



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY 23 AUGUST 2016
AT
5.30 PM



Shire of Peppermint Grove

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Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING MINUTES

23 AUGUST 2016

Minutes of the **Shire of Peppermint Grove** Ordinary Meeting of Council held at
1 Leake Street, Peppermint Grove Council Chambers on Tuesday 23 August 2016.

1 DECLARATION OF OFFICIAL OPENING

At 5.30pm, 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.

The Post and Western Suburbs Weekly indicated that they were not recording the meeting.

Cr. S Fleay read the affirmation

Affirmation of Civic Duty and Responsibility

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

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President	Cr R Thomas
Deputy Shire President	Cr C Hohnen
Elected Member	Cr K Farley
Elected Member	Cr S Fleay
Elected Member	Cr D Horrex
Elected Member	Cr P Macintosh
Elected Member	Cr G Peters
Chief Executive Officer	Mr John Merrick
Manager Library and Community Services	Ms D Burn
Manager Corporate Services	Mr P Rawlings
Manager Infrastructure Services	Mr D Norgard
Manager Development Services	Mr M Whitbread
Executive Officer	Ms M Tabbakh (Minutes)

Visitors Nil
Gallery Nil Members of the Public
2 Members of the Press

2.2 APOLOGIES

Nil

2.3 LEAVES OF ABSENCE

Nil

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

Cr K Farley
Requests a Leave of Absence for the Ordinary Council Meeting 27 September 2016.

COUNCIL DECISION – 930

Moved: Cr C Hohnen, Seconded: Cr P Macintosh

That Cr K Farley be granted Leave of Absence for the Ordinary Council Meeting 27 September 2016.

CARRIED: 7/0

3 DELEGATIONS AND PETITIONS

Nil

3.1 PETITIONS

Nil

4 PUBLIC QUESTION TIME

At 5.31pm the Presiding Member opened the public question time by asking the gallery if there were any questions or deputation for Council. "Rules for Council meeting Public Question Time" were noted in the Agenda. Copies of:

- The Agenda
- Question to Council and
- Deputation Forms

Were placed at the end of the Council Meeting table in front of the public gallery, for the public, prior to commencing the meeting, as well as on the Shire Webpage.

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

Nil

4.3 DEPUTATIONS OF THE PUBLIC

Nil

At 5.31pm, there being no further questions the Presiding Member closed the public question time.

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

Nil

5.2 PROXIMITY INTEREST

Nil

5.3 IMPARTIALITY INTEREST

Cr S Fleay – 8.1.2 Replacement Two-Story Dwelling: Lot 54 (No.3) Hurstford Close, Peppermint Grove.

Cr S Fleay is a Director of a Company, an accounting service, of which the owner of the property is a client.

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Nil

5.5 STATEMENT OF GIFTS AND HOSPITALITY

The Shire President accepted an invitation to attend the following:

- **The opening cocktail party for the Royal Perth Show, 24 September: Value approximately \$100**
- **Received two tickets to an event at the Black Swan Theatre Company: Valued approximately \$130**

6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Sincere condolences to Mrs Craig and family on the passing of Anthony Craig. His long standing service to the community as an Elected Member, 16 years of which as Shire President, is greatly appreciated by all. He was also the only Freeman of the Shire of Peppermint Grove.

Condolences also go out to Mrs Lidbury and family on the loss of John, who was a highly respected Elected Member and community advocate.

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 26 JULY 2016

COUNCIL DECISION – 931**MOVED: Cr C Hohnen, SECONDED: Cr D Horrex**

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 26 July 2016 be confirmed.

CARRIED: 7/0

7.2 AGENDA BRIEFING FORUM 9 AUGUST 2016

COUNCIL DECISION – 932**MOVED: Cr K Farley, SECONDED: Cr D Horrex**

That the Minutes of the Agenda Briefing Forum, of the Shire of Peppermint Grove held in the Council Chambers on 9 August 2016 be confirmed.

CARRIED: 7/0

7.3 CONCEPT FORUM 9 AUGUST 2016

COUNCIL DECISION – 933**MOVED: Cr C Hohnen, SECONDED: Cr D Horrex**

That the Minutes of the Concept Forum, of the Shire of Peppermint Grove held in the Council Chambers on 9 August 2016 be confirmed.

CARRIED: 7/0

8 CHIEF EXECUTIVE OFFICER REPORTS

8.1 URBAN PLANNING

8.1.1 Alterations and Addition, Basement and Detached Two Storey Ancillary Dwelling: Lot 108 (No.45) Irvine Street Peppermint Grove.

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	45 Irvine Street
Voting Requirement	: Simple Majority
Subject Index	: Property
Location / Property Index	: 45 Irvine Street
Application Index	: 015-164
TPS No 3 Zoning	: Residential R12.5
Land Use	: Single Residential
Lot Area	: 2470m ²
Disclosure of any Interest	: Nil
Previous Items	: 8.1.1 OCM 24 May 2016
Applicant	: Ecotect Architects
Owner	: Alexis Bachofen
Responsible Officer	: Michael Whitbread Manager of Development Services

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to determine an application for alterations and addition, basement car parking and detached ancillary dwelling. The scope of works includes restoration of a late 19th century dilapidated two-storey stone, weatherboard and terracotta tile dwelling.

SUMMARY AND KEY ISSUES

- The extensive alterations and additions to the heritage house comply with the Scheme.
- The design would preserve the heritage values of the place.
- A detached ancillary dwelling above the pool house is not supported.
- Conditional approval can be recommended.

LOCATION

Please refer to attached location plan

BACKGROUND

In late 2014, the landowner's architect met with Council staff in regard to substantial alterations and additions proposed for the category 1 listed building on the site.

Draft plans were submitted for preliminary comment and the Shire's heritage architect provided guidance and advice as to various aspects of the proposal and the impacts on the heritage values of the original house on the subject site.

CONSULTATION

Adjoining/affected land owners were consulted and three written submissions received. These responses were generally supportive of the scope of works proposed with the exception of the proposed detached two storey ancillary dwelling/pool house.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no Policy implications evident at this time.

