



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

DRAFT

AGENDA

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

TO BE HELD ON
TUESDAY 23 AUGUST 2022
AT
5.30 PM



Shire of Peppermint Grove

DRAFT MEETING AGENDA ATTACHED

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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 efficient, effective and orderly decision making within this forum.

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

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

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

Acting CEO
Manager Development Services

Mr M Costarella
Mr J Gajic

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

2.2 APOLOGIES

Chief Executive Officer
Manager Infrastructure Services

Mr Don Burnett
Mr D Norgard

2.3 LEAVES OF ABSENCE

Shire President (Presiding Member)

Cr R Thomas

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

3.2 PETITIONS

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.

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

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

Rules for Council Meeting Public Question Time

1. *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.*
2. *During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
3. *Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
4. *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.*
5. *The person presiding will control Public Question Time and ensure that each person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask a question will be given 2 minutes within which to address their question to the Council. The person presiding may shorten or lengthen this time in their discretion.*

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

Nil.

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

4.3 DEPUTATIONS OF THE PUBLIC

4.4 PRESENTATIONS FROM THE PUBLIC

5 DECLARATIONS OF INTEREST

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

5.1 FINANCIAL INTEREST

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

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

5.2 PROXIMITY INTEREST

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

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

ORDINARY COUNCIL MEETING 26 July 2022

OFFICER RECOMMENDATION – ITEM 7.1

Moved:

Seconded:

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 26 July 2022 be confirmed as a true and accurate record.

8 OFFICERS REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 139 (Lot 70) Forrest Street, Peppermint Grove - Single House

URBAN PLANNING

ATTACHMENT DETAILS

Attachment No	Description
Attachment 1	Locality Map
Attachment 2	Development Application Submission and Drawings

Voting Requirement	:	Simple Majority
Location / Property Index	:	139 (Lot 70) Forrest Street
Application Number	:	DA2022/00017
LPS No 4 Zoning	:	Residential (R12.5)
Land Use	:	Single House
Lot Area	:	756m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Distinctive Homes
Owner	:	Mrs M Gillett & Mr R Noble
Assessing Officer	:	Mr M. Stocco
Authorising Officer	:	Mr J. Gajic

PURPOSE OF REPORT

To seek Council determination for a Development Application for a Single House and Swimming Pool that seeks variations to the plot ratio and to lot boundary setbacks.

SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R12.5) a Single House is a 'P' use.
- The replacement house largely occupies the same building footprint and is of a comparable scale to the house it seeks to replace.
- The design has been revised in response to consultation with the Shire and feedback from consultation with affected parties.
- Variations are sought to the provisions of Local Planning Scheme No. 4 and the deemed-to-comply requirements of the Residential Design Codes of Western Australia (R-Codes).

LOCATION

139 (Lot 70) Forrest Street, Peppermint Grove.

BACKGROUND

The existing house was constructed in the 1970s and is adjacent to a right-of-way. It has a decorative driveway detail to help delineate the lot boundary from the right-of-way. The house principally oriented to the west providing passive views to the right-of-way as well as Forrest Street.

CONSULTATION

Advertising to three (3) affected neighbours for a period of 14 days was required in accordance with the Shires Local Planning Policy 6 – Neighbour Consultation. The advertisement period has now concluded. An objection was received from the eastern neighbour (141 Forrest Street) which informed design now before Council.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

The proposal seeks to vary policy provisions contained in Local Planning Scheme No. 4 and the corresponding Local Planning Policy 5 – Plot Ratio.

STATUTORY IMPLICATIONS

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

LOCAL PLANNING SCHEME NO. 4	
Scheme Requirement/Clause	Assessment/Comment
Plot Ratio For R10, R12.5 , R15 and R20 Coded areas the maximum plot ratio shall be 0.5	Plot Ratio is 0.51.
9.0 Metre Front Setback For R10, R12.5 and R15 coded areas the setback from the front street boundary to any building, including a carport or garage, shall be a minimum of 9 metres from the primary street.	Complies. The proposed house is set back 9m from Forrest Street.

RESIDENTIAL DESIGN CODES	
Development/Performance Criteria	Assessment/Comment
Street and Lot Boundary Setbacks Tables 2a and 2b of the R-Codes.	<p><u>Eastern Setback</u> – The deemed-to-comply requirement is 1.8m for a minor opening with a wall height of less than 4m. The ground floor kitchen/dining room is proposed at 1.1m.</p> <p><u>Southern Setback (rear)</u> – The deemed-to-comply requirement is 6m. The garage is proposed to have a rear setback between 1.45m and 3.5m.</p>

Building Heights Table 3, Category B Maximum Building Heights	Compliant. The proposed concealed roof does not exceed 6.5m that satisfies the Category B Building requirement of 8m.
Visual Privacy C5.4.1, Figure 10, 10a, 10b and 10c of the R-codes.	Compliant. There are not major openings for which visual privacy is otherwise assessable under a deemed-to-comply requirement.
Solar Access for Adjoining Sites Part 5 - 5.4.2 C2.1	Compliant. The proposed design satisfies the 25% deemed-to-comply shadow cast requirement.
Open Space Table 1 of the R-Codes.	Compliant. The proposal exceeds the 55% deemed-to-comply open space requirement.

SCHEME/COUNCIL POLICY	
Policy Type	Assessment/Comment
Local Planning Policy 1 – Design and Streetscape	Compliant. The proposal achieves the 50% deep soil planting requirement.
Local Planning Policy 2 – Ecological Urban Design and Sustainability	Policy requirements are achieved.
Local Planning Policy 3 – Heritage Places	N/A
Local Planning Policy 4 – Residential Building Heights	Compliant. The proposed concealed roof does not exceed 6.5m that satisfies the Category B Building requirement of 8m.
Local Planning Policy 5 – Plot Ratio	A plot ratio of 0.51 is sought.
Local Planning Policy 6 – Neighbourhood Consultation on Development	A 14-day advertising period to affected properties has concluded.
Local Planning Policy 8 – Construction Management Plans	Proposed to be addressed with a condition of Development Approval – required prior to submission of a Building Application.
Local Planning Policy 9 – Development Bonds	The Manager of Infrastructure Services will be notified of the proposed development. A Development Bond will be required prior to the commencement of works.
Local Planning Policy 10 – Design Review Panels	N/A. The proposal does not meet the criteria to be considered by a Design Review Panel.
Local Planning Policy 11 – Building on Side and Rear Boundaries	N/A. No buildings are proposed on any boundary.
Local Planning Policy 12 – Front Fences	The proposed front fence is compliant with the policy requirements.
Vehicular Crossover Policy and Technical Specification	Subject to approval by the Manager of Infrastructure Services. Sightlines and other vehicular access considerations meets the deemed-to-comply requirements in the R-Codes.

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 proponent is seeking a minor variation to plot ratio and relies on the Design Principle for lot boundary setbacks. The proponent has made numerous changes over the course of the application to better align with the R-Codes deemed-to-comply requirements and Local Planning Policies.

Policy Variations – Design Principle Justification

Local Planning Policy 5 – Plot Ratio

For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5 unless otherwise determined by the local government. This policy establishes the basis for calculating the plot ratio under LPS 4 for residential development, referencing the R Codes as well as noting the local characteristics of land development in Peppermint Grove.

The plot ratio has been confirmed at 0.51. The minor variation is supported on the grounds that the following planning objectives in the Local Planning Scheme 4 have been met.

- *To maintain and encourage a high-quality environment; preserve the amenity of the Shire and protect the quality and characteristics of its streetscapes; (Local Planning Scheme).*

The development will enhance the western end of Forrest Street with a new contemporary home. The design proposes a permeable front fence with sufficient sightlines for vehicle access when entering the right-of-way. This fencing is preferred to the existing solid wall. The amenity of the right-of-way will be improved, creating a modern entry point.

- *To maintain, enhance and encourage a high level of amenity in terms of the unique character and identity, streetscapes, public open spaces and lifestyle qualities within the Shire. (Local Planning Strategy)*

The northwest facing dwelling encourages passive surveillance of the abutting right-of-way. The passive views of the right-of-way, assists in the use of the lane. Other than vehicle access, the laneway is used frequently for dog walking and pedestrian use.

R-Codes - 5.1.3 Lot Boundary Setback

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.*

The proposal is seeking a reduction to the rear boundary setback for the garage. The deemed-to-comply requirement is 6 metres. The setback varies from 1.45 metres to 3.5

metres. The garage has a concealed roof and wall height of 3.25 metres with no major openings.

The proponents have justified the variation on the grounds that a greater benefit to the streetscape was sought by ensuring a greater front setback and solar access was achieved. The setback varies from 1.45 metres – 3.5 metres as the lot boundary is not square and points of the structure are closer than others. Should the R-Code methodology, *Measuring Primary Street Setbacks 5.1.2 C2.1 (iii)* is adapted to measure the rear setback then on average the setback is calculated at 6.13 metres.

However, as 5.1.2 C2.1 (iii) was never intended to be used for rear setback calculations, the design principles must be used to consider the merit of the variation. The Design Principles takes into consideration the impact of building bulk, solar access and ventilation, and overlooking of adjoining properties. Whilst the adjoining property at 16 View Street is located to the south, the garage is single level with a concealed roof and presents limited bulk when viewed from the neighbour's rear yard. There are no major openings along this wall. The neighbour was notified of this variation and did not object.

The ground floor kitchen/dining room is proposed at 7.8 meter in wall length and 4 meters in wall height. The deemed-to-comply setback distance is 1800mm for a wall with a minor opening. A variation of 700mm is sought. The minor opening still allows for sunlight and ventilation to adjoining properties remains available.

Development Application DA2022/00017 is recommended for Approval for the reasons outlined above.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council approves DA2022/00017 for a Single House at 139 Forrest Street, Peppermint Grove in accordance with the submitted plans and application lodged on 09 May 2022 subject to the following conditions:

- 1. The approved building works and layout shall not be altered without the prior written consent of the CEO.**

The development plans, as dated and stamped “approved” together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove are the “approved plans” as shall form part of the development approval.

- 2. The vehicular crossover must be constructed and; thereafter, maintained in accordance with the Shire of Peppermint Grove Vehicular Crossovers General Requirements and Specifications.**
- 3. In accordance with the Shire of Peppermint Grove Local Planning Policy 9 – Development Bonds a development bond to the satisfaction of the CEO must be submitted to the Shire prior to the issuance of a Building Permit to ensure any damage to public property caused by building works is rectified and the satisfactory completion of the development.**

4. **The construction works shall only occur between the hours of 7.00am and 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays. Any variation to the above hours must be identified in an approved Construction Management Plan or, the prior written consent of the CEO otherwise obtained.**
5. **All temporary buildings for construction purposes, building materials, machinery, or vehicles remaining overnight must be stored or parked wholly within the development site and removed upon the completion of building works.**
6. **As part of the building permit application the applicant shall submit for approval and to the satisfaction of the CEO a Construction Management Plan (CMP) binding all contractors working on the site.**

Once approved, the CMP shall form part of this development approval.

