



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY 23 MAY 2017
AT
5.30 PM



Shire of Peppermint Grove

NOTICE OF MEETING

Dear Councillor

It is advised that the **COUNCIL MEETING** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday **23 MAY 2017**, commencing at 5.30 pm.

MEETING AGENDA ATTACHED

Yours faithfully



Mr John Merrick JP
CHIEF EXECUTIVE OFFICER

23 MAY 2017

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Shire of Peppermint Grove

TABLE OF CONTENTS

ITEM	SUBJECT HEADING	PAGE
1	DECLARATION OF OFFICIAL OPENING	5
2	RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE	6
2.1	ATTENDANCE	6
2.2	APOLOGIES	6
2.3	LEAVES OF ABSENCE	6
2.4	NEW REQUEST FOR A LEAVE OF ABSENCE	6
3	DELEGATIONS AND PETITIONS	6
3.1	DELEGATIONS	6
3.2	PETITIONS	6
4	PUBLIC QUESTION TIME	7
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	7
4.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	7
4.3	DEPUTATIONS OF THE PUBLIC	7
5	DECLARATIONS OF INTEREST	8
5.1	FINANCIAL INTEREST	8
5.2	PROXIMITY INTEREST	8
5.3	IMPARTIALITY INTEREST	8
5.4	INTEREST THAT MAY CAUSE A CONFLICT	8
5.5	STATEMENT OF GIFTS AND HOSPITALITY	9
6	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	9
7	CONFIRMATION OF MINUTES	9
7.1	ORDINARY COUNCIL MEETING 18 April 2017	9
7.2	AGENDA BRIEFING FORUM 9 May 2017	9

ITEM	SUBJECT HEADING	PAGE
7.3	CONCEPT FORUM 9 May 2017	9
8	CHIEF EXECUTIVE OFFICER REPORTS	10
8.1	URBAN PLANNING	10
8.1.1	Building Permits Issued	10
8.1.2	Proposed Tennis Court Lighting: Lot 802 (No.43) Keane Street, Peppermint Grove.	11
8.1.3	Proposed Two-Lot Amalgamation Lots 1 & 2 (No.52 & 54) Irvine Street, Peppermint Grove.	14
8.1.4	Demolition of Two Storey Dwelling: Lot 2 (No.154) Forrest Street Peppermint Grove	17
8.1.5	Final Adoption of Local Planning Policies Under Local Planning Scheme No.4 & Revocation of Superseded Town Planning Scheme No. 3 Local Planning Polices.	21
8.2	INFRASTRUCTURE	27
8.3	COMMUNITY DEVELOPMENT	27
8.4	MANAGEMENT / GOVERNANCE / POLICY	28
8.4.1	Review of Delegated Authority	28
8.4.2	WALGA - Annual General Meeting – 2 nd August 2017	31
8.5	CORPORATE	34
8.5.1	Financial Report – April 2017	34
8.5.2	Accounts Paid – April 2017	38
9	NEW BUSINESS OF AN URGENT NATURE	41
10	MOTIONS ON NOTICE	41
11	CONFIDENTIAL ITEMS OF BUSINESS	41
12	CLOSURE	41

Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING AGENDA

1 DECLARATION OF OFFICIAL OPENING

At _____ pm, the Shire President declared the meeting open and requested that the Affirmation of Civic Duty and Responsibility be read aloud by a Councillor and requested the recording of attendance and apologies.

Council recognises that it is permissible to record the Shire's Council and Forum Meetings in the written, sound, vision medium (or any combination of the mediums) when open to the public, however, people who intend to record meetings are requested to inform the Presiding Member of their intention to do so.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by Councillor _____.

Affirmation of Civic Duty and Responsibility

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

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

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

Visitors _____, from _____
Gallery _____ Members of the Public
_____ Members of the Press

2.2 APOLOGIES

2.3 LEAVES OF ABSENCE

Cr G Peters – Approved at the Ordinary Council Meeting 28 March 2017

Cr K Farley – Approved at the Ordinary Council Meeting, 18 April 2017

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

3.2 PETITIONS

4 PUBLIC QUESTION TIME

At _____ pm the Presiding Member opened the public question time by asking the gallery if there were any questions or deputation for Council.

