damage tree roots.</p> <p>The Shire does not permit the sealing or paving of Right of Ways (laneways).</p> <p>The Shire acknowledges that leaf litter is a part of living in a leafy suburb and as such will not sweep ROW to the same standard as the sealed roads.</p> <p>The Shire will maintain its network of Right of Ways by the following processes:</p> <ol style="list-style-type: none"> 1. Grading the surfaces as and when required 2. Maintaining and upgrading the drainage network where required. 3. Spraying weeds on a regular basis as required, taking seasonal conditions into consideration. 4. Pruning overhanging vegetation and obstructions to permit the passage of vehicles and pedestrians. 5. Regular inspections by the Shire's Rangers to manage and deter illegal parking.
Adopted Amended	November 2015
Review History	November 2019
Reviewed	June 2024

4.9 CLOSED CIRCUIT TELEVISION

Purpose	The purpose of this policy is to provide guidelines on the provision of Closed-Circuit Television (CCTV) by the Shire to assist in the safety and enjoyment of residents, visitors and staff within the Shire of Peppermint Grove.
Status	
Policy	<p>The Shire may provide CCTV in buildings, facilities and public areas when determined by the Chief Executive Officer as necessary.</p> <p>The aim is to deter offences against persons and property, protect assets, and provide video recordings/evidence to events or incidents which may have occurred in the area of use.</p> <p>Images or records will be captured, accessed and stored in accordance with the Shire of Peppermint Grove <i>Record Management Policy</i> and the <i>Freedom of Information Act 1992</i>.</p>
Related procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/Legislation	<ul style="list-style-type: none">• Relevant Legislation: State Records Act 2000• Freedom of Information Act 1992• Evidence Act 1906
Adopted Amended	November 2015
Review History	November 2019
Reviewed	June 2024

4.10 MEMORIAL POLICY

Purpose	The purpose of this policy is to provide guidelines for staff regarding requests for memorials within the Shire of Peppermint Grove.
Status	
Policy	The Shire permits the installation of memorial plaques for residents of the Shire, subject to the approval of the Chief Executive Officer. Applicants will need to complete the 'Request for a Memorial Plaque Form.'
Related procedure	
Amendment Authority Level	
Related Delegation	
Related Local Law/Legislation	
Adopted Amended	Amended July 2023
Review Date	July 2025
Review History	November 2019 November 2015 June 2024



Shire of
Peppermint Grove

REQUEST FOR MEMORIAL PLAQUE AT FRESHWATER BAY

To apply for a memorial plaque to be placed on the memorial wall at Fresh Water Bay Foreshore, complete the application form attached. To be eligible:

1. The person(s) named on the plaque is/are to be deceased and is/are to have contributed to or lived in the Shire of Peppermint Grove for a minimum of 10 years, unless there are extenuating circumstances.
2. The applicant is to complete the application form and submit it to the Shire of Peppermint Grove for approval.
3. The application will be assessed by the Chief Executive Officer. If approved, the applicant will be contacted for payment. The fee is set annually in the Shire's Schedule of Fees and Charges.
4. There will be no charge for the affixing of the Commemorative plaque, however the cost of its removal and/or replacement will be charged to the applicant.
5. The Shire reserves the right to remove a plaque without notice at any time for any reason.



Shire of Peppermint Grove

MEMORIAL PLAQUE APPLICATION

Name:
Address:
Phone number
Email
Name of the person (s) the plaque is commemorating:
Has the person on the plaque lived in the shire for 10 years?
What was their address in Peppermint Grove.
If not a resident, how has the person named contributed to the Shire?
<p>Text to be displayed on the plaque is to be limited to 100 letters, and an example is provided as follows:</p> <p style="text-align: center;"><i>In Fondest Memory of (Name of Deceased), November 6, 1950 to March 20, 2020 A dedicated father and friend.</i></p> <p><i>The proposed text to be displayed is:</i></p>
<p>The plaques will all be a standard size and material using a uniform layout and font. their positioning on the memorial wall, will be at the discretion of the Shire. The Shire reserves the right to remove a plaque at any time for any reason.</p>
<p>I hereby agree to the Shire of Peppermint Grove's conditions. The contact details of the person responsible for the ongoing maintenance of the plaque is:</p>
Name
Address
Phone number
Email
Signature

4.11 ASSET DISPOSAL

Purpose	To establish a policy for the Shire to openly and transparently dispose of its assets' surplus to council's needs, that have a maximum written down value of \$500.
Status	ASSETS – Materials and equipment that has been purchased by the Shire of Peppermint Grove
Policy	<p>Assets (that are valued at less than \$500) that are no longer needed by the Shire should be disposed of promptly.</p> <p>The disposal should achieve best value for money such that the Shire obtains the best possible return for the goods it sells.</p> <p><u>Decision to Dispose</u></p> <p>Before any disposal action can be taken, it is necessary to seek approval that the goods are appropriate for disposal from the responsible Manager. Common criteria for determining that goods may be suitable for disposal include:</p> <ul style="list-style-type: none">• No longer required• Unserviceable or beyond economic repair• Technologically obsolete• Operationally inefficient• Surplus to current or immediately foreseeable needs• Part of an asset replacement plan• Unsustainable costs associated with the retaining of goods such as storage, insurance, security and management. <p><u>Method of disposal</u></p> <p>The disposal method chosen must be appropriate to the value, nature, quantity and location of the goods. The following methods are to be utilised:</p> <ol style="list-style-type: none">1. Destruction/land filling – where items are of no value2. Donation to charity groups or non-profit organisations, if in the opinion of the CEO the assets have a value of less than \$200 per item and the relevant group could either use the items as is or for

Type text here

	<p>fundraising purposes (e.g. as part of a charity auction)</p> <p>3. Verbal quotes – goods valued up to \$500 exc. GST may be disposed of by verbal quotes. A minimum of two (2) quotes must be obtained.</p> <p>4. Council to be advised of goods disposed of under this policy.</p>
	Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Peppermint Grove's internal records management policy
Related Local Law/ Legislation	Regulation 11 & 11A of the Local Government (Functions and General) Regulations 1996 Section 3.57 of the <i>Local Government Act 1995</i>
Adopted/Amended	February 2020
Reviewed	June 2024

SECTION FIVE

LOCAL PLANNING POLICIES

Local Planning Policy 1 – Design and Streetscape

Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

State Policy

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation. The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Local Planning Policy - 1

Policy Reference	Formal Description	Service Line
LPP 1	Streetscape	Development Services
Implementation:		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

Background

In 2014 Council commissioned a heritage study of the Shire to provide a basis for identifying and understanding the urban design and streetscape elements that contribute to the character and unique amenity of the Shire.

The streets of Peppermint Grove provide the Shire with its garden neighbourhood character, which is highly valued by the community, residents and visitors.

The relationship between the scale of buildings and their setbacks, complemented by soft landscaping, verge treatments, fences, and street trees, create a distinctive setting or streetscape. Community surveys conducted during the preparation of Local Planning Scheme 4 (LPS 4), together with the results of public submissions made during the process of adopting LPS 4 in 2017, reflected the value placed by residents on maintaining and reinforcing the character of Peppermint Grove.

Planning Objective

- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes.*
- *To maintain, enhance and encourage a high level of amenity in terms of the unique character and identity of development, streetscapes, public open spaces and lifestyle qualities within the Shire. **

(*Local Planning Strategy 2017)

Statutory Basis

R-Codes 1.3.1 (a) & (c)

Clause 67 of the Deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015 outlines the matters which must be considered by Council in the assessment of an application for development.

These include:

67 (k) The built heritage conservation of any place that is of cultural significance

67(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation, and appearance of the development.

67(n) the amenity of the locality including the following;
(ii) the character of the locality.

67 (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;

67 (s) adequacy of -
(ii) arrangements for loading, unloading, manoeuvring and parking of vehicles;

67 (w) the history of the site where the development is located;

67 (y) any submissions received on the application.

Planning Policy

Replacement dwellings or significant additions to an existing building (including out building structures) are to be responsive to existing context and contribute positively to the prevailing streetscapes in the following ways;

Primary Street Setbacks

1. The 9-metre prescribed setback under the Local Planning Scheme is the minimum in most instances within the Shire.
2. Council is able to require a greater or lesser setback based on the prevailing setbacks of adjoining houses under the provisions of Clause 67 I(m)(n) of the Deemed provisions of Planning and Development(LocalPlanningScheme)Regulations2015.
3. In determining views to the street from dwellings and views from the street to dwellings, the setbacks to immediately adjoining dwellings or approved outbuildings are the primary reference points.
4. Where setbacks are greaterorlesser than 9-metres for immediatelyadjacent houses, the proposed development setback should be stepped to the extent necessary to ensure it does not obscure views to adjoining houses or prevent their contribution to the streetscape **(as outlined in figure LPP1 below)**
5. Particular attention shall be given to situations where neighbouring dwellings are on the Shire's Heritage List toensure theheritagevaluesoftheseadjoiningdwellingsare not diminished.
6. Consideration is tobe given to circumstances where changesto existing streetscape patterns may be desirable to create long term cohesion where an unsympathetic pattern of development has emerged.

Secondary Street Setbacks

The Scheme requires a 4.5-metre secondarystreet setback. Council is onlyabletoconsider varying this requirement where the following criteria are met:

1. The proposed variation and design assists in the preservation of abuilding on the Shire's Heritage List.
2. The resulting development would be compatible with adjacent corner lots in the immediate locality.
3. Viewstotheprimary frontagesofadjoininglotsarenot adverselyaffected.
4. The development would comply with all other relevant development standards.

Front Setback Area and Landscaping

Softlandscaping (garden planting),particularlyinthe front setbackarea is anessentialelementthatcontributes tothecharacteroftheShire. Plans which provide for adequate deep planted softlandscaping (at least 50%of the front setback area) are a pre-requisite to the issue of a building permit for a new dwelling.

Colours Materials and Finishes

With few exceptions, thepredominantbuildingmaterials in Peppermint Grove arebrick and/orrendered brick,stone,withtileorcolouredzincalume*roofs,andthecolourpaletteis neutral.

Alternative external construction and cladding materials as well as colour schemes can be considered subjecttoCouncilapprovalviathedevelopmentassessmentprocess.

Street Presence

New houses in the Shire should address the primary street in the traditional manner, with a clearly legible front entrance both to the site and the house itself.

The street elevations should not be dominated by garage doors and to this end Council will not support more than one double garage (door width of up to 4.5 metres) to the primary or secondary street elevations.

