



Shire of  
Peppermint Grove

# **ORDINARY COUNCIL MEETING**

## **Minutes**

**HELD ON**

**TUESDAY 17<sup>TH</sup> DECEMBER 2024**

**AT**

**5.30 PM**



# Shire of Peppermint Grove

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## ORDINARY COUNCIL MEETING MINUTES

### 1 DECLARATION OF OFFICIAL OPENING

At 5.30pm, the Shire President declared the meeting open and requested that the Affirmation of Civic Duty and Responsibility be read aloud by a Councillor and requested the recording of attendance and apologies.

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

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

#### **Affirmation of Civic Duty and Responsibility**

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

### 2.0 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

#### 2.1 ATTENDANCE

Shire President	Cr Karen Farley SC
Deputy Shire President	Cr P Dawkins
Elected Member	Cr P Macintosh
Elected Member	Cr E Bond
Elected Member	Cr C Hohnen
A/CEO	Mr J Clapham
Manager Development Services	Mr J Gajic
Manager Infrastructure Services	Mr D Norgard

<b>Gallery</b>	1 Members of the Public
	1 Members of the Press

## 2.2 APOLOGIES

CEO  
Elected Member  
Elected Member

Mr D Burnett  
Cr D Jackson  
Cr J Mahony

## 2.3 LEAVES OF ABSENCE

## 2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

## 3.0 DELEGATIONS AND PETITIONS

## 4.0 PUBLIC QUESTION TIME

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

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

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

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

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

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

Nil

**4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

**5.0 DECLARATIONS OF INTEREST**

**5.1 FINANCIAL INTEREST**

**5.2 PROXIMITY INTEREST**

**5.3 IMPARTIALITY INTEREST**

Cr Bond declared an impartial Interest in Item 8.1.3, as a member of the WA Tree Canopy Association.

**5.4 INTEREST THAT MAY CAUSE A CONFLICT**

**5.5 STATEMENT OF GIFTS AND HOSPITALITY**

**6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**7.0 CONFIRMATION OF MINUTES**

**OFFICER RECOMMENDATION– ITEM NO 7.1**

**Moved: Cr Dawkins**

**Seconded: Cr Hohnen**

**That the minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 26<sup>th</sup> November 2024 be confirmed as a true and accurate record.**

**CARRIED**

**5/0**

**For:** Shire President Karen Farley, Councillors Patrick Dawkins, Peter Macintosh, Charles Hohnen and Emerald Bond.

**Against:** Nil

## 8.0 OFFICERS REPORTS

### MANAGER DEVELOPMENT SERVICES

#### 8.1.1 Adoption of Draft Cottesloe Village Precinct Structure Plan (CVPSP)

#### ATTACHMENT DETAILS

Attachment No	Description
Attachment 1	Draft CVPSP Part 1 - Implementation
Attachment 2	Draft CVPSP Part 2 – Explanatory Background
Attachment 3	Draft Scheme Amendment to LPS 4

Voting Requirement	:	Simple Majority
Disclosure of Interest	:	Nil.
Assessing Officer	:	Pete Zadeian
Authorising Officer	:	Joel Gajic

#### PURPOSE OF REPORT

To adopt and refer the Draft Cottesloe Village Precinct Structure Plan (CVPSP) to the Western Australian Planning Commission (WAPC), for its consent to advertise. To also initiate a standard planning scheme amendment to give effect to the Draft CVPSP.

#### SUMMARY AND KEY ISSUES

- Since 2019, considerable work has been undertaken to better understand the drivers that can transform Cottesloe Village into a modern vibrant district centre.
- The Draft CVPSP was overseen by a Project Steering Group (PSG), made up of elected representatives, and interactions with the Department of Planning, Lands and Heritage.
- Based on extensive built form testing, the Draft CVPSP seeks to intensify Cottesloe Village through new zoning, building heights, setbacks and plot ratio controls.
- The proposed residential densities are expected to generate up to 205 new dwellings within the Shire, representing 41% of its baseline infill housing target of 480 dwellings.
- To give effect to the CVPSP the Shire must amend its Local Planning Scheme 4 (LPS4).
- Upon receiving WAPC consent to advertise, the Shire together in concert with the Town of Cottesloe (ToC) will publicly advertise the Draft CVPSP and its corresponding LPS4 amendment for community feedback.

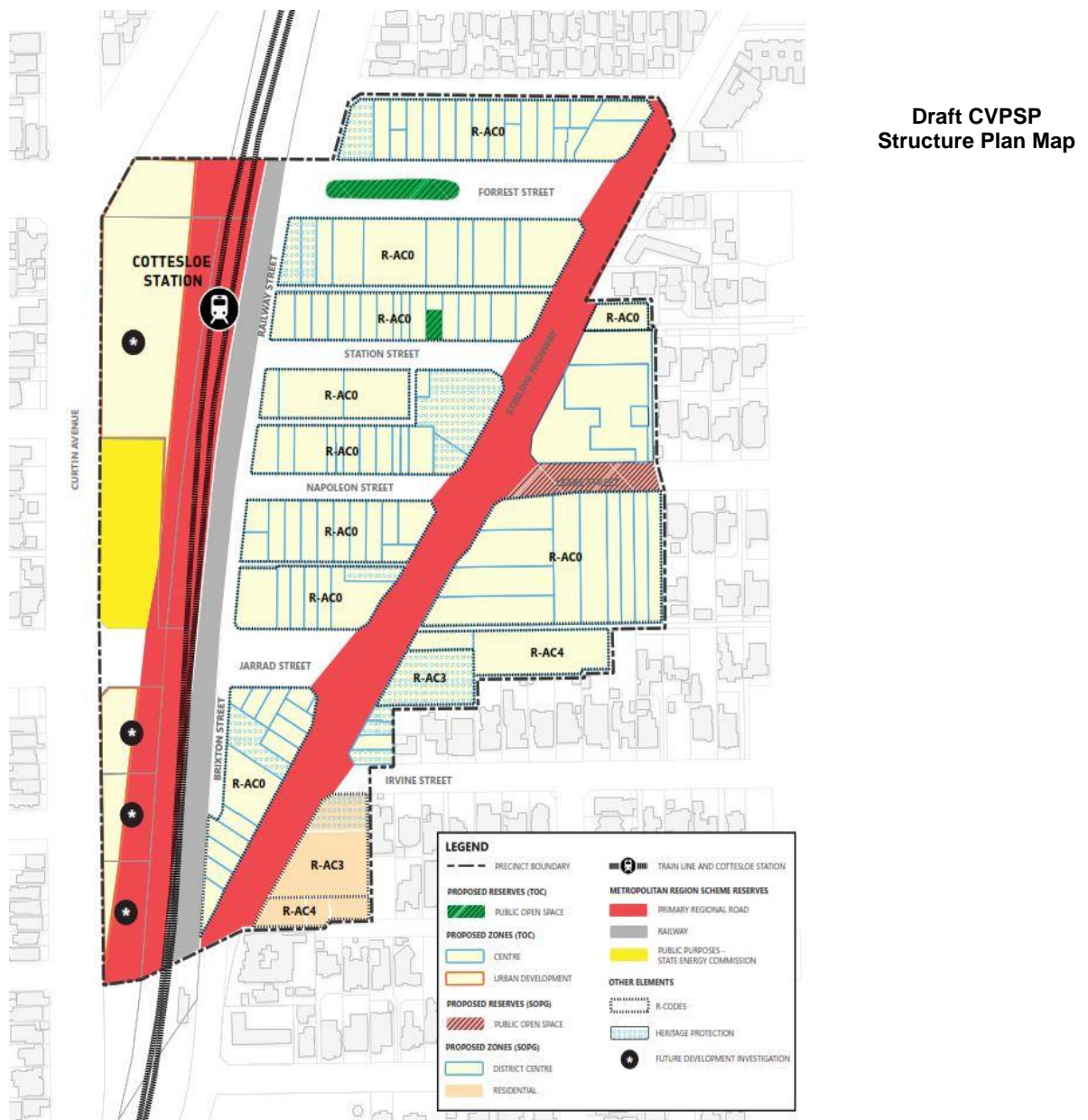
#### BACKGROUND

Cottesloe Village is designated as a ‘*District Centre*’ under the State’s activity centre hierarchy, and as such requires a greater level of planning and design focus due to its mixed-use nature, existing character and heritage, and community expectations.

A precinct structure plan is an established town planning tool, designed to coordinate and guide the progressive future zoning, subdivision, and development of land through a set of

procedures, measures and controls. The Shire’s Local Planning Strategy (2016) identifies Cottesloe Village as an area requiring a structure plan.

Please see the boundary map of the CVPSP area over the next page.



Structure plans are valid for 10 years, or a longer period as approved by the WAPC, after which they will expire. Since 2019, the ToC and the Shire have been collaborating on the preparation of a structure plan for Cottesloe Village.

