



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY 25 OCTOBER 2016
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 **25 OCTOBER 2016**, commencing at 5.30 pm.

MEETING AGENDA ATTACHED

Yours faithfully

Mr Paul Rawlings
Acting/CHIEF EXECUTIVE OFFICER

25 OCTOBER 2016

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Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request.



Shire of Peppermint Grove

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Shire of
Peppermint Grove

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 K Farley
Elected Member	Cr S Fleay
Elected Member	Cr D Horrex
Elected Member	Cr P Macintosh
Elected Member	Cr G Peters
Manager Corporate Services	Mr P Rawlings Acting CEO
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

Chief Executive Officer, Mr John Merrick

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 ~ 27 SEPTEMBER 2016

7.2 ADENDA BRIEFING FORUM ~ 11 OCTOBER 2016

7.3 CONCEPT FORUM ~ 11 OCTOBER 2016

7.4 SPECIAL MEETING OF COUNCIL ~ 4 OCTOBER 2016

8 CHIEF EXECUTIVE OFFICER REPORTS

8.1 URBAN PLANNING

8.1.1 Proposed Change of Use `Office` to `Public Amusement` (Jiu Jitsu School): Suite 36 on Various Lots (No.460-476) Stirling Highway, Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	460-476 Stirling Highway

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	460-476 Stirling Highway
Application Index	:	016-181
TPS No 3 Zoning	:	Commercial
Land Use	:	Office
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Paulo Tavares
Owner	:	Primewest
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 a development application for a change of use from 'Office' to 'Public Amusement'. The proposed land use involves the conversion of upper level office suites within Cottesloe Central Shopping Centre.

It is anticipated that the class sizes will be 20-30 pupils in an area of 200m².

SUMMARY AND KEY ISSUES

- The proposed land use is considered compatible with the other recreation based activities in the Shopping Centre.
- Parking availability is considered adequate
- Conditional approval has been recommended.

LOCATION

As per the attached location plan.

BACKGROUND

Suite 36 within the Cottesloe Central Shopping Centre was used as an office for several years, but is now vacant.

CONSULTATION

The proposed land use was assessed as having no direct impact to properties adjoining Cottesloe Central Shopping Centre.

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

<u>TOWN PLANNING SCHEME NO. 3</u>	
Scheme Requirement/Clause	Assessment/Comment
1.	Built form provisions
2.	Approved Land Use: Office ('P')
3.	Parking
	N/A No works proposed
	Proposed Land Use : Public Amusement ('AA')
	Complies*(refer Officers comment below).

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The proposed change of land use from office to a Jiu Jitsu school, would in the context of the Cottesloe Shopping Centre, result in a marginal increase in parking demand.

Town Planning Scheme No.3 requires that one car bay is required for every six seats where the land use 'Public Amusement' is being considered. However, the Town Planning Scheme for this land use does not contemplate this type of activity and therefore Council may wish to consider determining parking on merit.

A survey done of the Shopping Centre parking capacity and demand in 2014 revealed that at peak times, between 9:00am and 12:00pm there were some 50-65 unoccupied bays available in the car parking areas. At other times, late afternoon and early evenings, this number increases to over 150 unoccupied bays so the parking demand on the 550 bays available within the centre is assessed as being capable of meeting demand.

The Jiu Jitsu School will only operate during the following days and times:

Monday: 12:00 pm to 1:00pm, & 6:00pm to 7:00pm.

Tuesday: 4:00pm to 5:00pm.

Thursday: 4:00pm to 5:00pm.

Friday: 12:00pm to 1:00pm.

Suite 36 would be in use by students for a total of 5 hours over a four day period in any one week and would not constitute excessive demand on the onsite parking available. However, this assessment is based on the modest hours of use and it is recommended that if the business wishes to increase the span of hours to increase the frequency of classes held that a fresh application be lodged to allow Council to re-assess the impact of this land use. A condition stipulating this has been included in the recommendation for approval.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.1

That Council grant planning approval for change of use from 'Office' to 'Public Amusement' (Jiu Jitsu School) at 460-476 Stirling Highway, Peppermint Grove, in accordance with the plans and specifications submitted on 23 September 2016, subject to the following conditions:

- 1. The proposed land use, the subject of this approval, shall be commenced within two-years of the date of issue of the consent forms.**
- 2. The business shall operate within the hours proposed in the application. Any extension of hours shall be the subject of a separate planning application.**

Advisory Note:

- i) The applicant is advised to contact the Shire in regard to the Environmental Health Requirement with the use of the suite as a public building under the Health Act.**

8.1.2 Demolition of a Single Storey Brick and Tile Dwelling and a Replacement Two Storey Dwelling with basement Parking and Loft: Lot 38 (No.47) Johnston Street Peppermint Grove.

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item refers	47 Johnston Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	47 Johnston Street
Application Index	:	016-180
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	718m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	LAH Architects and Construction Pty Ltd.
Owner	:	Tupac Investments Pty Ltd.
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

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PURPOSE OF REPORT

For Council to determine an application to demolish a single storey brick and tile dwelling and a replacement two-storey masonry and iron dwelling with basement car parking and non-habitable loft space.

SUMMARY AND KEY ISSUES

- The existing house is not on the Shire's Heritage List
- In terms of design the proposed dwelling complies for the most part with the R-Codes and Town Planning Scheme No.3.
- The habitable space in the basement would result in excessive plot ratio.
- A conditional approval is recommended.

LOCATION

Please refer to attached location plan

BACKGROUND

Council granted approval to build the single storey two bedroom house at No. 47 Johnston Street, in August 1961. The house was designed by Summerhayes' Architects and built by Karlson Constructions for a Mrs Vivian.