Verge Crossovers for Residential Access

Where vehicular access is from a street Council will allow the construction of a verge crossover provided it conforms to the following principles: -

1. One crossover per dwelling site; and
2. Single vehicle-width crossovers are encouraged to retain and protect green street verges and street trees; and
3. Any additional width of crossover must be justified by demonstrating a low impact on the provision of an adequate portion of green verge and street tree planting; and
4. Any additional width to a single-vehicle crossover shall comply with the Shire's crossover construction policy.

Location of Garages and Carport Structures

Clause 67 of the Deemed Provisions (m) and (n) provide the case circumstances whereby Council may exercise judgement to relax or vary the setback requirement of a local planning scheme to achieve an acceptable design outcome.

Garage and carports are to be located in accordance with LPS 4 street setbacks* to achieve an acceptable street presence and outlook for residential streets.

*(LPS 4 - 9m from primary street and where lot is on a corner with secondary street, a 4.5m setback from that boundary).

Garages and carports should be located offset to the side of the house so as not to interrupt views between the house and the street.

Council acknowledges that portions of streetscapes within the Shire may vary where houses or structures are already built closer to the street than the LPS 4 street setbacks*. In these cases, carports may be permitted to encroach within the primary street setback provided these are open on at least three sides and have been sensitively designed and located with regard to the house and preserving its street outlook.

A reduction in the applicable setback for a carport *may* be considered favourably by Council, provided the proposed reduction, in the opinion of Council, poses no detrimental impact to that portion of streetscape.

Garages by virtue of their enclosed design could not achieve a streetscape design outcome equivalent or better than the deemed-to-comply standard of LPS 4 if built within the primary street setback and will not therefore be supported.

Heritage listed properties should not be obscured from street view by intervening structures.

Car parking bays within the front setback area

The R Codes stipulates that where a residential lot is accessible from a street as well as a right-of-way, then vehicle access to residential lots should be from the right-of-way if available. LPS 4 references the R Codes for residential design outcomes.

The residential zone in Peppermint Grove has many larger sized lots which have right-of-way and street access. Council favours vehicular access from the right-of-way rather than the street so as to locate carport and garage structures to the rear or side, rather than in the setback between the house and the primary street.

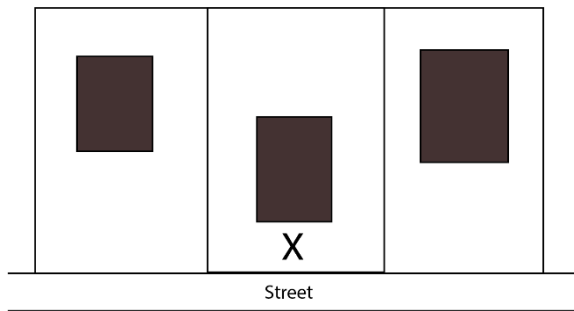
Provided this right of way access arrangement is the case, Council will support the provision of one uncovered hardstand car parking bay within the primary street setback area subject to there being one single width verge crossover to the site and 50% of the remaining street setback area is to remain available for deep planted 'soft' landscaping.

Minor structures

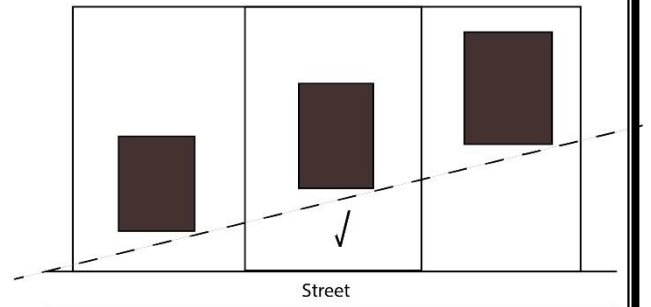
Considering the design objective to establish and preserve street outlook from residential properties, minor structures such as lichgates, porticos and gate houses may only be constructed in front of the building street setback line subject to all of the following design criteria: -

- Gate houses, lichgates or similar structures are not to exceed 4m² in area;
- No structure is to exceed 2.4m in total height;
- The minor structures do not detract from the visual amenity of the streetscape and views to the street;
- The structure complements the residence through the application of the same design, materials finishes and construction methods; and
- The minor structure does not affect sightlines adjacent to vehicle crossovers.

LPP1 – Figure 2(a)



LPP1 – Figure 2(b)



Local Planning Policy 2 – Ecological Urban Design and Sustainability

Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

State Policy

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Local Planning Policy - 2

Policy Reference	Formal Description	Service Line
LPP 2	Ecological Urban Design and Sustainability	Development Services
Implementation:		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

Context

Urban green spaces are important elements of our cities, suburbs and neighbourhood because they support ecological functions that lead to healthy living and environment. Clean air, water and soil results in natural processes for pollination and the renewal of plants and habitat.

Green space is about more than the aesthetic of design layout. It is about creating sufficient quality of non-built spaces, to provide for areas of stormwater infiltration, aeration of soil, tree canopy and shade to reduce urban heat radiation and provide habitat for birds and other animals.

The Shire is predominantly a neighbourhood of detached houses with large gardens and leafy arcaded streets. However, the character of the neighbourhood is at risk of being diminished by urban infill, the expansion of buildings, and the spread of hard paved surfaces.

The Local Planning Scheme 4 (LPS 4) addresses the intention to conserve areas of each site for urban green space and ecological purposes by limiting the extent of buildings through:-

- Boundary setbacks;
- Plot Ratio
- Requirements for containment of outbuildings and other structures from garden or potentially green portions of a site.

Where a development application seeks to vary the site requirements stipulated in LPS 4 or the Design Codes, Council will refer to this policy in the assessment of the request to address whether the variation will impact or reduce the quality of urban green space or its ecological potential.

The Policy will address matters which allow for the variation of building and site design as part of a design principles assessment in relation to urban ecology and sustainability.

Planning Objective (LPS)

- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes.*
- *To maintain, enhance and encourage a high level of amenity in terms of the unique character and identity of development, streetscapes, public open spaces and lifestyle qualities within the Shire.*

Statutory Basis

Clause 67 of the Deemed Provisions outlines matters which must be considered by Council in the assessment of an application for development. This includes but is not limited to:

- 67 (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of height, bulk, scale, orientation, and appearance of the development.
- 67 (n) the amenity of the locality including the following:
- (i) Environmental impacts of the development
 - (ii) the character of the locality
 - (iii) social impacts of the development.
- 67 (o) the likely impact of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
- 67 (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation should be preserved.

Application of Policy

Considerations

Variation to Scheme provisions or policy standards of design quality may only be considered subject to the following parameters:-

Boundary Setbacks

Boundary setback areas 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.

Paving and sealing of the ground in setback areas is to be limited to areas used for thoroughfare or standing of vehicles. In the case of paving materials, the Council encourages the use of permeable paving (such as aggregate or crushed rock) and interspersed with groundcover planting or turf to reduce heat radiation and increase potential for stormwater infiltration. There also needs to be shade trees and shrubs which are also useful for screening and augmenting privacy.

It is important to ensure the objectives of plot ratio are achieved –to secure a proportion of the site for viable and functioning ecological green space (i.e. not covered by buildings or solid paving). As a guide, at least 20% of the total site should be available for deep planting for lots zoned as R10, R12.5, R15 and R20.

The Case for Variation

Council will have regard to this policy prior to the exercise of its discretion to approve a variation to a Scheme, R Codes and policy design requirements only where that variation can be demonstrated to deliver a superior design outcome for the site **AND** with no detrimental impact on the ecological quality of green space on the site.

This policy is due for review in 2024.

Further Information:

Landscaping standards

The urban micro-climate is affected by the extent of radiation and runoff from hard surfaces and this is averted through shade from trees and shrubs and soil infiltration from garden beds and natural turf.

The garden character of the neighbourhood results from the combined result of each and every garden along the street and a variety of plants and garden styles is encouraged to add interest and biodiversity.

At least 50% of the street setback area is to be allocated for deep soil planting to accommodate trees and shrubs.

Where a garden development on a site proposes timber or other decks or synthetic turfing over concrete basements or trafficable driveway paving, this area will not be considered sufficient to deliver the necessary ecological outcome and will therefore not be included within the 50 % requirement.

Where gardens include water bodies such as ponds and pools, the design is encouraged to include shading of the surface by aquatic plants to reduce evaporation and provide habitat for native amphibians and invertebrates.

Notwithstanding a driveway connecting the crossover to the garage, there is to be no additional vehicle hard standing in the front setback permitted unless 50% of the front setback achieves an urban green space - landscaping quota of deep soil garden.

Local Planning Policy 3 – Heritage Places

Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

State Policy

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Local Planning Policy - 3

Policy Reference	Formal Description	Service Line
LPP 3*	Planning for Heritage Conservation	Development Services
Implementation:		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

Background

The Shire developed a Municipal Heritage Inventory (MHI), now referred to as the Local Heritage Inventory (LHI), and this was adopted in 1999. It has been adapted as a 'living document' and through occasional revision. The MHI identifies management priorities for the conservation of buildings (almost 25% of single dwellings in the Shire) to continue to make a tangible and undeniable contribution to the character and atmosphere of the Shire of Peppermint Grove. The MHI adopts two categories (category 1 and 2) or management whereby category 1 is rated most highly.

Residents have consistently expressed via a number of community surveys carried out by the Shire, that heritage places, including their generous garden settings, should be preserved. This view has been incorporated as one of the key elements in the Shire's Local Planning Strategy, adopted in 2016, to guide future development in Peppermint Grove.

The Planning and Development Act 2015 (Deemed Provisions) was introduced by the WA Government to guide all local planning schemes into a consistent approach. This establishes a heritage list as part of

local planning schemes to be the primary vehicle for identification and protection of properties with heritage value in the local planning scheme.

The heritage list is concerned with identification and protection of properties and their heritage values, whereas the MHI is a more detailed and prescriptive document used in the description of the heritage values and for management decisions.

Under Local Planning Scheme 4 the Shire established a Heritage List which included the majority of properties identified as having heritage significance by the MHI. The Heritage List is a statutory document that sits under LPS 4, while the MHI is now referenced as a due regard document.

Planning Objective (LPS)

All new residential development is to reinforce existing streetscape development patterns and complement the character of the locality.

- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes (Local Planning Strategy).*
- *To preserve the heritage fabric and contribution to the streetscape of existing heritage listed properties. (Local Planning Strategy)*

Statutory Basis

Heritage Act 2018 Section 3(1)

cultural heritage significance means, in relation to a place, the relative value which that place has in terms of its aesthetic, historic, scientific, or social significance, for the present community and future generations;

Heritage Act 2018 Section 5(1)

conservation, in relation to a place of cultural heritage significance, means the conservation of the place as to retain its cultural heritage significance, including –

- a) Maintenance, preservation, restoration, reconstruction, adaption and interpretation of the place; and*
- b) Retention of the associations and meanings of the place; and*
- c) Retention or reintroduction of a use of this place.*

Heritage protection provisions have been adopted in the Local Planning Scheme No.4 in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015. Buildings are only to be included on the Heritage List after undergoing a procedure of notification and receipt of submissions from owners and occupiers.

Once listed all development works must obtain Council Planning Approval prior to being granted a building or demolition permit by the Shire.

Under Clause 11 of the Deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015, Council, despite any existing written assessment, may require an updated heritage assessment prior to considering any development proposal affecting a heritage place.

Clause 12 of Schedule 2 Deemed Provisions of the Local Planning Scheme No.4 also allows Council to vary any development standard under the Scheme and R-Codes where desirable to assist with the preservation of a heritage place providing it does not have a detrimental effect on adjoining properties.

All works, including external cosmetic changes and internal structural works, require a development application prior to the issue of a building permit.

State Planning Policy 3.5 “Historic Heritage Conservation” (2007) states that there is a presumption against demolition of places on local heritage lists.

Planning Policy

The assessment of applications for alterations and additions to buildings on the heritage list should meet the recommended guidelines of the Burra Charter. The broad concept of conservation for heritage places in the Charter is to;

“do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its heritage significance is retained.”

However, this concept of heritage conservation should not preclude a dwelling from being upgraded to meet modern living standards.

For heritage listed properties applicants should have a report prepared by a heritage consultant detailing the works to be completed, and their impacts on the heritage fabric of the building. Should the applicant not submit a heritage report as a part of their application, a heritage report will be prepared by an architect of the Shire’s choosing at the applicant’s expense. The report shall be provided for any scope of works proposed to any heritage listed property, where in the opinion of Council the works would directly affect the heritage values of a place on the Heritage List.

Council reserves the right to refer submitted reports to an independent qualified heritage architect for review. This would be at the expense of the Council.

Conservation of a heritage place, area or precinct includes managing change in such a way that the heritage significance is retained and/or enhanced in order that:

1. the form and fabric of buildings on the Heritage List is preserved
2. the contribution of a heritage building to the streetscape is protected
3. alterations and additions result in architecture that is both of its time and is respectful to places of local heritage significance.
4. the existing building remains the dominant structure on the site when viewed from the street.
5. new development within the immediate locality of a heritage area or precinct is respectful of the heritage area or precinct and does not detract from its heritage significance.

All development (including maintenance, conservation, adaptation, alterations, additions, demolition and new buildings) affecting heritage places, areas and precincts (including development within the immediate locality of a heritage area or precinct) should meet the following principles;

- Significant heritage fabric should be retained, protected and restored with ‘like for like’ authentic restoration to original detail wherever possible.
- Original front elevations and features to be retained and/or restored wherever possible.
- Intrusive finishes and elements where they conceal or negatively impact upon the heritage significance of a building may be removed.
- Work that can be reversed in the future is desirable. Work that cannot be reversed may be supported, provided the heritage significance of the building is not compromised.

- The location of 'new technologies' on a heritage building should be undertaken in an unobtrusive manner so they do not negatively impact upon the heritage significance of the building.
- Additions should not overwhelm the existing building in terms of bulk, form and scale.

Demolition and Recording

In accordance with State Planning Policy 3.5 Council holds the view that demolition of heritage places should be avoided wherever possible.

However, if following further historical research, it is assessed by a qualified heritage architect, that demolition can be considered, a replacement building should recognise and respect by its form and position the original building and adjoining residences so that the aesthetic values of the streetscape are maintained.

The owner is to provide an archival record for any building demolished under this category and the Shire to provide a plaque for inclusion in the adjoining footpath to recognise the cultural significance of the property.

Local Planning Policy 4 – Residential Building Heights

Statutory Authority

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

State Policy

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Local Planning Policy 4

Policy Reference	Formal Description	Service Line
LPP 4	Residential Building Heights	Development Services
Implementation:		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

Background

There has long been a recognition that due to the many layers of development that have occurred in Peppermint Grove since its inception in 1896, a variety of building styles have emerged and subsequently a range of building heights exist.

As Peppermint Grove has matured, and its streetscape character has become established, the appropriateness of height limits was called into question during community surveys during the formation of Local Planning Scheme No.4.

As a result, category B of the R-Codes setting height limits has been adopted in Local Planning Scheme No.4 for dwellings with a single storey height restriction for ancillary dwellings. At the same time Council recognises, however, that in some streetscape contexts it may be appropriate to allow variations to category B height limits under the R-Codes.

Planning Objective (LPS):

- *To provide guidance to landowners as to the circumstances under which Council would consider a variation to the height of a new dwellings and additions to existing buildings in areas Coded R10, R12.5, R15 and R20 in the residential zoned areas of the Shire.*
- *To ensure that any variations to building height are respectful of, and complementary to, the existing scale of adjoining dwellings.*
- *Building heights in excess of the R-Codes 'Deemed-to-comply' provisions for category B are assessed on a merit-based approach that takes into consideration the heritage and streetscape context in determining an appropriate building height for an individual development.*

Statutory Basis:

This Local Planning Policy is made under the provision of the Planning and Development (Local Planning Schemes) 2015 Regulations.

The Local Planning Scheme allows floor levels to be based on Mean Natural Ground Level. This method sets aside the R-Code method of measuring Residential dwelling heights based on Natural Ground Level at the base of the wall. For the purposes of this policy building height is to be measured from the Mean Natural Ground Level to a maximum of 500mm. A variation greater than 500 mm above mean natural ground level requires planning consent from Council.

For the purposes of this policy building height shall be measured from the Mean Natural Ground Level at the base of the wall unless determined otherwise by Council. The R-Codes (Deemed-To-Comply) restricts the heights of dwellings in residential areas. Under the Scheme Category 'B' heights are adopted

Policy

Council will consider variations to the height limits established under Category 'B' of the R-Codes for the development in the Shire based on the following criteria being satisfied;

1. That views from and/or to buildings are not unduly interrupted by the increase in overall height;
2. Compatibility of the resulting scale of a proposed building to neighbouring dwellings;
3. The proposed increase in building height would enable a development to fit in with its neighbours;
4. The proposed development meeting LPP 1 'Urban Design and Streetscape';
5. The proposed development would not have an adverse visual impact to a neighbouring dwelling;
6. Any proposed additions to a heritage listed dwelling do not overwhelm or dominate that heritage place as a result of any height variation;
7. The streetscape in which the development is proposed not be adversely affected by an increase in height;
8. The proposed development does not generate any privacy or overlooking concerns;
9. The development meeting with other provisions of the Scheme and the Deemed-to-Comply provisions of the R-Codes.

Local Planning Policy 5 - Plot Ratio and Coverage of Site – Residential R10, R12.5, R15, R20

Shire of Peppermint Grove

Statutory Authority

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Peppermint Grove Local Planning Scheme No. 4 (as amended)

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

The Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Planning Objective

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community (LPS4).*
- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes; (Local Planning Scheme)*
- *To maintain, enhance and encourage a high level of amenity in terms of the unique character and identity, streetscapes, public open spaces and lifestyle qualities within the Shire. (Local Planning Strategy)*

Statutory Basis

Clause 32 of Local Planning Scheme 4:

Additional Site and Development Requirements

For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5 unless otherwise determined by the local government

Definition of Plot Ratio under LPS 4:

Plot ratio means the ratio of floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.

Context

Plot ratio controls the amount of a site which is covered by buildings. A plot ratio of 0.5 has been a feature of the Shire's Schemes since at least 1976 and applied to single houses since 1989.

Apart from the land abutting Stirling Highway corridor, the predominant character of residential development in the Shire is for single dwellings in generous garden settings.

This has contributed to the amenity of the area and defined the character of the streetscapes by controlling the bulk and scale of development on individual lots.

This policy establishes the methodology for calculating *plot ratio* under LPS 4 for single residential and associated outbuildings in areas coded R10, R12.5, R15 and R20. The methodology contained in the R-Codes pertains to the separately defined term *plot ratio area*. *Plot ratio area* is not an expression contained in LPS4 such that it is set aside by this policy.

The following clarifies for the benefit of designers and decision-makers what and how to determine the plot ratio for residential development other than ancillary and aged or dependent persons' dwellings.

Calculation Methodology

- *Gross floor area is to be calculated to include external walls and internal walls which make the footprint of the building(s) on the site at each level (excluding roof top terraces) above mean natural ground level at any point.*
- *Habitable rooms and non-habitable rooms are included, as are outbuildings and ancillary dwellings.*
- *The lot area used for the calculation is the entire lot area prescribed by the boundaries.*
- *Boundary fences, pergolas and swimming pools are excluded from the definition of a building and do not contribute to gross floor area.*
- *Minor projections including eaves overhang projecting no more than 0.75m from a wall or column of a verandah, balcony, patio, porch or the like do not contribute to gross floor area.*
- *Retaining walls not forming part of a building do not contribute to gross floor area.*
- *Stairwells and lift shafts are only to be counted at the ground level.*

Some floor areas contribute less to perceptions of building bulk or are considered to be utility in their nature and are; therefore, able to be excluded from the plot ratio calculation.

Excluded from Gross Floor Area	Threshold as applicable
Machinery, air conditioning and equipment rooms	Total up to 10m ² (no natural light, mechanical ventilation only)
Garages and carports	Total up to 50m ² or 5% of the total site area: whichever is the lesser (must be used exclusively for the parking of wheeled vehicles)
Verandahs, balconies, patios, porches, and gate houses	Total up to 50m ² or 5% of the total site area: whichever is the lesser
Basements and cellars deemed to be entirely underground.	If under the floor of a building, the underside of the slab above must be below the natural ground level. If no building above, the roof must be wholly below the natural ground level.

The policy is to be interpreted for assessment of single residential and associated outbuildings.

In the case of ancillary and aged or dependent persons' dwellings or development assessed under Residential Design Codes Volume 2 - Apartments the alternative *plot ratio area* methodology applies.

Policy Reference	Formal Description	Service Line
LPP 5	Plot Ratio and Coverage of Site – Residential R10, R12.5, R15, R20.	Development Services
Implementation:		Planning and Building
Adoption and Modification	2020	
Review Date	March 2023	



Local Planning Policy 6 - Consultation on Development

Statutory Authority

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Shire of Peppermint Grove Local Planning Scheme No. 4 (as amended).

