



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 24 SEPTEMBER 2019
AT
5.30 PM



Shire of Peppermint Grove

DRAFT MEETING AGENDA ATTACHED

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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

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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

Cr R Thomas
Cr C Hohnen
Cr K Farley
Cr D Horrex
Cr G Peters
Cr P Macintosh

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

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

Gallery _____ Members of the Public
 _____ Members of the Press

2.2 APOLOGIES

Manager Library Services

Ms D Burn

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

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 27 AUGUST 2019

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 27 August 2019 be confirmed as a true and accurate record.

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 146 Forrest Street – Alterations & Additions to Existing Building

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Location Map
Attachment 2	Development Application Plans

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	146 Forrest Street, Peppermint Grove
Application Index	:	DA2019/00009
LPS No 4 Zoning	:	Residential – R-12.5
Land Use	:	Residential
Lot Area	:	5633m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Palassis Architects
Owner	:	Mr. Lam Shek
Responsible Officer	:	Manager of Development Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☐ **Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ **Legislative** *Includes adopting local laws, town planning schemes & policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☒ **Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Council is requested to consider the proposed Alterations and Additions to a heritage listed property at 146 Forrest Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The house is included on the Shire Heritage List as it is a signature work of noteworthy WA architect Marshall Clifton. The house is unique and the heritage fabric of the building should be protected.
- The plans propose what is essentially a 4-storey house on a large block over 5,500m² block.
- While the proposed plans not compliant with the Scheme and R-Codes, many heritage listed properties in the Shire are not fully compliant, and the application of modern controls to heritage buildings should done carefully.

LOCATION

146 Forrest Street, Peppermint Grove

BACKGROUND

The single house at 146 Forrest Street has previously been modified from the original design, however the overall form and appearance has remained true to the original Marshall Clifton design.

The initial application was received by the Shire in March 2019 and has gone through significant design changes to get to the final proposed plans attached to this report. In particular, some issues were raised in regard to the proposed 4th floor "Roof Lantern" and the bulk it adds to the site. To help remedy this the footprint of the 4th floor has been reduced inside, decreasing the amount of the building visible from the ground/street.

The property is located next to land zoned "Private Clubs, Institutions and Places of Worship" which contains the Presbyterian Ladies College (PLC). Areas of development contained within the PLC grounds are also of significant height and should be considered when assessing this application.

CONSULTATION

A letter was sent to adjoining landowners on the 31st of July 2019 informing them that the Shire has received an application for Development Approval and invited them to make comment on aspects of the design that are not Deemed-to-Comply. The Consultation period was 14 days from the date of the letter and closed on 14th of August 2019.

Three submissions were received in response to the proposed works at 146 Forrest Street which are as follows:

- Comment 1 - Only concern was with the potential location of air-conditioning equipment on the property and the possible noise they could generate. Had no issue with the proposed height of the building.
- Comment 2 – A private planning consultant on behalf of the property owner objected to the proposed work sighting an overdevelopment of the site, detracting of heritage value, reduction of amenity to the Forrest Street Streetscape, and inconsistency of the design with the Local Planning Scheme and Policies.
- Comment 3 - This property was not advertised to in relation to the development at 146 Forrest Street. As they are located across the street and a significant distance from the proposed development it was determined that the impact on this property would be negligible. Nevertheless, the Shire received a report from a private planning consultant stating that they object to the proposed development.

STRATEGIC IMPLICATIONS

There are no Strategic implications evident at this time.

POLICY IMPLICATIONS

Local Planning Policy 1 – Urban Design and Streetscape

LPP 1 has two planning objectives that look to achieve a high-quality environment and maintain amenity in the Shire. In particular, the policy looks to ensure houses present well and contribute to the streetscape.

The current house on the lot is set well back from the front boundary and is only partially visible to the street in its current configuration. Proposed works do not change the front setback, and side setbacks are only reduced to the west, as such, the change in presentation and contribution of the house to the local streetscape is limited.

Local Planning Policy 3 – Heritage Places

The property subject to the Development Application is included on the Shires Heritage List and Municipal Heritage Inventory. LPP3 ensures that any work done to a heritage listed property does not detract from the heritage value of the original building, and its contribution to the streetscape is not diminished.

