



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 27 AUGUST 2019**  
**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
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 23 JULY 2019	9

<b>8</b>	<b>OFFICER REPORTS</b>	<b>10</b>
<b>8.1</b>	<b>MANAGER DEVELOPMENT SERVICES</b>	<b>10</b>
8.1.1	48A View Street - Alterations to Front Façade	10
8.1.2	23A View Street – Alfresco Extension for Single House	14
8.1.3	16 Bay View Terrace – Gate Structure	19
<b>8.2</b>	<b>MANAGER INFRASTRUCTURE SERVICES</b>	<b>23</b>
<b>8.3</b>	<b>MANAGER LIBRARY SERVICES</b>	<b>23</b>
<b>8.4</b>	<b>MANAGER CORPORATE AND COMMUNITY SERVICES</b>	<b>24</b>
8.4.1	Financial Report – July 2019	24
8.4.2	Accounts Paid – July 2019	27
8.4.3	Matters for Information and Noting	30
<b>8.5</b>	<b>CEO/ MANAGEMENT / GOVERNANCE / POLICY</b>	<b>32</b>
<b>8.6</b>	<b>COMMITTEE REPORTS</b>	<b>32</b>
<b>9</b>	<b>NEW BUSINESS OF AN URGENT NATURE</b>	<b>32</b>
<b>10</b>	<b>MOTIONS ON NOTICE</b>	<b>32</b>
<b>11</b>	<b>CONFIDENTIAL ITEMS OF BUSINESS</b>	<b>32</b>
<b>12</b>	<b>CLOSURE</b>	<b>32</b>

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 Library Services  
Manager Corporate and Community Services  
Manager Development Services  
Manager Infrastructure Services

Mr D Burnett  
Ms D Burn  
Mr M Costarella  
Mr R Montgomery  
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**

## **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 23 JULY 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 23 July 2019 be confirmed as a true and accurate record.

## 8 OFFICER REPORTS

### 8.1 MANAGER DEVELOPMENT SERVICES

#### 8.1.1 48A View Street - Alterations to Front Façade

#### URBAN PLANNING

#### ATTACHMENT DETAILS

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

Voting Requirement	:	Simple Majority
Subject Index	:	
Location / Property Index	:	48A View Street, Peppermint Grove
Application Index	:	DA2019/00021
LPS No 4 Zoning	:	Residential zone – R12.5
Land Use	:	Residential
Lot Area	:	1348m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	DA2019/00010
Applicant	:	Phillipa Mowbray Architects
Owner	:	Mrs Yvonne Burns
Responsible Officer	:	Mr. Ross Montgomery – 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

## **PURPOSE OF REPORT**

is requested to consider the proposed alterations to the front façade at 48A View Street, Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

- The development application is proposing alterations to the front façade of a heritage listed property.
- This application is subsequent to DA2019/00010 that also proposed alterations to the front façade but were not approved by council.

## **LOCATION**

48A View Street, Peppermint Grove

## **BACKGROUND**

An application for additions and alterations (DA2019/00010) was received by the Shire in April of 2019. Council approved the part of the redevelopment to the heritage listed house at 48 View Street concerning internal and external development at the rear and side of the property.

The glass and steel conservatory structure proposed to be attached via an enlarged front window in the street façade and the structure in front of the house was not considered appropriate given the street presentation of the heritage house. Although the proposed renovations were approved to the rest of the house, the Council did not support the insertion of a glass conservatory into the distinctive façade.

## **CONSULTATION**

Officers have met and discussed possible design options with the owner and the architect.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

Local Planning Policy 3 – Heritage Places

The house at 48A View Street is heritage listed, and therefore Local Planning Policy 3 – Heritage Places is relevant to this application.

The Heritage Management Category 2 (MHI) contemplates that some modifications can be considered subject to retention of heritage features. The proposed works make changes to the façade of a heritage listed building, as such LPP 3 applies to the development. The

proposed work maintains a large amount of heritage fabric of the façade by maintaining existing proportions within the door design. The proposed French doors in the façade match the dimensions of other openings in the façade, and a portion of brick work below the present sill will be removed to create the opening for the door. The single house still presents as the original main structure when viewed from the street as per requirements of LPP 3, however the proposed works only change few elements of the front façade.

Local Planning Policy 3 – Heritage Places requires a property on the Shire Heritage List must obtain planning approval prior to being granted Council permission to rebuild and/or demolish all or part of a listed building.

### **STATUTORY IMPLICATIONS**

The property is on the heritage list and all works to the building require a development application to be determined by Council.