This work involved various consultants on community engagement, movement and access, economic sustainability and urban design. It resulted in the 2019 Draft Cottesloe Village Precinct Plan and the 2023 Community and Stakeholder Engagement process.

Strategic oversight of this structure plan was managed by a joint Project Steering Group (PSG), made up of elected representatives from the ToC and the Shire. In addition, several



bilateral meetings were held with the Department of Planning Lands and Heritage to ensure the Draft CVPSP satisfies WAPC expectations and statutory requirements.

On 15 November 2024, the PSG endorsed the Draft CVPSP for the Shire's adoption and referral to the WAPC for consent to advertise. It is supported by an amendment to the Shire's Local Planning Scheme 4 (LPS4) to give effect to the CVPSP.

## **CONSULTATION**

Community consultation on the structure planning of Cottesloe Village gathered speed through Community Engagement & Value Mapping, Urban Design & Research Recommendations, and Economic Sustainability Assessment which all culminated in the 2019 Cottesloe Village Structure Plan being advertised for public comment.

Throughout 2023 the Shire in collaboration with the ToC and consultants Hatch | Roberts Day undertook public engagement to build upon the draft vision of the 2019 Precinct Plan. Through this community engagement a draft vision and several structure plan concepts emerged that have informed the content of the Draft CVPSP.

The WAPC is responsible for approving structure plans. It also provides recommendations to the Minister for Planning on determining planning scheme amendments. Both structure plans and planning scheme amendments require community consultations as part of the decision-making process, the details of which are discussed later on in this report.

Following its approval, the WAPC will publish the CVPSP (Part One and Part Two including the Technical Appendices) on the WA government website. The Shire may also publish the CVPSP on its website with additional supporting explanatory information.

## **STRATEGIC IMPLICATIONS**

The form and content of the Draft CVPSP has been prepared in accordance with Part 4 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations, 2015*. To give effect to the CVPSP, the Shire must amend its Local Planning Scheme 4 (LPS4) in accordance with s.75 of the *Planning and Development Act, 2005*.

## **LOCAL PLANNING POLICY IMPLICATIONS**

Once certified by the WAPC, the CVPSP will need to be supported by a suite of Local Planning Policies (LPPs) to help manage its day-to-day implementation. This includes LPPs for signage, commercial activities, as well as expanding the existing LPP 3 – Heritage Places, to outline appropriate built form transitions adjoining or abutting heritage listed properties.

## **STATUTORY IMPLICATIONS**

There are no statutory implications evident at this time.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

This Draft CVPSP is distinguished by its regulatory context, new zoning provisions, new controls for building height, setbacks and plot ratio, and the next steps towards its approval.

### ***Regulatory Context:***

The WAPC is responsible for approving structure plans to ensure State strategic planning priorities are delivered. Local government advises and makes recommendations to the WAPC on proposed structure plans based on its local planning framework.

The Draft CVPSP has been shaped by the statutory requirements of:

- Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations*.
- State Planning Policy (SPP) 4.2 – Activity Centres, which classifies Cottesloe Village as a District Centre and enables a mix of land uses including retail, commercial, community and significant amounts of residential.
- State Planning Policy (SPP) 7.2 – Precinct Design, which requires precinct structure plans to outline land use, density and development (including built form), access arrangements, infrastructure, environmental assets and community facilities necessary to facilitate future subdivision and redevelopment.

The Draft CVPSP satisfies all regulatory requirements and represents best planning practice in relation to the preparation and content of precinct structure plans.

### ***New Zoning Provisions:***

The R-Codes are used to label residential properties on scheme maps, and the higher the R-Code, the higher the density. For example, an R40 zoning indicates a density of 40 dwellings per hectare, while an R60 zoning indicates a density of 60 dwellings per hectare.

The Draft CVPSP seeks to intensify the commercial capacity and residential density along the Stirling Highway, generally from R80 to R-AC (Activity Centre), which attracts a density of up to R160. The proposed densities within the Shire are expected to generate up to 205 new dwellings, representing 41% of its baseline infill housing target of 480 dwellings, established under the State Government's Central Sub-Regional Planning Framework, 2018.

Specifically, the Draft CVPSP seeks to give effect to new zoning and density provisions outlined in table over the page:

Sub-Precinct	Existing Zone	Proposed Zone/s	Proposed Typology
<b>Irvine Street</b> (478 – 512 Stirling Highway)	R80	R-AC3 and R-AC4	<ul style="list-style-type: none"> <li>✓ 'Garden apartments' with generous front setbacks providing a landscaped edge and amenity .</li> <li>✓ Street orientated balconies and courtyards.</li> <li>✓ Modest building heights combined with generous rear setbacks to transition with nearby low scale residential.</li> <li>✓ Heritage frontages to be conserved.</li> </ul>
<b>Cottesloe Central</b> (460 Stirling Highway)	R-AC3	R-AC0; R-AC3; and R-AC4	<ul style="list-style-type: none"> <li>✓ A specialised mixed use shopping centre with residential uses vertically integrated.</li> <li>✓ Street facing podium that accentuates the corner of Stirling Highway and Leake Street.</li> <li>✓ A tower element representing a landmark feature within the CVPSP area.</li> <li>✓ Building heights must maximise sunlight penetration into adjoining low density residential areas.</li> <li>✓ Street setbacks to Stirling Highway allow a generously landscaped green edge with a refreshed plaza.</li> <li>✓ Residential uses provide private open spaces / balconies with passive street surveillance.</li> </ul>
<b>The Grove Shire Chambers</b> (9A Hurstford & 1 Leake Street)	Civic and Community Reserve	R-AC0 and R-AC3	<ul style="list-style-type: none"> <li>✓ A specialised mixed use building integrating community and civic facilities with commercial uses.</li> <li>✓ Street facing podium includes active uses on Leake Street to complement a redeveloped Cottesloe Central.</li> <li>✓ A generous rear setback to adjoining low density residential areas.</li> <li>✓ A landscaped green edge to Stirling Highway.</li> </ul>

The R-AC4 zoning is a local neighbourhood centre zone that enables three to six-storey mixed-use developments largely commercial in nature but with residential apartments above.

The R-AC3 zoning is a mixed-use zoning that allows for residential use without a specific R-Code that enables six-story and above mixed-use developments with offices, cafes, supermarkets, bars, restaurants, and specialty retail stores.

The R-AC0 zoning is a residential zoning used in conjunction with a Precinct Structure Plan to guide mixed-use developments with residential apartments in high-density areas through controls such as plot ratio, building height, lot and street layouts.

It should be noted that the Irvine Street sub-precinct does not include any residential properties along Irvine Street. Instead, the Irvine Street sub-precinct is a naming convention used to capture all commercial properties between 478 and 512 Stirling Highway.

The current split zoning on adjoining 7 Irvine Street will be rectified through the Local Planning Strategy in conjunction with an Omnibus Scheme Amendment currently under construction, which will also include density transition options surrounding Cottesloe Village.

***New Controls for Building Heights, Setbacks & Plot Ratio:***

Increasing building height and plot ratio along the Stirling Highway transit corridor is a credible town planning response to the planned population and economic growth within Perth's central sub-region. Following extensive built form testing, the Draft CVPSP gives effect to new building heights, setbacks and plot ratios, outlined in the table below:

<b>Proposed Development Controls for Each Sub-Precinct</b>			
<b>Elements</b>	<b>Irvine Street</b> (478 – 512 Stirling Highway)	<b>Cottesloe Central</b> (460 Stirling Highway)	<b>The Grove Shire</b> (9A Hurstford & Leake Street) <sup>1</sup>
<b>Max. Podium Height</b>	3 Storeys	4 Storeys	4 Storeys
<b>Max. Building Height</b>	6 Storeys	16 Storeys	8 Storeys
<b>Primary Setback</b>	4m	4m	12m
<b>Secondary Setback</b>	2m	Nil	Nil
<b>Side Setback</b>	3m	3m	6m
<b>Rear Setback</b>	6m	6m	6m
<b>Max. Plot Ratio</b>	2:1	3.5:1	2:1

These new and increased building heights and plot ratio controls will build on and intensify the existing urban structure of Cottesloe Village, with the view to elevate and transform it into a modern vibrant district centre. This approach is also anticipated to reverse the Shire’s declining and aging population through an increase to its housing stock and diversity.

***The Need for a Planning Scheme Amendment:***

To give effect to the CVPSP the Shire must amend its Local Planning Scheme 4 (LPS4) pursuant of section 75 of the *Planning & Development Act, 2005*. Accordingly, it is recommended that the CVPSP be advertised in conjunction with a corresponding amendment to the Shire’s LPS4 (See Attachment 3).