The works included in the proposal look to retain most of the heritage fabric of the building, with the front elevations and features being maintained. New work is largely located to the west and on top of the original building, and while modern and distinctly different from the original building, is sympathetic to the existing heritage fabric.

Local Planning Policy 4 – Residential Building Heights

For an application that looks to seek discretion on building height the 8 points of LPP4 should be met, and are as follows:

1. That views from and/or to buildings are not unduly interrupted by the increase in overall height;
2. Compatibility of the resulting scale of a proposed building to neighbouring dwellings;
3. The proposed increase in building height would enable a development to fit in with its neighbours.

4. The proposed development meeting LPP 1 'Urban Design and Streetscape';
5. The proposed development would not have an adverse visual impact to an adjoining dwelling;
6. Any proposed additions to a heritage listed dwelling do not overwhelm or dominated that heritage place as a result of any height variation;
7. The streetscape in which the development is proposed not be adversely affected by an increase in height.
8. The development meeting with all other provisions of the Scheme and the Deemed-to-comply provisions of the R-Codes.

Due to the large scale of the block that the development is located on each of these policy points is met. In particular, the scale of development is suitable for the block and set well back from neighbouring properties.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

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

LOCAL PLANNING SCHEME NO. 4		
	Scheme Requirement/Clause	Assessment/Comment
1.	Clause 26 (1) – 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.	The plans submitted as a part of the development application propose a building with a flat roof in excess of 13.5m. The R-Codes stipulate a 7m wall height for buildings with a flat roof. The existing building is heritage listed and already above the maximum height outlined in the Scheme. Applying modern planning controls to heritage buildings should be done carefully, and a design principles approach is would be the most appropriate. The proposed development is on a lot in excess of 5000m ² , limiting the impact of the increased height of the development.
2.	Table 1, R-Codes – Minimum rear setback for lots zoned R-12.5 – 6m	The submitted plans propose an ancillary dwelling/staff quarters built up to the rear lot boundary, within the 6m setback area. Development of this nature can be supported in this instance due to the context of surrounding development. The proposed staff quarters abut a R.O.W which helps to set the bulk of the building back from PLC to the north. The development immediately to the north of 146 Forrest Street on the PLC grounds is also of significant bulk and

		has a much greater impact on than the proposed staff quarters.
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FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The proposed development at 146 Forrest Street has taken a 'Design Principles' approach and is primarily seeking variation on the finished height of the building.

In assessing this application, it is important to give due regard to its heritage listing, and how this effects the way the R-Codes are implemented. Assessed under current planning controls the current house at the property would already not be 'deemed-to-comply' due to the height of the building. The proposed works seek to marginally increase the total height (approximately 1.5m) of the building while also being sympathetic to the heritage fabric of the existing house.

The scale of the proposed building on the lot is also something that should be considered in the decision-making process. The development is situated on two lots for a combined lot area in excess of 5500m², and as such, the scale of the proposed works is in line with the land it is contained within.

It is also important to consider the impact of The Presbyterian Ladies College to the north of the proposed development site. The is a large multi-storey building built up to the lot boundary immediately adjacent to the proposed development site. This building is significantly larger than the proposed finished height of the house at 146 Forrest Street, and as such has a greater impact on neighbouring properties than the current proposal would.

The proposal also includes a two-storey ancillary dwelling that is proposed to be built directly abutting the right of way which separates 146 Forest Street from the undercover carpark and a multi-storey school building. In context the second storey is of less impact than the bulky school building which over-shadows the lane (it is situated to the north).

As the matching scale of development is imperative in the decision-making process, and subsequent recommended approval, ensuring the two individual lots remain linked to the one property address

is important. As such, amalgamation of the two lots (Lot 5 and Lot 60 Forrest Street) is recommended.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council approves the development application at 146 Forrest Street, Peppermint Grove, for the ‘Alterations and Additions to Existing Heritage Building’ consistent with the submitted plans (A series 00-28), subject to the following conditions:

- 1. The development plans, as dated marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the “Approved Plans” as part of this application and shall form part of the development approval issued.**
- 2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.**
- 3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.**
- 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:**
 - **How materials and equipment will be delivered and removed from the site;**
 - **How materials and equipment will be stored on the site;**
 - **Parking arrangements for contractors;**
 - **Construction Waste disposal strategy and location of waste disposal bins;**
 - **Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;**
 - **Other matters likely to impact on surrounding properties.**
- 5. Prior to issue of Building Permit by the Shire the Applicant is required to lodge an Application for the approval by the WAPC to amalgamate Lot 60 with Lot 5 into one lot and for the execution of any diagrams associated with implementing an Approval to be completed as indicated by issue of a Dealing Number by Landgate.**

8.1.2 10 Keane Street – New double storey residence with under croft and pool

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Location Map
Attachment 2	Development Application Plans
Attachment 3	DA Checklist

Voting Requirement : Simple Majority
 Subject Index : DB027B
 Location / Property Index : 10 Keane Street, Peppermint Grove
 Application Index : DA2019/00025
 LPS No 4 Zoning : Residential - R12.5
 Land Use : Residential
 Lot Area : 720m²
 Disclosure of any Interest : Nil.
 Previous Items : Nil.
 Applicant : Building Corporation WA/PL
 Giorgi Architects and Builders
 Owner : A & L Walsh
 Responsible Officer : Manager of Development Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☐ **Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ **Legislative** *Includes adopting local laws, town planning schemes & policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☒ **Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Council is requested to consider the proposed new two storey dwelling with undercroft and pool at 10 Keane Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The application is a result of a recent subdivision of the original lot 10 Keane Street, Peppermint Grove, approved by the West Australian Planning Commission.
- The application is proposing a plot ratio area of 0.54 and as such is seeking Council discretion on Local Planning Scheme 4.
- Some overlooking concerns with the western neighbour.

LOCATION

10 Keane Street, Peppermint Grove

BACKGROUND

In early 2019 the Shire received notice of an application to subdivide the lot at 10 Keane Street, Peppermint Grove. The Shire was not supportive of the application and submitted these comments to the WAPC, detailing the concerns the Shire had with the proposal. Primarily, the Shire's concern was with the undersized street frontage proposed, and the effect a development on an undersized block could have on the neighbouring properties.

The proposed drawings survey plans demonstrated a 13.42m street frontage for the new lot, 3.58m narrower than the 17m required for lots zoned R12.5 in the R-Codes. Regardless of this and the Shire's comments on the application, the subdivision was approved, with this development application being a direct result.

CONSULTATION

A letter was sent to adjoining landowners on the 23rd of August 2019 informing them that the Shire has received an application for Development Approval and invited them to make comment on aspects of the design that are not Deemed-to-Comply. The Consultation period was 14 days from the date of the letter and closed on 6th of September 2019.

The neighbour has come into the Shire to view the plans, but no official comment has been received at the time of writing. Should the Shire receive any official comment in relation to the proposed work Council will be provided with a copy prior to a decision being made.

STRATEGIC IMPLICATIONS

There are no Strategic implications evident at this time.

POLICY IMPLICATIONS

Local Planning Policy 1 – Urban Design and Streetscape

LPP 1 has two planning objectives that look to achieve a high-quality environment and maintain amenity in the Shire. In particular, the policy looks to ensure houses present well and contribute to the streetscape.

The proposed plans for the development at Lot 201 Keane Street present a design that is modern in appearance without being overstated. The plans suggest a colour pallet that is neutral and sympathetic to the area, with development wholly located behind the 9-metre front setback.

Local Planning Policy 3 – Heritage Places

The properties either side of the proposed development are both included on the Shires heritage list. Therefore, any development adjacent to the heritage properties should be considerate of the heritage values of the area as outlined in LPP 3. The proposed plans demonstrate a building that is modern appearance and looks distinctly different from the properties adjacent. However, the colour pallet is neutral and the overall design is not overstated. The building is set back to the 9m minimum and the space between the front façade and front boundary has ample opportunity for landscaped garden.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