- The Agenda
- Question to Council and
- Deputation Forms

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

Rules for Council Meeting Public Question Time

- Public Question Time provides the public with an opportunity to put questions to the Council. Questions should only relate to the business of the Council and should not be a statement or personal opinion.*
- During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- All questions should be directed to the President and only questions relating to matters affecting Council may be answered at an Ordinary meeting, and at a Special meeting only questions that relate to the purpose of the meeting may be answered. Questions may be taken on notice and responded to after the meeting, at the discretion of the President.*
- The person presiding will control Public Question Time and ensure that each person wishing to ask a question should state his or her name and address before asking the question. If the question relates to an item on the agenda, the item number should also be stated. In general, persons seeking to ask a question will be given 2 minutes within which to address their question to the Council. The person presiding may shorten or lengthen this time in their discretion.*

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

4.3 DEPUTATIONS OF THE PUBLIC

At _____ pm, 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

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

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

5.2 PROXIMITY INTEREST

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

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

5.3 IMPARTIALITY INTEREST

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

5.5 STATEMENT OF GIFTS AND HOSPITALITY

Councillors and staff are required (Code of Conduct), to disclose gifts and acts of hospitality which a reasonable person might claim to be a conflict of interest. Gifts and acts of hospitality which exceed that amount of prescribed by regulation are to be recorded in the Councils Gift Register.

6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.

7 CONFIRMATION OF MINUTES

7.1	ORDINARY COUNCIL MEETING	18 APRIL 2017
7.2	AGENDA BRIEFING FORUM	9 MAY 2017
7.3	CONCEPT FORUM	9 MAY 2017

8 CHIEF EXECUTIVE OFFICER REPORTS

8.1 URBAN PLANNING

8.1.1 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 for April 2017;

- No Building Permits

8.1.2 Proposed Tennis Court Lighting: Lot 802 (No.41) Keane Street, Peppermint Grove.
URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 1	41 Keane Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	41 Keane Street
Application Index	:	016-204
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	1821m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	J Kramer
Owner	:	N Kerr
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.*
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PURPOSE OF REPORT

For Council to determine an application to construct four light poles to illuminate a recreational half-court tennis area at the rear No. 41 Keane Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The proposed tennis court lighting would comply with the Emission and Reflection of Light Local-law.
- Conditional approval has been recommended.

LOCATION

Please refer to attached location plan.

BACKGROUND

Council granted planning approval on the 24 November 2015, for the development of a two storey brick and colour-bond house incorporating an ancillary dwelling.

The house is currently under construction and is anticipated to be complete by later in 2017.

CONSULTATION

The adjoining/affected landowners were contacted in regard to the proposal. No written comments have been received.

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

The assessment of applications for tennis court lighting falls under both the Scheme in regard to light pole structures, and which fall under the broad definition of development found in the Planning and Development Act.

In regard to the possible negative impacts from light spill, the Shire's Emission and Reflection of Light Local-Law sets down a maximum light intensity at the common boundary of 50 lux.

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 application submitted includes a light plan which demonstrates that the light over spill drops to below 50 Lux on the adjoining owner's land and would comply with the Emission and Reflection of Light Local-law.

Four light poles are proposed at 8-metres in height to be located approximately 1.5-metres from the boundary, which is a common setback for tennis court designs. There are no objections to the proposal on planning grounds and a conditional approval can be recommended.

OFFICER RECOMMENDATION/S – ITEM No.8.1.2

That Council grant planning approval for tennis court lighting on Lot 802 (No.41) Keane Street, Peppermint Grove in accordance with the plans and specifications submitted on 28 March 2017, subject to the following conditions;

- 1. The light emission shall not exceed 50 lux at the boundary of the subject site.**

8.1.3 Proposed Two-Lot Amalgamation Lots 1 & 2 (No.52 & 54) Irvine Street,
Peppermint Grove.

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2	Lots 1 & 2 Irvine Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	Los 1 & 2 Irvine Street
Application Index	:	N/A
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Vacant
Lot Area	:	Lot 1: 1654m ² & Lot 2: 1657m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Rowe Group
Owner	:	P K and V P Pascall
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

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PURPOSE OF REPORT

For Council to provide comment and a recommendation to the Western Australian Planning Commission in regard to an application for the amalgamation of two-lots.

SUMMARY AND KEY ISSUES

- The plan of subdivision complies with the Scheme and density code(s) applicable to the site.
- The existing buildings are to remain.
- Conditional approval can be recommended to the WAPC.

