



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

DRAFT

AGENDA

The draft agenda submitted to this Forum is subject to change and should not be read as the final Agenda to the next Ordinary Council Meeting. The final Agenda will be placed on the Shire's website on the Friday before the scheduled meeting.

TO BE HELD ON
TUESDAY 23 NOVEMBER 2021
AT
5.30 PM



Shire of Peppermint Grove

DRAFT 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
2.1	ATTENDANCE	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	PUBLIC QUESTION TIME	7
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	DECLARATIONS OF INTEREST	8
5.1	FINANCIAL INTEREST	8
5.2	PROXIMITY INTEREST	8
5.3	IMPARTIALITY INTEREST	8
5.4	INTEREST THAT MAY CAUSE A CONFLICT	8
5.5	STATEMENT OF GIFTS AND HOSPITALITY	9
6	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	9

7	CONFIRMATION OF MINUTES	9
7.1	ORDINARY COUNCIL MEETING 26 OCTOBER 2021	9
8	OFFICER REPORTS	10
8.1	MANAGER DEVELOPMENT SERVICES	10
8.1.1	22 Irvine Street – Request to Remove Property from Heritage List	10
8.1.2	34 Keane Street – Request to Remove Property from Heritage List	18
8.2	MANAGER INFRASTRUCTURE SERVICES	25
8.3	MANAGER CORPORATE AND COMMUNITY SERVICES	25
8.3.1	Financial Statements for Period Ended 31 October 2021	25
8.3.2	Accounts Paid October 2021	26
8.4	CEO/ MANAGEMENT / GOVERNANCE / POLICY	28
8.4.1	Matters for Information and Noting	28
8.5	COMMITTEE REPORTS	30
9	NEW BUSINESS OF AN URGENT NATURE	30
10	MOTIONS ON NOTICE	30
11	CONFIDENTIAL ITEMS OF BUSINESS	30
11.1	Australia Day Awards 2022	30
12	CLOSURE	30

Shire of
Peppermint Grove

DRAFT 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 the efficient, effective and orderly decision making within this forum.

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President
Deputy Shire President
Elected Member
Elected Member
Elected Member
Elected Member
Elected Member

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

Chief Executive Officer
Manager Development Services
Manager Corporate and Community Services
Manager Infrastructure Services

Mr D Burnett
Mr R Montgomery
Mr M Costarella
Mr D Norgard

Gallery Members of the Public
 Members of the Press

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

NIL

3.2 PETITIONS

NIL

4 PUBLIC QUESTION TIME

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

- The Agenda
- Question to Council and
- Deputation Forms

Have been placed at the end of the Council Meeting table in front of the public gallery, for the public, as well as on the Shire Webpage.

Rules for Council Meeting Public Question Time

- Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.*
- During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary meeting, and at a Special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the President.*
- The person presiding will control Public Question Time and ensure 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 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.

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.

5.3 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 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 26 OCTOBER 2021

OFFICER RECOMMENDATION – ITEM 7.1

Moved:

Seconded:

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 26 October 2021 be confirmed as a true and accurate record.

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 22 Irvine Street – Request to Remove Property from Heritage List

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Details</u>
Attachment refers to	1. Locality Map, 2. Griffiths Heritage Report, 3. Helen Marchesani Heritage Removal Justification Report

LPS No 4 Zoning	:	R-12.5
Land Use	:	Residential (Category 2 Heritage)
Lot Area	:	1819m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	DA2021/00028 – Deferred Development Application
Applicant	:	Helen Marchesani (Humphrey Homes)
Owner	:	Michael & Susan Temple
Assessing Officer	:	Mr. M Stocco
Authorising Officer	:	Mr. R Montgomery

LOCATION(s)

22 (Lot 128) Irvine Street, Peppermint Grove

PURPOSE OF REPORT

The Shire received a planning application to redevelop a single house at 22 Irvine Street Council which, if approved, would result in the demolition and replacement of a (Category 2) heritage listed house. That matter and report were deferred to permit the issue of heritage listing to be addressed separately. This report addresses the re-assessment of the heritage value of the house to test the justification of its de-listing and demolition.