STATUTORY IMPLICATIONS

Town Planning Scheme No.3

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

<u>TOWN PLANNING SCHEME NO. 3</u>		
Scheme Requirement/Clause		Assessment/Comment
1.	0.5 plot ratio.	0.356: Complies
2.	10-metre height (excluding basement)	10-metres to the ridge : Complies
3.	9-metre street setback	10-metres to the carport addition
<u>RESIDENTIAL DESIGN CODES</u>		
Deemed to comply		Assessment/Comment
1.	6-metre rear setback	Complies. Refer to Officer comment
2.	55% Open Space	79% Open Space: Complies
3.	Side setbacks	Comply

Local Planning Scheme No.4

Local Planning Scheme No.4 was finally adopted by Council at its March 2016 meeting and has been forwarded to the Minister for Planning for final approval. As such this has the status of a seriously entertained planning document.

The Local Planning Scheme No. 4 makes specific reference to ancillary dwellings in that it allows an increase in the floor area from the 70m² prescribed in the R-Codes to a maximum of 120m². However, this clause also imposes a restriction on the development of ancillary dwelling to single storey structures. The revised plans received on 2nd August, now show that the ancillary dwelling and garage have now been deleted from the plan. The applicant has advised that revised plans demonstrating an ancillary dwelling and pool house that complies with the draft Scheme will be submitted as a fresh application at a future date.

This scheme standard was adopted based on experience where there have been several issues associated with two-storey detached buildings. These have included the loss of privacy. While there is always some degree of overlooking across properties from the rear of the main two-storey home on a property, having another two-storey habitable building looking back the opposite way and also into their house and garden has been a source of contention. This was highlighted in community forums and Council meetings that were held in preparation phase of the new Scheme.

Heritage

The Municipal Inventory data sheet for No.45 Irvine Street, states that the house, named 'Altidore' was built in 1898/99 coursed and point rusticated limestone. The data sheet records that the building retained much of its original detailing including the fish scale shingles to the front verandah.

The core of the building remains largely untouched by previous rear alterations and additions.

The definition of a category 1 place under the Shire's Heritage List is;

Building's which due to their character create the atmosphere of Peppermint Grove, therefore should be retained, but may be altered or extended in a manner which is both discrete and sympathetic to the original fabric and character so that a significant proportion of the original building is retained and from the street the additions are seen to be a continuation of the same fabric and character.

The plans submitted indicate that the form and fabric of the house will be retained and reinstated where necessary. In addition it has been assessed that the proposed extensions would satisfy the criteria of being both *discrete and sympathetic* to the heritage listed house.

FINANCIAL IMPLICATIONS

There are no costs associated with the proposal 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 plans submitted for the alterations and additions to the category 1 listed dwelling have been assessed as complying with the Scheme and R-Codes. Importantly, the Shire's Heritage Consultant has assessed the plans and supports the applicant's approach which is sympathetic to the original house, but sufficiently different to allow the new and original sections of the house to be differentiated as recommended under the Burra Charter.

The two-storey detached pool house, which included an ancillary dwelling to be located at the rear of the site is contrary to the development control provisions set down in draft Planning Scheme No.4. Discussions with the applicant has resulted in this aspect of the original application being deleted from the revised plans lodged on the 2 August 2016.

It is recommended that the pool house/ancillary dwelling be deleted from the plan, but the balance of the application may be approved subject to standard conditions for this form of development.

OFFICER RECOMMENDATIONS – ITEM No. 8.1.1

That Council grant planning approval for alterations and additions on Lot 108 (No.45) Irvine Street, Peppermint Grove in accordance with the plans and specifications submitted on the 4 April 2016 and revised plans dated 2 August 2016, subject to the following conditions;

1. All stormwater being retained and disposed of on-site, details of which are to be submitted and approved prior to the issue of a building permit by the Shire.
2. The street trees adjacent to the Lot 108 shall be protected during construction and no goods or building materials shall be stored on the street verge or within the drip line of the street tree(s).
3. The proposed pool house/ancillary dwelling shall be deleted from the plan as it would be contrary to the provisions of draft Local Planning Scheme No.4 which restricts ancillary dwelling to single storey structures.
4. The development the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.
5. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining the how building materials and deliveries to the site will be managed without affecting access to adjoining properties, controlling dust and the provision for trades parking to ensure two way road access is maintained.
6. The right-of-way shall be repaired/regraded at the completion of the development, prior to the occupation of the dwelling, to the satisfaction of the Chief Executive Officer.
7. The crossover to the Irvine Street frontage of the site shall be upgraded to concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer prior to the occupation of the dwelling.
8. Prior to the issue of a building permit, the applicant shall submit a schedule of colours, materials and finishes to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.

Advisory Note

- i) The applicant is advised that during construction the adjoining right-of-way is to be kept clear at all times and not used for parking of trade and delivery vehicles.

The Shire is able to issue parking infringement notices where rights-of-ways are blocked.

COUNCIL DECISION – 934

MOVED: Cr D Horrex, SECONDED: Cr K Farley

That Council:

Grant planning approval for alterations and additions on Lot 108 (No.45) Irvine Street, Peppermint Grove in accordance with the plans and specifications submitted on the 4 April 2016 and revised plans dated 2 August 2016, subject to the following conditions;

- 1. All stormwater being retained and disposed of on-site, details of which are to be submitted and approved prior to the issue of a building permit by the Shire.**
- 2. The street trees adjacent to the Lot 108 shall be protected during construction and no goods or building materials shall be stored on the street verge or within the drip line of the street tree(s).**
- 3. The proposed pool house/ancillary dwelling shall be deleted from the plan as it would be contrary to the provisions of draft Local Planning Scheme No.4 which restricts ancillary dwelling to single storey structures.**
- 4. The development the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.**
- 5. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining the how building materials and deliveries to the site will be managed without affecting access to adjoining properties, controlling dust and the provision for trades parking to ensure two way road access is maintained.**
- 6. The right-of-way shall be repaired/regraded at the completion of the development, prior to the occupation of the dwelling, to the satisfaction of the Chief Executive Officer.**
- 7. The crossover to the Irvine Street frontage of the site shall be upgraded to concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer prior to the occupation of the dwelling.**
- 8. Prior to the issue of a building permit, the applicant shall submit a schedule of colours, materials and finishes to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.**

Advisory Note

- i) **The applicant is advised that during construction the adjoining right-of-way is to be kept clear at all times and not used for parking of trade and delivery vehicles. The Shire is able to issue parking infringement notices where rights-of-ways are blocked.**

CARRIED: 7/0

DECLARATION OF INTEREST – IMPARTIALITY

Cr S Fleay - is a Director of a Company, an accounting service, of which the owner of the property is a client.