Purpose

This local policy intends to provide clear direction and explanation as to the basis for the Shire's community consultation requirements. It intends to influence the quality of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

To ensure this policy remains relevant and effective, it will be regularly reviewed and updated. The Shire will apply this local planning policy to each case on its merits in order to achieve a balance between consistency and appropriate site related building and construction works.

Planning Objective

- To ensure courtesy notifications are provided to owner/occupiers in the immediate vicinity of proposed demolition work or building work that is exempt from development approval.
- To ensure natural justice and procedural fairness is afforded to affected parties and to improve the transparency of delegated decision-making as part of the development application process.
- To provide guidance as to when a courtesy notification or an advertising letter is to be provided to owner/occupiers in the immediate vicinity of proposed demolition work or building work that is subject to development approval.
- To clarify what information will be made available for public viewing.
- To provide guidance as to when a development application may be subject to broader community consultation, and the obligations of proponents in such cases.

Statutory Basis

This policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

This policy should be read in conjunction with the Shire's Local Planning Scheme, Local Planning Policy Framework and Local Laws.

Policy Provisions

Not all demolition work or building work is subject to a building permit or development approval. This local policy applies to demolition work, building work and development for which the Shire is the Permit Authority or the Determining Authority.

It is best practice that builders notify neighbouring properties prior to commencing work, however this does not always occur. It is Council policy that a courtesy notification process is undertaken by staff when receiving an application for demolition work or building work not subject to development approval. Demolition and building applications must be determined within a statutory time frame and cannot be withheld unless the documentation is incomplete.

Community consultation is embedded into the development application process and allows for submissions to inform the decision-making process. The means and extent of notification is informed by the nature of the proposed development and the site context.

Procedural administrative determinations such as those in response to applications to extend time, minor amendments to development applications otherwise exempt under the Deemed Provisions or that do not rely on Council discretion, or requests to amend a building permit or builder's details are not subject to community consultation.

Courtesy Notification Requirements

Courtesy notification letters are to be delivered to properties in the immediate vicinity of proposed demolition work or building work that is subject to development approval for which the Shire is the Determining Authority. Correspondence will be addressed to the owner/occupier and, if tenanted, the expectation is the occupier notify their estate agent or the absentee owner directly. Should a complex have a dedicated mailbox for the Strata Manager they will also be notified.

Courtesy notifications shall be distributed in the immediate vicinity of proposed works in circumstances where there is no ability to make a formal submission.

The immediate vicinity shall include any property with a shared boundary or directly opposite a street or right-of-way fronting the site.

Advertising Letter Requirements

Advertising letters are to be delivered and addressed in the same manner as courtesy notification letters.

Advertising letters shall invite affected parties to view the application and allow a minimum of fourteen (14) days in addition to a further three (3) working days when sent by post to make a written submission. The period between the Christmas and New Year public holidays shall not count towards the advertising period.

Should the development application rely on a variation to a local planning scheme requirement, or the design principles contained in the R-Codes, variation(s) are to be acknowledged.

Should the development application be determined at an Ordinary Council Meeting, or by a Development Assessment Panel, any party who makes a submission will be subsequently notified of the meeting dates.

The immediate vicinity shall include any property with a shared boundary or directly opposite a street or right-of-way fronting the site.

Proponent Obligations for Development Applications

The Shire will make available for public viewing a copy of all relevant development application materials. Should a proponent not wish the location of panic rooms, inbuilt safes, or other sensitive information to be viewed by the public a redacted plan set must be provided for advertising purposes.

The proponent must erect at their own cost and maintain for the duration of the advertising period an A1 dimensioned sign on each public street fronting the site. In the case of strata complexes the signage must be erected on each public street fronting the parent lot. The sign must be fabricated or laminated to provide weather protection. The Shire will provide a template for the sign and confirm the required location(s).

The proponent may be directed to publish at their own cost a public notice in a locally circulated newspaper and provide proof of posting. The Shire will provide a template for the public notice.

In accordance with the Shire's Schedule of Fees and Charges the distribution of more than ten (10) advertising letters attracts an administrative fee payable prior to determination of the application.

Where a Construction Environmental Management Plan is a requirement for demolition work or building work, the proponent must notify owner/occupiers prior to the commencement of works. Local Planning Policy 8 – Construction Environmental Management Plans further details notification and complaints resolution obligations.

Consultation for Complex or Community Sensitive Development Applications

Complex development applications include proposals determined by a Development Assessment Panel, proposals seeking to significantly alter the original heritage fabric of a Category 1 heritage-listed place, or an 'A' use in the local planning scheme that requires advertising in accordance with clause 64 of the Deemed Provisions.

Community sensitive development applications are those likely to be of broader community interest such as restricted or child care premises, due to their proximity to sensitive land uses such as places of worship or education facilities, or due to their potential to impact locally or regionally significant views.

In addition to the erection of signage, complex and community sensitive development applications require a public notice to be published, advertising letters to be more-widely distributed, and advertising on the Shire's website.

Variations to this Policy

The Shire may apply discretion as to the means in which community consultation is undertaken and, in the case of development applications, the time frame to receive written submissions.

Local Planning Policy 6

Policy Reference	Formal Description	Service Line
LPP 6	Consultation on Development	Development Services
Implementation:		
Adoption	July 2024	Development Services
Review Date	N/A	Development Services



Local Planning Policy 7 - Tree Retention

Shire of Peppermint Grove

Statutory Authority

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Shire of Peppermint Grove Local Planning Scheme No. 4 (as amended)

Shire of Peppermint Grove Tree Management Strategy 2022

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise on site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The local policy intends to provide clear direction and explanation as to the basis for the Shire's tree retention requirements. It intends to influence the design and quality of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and design merit.

This policy clarifies the circumstances in which development approval is required for any *tree damaging activity* and guides the assessment of subdivision and amalgamation applications, demolition and building permit applications, development applications and strategic planning proposals.

To ensure this policy remains relevant and effective, it will be regularly reviewed and updated.

Policy Application

This local policy applies to the Residential Zone within the LPS4 including in the circumstances listed below:

- Development applications;
- Subdivision applications;
- Other strategic planning proposals including scheme amendments and structure plans; and
- Any *tree damaging activity* to a *regulated tree* where no other development or subdivision is proposed.

Context

The Shire's Local Planning Strategy recognises the importance of maintaining and enhancing the Shire's streetscapes. The Shire is committed to enhancing the number and quality of the nearly 1,200 trees located within verges and median strips, encouraging the retention of *regulated trees* and establishment of new trees on private land. Planning controls are necessary to support this commitment, and to minimise adverse impacts on the tree canopy cover resulting from residential infill development.

The Shire is known for its large character homes set in tranquil tree-lined streets and open landscaped settings. Generous street, side and boundary setbacks are an integral part of the Shire's urban fabric that provides space for *regulated trees*, soft soil landscaping, private open spaces, ventilation, and solar access which all combine to create distinctive streetscapes.

The Shire recognises the importance of *regulated trees* to the landscape quality and canopy of green corridors, spaces and places. They provide significant social, economic, and environmental benefits to the community. Large mature trees provide the greatest community benefit and are preferred over multiple smaller or replacement juvenile trees.

The prevalence of *regulated trees* is a consideration when a *development* relies upon the *design principles for private open space and landscaping*.

Planning Objective

- *To provide a clear definition of a regulated tree and clarify application requirements for tree damaging activities.*
- *To prioritise the retention and protection of trees on private land and adjacent reserves in the planning process.*
- *To promote and facilitate tree preservation at the earliest possible stage in the planning and development process, balancing with the desired built form and land use outcomes.*
- *To preserve and enhance neighbourhood amenity, character and sense of place.*
- *To mitigate the urban heat island effect, improve air and groundwater quality, to provide areas for groundwater infiltration, and contribute to biodiversity and other environmental benefits.*

Statutory Basis

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations, and in accordance with State Planning Policy 7.3 - Residential Design Codes; being based in part on Australian Standard AS 4970-2009 Protection of Trees on Development Sites and Australian Standard AS 4373-2007 Pruning of Amenity Trees.

The Shire has an obligation under Section 3.1(1A)(a) of the Local Government Act 1995 to promote environmental sustainability, mitigate the effects associated with climate change, and to consider impacts on future generations.

This policy should be read in conjunction with the local planning policy framework, local laws and the Shire's Tree Management Strategy 2022.

Requirement for Development Approval and Exemptions

Tree damaging activity requires development approval except in any of the following circumstances:

- a) the tree does not satisfy the definition of *regulated tree*;
- b) the *tree damaging activity* is carried out in the course of works in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 7 Clause 61 (b) item 18:
 - “works that are urgently necessary for any of the following —
 - (a) public safety;
 - (b) the safety or security of plant or equipment;
 - (c) the maintenance of essential services; or
 - (d) the protection of the environment.”
- c) the *tree damaging activity* is required as part of an approved Bushfire Management Plan;
- d) the *tree damaging activity* is maintenance pruning;
- e) *Tree damaging activity* to a *regulated tree* that is listed as a Weed of National Significance, or is declared by the Department of Primary Industries and Regional Development to be a harmful plant or pest under the Biosecurity and Agriculture Management Act 2007.
- f) the *tree damaging activity* is carried out by the local government on a street tree and/or the tree damaging activity is a public work.

NOTE (i) *A development application is required for any tree damaging activity to a regulated tree where other works including demolition are proposed on a subject site, even if those other works are exempt from development approval under the local planning scheme as per Schedule 2, Part 7 Clause 61 (deemed provisions) of the Planning and Development (Local Planning Scheme) Regulations 2015 (e.g., the erection of a Single House that meets the deemed-to-comply requirements of the Residential Design Codes).*

Policy Statement

- a) Unless prior written approval has been obtained, or its removal is exempt under the provisions of this policy, a *regulated tree* should be retained in perpetuity in accordance with AS 4373-2007 and be protected.
- b) Retention and protection of regulated trees should be prioritised, and development works, structure plan and subdivision design should preferably avoid or as a minimum minimise harm to regulated trees.
- c) Where *tree damaging activity* is proposed to a *regulated tree* the following will be given due regard in the assessment process:
 - i. Health, maturity, species, and location of the *tree*;
 - ii. Ecological, biodiversity and environmental values of the *tree*;
 - iii. Contribution of the tree to the streetscape;
 - iv. The preservation of any other *regulated tree* on the subject site;
 - v. The location of the tree within the development site and capacity for a modified building design or subdivision to maximise tree retention;
 - vi. Whether a variation to the deemed-to-comply requirements for lot boundary setbacks is preferred to a *tree damaging activity*;
 - vii. Any existing development on the site;
 - viii. Design and location of proposed crossovers;
 - ix. Topography and the potential impact from excavation/fill;

- x. Possible safety risks due to tree limb failure and infrastructure and/or structural damage associated with the retaining the tree;
 - xi. Tree Protection Zone(s) (as per AS 4970-2009);
 - xii. Tree replacement and/or planting proposed;
 - xiii. Recommendations of an *Arborist Report*; and
 - xiv. The objectives of this policy.
- d) The following justifications for *tree damaging activity* to a *regulated tree* will not be supported:
- i. Impact on views;
 - ii. The tree variety is disliked;
 - iii. The tree variety causes nuisance by way of leaf, fruit or bark shedding or the like;
 - iv. The tree impacts on solar access to a *swimming pool*, *habitable room* or space, or an *outdoor living area*; or
 - v. The tree impacts on private gardens, solar installations, minor structures or the like.
- e) Any proposed *tree damaging activity* to a street tree is to be referred to Infrastructure Services for consideration, having regard to the Shire's Tree Management Strategy 2022.