SUMMARY AND KEY ISSUES

- Application to remove property from the Shires Heritage List was lodged on October 26, 2021.
- A heritage architect report by Griffiths Architects was provided on September 09, 2021.
- Applicant is proposing the removal and subsequent demolition of a Heritage Listed property (Municipal Heritage Inventory Category 2) to erect a new single dwelling (DA2021/00028).
- Replacement house design seeks variation to the Residential Planning Codes (R Codes) on design principles assessment.

CONSULTATION

There is no statutory requirement to consult parties other than the owners and occupiers. The Planning and Development Regulations requires that a 21-day period of notice to tenants and owners is provided to begin the process of removing a property from the Shire's heritage list. The process is as follows;

1. Formal request to be made in writing to Shire to remove the property to Shire outlining the reasons why the house no longer has heritage value to warrant listing.
2. Replacement house plan and Heritage Architect's report also to be provided to the Council.

The Local Government is required to:

- a. Give notification to owners/occupiers of the property of the application to remove the property from the list; and
- b. Invite owners/occupiers to make a submission within the period of Notice*; and
- c. Carry out any other consultation the local government considers appropriate; and
- d. After consultation and consideration of the submissions made on the proposal, resolves that the place be removed from the Heritage List.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

PLANNING POLICY IMPLICATIONS

Local Planning Policy 3 – Heritage Places

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.

STATUTORY IMPLICATIONS

The process for removal of a property from the heritage list is addressed in the Planning and Development (Model Scheme) Deemed Provisions. The design of the replacement house has been assessed to be compliant with relevant Scheme provisions, Residential Design Codes and Scheme Policies and consistent with Scheme objectives for the residential zone. There are no policy implications evident at this time – the revised proposal is Deemed to Comply with reference to SPP 7.3 Residential Design Codes with the exception of those outlined in the table below:

DRAFT

<u>LOCAL PLANNING SCHEME NO. 4</u>	
Scheme	Requirement
Local Heritage Survey 2021	/
<u>SCHEME/COUNCIL POLICY</u>	
Policy Provisions	Requirement
Local Planning Policy 3 – Heritage Places	<p>Heritage Act 2018 Section 5(1) conservations, in relation to a place of cultural heritage significance, means the conservation of the place as to retain its cultural heritage significance, including –</p> <ul style="list-style-type: none"> a) Maintenance, preservation, restoration, reconstruction, adaption, and interpretation of the place; and b) Retention of the associations and meanings of the place; c) Retention or reintroduction of a use of this place. <p>Heritage protection provisions have been adopted in the Local Planning Scheme No.4 in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015. Buildings are only to be included on the Heritage List after undergoing a procedure of notification and receipt of submissions from owners and occupiers.</p> <p>There is no appeal process identified for the removal of properties once a listing process has been completed.</p> <p>Once listed all development works must obtain Council Planning Approval prior to being granted a building or demolition permit by the Shire.</p> <p>Under Clause 11 of the Deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015, Council, despite any existing written assessment, may require an updated heritage assessment prior to considering any development proposal affecting a heritage place. Clause 12 of Schedule 2 Deemed Provisions of the Local Planning Scheme No.4 also allows Council to vary any development standard under the Scheme and R-Codes where desirable to assist with the preservation of a heritage place, providing it does not have a detrimental effect on adjoining properties.</p> <p>All works, including external cosmetic changes and internal structural works, require a development application prior to the issue of a building permit.</p> <p>State Planning Policy 3.5 “Historic Heritage Conservation” (2007) states that there is a presumption against demolition of places on local heritage lists.</p>

BACKGROUND

The Applicant intends to redevelop the property for a new single residence. The development application proposes a modern design and would require the full demolition of the current listed house.

Council resolved to defer consideration of the development application for the new house in September 2021 until the heritage listing was investigated and resolved.