8.1.2 Replacement Two-Storey Dwelling: Lot 54 (No.3) Hurstford Close Peppermint Grove
URBAN PLANNING
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2	3 Hurstford Close

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	3 Hurstford Close
Application Index	:	016-171
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Dwelling
Lot Area	:	751m2
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Doug Paton D4 Designs
Owner	:	J M Dawkins
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

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

permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE OF REPORT

For Council to consider the demolition of a single storey brick and tile dwelling and a replacement two-storey dwelling. Two variations to development standards are proposed. The first is the secondary street setback being less than 4.5-metres. The second is a side setback variation of 1-metre to allow a boundary wall.

SUMMARY AND KEY ISSUES

- The new dwelling would make a positive contribution to the streetscape of Hurstford Close.
- The proposed variations can be supported on planning grounds.
- Conditional approval is recommended.

LOCATION

Please refer to the attached location plan.

BACKGROUND

The house to be demolished was built in the late 1960's and there are no records of any subsequent works being carried out on the property.

CONSULTATION

Adjoining/affected land owners were advised of the proposed development in writing and given 14 days to make a submission. One written submission was received in regard to the need to manage traffic in Hurstford Close, as a recent building at the northern end has resulted in considerable traffic and some congestion for car and pedestrians. At the time of writing no submissions have been received in regard to this proposal.

STRATEGIC IMPLICATIONS

There are no strategic planning implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Town Planning Scheme No.3

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

<u>TOWN PLANNING SCHEME NO. 3</u>		
Scheme Requirement/Clause		Assessment/Comment
1.	0.50 plot ratio.	0.41. Plot ratio. Complies.
2.	9-metre Primary Street setback	Complies
3.	4.5-metre secondary street setback	3.063-metres min; <u>Does not comply</u>
4.	10-metre heights limit	8.1-metres proposed. Complies.
<u>RESIDENTIAL DESIGN CODES</u>		
Deemed to comply		Assessment/Comment
1.	6-metre rear setback	4.4-metre minimum; 8.7-metres average
2.	55% Open Space	60% open space: Complies.
3.	1.0-metre side setback	Refer to Officers comment section below

Heritage

The house that is proposed to be demolished is not on the Shires Municipal Inventory. The site does not adjoin properties with heritage listed buildings and the replacement dwelling has been assessed on this basis.

Streetscape

Under this policy, Council is seeking open aspect fencing, preservation of amenity including view to gardens and buildings, as well as taking into account the impact of new dwellings or additions to adjoining buildings.

It is assessed that the replacement dwelling submitted for Council's consideration meets these criteria in regard to being easily seen from the street, and that it is modest in scale given that the first floor is only 80m². The plans indicate that the new dwelling would make a positive contribution to the amenity of this portion of Hurstford Close.

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

Two variations have been sought with this proposed development. The first is a side boundary setback relaxation to the southern boundary by 1.0-metre to allow a parapet wall on the common boundary. Coincidentally the adjoining neighbour has recently approached the Shire seeking advice in regard to also having a parapet wall to allow a garage addition that would also involve a boundary wall. Given that the setback to the boundary wall would be a minimum of 10-metres from the Hurstford Close road, alignment to the single storey parapet would have little impact. This is further assisted by the fact that the wall would be approximately 1200mm below the road level. On this basis this aspect of the proposal can be supported on planning grounds.

In regard to the reduced secondary street setback, the plans submitted indicate a 3-metres setback, with a chimney feature at 2.7-metres. It is noted that the existing house is setback 3-metres from Hurstford Close. Under Clause 4.4 (c) of the Town Planning Scheme the prescribed secondary street setback is 4.5-metres.

However, Hurstford Close is a relatively narrow, more intimate street than is typical in Peppermint Grove, which is already characterized by setbacks less than those prescribed in the Scheme. This northern elevation of the house to the secondary street has been designed with a deep recess forming a northern courtyard 9-metres deep, which acts to reduce any perception of the bulk and scale of this elevation and importantly to Hurstford Close.

The design of the house has provided ample parking with two separate hardstand bays and covered secure parking. In order to achieve access to the site it is proposed to remove one of the street trees. There is no objection to the removal of this street tree and the applicant has agreed to meet all associated costs including additional/replacement trees being provided.

At the moment there is a solid screen wall along the street boundaries of this corner lot. The plans indicate that much of this to the primary (eastern) frontage will be removed and replaced with open aspect fencing in accordance with Council's Fencing Local Law. It is proposed to retain the solid screen fencing along the northern or secondary street, but this would not exceed 1.6-metres in height, thus leaving a larger portion of the house clearly visible from the street. As there is no footpath along Hurstford Close, privacy to this northern courtyard would not be compromised, nor would any winter shadow cast from this wall compromise the passive solar benefits the house has been designed to achieve.

In summary the proposed dwelling is seeking only modest variations to the R-Code and Scheme, and based on merit these can be supported on planning grounds. Subject to standard and appropriate conditions for this form of development approval can be recommended.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.2

That Council grant planning approval for alterations and additions on Lot 54 (No.3) Hurstford Close, Peppermint Grove in accordance with the plans and specifications submitted on 20 July 2016 subject to the following conditions;

1. All stormwater being retained and disposed of on-site, details of which are to be submitted and approved prior to the issue of a building permit by the Shire.
2. The street trees, (other than those approved for removal) adjacent to the Lot 54, shall be protected during construction and no goods or building materials shall be stored on the street verge or within the drip line of the street tree(s).
3. The applicant shall meet all costs associated with the removal of the street tree marked in red on the approved plan and replacement trees prior to the issue of a building permit.
4. The development the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the third year.
5. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining the how building materials and deliveries to the site will be managed without affecting access to adjoining properties, controlling dust and the provision for trades parking to ensure two way road access is maintained.
6. Details of the screen wall and infill panels demonstrating 50% open aspect above 900mm in accordance with the Local Laws Relating to Fencing shall be submitted and approved prior to the issue of a building permit.
7. The external face of the boundary wall shall be finished to the satisfaction of the Chief Executive Officer of the Shire.
8. Prior to the issue of a building permit, the applicant shall submit to the satisfaction of the Chief Executive Officer of the Shire a schedule of colours materials and finishes.