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

LOCAL PLANNING SCHEME NO. 4		
Scheme Requirement/Clause		Assessment/Comment
1.	0.5 Plot Ratio	The development plans propose a plot ratio area of 0.54. While the plot ratio is in excess of the maximum allowable 0.5 under LPS 4, the design of the building does meet all other guides that control building bulk. The design focus' much of the bulk towards the front of the building without overwhelming the streetscape, which helps to reduce the impact of the building on neighbouring properties.
RESIDENTIAL DESIGN CODES		
Acceptable Development/Performance Criteria		Assessment/Comment
1.	Cone of Vision – Overlooking western neighbour	<p>The proposed plans display a cone of vision overlooking the western boundary from a bedroom on the second floor. Notice of the application has been sent to the effected landowner and no response has been received by the Shire.</p> <p>Issues with overlooking need to be carefully managed within the Shire and approval should be meet all necessary criteria. The overlooking demonstrated in the proposed plans is of the type that presents the least impact on the adjoining landowner. The cone of vision from the bedroom looks into the front setback area of the neighbouring property (all area visible within the cone of vision is already visible from the street) and does not immediately impact on privacy.</p>

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The proposed works at Lot 201 Keane Street, Peppermint Grove, are seeking is seeking discretion on two key areas.

First, the proposed plot ratio of 0.54 is in excess of the allowable 0.5 outlined in the Shires Local Planning Scheme 4 and as such should be assessed under the Design Principles of the R-Codes. A design of this nature was seen as a possibility when the Shire received notice of the application for subdivision in early 2019 for the block which has a frontage approximately 3.5m smaller than the minimum. However, as the lot has been approved, the development application needs to be assessed on its merit. The proposed plans demonstrate a development that looks to be have been conscious of the size of the block and the potential impact of over development on neighbours. The bulk of the building is primarily located towards the front of the block as to not dominate neighbouring properties and limit overlooking into surrounding back gardens.

Some concerns could be raised over the impact on the neighbouring heritage properties and the streetscape due to the bulk of the building being towards the front of the property. However, the design of the building, while modern, is relatively discrete with a neutral colour pallet and soft landscaped gardens within the front setback.

The second area of discretion will be on the overlooking of the new development onto the western neighbour. However, the impact of this is not of great significance due to the position of each property on its respective lot. The proposed new development at Lot 201 is situated in front of the existing residence at 10 Keane Street, closer to the front boundary. As such, the proposed new development overlooks the front garden of the existing residence from one of the second-floor bedrooms. All area covered by the cone of vision is within the front setback of 10 Keane Street, and is space that can be viewed from the street anyway. As such, the impact of overlooking is negligible in this instance and it should not hinder the approval process.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.2

That Council approves the development application at Lot 201 (10 Keane Street), Peppermint Grove, for a “New double storey residence with under croft and pool” consistent with the submitted plans (SK08), subject to the following conditions:

- 1. The development plans, as dated marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the “Approved Plans” as part of this application and shall form part of the development approval issued.**
- 2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.**

- 3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.**
- 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:**
 - a. How materials and equipment will be delivered and removed from the site;**
 - b. How materials and equipment will be stored on the site;**
 - c. Parking arrangements for contractors;**
 - d. Construction Waste disposal strategy and location of waste disposal bins;**
 - e. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;**
 - f. Other matters likely to impact on surrounding properties.**

8.1.3 54 Johnston Street – New Single Residence**URBAN PLANNING****ATTACHMENT DETAILS**

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Location Map
Attachment 2	Development Application Plan

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	54 Johnston Street
Application Index	:	DA2019/00025
LPS No 4 Zoning	:	Residential – R-10
Land Use	:	Residential
Lot Area	:	1116m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	David A Simpson-Thomas
Owner	:	Pennelope DiGiovanni
Responsible Officer	:	Manager of Development Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☐ **Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ **Legislative** *Includes adopting local laws, town planning schemes & policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☒ **Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Council is requested to consider the proposed new single house at 54 Johnston Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The proposed plans were originally submitted to the Shire as a Building Application, however assessment determined that the proposed plans were not Deemed-to-Comply, and that a Development Application would be necessary.
- The proposed plans are seeking Council discretion on the 6m rear setback stipulated by the R-Codes for lots zoned R-10.

LOCATION

54 Johnston Street, Peppermint Grove

BACKGROUND

The applicant originally came to the Shire seeking a building permit for the proposed new house at 54 Johnston Street based on the presumption that the plans were Deemed-to-Comply. An assessment of the plans determined that the rear setback of the property did not meet the minimum 6 metre requirement set out in the R-Codes.

