



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY **18TH APRIL 2023**
AT
5.30 PM



Shire of Peppermint Grove

MEETING AGENDA ATTACHED

DISCLAIMER

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council or Forum meetings regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

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

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



Shire of Peppermint Grove

TABLE OF CONTENTS

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

7.0 CONFIRMATION OF MINUTES	8
8.0 OFFICERS REPORTS.....	9
8.1 MANAGER DEVELOPMENT SERVICES	9
8.1.1 28 THE ESPLANADE – SINGLE HOUSE AND ANCILLARY WORKS.....	9
8.1.2 25 IRVINE STREET – SINGLE HOUSE AND ANCILLARY WORKS (WITHDRAWN)	21
8.2 MANAGER INFRASTRUCTURE.....	22
8.3 MANAGER CORPORATE AND COMMUNITY SERVICES	23
8.3.1 LIST OF ACCOUNTS PAID- MARCH 2023.....	23
8.3.2 FINANCIAL MANAGEMENT STATEMENTS FOR THE PERIOD 31ST MARCH 2023....	25
8.4 CEO MANAGEMENT/GOVERNANCE/POLICY.....	26
8.4.1 MATTERS FOR INFORMATION AND NOTING	26
9. COMMITTEE REPORTS	28
9.1 2022-23 ENTRANCE MEETING WITH THE OAG AND EXTERNAL AUDITOR	28
10. NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL	30
11. MOTIONS ON NOTICE.....	30
12. CONFIDENTIAL ITEMS OF BUSINESS	30
13. CLOSURE OF MEETING	30



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING AGENDA

1. DECLARATION OF OFFICIAL OPENING

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

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

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

Affirmation of Civic Duty and Responsibility

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

2. RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President (Presiding Member)
Deputy Shire President
Elected Member
Elected Member
Elected Member
Elected Member
Elected Member

Cr R Thomas
Cr C Hohnen
Cr P Macintosh
Cr D Horrex
Cr D Jackson
Cr K Farley
Cr P Dawkins

Chief Executive Officer
Manager Development Services
Manager Corporate & Community Services

Mr Don Burnett
Mr J Gajic
Mr M Costarella

Manager Infrastructure Services

Mr D Norgard

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

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE

NIL

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3. DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

NIL

3.2 PETITIONS

NIL

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

4.3 DEPUTATIONS OF THE PUBLIC

4.4 PRESENTATIONS FROM THE PUBLIC

5.0 DECLARATIONS OF INTEREST

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

5.1 FINANCIAL INTEREST

A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

5.2 PROXIMITY INTEREST

A declaration under this section 5.60 of the Act requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside,

participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

5.3 IMPARTIALITY INTEREST

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

5.5 STATEMENT OF GIFTS AND HOSPITALITY

Councillors and staff are required (Code of Conduct), to disclose gifts and acts of hospitality which a reasonable person might claim to be a conflict of interest. Gifts and acts of hospitality which exceed that amount of prescribed by regulation are to be recorded in the Councils Gift Register.

6.0 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.0 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 28th February 2023

OFFICER RECOMMENDATION – ITEM 7.1

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

8.0 OFFICERS REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 28 The Esplanade – Single House and Ancillary Works

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Description</u>
Attachment 1	Development Application Submissions and Drawings

Location / Address	:	28 The Esplanade, Peppermint Grove
Application Number	:	DA2022/00032
LPS No 4 Zoning	:	Residential R12.5
Land Use	:	Single House
Lot Area	:	951m ²
Disclosure of Interest	:	Nil.
Previous Items	:	Item 8.1.2 28 March 2023 (withdrawn)
Applicant	:	Paul Burnham
Owner	:	D. Agland
Assessing Officer	:	Mr M. Stocco / Mr J Gajic
Authorising Officer	:	Mr J. Gajic

PURPOSE OF REPORT

To seek Council determination for a development application for a single house and ancillary works that seeks variations to the Part 4 - General Development Requirements contained in the Shire's Local Planning Scheme no. 4 (Scheme) pertaining to primary street setback, building height and plot ratio, and relies on the design principles contained in the Residential Design Codes of Western Australia (R-Codes) for building height and lot boundary setback.

SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R12.5) a Single House is a 'P' use.
- The existing residence is proposed to be demolished. The front wall and vehicular crossover are proposed to be retained.
- The application was advertised to two (2) affected neighbours who both objected.
- The proponent lodged three (3) deemed-to-comply checks prior to the development application. The proposal before Council has been revised in response to ongoing discussions with Shire planning staff and the objections received.
- The proponent has provided justification why Council discretion should be exercised for plot ratio and garage door width and how the design principles for building height (wall height) and lot boundary setback (northern setback) have been satisfied.

- The limited roof pitch and wall height contribute to the perception of building bulk when viewed from the street and neighbouring properties.
- The methodology for calculating mean natural ground level has been challenged by the proponent who has nominated a datum point at the south-east corner above the existing front retaining wall.

LOCATION

28 The Esplanade, Peppermint Grove.

BACKGROUND

28 The Esplanade is understood to be a 1960's-built house. The existing property is situated on an elevated portion of The Esplanade and has unobstructed views of the Swan River. The proponent is seeking to establish a modern and substantive residence consistent with the character of the locality.

The subject site has a single street 21.6m wide frontage to The Esplanade. There are no verge trees. The adjacent Bush Forever reservation occupies a limestone cliff and contains vegetation classified as low forest and scrub.

The built form in the immediate area is dominated by expansive elevated homes in generous garden settings with expansive street setbacks.

The primary justification for Council discretion is the relative consistency of the bulk and scale with that of neighbouring dwellings at 26 and 32 The Esplanade.

The proposal has been assessed to on balance satisfy the planning policy framework. This report focuses on the variations sought for the primary street setback, building height, plot ratio and lot boundary setbacks. The resultant impacts on the streetscape and the amenity of the neighbours on the southern and northern side is also addressed.

CONSULTATION

Prior to lodgement the proponent submitted three (3) deemed-to-comply (DTC) checks. Each DTC check influenced design changes bringing that better aligned the proposal with the planning policy framework.

The proponent discussed the proposal at the time of lodging the Development Application and subsequently met planning officers to clarify the works and the nuances of the local planning policy framework. The proponent was provided the Shire's Information Sheet - Residential Development.

The proposal was advertised to affected neighbours for a period of 14 days in accordance with Local Planning Policy 6 – Neighbour Consultation on Development. The consultation period has now concluded. Two (2) written objections were received that has been distributed to Councillors. The grounds of objection is summarised in the table below.

Matters Raised

- Primary street setback
- Lot boundary setback
- Building height exceeding 2 storeys.
- Plot ratio exceeding the permissible amount.
- Garages exceeding the maximum width.
- Overshadowing.
- Structural integrity of retaining walls on the boundary.

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.

STATUTORY IMPLICATIONS

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

The proposal complies with relevant Scheme provisions, R-Codes and Planning Policies with the exception of those outlined in the table below.

LOCAL PLANNING SCHEME NO. 4	
Scheme Provisions/Modification of R-Codes	Assessment/Comment
<p>Building Height The maximum height of dwellings coded R10, R12.5, R15 and R20 shall be determined in accordance with the R-Codes for category B areas and not exceed two storeys excluding any basement. Height shall be measured in accordance with ‘<i>mean natural ground level</i>’ as defined in the Scheme as opposed to ‘<i>natural ground level</i>’ as defined in the R-Codes.</p>	<p>Not compliant. The deemed-to-comply requirement for a wall of a dwelling with a hipped and pitched roof is 7m and the overall height 10m.</p> <p>The maximum wall height is 7.46m. The overall building height is compliant (8.26m). The height is based on the officer’s mean natural ground level assessment being 10.1635mAHD. The proponent has submitted that the wall height is compliant based on the south-eastern corner datum point being taken from above the existing retaining wall.</p> <p>The wall height relies on the corresponding design principles contained in the R-Codes. The design principles are for building height that creates no adverse impact on the amenity of adjoining properties or the streetscape and, where appropriate, maintains adequate access to direct sun into buildings and appurtenant open spaces, adequate daylight to major opening and habitable rooms, and access to views of significance.</p>