Advisory Note

- i) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal for the replacement boundary wall under the Design Principles of the Residential Design Codes.

- ii) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal under clause 4.9.2 of the Town Planning Scheme in regard to the reduction to the secondary street setback.

COUNCIL DECISION – 935

MOVED: Cr K Farley, SECONDED: Cr C Hohnen

That Council:

Grant planning approval for alterations and additions on Lot 54 (No.3) Hurstford Close, Peppermint Grove in accordance with the plans and specifications submitted on 20 July 2016 subject to the following conditions;

- 1. All stormwater being retained and disposed of on-site, details of which are to be submitted and approved prior to the issue of a building permit by the Shire.**
- 2. The street trees, (other than those approved for removal) adjacent to the Lot 54, shall be protected during construction and no goods or building materials shall be stored on the street verge or within the drip line of the street tree(s).**
- 3. The applicant shall meet all costs associated with the removal of the street tree marked in red on the approved plan and replacement trees prior to the issue of a building permit.**
- 4. The development the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the third year.**
- 5. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining the how building materials and deliveries to the site will be managed without affecting access to adjoining properties, controlling dust and the provision for trades parking to ensure two way road access is maintained.**
- 6. Details of the screen wall and infill panels demonstrating 50% open aspect above 900mm in accordance with the Local Laws Relating to Fencing shall be submitted and approved prior to the issue of a building permit.**
- 7. The external face of the boundary wall shall be finished to the satisfaction of the Chief Executive Officer of the Shire.**
- 8. Prior to the issue of a building permit, the applicant shall submit to the satisfaction of the Chief Executive Officer of the Shire a schedule of colours materials and finishes.**

Advisory Note

- i) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal for the replacement boundary wall under the Design Principles of the Residential Design Codes.**
- ii) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal under clause 4.9.2 of the Town Planning Scheme in regard to the reduction to the secondary street setback.**

CARRIED: 7/0

8.1.3 Minor Alterations and Roof Cladding Replacement: Lot 1000 (No.47) View Street, Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3	47 View Street

Voting Requirement	:	Absolute Majority
Subject Index	:	Property
Location / Property Index	:	47 View Street
Application Index	:	016-170
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Dwelling
Lot Area	:	1938m ²
Disclosure of any Interest	:	Nil
Previous Items	:	8.1.1 OCM 28 May 2015
Applicant	:	Paul H Jones, Architect.
Owner	:	J Burt
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

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

PURPOSE OF REPORT

SUMMARY AND KEY ISSUES

- The re-cladding of the roof of the house in a slate profile would not adversely affect its heritage values.
- Minor changes to the ground floor plan would not impact the fabric of the building.
- Conditional approval has been recommended.

LOCATION

Please refer to attached location plans for 46 View Street, Peppermint Grove.

BACKGROUND

Council at its meeting held on the 28 May 2015 (item 8.1.1 refers), granted planning consent for the part demolition and alterations and additions to the house at 47 View Street, Peppermint Grove. The demolition involved a single storey section that was built in 1999.

Since receiving planning consent in 2015, the applicant has proceeded with the renovations and alterations to the northern side of the dwelling. The brickworks of this two-storey 19th century mansion had been bagged and painted over, which was an unfortunate solution to fretting mortar in the 1960's. It is laudable that the landowner has undertaken (at considerable cost), the removal of the paint and carried out extensive e-pointing of the brickwork which effectively restores the external finish to the building.

On the 6 January 2016, the Western Australian Planning Commission granted approval for the amalgamation of Lots 31 & 32 Johnston Street, corner View Street (application WAPC 153115 refers). These lots which would have been part of the original land parcel, and was amalgamated to form Lot 1000. The 1970's house with under croft on this site has now been demolished early 2016.

CONSULTATION

Under the provision of both Town Planning Scheme No.3 and the R-Codes Local Planning Policies are required to be advertised for public comment for 28 days.

STRATEGIC IMPLICATIONS

There are no strategic implications associated with this application.

POLICY IMPLICATIONS

There are no policy implications associated with this application.

STATUTORY IMPLICATIONS

Town Planning Scheme No.3

Planning consent is required for the replacement of external cladding materials on heritage listed dwellings.

Heritage

The building is a Category 1 place on the Shire's Municipal Inventory. The application for replacement roof tiles was referred to the Shire's Heritage Consultant for comment and the following reply received.

With respect to 47 View Street, it would seem from Hobbs records that he was minded to use all kinds of roofing, even in Peppermint Grove. In a very early photograph of the place that appears on p101 of 'Peppermint Grove' (Pascoe 1983), it is clear that the original roof on the place was plain terracotta tiles, with ridge tiles that may be those in place today, and although quite hazy, the rampant dragon finials seem to have been part of the original concept.

The current tiles are, I agree, a pretty poor replacement for the original and the only thing in their favour is that they are a reflection of the original pattern. The variety of colour and the glaze are entirely inappropriate.

On to the present situation. The current replacement tiles that are available are larger in format, differ in texture because they are made differently and are completely uniform in colour, which makes them a somewhat crude replacement material for complex roofs.

Though I am loath to move to plain tiles, they are a material used by Hobbs, and do provide a softer and more varied effect. On these grounds I think it would be hard to refuse the proposal to move across to terracotta plain tiles. I would request that stepped flashings are maintained, rather than lazy cut in flashings.

With respect to the rainwater goods, I don't mind copper being used and they certainly do last, as long as the metals used on the roof itself are compatible. If it were me, I would paint them, but I am not going to object to them being unpainted. A future owner may wish to paint them, and that would be a better outcome in terms of maintaining heritage values.

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

It was initially hoped that the current Marseille tiles, although not original to the building, could be kept. However, closer inspection has revealed that this is not possible and has resulted in the current application for their replacement. Alterations and additions since 1999 has meant that the different roof tiles used have created a pastiche. The proposal will provide a uniform roof material, finish and profile for the entire building including the additions.