Reference to the Shire heritage survey statement summary describes the house as follows:

- The architectural style is Interwar Californian Bungalow
- Significance dates back to a Shire councillor Anthony Craig.
- Management Category 2

The applicant describes the replacement house as follows:

- The house will sit below both adjoining neighbours ground levels.
- Proposed floor level Reduced Level (RL) is 16.30. (Existing house floor level of RL 16.22). This will facilitate universal access throughout the house.
- Single storey house with high ceilings.
- Street setback 9.0m with a porch addressing the street.
- The façade includes a 45-degree pitched roof presenting gables towards the street and boundaries.
- Short length of boundary wall along the eastern boundary.
- Garden will retain four mature trees,
- Vehicular access is from rear right of way.

Hocking Architecture prepared initial heritage survey reports on all MHI properties, and these were usually done without access to the property. That process required that educated deductions were made about the age and era of the property when preparing a heritage survey description. It is understandable that a more thorough examination yields further detail which can better inform the accuracy of assessment.

To clarify the merits of the house remaining on the heritage list, the applicant A recent engaged Griffiths Architects to undertake an independent inspection and report on the value of the house to inform a decision about its continued listing. Griffiths found the house dates from an earlier time and is a Federation Bungalow (from an earlier period) rather than inter-war Californian bungalow, however he advises this does not affect the heritage value.

The current external appearance of the house is the result of many modifications made over time as is often the case to suit needs of the residents. Griffiths was allowed access to view the interior and assess the extent to what remained from the original layout, establish what had been fundamentally removed or altered, and assess changes which were superficial, or replacement of original of materials and finishes.

His assessment of the current listed house reports: -

The assessment concludes that the place has local cultural heritage significance and that the primary heritage values associated with the place are aesthetic historic and social values

in relation to the 1915 house. This assessment identifies the place as being of some cultural heritage significance with an associated Level 2 Shire of Peppermint Grove management category. In summary the 1915 core house has (i) cultural heritage significance; and (ii) therefore it is worthy of built heritage conservation.

Griffith's found the house was more original than apparent from just a street viewing, and many of the original rooms, windows and internal features remain intact. He finds the house can be restored with some minor work. He attests to the authenticity of the house in terms of its overall structure.

His report concludes: -

22 Irvine Street is, therefore representative of the residences being constructed immediately before World War 1 in the immediate area surrounding the subject site. Notwithstanding the changes, the effect has been cumulative, and the original house is more authentic than not. It is a good example of the time, style and of the work of William A Nelson, a significant figure in Western Australian Institute of Architects (WAIA) in the early years of the 20th century.

The applicant after receiving Griffith's assessment has provided a statement regarding the proposed removal:

We appreciate that a Heritage Listing of Category 2 has been upheld as a result of the Heritage Assessment for 22 Irvine St and that the core four rooms of the home have heritage value. We do however appeal to the Shire of Peppermint Grove's "big picture" sensibility in this instance. Allowing this dilapidated home to be removed from the heritage list and take the opportunity to have it replaced with a home that is sympathetic to the Development Objectives of the Shire.

OFFICER COMMENT

The re-assessment confirms this house despite some modification retains heritage value and is worthy of remaining on the heritage list. Modifications made to it post WW2 have not diminished its heritage significance and the house is representative of its embodied values.

The applicant proposes to demolish and replace with a completely new house, designed with a sympathy for the street and the context of Peppermint Grove as a contemporary interpretation of single bungalow homestyle. Before it could be approved Council must agree for the listed house to be removed from the List and then a demolition permit may be issued.

The applicant explains that the owner (and intending resident) had owned and managed the house as a rental property for several years. The house was on the Heritage Inventory for several years before the Shire created the heritage list.

Although the owner did not know the house was on the heritage list, records confirm the Shire sent written advice as legally required to the owner's listed address to advise intention to place the property on the list.

The 'discovery' of the heritage listing status and the findings of Griffiths' assessment occurred after preparation of plans by Humphrey Homes for a new house on the land.