The applicant was informed that for development to proceed the proposed plans would have to go through the planning process and be considered at Council.

CONSULTATION

A letter advising adjoining landowners of the proposed works at 54 Johnston Street was sent on the 23rd of August 2019 inviting property owners to comment on the proposed plans. The consultation period closed on the 6th of September 2019, and at the time of writing no official comment has been received. Should the Shire receive comments on the proposed development in writing, they will be forwarded onto councillors prior to a decision being made.

One of the owners of a neighbouring property has come into the Shire to view the plans. Discussions with the owner indicated that the Shire would be receiving written comments in regard to the proposed plans. However, at the time of writing these comments have not yet been received.

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

Local Planning Scheme No.4

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

<u>RESIDENTIAL DESIGN CODES</u>		
Acceptable Development/Performance Criteria		Assessment/Comment
1.	R-Codes – Table 1: Minimum setback for lots zoned R-10 – 6m	The proposed plans indicate a rear setback at 54 Johnston Street of as little as 1.12m from the rear boundary. As such, significant portion of the proposed buildings bulk will be within the rear setback area.

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

As a part of this development application the applicant aimed to achieve a fully compliant design to submit to the Shire. However, the resulting plans are not deemed-to-comply and as such a design principles approach is required.

For these plans to be approved the council would have to be satisfied that the proposed 1.12m rear setback is not detrimental to the neighbour to the south. The 6m rear setback is implemented in areas zoned R-10 to reduce density a limit the impact neighbours have on

each other. Development within the rear setback could have some adverse effects on the neighbour, and as such it should be carefully considered.

To help reduce the impact on neighbours, the proposed house at 54 Johnston Street is single storey across the whole development. This helps to reduce the impacts of overshadowing and means overlooking issues from a second floor are not possible.

The lack of a second floor also means the amount of bulk generated by the building is minimal. The whole development has a plot ratio of 0.37, well below the 0.5 maximum outlined in LPS 4. However, due to the location of the house on the lot, most of the bulk is located on the rear of the lot, close to neighbouring properties.

It is also important to consider the proposed development in the context of the Shire. The Shire's aesthetic is one of open landscaped gardens with plenty of space between houses to allow for natural light between properties. Were this house constructed as is the design goals of the Shire would not be maintained. As such, approval in its current state should not be granted.

To reduce the impact of the proposed new development on neighbouring properties there are some aspects of the design that could be altered. As such, to help achieve a more desirable design deferral is recommended.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.3

That Council defers the application for development approval at 54 Johnston Street to the October Ordinary Council Meeting to allow the applicant to address setback issues.

8.1.4 42 View Street – Loft/Store Room above Existing Garage**URBAN PLANNING****ATTACHMENT DETAILS**

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Location Map
Attachment 2	Development Application Plans

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	42 View Street
Application Index	:	DA2019/00028
LPS No 4 Zoning	:	Residential - R12.5
Land Use	:	Residential
Lot Area	:	1459m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Richard Simpson
Owner	:	Ginza Pty. Ltd
Responsible Officer	:	Manager of Development Services

COUNCIL ROLE

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PURPOSE OF REPORT

Council is requested to consider the proposed Loft/Storage Room above an existing garage at the rear of 42 View Street Peppermint Grove.

SUMMARY AND KEY ISSUES

- The development is proposing to build a loft/storeroom above an existing garage at the rear of the 42 View Street, Peppermint grove.
- The current garage is set back 2 metres from the R.O.W and will remain unchanged, with the proposed development having the same footprint.

LOCATION

42 View Street, Peppermint Grove

BACKGROUND

The applicant contacted the Shire earlier this year (2019) to enquire about building ancillary dwelling/storeroom above an existing garage. Shire staff informed the applicant that an ancillary dwelling is a Category A building under LPS 4 and cross-referenced to the Residential Planning Codes has wall and roof height restrictions.

Upon the receipt of plans which showed the proposed development being over the maximum height for an ancillary dwelling, the applicant was advised to submit a planning application to request Council to exercise its discretion to vary the Scheme for the proposed development to be approved.

The applicant was advised that the proposed plans would not be supported by council and consequently the application was withdrawn.