7. **Stormwater run-off from the approved development shall be retained on site.**
8. **Prior to occupation commencing the five (5) shade trees identified on the endorsed plans shall be established in a semi-mature state (minimum 200lt pot/planter bags) within three (3) months of occupation.**
9. **This approval shall remain current for development to commence within two years of the date of issue of this notice. All works associated with this approval (once commenced) shall be completed before the end of the third year from the date of issue of this notice.**

Advice Notes.

1. **In approving this application Council has assessed the proposal against Local Planning Scheme No. 4, Local Planning Policies and the Design Principles of the Residential Design Codes of Western Australia and has and has exercised its discretion in relation to the following matters:**
 - **Plot ratio.**
 - **Lot boundary setback.**
2. **The development and use shall at all times comply with the provisions of the Shire of Peppermint Grove Town Planning Scheme, the *Building Code of Australia*, the *Environment Protection Act 1986* and any other relevant Acts, Regulations, Local Laws or Council policies.**
3. **No building works are to be undertaken prior to the issue of a Building Permit. It is encouraged that plans endorsed as part of the Development Approval form part of the Building Application to ensure consistency. In the event of inconsistency, an amendment may be required to the Development Approval prior to the commencement of works.**
4. **In respect to Development Bonds, the Shire requires the applicant to arrange for the inspection of all Shire infrastructure including the street verge adjacent to the property post completion to establish the impact and necessary remediation of impacts on all public infrastructure and lands. Should any necessary remediation**

works not be satisfactorily completed by the proponent in a reasonable time frame, funds from the bond may be used to satisfactorily complete the works. Project management and/or administrative fees may also apply.

5. In respect to Development Bonds, should the situation on the street verge be dangerous in the opinion of the CEO, funds from the bond may be used to make the site safe or to a standard under the Construction Management Plan. Project management and/or administrative fees may also apply.
6. The CMP shall be prepared in accordance with Local Planning Policy 8 – Construction Management Plans.
7. The prior written approval of CEO is required for the temporary closure of any footpath, road or laneway. Infrastructure Services can be contacted on 9286 8600 to discuss traffic management.
8. Attention is drawn to the protection of verge trees. If pruning is necessary, an arborist report must be provided to the Shire and the prior written consent of the CEO obtained.
9. The Proponent is responsible for ensuring all contractors adhere to the construction hours. In the event of enforcement action being undertaken, infringement notices will be issued to the Proponent.
10. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon without the prior consent of the affected party.
11. During the construction stage adjoining lots are not to be entered without the prior written consent of the affected owner(s).
12. Should the owner and/or applicant be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with Part XIV of the *Planning and Development Act 2005* within 28 days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 9219 3111 or 1300 306 017.

8.1.2 7B (Lot 46) Keane Street, Peppermint Grove - Single House and Ancillary Works

URBAN PLANNING**ATTACHMENT DETAILS**

Attachment No	Description
Attachment 1	Locality Map
Attachment 2	Development Application Submission and Drawings
Attachment 3	Crossland Court Building Setbacks

Voting Requirement	:	Simple Majority
Location / Property Index	:	7B (Lot 46) Keane Street
Application Number	:	DA2022/00013
LPS No 4 Zoning	:	Residential (R12.5)
Land Use	:	Single House
Lot Area	:	1090m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Urbanista Town Planning
Owner	:	Mrs S & Mr M Bell
Assessing Officer	:	Mr M. Stocco
Authorising Officer	:	Mr J. Gajic

PURPOSE OF REPORT

To seek Council determination for a Development Application for a Single House that seeks variations to the lot boundary setbacks and open space.

SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R12.5) a Single House is a 'P' use.
- The replacement house largely occupies the same building footprint and is of comparable scale to the house it seeks to replace.
- The design has been revised in response to further information requests and feedback from an adjoining neighbour.
- Variations are sought to the provisions of Local Planning Scheme No. 4 and the deemed-to-comply requirements of the Residential Design Codes of Western Australia (R-Codes).

LOCATION

7B (Lot 46) Keane Street, Peppermint Grove (battle-axe lot). Primary street access from Keane Street, rear pedestrian access from Crossland Court.

BACKGROUND

Crossland Court is a cul-de-sac created from the ceding of Crown Land. Number 7B Keane Street, has a dual access due to the battle-axe nature of the property.

The proposal will maintain the primary vehicle access from Keane Street and is seeking a more significant rear pedestrian access. The design seeks to better engage with Crossland Court, allowing for passive surveillance and open aspect fencing design.

CONSULTATION

Advertising to three affected neighbours for a period of 14 days was required in accordance with the Shires Local Planning Policy 6 – Neighbour Consultation. The advertisement period (including a 7-day time extension) has now concluded. Objections were received from the western (7A Keane Street) and southern (7C Keane Street) neighbour.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

The proposal complies with relevant Local Planning Policy.

STATUTORY IMPLICATIONS

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

LOCAL PLANNING SCHEME NO. 4	
Scheme Requirement/Clause	Assessment/Comment
Plot Ratio For R10, R12.5 , R15 and R20 Coded areas the maximum plot ratio shall be 0.5	Plot Ratio is 0.5.
Street Boundary Setbacks For R10, R12.5 and R15 coded areas the setback from the front street boundary to any building, including a carport or garage, shall be a minimum of 9 metres from the primary street and 4.5 metres from the secondary street.	Crossland Court is a secondary street required to achieve a 4.5 metres setback. The proposed seeks Council discretion for a 3.2m setback.

RESIDENTIAL DESIGN CODES	
Development/Performance Criteria	Assessment/Comment
Street and Lot Boundary Setbacks Tables 2a and 2b of the R-Codes.	<u>Western Setback</u> – The deemed-to-comply requirement is 2.8m. The first storey raised garden bed is setback 2.6m (measured from roof columns/eaves) and relies on the Design Principle. <u>Southern Setback</u> - The deemed-to-comply requirement is 1000mm for a 2.7m high and 11.5m wall with a minor opening. The garage

	is proposed to be constructed on the boundary and relies on the Design Principle. <u>Eastern Setback</u> – The deemed-to-comply requirement is 1500mm. The pergola is proposed to be constructed on the boundary and relies on the Design Principle.
Building Heights Table 3, Category B Maximum Building Heights	Compliant. The proposed concealed roof does not exceed 7.3m that satisfies the Category B Building requirement of 8m.
Visual Privacy C5.4.1, Figure 10, 10a, 10b and 10c of the R-codes.	Compliant. There are not major openings for which visual privacy is otherwise assessable under a deemed-to-comply requirement.
Solar Access for Adjoining Sites Part 5 - 5.4.2 C2.1	The proposed design meets the 25% deemed-to-comply shadow cast requirement.
Open Space Table 1 of the R-Codes.	The deemed-to-comply requirement is 55%. The proposed open space is 50.9% and relies on the Design Principle.

SCHEME/COUNCIL POLICY	
Policy Type	Assessment/Comment
Local Planning Policy 1 – Design and Streetscape	Policy requirements are achieved.
Local Planning Policy 2 – Ecological Urban Design and Sustainability	Policy requirements are achieved.
Local Planning Policy 3 – Heritage Places	N/A
Local Planning Policy 4 – Residential Building Heights	Compliant. The proposed concealed roof does not exceed 7.3m that satisfies the Category B Building requirement of 8m.
Local Planning Policy 5 – Plot Ratio	The proposal achieves a compliant plot ratio 0.5.
Local Planning Policy 6 – Neighbourhood Consultation on Development	A 21-day advertising period to affected properties has concluded and two (2) submissions were received. The submissions seek modifications to the design.
Local Planning Policy 8 – Construction Management Plans	Proposed to be addressed with a condition of development approval – required prior to submission of a building application.
Local Planning Policy 9 – Development Bonds	The Manager of Infrastructure Services will be notified of the proposed development. A Development Bond will be required prior to the commencement of works.
Local Planning Policy 10 – Design Review Panels	N/A
Local Planning Policy 11 – Building on Side and Rear Boundaries	N/A
Local Planning Policy 12 – Front Fences	N/A. It is noted that fencing proposed to the secondary street (Crossland Court) complies with the policy provisions.
Vehicular Crossover Policy and Technical Specification	Subject to approval by Manager of Infrastructure Services. Sightlines and other vehicular access considerations meets the deemed-to-comply requirements in the R-Codes.

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 proponent is seeking variations to the secondary street setback, lot boundary setbacks and open space. The variations are considered meet the Design Principles of the R-Codes, and the objectives of the local planning policy framework and have merit. The proponent has made numerous changes over the course of the application to better align with the planning framework.

Policy Variations – Design Principle Justification

Local Planning Policy 4 – 26 (2) Secondary Street Setback

For R10, R12.5 and R15 coded areas the setback from the front street boundary to any building, including a carport or garage, shall be a minimum of 9 metres from the primary street and 4.5 metres from the secondary street.

As stated above, the subject site has access to Keane Street and Crossland Court. Crossland Court is considered the secondary street for the purposes of building setback. A 4.5 metre setback is required in accordance with the Shire's Local Planning Scheme No. 4. The proposed setback is 3.2 metres. The applicant is seeking a variation of 1.3 metres for the entirety of the single storey elevation.

Notwithstanding that the proponent has not formerly justified the variation, the reduced setback is not seen to adversely impact the streetscape or adjoining neighbours. The proposal will provide a greater contribution to the streetscape than a sufficient fence permissible under the Shire's Fencing Local Law.

The Crossland Court streetscape is not typical for Peppermint Grove, nor does it exhibit a uniform pattern of lot layout, building form and street setback. The lot layout overlaid on an aerial image is attached to this report for reference. The three (3) properties immediately west of the subject site and 5 Crossland Court diagonally opposite have been created as battle-axe lots with their rear frontages to Crossland Court. 11 and 13 Crossland Court are shallow lots that historically were associated with commercial uses that had their sole access from Stirling Highway. A typical primary street frontage was not otherwise achievable when these two lots were developed. The streetscape is notable for reduced street building setbacks containing minor structures, garages and solid walls. The proposed secondary street frontage is consistent with the predominant building line for single houses on the southern side of Crossland Court.

The proposal will not present significant building bulk when viewed from the street due, in part, to the concealed roof design, articulation, and low boundary fencing.

Surveillance of the street will be markedly improved through the removal of an ageing shed and garage constructed on the boundary.

R-Codes - 5.1.3 Lot Boundary Setback

P3.2 Buildings set back from lot boundaries or adjacent buildings on the same site so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties, and*
- *Minimise the extent overlooking and resultant loss of privacy on adjoining properties.*

The proposal is seeking to vary the lot boundary setback for a raised garden bed forward of a balcony on the first floor. The garden bed has columns on either side of the raised platform which support the roof above. The proposed setback from the columns is 2600mm. The deemed-to-comply setback is 2800mm. The variation will not have a significant impact the adjoining neighbour given the limited 7.14 metres length (measured from post to post) which represents approximately 17.6% of the total boundary length. The 200mm reduction is considered minor.