The scheme amendment is required to introduce and apply the new zones, building heights, plot ratio, and setbacks of the CVPSP. It does this by amending Clause 33 of LPS4 relating to additional site and development requirements.

It also enables the Shire to exercise its discretion when assessing building heights and plot ratio in accordance with the CVPSP, in a way that achieves the 10 principles of good design set out in State Planning Policy 7.0 – Design of the Built Environment.

***Next Steps Towards Implementation:***

The WAPC is responsible for approving structure plans and making recommendations to the Minister for Planning on the efficacy of planning scheme amendments. The procedural steps for planning scheme amendments and precinct structure plans are similar.

Once the Shire has resolved to adopt the Draft CVPSP and initiate the corresponding amendment to LPS4, the road towards implementation can be summarised as follows:

- Refer the draft CVPSP and the planning scheme amendment to the WAPC and Minister for Planning, attached with a planning report requesting consent to advertise.
- Upon receiving the WAPC’s consent to advertise, the Shire must advertise the planning scheme amendment for 60 days and the Draft CVPSP for no less than 42-days.

- The public exhibition period must include a published newspaper notice and make the Scheme amendment and CVPSP documents publicly available.
- No later than 60 days after the closing date of the exhibition period, the Shire must report to the WAPC with any proposed modifications arising from submissions.
- The CVPSP is to be taken to have been refused if the WAPC has not made a decision within 120 days. If approved, the WAPC will publish the CVPSP on its website.
- Within 90 days of receiving the Shire’s Scheme amendment report, the WAPC must make a recommendation to the Minister for Planning.
- The Minister may refuse or modify the scheme amendment. If endorsed the amendment must be published in the government gazette.
- The Shire must publish a public notice and upload the CVPSP and Scheme amendment onto its website with supporting explanatory information.

Wherever possible both the CVPSP and LPS4 amendment will be coordinated, advertised and reported together in concert with the ToC. Discussions with the ToC are ongoing regarding a combined community consultation program, including options for a community workshop to be facilitated by an independent third-party facilitator.

Until the Draft CVPSP has been approved, any subdivision or development application must not prejudice the overall development potential of the precinct.

Once approved the CVPSP will have a ‘*due regard*’ status under planning law. This means that although decision makers are not legally bound by the CVPSP they have an obligation to use it to determine proposals for subdivision or development, together with any associated scheme provisions and local planning policies.

The officer’s recommendation reflects a similar recommendation being put before the ToC.

#### OFFICER RECOMMENDATION/S - Item 8.1.1

**Moved: Cr Dawkins**

**Seconded: Cr Macintosh**

**That Council:**

- 1. Note the requirement for the Cottesloe Village Precinct Structure Plan to be advertised in accordance with Schedule 2 Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015;**
- 2. In accordance with the *Planning and Development Act 2005* and the Planning and Development (Local Planning Schemes) Regulations 2015, initiates an amendment to the Shire of Peppermint Grove Local Planning Scheme No.4 as set out in Attachment 3;**
- 3. Pursuant to clause 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that the amendment to the Shire of Peppermint Grove Local Planning Scheme No.4 is a ‘standard’ amendment, for the following reasons:**

- a. The amendment is generally consistent with the objectives of the relevant zone or reserve;
  - b. The amendment is generally consistent with a local planning strategy that has been endorsed by the Western Australian Planning Commission;
  - c. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area; and
  - d. The amendment is not a complex or basic amendment.
4. Refers the standard amendment to the Shire of Peppermint Grove Local Planning Scheme No.4 to the Environmental Protection Authority and the Western Australian Planning Commission for consideration and comment;
  5. Subject to formal assessment not being required by the Environmental Protection Authority and approval to advertise being received from the Western Australian Planning Commission, proceeds to advertise the amendment to the Shire of Peppermint Grove Local Planning Scheme No.4 for public comment with a submission period of not less than 42 days in accordance with the *Planning and Development Act 2005* and the Planning and Development (Local Planning Schemes) Regulations 2015;
  6. Delegate authority to the Chief Executive Officer to make minor modifications to the Cottesloe Village Precinct Structure Plan and the corresponding amendment to the Shire of Peppermint Grove Local Planning Scheme No.4 that will not alter the overall intent of the Precinct Structure Plan or the planning scheme amendment, as directed by the Western Australian Planning Commission, prior to advertising;
  7. Further considers the Cottesloe Village Precinct Structure Plan and Amendment to the Shire of Peppermint Grove Local Planning Scheme No. 4, together with any submissions, following the conclusion of the statutory public advertising period.

**CARRIED**

**5/0**

**For:** Shire President Karen Farley, Councillors Patrick Dawkins, Peter Macintosh, Charles Hohnen and Emerald Bond.

**Against:** Nil

8.1.2 Determination of (Readvertised) Local Planning Scheme Amendment no. 2

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Description</b>
<b>Attachment 1</b>	Scheme Amendment Report - Rowe Group (as amended including schedule of modifications)
<b>Attachment 2</b>	Ministerial Direction to Modify and Readvertise
<b>Attachment 3</b>	Written Submissions Summary Table (redacted)

Location / Address	:	Lot 24 & Lot 26 (No.12) Johnston Street, Peppermint Grove
Voting Requirement	:	Simple Majority
Disclosure of Interest	:	Nil.
Previous Items	:	Item 8.1.3 28 March 2023 Item 8.1.1 25 July 2023
Applicant	:	The Rowe Group
Owners	:	The Shire of Peppermint Grove & S L Yu
Assessing Officer	:	Joel Gajic
Authorising Officer	:	Joel Gajic

**PURPOSE OF REPORT**

To seek a Council resolution to determine Local Planning Scheme 4 (LPS4) Scheme Amendment No. 2 (AMD2) to recode land zoned Residential R15 to Residential R80.

**SUMMARY AND KEY ISSUES**

- The subject land is zoned Residential R15.
- The Shire has since 2016 been investigating the viability of diverting stormwater from a retention basin within Lot 24 Johnston Street and selling the freehold lot. Until this time the diversion of stormwater was not considered financially viable.
- The Rowe Group on behalf of the landowners of Lot 26 (No.12) Johnston Street and in collaboration with the Shire prepared a report seeking the consolidated subject site to be recoded to R40 to better reflect the site context and residential density of the surrounding area.
- The Western Australian Planning Commission (WAPC) Statutory Planning Committee recommended to Minister for Planning (Minister) that the subject land be recoded at a higher Residential R80 density.
- The Minister for Planning (Minister) directed that the Shire readvertise Scheme Amendment No. 2 in accordance with the WAPC advice.

**LOCATION**

The subject site is located directly opposite Cottesloe Primary School and is situated approximately 125m from commercial tenancies (including IGA) along Stirling Highway, 600m from Mosman Park Train Station and 700m from Cottesloe Train Station.

## BACKGROUND

The landowners of Lot 26 (No.12) Johnston Street and their planning consultants the Rowe Group approached the Shire to rezone their property. Shire staff were of the view that recoding Lot 26 (No.12) Johnston Street had greater planning merit if a Scheme Amendment also incorporated Lot 24.

Lot 24 is owned by the Shire in freehold and is currently being utilised for drainage purposes and incidental storage. Aside from a Western Power transformer on the northeast corner, Lot 24 presents as vacant land.

The consolidated subject site has an approximate land area of 1503m<sup>2</sup>, with an approximate frontage of 30.2m to Johnston Street.

There were no submissions received to the originally proposed AMD2 to rezone land zoned Residential R15 to Residential R40. The Shire resolved at the 22 October Ordinary Council Meeting to recommend approval of AMD2 without modifications.

The Department of Planning Lands and Heritage (DPLH) initially questioned whether a higher density had been contemplated, and formally recommending a higher Residential R80 code to the WAPC Statutory Planning Committee (SPC). The Shire was afforded an opportunity to present to the SPC prior to the WAPC confirming their recommendation to the Minister.

Planning staff unsuccessfully presented the following grounds for proceeding with the R40 coding to the SPC:

- I. The higher R80 coding sought by DPLH would effectively widen the highway corridor and not address the current conflict between immediately abutting land with substantively different density codes.
- II. The proposed R40 coding was consistent with a key objective of the Shire's Report of Review that was endorsed by the WAPC and is a requirement to both initiate the preparation of and inform the Shire's new Local Planning Strategy.
- III. The proposed R40 coding was consistent with the transition area densities between a corridor and existing low-density neighbourhood contained in the Central Sub-regional Planning Framework 2018 published by the WAPC and Department of Planning Lands and Heritage.
- IV. To impose a higher R80 coding had the potential to erode confidence in the planning system immediately prior to undertaking broader community consultation associated with the new Local Planning Strategy.

The Minister accepted the WAPC recommendation to readvertise AMD2 with a higher R80 coding and, by doing so, has stated the position of the government.

The Rowe Group advised that the owners of Lot 26 (No. 12) had no objection to the higher R80 coding. It is noted that this property has subsequently been placed on the market.