LOCATION

Please refer to attached location plan.

BACKGROUND

N/A

CONSULTATION

N/A

STRATEGIC IMPLICATIONS

There are no strategic planning implications associated with this application.

POLICY IMPLICATIONS

There are no Policy implications evident at this time.

STATUTORY IMPLICATIONS

The application was made to the Western Australian Planning Commission, which is the determining authority for the subdivision of land in the State.

As part of the amalgamation process applications are referred to the Local Authority for comment prior to determination by the WAPC.

There are no objections from a planning perspective on the proposed two-lot amalgamation.

FINANCIAL IMPLICATIONS

There are no costs associated with the proposal evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental/health implications associated with the proposed amalgamation.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Under Local Planning Scheme No.4, the subject site is zoned R12.5. The resulting lot area following amalgamation would be 3311m².

The extant dwellings, outbuildings and access points will remain as is and the streetscape of Irvine Street would not be affected in any way. Neither house is on the Shire's recently adopted Heritage List.

There are no objections to the proposed two-lot subdivision, and a recommendation of approval can be made to the WAPC without any conditions being required.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.3

That Council advises the Western Australian Planning Commission that it recommends approval for the proposed two-lot amalgamation at Lots 1 & 2 (52 & 54) Irvine Street Peppermint Grove.

8.1.4 Demolition of Two Storey Dwelling: Lot 2 (No.154) Forrest Street Peppermint Grove
URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 3	154 Forrest Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	154 Forrest Street
Application Index	:	015-147
TPS No 3 Zoning	:	Residential R10
Land Use	:	Single Dwelling
Lot Area	:	1177m ²
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Jon Stewart
Owner	:	Jon Stewart
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

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PURPOSE OF REPORT

For Council to consider an application for an extension of the two year approval period for the demolition of the two storey dwelling on the subject site. Plans for a replacement dwelling have not been submitted, and the existing approval will expire on the 24 November 2017.

SUMMARY AND KEY ISSUES

- The house is on the Shires Heritage List as a Category 2 building.
- No replacement plans have been submitted
- The new owner is seeking the previous approval, a 24 month extension.
- Conditional approval is recommended.

LOCATION

As per the attachment.

BACKGROUND

The two-storey face brick and terracotta tile dwelling on the site was built in 1945. Some modifications to provide for a nurses quarters over the rear garage was carried out in the 1970's.

In the 1960's the house was converted into two flats (under the 1966 GR-Codes) and the built strata subdivision carried out only involved the separation of the two floors of this building into separate dwellings. The open space of the site subsequently formed common property for this Strata development. Since that time the built strata plan for the two flats within the building has been dissolved and the site is now able to be renovated into a single dwelling or alternatively seek approval for redevelopment.

Council at its meeting held on the 24 November 2015 (item 8.1.3 refers), granted planning approval for the demolition of this Category 2, two-storey brick and tile dwelling. At that time the owner of the site had no objection to a planning condition requiring the issue of a building permit for a replacement dwelling prior to the issue of a demolition permit. On that basis the planning consent issued included the following conditions.

1. *Prior to the issue of a demolition permit, the applicant shall submit and have approved to Council's satisfaction, a planning application and a building permit for a replacement dwelling on the subject site.*
2. *Any proposed dwelling on the subject site shall comply with Local Planning Policy No. 3 "Heritage", to the satisfaction the Council, insofar as the replacement dwelling recognising by its position the adjoining residence and precinct.*
3. *Prior to the issue of a demolition permit the owner shall provide an archival record for the building including a site plan and photographs of all elevations and internal features of the building to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.*

Since that time however, the property has changed hands and Council has altered the definition of a Category 2 place on its heritage list to preclude demolition from being at the landowner's discretion, and instead allow Council to make the decision following a further heritage assessment if required.

CONSULTATION

Adjoining/affected landowners have been advised in writing of the proposed demolition. No written submissions have been received.

However, a telephone enquiry was taken in early 2016 from a nearby landowner requesting that they be given the opportunity to view any replacement plans when submitted.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

Under sub-regulation 61(1)(e) of the Planning and Development (Local Schemes Regulations 2015), ensures that in the case of heritage listed properties, that planning consent is required prior to any works, including demolition.

Therefore the proposed demolition, still requires planning consent as the dwelling is on the Shire's Heritage List as a Category 2 building.