The design introduces a consistent theme of natural elements and sunlight to majority of the habitable rooms. The main aspects of the theme are balcony areas that are open and have a roof above. These features allow for cross ventilation to the area, as well as access to sunlight. Additionally, as the bulk associated within the upper floor is centrally located within the lot, there will be no adverse overshadowing impacts onto the adjoining property.

The raised garden bed is designed to ensure no overlooking and resultant loss of privacy will occur to the adjoining property. The applicant illustrates how the design of the garden bed planter obstructs views downwards, into the neighbouring property. Furthermore, an additional operable fixed screen has been incorporated to an adjacent Study room to enhance the natural design features and screen any possible overlooking from an individual.

R-Codes - 5.1.3 Lot Boundary Setback

P3.2 Buildings built up to boundaries (other than the street boundary) where this:

- *makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *does not have any adverse impact on the amenity of the adjoining property;*
- *ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.*

The proposal is seeking to vary a double garage on the southern lot boundary and a shade structure on the eastern lot boundary.

The garage has a wall height of 2.77m and wall length of 11.7m. The deemed-to-comply setback distance is 1000mm for a wall with a minor opening. The design seeks a nil setback variation.

The garage is orientated to the west and can contain up to three vehicles. It is situated on the southern lot boundary and will appear as a parapet wall to the adjoining southern property. The garage has a flat roof and does not exceed 2.7 metres in height. The applicant has significantly reduced the height and length of the garage, since earlier reiterations, which in part has reduced the shadow cast over the adjoining property's backyard and swimming pool to a deemed-to-comply outcome.

The shade structure on the boundary has a height of 1800mm and wall length of 3200mm. The deemed-to-comply setback distance is 1500mm for a wall with a major opening.

The timber louvered shade structure sits flush with the top of the boundary wall. The purpose of the structure is to provide open air outdoor storage adjacent to the swimming pool. The timber louvers facilitate sun penetration and ventilation. It does not impact the adjoining property.

R-Codes - 5.1.4 Open space

P4 Development incorporates suitable open space for its context to:

- *reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- *provide access to natural sunlight for the dwelling;*
- *reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- *provide an attractive setting for the buildings, landscape, vegetation and streetscape;*
- *provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and*
- *provide space for external fixtures and essential facilities.*

The deemed-to-comply requirement is for open space of 55% for residential properties zoned R12.5. The proposed achieves 50.9%.

The majority of the building bulk is significantly setback from Crossland Court. The impact of the proposal on Crossland Court has been addressed above. The design provides a significant amount of open space in the rear setback area to ensure the dwelling's façade is complimented landscaped open space. It is considered the design will complement the broader streetscape.

The proposed layout is orientated in a way that ensures all rooms within the dwelling have access to natural sunlight. As stated by the applicant, *"...the design is not seeking to 'overdevelop' the site, but rather, develop it in a manner that aligns with principles of good design and by virtue of this design enhancing access to natural light throughout the dwelling"*.

Development Application DA2022/00013 is recommended for Approval for the reasons outlined above.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.2

That Council approves DA2022/00013 for a Single House at 7B Keane Street, Peppermint Grove in accordance with the submitted plans and application lodged on 14 April 2022 subject to the following conditions:

- 1. The approved building works and layout shall not be altered without the prior written consent of the CEO.**
- 2. The development plans, as dated and stamped “approved” together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove are the “approved plans” as shall form part of the development approval.**
- 3. Prior to this permit having force or effect detailed plans of the fixed privacy screen to the upper floor study as indicated by red ink on the approved plans must be submitted confirming the screen to be at least 75% obscure and endorsed by the CEO.**
- 4. Once approved, the detailed plans shall form part of this permit.**
- 5. The prior written consent of the CEO must be obtained to alter or remove the fixed privacy screen to the upper floor study indicated by red ink on the approved plans.**
- 6. In accordance with the Shire of Peppermint Grove Local Planning Policy 9 – Development Bonds a development bond to the satisfaction of the CEO must be submitted to the Shire prior to the issuance of a Building Permit to ensure any damage to public property caused by building works is rectified and the satisfactory completion of the development.**
- 7. The construction works shall only occur between the hours of 7.00am and 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays. Any variation to the above hours must be identified in an approved Construction Management Plan or, the prior written consent of the CEO otherwise obtained.**
- 8. All temporary buildings for construction purposes, building materials, machinery, or vehicles remaining overnight must be stored or parked wholly within the development site and removed upon the completion of building works.**
- 9. As part of the building permit application the applicant shall submit for approval and to the satisfaction of the CEO a Construction Management Plan (CMP) binding all contractors working on the site.**
- 10. Once approved, the CMP shall form part of this development approval.**
- 11. Stormwater run-off from the approved development shall be retained on site.**
- 12. The site shall be securely fenced during the construction stage to prevent the entry of unauthorised persons.**

- 13. Stormwater run-off from the approved development shall be retained on site.**
- 14. Prior to occupation commencing the four (4) shade trees identified on the endorsed plans shall be established in a semi-mature state (minimum 200lt pot/planter bags).**
- 15. This approval shall remain current for development to commence within two years of the date of issue of this notice. All works associated with this approval (once commenced) shall be completed before the end of the third year from the date of issue of this notice.**

Advice Notes.

- 1. In approving this application Council has assessed the proposal against Local Planning Scheme No. 4, Local Planning Policies and the Design Principles of the Residential Design Codes of Western Australia and has and has exercised its discretion in relation to the following matters:**
 - **Secondary street setback;**
 - **Lot boundary setbacks; and**
 - **Open space.**
- 2. The development and use shall at all times comply with the provisions of the Shire of Peppermint Grove Town Planning Scheme, the *Building Code of Australia*, the *Environment Protection Act 1986* and any other relevant Acts, Regulations, Local Laws or Council policies.**
- 3. No building works are to be undertaken prior to the issue of a Building Permit. It is encouraged that plans endorsed as part of the Development Approval form part of the Building Application to ensure consistency. In the event of inconsistency, an amendment may be required to the Development Approval prior to the commencement of works.**
- 4. In respect to Development Bonds, the Shire requires the applicant to arrange for the inspection of all Shire infrastructure including the street verge adjacent to the property post completion to establish the impact and necessary remediation of impacts on all public infrastructure and lands. Should any necessary remediation works not be satisfactorily completed by the proponent in a reasonable time frame, funds from the bond may be used to satisfactorily complete the works. Project management and/or administrative fees may also apply.**
- 5. In respect to Development Bonds, should the situation on the street verge be dangerous in the opinion of the CEO, funds from the bond may be used to make the site safe or to a standard under the Construction Management Plan. Project management and/or administrative fees may also apply.**
- 6. The Shire does not warrant or exempt the applicant from civil claim arising from damage to private property and associated with the approved works.**

- 7. The CMP shall be prepared in accordance with Local Planning Policy 8 – Construction Management Plans.**
- 8. The prior written approval of CEO is required for the temporary closure of any footpath, road or laneway. Infrastructure Services can be contacted on 9286 8600 to discuss traffic management.**
- 9. Attention is drawn to the protection of verge trees. If pruning is necessary, please provide an arborist report.**
- 10. The Proponent is responsible for ensuring all contractors adhere to the construction hours. In the event of enforcement action being undertaken, infringement notices will be issued to the Proponent.**
- 11. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon without the prior consent of the affected party.**
- 12. During the construction stage adjoining lots are not to be entered without the prior written consent of the affected owner(s).**
- 13. Should the owner and/or applicant be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with Part XIV of the *Planning and Development Act 2005* within 28 days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 9219 3111 or 1300 306 017.**

8.1.3 13 (Lot 4) Venn Street, Peppermint Grove - Single House & Ancillary Works**URBAN PLANNING****ATTACHMENT DETAILS**

Attachment No	Description
Attachment 1	Locality Map
Attachment 2	Development Application Submission & Drawings

Voting Requirement	:	Simple Majority
Location / Property Index	:	13 (Lot 4) Venn Street
Application Number	:	DA2022/00019
LPS No 4 Zoning	:	Residential 12.5
Land Use	:	Single House
Lot Area	:	728m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Peter Fryer Designs
Owner	:	Kenneth William Craig
Assessing Officer	:	Mr J. Gajic
Authorising Officer	:	Mr J. Gajic

PURPOSE OF REPORT

To seek Council determination for a Development Application for a variation to the Local Planning Scheme No. 4 (LPS 4) clause 26(2) provision for Primary Street Setback.

SUMMARY AND KEY ISSUES

- The proposal seeks to convert the current garage/storeroom to an activity room/storeroom and to construct a carport three (3) metres from the primary street. proposed double storey single house sympathetic with the current dwelling layout.
- The proposed carport setback from the primary street is consistent with that of both neighbouring properties.
- The proposed alterations and additions will convert the existing three (3) bedroom residence to a four (4) bedroom plus study residence.
- Two (2) tandem parking bays forward of the existing garage/storeroom will be lost.
- The proposed front fencing and the carport door will be open aspect.
- The setback of the proposed carport is the sole variation, the proposal is otherwise fully compliant with the deemed-to-comply requirements contained in the Residential Design Codes of Western Australia (R-Codes) and local planning policies.

LOCATION

13 (Lot 4) Venn Street, Peppermint Grove.

BACKGROUND

The Proponent discussed the proposal with Development Services staff at the time of lodgement. The discussions focused on construction forward of the existing building line including maintaining sightlines of the dwelling from the street and surveillance of the street from the dwelling, and local planning policy provisions for front fencing and minor structures (gatehouse). The subsequent application has proposed open aspect fencing and carport roller door.

The proposal includes multiple internal and external changes. The internal changes are largely cosmetic, the key external changes include:

- New front fence and gatehouse
- New double carport with a concealed roof
- New driveway (existing driveway to be widened and resurfaced) and path
- Laundry extension
- New bathroom
- Clear roof sheeting above the existing balcony
- Removal of a pergola
- Installation of Velux® roof windows

The internal and external changes are listed in full in the submission forming part of the appendices to this report and are highlighted on the plans.

CONSULTATION

Advertising to affected neighbours for a period of 14 days was required in accordance with the Shires Local Planning Policy 6 – Neighbour Consultation. The advertisement period concluded on 1 August. Written clarification was sought by an affected neighbour as to the ability to vary a front setback; however, no written objections were received.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

The proposal relies on policy provisions contained in Local Planning Policy 1 – Design and Streetscape.

STATUTORY IMPLICATIONS

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

LOCAL PLANNING SCHEME NO. 4	
Scheme Requirement/Clause	Assessment/Comment
Plot Ratio For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5	The proposed additions comprise 37.611m ² for the carport and 18.128m ² for a bathroom/laundry and study.