The Minister directed readvertising process for a period of twenty-eight (28) days. Advertising closes on 6 December. In accordance with regulation 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) the local government must consider all submissions prior to passing a resolution. Any written submission(s) received



after 4 December and prior to the Ordinary Council Meeting will be separately circulated and acknowledged in an updated Submissions Summary Table.

Objections were received, including from the Town of Mosman Park (ToMP). The ToMP are in the process of finalising the Mosman Park Village Structure Plan and their Local Planning Strategy that both contemplate retention of the current R40 coding immediately south of the subject land fronting Bond Street. AMD2 has broader ramifications with respect to the direction of strategic planning policy for both the ToMP and the Shire.

## **CONSULTATION**

Four (4) written submissions were received during the consultation period in response to readvertising to affected neighbours. Two (2) of the submissions were from the same affected neighbours. All submissions objected to the higher R80 coding.

The principal grounds of objection were as follows:

1. Insufficient justification for R80 coding.
2. The R80 coding is contrary to the 'garden suburb' amenity and will result in adverse built form impacts on adjoining neighbours.
3. Failure to address the current inappropriate transition in density and building height.
4. Does not align with the Shire of Peppermint Grove Local Planning Strategy and the draft Mosman Park Village Structure Plan and draft Town of Mosman Park Local Planning Strategy.
5. Inconsistent with community consultation and expectations.
6. The higher R80 coding warrants classification as a complex amendment (rather than standard), thereby requiring a more rigorous consultative process.
7. Inadequate consultative process.
8. Potential loss of established Peppermint Trees.
9. Traffic congestion and parking shortages.
10. Impact on social fabric and community cohesion.
11. It is inconsistent with proper and orderly planning and will establish an undesirable precedent.
12. Shire approval for redevelopment of the consolidated site is premature and does not align with the Local Government Act.

The individual grounds of objection and officer's comments are detailed in Attachment 2 - Written Submissions Summary Table. The summary Table and full written submissions will be provided to the DPLH.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Implications evident at this time.

## **LOCAL PLANNING POLICY IMPLICATIONS**

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

## FINANCIAL IMPLICATIONS

Anecdotally, the higher R80 coding will increase the market value of the Shire-owned drainage sump at Lot 24.

## ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

## SOCIAL IMPLICATIONS

There are no social implications at this time.

## OFFICER COMMENT

As previously reported at the March 2023 and July 2023 Ordinary Council Meetings the initially proposed R40 coding is considered to have planning merit and will address the current inappropriate transition in density and building height between R80 and R15 coded land fronting Johnston Street.

Planning staff opposed the DPLH recommended higher R80 coding before the WAPC Statutory Planning Committee and were ultimately unsuccessful in obtaining support for the Amendment as originally advertised.

Anecdotally, the Minister's direction to readvertise at a higher R80 coding is unlikely to be varied subsequent to the consultation process. Notwithstanding, there has been no compelling case put to the Shire to justify the higher coding. Furthermore, the community consultation has reinforced the Shire's position that a R40 coding was appropriate and the higher R80 coding is inconsistent with proper and orderly planning.

The Shire in accordance with the Regulations the local government must now pass a resolution –

- (a) *to support the proposed (readvertised) amendment without modification; or*
- (b) *to support the proposed amendment with proposed modifications to address issues raised in the submissions; or*
- (c) *not to support the proposed amendment.*

It is recommended that AMD2 be supported with modifications to revert the coding shown on the proposed scheme map to R40 as originally unanimously supported by Council at the 25 July 2023 Ordinary Council Meeting.

## OFFICER RECOMMENDATION/s – Item 8.1.2

**Moved: Cr Hohnen**

**Seconded: Cr Macintosh**

**That Council supports Scheme Amendment No. 2 with modifications (recode the subject land R40) in accordance with Regulation 50(3)(b) of the *Planning and Development Regulations 2009*, and to refer the Amendment with supporting documentation to the WAPC for final approval.**

**CARRIED**

**5/0**

**For:** Shire President Karen Farley, Councillors Patrick Dawkins, Peter Macintosh, Charles Hohnen and Emerald Bond.

**Against:** Nil

**Cr Bond declared an impartial Interest in Item 8.1.3, as a member of the WA Tree Canopy Association.**

### 8.1.3 Adoption of Draft Local Planning Policy 7 – Tree Retention (LPP7)

#### ATTACHMENT DETAILS

<b>Attachment No</b>	<b>Description</b>
<b>Attachment 1</b>	Draft LPP7 (as readvertised)
<b>Attachment 2</b>	Draft LPP7 (with recommended modifications)
<b>Attachment 3</b>	Tree Retention Policy FAQ

Voting Requirement	:	Simple Majority
Disclosure of Interest	:	Nil.
Previous Items	:	Item 8.1.1, 27 August 2024 Item 8.1.1, 22 October 2024
Assessing Officer	:	Joel Gajic
Authorising Officer	:	Joel Gajic

#### PURPOSE OF REPORT

To inform Council on the outcome of the further community consultation for Draft LPP7 Tree Retention and to seek a resolution as to whether the local planning policy is adopted, adopted with modifications, readvertised with modifications, or withdrawn.

#### SUMMARY AND KEY ISSUES

- Following a substantive review and reporting period the Council has deemed adoption of a local planning policy to be the most appropriate regulatory tool to protect significant vegetation on private land.
- Draft LPP7 is a new local planning policy substantively based on the Western Australian Local Government Association (WALGA) Model Local Planning Policy.
- The Shire may adopt LPP7 without the need for referral to or the approval of the Western Australian Planning Commission (WAPC).
- The Information Sheet – Residential Development that captures the nuances of the local planning policy framework and reflects how planning officers are interpreting this framework will be further updated pending confirmation of any local planning policy amendments.

#### BACKGROUND

Perth has the lowest tree canopy cover of any Australian capital city. The Shire of Peppermint Grove has one of the highest tree canopy coverages of any metropolitan local government area in Perth. Notwithstanding, state planning policy dictates that residential densities in established suburbs must be lifted to slow expansion of the metropolitan area and associated environmental impacts on the rural-urban fringe. Infill development, subdivision, capital investment, and change in ownership all contribute to facilitate vegetation removal.

The Residential Design Codes of Western Australia (R-Codes) incorporates provisions for minimum soft landscaping areas and tree requirements. The R-Codes does not address tree retention or restrict vegetation removal. There is an expectation that local government should introduce tree retention controls for private property.

McLeod's legal advice to WALGA and verbal feedback from the Department of Planning Lands and Heritage (DPLH) supports the premise that vegetation removal falls under the legislated definition of development.

The WALGA model tree retention local planning policy is considered the most appropriate planning tool to maintain and enhance tree canopy cover on private land within the Shire of Peppermint Grove.

Draft LPP7 fundamentally repackages the WALGA model tree retention local planning policy to align with the Shire's local planning policy structure and conventions. The principal proposed departure from the WALGA model tree retention local planning policy is that a regulated tree must satisfy at least two of the three WALGA proposed qualifiers and the definition of 'maintenance pruning' has been streamlined to align with that contained in the City of Nedlands' corresponding policy. The rationale for these departures was that the WALGA model tree retention local planning has the potential to capture trees that lack either aesthetic or habitat significance and that the definition of maintenance pruning was unnecessarily technical.

In response to acknowledgement at the October Agenda Briefing Session and Ordinary Council Meeting that Draft LPP7 although necessarily bureaucratic was a difficult document to read an appendix to illustrate all potential configurations for a Regulated Tree has been prepared.

There have been no changes to the state planning policy framework since Council resolved to readvertise the draft policy. The information contained in Item 8.1.1 of the 22 October 2024 Ordinary Council Meeting (OCM) remains current and should be read in conjunction with this report.

At the October OCM the Council sought to undertake additional consultation prior to reconsidering Draft LPP7. This report focuses on the outcome of the additional consultation and proposes further minor changes to Draft LPP7.

## **CONSULTATION**

Draft LPP7 was advertised on the Shire's website with the ability to submit a response through the 'have your say' portal, as well as a public notice being published in The Post. This initial round of advertising was undertaken in accordance with section 47(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 and closed on Sunday 29 September 2024.

Forty-four (45) submissions were received for the initial round of advertising (up to 2 October). Forty (40) were considered valid. To be considered valid a name needed to be provided and comment specific to Draft LPP7 provided. A submission on behalf of the WA Tree Canopy Advocates group was deemed address unknown as it was unclear whether any members were Shire residents.

A breakdown of the valid submissions for the initial round of advertising follows.