As outlined in detail by the Shire's Heritage Consultant, the original tiles, judging by a the photographic evidence available were a different size than the current roof cladding, and most likely with graduated colours and un-glazed finish, which would be duplicated to some extent with the roof tiles proposed. Unfortunately, replacement tiles of the correct size and profile to match those originally used are no longer available and therefore any replacement cladding will inevitably mean compromise. However, the replacement tile proposed by the applicant is considered acceptable in heritage terms and can be supported subject to taking on board the Heritage Consultant's recommendation in regard to the flashing details.

The overall outcome stemming from the considerable trouble taken to remove the paint from the external face brick work, together with the generous garden setting to this house with the amalgamation of the eastern lot, has achieved a great deal towards re-establishing this 1906 Peppermint Grove mansion, by Talbot Hobbs, as a major townscape element in the Shire.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.3

That Council grant planning approval for replacement roof cladding and minor modifications to the floor plan of the approval granted on 28 May 2015, on Lot 1000 (No.47) View Street, Peppermint Grove in accordance with the plans and specifications submitted on 6 July 2016, subject to the following condition;

1. The existing stepped flashings roof detail shall be maintained when replaced to more accurately reflect the style used for this building.

COUNCIL DECISION – 936

MOVED: Cr D Horrex, SECONDED: Cr S Fleay

That Council:

Grant planning approval for replacement roof cladding and minor modifications to the floor plan of the approval granted on 28 May 2015, on Lot 1000 (No.47) View Street, Peppermint Grove in accordance with the plans and specifications submitted on 6 July 2016, subject to the following condition;

- 1. The existing stepped flashings roof detail shall be maintained when replaced to more accurately reflect the style used for this building.**

CARRIED: 7/0

8.1.4 Alterations and Additions: Lot 36 (No.5) View Street Shire of Peppermint Grove.
URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 4	5 View Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	5 View Street
Application Index	:	016-174
TPS No 3 Zoning	:	Residential 12.5
Land Use	:	Single Dwelling
Lot Area	:	2625m ²
Disclosure of any Interest	:	Nil
Previous Items	:	8.1.1 OCM 22 March 2016
Applicant	:	Mrs A John
Owner	:	Mrs A John
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to determine an application for minor alterations and additions to a Category 1 listed building. The scope of works include an enlarged window to the new kitchen area and a minor floor area increase of approximately 9m² to the upper level additions to accommodate en-suite bathroom to bedroom four.

SUMMARY AND KEY ISSUES

- The scope of works proposed are minor variations to the changes approved in March 2016.
- Unalla heritage value will not be affected.
- Conditional approval is recommended.

LOCATION

Please refer to attached location plan

BACKGROUND

Council at its meeting held on the 22 March 2016, granted planning consent for alterations and rear two storey additions, including a detached basement garage within the front setback area of No. 5 View Street, Peppermint Grove.

CONSULTATION

Adjoining/affected land owners were advised in writing of the proposal. No written submissions have been received.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Town Planning Scheme No.3

The development would comply with the Scheme and R-Codes.

Heritage

Under the Deemed provisions of the Planning and Development Regulations 2015, planning consent under a Local Planning Scheme is required for development affecting a house on a Municipal Inventory.

The changes proposed would not impact on the form and fabric of the building assessed in the application Council considered in March 2016.

FINANCIAL IMPLICATIONS

There are no financial implication associated with this planning application.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The plans submitted proposed minor changes to an already approved scheme and it has been assessed that the form and fabric of the Unalla would not be affected by the works envisaged in this current application.

On this basis conditional approval has been recommended.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.4

That Council grant planning approval for alterations and addition on Lot 36 (No.5) View Street, Peppermint Grove in accordance with the plans and specifications submitted on 27 July 2016, subject to the following condition;

1. The development the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the third year.

COUNCIL DECISION – 937

MOVED: Cr D Horrex, SECONDED: Cr S Fleay

That Council:

Grant planning approval for alterations and addition on Lot 36 (No.5) View Street, Peppermint Grove in accordance with the plans and specifications submitted on 27 July 2016, subject to the following condition;

- 1. The development the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the third year.**

CARRIED: 7/0

8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

Nil

8.5 CORPORATE

8.5.1 Accounts for Payment – July 2016

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5	Accounts for Payment – July 2016

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

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
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PURPOSE OF REPORT

The purpose of this report is to obtain approval for cheques, electronic funds payments and direct debits drawn since the last report and accounts now presented for payment.

SUMMARY AND KEY ISSUES

Significant payments in July 2016 included the following:

- BAS remittance to ATO;
- Payment for electricity to Synergy;
- Payments for waste disposal to WMRC;
- Staff superannuation contributions.

LOCATION

N/A

BACKGROUND

Attachment 1 lists details of all cheques drawn since the last report and accounts now presented for payment. The following summarises the cheques, electronic fund transfers, direct debits and accounts included in the list presented for payment.

<u>PAYMENT TYPE</u>	<u>AMOUNT</u>
Direct Debit Fees & Leases – 417, DD5933, 5972, 5975, 6004, 6007	
Cheques 206 – 219 (Inclusive)	
Electronic Funds Transfers 10387 – 10503 (Inclusive)	
TOTAL MUNICIPAL FUND	\$207,680.43
TRUST FUND PAYMENTS	\$0.00
TOTAL	\$207,680.43

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The payments processed by the Shire relate to expenditure approved in the 2015/2016 annual budget as amended.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM NO. 8.5.1

That:

The payment of the cheques, electronic funds payments and direct debits drawn and accounts presented for payment for July 2016 and totalling \$207,680.43 be approved.

COUNCIL DECISION – 938

MOVED: Cr C Hohnen, SECONDED: Cr S Fleay

That:

The payment of the cheques, electronic funds payments and direct debits drawn and accounts presented for payment for July 2016 and totalling \$207,680.43 be approved.

CARRIED: 7/0

9 NEW BUSINESS OF AN URGENT NATURE

(New business of an urgent nature approved by the Presiding Member)

9.1 LATE ITEM

9.1.1 Building Permits Issued

For works which are excluded from requiring planning consent under the Deemed to Comply provisions of the Planning and Development Regulations 2015.

No.2 Hurstford Close, Peppermint Grove. Removal of Internal Walls and re-Roofing

No.15 Keane Street, Peppermint Grove. Front fence/lynch gate, feature wall, plus retaining to pool area.