In this instance the landowner is seeking to extend the timeframe for the submission of replacement dwelling plans for two years. Regulation 77(1) & (2), allow Council to consider either before or after expiry of a development application to;

'...extend the period in which the development approved must be substantially commenced'

In this instance the development is the submission of replacement plans, and includes permission to demolish the house at No. 154 Forrest Street.

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 applicant is to extend the life of an approval to demolish the Category 2 dwelling on the site from 24 November 2017 to 24 November 2019. The new owners are aware of the requirement when a Category 2 building is demolished that the replacement dwelling should recognise by its siting on the property, respect the dwelling it replaces and by its design, the amenity of the immediate area and adjoining dwellings.

The house has been inspected and is not outstanding in any way. The internal spaces are modest and any architectural features or details unremarkable. Although, it was assessed that the building does in fact, due to its siting contribute to something to *'...the atmosphere of Peppermint Grove...'* a suitably sited and scaled replacement dwelling that accords with the Shire's new Heritage Policy would also reinforce the character of the locality, but with vastly improved amenity to the occupants of such a future dwelling.

Given that the property has recently changed hands and that the design process, subsequent approvals process and working drawings take at least 12-18 months to complete, the request in this instance is considered reasonable.

On this basis it is recommended that a two years extension be approved subject to the same conditions as issued in November 2015.

OFFICER RECOMMENDATION/S – ITEM No.8.1.4

That Council grant planning approval for the proposed demolition of a two storey dwelling on Lot 2 (No.154) Forrest Street, Peppermint Grove be extended from 24 November 2017 to the 24 November 2019, under Clause 77(1) of the Planning and Development (Local Schemes Regulations 2015), in accordance with the plans and specifications submitted on 15 October 2015, subject to the following conditions;

- 1. Prior to the issue of a demolition permit, the applicant shall submit and have approved to Council's satisfaction, a planning application and a building permit for a replacement dwelling on the subject site.**
- 2. Any proposed replacement dwelling on the subject site shall comply with the intent of the of the Shire's Local Planning Policy 'Heritage Places', to the satisfaction the Council insofar as the replacement dwelling, recognising by its position, the adjoining residence and precinct.**
- 3. Prior to the issue of a demolition permit, the owner shall provide an archival record for the building including a site plan and photographs of all elevations and internal features of the building to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.**

8.1.5 Final Adoption of Local Planning Policies Under Local Planning Scheme No.4 & Revocation of Superseded Town Planning Scheme No. 3 Local Planning Polices.

URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 4	Local Planning Policies 1, 2, 3, 4, & 6.

Voting Requirement	:	Simple Majority
Subject Index	:	
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	:	Nil
Previous Items	:	Item 9.1.3 refers (28 February 2017).
Applicant	:	N/A
Owner	:	N/A
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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- 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 final adoption of the attached draft Local Planning Policies (LPPs) 2, 3, 4 & 6 to form the policy framework under Local Planning Scheme No.4.

Council may also consider adopting LPP 1 in draft form only at this stage. Prior to becoming effective, it would require WAPC endorsement following an amendment to the R-Codes to allow Streetscape issues to require planning consent.

These policies form an important element of the *local planning framework* for the Shire, as defined under the Residential Design Codes.

SUMMARY AND KEY ISSUES

- The draft LPP's have been advertised and two written submissions were received.
- LPP1 still requires endorsement by the WAPC once the R-Codes are amended.
- LPP's 2, 3, 4 & 6 are recommended for final adoption with modifications.
- Superseded policies require revocation.

BACKGROUND

Council at its meeting held on the 28 February 2017 (item 9.1.3 refers), resolved to adopt for the purposes of advertising, the following draft Local Planning Policies for a 21 day period under the Planning and Development (Local Planning Schemes) Regulations 2015.

LPP1 Urban Design and Streetscape Policy

LPP2 Carports, Garages and Minor Structures in the Street Setback Area

LPP3 Heritage Places

LPP4 Residential Building Heights

LPP6 Neighbour Consultation on Development

CONSULTATION

Under the provisions of the Planning and Development Regulations (Local Planning Schemes) Regulations 2015, LPP's are required to be advertised for 21 days in a local newspaper. In addition to this minimum requirement, copies of the draft LPP's were also made available on the Shire's website as well as hard copies at the counter of the Shire office.