	<p>Whilst the overall building height is compliant, the negligible roof pitch contributes to the perception of building bulk closely resembling that of a concealed roof. Views from and to other buildings are not unduly interrupted. Adequate access to daylight will be maintained, although marginally diminished to the southern neighbour. The building bulk is largely compatible with that of neighbouring dwellings. The design principles in isolation of lot boundary setback are considered to be satisfied.</p> <p>The maximum height of dwellings in areas coded R10, R12.5, R15 and R20 shall be determined in accordance with the R-Codes for category B area buildings and shall not exceed 2 storeys excluding any basement.</p> <p>A three (3) storey building is proposed. Notwithstanding, the building bulk and associated impacts is not determinant on the number of storeys. As above, the design principles for building height have been assessed as satisfied.</p>
<p>Street Setbacks For R10, R12.5 and R15 coded areas the setback from the front street boundary to any building, including a carport or garage, shall be a minimum of 9 metres from the primary street and 4.5 metres from the secondary street.</p>	<p>The proposed primary street setback is 8.7m (measured from the eaves). The front façade is set back 11.05m. The subject site has a single street frontage.</p> <p>The Scheme objectives for the Residential zone include to:</p> <ul style="list-style-type: none"> ▪ Facilitate and encourage high quality design, built form and streetscape. ▪ Promote a residential environment consistent with the heritage of the locality. ▪ Enhance a sense of place and community identity. ▪ Enhance those characteristics which contribute towards residential amenity, and to avoid those forms of development which may have the potential to prejudice the preservation of the high amenity value of a safe and attractive residential environment. <p>Additionally, the design principles contained in the R-Codes provides a detailed criteria for assessing street setback. The eaves overhang does not adversely affect streetscape due to the limited encroachment and generous façade setback. The Residential zone objectives and corresponding design principles are considered to be met.</p>

RESIDENTIAL DESIGN CODES	
Design Principles	Assessment/Comment
<p>Street and Lot Boundary Setbacks 5.1.2 & 5.1.3, Tables 1, 2a and 2b of the R-Codes.</p>	<p>Not compliant - The deemed-to-comply requirements for street setbacks are varied by clause 26(2) of the local planning scheme and addressed in the Scheme/R-Code Modification table above. The deemed-to-comply requirements for garages / carports are further varied by Local Planning Policy 1 – Design and Streetscape and addressed in the Council Policy table below.</p> <p>Northern Setback Second Floor – The deemed-to-comply setback is 2.3m based on the 25m wall length and 5.5m wall height (as per</p>

	<p>R-Codes measurement methodology for a wall length with no major openings). The wall height is predominantly 5.1m - 5.3m; however, is taken at its highest point relative to the ground level measured at the adjacent lot boundary. The proposal seeks a 1.5m setback and relies on the design principles. The design principles take into consideration the impact of building bulk, solar access, and ventilation, and overlooking of adjoining properties.</p> <p>26 The Esplanade located to the north is elevated above the subject site. Solar access, ventilation and overlooking are not assessed to be an issue. The wall height does further contribute to the perception of building bulk on the affected neighbour. Nonetheless, the neighbouring property does not utilise the adjacent setback area for outdoor living purposes, not are there any major openings to the primary living space (highlight windows only).</p> <p>Northern Setback Second Floor (eaves) – The deemed-to-comply setback is 1.55m. The proposal seeks a 1.0m - 1.19m setback and relies on the design principles. The eaves encroachment presents little impact in terms of bulk, nor do they reduce the solar access or ventilation to the adjoining neighbour. The design principles are considered to be satisfied.</p> <p>Southern Setback Second Floor - The deemed-to-comply setback is 2.0m based on the 18m wall length and 5.5m maximum wall height (as per R-Codes measurement methodology for a wall length with no major openings).</p> <p>The proposal seeks a 1.6 - 2.0m setback and relies on the design principles solely for a 2.6m portion of wall to the front balcony. In the context of the elevation the variation is negligible, and it is accepted that the architectural feature will contribute to the amenity of the dwelling. The design principles are considered to be satisfied.</p> <p>Both neighbours were notified of the lot boundary setback variations and objected. The design principles in isolation are considered to be met.</p>
<p>Building Heights 5.1.6, Table 3 Figure Series 7 of the R-Codes.</p>	<p>The proposal relies on design principles for wall height. This matter has been assessed in the Scheme Provisions Table above.</p>
<p>Sight Lines 5.2.5, Figure 9a of the R-Codes.</p>	<p>The existing driveway and front wall are proposed to be retained. The current arrangement does not satisfy the acceptable development requirements, nonetheless the variation is minor and has not been retrospectively assessed.</p>

<u>COUNCIL POLICY</u>	
Policy Type	Assessment/Comment
<p>Local Planning Policy 1 – Design and Streetscape</p>	<p>The proposal is consistent with the policy intent for replacement dwellings or significant additions and outbuildings to be responsive to the existing context and contribute positively to the prevailing streetscape. Whilst the policy aligns with the design principles</p>