	Support	Objection
<b>Shire Residents</b>	3	5
<b>Non-Shire Residents</b>	26	Nil
<b>Address unknown</b>	6	Nil

Notwithstanding the draft policy was broadly supported, it was recognised that most submissions in support nominated addresses from outside the Shire. Not all respondents were required to provide their residential address when lodging a submission through the 'have your say' portal. The requirement to provide an address was introduced during the consultation period. All five (5) submissions objecting or seeking significant revisions nominated a Peppermint Grove address.

In response to feedback that many Peppermint Grove residents were unaware of Draft LPP7, and the desire to distinguish the submissions of residents from non-resident, determination of the draft policy was deferred pending further community consultation. A FAQ Information Sheet was distributed to all residential addresses in the Shire and is an attachment to this report. The intent of the Information Sheet was in *non-planning speak* to clarify the policy intent and, should the policy be adopted, the circumstances in which Shire approval would be required.

In the second round of advertising, seventy-two (72) valid submissions and four (4) invalid submissions were received after the initial round of advertising. To be considered a valid submission a name and address and comment needed to be provided. Submissions lodged through the 'have your say' portal for this round of consultation were required to provide an address. Submissions from persons who had already provided comment or secondary submission(s) from the same address have been classified as duplicate submissions.

A detailed breakdown of the submissions lodged by Shire of Peppermint Grove Residents and non-residents of the Shire for the second round of advertising follow.

Shire Residents	Support	Objection
<b>Other valid</b>	42	12
<b>Duplicate submissions</b>	11	3

Non-Shire Residents	Support	Objection
<b>Other valid</b>	4	Nil
<b>Duplicate submissions</b>	N/A	N/A

The central theme for the objections remained that regulation of tree damaging activities unreasonably impinged on private property rights and was not necessary.

A summary of the grounds of objection or amendments being sought compiled from both rounds of consultation and the officer's response follows:

Grounds of Objection	Officer Comment
<b>The definition of 'maintenance pruning' should align with the</b>	Agreed. Draft LPP7 includes the additional requirement to accord with Australian Standard AS4373-2007 Pruning of Amenity Trees. It is acknowledged that this standard is a

<b>policy recently adopted by the City of Nedlands.</b>	licenced product of a technical nature for which the Shire is unable to provide copies. Without reference to the standards the definition would remain sufficiently robust. It is agreed that the benefits of alignment and potentially not requiring the standard to be purchased outweigh any retention of this reference.
<b>Unintended consequences (will encourage tree removal)</b>	Noted. The Shire must assume people will act lawfully and take appropriate compliance and enforcement action when necessary.
<b>Un-necessary regulation/impinges on private property rights</b>	Not agreed. Regulation for the sake of regulation, or that which cannot be effectively managed should be avoided. The protection of urban canopy cover is not only a local government obligation but is aligns with the garden suburb narrative of the local planning policy framework. In lieu of effective alternative controls the Shire has an obligation to regulate tree damaging activities on private property.
<b>Does not address over-hanging vegetation, or nuisance from blocked gutters</b>	Not agreed. The WALGA model policy recognises that nuisance by way of leaf, fruit or bark shedding or the like is not a sufficient ground to undertake a tree damaging activity. Where risk to life or property (other than a minor structure) cannot be otherwise managed, or maintenance pruning would be ineffective, development approval remains an option available to the Shire. It is expected that maintenance pruning would address most cases of overhanging branches causing a nuisance.
<b>Does not address vegetation infested by pests or poisonous to children</b>	Partially agreed. Tree damaging activities including removal of a species listed on a State weed register is as of right. Nuisance from pests is not a ground to undertake a tree damaging activity to a regulated tree. Pest management would be required in lieu of removal.
<b>The Council should be obligated to maintain trees on private property should they wish to regulate them</b>	Not agreed. Draft LPP7 does not impose any additional obligation on a property owner with respect to maintenance. It does, however, require the need for development approval to be obtained prior to undertaking a tree damaging activity to a regulated tree.
<b>Maintenance pruning definition of 10% too arbitrary</b>	Agreed. This criterion was not carried across from the WALGA model draft policy into Draft LPP7.
<b>Maintenance pruning definition does not exempt branches overhanging a property boundary*</b>	Noted. Modifications are recommended to the definition of <i>maintenance pruning</i> to include pruning or lopping of branches or limbs overhanging a common property boundary or encroaching into common property under a strata scheme. Further clarity around works undertaken on behalf of the Shire to address branches or limbs overhanging road reservations or rights-of-way is also recommended.
<b>Risk of financial costs resulting from legal challenges</b>	Not agreed. The WALGA model draft policy was reviewed by suitably qualified lawyers. Should a State Administrative Tribunal (SAT) review eventuate it is more likely to pertain to a larger local government authority. Subsequent reviews would be unlikely as policies would either need to be rescinded, or appellants risk costs being awarded against them for disregarding precedence.
<b>The officer report with respect to potential legal challenges</b>	Noted. The initial officer report seeking Council consent to initiate advertising acknowledged the potential for a proponent to challenge whether a tree damaging activity constituted

<b>lacks detail to make an informed decision</b>	development for the purposes of requiring development approval. Without more, WALGA's legal advice should not be discounted.
<b>Does not prevent poisoning of trees</b>	Not agreed. The poisoning of a regulated tree would be an offence under section 214 of the Planning and Development Act 2005. The challenges of compliance and enforcement are acknowledged.
<b>Stick to managing reserves and verges</b>	Not agreed. 80% of the Perth metropolitan tree canopy cover is attributed to private property. The Shire's Tree Management Strategy 2022 that seeks to enhance vegetation with Shire managed reserves, verges and median strips. This strategy is unable to ensure an environmental 'net gain' across the Shire.
<b>The existing canopy cover is satisfactory and will be maintained by residents without regulation*</b>	Partially agreed. The existing canopy cover is satisfactory. Notwithstanding, there is a need to 'get ahead of the curve'. State government has expectations to exceed infill density targets and a moral responsibility to prevent the un-necessary removal of significant trees (such as the two Norfolk Island Pines at 56 The Esplanade and the Lemon Scented Gum at 153 Forrest Street) necessitates a policy response.
<b>Adverse impacts on property values *</b>	Not agreed. The retention of urban canopy cover arguably increases property values as measured by recognised amenity value calculators such as the Helliwell Assessment, the Burnley method, and the City of Melbourne's Amenity Value Formula,
<b>Development and subdivision will be compromised</b>	Partially agreed. Draft LPP7 seeks to strengthen the existing planning policy framework objectives that development and subdivision proposals retain regulated trees where possible and practical. Proposals for tree damaging activities to a regulated tree will need to be justified.
<b>Potential for conflict between neighbours*</b>	Noted. The loss of an outlook to a regulated tree has been flagged as a contentious ground for objection, particularly should the objecting party have no mature trees on their property. Based on the experience of the City of Nedlands very few development applications exclusively for tree damaging activities are anticipated. The Shire in its capacity as the determining authority will need to ensure that any objections received have planning merit and evidence an unreasonable material detriment.
<b>Other mechanisms available to address urban heat such as regulating roofing materials*</b>	Partially agreed. A local planning policy could introduce design requirements such as discouraging black roofing tiles and encouraging eaves but would be problematic enforcing. Any planning controls would likely be set aside on the basis of duplicating BCA energy efficiency requirements.
<b>Additional costs and project delays*</b>	Partially agreed. Based on the experience of the City of Nedlands very few development applications exclusively for tree damaging activities are anticipated such that application costs for tree damaging activities costing \$10,000 are likely to attract development application fees in the range of \$12.30 - \$32. Development applications that include a tree damaging activity that satisfies the draft policy criteria are unlikely to require any additional processing period. An arborist report may be required to justify a tree damaging activity to a regulated tree.



<p><b>Regulated trees may become uninsurable, Council may be held liable</b></p>	<p>Not agreed. This assertion relies on the premise that approval will not be granted for a tree damaging activity to a regulated tree presenting an immediate risk to life or property. This assertion is false. Works necessary for public safety are excluded under the Deemed Provisions from requiring development approval. Draft LPP7 has due regard to <i>possible safety risks due to tree limb failure and infrastructure and/or structural damage associated with the retaining the tree.</i></p>
<p><b>Council should provide incentives for maintaining significant trees*</b></p>	<p>Partially agreed. Significant trees have a recognised monetary value to the landowner such that financial incentives for retention should not be necessary. With respect to their aesthetic and habitat value that benefits the broader community, there are already incentives in place. The retention of significant trees can be leveraged when a development proposal relies on demonstration of the R-Codes design principles pertaining to open space, building height and setbacks, and visual privacy, or when discretion is sought for variations to plot ratio.</p>
<p><b>The controls should be extended to all properties within the Shire*</b></p>	<p>Partially agreed. Draft LPP7 has sought to align with the WALGA Model Policy that applies to residential zoned land. The Residential Design Codes Volume 2 that applies to apartment development requires development to minimise canopy loss and Determining Authority discretion for the removal of trees. There are also more stringent controls on minimum tree requirements. The forthcoming Cottesloe Activity Precinct Structure Plan will have the ability to address canopy loss for land currently zoned Activity Centre and Mixed Use.</p>

**\* Indicates a further ground of objection not previously reported**

## **STRATEGIC IMPLICATIONS**

Clause 67 of the Deemed Provisions outlines the case and procedure for the preparation and adoption of local planning policies.