	The total proposed area is 410m ² . Excluding concessions allowable under the local planning policy methodology for balcony/alfresco areas, the carport and stairwell at the upper level the plot ratio is approximately 0.435.
9.0 Metre Front Setback For R10, R12.5 and R15 coded areas the setback from the front street boundary to any building, including a carport or garage, shall be a minimum of 9 metres from the primary street.	The proposed carport is located three (3) metres from the primary street. Local Planning Policy 1 – Design and Streetscape acknowledges that where houses or structures are already built closer to the street than LPS 4 street setbacks, carports may be permitted to encroach within the primary street setback. The neighbouring properties are not heritage listed.

RESIDENTIAL DESIGN CODES

Development/Performance Criteria	Assessment/Comment
Street and Lot Boundary Setbacks Table 1, Tables 2a and 2b of the R-Codes.	The front street setback is varied by LPS 4 clause 26(2) which is discussed above and below. The proposed alterations and additions meet the deemed-to-comply requirements of the R-Codes for lot boundary setback.
Building Heights Table 3, Category B Maximum Building Heights	The proposal does not seek to vary the existing building height. The existing dwelling is compliant with the deemed-to-comply requirements and LPS 4 provisions for building height.
Visual Privacy C5.4.1, Figure 10, 10a, 10b and 10c of the R-codes.	The proposal does not seek to vary or create any major openings. The existing dwelling is compliant with the deemed-to-comply requirements for visual privacy.
Solar Access for Adjoining Sites Part 5 - 5.4.2 C2.1	The proposed carport/storeroom is single storey with a concealed roof such that it will cast a limited shadow. The existing dwelling is compliant with the deemed-to-comply requirements for solar access.

SCHEME/COUNCIL POLICY

Policy Type	Assessment/Comment
Local Planning Policy 1 – Design and Streetscape	Where houses or structures are already built closer to the street than LPS 4 street setbacks, carports may be permitted to encroach within the primary street setback provided these are open on at least three sides and have been sensitively designed and located with regard to the house and preserving its street outlook.

	<p>The neighbouring properties are not heritage listed.</p> <p>At least 50% of the existing front setback area will remain available for soft landscaping.</p> <p>The existing crossover will remain unchanged.</p> <p>The gatehouse does not exceed 4m² in area or 2400mm in height.</p>
Local Planning Policy 2 – Ecological Urban Design and Sustainability	The lot boundary setbacks and plot ratio are compliant. The objectives of this policy have been satisfied.
Local Planning Policy 3 – Heritage Places	N/A
Local Planning Policy 4 – Residential Building Heights	The proposal does not seek to vary the existing building height. A series of roof windows (minor openings) are proposed that will add interest to the existing roofing without compromising visual privacy.
Local Planning Policy 5 – Plot Ratio	The plot ratio is approximately 0.435.
Local Planning Policy 6 – Neighbourhood Consultation on Development	The proposal was advertised to both adjoining neighbours and two properties opposite all fronting Venn Street. The notification letters identified the reduced primary street frontage for the proposed carport.
Local Planning Policy 8 – Construction Management Plans	A construction management plan will be conditionally required to be submitted as part of the building permit stage.
Local Planning Policy 9 – Development Bonds	The Manager of Infrastructure Services has been notified of the proposed development. A Development Bond will be required prior to the commencement of works.
Local Planning Policy 10 – Design Review Panels	N/A
Local Planning Policy 11 – Building on Side and Rear Boundaries	No construction on side or rear boundaries is proposed.
Local Planning Policy 12 – Front Fences	The front fence is compliant with the policy provisions. The objectives of this policy have been satisfied.
Vehicular Crossover Policy and Technical Specification	<p>The existing crossover will be widened and resurfaced to Shire specifications.</p> <p>The driveway width meets the deemed-to-comply requirements of the R-Codes.</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 Development Application is compliant with the technical standards of the R-Codes and the local planning policy framework with the exception of a significant variation to the Local Planning Scheme No. 4 (LPS 4) clause 26(2) provision for Primary Street Setback.

The circumstances in which Council may exercise its discretion are articulated in Local Planning Policy 1 – Design and Streetscape. Where houses or structures are already built closer to the street than LPS 4 street setbacks, carports may be permitted to encroach within the primary street setback provided these are open on at least three sides and have been sensitively designed and located with regard to the house and preserving its street outlook. The existing neighbourhood character for this extent of Venn Street is also notable for reduced primary street setbacks and dwellings having secondary frontages to the street.

Conversely, the current development provides adequate covered parking and respects the preferred neighbourhood character of Peppermint Grove which is synonymous with expansive landscaped primary street setbacks. There is also the ability to further extend the dwelling in the rear yard whilst not compromising side or rear setbacks. The proposed development will also result in the number of bedrooms being increased and loss of two (2) tandem parking bays. That said, the R-Codes deemed-to-comply requirement for on-site parking in a Location B area is a single bay.

Council may also wish to give consideration as to whether the open aspect carport roller door has adequately incorporated design features from the existing dwelling (such as circular windows and portico arch). The current design is stated to draw upon elements of the open aspect front fencing.

It is important to note that should the carport be enclosed, including through the incorporation of a solid door, it would be defined as a garage and not satisfy the criteria for discretion to be exercised. The maintenance of a view to the existing dwelling would additionally be compromised. Should the proposal be supported the conditions of approval and advice notes should clearly identify that:

1. The carport is to remain open on three (3) sides; and
2. That discretion to reduce the primary street setback has been exercised in part due to the open aspect nature of the carport and concealed roof design which maintains sightlines of the dwelling from the street and surveillance of the street from the dwelling.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.3

That Council approves DA2022/00019 for Alterations and Additions to a Single House at 13 Venn Street, Peppermint Grove in accordance with the submitted plans and application lodged on 11 May 2022 subject to the following conditions:

- 1. The approved building works and layout shall not be altered without the prior written consent of the CEO.**

The development plans, as dated and stamped “approved” together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove are the “approved plans” as shall form part of the development approval.

- 2. The prior written consent of the CEO must be obtained to alter the open aspect roller door.**
- 3. The vehicular crossover must be constructed and; thereafter, maintained in accordance with the Shire of Peppermint Grove Vehicular Crossovers General Requirements and Specifications. These specifications require the concrete footpath to be reinstated and continued through the new crossover.**
- 4. In accordance with the Shire of Peppermint Grove Local Planning Policy 9 – Development Bonds a development bond to the satisfaction of the CEO must be submitted to the Shire prior to the issuance of a Building Licence to ensure any damage to public property caused by building works is rectified and the satisfactory completion of the development.**
- 5. All construction materials associated with the approved works shall be wholly stored wholly within the subject land.**
- 6. The construction works shall only occur between the hours of 7.00am and 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays. Any variation to the above hours must be identified in an approved Construction Management Plan or, the prior written consent of the CEO otherwise obtained.**
- 7. As part of the building permit application the applicant shall submit for approval and to the satisfaction of the CEO a Construction Management Plan (CMP) binding all contractors working on the site.**
- 8. Once approved, the CMP shall form part of this development approval.**
- 9. This approval shall remain current for development to commence within two years of the date of issue of this notice. All works associated with this approval (once commenced) shall be completed before the end of the third year from the date of issue of this notice.**

Advice Notes.

- 1. In approving this application Council has assessed the proposal against Local Planning Scheme No. 4, Local Planning Policies and the Design Principles of the Residential Design Codes of Western Australia and has and has exercised its discretion in relation to primary street setback. The discretion has been exercised in part due to the open aspect nature of the carport and concealed roof design which maintains sightlines of the dwelling from the street and surveillance of the street from the dwelling.**
- 2. Development Approval must be obtained to enclose the carport.**
- 3. The development and use shall at all times comply with the provisions of the Shire of Peppermint Grove Town Planning Scheme, the *Building Code of Australia*, the *Environment Protection Act 1986* and any other relevant Acts, Regulations, Local Laws or Council policies.**
- 4. No building works are to be undertaken prior to the issue of a Building Permit. It is encouraged that plans endorsed as part of the Development Approval form part of the Building Application to ensure consistency. In the event of inconsistency, an amendment may be required to the Development Approval prior to the commencement of works.**
- 5. The CMP shall be prepared in accordance with Local Planning Policy 8 – Construction Management Plans.**
- 6. The prior written approval of CEO is required for the temporary closure of any footpath, road or laneway. Infrastructure Services can be contacted on 9286 8600 to discuss traffic management.**
- 7. In respect to Development Bonds, the Shire requires the applicant to arrange for the inspection of all Shire infrastructure including the street verge adjacent to the property post completion to establish the impact and necessary remediation of impacts on all public infrastructure and lands. Should any necessary remediation works not be satisfactorily completed by the proponent in a reasonable time frame, funds from the bond may be used to satisfactorily complete the works. Project management and/or administrative fees may also apply.**
- 8. In respect to Development Bonds, should the situation on the street verge be dangerous in the opinion of the CEO, funds from the bond may be used to make the site safe or to a standard under the Construction Management Plan. Project management and/or administrative fees may also apply.**
- 9. Attention is drawn to the protection of verge trees. If pruning is necessary, please provide an arborist report.**
- 10. The Proponent is responsible for ensuring all contractors adhere to the construction hours. In the event of enforcement action being undertaken, infringement notices will be issued to the Proponent.**

- 11. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon without the prior consent of the affected party.**
- 12. During the construction stage adjoining lots are not to be entered without the prior written consent of the affected owner(s).**
- 13. Should the owner and/or applicant be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with Part XIV of the *Planning and Development Act 2005* within 28 days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 9219 3111 or 1300 306 017.**

8.1.4 12 (Lot 63) The Esplanade, Peppermint Grove - Additions and Alterations to a Single House and Outbuilding, and Ancillary Works

ATTACHMENT DETAILS

Attachment No	Description
Attachment 1	Locality Map
Attachment 2	Development Application Submissions and Drawings
Attachment 3	Additional Perspectives and Response to the Objection

Voting Requirement	:	Simple Majority
Location / Property Index	:	12 The Esplanade, Peppermint Grove
Application Number	:	DA2022/00015
LPS No 4 Zoning	:	Residential R10
Land Use	:	Single House
Lot Area	:	1597m ²
Disclosure of any Interest	:	Nil.
Previous Items	:	DA2021/00045 DA2021/00029 DA2019/00016
Applicant	:	Gerard McCann Architect
Owner	:	Theresa Lynn Smith
Assessing Officer	:	Mr J Gajic
Authorising Officer	:	Mr J. Gajic

PURPOSE OF REPORT

To seek Council determination for a development application for alterations and additions to a single house and outbuilding and ancillary works that seeks variations to site works, lot boundary setbacks, open space, vehicular access, sight lines, street walls and fences (front fence), and to the Shire's Tree Management Strategy 2022.