The applicant since advised that it is not their intention to retain or restore all or part of the house because they want a modern house. Their proposed design is intended to be

sympathetic to the suburb setting. In support of the request to remove from the list they cite the variety of house designs in the near vicinity of this property diminishes the heritage value sufficiently for the Council to support removal from the list to allow demolition and replacement with a modern home.

It is important not to confuse the state and style of adjacent houses as a relevant matter of the heritage merits of this house. Each of the adjoining houses has resulted from redevelopment decision taken in isolation to the site rather than the context of the heritage of the street. The house is shrouded from the street by a tall brick wall and dense plantings, and this may explain why it may have overlooked as a heritage part of the streetscape.

What is relevant and important in this decision is as follows:

- The house has been independently assessed and confirmed to hold sufficient heritage value worthy of its heritage listing; and
- The street and design of surrounding houses did not influence, inform, or reflect that intrinsic heritage value; and
- The heritage list does nominate the section of the street as a heritage area, and so the house should be considered as an independent heritage entity.

The applicant raises the personal circumstances of the owners however this is not considered relevant to confirming the heritage value of the house, and if it were to be admitted as an influencing factor, the Shire would be inviting a wave of similar requests for other heritage listed properties based upon personal or non-heritage related grounds).

In confirming the heritage value and retention on the heritage list, the Shire is not signalling this property cannot be redeveloped, restored, or modernised in a manner which is sympathetic to the heritage values of the listed house.

In similar cases the Shire has received and approved imaginative redevelopment designs which resulted in the protection and often an enhancement of the way a listed house and its heritage values may be appreciated. It is noted that some of those properties were in a more advanced state of disrepair than 22 Irvine Street.

The site holds a good potential for a sympathetic redevelopment. The listed house is located at the front of the lot. There is ample lot area behind the heritage portions of the bungalow to accommodate a modern redevelopment and a rear right of way offers alternative access for the purposes of vehicular access and parking.

Should Council affirm the heritage listing, the next step is for Council to determine the planning application for a new house which currently proposes to demolish the heritage listed house. A refusal of this is the logical result, however the applicant may decide to review the design to consider if and how a redevelopment of the house might achieve the owners' needs and provide a contemporary home which restores and represents heritage values.

OFFICER RECOMMENDATION – ITEM 8.1.1

That Council receives the advice from Griffiths Heritage Architects for 22 Irvine Street Peppermint Grove and confirms that this house has sufficient heritage value to retain its listing on the Shire Heritage List.

Advice Note

Council invites the owner/applicant to consider resubmission of a revised development application to redevelop the property in a manner to conserve and restore the heritage portions of the house (refer Griffiths Figure 6).

DRAFT

8.1.2 34 Keane Street – Request to Remove Property from Heritage List
URBAN PLANNING
ATTACHMENT DETAILS

Attachment	Details
Attachment refers to	1. Locality Map, 2. Griffiths Architect Heritage Report, 3. John Taylor Heritage Report

LPS No 4 Zoning	:	R12.5
Land Use	:	Residential (Category 2 Heritage)
Lot Area	:	1816m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil
Applicant	:	Philippa Mowbray Architects
Owner	:	Simon Raybould & Christian Schoene
Assessing Officer	:	Mr. M Stocco
Authorising Officer	:	Mr. R Montgomery

LOCATION(s)

34 (Lot 157) Keane Street, Peppermint Grove

PURPOSE OF REPORT

Council is advised to assess the removal of a Category 2 heritage listed property at 34 Keane Street. The recent purchasers of the property plan to redevelop but have yet to prepare plans. They do not wish to retain the current house on the property. Shire has not received any proposed works that has warranted the need for the removal. This report addresses the re-assessment of the heritage value of the house to test the justification of its de-listing and demolition.