Development Application Requirements:

A development application is required for any tree damaging activity to a regulated tree where other works are proposed on a subject site, even if those other works (such as a single house) maybe exempt from development approval under the local planning scheme.

There is a general presumption against tree damaging activity (other than maintenance pruning) to any regulated tree whereby the siting and design of proposed development should, where possible, avoid impacting any regulated tree.

Subdivision and amalgamation applications, demolition and building permit applications, development applications and strategic planning proposals that are subject to this policy are to provide the following applicable information:

- a) Site survey and/or site plan indicating:
 - i. location of all *regulated trees*, including street trees;
 - ii. whether any *regulated tree* is proposed to be retained or affected by any *tree damaging activity*;
 - iii. Tree Protection Zone(s) in accordance with AS 4970-2009; and
 - iv. any trees proposed to be planted on the development site.
- b) Written justification for any proposed tree damaging activity against the objectives and requirements of this Policy including that the redesign of the development to accommodate the regulated tree is unfeasible.; and
- c) Whether any *regulated tree* was identified to be retained at a previous planning stage such as subdivision or demolition approval.

An *Arborist Report* may be required in the following instances:

- i. To justify *tree damaging activity* to a *regulated tree* specifically considering the health of the tree and/or any safety risk it may pose to people or property;
- ii. To explain any mitigation measures proposed to protect a *regulated tree* including works proposed within the Tree Protection Zone (refer to AS 4970-2009 for details to identify the Tree Protection Zone).

A Structural Engineering Report will need to accompany an *Arborist* Report to justify any current or future safety risk to infrastructure or buildings. Additional technical reports (e.g., Environmental reports, Tree Retention Strategy) may be required.

Subdivision Application Requirements

The Shire may recommend additional information be provided to the Western Australian Planning Commission (WAPC) to enable consideration of the general application requirements. Of particular importance will be the subdivision design, layout and *siteworks* that prioritise the retention of regulated trees, including details and measures on how regulated trees will be retained and protected as part of subdivisional earthworks.

The Shire may request the WAPC to include a condition on the subdivision approval to ensure *regulated trees* are retained and protection measures implemented to ensure such trees are not impacted by subdivisional works.

Strategic Policy Development

Where applicable, LPS 4 amendments, local planning policy development, and Structure Plan proposals should identify *regulated trees* and outline approaches and measures to protect *regulated trees* at subsequent stages of the planning process. Strategic planning proposals shall be supported by technical information and reports which demonstrate that the protection of *regulated trees* has been prioritised.

Enforcement and Penalties

In the event that a tree damaging activity to a regulated tree is undertaken without development approval or an approved tree retention and/or replenishment condition(s) of a statutory approval are not complied with, the Shire may issue a written direction to stop development under Section 214(2) of the Planning and Development Act 2005. Section 214(7) of the Planning and Development Act 2005, which prescribes that a person who fails to comply commits an offence and is liable to prosecution in the Magistrates Court.

Alternatively, the Shire may issue a Planning Infringement Notice (PINs) under Part 13 of the Planning and Development Act 2005.

Definitions

Arborist Report means a report which is prepared by a suitably qualified and experienced arboriculturist with a minimum qualification of Diploma of Horticulture (Arboriculture) Australian Qualification Framework (AQF 5) or equivalent, and with demonstrated experience in high level tree assessment and diagnosis.

Maintenance Pruning means pruning that:

- a) Involves removing dead or diseased wood only; or
- b) Is of a fruit tree and done for fruit production; or
- c) Is otherwise minor maintenance or thinning of the crown that does not adversely affect the health of the tree.

Regulated Tree means a living tree that is of a species that is not included on State or local area weed register and satisfies two or more of the following qualifiers:

- a) Is 8m or higher; or
- b) Has an average canopy diameter of at least 6m; or
- c) Has a trunk circumference of at least 1.5m, measured 1.4m above the ground.

Tree Damaging Activity means:

- a) The killing or destruction of a tree; and/or
- b) The removal of a tree; and/or
- c) The severing of branches, limbs, stems or trunk of a tree; and/or
- d) The ringbarking, topping or lopping of a tree; and/or
- e) Any other substantial damage to a tree.

Additional Information

Department of Primary Industries and Regional Development declared plant control table
<https://www.agric.wa.gov.au/declared-plants/declared-plant-control-table>

Department of Primary Industries and Regional Development Western Australian organism list
<https://www.agric.wa.gov.au/organisms>

Biosecurity and Agriculture Management Act 2007
https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_2736_homepage.html

Local Planning Policy 7:

Policy Reference	Formal Description	Service Line
LPP 7	Tree Retention	Development Services
Implementation:		
Adoption and Modification	22 October 2024	Development Services
Review Date	N/A	



Local Planning Policy 8: Construction Environmental Management Plans

Statutory Authority

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Building Act (WA) 2011 and Building Regulations 2012.

Shire of Peppermint Grove Local Planning Scheme No. 4 (as amended).

Purpose

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise on site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The local policy intends to provide clear direction and explanation as to the basis for the Shire's Construction Environmental Management Plan (CEMP) requirements. It intends to influence the quality of documentation provided to support proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

To ensure this policy remains relevant and effective, it will be regularly reviewed and updated. The Shire will apply this local planning policy to each case on its merits in order to achieve a balance between consistency and appropriate site related building and construction works.

Context

The Shire's Local Planning Strategy recognises the importance of maintaining and enhancing the Shire's streetscapes.

In the case of Peppermint Grove, the scale of residential construction places significant pressure on the availability of on street parking and has the potential to disrupt traffic and pedestrian movement for extended periods. Dry summers and strong prevailing winds from both the southwest and east further contribute to the potential for dust impacts. It is in this context that the Shire requires proponents and their contractors to ensure effective controls and contingencies are in place to manage development.

A CEMP shall be a standard requirement for all demolition permits, development applications, and works exempt from development approval that require a building permit unless the works are deemed by the Shire to be a negligible risk.

Planning Objective

- *To ensure the effective management of demolition, construction and siteworks within the Shire of Peppermint Grove.*
- *To ensure that development is undertaken in a responsible manner that minimises impacts on surface and groundwater quality, verge infrastructure, rights-of-way, traffic and pedestrian movement, and to encourage the retention and protection of vegetation.*
- *To maintain the local amenity in the vicinity of all works.*

Statutory Basis

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

The terms development, building work and demolition work used in this local policy, have the same meaning as that defined in the *Planning and Development Act, 2005* and the *Building Act, 2011*.

Pursuant to Section 18(1) of the Building Act (WA) 2011 the Shire may require the applicant to submit a Construction Environmental Management Plan (CEMP) with a building application, or pursuant to section 20(1)(n) and (o) evidence compliance with a development application that has force or effect.

This policy should be read in conjunction with the local planning policy framework and local laws.

If there is a conflict between the local policy and the Shire's Activities in Thoroughfares, Public Places and Trading Local Law 2021 or the Shire's Fencing Local Law 2021, then this local policy shall prevail.

Policy Provisions

The content of a CEMP must have a nexus between what is being proposed (the potential risk the activity presents to the amenity of the area) the control measures to be employed. The Site Risk Assessment Matrix attached to this local policy will determine the risk classification and inform baseline dust and sediment control measures.

Every CEMP must address the following matters and include a scaled and legible site plan suitable for formal endorsement.

1. Provide an outline of the proposed building or demolition work, the vehicles and machinery required, timeframe for completion, staging and construction hours.
2. Nomination of a Site Superintendent and the contact details of key site personnel.
3. Completion of the Site Risk Assessment Matrix contained in this local policy.
4. Management of stormwater and wastewater including sediment and erosion control.
5. That noise emissions will be contained within the limits established by the Environmental Protection (Noise) Regulations 1997 and any applicable practices that will be implemented as set out in AS 2436-2010 Guide to Noise Control on Construction, Maintenance and Demolition Sites.
6. Traffic management including site access and safety controls (such as signage and devices), how streets (including communal streets and rights-of-way) and footpaths will remain unobstructed, and contractor parking arrangements including adherence with parking restrictions.
7. The loading and unloading of materials including maneuvering and minimising impacts on rights-of-way.

8. The means to protect vegetation and verge trees, kerbs, footpaths, and other Shire infrastructure such as fencing as per AS 4970-2009 and the use of ground protection mats.
9. The location and purpose of temporary site buildings and the location of laydown areas.
10. The management of waste materials and the location of bulk bins.
11. Site security (such as temporary fencing and monitoring).
12. How pool safety barriers will be maintained (if applicable).
13. Stakeholder consultation and complaints management practices, a copy of any notification letter and the extent of distribution, and emergency arrangements.

Site Plan

The accompanying site plan must show the existing and proposed building footprint and identify the location of laydown areas, waste receptacles, sediment control, temporary buildings and toilets for construction purposes, tree protection zones, temporary fencing and contractor parking.

Site Risk Assessment

The Site Risk Assessment Matrix contained in this local policy and the corresponding provisions, contingency arrangements and monitoring requirements have been sourced from the *Guideline for Managing the Impacts of Dust and Associated Contaminants from Land Development Sites, Contaminated Sites Remediation and Other Related Activities* (Guidelines) produced by the Department of Biodiversity, Conservation and Attractions and adapted to respond to the local context.

The risk classification determined by the Site Risk Assessment Matrix will determine the baseline provisions and contingency arrangements pertaining to dust and sediment control and the monitoring requirements outlined in the CEMP. The risk classification is informed by the type and scale of the activity, the proximity to other land uses, and climatic factors. Proponents may propose alternative arrangements provided it can be demonstrated that they will exceed the baseline requirements listed below.