### **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 48A View Street, Peppermint Grove, respond to the advice from Council following the partial approval for renovations proposed in the previous application (DA2019/00010).

The glass conservatory was not supported by Council because it significantly changed the proportions of the window in the façade and obscured the street presentation of the façade, part of the contribution this heritage building makes to the street.

The architect has now redesigned this area to propose a more modest alteration to the window; to lower the sill to the ground and replace the window with French doors in a sympathetic style to the remaining windows facing the street.

French doors are proposed which maintain the geometry and dimensions in unity with the facade. Several courses of brick work will be removed to bring the current opening to ground level, and a new architrave and set of French doors will complete the redesign.

This design is therefore considered to be more respectfully conservative to the heritage fabric of the building, to improve access between the front room and the garden.

A bay window is included in the northern wall which is not as visible from the street and yet achieves the objective to allow more northern light into the front room.

This house adds to the heritage streetscape of View Street and through this redesign it makes a positive contribution to the suburb. The redesign is sympathetic to the street appearance of this distinctive house and is therefore recommended for approval.

**OFFICER RECOMMENDATION/S – ITEM NO 8.1.1**

**That Council Approves the application for ‘Alteration to Front Façade’ at 48A View Street, Peppermint Grove, 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. French doors, architrave and new threshold are to match the proportions and materials of the doors and windows facing View Street.**

**8.1.2 23A View Street – Alfresco Extension for Single House**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

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

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	23A View Street, Peppermint Grove
Application Index	:	DA2019/00023
LPS No 4 Zoning	:	Residential zone R-12.5
Land Use	:	Residential
Lot Area	:	909m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Timesright Pty Ltd (T/A RK Brine Master Builder)
Owner	:	Jane Elizabeth Moffat
Responsible Officer	:	Mr. Ross Montgomery – 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 extension to an Alfresco entertainment area at the rear of 23A View Street, Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

- The current two-storey house is located on a battle-axe lot of 908m<sup>2</sup> in area.
- Development already exceeds the LPS 4 plot ratio of 0.5 by 0.04.
- This proposal will make the plot ratio more than 0.58 (with exclusions)
- Because the development exceeds deemed to comply development standards of LPS 4, planning approval is required to vary Scheme standards.
- The additional area to the alfresco is open on two sides and will overlook a sunken terrace with lap pool.
- An outdoor kitchen is also part of the proposal and partially encloses the area.

## **LOCATION**

23A View Street, Peppermint Grove

## **BACKGROUND**

The property contains a two-storey single house with balcony deck, terraced garden and lap pool located at the rear of a battle-axe lot.

The applicant originally came to the Shire with a certified Building Application for the extension of the rear alfresco area the addition of a small outdoor kitchen into the garden.

The applicant submitted plot ratio calculations indicating that the current house exceeds the maximum allowable plot ratio (at 0.54 it is over the maximum of 0.5 in Local Planning Scheme 4). A Shire assessment of the addition indicates the alfresco additions will increase the plot ratio for the site to 0.58.

The applicant was advised of this aspect of non-compliance requires a Planning Application to vary the plot ratio applicable to the development. All such variations must be considered by the Council.

## **CONSULTATION**

The works are within the current building setbacks from boundaries. No specific consultation or referral to neighbours has been undertaken by the Shire. The architect advised that the neighbours offered no objection when the plan was discussed.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

The Shire recently adopted draft guidelines to assist in determining the basis of variation to the plot ratio area for single houses.

## **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.

<b>LOCAL PLANNING SCHEME NO. 4</b>		
<b>Scheme Requirement/Clause</b>		<b>Assessment/Comment</b>
<b>1.</b>	Plot Ratio to be less than 0.5	The current development exceeds 0.5
<b>RESIDENTIAL DESIGN CODES</b>		
<b>Acceptable Development/Performance Criteria</b>		<b>Assessment/Comment</b>
<b>1.</b>	Standard R 12.5 boundary setbacks.	Compliant for side setback. Existing house has reduced rear setback in southern portion of the development.
<b>SCHEME/COUNCIL POLICY</b>		
<b>Policy Provisions</b>		<b>Assessment/Comment</b>
<b>1.</b>	Draft Plot Ratio guideline– what counts towards it and what does not.	The addition of a kitchen encloses the existing alfresco area on three sides and therefore this entire area should have 50% floor area assessed into PR. The current house exceeds LPS 4 Plot Ratio.

## **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 Residential zone - R 12.5 identifies the density of urban development permitted, both in terms of dwellings per ha as well as the envelope of each lot covered by buildings. LPS 4 further identifies building coverage of a site as no more than 0.5 by the Plot Ratio.