A new application has been submitted to the Shire for the same sight with redesigned plans that propose a loft and storage space above the existing garage.

CONSULTATION

The original application for development approval was advertised to surrounding landowners and an objection to the application was received.

Letters advertising the amended plans were sent on the 3rd of September 2019 to adjoining landowners that could be impacted by the proposed development. The consultation period closes on the 17th of September and at the time of writing no official comment has been received. Should the Shire receive comments on the proposed development within the consultation period Council will be informed prior to a decision being made

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no Policy implications evident at this time.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

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

RESIDENTIAL DESIGN CODES		
	Requirements	Assessment/Comments
1.	Table 1 of the R-Codes stipulates a 6m rear setback for lots zoned R12.5	The proposed development is contained wholly within the building footprint of the existing garage, setback 2m from the rear boundary. While this building is not proposing to change the setback, it will increase the bulk and height of the garage and therefore its potential to dominate and overshadow the rear setback area and laneway.

FINANCIAL IMPLICATIONS

There are no financial implications.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications.

SOCIAL IMPLICATIONS

There are no social implications.

OFFICER COMMENT

The redesign of the space to be built over the rear garage at 42 View Street has been done to help reduce the impact of the proposed development on neighbours. The primary concern of the original design was the height of the building and its use as an ancillary dwelling.

The use of the original proposal as an ancillary dwelling meant height was limited to dimensions specified for a Category A building within the R-Codes which meant

development greater than 1 storey was not permitted. The new development is only being proposed as a habitable space and as such is considered a Category B building under the R-Codes. This provides a maximum allowable height of 9m to the top of a pitch roof. The plans propose a total height of 6.7m, well under the maximum allowed.

The proposed addition sits within the footprint of the existing garage (excluding external stairs) and does not add to the site coverage of development on the lot and setbacks to the rear and neighbours do not change.

The design is also sympathetic to the privacy of neighbours by demonstrating all site lines and cones of vision from the first floor do not overlook neighbouring properties.

Setback to the northern neighbour is 1.4m which is compliant with the R-Codes. Setback the R.O.W is 2m which is not compliant under Table 1 of the R-Codes (6m rear setback), however the building was constructed in this manner several years' ago, albeit as a garage and not a habitable building.

Building within the rear setback means a design principles approach is necessary. For approval to be granted council needs to ensure the increased bulk of the development would not adversely affect neighbours. The current design for the loft is much more sympathetic to the surrounding neighbours than the original. The plans propose a pitched roof, removing bulk from the street and focussing all bulk and floor space within the property.

The amended plans have taken into consideration many comments made by council at the Agenda Briefing Forum and Shire planning staff to arrive at this design. The proposed building is now sympathetic to the surrounding landowners and does not have an adverse impact on them. It is important to note that should council approve this development they will be providing discretion on building within the rear setback, however as much of the development is the current garage the development can be justified.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.4

That Council approves the development application at 42 View Street, Peppermint Grove, for a “Loft/storage room above an existing garage” consistent with the submitted plans, subject to the following conditions:

1. The development plans, as dated marked and stamped “Approved”, together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the “Approved Plans” as part of this application and shall form part of the development approval issued.
2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.
3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.
4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:
 - g. How materials and equipment will be delivered and removed from the site;
 - h. How materials and equipment will be stored on the site;
 - i. Parking arrangements for contractors;
 - j. Construction Waste disposal strategy and location of waste disposal bins;
 - k. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - l. Other matters likely to impact on surrounding properties.

8.2 MANAGER INFRASTRUCTURE SERVICES

NIL

8.3 MANAGER LIBRARY SERVICES

NIL

8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

8.4.1 Financial Report – August 2019

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Report – August 2019

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
LPS No 4 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Michael Costarella, Manager Corporate and Community Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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PURPOSE OF REPORT

To report on financial activity for the period 1 July 2019 to 31 August 2019.

SUMMARY AND KEY ISSUES

- Operating revenue is \$70,570 less than the year to date budget as the Shire is awaiting receipt of a grant;
- Operating expenditure is some \$172,216 less than the year to date budget and mainly due to August invoices being processed in September;
- Capital expenditure- The expenditure relates to the purchase of a new A1 printer.