SUMMARY AND KEY ISSUES

- Property owners requested to remove the property from the Shire Heritage List (Municipal Heritage Inventory Category 2) on 18 October 2021
- A heritage architect report requested from Griffiths Architects.
- Owners advised removal of the property from the Heritage List will facilitate its demolition and property redevelopment.
- The property owners have not provided details to the Shire of definite future designs for development or subdivision works for the land.

CONSULTATION

There is no statutory requirement to consult parties other than the owners and occupiers. The Planning and Development Regulations requires that a 21-day period of notice to tenants and owners is provided to begin the process of removing a property from the Shire's heritage list. The process is as follows;

1. Formal request to be made in writing to Shire remove the property to Shire outlining the reasons why the house no longer has heritage value to warrant listing.
2. Replacement house plan and Heritage Architect's report also to be provided to the Council.

The Local Government is required to:

- a. Give notification to owners/occupiers of the property of the application to remove the property from the list; and
- b. Invite owners/occupiers to make a submission within the period of Notice*; and
- c. Carry out any other consultation the local government considers appropriate; and
- d. After consultation and consideration of the submissions made on the proposal, resolves that the place be removed from the Heritage List.

There is no appeal procedure identified.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

PLANNING POLICY IMPLICATIONS

Local Planning Policy 3 – Heritage Places

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.

STATUTORY IMPLICATIONS

The process for removal of a property from the heritage list is addressed in the Planning and Development (Model Scheme) Deemed Provisions.

LOCAL PLANNING SCHEME NO. 4	
Scheme	Requirement
Local Heritage Survey 2021	/
<u>SCHEME/COUNCIL POLICY</u>	
Policy Provisions	Requirement
Local Planning Policy 3 – Heritage Places	<p>Heritage Act 2018 Section 5(1) conservations, in relation to a place of cultural heritage significance, means the conservation of the place as to retain its cultural heritage significance, including –</p> <ul style="list-style-type: none"> d) Maintenance, preservation, restoration, reconstruction, adaption, and interpretation of the place; and e) Retention of the associations and meanings of the place; f) Retention or reintroduction of a use of this place. <p>Heritage protection provisions have been adopted in the Local Planning Scheme No.4 in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015. Buildings are only to be included on the Heritage List after undergoing a procedure of notification and receipt of submissions from owners and occupiers.</p> <p>Once listed all development works must obtain Council Planning Approval prior to being granted a building or demolition permit by the Shire.</p> <p>Under Clause 11 of the Deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015, Council, despite any existing written assessment, may require an updated heritage assessment prior to considering any development proposal affecting a heritage place. Clause 12 of Schedule 2 Deemed Provisions of the Local Planning Scheme No.4 also allows Council to vary any development standard under the Scheme and R-Codes where desirable to assist with the preservation of a heritage place, providing it does not have a detrimental effect on adjoining properties.</p> <p>All works, including external cosmetic changes and internal structural works, require a development application prior to the issue of a building permit.</p> <p>State Planning Policy 3.5 “Historic Heritage Conservation” (2007) states that there is a presumption against demolition of places on local heritage lists.</p>

BACKGROUND

Since their recent purchase (July 2021) the owners have considered redevelopment options, and want the house removed from the heritage list to clear the way for them to consider a wider variety of options. They request 34 Keane Street be removed from the Shires' Heritage list because the interior and some exterior parts of the property had been modified from its original materials and layout.

They have not yet proposed any new plans for the development of the property

Shire Officers met with property owners and architect, Philippa Mowbray - Architecture & Interiors and the owners to inspect the house.

The house was originally identified around 20 years ago in the heritage survey (Cat 2) following a heritage assessment report prepared by Hocking Architecture.

The Statement of Significance for the house identifies it as being a Federation Bungalow from about 1920. The silhouette and form of the northern portion of the house confirms it originates from this time.

When the Shire created the heritage list in 2018 this house was proposed to be listed and owners were advised and able to comment.

The owner of the house at that time lodged an objection to its proposed listing and the Shire engaged John Taylor Architect to complete a heritage assessment as a desktop review of the property in October 2019. Dr Taylor confirmed (based on his research) that the house held heritage value. He advised:-

It is my conclusion, in respect of the following Expert Heritage Assessment, that the place is both (i) of cultural heritage significance; and (ii) worthy of built heritage conservation.