Advertising commenced on the 4 March 2017 and two submissions were received. The first submission suggested a small change to the LPP4 Residential Building Heights and that under this policy that this be amended to remove reference to the Deemed-to-Comply as outlined in Italics.

8. The development meeting with all other provisions of the Scheme and the *Deemed-to-Comply* provisions of the R-Codes.

The second submission supported the general thrust of the range of policies proposed and suggested that a design review panel be established, particularly in regard to large redevelopments in the Shire along Stirling Highway.

The Shire also requested comment from its Heritage Consultant in regard to the draft LPP 3 '*Heritage Places*', and as a result of the comments made several worthwhile amendments have been incorporated into this policy.

STRATEGIC IMPLICATIONS

Local Planning Policies are an important planning mechanism for the Shire to be able to implement its Local Planning Strategy in regard to the preservation of the character and amenity of the Shire, including its heritage streetscapes and buildings.

Local Planning Policies also provide a framework for consistent decision making and provide clear guidance to landowners and developers as the circumstances where variations to development standards will be considered and emphasize the importance of the context when planning development in the Shire.

POLICY IMPLICATIONS

These new policies represent either an update to existing LPP's (Carports and Garages), or a response to planning issues that have come to light from experience gained in the assessment process such as the revised heights and to ensure there are limits to the flexibility available in the new Scheme and R-Codes.

The Planning and Development (Local Planning Schemes) Regulations 2015, allow existing policies to continue as if they were adopted under the new Scheme, provided they are not in conflict with the R-Codes. Two carryover LPP's from TPS 3 which are to continue for the time being are;

- *Right of Ways*
- *Development Guidelines for R25 Super block-Bay View Terrace*

The Rights of Way policy has already begun the review process and the Shire is currently in discussions with the Department of Lands in regard to the treatment of the ceded areas which will have considerable bearing on the details of any new policy.

The Super block Development Guidelines are an extensive document that will need to be reformatted for re-adoption in the near future. The only amendment to this policy would be the inclusion of the change to the plot ratio from 0.50 to 0.65 to reflect Council decisions to date on the new dwellings in this R25 area of the Shire.

STATUTORY IMPLICATIONS

The draft policies have been through the process

FINANCIAL IMPLICATIONS

The costs associated with the advertising of the draft LPP's for the 21 day period were in the region of \$1500.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Under Clause 26 of Local Planning Scheme No 4, Council has carried over a combination of development control provisions that have determined development in the Shire for nearly 60 years. These include the 9-metre primary street setback (in lieu of the 7.5-metre setback in the R-Codes), a secondary street setback of 4.5-metres and a plot ratio of 0.5.

Under Clause 7.1 of the R-Codes entitled 'Local Planning Framework', Council is able to adopt Local Planning Policies provided they are:

'... consistent with the provisions of the R-Codes insofar as it guides the consideration of the decision maker to judge proposals.'

In addition LPP's can be adopted to deal with the planning issues of determining 'Context' (Clause 5.1) and the objectives relevant to the Shire are outlined below;

- a) *To ensure residential development meets community expectations in regard to appearance, use and density.*
- b) *To ensure designs respond to the key natural and built features of the area and respond to the local context in terms of bulk and scale, or in the case of precincts undergoing a transition, will respond to the desired future character as stated in the **local planning framework.***

The policies advertised have been assessed as complying with the requirements of the R-Codes with the exception of proposed LPP1 'Urban Design and Streetscape', which would be in conflict with the provisions of the Planning and Development (Local Planning Scheme) Regulations 2015. This is because these regulations exempt single dwellings from the need to obtain planning consent if they simply meet the Deemed-to-Comply provision of the R-Codes, as well as any prescribed provision of a Local Planning Scheme.

LPP 1 does, however, seek to address development issues that are not easily prescribed and are context driven and site specific, such as the proximity of development to heritage buildings, and the effect on established streetscapes and precincts. These are planning control issues that can only be determined by Council via the planning process and it was optimistic at best to expect the Deemed-to-Comply provisions of the R-Codes to be adequate to the task.

An application for a new single house that requires a development application for a variation would be subject to planning policies, whereas a single house that meets the Deemed-to-Comply provisions of the R-Codes (and the general scheme provisions) would not be subject to the same rigorous assessment. This creates inconsistent planning outcomes.

The WAPC has recently recognised this issue in the following statement made to outline the rationale for the proposed amendment to the R-Codes to introduce a 'streetscape' clause 5.2.7.