	<p>contained in the R-Codes, deemed-to-comply requirements are varied for street setbacks, vehicular access, the design of car parking spaces, and landscaping.</p> <p>The policy provisions provide guidance and discourages the dominance of garage doors on street elevation (4.5m maximum width). The proponent is seeking a 6.8m garage door width. The garage 11.6m from the primary street and is not a dominant design feature.</p> <p>The variation sought to the policy provisions are considered minor and do not compromise the policy intent being achieved and should be supported.</p>
Local Planning Policy 2 – Ecological Urban Design and Sustainability	<p>The proposal is consistent with the policy intent to conserve areas of each site for urban green space and ecological purposes and to provide guidance on building and site design.</p> <p>It is further noted that the deemed-to-comply requirements for landscaping contained in the R-Codes have been met.</p>
Local Planning Policy 3 – Heritage Places	N/A. The place is not included on the Municipal Heritage List or on the State Register.
Local Planning Policy 4 – Residential Building Heights	<p>Not compliant. The overall building height is compliant for a category B building; however, the total wall height is 0.46m.</p> <p>Council may apply discretion where certain criteria is demonstrated. This criterion includes not adversely impacting views, compatibility with the scale of neighbouring dwellings, open space or landscaping, visual impacts including on the streetscape, visual privacy, and the development meeting other Scheme provisions.</p> <p>The variations sought to wall height are considered to be reasonable in the context of the site. Nonetheless, it is prudent to acknowledge that a minor variation to plot ratio and 800mm variation to the northern lot boundary setback is proposed.</p>
Local Planning Policy 5 – Plot Ratio For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5	<p>The proposal has a plot ratio of 0.5014. The variation sought in isolation is minor. The plot ratio is over approximately 1.3314m². It is also acknowledged that the open space provision is in excess of the deemed-to-comply requirement and that an eaves overhang that could not otherwise be exempted as a minor projection has contributed to the plot ratio area.</p> <p>Council discretion has been provided for similar trivial variations and should be supported in this case.</p>
Local Planning Policy 6 – Neighbourhood Consultation on Development	<p>The policy intent is to advise affected landowners adjoining development sites in residential areas before they proceed, and to ensure neighbours are consulted on applications that rely on variations to the R-Codes and are afforded an opportunity to make written submissions on non-compliant aspects of the development.</p> <p>A 14-day advertising period to two (2) affected neighbours has concluded. The consultation letters individually identified the respective variations sought that directly affected the neighbouring properties and advised that submissions will be kept on file and may be included in a planning report to Council.</p>

	The two objections received have been distributed to Councillors. A summary of the objections has been provided to the proponent who are now aware of the raised issues.
Local Planning Policy 8 – Construction Management Plans	<p>The policy requires owners and their contractors to undertake the effective management of approved development. Proponents are required as a condition of planning approval to submit a construction management plan for assessment and approval prior to the issuance of a demolition or building permit.</p> <p>The construction management plan will need to have specific regard to site access, erosion, dust control and parking. The submission of a construction management plan can be addressed with a condition of development approval.</p>
Local Planning Policy 9 – Development Bonds	<p>To ensure that any damage to public property caused by building work is fixed properly, the policy allows for the lodgement of a bond based on the value and nature of work being undertaken.</p> <p>The Manager of Infrastructure Services has been notified of the proposed development and will document the condition of assets in the road verge. A development bond will be required prior to the commencement of works.</p>
Local Planning Policy 10 – Design Review Panels	N/A. The proposal does not meet the criteria to be considered by a Design Review Panel.
Local Planning Policy 11 – Building on Side and Rear Boundaries	N/A. No buildings or building additions are proposed on any boundary.
Local Planning Policy 12 – Front Fences	N/A. There are no changes proposed to the existing front fencing.
Vehicular Crossover Policy and Technical Specification	N/A. There are no changes proposed to the existing vehicular crossover.
Tree Management Strategy	N/A. The proposal will not impact any street trees.
STATE POLICY	
Assessment/Comment	Assessment/Comment
State Planning Policy 2.10 Swan-Canning River System	<p>State Planning Policy 2.10 identifies the key issues that should be taken into account in planning and decision-making in relation to the Swan and Canning rivers. The policy contains guiding principles for future land use and development.</p> <p>The promotion of sensitive design and built form to complement the river landscape encourages the selection and use of external finishes and materials based on materials and hues naturally occurring or predominantly used in the locality. Proposals for development in and enhance the quality and setting of the river. Proposals for development should be considered in the context of the river setting and the characteristics of the development site, particularly in regard to building height, bulk, scale, form, orientation and location.</p> <p>The external finishes and materials are consistent with the policy intent of natural tones and hues of the area. The proposed will feature rammed earth walls, open aspect balustrading. Walls are</p>

	finished in neutral render and the driveway finished in exposed aggregate, which is common throughout the locality.
--	---