This standard is intended to prevent overdevelopment of sites and is an important measure to protect landscaped areas, trees and to ensure a suitable buffer space between properties. The architect calculated the plot ratio for the current and proposed development for the proposal based on their floor plans and it will exceed LPS 4 maximum of 0.5 (the site with additions will go from 0.54 to at least 0.58).

The current buildings exceed the plot ratio in the LPS 4 coverage (0.54) however they pre-date the scheme. The land is a battle-axe format with a very long driveway. There is a gross floor area of the house cited to be 602.5 m<sup>2</sup> and the total lot area is 908 m<sup>2</sup> (noting however this includes a driveway access and forecourt).

The application seeks the Council approval to a plot ratio of 0.58 (discounted as per draft policy. A **design principles** assessment of the reduced rear setback and plot ratio area requires that the variation could only be agreed if it were to deliver a superior design outcome than the deemed compliance design.

Although the rear setback of the existing house at the south east corner is slightly less than the required setback of 6m, the house is skewed to this boundary and an averaging the rear setback, may mitigate this impingement.

Adherence to Plot Ratio is important because the building coverage of the site results in a loss of site area available for deep planting and may ultimately lead to the over-development of the site.

In support of allowing the variation the architect indicates there will be up to 67% of the site available for open space, however for this property much of this area is allocated to the long driveway and manoeuvring forecourt. These may not necessarily be considered viable urban green space, because they do not contain deep planting for shade trees.

The LPS 4 sets out several objectives for the Residential zone, and these include:-

- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;
- To promote a residential environment consistent with the heritage of the locality and to enhance the sense of place and community identity, and
- To enhance those characteristics which contribute towards residential amenity, and to avoid those forms of development which have the potential to prejudice the preservation of the high amenity value of a safe and attractive residential environment.

Inspection of the site and surrounding development highlights the accumulating impact of incremental variation of Scheme and Codes design parameters with a built form more reflective of a higher density than R 12.5 (albeit at the rear of the properties).

LPS 4 introduced a plot ratio and other site design standards to achieve objectives to restrict overdevelopment of single residential sites. It is however not always practical to apply these to pre-existing development.

On basis of the stated intention of these objectives, this proposal raises questions as to how the expansion of an alfresco covered area on this scale is delivering a superior design outcome or conversely how in isolation it might impact the neighbourhood and the residential zone

Against this however is the consideration of the surrounding area, with adjacent buildings also close to boundaries and covering large portions of their site.

It is recommended that the Shire advertise this proposal to abutting properties to gauge their comments about the requested variation of plot ratio in respect to the alfresco area.

Any comments received following referral will be referred back to the Council to be considered against the likely overall neighbourhood impact of the variation and the principle of meeting LPS 4 objectives on incremental projects

#### **OFFICER RECOMMENDATION/S – ITEM NO 8.1.2**

**That Council resolves to defer the consideration of the application to vary LPS 4 plot ratio for the additional alfresco and outdoor kitchen area proposed at 23A View Street Peppermint Grove until the matter is referred to abutting residents to view and comment about the size and extent of the additional development.**

**8.1.3 16 Bay View Terrace – Gate Structure**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

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

Voting Requirement	:	Simple Majority
Subject Index	:	
Location / Property Index	:	16 Bay View Terrace, Peppermint Grove
Application Index	:	DA2019/00022
LPS No 4 Zoning	:	R-10
Land Use	:	Residential
Lot Area	:	700m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Palazzo Exclusive Homes Pty Ltd
Owner	:	H Riaz
Responsible Officer	:	Mr. Ross Montgomery – 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 'Gate Structure' at 16 Bay View Terrace, Peppermint Grove subject to the policy LPP2 – Minor Structures in the Street Setback.

## **SUMMARY AND KEY ISSUES**

- Structure proposes a concrete slab on top of a brick piers and glass gate located on Johnston Street.
- LPP2 indicates a gate house, lichgate and similar structure may be approved provided it is no less that 4m<sup>2</sup> in area and under 3 m in height.
- Materials complement the recently completed house and fence in materials, colour and finishes.
- Structure does not impact sightlines, is not near driveways and is assessed as low impact.

## **LOCATION**

16 Bay View Terrace, Peppermint Grove

## **BACKGROUND**

At the time of submission, the Shire also received an application for Building Permit at 16 Bay View Terrace for changes to the front boundary fence. This proposal has been designed to complement the fence design with this building application to create a superstructure over the gateway which visually links the house to the street.