The proposed streetscape appearance clause seeks to address unintended consequences of the Planning and Development (Local Planning Schemes) Regulations 2015, whereby R-Code compliant single houses bypass development approval (due to exemption under clause 61(1) (d) and application of local planning policy. Local Planning Policy requirements will apply as if they are 'read into' the R-Codes provided WAPC approves.

This crucial amendment to the R-Codes is unfortunately still pending the approval of the WAPC, and although this is anticipated for early 2017, it must be then followed by the Governor's assent.

Nevertheless, there has been some benefit in LPP1 having been advertised at this stage, so that when (and if) this amendment is gazetted, the policy has already been considered by the community, and Council. This policy can then be forwarded immediately to the WAPC for approval. A separate recommendation has been prepared on this matter.

If Council resolves to adopt the suite of LPP's as recommended, revocation of several of policies made under Town Planning Scheme No. 3 will also be required.

OFFICER RECOMMENDATION/S – ITEM No.8.1.5

- 1. That Council adopts in accordance with the Deemed provisions of the Planning and Development (Local Planning Scheme) Regulations 2015, the following Local Planning Policies.**

LPP2 Carports, Garages and Minor Structures in the Street Setback Area.

LPP3 Heritage Places.

LPP4 Residential Building Heights.

LPP6 Neighbour Consultation on Development.

- 2. That Council adopts LPP1 `Urban Design and Streetscape Policy' and delegates referral of this policy to the WAPC by the Chief Executive Officer for final approval following gazettal of proposed Clause 5.2.7 `Streetscapes' under the R-Codes.**

- 3. That Council revokes the following planning policies made under Town Planning Scheme No.3, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015;**
 - Advising Adjoining Owners of Development Proposals**
 - Streetscape**
 - Satellite Dishes**
 - Carport and Garages**
 - Underground Power**
 - Outbuildings.**

8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Review of Delegated Authority

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5	Delegation Register

Voting Requirement	:	Simple Majority
Subject Index	:	File Ref: GV021B
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	:	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 review the current 15 delegations contained within the Delegations Register.

SUMMARY AND KEY ISSUES

- It is a statutory requirement for Council to undertake a review of its Delegations Register on an annual basis.

LOCATION

N/A

BACKGROUND

The Delegation Register was last reviewed in May 2016.

CONSULTATION

N/A

STRATEGIC IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

STATUTORY IMPLICATIONS

The Local Government Act 1995 requires Council to review delegations annually.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The Delegations Register forms an attachment to this item and the current 15 delegations are contained therein.

OFFICER RECOMMENDATION/S – ITEM No.8.4.1

That Council review the Shire of Peppermint Grove Delegation Register and reaffirm the 15 delegations outlined.

8.4.2 WALGA - Annual General Meeting – 2nd August 2017
MANAGEMENT/GOVERNANCE/POLICY
ATTACHMENT DETAILS

Attachment No	Details
Attachment 6	Notice of Annual General Meeting 2017

Voting Requirement	:	Simple Majority
Subject Index	:	File Ref: GR097D
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	:	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.*
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PURPOSE OF REPORT

The Annual Local Government Convention.

SUMMARY AND KEY ISSUES

- | |
|--|
| <ul style="list-style-type: none">• For Council to nominate two voting delegates and two proxy delegates to represent the Shire of Peppermint Grove. |
|--|

LOCATION

N/A

BACKGROUND

The Annual Local Government Convention is to be held commencing on Tuesday 1st August 2017, with the Mayors and Presidents Forum.

The full details of the program for the Convention will be available in May for Councillors interested in attending all or some of the sessions.

The Notice of the Annual General Meeting is attached.

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no financial implications 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

Council has been asked to nominate two voting delegates for the AGM, which is to be held on Thursday 3rd August 2017, along with two proxy delegates.

Submissions for motions to be resolved at the AGM are required by Monday 5th June 2017.