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 proposal has been suitably modified to, on balance, satisfy the planning policy framework.

The variations for which Council discretion is sought have been justified as far as practical by the proponent.

The key consideration for Council is the perception of building bulk and scale when viewed from the street and foreshore reserve and from the neighbouring properties at 26 and 30 The Esplanade.

The proposed plot ratio of 0.5014 represents a minor variation for which Council discretion can be readily justified in light of the second level eaves overhang that little visual impact although contributes to the plot ratio calculation.

The lot boundary setbacks to the northern and southern neighbours rely on the design principles contained in the R-Codes. The design principles in isolation have been assessed to be satisfied. They take into consideration the impact of building bulk, solar access and ventilation, and overlooking of adjoining properties.

The building wall height variation of 0.46m rely on the design principles contained in the R-Codes. The design principles in isolation have been assessed to be satisfied. The design principles are for building height that creates no adverse impact on the amenity of adjoining properties or the streetscape and, where appropriate, maintains adequate access to direct sun into buildings and appurtenant open spaces, adequate daylight to major opening and habitable rooms, and access to views of significance.

It is acknowledged that the variation of 800mm to the first floor (northern boundary) is not substantive and such discretion should not be the norm. It would also appear that bringing this setback into conformity with the deemed-to-comply requirement of 2.3m would not compromise the usability of any room at this level. Nonetheless, the cumulative effect of the additional wall height and reduced lot boundary setbacks to 26 and 30 The Esplanade have been fully assessed in the context of the site.

The proposed development is of a high standard and will provide considerable amenity for its occupants.

It is the officer's assessment that the design modifications are such that a case has been made to approve the proposal in its current form.

Development Application DA2022/00032 is recommended for Approval for the reasons articulated above.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council approves DA2022/00032 for Single House and Ancillary Works at 28 The Esplanade, Peppermint Grove in accordance with the submitted plans and application lodged on 11 November 2022 subject to the following conditions:

- 1. The approved building works and layout as identified on the endorsed plans together with any requirements and annotations detailed thereon shall not be altered without the prior written consent of the CEO.**

Once approved, the amended plans shall form part of this permit.

- 2. Prior to this permit having force or effect the applicant shall submit for approval and to the satisfaction of the CEO a Construction Management Plan (CMP) binding all contractors working on the site. Unless otherwise approved in writing by the Shire, all management and mitigation measures contained within the CMP shall be adhered with at all times.**

Once approved, the CMP shall form part of this permit.

- 3. Unless otherwise varied by a permit under the Activities in Thoroughfares and Public Places and Trading Local Law 2021 or an approved Construction Management Plan, all construction materials associated with the approved works shall be wholly stored within the subject land.**
- 4. The construction works shall only occur between the hours of 7.00am and 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays. Any variation to the above hours must be identified in an approved Construction Management Plan or, the prior written consent of the CEO otherwise obtained.**
- 5. All temporary buildings for construction purposes, building materials, skip bins, machinery, or vehicles remaining overnight must be located, stored or parked wholly within the development site and removed upon the completion of building works. Any variation to the above storage and parking arrangements must be identified in an approved Construction Management Plan or, the prior written consent of the CEO otherwise obtained.**
- 6. In accordance with the Shire of Peppermint Grove Local Planning Policy 9 – Development Bonds a development bond to the satisfaction of the CEO must be submitted to the Shire prior to the issuance of a Building Permit to ensure any**

damage to public property caused by building works is rectified and the satisfactory completion of the development.