## **LOCAL PLANNING POLICY IMPLICATIONS**

Draft LPP7 aligns with the objectives of Local Planning Policy 1 – Design and Development and Local Planning Policy 2 – Ecological Urban Design and Sustainability to champion a ‘garden suburb’ and does not adversely impact on other local planning policies.

## **STATUTORY IMPLICATIONS**

There are no statutory implications evident at this time.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

The suite of current vegetation protection controls including the R-Codes, Significant Tree Registers, or the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 have proven ineffective in protecting urban tree canopy cover.

The WALGA model policy has been informed by a legal review and, anecdotally, has the support of the DPLH. There is an expectation that local government lead the introduction of vegetation protection controls through their respective local planning policy frameworks.

Local policies are important because they articulate local values and link these to how we will plan and make decisions for the benefit of Peppermint Grove as a place and community. Local planning policies also serve the function of articulating local planning scheme provisions and guide the application of Council discretion. Local planning policies are not a law or a statute and are not to be applied inflexibly.

Anecdotal evidence suggests that the recently adopted City of Nedlands tree retention policy has been well-received. The first round of advertising resulted in numerous submissions in support of Draft LPP7 from Dalkeith/Nedlands residents and UWA academics. The City of Nedlands policy retains the WALGA lower threshold to be deemed a Regulated Tree but only applies to Residential zoned properties coded R20 and lower. Feedback from their Duty Planner is that only a handful of applications have been received and there has been no community backlash.

Not all local governments have adopted or gone down the local planning policy path to protect trees on private property. The City of South Perth did not proceed with adoption of their advertised local planning policy due to mixed community feedback and concerns regarding the cost and effectiveness of compliance. They have instead sought to lobby the Minister for Planning to progress state controls. The Town of Cottesloe did not prepare a draft policy for advertising. The cost and effectiveness of compliance is understood to have influenced their decision.

As previously reported, the premise of development approval being required for a tree damaging activity may well be challenged at the SAT. This should not be a reason to defer introduction of a policy.

It is the officer's view that a local planning policy remains the most effective planning tool available to local government to protect trees on private property. There remains no indication that the current state government will seek to introduce state planning policy or model planning scheme provisions.

Council has an opportunity to proactively champion the garden suburb attributes of the Shire and further strength the local planning policy framework in this respect through the adoption of Draft LPP7. It remains open to the Shire to rescind any adopted policy should future changes to the state planning policy framework suitably address urban canopy cover.

Draft LPP7 as readvertised is recommended to be further modified as follows:

1. Introduction of an infographic illustrating examples of a Regulated Tree.
2. Further modifying the definition of *maintenance pruning* to include pruning or lopping of branches or limbs overhanging a common property boundary or encroaching into common property under a strata scheme.
3. Clarification that a *tree damaging activity* to a street tree or a tree encroaching into a road reservation or right-of-way undertaken on behalf of the Shire (prior consent must be obtained as per current practice) is exempt.
4. Recognition that Regulated Trees often contribute to the fabric of heritage-listed places and require additional protection.
5. Acknowledgement that a Heritage Impact Statement may be required to justify a *tree damaging activity* to a *regulated tree* that contributes to the heritage fabric of a heritage-listed place.

Most people retain a greater proportion of what they see rather than read or hear. The introduction of the infographic will improve the policy messaging.

Council can proceed with the advertised draft policy with or without further modifications or can resolve to not proceed with the policy. Should the Council resolve to proceed with the policy a further public notice will be published confirming adoption.

Should Council not wish to proceed with the advertised draft policy with or without modifications at this time consideration should be given to a further deferral pending confirmation of the extent of land and the applicable density codes required to be advertised in conjunction with the Shire's new Local Planning Strategy to satisfy state prescribed infill density targets.

#### **OFFICER RECOMMENDATION/S – Item 8.1.3**

**Moved: Cr Bond**

**Seconded: Cr Macintosh**

**That Council adopts Draft Local Planning Policy 7 – Tree Retention (as further modified and attached to this report) in accordance with the procedures contained in Schedule 2, Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**CARRIED**

**4/1**

**For:** Shire President Karen Farley, Councillors, Peter Macintosh, Charles Hohnen and Emerald Bond.

**Against:** Cr Patrick Dawkins

## 8.1.4 Tender RFT2024 for Cleaning Goods and Services

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Evaluation Recommendation Report (Confidential)

Disclosure of Interest	:	Nil.
Previous Items	:	N/A
Assessing Officer	:	Joel Gajic
Authorising Officer	:	Joel Gajic

### PURPOSE OF REPORT

For Council to consider the awarding of Tender RFT2024 – Cleaning Goods and Services (Tender) for the Shire of Peppermint Grove.

### SUMMARY AND KEY ISSUES

- The current cleaning contract with Iconic Property Services expired on 30 November 2024.
- A Request for Tender (RFT) was prepared by Planning Staff and reviewed by an external consultant.
- The RFT sought to remove ambiguity and standardise the frequency of duties, improve communication and performance monitoring, and expand the scope of required cleaning and basic maintenance duties.
- Tenderers were required to provide a flat fee including consumables.

### BACKGROUND

In order to maintain the Shire's facilities and public assets to a high standard, the following work is required on an on-going basis;

- Cleaning of The Grove precinct (library and administration building);
- Cleaning of the depot and public toilets at Manners Hill Park.
- Cleaning of public toilets and barbecues at Keane's Point; and
- Ad hoc specialist cleaning services such as, but not limited to, graffiti removal as required by the Principal on request

The Contract term including all extension options includes an initial term of two (2) years, with three (3) available twelve (12) month extension options. These additional extension options are exercisable at the Principal's discretion.

At the close of the tender advertising period, eight (8) tenders were received. Seven (7) tenders received were assessed by the tender evaluation panel and deemed compliant. The tendered prices were assessed together with qualitative and compliance criteria to determine the most advantageous outcome to the Principal.

The Shire has adopted a ‘best overall value for money’ approach which means that although price is considered, the proposal containing the lowest price may not necessarily be accepted, nor the tender ranked the highest in the qualitative assessment either.

Taking both the qualitative and pricing assessment results into consideration, it is the Officer’s opinion that Tenderer A offers the best overall value for money for the Shire’s requirements.

## **CONSULTATION**

The Tender was advertised on Saturday 26 October 2024 in the Local Govt. Tenders section of The West Australian newspaper.

Twenty-six (26) contractors were provided a copy of the RFT documentation. Eighteen (18) of these contractors nominated to attend a site familiarisation tour that was held on 4 November.

Two (2) addendums were issued to the RFT including

## **STRATEGIC IMPLICATIONS**

There are no Strategic Implications evident at this time.

## **LOCAL PLANNING POLICY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

There are no financial implications at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

The Shire requires a contractor who understands the operating environment, has a commitment to work health and safety, and can consistently provide quality work for a reasonable price.

From the seven (7) submissions deemed to be compliant, tenderer A ranked the highest in the qualitative assessment and offered competitive pricing. It was the collective view of the Evaluation Panel that tenderer A represented the best overall value for money.

**OFFICER RECOMMENDATION/S – Item 8.1.4**

**Moved: Cr Dawkins**

**Seconded: Cr Hohnen**

**That Council**

- 1. Selects Tenderer A for the provision of Cleaning Goods and Services as the most advantageous for the Shire of Peppermint Grove for a period of two (2) years, with an option for up to three (3) twelve-month extensions at the sole discretion of the Shire for the services outline within the RFT.**
- 2. Authorises the CEO to accept the tender and enter into a contract with Tenderer A as the preferred supplier of Cleaning Goods and Services subject to the clarification of outstanding issues outlined in the Evaluation Recommendation Report.**

**CARRIED**

**5/0**

**For:** Shire President Karen Farley, Councillors Patrick Dawkins, Peter Macintosh, Charles Hohnen and Emerald Bond.

**Against:** Nil

## 8.2 MANAGER INFRASTRUCTURE SERVICES

Nil

### 8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

#### 8.3.1 List of Accounts Paid – 30<sup>th</sup> November 2024

#### ATTACHMENT DETAILS

Attachment No	Description
Attachments	Accounts Paid – November 2024 Credit Card expenses – November 2024

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

#### PURPOSE OF REPORT

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

#### SUMMARY AND KEY ISSUES

The following payments in excess of \$20,000 were paid in November 2024:

- Open Systems Technology Pty Ltd – IT Support and Subscriptions \$23,973.06
- Civica Pty Ltd – Library Spydus System Annual Fee \$25,637.04
- Australian Taxation Office – BAS \$27,199.15
- Tim Davies Landscaping Pty Ltd – Freshwater Bay Memorial Park \$59,544.76

#### BACKGROUND

The Attachment lists detail all payments made in November 2024 and credit card transactions for November 2024 (paid in December 2024). The following summarises credit card payments, electronic fund transfers, direct debits and BPAY included in the list presented for information.