No 11 Johnston Street, Peppermint Grove. Minor rear additions to ground floor living area.

No. 19A View Street, Peppermint Grove. Two storey dwelling with detached basement car parking at rear.

COUNCIL DECISION – 939

Moved: Cr K Farley, SECONDED: Cr C Hohnen

That:

Information has been received.

CARRIED: 7/0

9.1.2 Proposed Two-Lot Subdivision Lot 83 (No.37) Leake Street, Peppermint Grove
URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 6 – Item refers	Proposed Two-Lot Subdivision

Voting Requirement	:	Simple Majority
Subject Index	:	Land Use and Planning
Location / Property Index	:	Lot 3 (No.37) Leake Street
Application Index	:	158 N(WAPC 153987)
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Dwelling
Land Area	:	2379m ²
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Driscolls Land Surveyors
Owner	:	Mr & Mrs Martin
Responsible Officer	:	Michael Whitbread, Manager of Development Services

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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PURPOSE OF REPORT

The Western Australian Planning Commission has referred an application for a two-lot subdivision to the Shire for comment prior to determining the application.

SUMMARY AND KEY ISSUES

- The proposed lot sizes would comply with the minimum and average lot areas for land coded R12.5.
- The retained heritage listed dwelling on the remnant Lot with frontage to Leake Street complies with the Scheme and R-Codes.
- Conditional approval is recommended for this two-lot subdivision.

LOCATION

Please refer to location plan.

BACKGROUND

The existing development on Lot 83 consists of a two-storey timber weather board and iron category 1 heritage dwelling with frontage to Leake Street.

During discussions with the Western Australian Planning Commission representatives, Shire staff were advised that the definition of battle-axe subdivision has changed so that rear lots, without a vehicle access leg to the nearest gazetted road, but gain vehicle access via Right-of-Way are no longer defined as battle-axe lots. This change had occurred as a result of the 2010 review of the R-Codes, which seek to ensure that wherever possible rights-of-way are utilised to ensure the best use of land is undertaken.

This means that the 4-metre wide battle-axe access leg to a rear lot is no longer required when vehicles are able to access the site via a right-of-way. However, a 1.5-metre Pedestrian Access Way (PAW) leg is still required to enable access from the rear lot to provide connection to a gazetted road for services such as mail delivery and access to services (i.e. NBN), as well as to have an address. Unless a right-of-way becomes a gazetted road it is not recognised by public authorities for servicing purposes.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter as the Shire is a referral authority and the application is determined by the Western Australian Planning Commission (WAPC).

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

The current review being undertaken of the Rights-of-Way policy has implications in terms of paving, ceding of land and where necessary increased truncation sizes.

STATUTORY IMPLICATIONS

Town Planning Scheme No.3

The proposed subdivision would result in two parcels of land proposed as Lots 103 & 104. Lot 104 would have a street frontage of 30.87-metres to Leake Street. The minimum frontage under table 1 of the R-Code is 17-metres.

Proposed Lot 103

The plan of subdivision indicates that there are no buildings on proposed Lot 2, however a condition has been recommended requiring all improvements on the lot being removed prior to final clearance of the diagram of survey.

FINANCIAL IMPLICATIONS

The planning authority in this instance is the Western Australian Planning Commission (WAPC). Any review sought in the State Administrative Tribunal in regard to either the determination made on this application, or any related conditions of approval, is the responsibility of the WAPC.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

OFFICER COMMENT

The plans submitted propose a two lot subdivision, with each new lot having frontage to a gazetted road. In this case the existing dwelling on proposed Lot 104 will retain frontage to Leake Street and proposed Lot 103 will have a 1.51-metre wide Pedestrian Access Way (PAW) frontage to View Street.

The land is subject to a density code of R12.5, which stipulates a minimum lot area of 700m² with an average lot area of 800m². The parent lot has an area of 2379m² which would result in an average lot area for this subdivision of 1189m². Proposed Lot 104, which would retain the existing dwelling on Leake Street, is proposed at 1400m². Proposed rear Lot 103 would have a lot area of 978m² of which approximately 80m² is given over to providing a PAW. The proposed two-lot subdivision would comply with the Table 1 of the R-Codes.

As the dwelling is to be retained, a planning assessment was conducted to ensure the dwelling would still comply with the Scheme and R-Codes on the remnant lot. It was assessed that in terms of open space, plot ratio, setbacks and parking provision the dwelling to be retained on proposed Lot 104 would continue to comply with the Scheme.

A further consideration when assessing the subdivision of a lot where a heritage place is located is whether there is adequate curtilage to ensure that firstly the house would not be impacted negatively by any development on the adjoining new lot(s), and secondly that there is sufficient space remaining on the remnant land to allow alteration and additions, including covered car parking, so that there is ample land to enable the house to be extended to meet modern living standards, without compromising the heritage values of the building and its open setting.

It is assessed that lot 104 at 1400m² has sufficient space to enable the category 1 heritage dwelling on the site to be successfully retained and added to. At the same time the distance of the this heritage dwelling of over 20-metres from the new rear boundary, would mean that any new dwelling, would not have a negative visual impact on this two-storey timber weatherboard house.

The Shire's current policy requires that where a subdivision adjoins a right-of-way that a 4.7-metre wide section of land be ceded to enable the eventual dedication of the laneway as an under-width road. This policy also states that where a lot adjoins two rights-of-way (as in this particular case), only one frontage is to be ceded. In this instance it is recommended that the northern boundary be subject to ceding.

In addition that the truncation also be increased in order to improve sight lines at the intersection of these two rights-of-way. Although the size of the truncation has not been specified in the policy an increase to a 3 x 3 metre truncation would improve sightlines and the radius of this corner significantly.

It is also assessed that the surface of the right-of-way is not constructed. Given that it will be used as the sole vehicle access point to the vacant land, a financial contribution would be warranted to ensure the paving and draining of the right-of-way is done in an orderly fashion.

Finally, the PAW provided for the rear lot to have access to Leake Street meets the 1.5-metre minimum, and at about the mid-point has been widened to take into account of two mature cypress pines. A site inspection revealed that these only intrude approximately 50mm into the PAW, which leave at least 1-metre to pass, which over a short distance is considered more than adequate. It is assessed that there is no need for the deviation in the PAW boundary. In order to ensure that there are logical lot boundaries it is recommended that this deviation be deleted from the plan of subdivision.