OFFICER RECOMMENDATION/S – ITEM No.8.4.2

That Council:

- 1. Nominate two voting delegates and two proxy delegates to represent the Shire of Peppermint Grove at the WALGA Annual General Meeting, on Thursday 3rd August 2017.**
- 2. That Council consider any motion it would like considered at that Annual General Meeting.**

8.5 CORPORATE

8.5.1 Financial Report – April 2017

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7	Financial Report – April 2017

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
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	:	Nil
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.*
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PURPOSE OF REPORT

To provide Council with a report of financial activity for the period 1 July 2016 to 30 April 2017

SUMMARY AND KEY ISSUES

- The financial report for the ten-month period ended 30 April 2017 indicates a year-to-date surplus of \$1,844,376, some \$94,497 more than forecast;
- Operating revenue is some \$23,405 more than forecast.
- Operating expenditure is some \$84,344 less than forecast;
- Capital expenditure totalling \$433,627 has been incurred.

LOCATION

N/A

BACKGROUND

Nil

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The financial reports indicates Council remains on target to achieve (and probably exceed) its budgeted surplus of \$229,466.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The following comments relate to variances greater than \$10,000.

(1) Fees & Charges

Revenue from fees and charges is some \$14,438 less than expected, due mainly to limited receipt of development application fees during the year-to-date. Whilst there is scope for any shortfall of revenue from this source to be replaced from other sources any prolonged downturn in development activity may have implications for future year's budgets.

(2) Contributions & Reimbursements

Revenue from contributions and reimbursements is some \$23,686 greater than forecast at the end of March. This is due to the unbudgeted raising of contributions from other local governments for long service leave due to S Farley (\$9,800) and P Rawlings (\$19,200). The remaining \$10,000 of contributions/reimbursements for the year relates to the Infant Health Clinic reimbursement invoice yet to be raised.

(3) Employee Costs

Employee costs are some \$37,069 less than expected. This figure mainly represents staff salaries and wages to be accounted for (accrued) as at 30th June 2017. In addition the final quarterly fringe benefits tax payment is not included in the above figure.

(4) Materials and Contracts

Materials and contracted expenses are some \$33,501 less than expected at the end of April though much of this relates to invoices yet to be received (particularly waste collection and recycling services and building maintenance costs).

Nevertheless some savings in the areas of legal expenses, landscaping and facility cleaning can be expected.

(5) Insurances

Council's total insurance premiums for 2016/17 are some \$12,333 less than estimated. The majority of these savings relates to worker's compensation premium savings for the current year plus a premium adjustment from 2015/16 rebated in 2016/17. Other minor savings have been achieved under the industrial special risks, liability and vehicle insurance categories.

(6) Transfers from Reserves

Funds to cover the cost of public artworks (\$15,000) will be transferred in June. No further transfers will be required in 2016/17.

(7) Net Current Assets Year-to-Date

Net current assets as at 30 April 2017 exceed the forecast figure by some \$94,497, due to the actual versus budget variances noted above and other minor variations in other categories included in the financial report.

OFFICER RECOMMENDATION/S – ITEM No. 8.5.1

That the Financial Report for the period 1 July 2016 to 30 April 2017 be received.

8.5.2 Accounts Paid – April 2017
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment 8	Accounts Paid – April 2017

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.*
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PURPOSE OF REPORT

The purpose of this report is to obtain approval for cheques drawn, credit card and electronic funds payments and direct debits since the last report.

SUMMARY AND KEY ISSUES

Significant payments in April 2017 included the following:

- GST & PAYG remittance to ATO;
- Payment for electricity to Synergy;
- Payments for waste disposal to WMRC;
- Staff & Shire 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, credit card payments, electronic fund transfers, direct debits and accounts included in the list presented for payment.

PAYMENT TYPE

	<u>AMOUNT</u>
Credit Card Transactions	\$11,125.91
Cheques 257 – 262	\$5,429.31
Electronic Funds Transfers 00072 – 00084 (excluding credit cards)	\$226,554.30
TOTAL	\$243,109.52

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 2016/2017 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. 8.5.2

That:

The payment of cheques, electronic funds payments and credit card payments for April 2017, totalling \$243,109.52 be approved.

9 NEW BUSINESS OF AN URGENT NATURE

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

10 MOTIONS ON NOTICE

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

11 CONFIDENTIAL ITEMS OF BUSINESS**12 CLOSURE**

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

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

TO: Chief Executive Officer
SHIRE OF PEPPERMINT GROVE

NAME:

POSITION:

MEETING DATE:

ITEM NO & SUBJECT:

**NATURE OF
INTEREST:**

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

* Please Circle
applicable

**EXTENT OF
INTEREST:**

SIGNATURE:

DATE:

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

FINANCIAL & PROXIMITY INTERESTS

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

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

DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

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

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