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT000027 - EFT00035	\$480,902.82
Direct Debits	DD00026 - DD00028	\$ 6,890.87
BPAY		
Credit Cards – October 2024		\$ 15,437.51
<b>TOTAL</b>		<b>\$503,231.20</b>



## **CONSULTATION**

There was no consultation undertaken.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

Accounts are paid during the month in accordance with Delegation 2 “Payments from the Municipal Fund.” Power to delegate to the CEO is contained in Section 5.42 of the Local Government Act 1995.

## **FINANCIAL IMPLICATIONS**

The payments processed by the Shire relate to expenditure approved in the 2024/25 Adopted Budget.

## **COMMENT**

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

## **OFFICER RECOMMENDATION – Item 8.3.1**

**Moved: Cr Hohnen**

**Seconded: Cr Dawkins**

**That Council receive the list of payment of accounts by electronic funds transfers, direct debit, BPAY and credit cards for the month of November 2024, totalling \$503,231.20.**

**CARRIED**

**5/0**

**For:** Shire President Karen Farley, Councillors Patrick Dawkins, Peter Macintosh, Charles Hohnen and Emerald Bond.

**Against:** Nil

8.3.2 Financial Statements for the period ending 30<sup>th</sup> November 2024

**ATTACHMENT DETAILS**

Attachment No	Details
Attachments	Financial Statements for the period ended 30 November 2024

Voting Requirement	Simple Majority
Subject Index	: Financial Statements 2024/25
Disclosure of Interest	: Nil
Responsible Officer	: Jeremy Clapham, Manager of Corporate and Community Services
Authorised by	: Don Burnett, Chief Executive Officer

**PURPOSE OF REPORT**

To receive the monthly financial statements for the period ended 30 November 2024.

**SUMMARY AND KEY ISSUES**

The opening surplus for 1 July 2024 was forecast as \$821,747, but has now been amended to \$717,673 due to the processing of year end adjustments.

**BACKGROUND**

The Monthly Financial Statements are prepared in accordance with the requirements of the *Local Government Act 1995* and Local Government (Financial Management) Regulations 1996. Monthly financial statements are required to be presented to Council. Circulated are the monthly financial statements for the period ending 30 November 2024.

**CONSULTATION**

There was no consultation undertaken.

**STRATEGIC IMPLICATIONS**

Objectives within the Governance section of the Strategic Community Plan.

## POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies and Investment Policy.

## STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996.

## FINANCIAL IMPLICATIONS

There are no detrimental financial implications evident at this time.

## OFFICER COMMENT

The audit for 2023-24 was completed on 29 November 2024 and an unqualified audit report with no management items was issued.

Investment of Municipal and Reserve Funds - as at 30 November 2024:

Fund	Purpose	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest for the year
Corporate Cheque Account	Municipal Funds	\$2,329,834.70	Ongoing	Ongoing	N/A	4.15%	\$100,000
Term Deposit	Reserve Funds	\$2,125,604	06/09/24	27/06/25	276	4.93%	\$80,000

## OFFICER RECOMMENDATION – Item 8.3.2

**Moved: Cr Dawkins**

**Seconded: Cr Hohnen**

**That Council receives the monthly financial report for the period ended 30 November 2024.**

**CARRIED**

**5/0**

**For:** Shire President Karen Farley, Councillors Patrick Dawkins, Peter Macintosh, Charles Hohnen and Emerald Bond.

**Against:** Nil

## 8.4 CEO MANAGEMENT/GOVERNANCE/POLICY

### MANAGEMENT/GOVERNANCE/POLICY

#### 8.4.1 Matters for Information and Noting

##### ATTACHMENT DETAILS

Attachment	Description
Attachment 1	Building/Planning Statistics
Attachment 2	Infringements Issued
Attachment 3	Library Statistics
Attachment 4	Library Management Group Notes

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information November 2024
Disclosure of Interest	:	Nil
Author	:	Jennifer Court, Projects and Policy Officer
Responsible Officer	:	Mr Don Burnett, Chief Executive Officer

##### **PURPOSE OF REPORT**

The Shire of Peppermint Grove regularly receives and produces information for receipt by the Elected Members. The purpose of this item is to keep Elected Members informed on items for information received by the Shire and key statical information not otherwise captured elsewhere.

The 'Matters of Information' report will be presented at each Council meeting.

It is intended that the following information is provided on a regular basis, either monthly or quarterly.

- Seal register (when the Shire seal has been applied)
- Development applications determined including amendments, time extensions and deemed-to-comply checks
- Building permits determined including amendments and time extensions
- Demolition permits determined
- Local Laws infringements (e.g. parking and dogs)
- Library statistics
- Recycling Recovery Statistics

##### **SUMMARY AND KEY ISSUES**

The following information is presented to Council:

- Building Permits Determined
- Development Applications Determined

- Infringements
- Library Statistics
- November 2024 Recycling Recovery Statistics
- Library Management Group Meeting Notes November 2024.

### **OFFICER COMMENT**

The Library Management Group met on the 12 November 2024. The main points discussed during the meeting were:

- Cr George Carey from the Town of Mosman Park will serve as the Presiding Member until November 2025.
- The library will be closed for the Christmas from 4pm on Tuesday, 24 December, until 9am on Thursday, 2nd January 2025.

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

### **OFFICER RECOMMENDATION/S – ITEM 8.4.1**

**Moved: Cr Bond**

**Seconded: Cr Macintosh**

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

**CARRIED**

**5/0**

**For:** Shire President Karen Farley, Councillors Patrick Dawkins, Peter Macintosh, Charles Hohnen and Emerald Bond.

**Against:** Nil

## 9.0 COMMITTEE REPORTS

### Audit and Governance and Risk Management Committee

#### 9.1 2023/24 Audited Annual Financial Report – Office of Auditor General & Pitcher Partners

#### ATTACHMENT DETAILS

Attachment	Description
Attachment 6.1.1	Draft 2023/24 Annual Financial Statements (to be provided to members under separate cover)
Attachment 6.1.2	Audit Report 2023/24 (to be provided to members under separate cover – not provided)
Attachment 6.1.3	Draft Closing Report by the Auditors

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information November 2024
Disclosure of Interest	:	Nil
Responsible Officer	:	Jeremy Clapham, Manager Corporate and Community
	:	

#### PURPOSE OF REPORT

The purpose of this report is to receive the Audited Annual Financial Statements for the year ended 30 June 2024.

#### SUMMARY AND KEY ISSUES

The 2023/24 Audited Annual Financial Statements have been completed and the Committee is requested to receive the document. There were no issues identified during the audit for management to address (in 2023 there were 11 issues identified, but all of them have been addressed by management).

#### BACKGROUND

The financial statements for the year ended 30 June 2024, were presented to the Auditor for audit purposes and following the required amendments were presented to the Office of the Auditor General (OAG) for signing. An unqualified audit report has been issued and no management issues identified.

#### CONSULTATION

Pitcher Partners and of Office of the Auditor General.

## **STRATEGIC IMPLICATIONS**

Strategic Priority 5 - Governance

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

## **POLICY IMPLICATIONS**

Financial Management Policies.

## **STATUTORY IMPLICATIONS**

*Section 6.4 of the Local Government Act states:*

### *6.4 Financial report*

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
  - (a) be prepared and presented in the manner and form prescribed; and*
  - (b) contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor –*
  - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and*
  - (b) the annual financial report of the local government for the preceding financial year.*

## **FINANCIAL IMPLICATIONS**

There are no Financial Implications in respect to this matter.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no Social Implications identified at this time.

## **OFFICER COMMENT**

The audit for the 2023/24 financial year has been completed and provides an overview of the financial activities for the 2023/24 year. There were no issues identified during the audit for management to address (in 2023 there were 11 issues identified, by all of them have been addressed by management).

The Shire is required to hold an Annual Electors Meeting; and it's recommended that this be held at 5.15pm on Tuesday 11<sup>th</sup> February 2024 in the Council Chambers. The meeting will be immediately prior to the agenda forum meeting scheduled for 5.30pm.

The Draft Annual Report, covering the operational aspects of the Shire for 2023/24 will be circulated to Councillors under separate cover with the view of being formatted for presentation at the Annual Electors Meeting.