All CEMP's must include monitoring measures a complaints management process that provides complainants an opportunity to be heard and to seek a resolution without the need to escalate the matter to the Shire. A written record of complaints must be made available to the Shire upon request.

Activities classified as low or medium risk undertaken in whole or in part during the dry period (1 October – 31 March) will automatically be classified as medium or high risk (respectfully).

Site Classification	Provisions	Contingency Arrangements	Monitoring Requirements
Site Classification 1 – under 199 (Negligible Risk) typically internal alterations, minor structures, and fencing. CEMP not required.	Nil	Nil	Nil

Site Classification	Provisions	Contingency Arrangements	Monitoring Requirements
Site Classification 2 – 200 to 399 (Low Risk) typically small outbuildings, patios, minor additions, and retaining walls.	<ul style="list-style-type: none"> A contingency should dust impacts occur such as use of a water cart and/or wind fencing. Wash down areas located away from stormwater drains. 	<ul style="list-style-type: none"> Include an allowance for water-cart operation, wind fencing and surface stabilisation (geofabric or chemical suppressants) during the construction period for the purposes of dust suppression. The means to stabilise areas of disturbed land to ensure that exposed areas are kept to a practical minimum. 	<ul style="list-style-type: none"> Complaints management system in place (complaints recorded and acted on promptly). Notice to be erected at the site, providing contact details of the person to be contacted and works.
Site Classification 3 – 400 to 799 (Medium Risk) typically large outbuildings, more significant additions, new houses and siteworks requiring the removal of topsoil.	<ul style="list-style-type: none"> Appropriate wind fencing to be stored on site or available within one hour of being required by the Shire or site supervisor. The means to stabilise stockpiles, areas of disturbed land and trenching to ensure that exposed areas are kept to a practical minimum. Wash down areas located away from stormwater drains. 	<ul style="list-style-type: none"> A water cart of not less than 1,000 litres capacity or other suitable alternatives (geofabric or chemical suppressants) to be available within 18 hours of being requested by the Shire or site supervisor. If directed by the Shire or site supervisor the cessation of dust generating activities until such time as wind fencing, geofabric or chemical stabilisation is implemented. Sediment control fencing and temporary drainage to reduce runoff. 	<ul style="list-style-type: none"> Complaints management system in place (complaints recorded and acted on promptly) and register to be made available to the Shire upon request. Notice to be erected at the site, providing contact details of the person to be contacted and works.

Site Classification	Provisions	Contingency Arrangements	Monitoring Requirements
Site Classification 4 – over 900 (High Risk) typically significant demolition and siteworks, new houses with basements and substantive commercial development.	<ul style="list-style-type: none"> Notification letters to neighbours and the Shire to be distributed to an agreed radius no less than 48 hours prior to the commencement of works. Wind fencing and sediment control to the extent and in locations agreed by the Shire to be installed on site prior to the commencement of works and to remain in position until the disturbed soil is stabilised. The means to stabilise and minimise stockpile height, areas of disturbed land and trenching to ensure that exposed areas are kept to a practical minimum. Wash down areas located away from stormwater drains. 	<ul style="list-style-type: none"> A water cart of not less than 1,000 litres capacity or other suitable alternatives (geofabric or chemical suppressants) to commence immediate watering. If directed by the Shire or site supervisor the cessation of dust generating activities until such time as wind fencing, geofabric or chemical suppressants are implemented. Sediment control fencing and temporary drainage to reduce runoff. 	<ul style="list-style-type: none"> Complaints management system in place (complaints recorded and acted on promptly) and register to be made available to the Shire upon request. Notice to be erected at the site, providing contact details of the person to be contacted and works. Dust monitoring at boundaries or at sensitive sites such as Presbyterian Ladies College and Cottesloe Primary School is encouraged and may be required.

Noise and Vibration Management

Construction work shall be conducted in accordance with the *Environmental Protection (Noise) Regulations 1997* and section 6 of Australian Standard: *AS2436:2010 – Guide to Noise and Vibration Control on Construction, Demolition, and Maintenance Sites*.

The Shire does not support construction outside of the hours of 7am to 7pm or on Sundays or public holidays. Should construction work be required outside these hours a Nightworks Permit is required to be submitted for the prior approval of the Shire. Please contact the Shire for further information on the application requirements for Nightworks Permits.

Significant works such as large-scale demolition projects and deep excavation in the immediate vicinity of heritage listed places and noise sensitive sites such as Presbyterian Ladies College and Cottesloe Primary School may require off-site noise monitoring and dilapidation reporting. Dilapidation reports help protect proponents and landowners in the face of possible damage claims because they create a record of the condition of surrounding infrastructure and properties, including trees, shrubs, fences, paving and driveways. They are prepared by an impartial third party, like a building consultant or a professional structural engineer.

Traffic Management Plans

The CEMP for activities likely to cause significant disruption to motorists or pedestrians including through street or footpath closures, requiring a significant workforce, or the closure of a public car park during trading periods, should be supported by a standalone Traffic Management Plan prepared by a suitably qualified traffic engineer having additional regard to impacts on the broader road network including the avoidance of heavy vehicle movements through school zones.

Enforcement and Penalties

Should the CEMP not be complied with, the Shire is able to issue a written direction to stop development under Section 214(2) of the *Planning and Development Act, 2005*. Section 214(7) of the *Planning and Development Act, 2005*, prescribes that a person who fails to comply commits an offence, and is liable to prosecution in the Magistrates Court.

The general penalty for such an offence is a fine of up to \$200,000 (for an individual), and in the case of a continuing offence, a further maximum fine of up to \$25,000 (for an individual) for each day during which the offence continues, under Section 223 of the *Planning and Development Act, 2005*. For a corporation, the maximum penalties are multiplied by five.

Alternatively, the Shire may issue a Planning Infringement Notice (PINs) under Part 13 of the *Planning and Development Act, 2005*. PINs are a modified penalty of up to \$500 and can be issued for any offence against a Local Planning Scheme. In the case of a continuing offence, a further maximum fine of up to \$500 for each day during which the offence continues may be issued.

Variations to this Policy

Shire discretion may be granted to the CEMP content having regard to the proponent clearly demonstrating the ability to achieve the local policy objectives.

Local Planning Policy – 8

Policy Reference	Formal Description	Service Line
LPP 8	Construction Environmental Management Plans	Development Services
Implementation:		
Adoption	July 2024	Development Services
Review Date	N/A	Development Services

Local Planning Policy 8 Construction Environmental Management Plans

Site Risk Assessment Matrix

To determine the potential dust and stormwater/wastewater risk associated with the demolition work and/or building work, the following matrix must be completed and submitted with your CEMP.

Please note: **Demolition or building works undertaken in whole or in part during the dry period (1 October – 31 March) sites assessed as Class 3 will automatically become Class 4, and sites assessed as Class 2 will automatically become Class 3.**

Part A Nature of the Site

Item	Score Options (please circle)				Allocated Score
1. Nuisance potential of soil when disturbed	No soil disturbance.....0		Medium.....4	High.....6	
2. Topography and protection provided by undisturbed vegetation	Sheltered and screened.....1	Medium screening.....6	Little screening.....12	Exposed and wind prone.....18	
3. Total area of the site disturbed by the works inclusive of laydown and trafficable areas	Less than 5,000m ²1	Between 5,000m ² and 1 hectare.....3	Greater than 1 hectare..6		
4. Type of work being done	Internal works/no change to building footprint.....1	Fencing and minor changes to building footprint(s) no earthworks.....3	Major changes to building footprint(s) and earthworks...6	Significant construction and bulk earthworks.....9	
Total Score for Part A					

Part B Site Context

Item	Score Options (please circle)				Allocated Score
1. Distance of other sensitive landuses from the site (schools and homes)		Over 100m.....6	50m to 100m.....9	Less than 50m.....12	
2. Effect of prevailing wind directions (at time of construction) on other landuses	No soil disturbance.....0		Development fronting The Esplanade or at Keane's Point affected by one prevailing (easterly or westerly) wind direction.....9	Development affected by more than one prevailing (easterly and westerly) wind direction.....12	
Total Score for Part B					

Site Classification Score (A x B) =

CONSTRUCTION MANAGEMENT PLAN

TEMPLATE

<INSERT PROPERTY ADDRESS>
<INSERT BUILDER DETAILS>

Implementation / Review Date	Addendum issue date and description	Key Project Personnel	Role	Signature	Date

PROJECT DETAILS

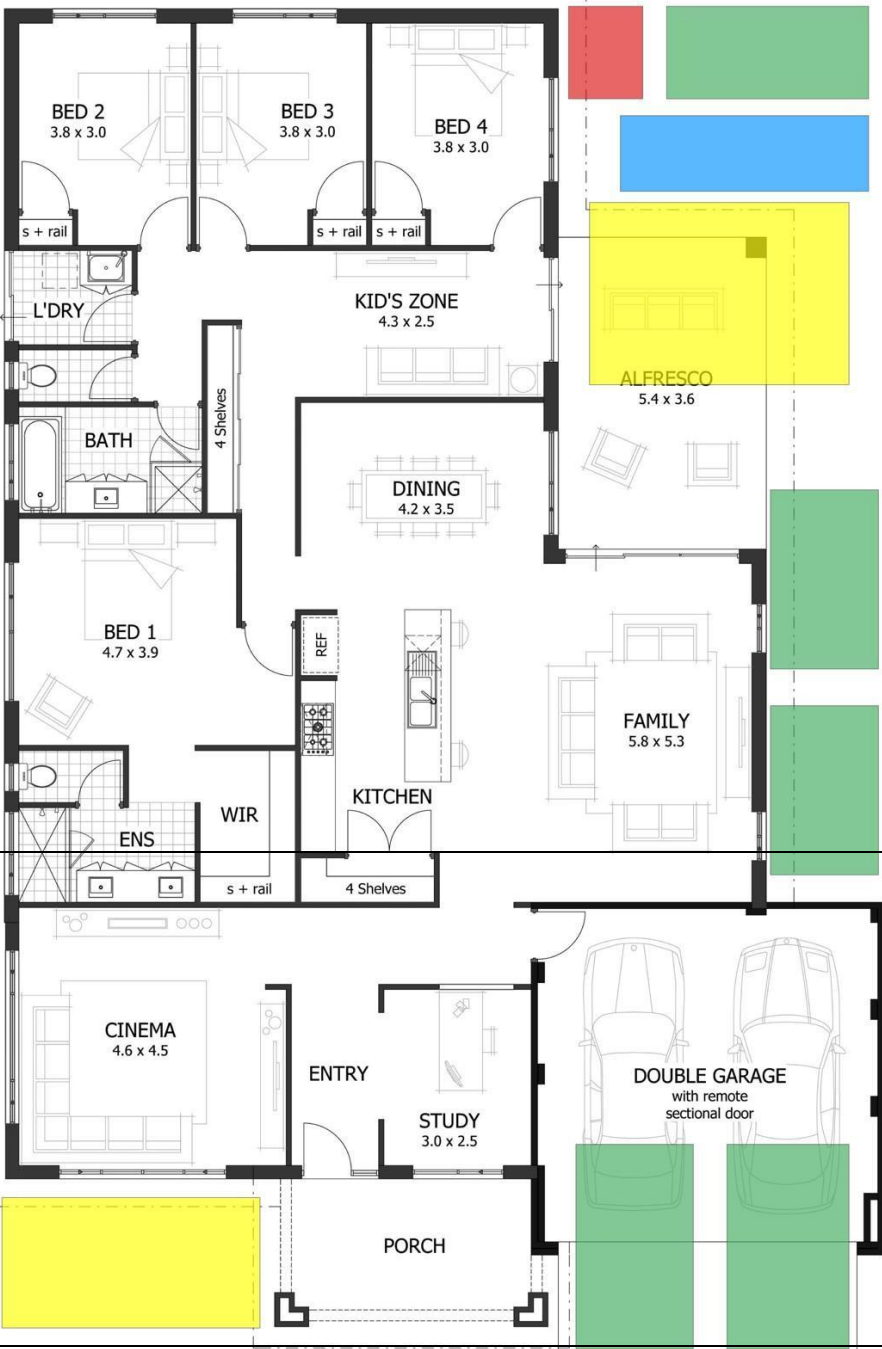
Site Location:	Client Details:
Builder Representatives:	
Director (Day-to-Day Site Contact):	Client Liaison:

Registered Supervisor:	(Reg
No.....) Project Overview:	

Construction Timeline:

- 1. SIGNIFICANT WORKS/ACTIVITIES**
 - 1.1 Site Parking**
 - 1.2 Site Amenities**
 - 1.3 Dust Management**
 - 1.4 Working Hours & Noise Management**
 - 1.5 Local Residents**
 - 1.6 Major Site Activities**
 - 1.7 Traffic Management**

Construction Management Plan



Contact Details and Legends

Site Manager

Site Address

Contact Number

Email

Emergency Calls:

Be prepared to say:

- Your Name
- Nature of Emergency – Medical/Fire
- Nature of Injury or Type of Incident
- Location of Site

Legend:



Emergency Muster Point



Laydown Area



Site Amenities

- Contractor Parking

Appendix 2 – Noise Management

Work shall be conducted in accordance with the [Environmental Protection \(Noise\) Regulations 1997](#), and section 6 of AS 2436:2010 - Guide to Noise and Vibration Control on Construction, Demolition, and Maintenance Sites. Activities likely to generate significant noise will, wherever practical, be scheduled between the hours of 0700 and 1800 and not on Sundays or Public Holidays. In the event that work is required outside these hours, work planning will involve an assessment of potential excessive noise generation and procedures implemented in accordance with those stated in AS 2436.

Noise levels and exposure times.

Noise Level dB(a)	Exposure Time
85	8 hours
88	4 hours
91	2 hours
94	1 hour
97	30 mins
100	15 mins
103	7 ½ mins















The 85 dB(A) exposure standard for noise in Western Australia is legally the maximum acceptable exposure level for noise at the workplace.

Workplace noise exposure levels therefore must not exceed 85 dB(A) and should be kept below that level where practicable.

The two factors that together cause permanent hearing damage are the loudness of the noise and the length of time a person is exposed to it. The length of time an unprotected worker is able to work (maximum time of exposure) is reduced by half for every 3 decibels (dba) increase in noise level.

If a person/worker is exposed to the following noise levels, <Insert Builder> shall ensure that appropriate control measures are taken:

1. In excess of an 8-hour noise level equivalent of 85 dba, or
2. A peak of more than 140 dba

Activity	Activity Description and Noise Level	Activity	Activity Description and Noise Level
	Normal Conversation 60 decibels Max. Time of Exposure More than a day		Operating a Grader 97 decibels Max. Time of Exposure 30 Minutes
	Driving a Vehicle 70 decibels Max. Time of Exposure More than a day		At a Rock Concert 100 decibels Max. Time of Exposure 15 Minutes
	Standing on a Busy Road 80 decibels Max. Time of Exposure 24 Hours		Near a Crane 102 decibels Max. Time of Exposure 10 Minutes
	Inside a Noisy Restaurant 84 decibels Max. Time of Exposure 10 Hours		Operating a Jackhammer 105 decibels Max. Time of Exposure 5 Minutes
	Operating a Welder 85 decibels Max. Time of Exposure 8 Hours		Operating a Bulldozer 107 decibels Max. Time of Exposure 3 Minutes
	Operating a Lawnmower 91 decibels Max. Time of Exposure 2 Hours		Using Explosive Power Tool 120 decibels Max. Time of Exposure 10 Seconds
	Operating a Power Tool 94 decibels Max. Time of Exposure 1 Hour		Near Diamond Rock Saw 121 decibels Max. Time of Exposure 5 Seconds

Control measures- control shall be, as far as is practicable, through the progressive implementation of one or more of the following measures:

- Substitution- swapping to a hazard or source with a lower risk level. ☐
- Isolation- removing the hazard from the person or the person from the hazard. ☐
- Minimising by engineering means- physically altering the work environment. ☐
- Minimising by administrative means- designing jobs to reduce workers' exposures. ☐
- Use of personal protective equipment (PPE)- using devices to protect the hearing of workers.

Note: Activities indicated below are examples only. For any particular activity, noise levels and the applicable exposure times can vary significantly, depending on a range of conditions that may exist. For accuracy, a sound level meter should be used.

Local Planning Policy 9 – Development Bonds

Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

State Policy

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Local Planning Policy - 9

Policy Reference	Formal Description	Service Line
LPP 9	Development Bonds	Development Services
Implementation:		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

Planning Objective (LPS):

- *To ensure that funds are available in the event of damage to street trees and infrastructure resulting from the development of land and buildings within Peppermint Grove.*
- *To allow the Shire to undertake clean up and reinstatement works immediately, and to ensure that the cost of doing so is not a financial burden on the ratepayers of the Shire.*
- *Bonds are also to be held to ensure that conditions of planning approval are met.*

Statutory Basis

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

(This policy should be read in conjunction with *LPP 8 'Construction Management Plans'*.)

Policy

To ensure that any damage to public property caused by building works is fixed properly, the Shire may require the lodgment of a bond, based on the value of works undertaken. This bond shall be paid prior to the issue of a building or demolition permit. The bond also includes the footpath and kerb deposit.

Development Bonds can be used to reinstate street verges damaged by the storage of building materials, to clean roads due to over spill from sand deliveries and includes but is not limited to the repair of damage to laneways, footpaths and kerbs.

Development Bond amount shall be determined at the discretion of the Chief Executive Officer with regard to prevailing fees and charges.

Process for the use of Development Bonds

In the event that a development results in damage to Shire infrastructure, or that a construction management plan is not being complied with, the builder and landowner shall be contacted in writing giving them an appropriate time frame in which to attend to the issues. If the matter is not attended to in a reasonable time frame, or the situation is dangerous in the opinion of the Chief Executive Officer of the Shire, funds from the bond are to be used to make the site safe or to a standard required under the construction management plan.

The landowner/builder will be provided with an itemised acquittal for any bond funds expended by the Shire in accordance with this policy.

Refund of Bonds

The landowner or builder must notify the Shire in writing, at the completion of development, in order to obtain a refund. The appropriate Shire officer shall inspect the site and refund the full amount if all the conditions of planning have been complied with, and the kerb and footpath are in the same condition as prior to the development commencing.

Council as final Arbiter

In the case of a dispute concerning the use of bond funds to reinstate infrastructure, or being withheld pending satisfying the conditions of planning consent, the matter is to be referred to Council for determination.

Local Planning Policy 10 – Design Review Panels

Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

State Policy

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Local Planning Policy - 10

Policy Reference	Formal Description	Service Line
LPP 10	Design Review Panels	Development Services
Implementation:		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

Planning Objective (LPS):

- *To provide Council with high level, independent expert advice and expertise on urban design, architecture, landscape design, sustainability and heritage in relation to significant development applications.*

Statutory Basis

This Local Planning Policy is made under the provision of the Planning and Development (Local Planning Schemes) 2015 Regulations.

Policy

The panel shall act in an advisory capacity on specified proposals with respect to development meeting the Shire's objectives with particular reference to those of the Local Planning Scheme, Local Planning Strategy and residential development codes.

The advice provided to Council should encompass the following:

- The merits of the architectural design including its relationship to adjoining development;
- Impact of the design on the broader public realm and streetscape and general amenity of the locality.
- How the proposal would affect the character of the locality, including impacts upon heritage structures and places of cultural heritage significance, including natural features.
- The extent to which the proposal is designed to be resource efficient, climatically appropriate, responsive to climate change and makes a contribution to environmental sustainability;
- The demonstration of best practice urban design including Crime Prevention Through Environmental Design (CEPTED) principles, protection of important view corridors and the creation of safe and active civic and commercial places.

The Panel shall examine the plans of all development proposals referred to them and provide professional and technical advice to the applicant and the Shire's Development Services in relation to matters relating to urban design, architecture, landscape design, sustainability or heritage.

Membership

The Shire's Design Review Panel (DRP) shall comprise of four external members and one deputy member approved by Council and consist of members who are able to demonstrate:

- A demonstrated high level of expertise and knowledge in their particular field of architecture, urban design, landscape architecture, sustainability or heritage;
- The relevant skills and experience to provide independent expert advice in regard to significant urban design, place making; and
- Current registration or eligibility for registration with their relevant professional body is essential.

The Chief Executive Officer and/or the Manager of Development Services shall be ex- officio members and provide administrative support.

Selection

Members of the DRP can be either nominated by the CEO and/or selected from a pool following public advertising in a local newspaper and the Shire's website.

Role and Scope of the Policy

The Review panel provides advice only. It has no powers or authority, whether by delegation or otherwise, to make decisions or approve applications which have been referred to them.

In respect of any item under consideration at a meeting, the Panels' comments are restricted to Council Members. Panel Members are not entitled to comment on behalf of the Shire to the media.