7. The one (1) mature tree nominated to be retained must be tagged and suitably isolated to protect the root zone during the construction period. In the event that mature tree nominated for retention are critically damaged or destroyed it must be replaced in a timely manner to the satisfaction of the CEO.
8. The site shall be securely fenced during the construction stage to prevent the entry of unauthorised persons.
9. Stormwater run-off from the approved development shall be retained on site.
10. This approval shall remain current for development to substantially commence within two years of the date of issue of this notice. All works associated with this approval (once commenced) shall be completed before the end of the third year from the date of issue of this notice.

ADVICE NOTES

1. In approving this application Council has assessed the proposal against Local Planning Scheme No. 4, Local Planning Policies and the Design Principles of the Residential Design Codes of Western Australia and has and has exercised its discretion in relation to the following matters:
 - Plot ratio;
 - Primary street setback;
 - Lot boundary setbacks; and
 - Building wall height.
2. This is a Development Approval only and does not remove the responsibility of the proponent/owner to comply with all relevant building, health, engineering or Local Laws requirements of the Shire, any obligations under the Environment Protection Act 1986, or the requirements of external agencies.
3. In respect to condition 10, a further two years is added to the decision date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020 (as amended).
4. No building works are to be undertaken prior to the issue of a Building Permit. Your Building Application plan set must align with the plans approved as part of any Development Approval granted by the Shire in relation to the building the subject of this Permit.
5. Building Applications will be placed on hold unless the plan set include duplicates of those endorsed as part of any corresponding Development Approval, or the applicant certifies that the plan set is consistent with those

endorsed as part of any corresponding Development Approval or demonstrates to the satisfaction of the Shire that any variations are trivial.

6. In respect to Development Bonds, the Shire requires the applicant to arrange for the inspection of all Shire infrastructure including the street verge adjacent to the property post completion to confirm the satisfactory completion of works and determine any necessary remediation of impacts on public infrastructure and lands. Should any necessary remediation works not be satisfactorily completed by the proponent in a reasonable time frame, funds from the bond may be used to satisfactorily complete the works. Project management and/or administrative fees may also apply.
7. In respect to Development Bonds, should the situation on the street verge be dangerous in the opinion of the CEO, funds from the bond may be used to make the site safe or to a standard under any approved Construction Management Plan. Project management and/or administrative fees may also apply.
8. The Shire does not warrant or exempt the applicant from civil claim arising from damage to private property and associated with the approved works.
9. In respect to condition 2 the Construction Management Plan shall have specific regard to the demolition component of the approved works including:
 - i. Notification to the electricity corporation, gas corporation or other supply authorities, and arrangements for the disconnection of energy services in proximity of the structure to be demolished.
 - ii. The provision and maintenance of a suitable rubbish receptacle for the receipt of all refuse generated on the site.
 - iii. Appropriate dust suppression measures to ensure excess dust does not leave the demolition site for the prescribed duration of the works.
 - iv. Where a site contains asbestos, confirmation that adequate instruction will be provided to contracted personnel/employees on the measures and work to be undertaken for the removal and disposal of asbestos material in accordance with the requirements of the *Environmental Protection (Controlled Waste) Regulations 2004* under the *Environmental Protection Act 1986*.
 - v. Where a site contains asbestos, the transportation and disposal of asbestos waste in accordance with all relevant State legislation and guidelines. Regulation 472 requires that asbestos waste is contained and labelled in accordance with Schedule 9 clause 8 of the *Work Health and Safety (General) Regulations 2022*.
 - vi. The notification of adjoining properties of the timing and nature of the demolition works.
 - vii. Dilapidation reporting before and after construction to assess any damage, which may occur during the course of the works for any immediate adjoining sites.

The Construction Management Plan shall have further regard to Local Planning Policy 8 – Construction Management Plans.

10. The prior written approval of CEO is required for the temporary closure of any footpath, road or laneway. Infrastructure Services can be contacted on 9286 8600 to discuss traffic management.
11. Attention is drawn to ‘*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities* (DEC, March 2011)’ and, specifically, Appendix 1 Site risk assessment/classification for activities generating uncontaminated dust.
12. The proponent is responsible for ensuring all contractors adhere to the construction hours. In the event of enforcement action being undertaken, infringement notices will be issued to the proponent.
13. It is the responsibility of the proponent to search the title of the property to ascertain the presence of any easements that in any case must not be built upon without the prior consent of the affected party.
14. During the construction stage adjoining lots are not to be entered without the prior written consent of the affected owner(s).
15. Should the proponent and/or owner be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with Part XIV of the *Planning and Development Act 2005* within 28 days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 9219 3111 or 1300 306 017.