## **CONSULTATION**

The structure meets the LPP2 in terms of height and area and is unlikely to impact neighbouring properties. No consultation has been undertaken in respect to this matter.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

The proposal aligns with adopted Shire policy - LPP2.

## **STATUTORY IMPLICATIONS**

The Scheme LPS4 does not consider gate structures however LPP2 specifically addresses these in terms of size and design.

## **Local Planning Scheme No.4**

The proposal has been assessed in terms of relevant Scheme provisions, Residential Design Codes and Scheme Policies as outlined in the table below.

<b>LOCAL PLANNING SCHEME NO. 4</b>		
<b>Scheme Requirement/Clause</b>		<b>Assessment/Comment</b>
1.	na	na
<b>RESIDENTIAL DESIGN CODES</b>		
<b>Acceptable Development/Performance Criteria</b>		<b>Assessment/Comment</b>
1.	na	na
2.	na	na
<b>SCHEME/COUNCIL POLICY</b>		
<b>Policy Provisions</b>		<b>Assessment/Comment</b>
1.	LPP2 - <4m <sup>2</sup> in area; < 3m in height	Area = 3.9m <sup>2</sup> ; Height = 2.9m Design meets Policy in terms of area and height.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident.

### **SOCIAL IMPLICATIONS**

There are no social implications evident.

### **OFFICER COMMENT**

Johnston Street has a streetscape of eclectic diversity of houses designed and built in different times and to different architectural styles. The single house associated with the gate is two-storeys with roof terrace. It offers a bold, contemporary street appearance with materials of concrete masonry, metal and glass.

The proposed gate superstructure is a concrete slab. The street boundary front fence is masonry with coated steel infill panels. The gate and side-panel are proposed to be glass.

The superstructure is a flat slab sitting atop brick piers. This is aesthetically similar to the house, which presents to the street as a series of 'stacked' rectangular masonry elements.

Aesthetically the gate canopy will present as a structure with simple, brutalist form. The structure is therefore not discordant with the overall appearance of the house from the street.

The proposed gate superstructure is compliant with the LPP2 in terms of size and height.

The LPP2 requirement for the gatehouse indicates it should complement the house in materials, finishes and construction methods, which it does.

**OFFICER RECOMMENDATION/S – ITEM NO 8.1.3**

That Council approves the proposed gate structure at 16 Bay View Terrace Peppermint Grove in accordance with submitted plans and 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. Building Permit to be accompanied by a structural certification for integrity.

**8.2 MANAGER INFRASTRUCTURE SERVICES**

NIL

**8.3 MANAGER LIBRARY SERVICES**

NIL

DRAFT

## 8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

### 8.4.1 Financial Report – July 2019

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Report – July 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.*
- 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**

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

## **SUMMARY AND KEY ISSUES**

- Operating revenue is \$66,415 less than the year to date budget as the Shire is awaiting receipt of a grant;
- Operating expenditure is some \$181,441 less than the year to date budget and mainly due to July invoices being processed in August;
- Capital expenditure- No Capital works were undertaken in July.

## **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**

The financial report for July 2019 shows the current net assets of \$3.9million which includes the rates debtors of \$3.3million. This is due to the levying of the rates in July 2019 and included in the outstanding debtors.

## **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 during July of \$11,000 relate to additional fees for development licence fees.

**(2) Grants and Subsidies**

Grants and subsidies were \$66,000 less than the year to date budget and this was mainly due to less than expected grant funding for July.

**(4) Materials and Contracts**

Materials and contract expenses are some \$117,837 less than expected, due largely to timing variances with respect to invoices for July 2019.

**OFFICER RECOMMENDATION/S – ITEM NO. 8.4.1**

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

**8.4.2 Accounts Paid – July 2019**
**CORPORATE**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment</b>	<b>Accounts Paid – July 2019</b>

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**

- 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**

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	292-294	\$296,808.22
CHEQUES	MUNICIPAL	425	\$194.65
BPAY	MUNICIPAL	BPAY56-64	\$2,464.79
DIRECT DEBITS	MUNICIPAL	DD80-83 &86	\$16,021.76
CREDIT CARDS-MAY	MUNICIPAL	DD85	\$14,065.15
<b>TOTAL</b>			<b>\$329,554.57</b>

## **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 July 2019, totalling \$329,554.57.

### 8.4.3 Matters for Information and Noting

#### ATTACHMENT DETAILS

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

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.*
- 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**

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 July 2019
2. Planning Approvals Issued July 2019
3. Infringements Issued July 2019
3. Library Statistics July 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.*