SUMMARY AND KEY ISSUES

- The subject land is zoned Residential (R10) a Single House is a 'P' use.
- The place is category 1 listed in the Municipal Heritage List and has been independently assessed as being substantially intact.
- The subject site is located within a designated bushfire prone area and subject to assessment under State Planning Policy 3.7 Planning in Bushfire Prone Areas.
- DA2019/00016 issued for substantial additions and ancillary works including basement parking and a swimming pool was previously refused. After mediation at the State Administrative Tribunal 2019 [WASAT 162] Council was invited to reconsider revised plans and updated supporting information. The application was subsequently conditionally approved by Council on 10 December 2019. Concessions were granted under this approval on the basis that the heritage restoration works delivered an overall community benefit.
- The proposal now before Council has been assessed on its merits against the current planning policy framework. This proposal represents a significant departure from

DA2019/00016 which was subsequently superseded by development approvals DA2021/00029 and DA2021/00045 for minor additions and alterations (dining room/cellar).

- The minor additions and alterations have commenced, and a swimming pool recently removed from the front yard.
- The proposed additions and alterations are considered sympathetic with the existing category 1 Municipal Heritage Listed house and have little impact on the streetscape or neighbours.
- Site works and retaining walls between the street boundary and the street setback and adjacent to the southern lot boundary and front fencing were identified early in the assessment process as being contentious and requiring Council discretion.
- Relocation of the vehicular crossover will require further detailed engineering assessment and relocation of a juvenile verge tree. Modifications will be required to the verge and traffic calming infrastructure to facilitate safe access and egress.
- The application was advertised to three (3) abutting neighbours and one (1) objection received.
- The proponent presented at the Concept Forum on the 12th of July and prepared additional perspectives from The Esplanade as requested by Council, and a response to the objection.
- Multiple variations are sought to the provisions of Local Planning Scheme No. 4, Local Planning Policy 12 – Front Fences and the deemed-to-comply requirements of the Residential Design Codes of Western Australia (R-Codes).
- The Bushfire Attack Level (BAL) certificate inputs and methodology for the minor additions and alterations are disputed. The Department of Fire and Emergency Services have confirmed the Shire's assessment and have recommended that a new BAL certificate be prepared.

LOCATION

12 The Esplanade, Peppermint Grove.

BACKGROUND

12 The Esplanade is category 1 Municipal Heritage Listed and one of the Shire's oldest buildings (c.1910). A previous application to demolish the house and outbuildings was refused by the Shire on 31 August 2010 and the decision upheld by the State Administrative Tribunal [2011] WASAT 79. At that time the intrinsic cultural value of the place was argued to be limited and recent construction at 10 The Esplanade further argued to reduce the heritage values of the place significantly. The Tribunal rejected these grounds and concluded that the place was *substantially intact and retained the characteristics for which it was originally placed on the Shire of Peppermint Grove's 'Heritage List'*. A category 2 listed house at 14 The Esplanade has since been demolished and replaced. Demolition was granted on the basis that the replacement house should respect the context and location of the original house. The replacement house is generally contained within the previous building envelope, is lower in height, and follows the original pitched roof and main vehicular access and parking off The Esplanade.

There is a three (3) meter crossfall along the 25m frontage of the subject site and significant crossfall for adjoining properties. One descends when travelling southwards along this section of The Esplanade which is significantly elevated above Freshwater Bay. The adjacent

Bush Forever reservation occupies a limestone cliff and contains vegetation classified as low forest and scrub.

Whilst not uniform, the built form in the immediate area is dominated by expansive elevated homes with solid masonry front walls and fences. Front fencing is generally non-compliant with current policy, but typically 'steps down' the slope enables maintenance of a visual connection to houses when viewed from the street. Front setbacks are predominantly compliant and feature 'soft' landscaping.

The Council has considered several applications in recent years pertaining to alterations and additions and restoration on the subject site. The works now proposed by Gerard McCann Architect represents a significant departure from the 2019 application by Griffiths Architects. Officer report 8.1.3 for the 23 July 2019 Ordinary Meeting of Council and officer report 7.1 for the 10 December 2019 Special Meeting of Council detail the extensive consultation and planning considerations for that application. The key changes proposed by the current application are retention and expansion of dedicated garaging space located to the rear of the site in lieu of basement parking and a hydrotherapy pool, improved connectivity between the original house and proposed additions, and alternative activation of the front yard including a dedicated pedestrian access from The Esplanade.

The more recently approved minor additions and alterations are limited to the dining room which now includes a beneath-floor cellar. These additions relied upon Council discretion to be exercised for building height, street and lot boundary setbacks, and visual privacy. They are currently under construction.

Recent restoration works have been informed by heritage architects and supported by a suitably detailed assessments and justification. The proposal will have limited impact on the fabric of the existing house. More recent additions will be demolished, and an additional opening created to improve connectivity between the existing house and proposed additions.

To justify variations and Council discretion the proponent is asserting that the scale and modernity of the neighbouring dwellings at 10 and 14 The Esplanade diminish the heritage attributes of the subject site and are contrary to local planning policy streetscape objectives. The narrative of the submission also relies on DA2019/00016 establishing a baseline from which this application be assessed as if it was an amendment.

The proposed additions and alterations to the single house and outbuilding to the rear of the subject site are considered to satisfy the design principles, provisions and policy objectives of the state and local planning policy framework. This report focuses on the ancillary works and their potential to adversely impact on the streetscape, assets within the road reservation, and the amenity of the neighbours on the southern (lower) side.

CONSULTATION

The proponent discussed the proposal at the time of lodgement and met planning officers on site to clarify the works and better understand the site conditions and potential impacts on neighbours. The proponent additionally presented the merits and vision for the application to the Council at Concept Forum.

Advertising to affected neighbours for a period of 14 days was required in accordance with the Shires Local Planning Policy 6 – Neighbour Consultation. The advertisement period has now concluded. An objection was received that has been distributed to Councillors.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

LOCAL PLANNING POLICY IMPLICATIONS

The proposal complies with relevant Local Planning Policy.

STATUTORY IMPLICATIONS

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

LOCAL PLANNING SCHEME NO. 4	
Scheme Requirement/Clause	Assessment/Comment
Plot Ratio For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5	The proposal has a plot ratio of approximately 0.39.
Street Boundary Setbacks For R10, R12.5 and R15 coded areas the setback from the front street boundary to any building, including a carport or garage, shall be a minimum of 9 metres from the primary street and 4.5 metres from the secondary street.	N/A. The proposal does not impact on the front street boundary setback. The subject site has a single street frontage.

RESIDENTIAL DESIGN CODES	
Development/Performance Criteria	Assessment/Comment
Street and Lot Boundary Setbacks Tables 2a and 2b of the R-Codes.	<u>Northern Setback</u> – The deemed-to-comply setback is 6.3m due to the 39m (as per R-Codes measurement methodology) wall length and height. The wall height is predominantly 4m - 4.2m; however, is measured at its highest point relative to the ground level at the adjacent lot boundary. The recently constructed dining room wall rises to 5.6m due to the ground level falling towards The Esplanade. The proposal seeks to maintain the 1.466m setback for the original house and relies on the Design Principle. The Design Principles takes into consideration the impact of building bulk, solar access and ventilation, and overlooking of adjoining properties. The adjoining property at 10 The Esplanade is located to the north, is setback from the lot boundary in accordance with current standards and is elevated above the subject site. The neighbour was notified of this variation and did not object.

	<p>The Design Principles are considered to be met.</p> <p><u>Southern Setback</u> – Compliant.</p> <p><u>Eastern Setback</u> – The proposal does not impact on the current nil rear boundary setback of existing outbuildings (former stables).</p>
<p>Building Heights Table 3, Category B Maximum Building Heights</p>	<p>Compliant. The proposed additions are of single storey construction and reflect the roof pitch and wall heights of the original house.</p>
<p>Visual Privacy C5.4.1, Figure 10, 10a, 10b and 10c of the R-codes.</p>	<p>N/A. The floor level of the additions are not raised more than 500mm above the natural ground level such that the deemed-to-comply requirement does not apply.</p>
<p>Solar Access for Adjoining Sites Part 5 - 5.4.2 C2.1</p>	<p>Compliant. The deemed-to-comply requirement is 25%. The proponent has stated that the proposal overshadows 14 The Esplanade by approximately 4%. It is noted that the deemed-to-comply requirement is limited to shadowing from buildings and not dividing fences or walls.</p>
<p>Open Space Table 1 of the R-Codes.</p>	<p>The deemed-to-comply requirement is 60%. The proponent has stated that the proposal occupies 719m² of the site that results in 54.98% open space and relies on the Design Principle. The Design Principle takes into consideration streetscape character, solar access, building bulk, landscaping and usability of open space. The proposed building works will have little impact on the streetscape, do not overshadow the neighbour to the south, and are of single-story construction. The subject site has extensive and functional open space. The Design Principles are considered to be met.</p>
<p>Site Works Table 4 of the R-Codes.</p>	<p>The deemed-to-comply requirements is for site works and retaining walls between the street boundary and the street to be 0.5m or less, except where necessary to provide for pedestrian, universal and/or vehicular access, drainage works or natural light to a dwelling. Site works and retaining walls within 1m of a lot boundary to be 0.5m or less. Site works and retaining walls behind the front setback is to comply with Table 4 of the R-Codes. Table 4 prescribes minimum setbacks that largely aligns with the height of the retaining wall. A 3m setback from the southern lot boundary on the 7.5m front setback line reducing in line with the wall height as it extends towards the rear of the subject lot is required. The proposal seeks to introduce a maximum fill to 23.45m (2.53m) retained by walls on the southern lot boundary and associated with terracing and a new pedestrian entry alcove in the southeast corner of the subject site. The retaining wall on the boundary extends to a maximum 800mm above the existing dividing wall. 1000mm high 90% open blade fencing or 1800mm high solid brushwood fencing is proposed above the retaining wall on the southern boundary to a maximum</p>