8.1.2 25 Irvine Street – Single House and Ancillary Works (Withdrawn)

URBAN PLANNING

This item was withdrawn at the request of the applicant.

8.2 MANAGER INFRASTRUCTURE

INFRASTRUCTURE

NIL

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

CORPORATE

8.3.1 List of Accounts Paid- March 2023

ATTACHMENT DETAILS

Attachment No	Description
Attachment	Accounts Paid – March 2023 Credit Cards- February 2023

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

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

Significant payments in March 2023 included the following:

- ATO Pay as you go Tax
- Superannuation
- Emergency Services Levy
- Office of Auditor General

BACKGROUND

The Attachment lists detail all payments made in MArch2023. The following summaries credit card payments, electronic fund transfers and direct debits included in the list presented for information.

FEBRUARY PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	509-514	\$ 454,264.91
Direct Debits		\$ 6,938.73
Credit Cards – February 2023		\$ 11,417.45
		\$
TOTAL		\$ 472,621.09

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The payments processed by the Shire relate to expenditure approved in the 2022/23 Adopted Budget.

COMMENT

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

OFFICER RECOMMENDATION/S – ITEM NO. 8.3.1

That Council receive the list of payment of accounts by: -

- 1. Electronic funds transfers, cheque and direct debit payments for the month of March 2023, totalling \$ 461,203.64**
- 2. Credit Card payments for February 2023 totalling \$11,417.45**

8.3.2 Financial Management Statements for the period ended 31st March 2023

CORPORATE

The March 2023 Financial Statements will be presented to the April Council meeting.

8.4 CEO MANAGEMENT/GOVERNANCE/POLICY

MANAGEMENT/GOVERNANCE/POLICY

8.4.1 Matters for Information and Noting

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Description</u>
Attachment refers to Attachment 1 Attachment 2 Attachment 3 Attachment 4	Building/Planning Statistics Infringements Issued Library Statistics Recycling Statistics

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information April 2023
Disclosure of Interest	:	Nil
Responsible Officer	:	Mr Don Burnett, Chief Executive Officer

PURPOSE OF REPORT

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

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

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

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

SUMMARY AND KEY ISSUES

The following reports are presented to Council on 18th April 2023:

- Planning Approvals
- Infringements

- Library Statistics
- Recycling

CONSULTATION

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

STAFF COMMENT

OFFICER RECOMMENDATION/S – ITEM NO 8.4.1

That Council receives information in this report.

9. COMMITTEE REPORTS

9.1 2022-23 Entrance Meeting with the OAG and External Auditor

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
	Attachments to be provided by Dry Kirkness

Voting Requirement	Simple Majority
Subject Index	Financial Management Audit
Disclosure of any Interest	Nil
Responsible Officer	Michael Costarella, Manager Corporate & Community Services

PURPOSE OF REPORT

The purpose of this report is for Marius van der Merwe, Dry Kirkness and Suraj Karki Assistant Director, Financial Audit, Office of Auditor General to provide a presentation on the audit processes for the 2022/23 financial year.

SUMMARY AND KEY ISSUES

A presentation will be provided for the information of the Audit, Governance and Risk Management Committee prior to the commencement of the 2022/23 Audit including any matters relating to the Library Management and Joint Venture.

BACKGROUND

The meeting with the representatives is a requirement of the Audit regulations and will provide information on the requirement of the Audit and details of the audit processes.

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Implications identified at this time.

POLICY IMPLICATIONS

Financial Management Policies

STATUTORY IMPLICATIONS.

Local Government (Financial Management) Regulations 1996

FINANCIAL IMPLICATIONS

There are no Financial Implications identified at this time.

ENVIRONMENTAL IMPLICATIONS

There are no Environmental Implications identified at this time.

SOCIAL IMPLICATIONS

There are no Social Implications identified at this time.

OFFICER COMMENT

The presentation will be conducted by Marius and Suraj and it will provide information for the Committee to understand the process and timeframe for the 2022/23 Financial year audit.

OFFICER RECOMMENDATION/S – ITEM NO 9.1

That Council notes the entrance meeting presentation provided by representatives of Dry Kirkness and the Office of the Auditor Generals' Office.

10. NEW BUSINESS INTRODUCED BY DECISION OF COUNCIL

11. MOTIONS ON NOTICE

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

12. CONFIDENTIAL ITEMS OF BUSINESS

13. CLOSURE OF MEETING

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