LOCATION

N/A

BACKGROUND

Nil

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

There are no specific statutory requirements in respect to this matter.

FINANCIAL IMPLICATIONS

There are no financial implications from this report

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER COMMENT

The following comments relate to year-to-date (YTD) budget versus actuals variances or forecasts that vary from the full year estimate that are greater than \$10,000.

(1) Fees and Charges

Additional Fees and charges received to 31 August of \$16,000 relate to additional fees for development licence fees.

(2) Grants and Subsidies

Grants and subsidies were \$84,000 less than the year to date budget and this was mainly due to less than expected grant funding for August.

(3) Employee Costs

The YTD Actuals were \$17,133 less than the expected and this was mainly due to payment of the Superannuation expenses paid in September.

(4) Materials and Contracts

Materials and contract expenses are some \$136,216 less than expected, due largely to timing variances with respect to invoices for August 2019.

OFFICER RECOMMENDATION/S – ITEM NO. 8.4.1

That Council receive the monthly financial report for the period 1 July 2019 to 31 August 2019.

8.4.2 Accounts Paid – August 2019

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Accounts Paid – August 2019

Voting Requirement	:	Simple Majority
Subject Index	:	FM045A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Michael Costarella, Manager Corporate and Community Services

COUNCIL ROLE

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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 July 2019 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

LOCATION

N/A

BACKGROUND

Attachment 1 lists details of all payments made 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	FUND	NUMBER SERIES	AMOUNT
EFT	MUNICIPAL	EFT295-EFT299	\$361,951.02
EFT	TRUST	TEFT00012	\$1000.00
DIRECT DEBIT	MUNICIPAL	DD87-DD94	\$25,826.82
BPAY	MUNICIPAL	BPAY65-BPAY73	\$6,961.25
CHEQUE	MUNICIPAL	426	\$445.70

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 2019/20 annual budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM NO. 8.4.2

That Council receive the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for August 2019, totalling \$386,184.79

8.4.3 Matters for Information and Noting

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachments	1. Building Permits Issued August 2019 2. Planning Approvals Issued August 2019 3. Infringements Issued August 2019 4. Library Statistics August 2019

Voting Requirement	:	Simple Majority
Subject Index	:	Multiple
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Don Burnett, Chief Executive Officer

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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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
- Advisory notes from WALGA, DLG&C or other stakeholders
- WESROC Mayor/President forum notes
- WALGA Zone minutes
- WALGA State Council minutes
- Seal register advising of when the Shire seal has been applied
- Shine statistics
- Infringements for parking/dogs etc
- Waste and recycling data
- Library statistics

SUMMARY AND KEY ISSUES

The following reports are presented to Council at the Ordinary Council Meeting of August 2019:

1. Building Permits Issued August 2019
2. Planning Approvals Issued August 2019
3. Infringements Issued August 2019
3. Library Statistics August 2019

CONSULTATION

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

OFFICER RECOMMENDATION – ITEM NO. 8.4.3

That Council receives the information in this report.

8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY

NIL

8.6 COMMITTEE REPORTS

NIL

9 NEW BUSINESS OF AN URGENT NATURE

10 MOTIONS ON NOTICE

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

11 CONFIDENTIAL ITEMS OF BUSINESS

NIL

12 CLOSURE

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



DECLARATION OF **FINANCIAL / PROXIMITY / IMPARTIAL INTEREST** **THAT MAY CAUSE A CONFLICT**

TO: Chief Executive Officer
SHIRE OF PEPPERMINT GROVE

NAME:

POSITION:

MEETING DATE:

ITEM NO & SUBJECT:

**NATURE OF
INTEREST:**

Financial / Proximity / Impartiality
Interest that may cause a Conflict*

* Please Circle
applicable

**EXTENT OF
INTEREST:**

SIGNATURE:

DATE:

Section 5.65(1) of the Local Government Act 1995 states that:

FINANCIAL & PROXIMITY INTERESTS

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.

DISCLOSURE OF 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.

“A member who has an interest in any matter to be discussed at a Council or Agenda Briefing Forum meeting that will be attended by that member must disclose the nature of the interest”:

- (a) In a written notice given to the CEO before the meeting; or*
- (b) At the meeting immediately before the matter is discussed.*