His updated statement of significance (SoS - refer to the attachment) was the basis for the Shire decision to proceed to list the house on the LPS 4 heritage list.

The revised SoS referenced the house for

- its representational importance (i.e. by its existence it reminds about past events, practices and social mores);
- its modified but representative form and street presence and character;
- associations with famous Peppermint Grove families and individuals, and to a lesser degree its representation of building and design methods, materials and craft.

Dr Taylor also made the point that as more of these houses with similar heritage are demolished, the representative heritage value of the remaining examples increases.

OFFICER COMMENT

Heritage Assessments

The house at 34 Keane Street was identified as having heritage value and included as Category 2 due to the extent of modification and its diminished authenticity.

The property was sold in July 2021 and the new owners request the Shire to remove the house from the heritage list.

Given that Dr Taylor's review and report recently held the house to be worthy of listing but noted the property has been extensively modified, the Shire requested Griffiths Architects (Phil Griffiths) to undertake a fresh and more comprehensive review.

Mr Griffiths' review is based upon inspection of the exterior and interior of the house, John Taylor's desktop assessment report, Council and other records. It reports the history of the place to confirm the house has been regularly updated, modernised and this work was often executed without regard for the heritage values or authenticity of the building its materials and finishes.

The full report is contained in the attachments however Griffiths concludes:-

Conclusion of the Assessment

22 Irvine Street is no longer representative of the residences being constructed immediately before World War I in the immediate area surrounding the subject site.

Cumulative change has eroded the authenticity of the house and has impacted on its heritage significance to a large extent. Reconstruction would involve an amount of speculation, rather than be capable to make a competent (sic) attempt at it.

Council in receipt of further heritage advice is to note Griffiths' report more comprehensively addresses the property than Dr Taylor's assessment in 2019. Taylor's report however maintains that the house by its existence and appearance from the streetscape *is* recognisable and therefore representative of heritage-era housing of Peppermint Grove. The case for representational value is strongest when there are notable or well known local families or individuals associated with a house – even though the building is substantially altered internally, the street appearance may still resemble the appearance of the home for all these identified people and their families.

The streetscape presentation is consistent with the original house, however Griffiths' report confirms the house has lost much of its materiality and authenticity due to modifications to the interior and exterior which is a constant 'known' since the house was identified as Management Category 2.

Council should appreciate that once taken off the list the house would be demolished without there being any further review or planning assessment applied.

Planning

The stated intention of the owner is to demolish the house and redevelop the property once it is removed from the heritage list.

The Shire has in some past cases agreed to removed places from the heritage list provided there is an established case for the demolition being necessary *and* for there to be plans

prepared and submitted for assessment of a replacement building that respects the location, form and aspect of the demolished house to the street and adjacent houses.

The owner has not provided detailed explanation of the intention for redevelopment of the site and so without any such undertaking or approval, the Shire may not know or be sure of the replacement development, its design or suitability or for that matter if the property is to be redeveloped, subdivided or on-sold.

These issues whilst not central to the heritage value of 34 Keane Street are nevertheless salient to the Council in their deliberations as to the weight afforded to a de-listing of the property based upon the Griffith's report.

The LPP 3 directs that should there be redevelopment of a heritage property, that original front elevations and features to be retained and/or restored wherever possible.

SPP 3.5 "Historic Heritage Conservation" (2007) states there is a presumption against demolition of places on local heritage lists.

Regarding the case for demolition, Local Planning Policy 3 Heritage Places states :-

Demolition and Recording

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

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

Until the Shire is advised about a design or proposal for the replacement of the house it is unable to consider how a redevelopment would reflect the street appearance and respect by its form and position the original building and adjoining residences so that the aesthetic values of the streetscape are maintained.