	<p>height above the current ground level of 3.4m and 3.6m (respectively).</p> <p>The Design Principles requires development to take into consideration and respond to the natural features of the site and that requires minimal excavation/fill. Where excavation or fill is necessary, the finished levels are to respect the natural ground level at the lot boundary as viewed from the street. Retaining walls that result in the effective use of land are not to detrimentally affect adjoining properties.</p> <p>Notwithstanding the proponent has introduced terraces to step down the extent of fill in the southeast corner of the subject site and incorporate 1000 mm high visually permeable blade fencing, the site works do not respect the natural ground level. The southern neighbour has objected to the site works and height of dividing fencing. The planning assessment agrees that the neighbour will be adversely affected. The Design Principles are not considered to be met.</p> <p>The proposed changes to site levels and dividing fence arrangements are articulated on the proponent's Elevation @ South Boundary East End plan and the objector's section drawings.</p>
Street Walls and Fences	<p>The deemed-to-comply requirement for street walls and fences to be visually permeable above 1200mm and solid pillars to not exceed 1800mm is varied by Local Planning Policy 12 – Front Fences. Notwithstanding, the proposal relies on Council discretion such that due regard should be given to the Design Principles in the R-Codes.</p> <p>The Design Principles require front fencing to be low or restricted in height to permit surveillance and enhance streetscape. Consideration is afforded to the need to attenuate traffic impacts or provide privacy or noise attenuation to outdoor living areas on primary or district distributor or integrator arterial roads. The criteria to vary height are not applicable for The Esplanade, such that the Design Principles have not been met.</p>
Vehicular Access	<p>The deemed-to-comply requirement is for front fences within the primary street setback area to be truncated or no higher than 0.75m within 1.5m of where driveways intersect with a street.</p> <p>The proposal relies on the Design Principles that require unobstructed sight lines at vehicle access points to ensure safety and visibility along crossovers and footpaths.</p> <p>The proponent has demonstrated the ability for vehicles to egress the site in forward gear. Additionally, it has been submitted that should the central 3m section of the 4.5m wide crossover be used sufficient clearance is available.</p> <p>The Design Principles are not considered to be demonstrated. The swept path of travel for vehicles exiting the site have not been provided or, nor is it clear how vehicles can be reasonably constrained within the</p>

	central 3m section of the crossover. It is noted that local planning policy encourages single width crossovers. An undesirable precedent may be established to construct wider driveways in lieu of truncations and low fencing should this justification be supported.
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<u>SCHEME/COUNCIL POLICY</u>	
Policy Type	Assessment/Comment
Local Planning Policy 1 – Design and Streetscape	<p>The proposed additions to the house and alterations to the outbuildings to the rear of the subject site are consistent with the planning objectives of this policy. The site works and retaining walls between the street boundary and the street setback and adjacent to the southern lot boundary and front fencing are considered to not meet the broader planning objectives of the policy. The planning objectives include to protect the quality and characteristics of the streetscape. It is acknowledged that the local planning policy framework does not specifically reference site works, although does have regard to the relationship between the scale of buildings and their street presence in combination with their setbacks including landscaping and fencing. Front fencing is specifically addressed in Local Planning Policy 12 – Front Fences.</p> <p>The Design and Streetscape policy encourages single width crossovers to retain and protect green street verges and street trees. Although subject to further engineering assessment, a relocated 4.5m wide vehicular crossover is proposed. The additional width is required to respond to the tight turning radius necessary to access and egress the site. The new crossover will require the relocation of a juvenile street tree.</p> <p>The proponent has, in part, justified compliance with this policy by raising precedence. <i>To summarise, the issues being raised now by Council with regard to the front wall, the fill in the front setback area, and the parking of cars in front of the building, are pointless and irrelevant issues considering what has happened and is happening either side of No.12.</i></p> <p>It is the planning assessment that the above matters are relevant considerations and the development on adjoining properties is not determinate of the matter.</p>
Local Planning Policy 2 – Ecological Urban Design and Sustainability	<p>Compliant. The policy discourages excessive paving and sealing of the front setback area and promotes 20% of the total site is available for viable and functioning ecological green space (deep soil planting).</p> <p>The proposal meets this requirement.</p>
Local Planning Policy 3 – Heritage Places	<p>Compliant. The proposal is considered to preserve the form and fabric of the original house, respect the architectural form and not adversely affect the significance of the place when viewed from the street.</p>

	1960/70's additions to the north-west corner of the house are again proposed to be removed to facilitate the new additions.
Local Planning Policy 4 – Residential Building Heights	N/A. No variation to the deemed-to-comply requirements for a Category B Building is sought.
Local Planning Policy 5 – Plot Ratio	Compliant. The proposal has a plot ratio of approximately 0.39.
Local Planning Policy 6 – Neighbourhood Consultation on Development	A 14-day advertising period to three affected neighbours has concluded. An objection was received from 14 The Esplanade and has been distributed to Councillors and provided to the proponent.
Local Planning Policy 8 – Construction Management Plans	Proposed to be addressed with a condition of Development Approval – required prior to submission of a building application.
Local Planning Policy 9 – Development Bonds	The Manager of Infrastructure Services has been notified of the proposed development and has documented the condition assets in the road verge. A Development Bond will be required prior to the commencement of works.
Local Planning Policy 10 – Design Review Panels	N/A. The proposal does not meet the criteria to be considered by a Design Review Panel.
Local Planning Policy 11 – Building on Side and Rear Boundaries	N/A. No buildings or building additions are proposed on any boundary.
Local Planning Policy 12 – Front Fences	<p>The policy provides guidance on the circumstances and parameters whereby front fencing is able to be approved without causing detriment to the streetscape or the character of the neighbourhood or the loss of visibility of valued properties from the street such as heritage listed properties. An objective of the policy is to ensure front fencing to heritage places are of a complementary design, scale and materiality.</p> <p>The policy provisions state that solid sections of front fencing shall not exceed 900mm. Council may consider permitting a section solid to 1800mm for part of a front wall for the provision of utility meters. Furthermore, columns forming part of the structural support shall not exceed 2100mm. Notwithstanding that the policy refers to height above the mean natural ground level, it is not practical to apply this methodology for properties with significant crossfall. There is a precedence for front fence height to be measured from the natural ground level and for front fencing to step down in response to crossfall.</p> <p>The proposal seeks to establish solid sections of the front wall in the vicinity of a pedestrian alcove to a maximum height of 2700mm to a maximum height of 3700mm. The provision of a dedicated pedestrian entry point is supported in principle. It is additionally acknowledged that the current front wall is non-compliant with the policy and that the proposed design incorporates 90% visually open blade fencing and an open aspect gate.</p> <p>Nonetheless, when viewed from the footpath the front sections of the front fencing will be imposing and</p>

	completely obscure a view of the house from some aspects. It is the planning assessment that the design and materiality of the front fencing is of a complementary design; however, the scale is unacceptable and not consistent with the policy objectives.
Vehicular Crossover Policy and Technical Specification	The proposal requires works within the verge to establish the new (relocated) crossover and to traffic calming assets within the road to facilitate safe access and egress. A juvenile tree in the verge will also need to be relocated. Works within the road reservation are subject to further traffic engineering assessment and approval by the Manager of Infrastructure Services. Although not specifically addressed within the R-Codes or the local planning policy framework, headlight spill from vehicles accessing the site is likely to cause nuisance until such time that landscaping reaches a state of maturity. Light spill can; however, be addressed through design responses and Development Approval conditions.
Tree Management Strategy	The Tree Management Strategy (Strategy) provides guidance for the care, protection, and preservation of Shire trees and defines the circumstances in relation to the tree removal and development applications. Developers are encouraged to retain and protect existing trees on Shire land wherever possible to preserve the amenity of the streetscape. The Strategy does not permit tree removal if in the way of a non-essential crossover or verge paving option. The Strategy states that <i>Removal of street trees for the placement of new crossovers will only be considered where all other design options have been sought.</i> The Manager of Infrastructure Services has not objected to the relocation of the juvenile verge tree (WA Weeping Peppermint) provided all costs are borne by the proponent.

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 additions and alterations to the category 1 listed single house and outbuilding to the rear of the subject site have been assessed to satisfy the design principles, provisions and policy objectives of the state and local planning policy framework. The current vehicular

access arrangements adequately service the outbuildings to the rear of the subject site to be repurposed for garaging such that there appears to be no reason for why these building alterations and additions could not progress in isolation from the proposed ancillary site works, retaining walls and fencing.

The site works, retaining walls and fencing as proposed have been assessed to not satisfy the applicable design principles contained in the R-Codes, and the local planning policy framework.

A compelling case has not been made to significantly raise the natural ground levels between the street boundary and the street and adjacent to the southern lot boundary, to vary the policy provisions for front boundary fencing, and for the relocation of the vehicular crossover. The proponent's justification follows:

The house at No. 12 suffers from a disconnect of the front setback area from its outdoor living areas on the wide front verandah. The proposed fill attempts to correct this and provide a garden area between 1.5 and 1.7 metres below the verandah floor level that becomes visually accessible from the living areas of the house. A terraced garden to the front setback that complies with Council's request would be for the benefit of the passe-by ONLY, and of no use or aesthetic value to the owners of the house.

It is the planning assessment that activation of the front garden and improved access to the main front entry of the house is not in itself sufficient grounds to support this component of the proposal in its current form.

The proponent's narrative that the 'previous approved' site levels under DA2019/00016 be the baseline for the assessment is not supported. DA2019/00016 has been superseded by more recent approvals and is not 'active'. Additionally, the R-Codes deemed-to-comply requirements for retaining walls were varied in 2021 and the site context has changed subsequent to the construction of 14 The Esplanade. The Shire's local planning policies were also modified and adopted in 2020.

The planning assessment finds that activation of the front yard and improved connectivity to the main entry can be achieved with site works that better respect the natural ground level at the lot boundary as viewed from the street and that incorporates retaining walls that do not result detriment to adjoining properties. The planning assessment additionally finds merit in the objection.

Given the *significant* revisions required to bring the suite of ancillary site works into conformity with the planning framework it is impractical to condition the submission of amended plans likely to require further neighbour consultation and Council discretion. The proponent is encouraged to lodge a new application with an alternative design for the activation of the front yard that satisfies the planning policy framework.

Development Application DA2022/00015 limited to the proposed alterations and additions to the single house and outbuilding is recommended for Approval for the reasons articulated above.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.4

That Council approves DA2022/00015 limited to Additions and Alterations to a Single House and Outbuilding at 12 The Esplanade, Peppermint Grove in accordance with the submitted plans and application lodged on 4 April 2022 subject to the following conditions:

- 1. The approved building works and layout shall not be altered without the prior written consent of the CEO.**

The development plans, as dated and stamped “approved” together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove are the “approved plans” as shall form part of the Development Approval.

- 2. This approval is limited to that extent of works hatched by red ink on the endorsed site plan (PA02A).**
- 3. Further planning approval must be obtained for ancillary works including, but not limited to; site works, retaining walls, driveway and vehicular crossover, and boundary fencing not otherwise contained within the area hatched by red ink on the endorsed site plan (PA02A).**
- 4. In accordance with the Shire of Peppermint Grove Local Planning Policy 9 – Development Bonds a development bond to the satisfaction of the CEO must be submitted to the Shire prior to the issuance of a Building Permit to ensure any damage to public property caused by building works is rectified and the satisfactory completion of the development.**
- 5. As part of the Building Permit application the applicant shall submit for approval and to the satisfaction of the CEO a Construction Management Plan (CMP) binding all contractors working on the site.**

Once approved, the CMP shall form part of this development approval.