Subject to standard WAPC subdivision conditions, together with those conditions relevant to meeting Council's rights-of-way policy the proposed subdivision can be supported.

OFFICER RECOMMENDATION/S – ITEM No. 9.1.2

That Council refers the application for a two lot subdivision at Lot 83 (No.37) Leake Street, Peppermint Grove back to the Western Australian Planning Commission with a recommendation of approval subject to the following conditions.

1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)
2. A 4.27-metre section be ceded free of cost to the Local Authority to enable the widening of the adjoining laneway in accordance with Council's `Policy on Rights of Way prior to the final clearance of the diagram of survey
3. That the truncation on the north-western corner of the site be increased to a 3 x 3-metre truncation to improve sight-lines `Policy on Rights of Way. Prior to final clearance of the diagram of survey.
4. The applicant making a financial contribution to the upgrading of the paving and drainage along the northern frontage of the parent lot.
5. The proposed deviation in the western boundary of the PAW be deleted from the plan.
6. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on the proposed lot 103 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)
7. The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)
8. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the filling and/or capping of any bores and/or wells, or the identification of any bore and/or well to be retained on the land. (Local Government)
9. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains), and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)

Advice Notes

- i) In regard to Condition 1, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.
- ii) In regard to Condition 2, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.

COUNCIL DECISION – 940

MOVED: Cr C Hohnen, SECONDED: Cr P Macintosh

That Council refers the application for a two lot subdivision at Lot 83 (No.37) Leake Street, Peppermint Grove back to the Western Australian Planning Commission with a recommendation of approval subject to the following conditions.

- 1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)**
- 2. A 4.27-metre section be ceded free of cost to the Local Authority to enable the widening of the adjoining laneway in accordance with Council's `Policy on Rights of Way prior to the final clearance of the diagram of survey**
- 3. That the truncation on the north-western corner of the site be increased to a 3 x 3-metre truncation to improve sight-lines `Policy on Rights of Way. Prior to final clearance of the diagram of survey.**
- 4. The applicant making a financial contribution to the upgrading of the paving and drainage along the northern frontage of the parent lot.**
- 5. The proposed deviation in the western boundary of the PAW be deleted from the plan.**
- 6. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on the proposed lot 103 at the time of subdivision approval being demolished and materials removed from the lot(s). (Local Government)**
- 7. The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)**
- 8. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the filling and/or capping of any bores and/or wells,**

or the identification of any bore and/or well to be retained on the land. (Local Government)

9. All septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains), and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)

Advice Notes

- i) In regard to Condition 1, the Western Australian Planning Commission will accept building clearance requirements as specified in the relevant local planning scheme operative at the time the subdivision approval was granted by the Western Australian Planning Commission.
- ii) In regard to Condition 2, planning approval and/or a demolition licence may be required to be obtained from the local government prior to the commencement of demolition works.

CARRIED: 6/1

Against the Motion: Cr K Farley

9.1.3 CEO ANNUAL LEAVE
MANAGEMENT/GOVERNANCE/POLICY
ATTACHMENT DETAILS

Attachment No	Details
Attachment – Nil	

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Council to consider a request for annual leave from the Chief Executive Officer and the appointment of an Acting Chief Executive Officer during his absence.

SUMMARY AND KEY ISSUES

Nil

LOCATION

N/A

BACKGROUND

The CEO requests annual leave from 19th September until 4th November 2016.

Policy 2.16 – Acting CEO, provides for Council to appoint an Acting CEO when the CEO is absent for more than two weeks.

CONSULTATION

N/A

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications 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

Nil

OFFICER RECOMMENDATION/S – ITEM No. 9.1.3

That Council:

1. Approve the annual leave of the CEO from 19th September to the 4th November.
2. That Paul Rawlings, Manager Corporate Services be appointed Acting CEO for that period of leave.

COUNCIL DECISION – 941

MOVED: Cr K Farley, SECONDED: Cr S Fleay

That Council:

- 1. Approve the annual leave of the CEO from 19th September to the 4th November.**
- 2. That Paul Rawlings, Manager Corporate Services be appointed Acting CEO for that period of leave.**

CARRIED: 7/0

10 MOTIONS ON NOTICE

Nil

11 CONFIDENTIAL ITEMS OF BUSINESS

COUNCIL DECISION – 940

MOVED: Cr K Farley, SECONDED: Cr C Hohnen**THAT:****Under section 5.23 of the Act the meeting be closed to members of the public at this point to allow Council to discuss Agenda Item 11.1.1 – Expression of Interest – Demolition of 2 Bay View Terrace, Peppermint Grove.**

At 5.56pm, the members of the public left the Council Chambers

CARRIED: 7/0

11.1 CONFIDENTIAL ITEM

11.1.1 Expressions of Interest – Demolition of 2 Bay View Terrace Peppermint Grove

MANAGEMENT/GOVERNANCE/POLICY
ATTACHMENT DETAILS

Attachment No	Details
Attachment Nil	

Voting Requirement	:	Simple Majority
Subject Index	:	RV134B
Location / Property Index	:	2 Bay View Terrace, Peppermint Grove
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	Vacant Land (Residence under construction)
Lot Area	:	6,582m ²
Disclosure of any Interest	:	N/A
Previous Items	:	Item No. 11.1.1 24 March 2015
Applicant	:	N/A
Owner	:	Mrs Radhika Oswal
Responsible Officer	:	John Merrick, Chief Executive Officer

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider submissions from Expressions of Interest to demolish 2 Bayview Terrace, Peppermint Grove.

SUMMARY AND KEY ISSUES

- Building is uninhabitable and not the subject of a current building licence.
- Council to consider Expressions of Interest.

LOCATION

Lot 90 on Deposited Plan 56827, being 2 Bayview Terrace, Peppermint Grove.

BACKGROUND

A notice inviting Expressions of Interest from qualified organisations was placed in the West Australian Newspaper on 23rd July 2016.

Those expressions were asked to provide management plans for noise, dust and traffic, as well, a requirement for dilapidation reports to be under taken along with total cost.