### **2023/24 Closing Surplus**

The estimated closing surplus as at 30 June 2024 was anticipated to be \$821,747, however following the audit, this was reviewed and adjusted to \$717,673.

## **OFFICER RECOMMENDATION – ITEM 9.1**

### **That Council**

- 1. Receives the draft 2023/24 Annual Financial Statements.**
- 2. Holds the Annual Electors Meeting on Tuesday 11<sup>th</sup> February 2024 at 5.15pm in the Council Chambers.**

### **Alternative Motion**

When the Audit Committee meeting was held, the auditor's report was not available, hence the Committee recommendation to Council was that Council receive the draft 2023/24 financial statements. The Audit Certificate has now been received.

## **COMMITTEE RECOMMENDATIONS – ITEM 9.1**

**Moved: Cr Hohnen**

**Seconded: Cr Dawkins**

### **That Council**

- 1. Receives the 2023/24 Annual Financial Statements.**
- 3. Holds the Annual Electors Meeting on Tuesday 11<sup>th</sup> February 2025 at 5.15pm in the Council Chambers.**

**CARRIED**

**5/0**



**For:** Shire President Karen Farley, Councillors Patrick Dawkins, Peter Macintosh, Charles Hohnen and Emerald Bond.

**Against:** Nil

## 9.2 Matters for Information and Noting

### ATTACHMENT DETAILS

Attachment	Description
Attachment 6.2.1	Local Government 2022-23 Financial Audit Results
Attachment 6.2.2	Staff Exit Controls at Large Local Government Entities
Attachment 6.2.3	Local Government Physical Security of Server Assets
Attachment 6.2.4	Local Government Management of Purchasing Cards
Attachment 6.2.5	Local Government 2022-23 Information Systems Management
Attachment 6.2.6	Audit Fee 2024- Letter from OAG
Attachment 6.2.7	Risk Management and Reporting Tool
Attachment 6.2.8	Management Representation Letter (to be provided under separate cover)

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

### **PURPOSE OF REPORT**

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

The Matters for Information and Noting Report includes the following matters: -

- OAG Reports, including: 2022/23 Financial Audit Results for Local Government, Staff Exit Controls at Large Local Government Entities, Local Government Physical Security of Server Asses, Local Government Management of Purchasing Cards and Local Government 2022-23 Information Systems Audit.
- New legislation requiring independent Chair and Deputy Chair of the Committee and payment to Independent Committee Members.
- Increased Audit Fee for 2023-24
- Actions addressed from findings of Financial Management and Regulation 17 reviews performed in April 2024.
- Small Rates balances written off under CEO Delegated Authority.
- Management Representation Letter to the auditors: Pitcher Partners and the Office of the Auditor General.

## **SUMMARY AND KEY ISSUES**

- The OAG issues a variety of reports during the year highlighting various performance audits that they carry out. Reports released this year included the following: 2022/23 Financial Audit Results for Local Government, Staff Exit Controls at Large Local Government Entities, Local Government Physical Security of Server Assets, Local Government Management of Purchasing Cards and Local Government 2022-23 Information Systems Audit.
- There is new legislation being proposed requiring independent Chair and Deputy Chair of Audit and Risk Committees, a name change and optional payment to independent Committee Members.
- A letter from the OAG was received by the Shire in June 2024 stating that the audit fee is to increase from \$27,500 to \$38,500.
- There were a number of findings from the Financial Management and Regulation 17 reviews performed in April 2024 which have now been addressed.
- There were a number of small rates balances written off under CEO delegation in July 2024 amounting to a total of \$204.84.
- A Management Representation Letter has been prepared and signed by the Shire President, the CEO and the Manager of Corporate and Community Services.

## **CONSULTATION**

Consultation with auditors; Pitcher Partners and the Office of the Auditor General.

## **STRATEGIC IMPLICATIONS**

### **Strategic Priority 5 – Governance**

*Item 5.1 Continue to monitor the financial sustainability of the Shire's resources*

## **POLICY IMPLICATIONS**

Financial Management Policies.

## **STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996.

## **FINANCIAL IMPLICATIONS**

Increase in audit fee of \$11,000 and rates written off of \$204.84.

## **ENVIRONMENTAL IMPLICATIONS**

There are no Social Implications identified at this time.

## **OFFICER COMMENT**

- OAG Reports, including: 2022/23 Financial Audit Results for Local Government, Staff Exit Controls at large Local Government Entities, Local Government Physical Security of Server Assets, Local Government Management of Purchasing Cards and Local Government 2022-23 Information Systems Audit.

The OAG carries out a variety of Performance Audits during the year and issues reports on them once they are completed. There were a number released this year, and all are attached for the Committees reference. The Shire of Peppermint Grove has not yet been selected to undergo a Performance Audit but can expect to be selected in due course. The Shire reviews these reports with the aim to improve our systems as they relate to us.

- New legislation requiring independent Chair and Deputy Chair of the Committee and payment to Independent Committee Members.

As part of the Local Government Reform Tranche 2, it is proposed that the name of the committee is changed to the Audit, Risk and Improvement Committee, and that the Committee is required to have independent Chairs and Deputy Chair's. The implementation date of this change is yet to be confirmed.

Also, per the Salaries and Allowance Tribunal (SAT) Act 1975 Local Government Variation 3 – October 2023, Local Governments are allowed to pay independent members \$0 to \$125 per meeting (Band 4 Local Governments). It will be up to the decision of Council as to whether Independent Members are paid and how much.

- Increased audit fee for 2023-24

The Shire received a letter for the OAG in June 2024 stating that the audit fee is to increase from \$27,500 to \$38,500 (40%) due to an increase in audit effort (because of changes in systems, staff shortages resulting in poorer financial management, prior year issues and new auditing/accounting standards) and an increase in professional salaries and contract audit firm fees.

Actions addressed from findings of Financial Management and Regulation 17 reviews performed in April 2024.

Financial Management Review. The following findings have been addressed:

- Monitoring compliance with Procurement Policy for RfT and RfQ. The Shire produces a spend by supplier over \$50,000 report on a monthly basis for review by Management
- Contract management compliance. The Shire has developed a comprehensive Contract Management Framework.
- Review of Vendor Master File Access. The Shire has reviewed the access and confirmed that the correct people have access.
- Minor Asset Register. The Shire has introduced a Minor Asset Register.
- Tender Register on Shires Website. The Shire is in the process of updating the Tender Register.

Regulation 17 Review. The following findings have been addressed:

- Risk reporting to the Audit and Risk Committee. Risk Register was updated in October 2024 and is attached for reference. It is a work in progress and some of the indicators still have to be updated.
  - Fraud Risk Identification and Prevention Policy. The Shire has developed and adopted a Fraud and Corruption Prevention Policy.
  - Business Continuity Plan. The Shire updates the Records Disaster Management Plan in September 2024 and is creating an ICT Disaster Recovery Plan, which will be completed by 30 November 2024.
  - Gifts Policy. The Shire is to update the Induction Manual for Elected Members to include regulations in regard to gifts., The staff Code of Conduct includes regulations related to gifts.
- Small Rates balances written off under CEO Delegated Authority.

The Shire wrote off 90 small balances under \$5 for Rates outstanding totalling \$20.4.84 in July 2024, under CEO Delegation 2.4 – Authority to Write off Rates and Service Charges. The CEO is required to Report to the Audit and Risk Committee six monthly on the exercise of this delegation.

- The Management Representation Letter is provided in connection with the audit of the Shire of Peppermint Grove's annual financial report for the year ended 30 June 2024. For the purpose of expressing an opinion as to whether the annual financial report is fairly presented in accordance with the Local Government Act 1995, the Local Government (Financial Management) Regulations 1996 and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.

The following categories of representation have been made:

- General
- Fair value measurements and disclosures
- Contingent liabilities
- Commitments for capital expenditure
- Contaminated Sites

- Related entities
- Related parities
- Key management personnel compensation
- Subsequent events
- Internal control
- Insurance
- Risk management
- Accounting misstatements
- Electronic presentation of the audited financial report and auditors report
- Other (unaudited) information in the annual report

### **Further Information**

The report states in the Regulation 17 review that a Fraud Risk Identification and Prevention Policy has been adopted. The policy is yet to be adopted by Council and will be presented to Council when the policy manual is next reviewed in May/June 2025.

### **OFFICER RECOMMENDATION/COMMITTEE RECOMENDATION – ITEM 9.2**

**Moved: Cr Macintosh**

**Seconded: Cr Hohnen**

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

**CARRIED**

**5/0**

**For:** Shire President Karen Farley, Councillors Patrick Dawkins, Peter Macintosh, Charles Hohnen and Emerald Bond.

**Against:** Nil

**10.0 NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL**

**11.0 MOTIONS ON NOTICE**

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

**12.0 CONFIDENTIAL ITEMS OF BUSINESS**

**13.0 CLOSURE OF MEETING**

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