- 6. The construction works shall only occur between the hours of 7.00am and 7.00pm, Monday to Saturday, and not at all on Sunday or Public Holidays. Any variation to the above hours must be identified in an approved Construction Management Plan or, the prior written consent of the CEO otherwise obtained.**
- 7. Unless otherwise varied by an endorsed CMP or the prior written consent of the CEO, all temporary buildings for construction purposes, building materials, machinery, or vehicles remaining overnight must be stored or parked wholly within the development site and removed upon the completion of building works.**
- 8. Stormwater run-off from the approved development shall be retained on site.**
- 9. This approval shall remain current for development to commence within two years of the date of issue of this notice. All works associated with this approval (once commenced) shall be completed before the end of the third year from the date of issue of this notice.**

Advice Notes.

1. In approving this application Council has assessed the proposal against Local Planning Scheme No. 4, Local Planning Policies and the Design Principles of the Residential Design Codes of Western Australia and has and has exercised its discretion in relation to the following matters:
 - Lot boundary setbacks; and
 - Open space;
2. The development and use shall at all times comply with the provisions of the Shire of Peppermint Grove Town Planning Scheme, the *Building Code of Australia*, the *Environment Protection Act 1986* and any other relevant Acts, Regulations, Local Laws or Council policies.
3. No building works are to be undertaken prior to the issue of a Building Permit. It is encouraged that plans endorsed as part of the Development Approval form part of the Building Application to ensure consistency. In the event of inconsistency, an amendment may be required to the Development Approval prior to the commencement of works.
4. A Bushfire Attack Level (BAL) assessment will need to be undertaken using Method 2 (detailed method) of AS3959 as referenced by the Building Code of Australia. Method 2 assessments should be undertaken by a Level 3 Bushfire Practitioner.
5. In respect to Development Bonds, the Shire requires the proponent to arrange for the inspection of all Shire infrastructure including the street verge adjacent to the property post completion of works to establish the impact and necessary remediation of impacts on all public infrastructure and lands. Should any necessary remediation works not be satisfactorily completed by the proponent in a reasonable time frame, funds from the bond may be used to satisfactorily complete the works. Project management and/or administrative fees may also apply.
6. In respect to Development Bonds, should the situation on the street verge be dangerous in the opinion of the CEO, funds from the bond may be used to make the site safe or to a standard under the Construction Management Plan. Project management and/or administrative fees may also apply.
7. The Shire does not warrant or exempt the applicant from civil claim arising from damage to private property and associated with the approved works.
8. The CMP shall be prepared in accordance with Local Planning Policy 8 – Construction Management Plans.
9. The prior written approval of CEO is required for the temporary closure of any footpath, road or laneway. Infrastructure Services can be contacted on 9286 8600 to discuss traffic management

- 10. The Proponent is responsible for ensuring all contractors adhere to the construction hours. In the event of enforcement action being undertaken, infringement notices will be issued to the Proponent.**
- 11. It is the responsibility of the applicant to search the title of the property to ascertain the presence of any easements that in any case must not be built upon without the prior consent of the affected party.**
- 12. During the construction stage adjoining lots are not to be entered without the prior written consent of the affected owner(s).**
- 13. Should the owner and/or applicant be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with Part XIV of the *Planning and Development Act 2005* within 28 days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website www.sat.justice.wa.gov.au or by phoning 9219 3111 or 1300 306 017.**

8.2 MANAGER INFRASTRUCTURE SERVICES

INFRASTRUCTURE

8.2.1 VERGE VALET™ BULK WASTE COLLECTION – CONTRACT EXTENSION

ATTACHMENT DETAILS

Attachment 1	Nil
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Voting Requirement	:	Simple
Subject Index	:	Environmental
Disclosure of Interest	:	Nil
Responsible Officer	:	Donovan Norgard – Manager Infrastructure Services

PURPOSE OF REPORT

To seek Council approval to extend the Western Metropolitan Regional Council's (WMRC) Verge Valet™ (VV) contract for bulk and green waste collections from 1 July 2022 through to 30 June 2027, with an option for another 3 years through to 30 June 2030.

SUMMARY AND KEY ISSUES

- Trial of Verge Valet™ bulk and green waste collections commenced December 2020
- Trial period expired 30 June 2022
- Statistics show high customer satisfaction levels with 76% of respondents preferring Verge Valet™, 14% indifferent, and 10% disliking it.
- This report is submitted seeking Council approval to extend the WMRC Verge Valet™ contract for bulk and green waste collections from 1 July 2022 through to 30 June 2027, with an option for another 3 years through to 30 June 2030.

BACKGROUND

In 2018 the State Government released the Waste and Resource Recovery (WARR) Strategy 2030 and determined a number of waste reduction targets for local governments. The Strategy set a target of 10% reduction in waste generation per capita to be achieved by 2025, and a 20% reduction in waste generation to be achieved by 2030 with no more than 15% of the waste generated going to landfill.

The Shire, in line with the WARR Strategy, reviewed its waste services and in early 2020 successfully introduced a third Garden Organics 'GO' bin system to residents along with new Australian Standards compliant red lidded 240 litre garbage bins. In addition to these recent changes, the 'fixed date' bulk and green waste verge collection service was identified as having potential for improvement.

The Shire historically had provided eligible properties with three combined fixed date verge collections per annum for both bulk and green waste. This bulk waste collection service was mainly undertaken by a specialist contractor who handled the verges, with Shire staff taking care of the laneways. Once the material was collected, the various streams of waste are transported by truck to the Western Metropolitan Regional Council's (WMRC) West Metro Recycling Centre (Brockway) for processing.

In December 2020 the Shire reviewed its 'fixed date' bulk waste collection service arrangements and identified potential improvements in service levels and cost savings by switching to an 'on demand' system. After consideration of options, Council subsequently endorsed a trial of the new Verge Valet™ Service collection model delivered via the Western Metropolitan Regional Council.

The previous fixed date, suburb-wide bulk waste verge collection presented ongoing challenges such as:

- *Flexibility and timing* - No ability to conveniently schedule collections that best suit the individual resident's needs.
- *Presentation* - Shire experienced unsightly and messy verges throughout the suburb three times a year.
- *Illegal dumping* - Residents from other areas take the opportunity to dump ineligible waste in the Shire's parks or verges.
- *Scavenging* - People messing up verges to scour through boxes and bags for reclaimable materials, often leaving a mess behind them.

The WMRC Verge Valet™ model combined the convenience of the previous verge collection service model with the flexibility of a personalised on-demand collection throughout the year.

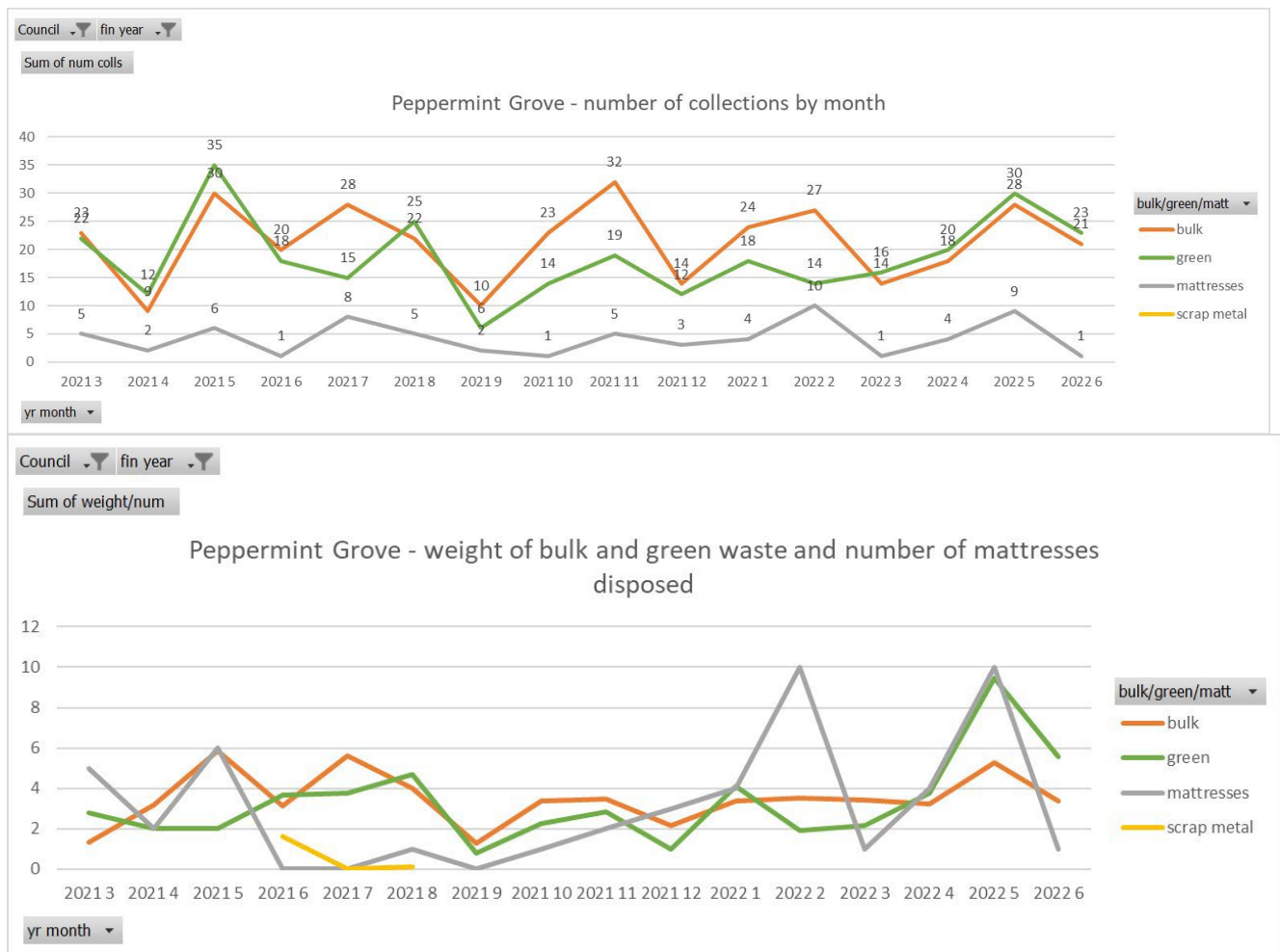
In line with community expectations, WMRC confirmed the contractor could offer the Shire a dedicated Monday collection service alongside Cottesloe and Mosman Park.

The Verge Valet™ system does not rely on skip bins, with bulk and green waste collected directly from the resident's verge in the same manner as the previous method. The difference with the Verge Valet™ is that it uses an on-demand booking system rather than a fixed date model.

Furthermore, an extension of the proposed system called *Verge Valet Extra* offers residents an option for to pay for additional services via WMRC once their annual allowance has been exhausted.

The Shire is seeking Council approval to extend the WMRC Verge Valet™ Service from 1 July 2022 through to 30 June 2027, with an option for another 3 years through to 30 June 2030.