Six expressions of interest were received, the details of which follow:

1. Capital Recycling – are a Class 1 Demolition accredited organisation based in Bayswater where they have a very large crusher used to make road base from building rubble. Michael Whitbread is familiar with Capital and its proprietor having worked on projects with them at the Town of Bassendean. They have demonstrated experience working in ‘tight’ residential areas and have adequately addressed all critical areas of the jobs at hand. The quote of \$88,680, plus GST, does not include water usage however, Donovan Norgard is able to supply water from a stand pipe placed on our bore at Manners Hill Park.
2. Olympic Civil Engineering – has a record in the construction industry with expertise in major piling projects from clients such as Decmil, John Holland and Chevron.

The expression does not identify Olympic as a Class 1 accredited, but details a demolition job undertaken in Cottesloe.

It also includes a Job Hazard Analysis and a Workplace, Health, Safety and Environmental Management plan.

They have indicated a demolition price of between \$150,000 and \$200,000.

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3. Builderwest Pty Ltd – is a Class 1 accredited demolition company and has provided three options:
1. \$175,000 for demolition of the structure and spreading the debris across the block over eight weeks;
 2. On site crushing of demolition debris and creation of retaining walls, using the debris from fill over a 26 week period for between \$1.7mil or \$2.4mil;
 3. On site crushing with rubble used to fill behind cross retaining walls over a 22 week period for a total cost of \$275,000.

Builderwest has provided a comprehensive site and safety management plan.

4. Acton Demolition – are Class 2 accredited company, have submitted plans for noise, dust and traffic management and have quoted a price of cost plus 10% for undertaking the dilapidation reports.

Their price is for \$228,000 plus GST.

5. Brajkovich Demolition & Salvage (WA) Pty Ltd – is Class 1 accredited and has submitted a price of \$180,000 plus GST. They have their own recycling and land fill facility and are located in Upper Swan.

Brajkovich has extensive demolition experience in the demolition of both residential and commercial structures, including the “Prix D’Amour” and the Channel 7 Studios.

They have submitted a comprehensive noise, dust, traffic and dilapidation report management plan.

6. Diacon Demolition – Little additional information provided other than a quote of \$275,154 (including GST).

CONSULTATION

Significant consultation has occurred with surrounding residents, lawyers on both sides and LGIS as Councils insurers.

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

Section 110 to 112 of the Building Act 2011 set out the requirements for the making of an order to (in this case) demolish a structure. The owner has submitted, through her Lawyers an agreement to demolish by 30th September 2016 and which has been ruled by SAT.

FINANCIAL IMPLICATIONS

The cost of demolition has not been included as expenditure for the 2016/2017 budget, however, sufficient funds have been identified with which to pay for demolition. It is intended that re-imburement of these costs will be pursued.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

This; property has been the subject of many complaints regarding anti-social behaviour.

OFFICER COMMENT

Company	Class	None	Dust	Transfer	Dilapidation	Price
Capital Recycling	1	✓	✓	✓	✓	\$88,680 plus GST plus water
Olympic Civil Engineering	?	✓	✓	✓	✓	\$150K-\$200K
Builderwest Pty Ltd						
1.	1	✓	✓	X	✓	\$175,000
2.	1	✓	✓	X	✓	\$1.7m-\$2.4m
3.	1	✓	✓	X	✓	\$275,000
Acton Demolition	2	✓	✓	✓		\$228,000 plus GST
Brajkovich Demolition & Salvage (WA) Pty Ltd	1	✓	✓	✓	✓	\$180,000 plus GST
Diacon Demolition	?	?	?	?	?	\$275,154 (inc GST)

History – The reason Council has arrived at this position is simply that an abandoned unfinished building has deteriorated to the point that it is a danger to the public, a haven for itinerants and drug users and is subjected to constant graffiti attacks.

There has been no attempt by the owners to communicate their intentions to Council for the long term future of the building, and there has been no attempt to renew the expired building permit.

Council's action through the SAT was based solely on the long term uncompleted condition of the building and which the Lawyers representing the owners, agreed to demolish the structure by 30th September 2016.

Council's Lawyers have advised that, in the event that the building was not demolished by 30th September 2016, Council was within its rights and within the Law to undertake the demolition itself.

Attempts will be made to recover the cost of demolition from either the owners or the proceeds of the eventual sale of the property, however, such recovery is not guaranteed.

Evaluation of Expressions of Interest

On comparing how each of the submissions addressed the criteria of price, noise, dust, traffic and dilapidation reporting, I would suggest that Capital Recycling, Brajkovich Demolition & Salvage (WA) Pty Ltd and, if Olympic Civil Engineering confirm a Class 1 accreditation, would be the proven front runners.

When comparing physical experience and the demonstrated capacity to recycle much of the demolition material, I would choose Capital or Brajkovich.

From a price point of view, combined with demonstrated expertise and recycling capability, I would recommend Capital.

Of the other three submissions, I excluded them on the following basis:

1. Builderwest Pty Ltd – the price of \$175,000 for option 1 results in the demolished rubble being left on site which would reduce the value of the land, and the other two options would result in a higher undertaking than what is required.
2. Action Demolition – are a Class 2 accredited organisation and the price is significantly more than the three highest rated submissions.
3. Diacon Demolition – did not adequately address the criteria requested and the price is significantly more than the higher rated submissions.

OFFICER RECOMMENDATION/S – ITEM No. 11.1.1

That Council:

1. Selects Capital as the preferred supplier in line with its submitted quotation for the demolition of 2 Bayview Terrace, Peppermint Grove.

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2. That the Chief Executive Officer negotiates a start date after the 30th September 2016, which represents the best interests of the residents.

COUNCIL DECISION – 942**Moved: Cr K Farley, Seconded: Cr G Peters****That Council:**

1. **Selects Capital as the preferred supplier in line with its submitted quotation for the demolition of 2 Bayview Terrace, Peppermint Grove.**
2. **That the Chief Executive Officer negotiates a start date after the 30th September 2016, which represents the best interests of the residents.**

CARRIED: 7/0**COUNCIL DECISION – 943****Moved: Cr K Farley, Seconded: Cr G Peters****THAT:**

The meeting be re-opened to the public at 6.28 pm, no members of the public returned to the Council Chambers.

There being no members of the public present, the Presiding Member dispensed with reading out the Council Decision.

CARRIED: 7/0**12 CLOSURE**

At 6.30 pm, there being no further business the meeting closed.