Once it is removed from the list SPP 3.5 and LPS 4 Heritage and LPP 3 would not apply to 34 Keane Street. Prior to a decision the Shire should request the owner/applicant to submit a replacement house design which demonstrates respect for the street appearance and respect by its form and position the original building and adjoining residences so that the aesthetic values of the streetscape are maintained.

It recommended Council advises it has deferred a decision about removal of the house from the heritage list until it has received further information from the owner as to the future redevelopment intentions including an indicative design for a replacement house in accordance with LPP 3.

OFFICER RECOMMENDATION – ITEM 8.1.2

That Council receives the advice from Griffiths Heritage Architects for 34 Keane Street Peppermint Grove which updates and confirm the extent to which this house has sufficient heritage value to warrant its retention on the Shire Heritage List and defers further consideration of the request to remove the property until further information is provided to address:-

- 1. the location of a replacement house; and**
- 2. the design including the height, bulk and scale of the replacement house; and**
- 3. the silhouette and streetscape presentation of the replacement house and street setback and garden; and**
- 4. confirm the intended vehicular driveway and access arrangements with relation to the rear or side rights of way.**

Advice Note

Council invites the owner/applicant to consider the submission of a redevelopment design as part of an application to redevelop the property in a manner to conserve and restore the heritage representation of the house and its streetscape aspect, form and position.

8.2 MANAGER INFRASTRUCTURE SERVICES

NIL

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

8.3.1 Financial Statements for Period Ended 31 October 2021

CORPORATE

Due to end of month processing and the cut off dates for agenda reports, this report will be included in the FINAL Ordinary Council Agenda 23 November 2021

DRAFT

8.3.2 Accounts Paid October 2021
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment	Accounts Paid – October 2021

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 October 2021 included the following:

- GST & PAYG remittance to ATO;
- Waste Management Services
- WA Superannuation

BACKGROUND

The Attachment lists details of all payments made in September & October since the last report. The following summarises the cheques, credit card payments, electronic fund transfers and direct debits included in the list presented for information.

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT00437-440	\$239,678.75
Direct Debits	DD00268-276	\$10,022.16
BPAY	BPAY	\$0.00
Credit Cards - September	CCP00022	\$9,965.63
CHQ	CHQ	\$0.00
TOTAL		\$259,666.54

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 2021/22 annual budget.

OFFICER 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 8.3.2

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

- 1. cheques, electronic funds transfers, BPay and direct debit payments for the month of October 2021, totalling \$249,700.91**
- 2. credit card payments for September 2021 totalling \$9,965.63**

8.4 CEO/ MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Matters for Information and Noting

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Details</u>
Attachment refers to	Building/Planning Statistics Library Statistics Recycling Statistics

Voting Requirement	Simple majority
Subject Index	Matters for Information
Disclosure of any Interest	Nil
Responsible Officer	CEO

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 for 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 also 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 issued
- Seal register advising of when the Shire seal has been applied
- Infringements for parking/dogs etc
- Waste and recycling data
- Library statistics
- Library Management Group Meeting Notes

SUMMARY AND KEY ISSUES

The following reports are presented to Council 23 November 2021:

1. Building/Planning Statistics
2. Library Statistics
3. Recycling Statistics

CONSULTATION

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

OFFICER RECOMMENDATION – ITEM NO. 8.4.1

That Council receives the information in this report.

8.5 COMMITTEE REPORTS

NIL

9 NEW BUSINESS OF AN URGENT NATURE

NIL

10 MOTIONS ON NOTICE

(Automatically sent back to Administration for consideration at the next Council Meeting)

11 CONFIDENTIAL ITEMS OF BUSINESS

11.1 Australia Day Awards 2022

That this matter be considered with members of the public excluded from the Chamber under Clause 5.23 (2) (b) of the Local Government Act 1995 as the Officer report discusses:

(b) the personal affairs of any person

OFFICER RECOMMENDATION – ITEM NO 11.1

That this report is considered behind closed doors in accordance with Clause 5.23 (2) (b) of the Local Government Act 1995.

12 CLOSURE

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