VERGE VALET™ WASTE COLLECTION STATISTICS



CONSULTATION

Feedback from residents has been positive with 76% of respondents preferring Verge Valet™, 14% were indifferent and 10% of respondents indicating they did not prefer it.

Should the Verge Valet™ contract extension be endorsed by Council, promotional programs would continue in order to advise and inform the community.

STRATEGIC IMPLICATIONS

There are no strategic implications at this time.

POLICY IMPLICATIONS

A new Waste Local Law has been adopted by the Shire and was gazetted in April 2021.

The Verge Valet™ promotes waste segregation that will increase the waste diversion rate from landfill is in line with the WARR Strategy 2030

ENVIRONMENTAL IMPLICATIONS

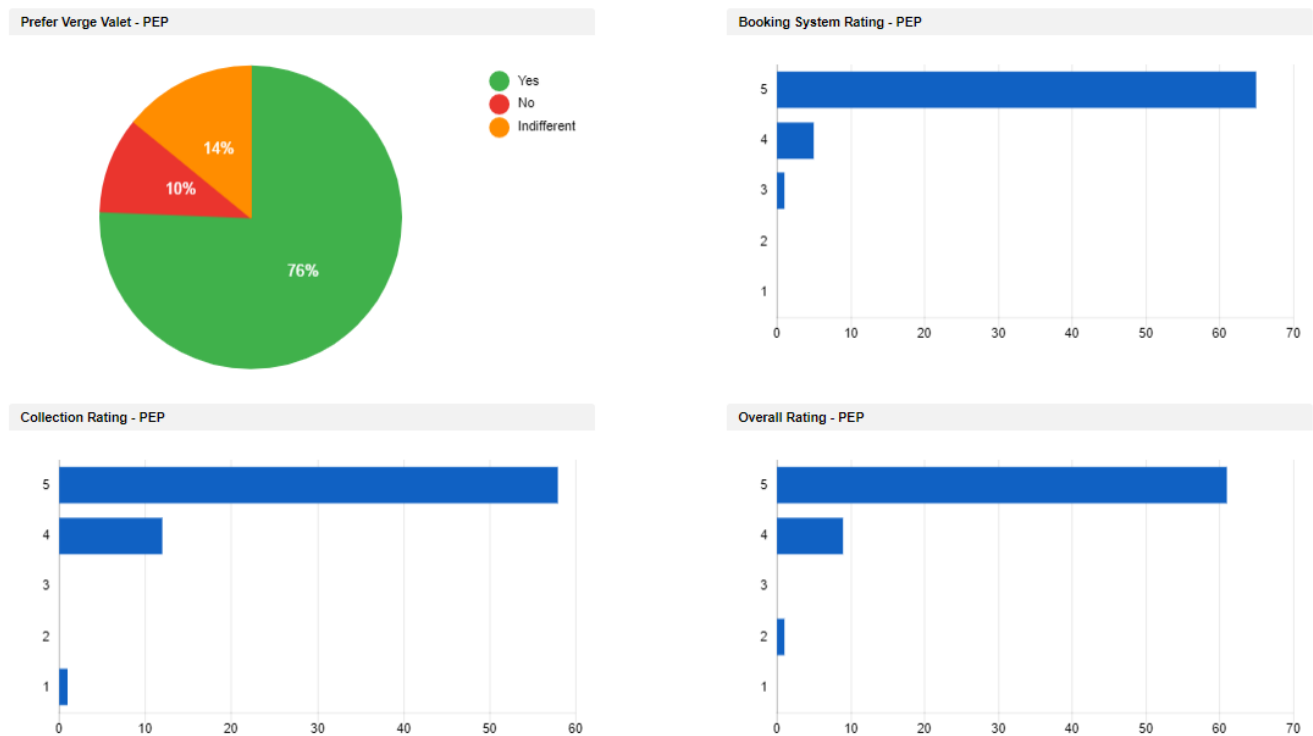
The Verge Valet™ promotes waste segregation that will increase the waste diversion rate from landfill and promotes the shared responsibility for waste management between residents and the Shire is in line with the WARR Strategy 2030.

FINANCIAL IMPLICATIONS

There are no financial implications with the recommendations of this report.

OFFICER COMMENT

The tables below show high customer satisfaction levels with 76% of respondents preferring Verge Valet™. From an operational level, the system is working smoothly and efficiently and the Officer recommends continuation of Verge Valet™ through WMRC.



WMRC have provided a selection of quotes:

- 23 June 2022 - *The pickup went very smoothly and efficiently. Could not be happier with the service.*
- 19 May 2022 - *Maybe put the word out again, some of my neighbours assumed it was the old verge service and put stuff out on their verge, but very pleased to see that the guys used their initiative and picked up their stuff too!!!! Fantastic*
- 7 April 2022 - *It's very efficient but I also enjoy the neighbourliness of everyone doing it at the same time.*
- 15 March 2022 - *I love how orderly it is. Helps keep the streets nice and tidy.*
- 15 Feb 2022 - *It's very efficient and instructions are clearly laid out.*
- 25 Nov 2021 - *2/3 of my volume put out was taken by locals because I put it on buy nothing.*

It is recommended that Council approval to extend the WMRC Verge Valet™ Service from 1 July 2022 through to 30 June 2027, with an option for another 3 years through to 30 June 2030.

OFFICER RECOMMENDATION/S – ITEM NO. 8.2.1

That Council authorise the Chief Executive Officer to approve an extension of the Western Metropolitan Regional Council ‘Verge Valet™ Service’ bulk and green waste collection service for the period commencing 1 July 2022 through to 30 June 2027, with an option for another 3 years through to 30 June 2030.

8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

CORPORATE

8.3.1 List of Accounts – July 2022

ATTACHMENT DETAILS

Attachment No	Description
Attachment	Accounts Paid – July 2022

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

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

Significant payments in X 2022 included the following:

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

BACKGROUND

The Attachment lists details of all payments made in July 2022 in the last report. The following summarises the cheques, credit card payments, electronic fund transfers and direct debits included in the list presented for information.

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT 476-477	\$292,193.21
Direct Debits	DD335-338	\$ 6,008.25
Cheque	454	\$191.60
Credit Cards – June 2022	June 2022	\$12,408.17
TOTAL		\$310,801.23

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The payments processed by the Shire relate to expenditure approved in the 2021/22 Budget.

COMMENT

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

OFFICER RECOMMENDATION/S – ITEM NO. 8.3.1

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

- 1. Cheques, Electronic funds transfers, Cheque and Direct debit payments for the month of July 2022, totalling \$ 298,393.06**
- 2. Credit card payments for June 2022 totalling \$12,408.17**

8.3.2 Interim Financial Statements for Period Ended 30 June 2022

ATTACHMENT DETAILS

Attachment No	Description
Attachment	Interim Financial Statements for the period ended 30 June 2022

Voting Requirement	:	Simple Majority
Subject Index	:	Financial Statements 2021/22
Disclosure of Interest	:	Nil
Responsible Officer	:	Michael Costarella, Manager Corporate and Community Services

PURPOSE OF REPORT

To receive the financial statements for the period ended 30 June 2022.

SUMMARY AND KEY ISSUES

During the period ended 30 June, there are some differences between the year -to-date budget and the actual income and expenditure.

The main variance between the year-to date budget and the actual expenditure and income to the 30 June 2022 were:

- Rates Income
- Interest Earnings
- Employee Costs
- Materials & Contractors

BACKGROUND

The Monthly Financial Statements are prepared in accordance with the requirements of the Local Government act and Financial Management Regulations and are presented to Council for information.

Overall, there is a 6.8% decrease in the operating year to date budget and year to date actuals.

STRATEGIC IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996.

FINANCIAL IMPLICATIONS

There are no detrimental financial implications evident at this time.

OFFICER COMMENT

The Financial statements for the 30 June 2022 are presented as an interim and not the final Statements for the financial year. The final Statements will be presented following the Annual audit to be held in October 2022.

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.

- Rates Income
- Interest Earnings
- Employee Costs
- Materials & Contractors

Rates Income- \$17,700

The Shire exceeded its income from Rates in view of additional rates being levied for new developments.

Interest Earnings \$13,900

Income from Interest on Investments were less than the expected budget due to a reduction in interest rates.

Employee Costs- \$ 167,000

The additional amount relates to the inclusion of a 27th Fortnight (paid on the 30 June 2022) as well as accrual for Annual Leave and Long Service Leave, termination and redundancy payments.

Materials & Contract-\$185,000

The actual expenditure is some \$185,000 less than the yearly budget and mainly relates to underspend in the following areas:-

- Office Expenses \$ 13,000
- Consultancy Services \$ 20,000
- Contractors & Materials \$152,000

Investment of Municipal and Reserve Funds- as at 30 June 2022.

The Shire has funds the following funds invested as 'on call' and fixed term deposits with the National Australia Bank:-

Fund and TD Number	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest
Reserves	1,290,764.00	1/07/2021	24/06/2022	284	0.58%	\$4,441.74
Reserves Interest Receivable						\$4,441.74
Municipal PFA Acc	376,160	ON CALL			0.45%	\$604.70
Municipal Interest Received						\$2,022.62

OFFICER RECOMMENDATION/S – ITEM NO. 8.3.2

That Council receives the interim financial report for the period 1 July 2021 to 30 June 2022

8.3.3 Financial Statements for Period Ended July 2022

CORPORATE

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

8.4 MANAGEMENT/GOVERNANCE/POLICY

8.4.1 Matters for Information and Noting

ATTACHMENT DETAILS

<u>Attachment</u>	<u>Description</u>
Attachment refers to	Building Permits Issued Planning Approvals Issued Infringements Issued Library Statistics Recycling Statistics

Voting Requirement	:	Simple Majority
Subject Index	:	Matters for Information July 2022
Disclosure of Interest	:	Nil
Responsible Officer	:	CEO

PURPOSE OF REPORT

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

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

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

- Building permits issues
- Demolition permits issued
- Seal register advising of when the Shire seal has been applied
- Infringements for parking/dogs etc
- Waste and recycling data
- Library Statistics July

SUMMARY AND KEY ISSUES

The following reports are presented to Council August 2022

- Building/Planning Statistics
- Library Statistics July
- Recycling Tonnages and Product Tonnages

CONSULTATION

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

OFFICER RECOMMENDATION/S – ITEM NO 8.4.1

That Council receives information in this report.

8.5 COMMITTEE REPORTS

Reports 8.5.1 and 8.5.2 are subject to consideration at the Audit and Risk Committee meeting on 9 August 2022.

8.5.1 2021/22 Interim Audit Report

MANAGEMENT/GOVERNANCE/POLICY

CONFIDENTIAL ITEM

8.5.2 2021/22 Internal Audit

CONFIDENTIAL ITEM

9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

10 MOTIONS ON NOTICE

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

11 CONFIDENTIAL ITEMS OF BUSINESS

Nil

12 CLOSURE OF MEETING

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