The DRP is not to provide advice directly to an applicant in respect of any item under consideration at a DRP.

Applications to be referred to the DRP

The following applications for planning approval for proposed development (Development Applications) in the following categories are to be referred to the DRP for their consideration and comment:

1. Commercial development directly abutting land zoned residential; and Development, which, in the opinion of the Chief Executive Officer or Council, is contentious or likely to be of significant community interest;
2. Redevelopment of a site within the District Centre Zone;
3. Non-residential development which, in the opinion of the delegated officer, is likely to have a significant impact on the Shire;
4. Residential development on land zoned either Mixed-use, or Activity Centre greater than three storeys or comprising ten or more dwellings; and
5. Minor development proposals which, in the opinion of the delegated officer, should be referred to the DRP due to unusual or unconventional design elements.

Design Review Panel Process

The recommendations are to be included in the report to Council for determination along with any contrary views or concerns raised by the applicant.

Officers are to circulate agendas including plans and preliminary Officer's comments to DRP at least 10 days prior to the meeting. DRP members are to review plans and undertake site inspections as required.

Local Planning Policy 11 – Building on Side and Rear Boundaries

Statutory Authority

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of Peppermint Grove Local Planning Scheme No. 4 (2017) as amended.

State Policy

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 (LPS 4) and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The Policy Statement intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

All Policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Local Planning Policy - 11

Policy Reference	Formal Description	Service Line
LPP 11	Building on Side and Rear Boundaries	Development Services
Implementation:		Planning and Building
Adoption and Modification	2020	
Strategic Community Plan		
Review Date		

Planning Objective (LPS):

- *To ensure planning decisions uphold the following adopted objective on streetscapes adopted under the Shire's Local Planning Strategy.*
- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes.**
- *To ensure that the regular spacing or street rhythm, which is an important streetscape element created by the side boundary setbacks under the Deemed-to-Comply provisions of the R-Codes, is maintained.*
- *To provide a set of criteria where Council may consider boundary walls in Residential zoned areas of the Shire with a density code of R10 or R12.5.*

Statutory Basis

This Local Planning Policy is made under the provisions of the Planning and Development (Local Planning Schemes) 2015 Regulations.

Clause 7.3.1 of the R-Codes allows Council to vary the R-Code provisions relating to boundary walls through a Local Planning Policy.

Policy

In the low-density residential areas of the Shire there are no applicable Deemed-to-comply provisions in the R-Codes for boundary walls.

Therefore, any application for a boundary wall can only be considered under the Design principles of the R-Codes. Clause 'P3.2 of the R-Codes 'Buildings built up to boundaries (other than the street boundary)' provides the following Design Principles for the assessment of boundary walls.

- *Makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *Does not compromise the design principle contained in clause 5.1.3 P3.2 'Lot Boundary Setback';*
- *Does not have any adverse impact on the amenity of the adjoining property;*
- *Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *Positively contributes to the prevailing development context and streetscape.'*

Council should be satisfied when considering an application for a boundary wall that in order to meet the principles within the Shire it should:

1. For side boundaries the incursion into the setback should be located at least 3-metres behind the 9-metre building line to satisfy the '*...the prevailing development context and streetscape*' outlined in the R-Codes.
2. For side boundaries the incursion into the setback should not be located forward of an adjoining dwelling so as to block views to and from that place.
3. For all side and rear boundaries the incursion into the setback should not visually impose on an adjoining property that is on the Shire's Heritage List.
4. For boundaries abutting a Right of Way (R.O.W) buildings should be set back sufficiently to allow for future road widening where this has been identified.

Local Planning Policy 12 – Residential Fences

Shire of Peppermint Grove

Statutory Authority

Planning and Development Act 2005.

Planning and Development (Local Planning Schemes) Regulations 2015.

Shire of Peppermint Grove Local Planning Scheme No. 4 (as amended).

Local Planning Policy

This local policy shall apply to all matters considered pursuant to Local Planning Scheme No.4 and where the Council may exercise its discretion to vary Scheme requirements, to advise and direct on matters of land subdivision and amalgamation, site and building design, and/or processes associated with the assessment and implementation of development and matters related to its implementation.

The local policy intends to provide clear direction and explanation as to the justification and basis for Council preferences in design and planning. It intends to influence the design of proposals and to achieve consistency of deliberation on matters which call for judgement and consideration of site characteristics and merit of design proposals.

The local policy will apply to each case prescribed to achieve a balance between consistency and appropriate site related design.

Planning Objective

- *To provide design guidelines for street walls and fences that vary the deemed-to-comply provisions of the Residential Design Codes of Western Australia (R-Codes) while maintaining an open visual aspect between houses and the street for the purpose of passive surveillance.*
- *To provide design guidelines for dividing fences and fences that abut rights-of-way that vary from a 'sufficient fence' as defined under the Fencing Local Law 2021.*
- *To provide design guidelines for game court fencing.*
- *To provide design guidelines for vehicular and pedestrian access gates.*
- *To encourage a high-quality standard of fencing within the Shire of Peppermint Grove that allows houses to visually contribute to the streetscape including when viewed from communal streets.*
- *To ensure street walls and fences to heritage places is of a complementary design, scale and materiality.*
- *To encourage the introduction of deemed-to-comply sightlines for pedestrians and vehicles for existing non-compliant fencing and that sightlines are achieved for proposed fencing.*

Statutory Basis

This Local Planning Policy is made under the provision of the Planning and Development (Local Planning

Schemes) 2015 Regulations.

Clause 7.3.1 of the R-Codes allows Council to vary provisions relating to street walls and fences and to augment the R-Codes through a local planning policy.

If there is a conflict between the local policy and the Shire's Fencing Local Law 2021, then this local policy shall prevail.

Context

The Local Planning Strategy recognises the importance of maintaining and enhancing the Shire's streetscapes. Peppermint Grove is principally a neighbourhood of single detached houses with large front gardens and predominantly open views between houses and with the street. This quality contributes to the residential character of our suburb.

Furthermore, a number of streets have several (adjoining) houses which have been placed on the heritage list, and their co-relationship and collective value is enhanced due to their:

- Open views between the street and houses;
- Front garden landscaping of lawns, bedding and trees; and
- Ability to view and read the architectural form from the public realm.

Recent residential development 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 view along a street or a 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 (CPTED).

In the case of Peppermint Grove and given the value for heritage and green landscaped front gardens, street walls and fences including to communal streets is therefore something to be carefully considered on merit and to be justified with regard to the cumulative impact on streetscape.

Historically, unobstructed sightlines to ensure safety and visibility and visual permeability have not been provided in accordance with the deemed-to-comply requirements contained in the R-Codes. Proposals for replacement houses, significant alterations or additions, or where an existing street wall or fence is proposed to be modified are encouraged to retrospectively address any such non-compliance.

This Shire policy will identify the circumstances and parameters whereby fencing is able to be approved without causing detriment to the streetscape of the character of the neighbourhood or to neighbours, or the loss of visibility of valued properties from the public realm.

Policy Provisions

With the exception of places on the Shire's Heritage List; a fence, wall or gate that meets the following policy provisions are exempt from requiring development approval. A building permit may however be required.

Applicable Standards for All Residential Fences

1. Unless otherwise altered by this policy fencing materials shall comply with Schedule 1 of the Shire's Fencing Local Law 2021 (timber, corrugated fibre reinforced pressed cement or steel sheeting, or brick, stone or concrete).
2. Compliance with the deemed-to-comply requirements for sightlines contained in the R-Codes.
3. Where a site boundary slopes fences can be 'stepped' and fence height averaged provided it does not exceed 200mm above the specified maximum height at any point.
4. The requirement for pool barrier fencing to comply with AS 1926.1-2012 and associated privacy considerations does not set any policy requirement for open aspect fencing.

Primary and Communal Street Fences (within the Primary or Communal Street Setback Area)

1. Where the lower portion of the wall is solid, the height shall not exceed 900mm.
2. Columns, piers or posts forming the structural support shall:
 - a. Not exceed 2.1 metres in height above the natural ground level measured from the street side of the fence;
 - b. Not exceed 600mm in either depth or width; and
 - c. Not be less than 1.8 metres clear of any other column, pier or post.
3. Infill panels (where necessary above the lower wall and between any columns, piers or posts) shall be designed for permeability of at least 50% open view with a minimum gap of 50mm between pickets and shall not exceed the column height.
4. Blade fencing where the depth of the infill picket is proportionally more than the profile section facing the street shall be of a sufficient width so that views to the house are not obscured. This can be achieved where the gap between blades is a minimum of twice the depth. For instance, 25mm deep blades shall be spaced 50mm apart.
5. Breeze block walls shall be designed for permeability of at least 50% open view.

Secondary Street and Right-of-Way Fences

1. Fencing shall not exceed 2.1metres in height measured from the street or right-of-way side of the fence.

Dividing Fences

1. Subject to the written consent of the abutting landowner, a dividing fence is permissible to a height of 2.1 metres measured from the higher side of the fence.

Gates in Boundary Walls and Fences

1. All gates within a fence must either open entirely into the lot or slide parallel along the inside of the fence to complete the fence alignment when closed.
2. For grouped dwellings, multiple dwellings and mixed-use development communal driveway access gates shall be sufficiently recessed within the lot to ensure a Class 1 vehicle (car, light van) does not obstruct a footpath or carriageway.

Game Court Fences

1. Court fencing shall not exceed 3.6m in height and shall be visually permeable above 2.1 metres.
2. Where also a dividing fence and subject to the written consent of the abutting landowner, court fencing is permissible to a height of 3.8 metres measured from the higher side of the fence.
3. Where abutting a right-of-way, court fencing is permissible to a height of 3.8 metres measured from the right-of-way side of the fence.
4. Chain mesh sections are permissible and are encouraged to be PVC coated to reduce reflectivity.
5. Where courts are located in the front setback area the policy provisions for primary and communal street fences shall prevail.

Heritage Places

Compatible front fencing is an important design element that frames a place of cultural heritage significance.

When new or replacement fences are proposed, a development application will be required for either a new or replacement front fence. Where there is no evidence of any original fencing with the Local History Collection, designs typical of the era in which the house was built and being complementary in terms of materials, will be supported by Council.

Variations to this Policy

A lesser distance than 1.8-metres between columns and/or piers may be considered on merit by Council given the particulars of a site.

Council may also consider permitting a section solid to 2.1-metres for part of a front wall for the provision of utility meters.

Policy Reference	Formal Description	Service Line
LPP 12	Residential Fences	Development Services
Implementation:		
Adoption and Modification	October 2023	
Review Date	October 2025	