No further structural works have been carried out to the house since that time.

CONSULTATION

Adjoining/affected land owners were consulted and no written submissions were 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

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.	0.48: Complies
2.	10-metre height (excluding basement)	9.6-metres to the ridge: Complies
3.	9-metre street setback	9.9-metres
<u>RESIDENTIAL DESIGN CODES</u>		
Deemed to comply		Assessment/Comment
1	6-metre rear setback	11-metres Complies.
2	55% Open Space	59% Open Space: Complies
3	Side setbacks	Comply with Table 2A
4	Privacy	Frosted windows to the eastern elevation. Deemed-to-comply distances elsewhere.

Heritage

The single storey dwelling on the site does not appear on the Shire's heritage list and there are no listed buildings on any of the adjoining land.

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 proposed replacement dwelling complies with the R-Codes and Town Planning Scheme No.3.

Although the basement office component is habitable, it is located wholly below natural ground level and should not be counted as part of the plot ratio for the site, as it would not add to the bulk and scale of the building.

The loft element has been assessed as non-habitable based on the low ceiling heights which are below 2-4-metres directly under the ridge. This is a modest space and would only be suitable for storage purposes.

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 alterations and additions on Lot 38 (No.47) Johnston Street, Peppermint Grove in accordance with the plans and specifications submitted on 2 September 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 38 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 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.**
- 4. 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.**
- 5. The right-of-way adjoining the western boundary of the subject site 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.**
- 6. The crossover to the Johnston 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.**

- 7. The redundant crossover to the Johnston Street frontage of the site shall be closed and the kerb and verge reinstated 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.**

8.1.3 Proposed Alterations and Restorations. Lot 63 (No.12) The Esplanade,
 Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3	12 The Esplanade

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	12 The Esplanade
Application Index	:	016-183
TPS No 3 Zoning	:	Residential
Land Use	:	Single Dwelling
Lot Area	:	1597m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Theresa Smith
Owner	:	Theresa Smith
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

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PURPOSE OF REPORT

For Council to consider a development application for internal restoration works to Category 1 Listed Property. The scope of works includes the upgrading of three bathrooms, including relocating doorways, and the repairs and replacement of internal joinery to match the original profile.

SUMMARY AND KEY ISSUES

- The proposed works meet best practice for the preservation of heritage places.
- Changes to doorway locations are acceptable
- Conditional approval has been recommended.

LOCATION

As per the attached location plan

BACKGROUND

In 2010 Council successfully defended an application for review in the State Administrative Tribunal of its decision to refuse planning consent to demolish the category 1 listed property on the subject site.

CONSULTATION

The works proposed would not have any impact on the adjoining properties as the works proposed are internal to the house.

On this basis the application was not advertised.

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

Heritage

The proposal to replace unsympathetic 1960's joinery in the original portion of this house with the profile having been gleaned from remnant examples. This approach, if original

fabric has been removed it should be replaced using the principle of 'like for like' is encouraged wherever possible.

The ensuite bathrooms were created some years ago by the partitioning of a portion of one of the large original bedrooms. This type of work is easily reversible, and at the same time allows the house to provide modern facilities for its owners and their guests.

The proposal to shift the location of the ensuite doorways will only affect the later internal additions and not the fabric of the house and can be supported on heritage grounds.

The removal of the chimney breast can also be supported as the stack was removed some time ago. This chimney breast is not of sufficient detail to warrant retention.

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 scope of works proposed, including repairs to jarrah floors and the reinstatement of the tuck-pointing to the brickworks demonstrate the landowner's commitment to honouring the original features of the house. The landowner should be congratulated for undertaking both the painstaking work and financial commitment involved to 'undo' some of the works that have unfortunately acted to erode the heritage values of this fine house.

The detail provided in the application will reinforce the heritage values that justified the inclusion of this property on the Shire's heritage list. As importantly the application demonstrates that such a house can be successfully ungraded to meet modern expectations without necessarily detracting from the values present in the building.

On this basis approval can be recommended.

OFFICER RECOMMENDATION/S – ITEM No.8.1.3

That Council grant planning approval for alterations and garage additions on Lot 63 (No.12) The Esplanade, Peppermint Grove, in accordance with the plans and specifications submitted on 11 September 2016, subject to the following conditions:

- 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 fourth year.**
- 2. The proposed new crossover shall be either concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer of the Shire prior to the occupation of the dwelling.**

8.1.4 Proposed Change of Use `Office` to `Public Amusement`: Lots 21 & 164 (No.10)
 Johnston Street, Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4	10 Johnston Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	10 Johnston Street
Application Index	:	016-176
TPS No 3 Zoning	:	Commercial
Land Use	:	Offices
Lot Area	:	1221 m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Victoria McLarty
Owner	:	A Bennett
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

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PURPOSE OF REPORT

For Council to consider a development application for a change of use from 'Office' to 'Public Amusement'. The proposed land use involves the conversion of four existing office suites within the Johnston Street complex to take four immersion/isolation float tanks/pods and two therapy rooms.

SUMMARY AND KEY ISSUES

- The proposal is for a change of use.
- The land use is considered low key.
- The objections received cannot be sustained from a town planning perspective.
- Conditional approval has been recommended.

LOCATION

As per the attached location plan.

BACKGROUND

The applicant met with Council staff on two occasions to discuss the application, and was advised that the proposed land use required planning consent from Council under Town Planning Scheme No.3.

Originally known as a sensory deprivation tank these flotation tanks to be used in Johnston Street are soundproof and dark capsules or pods in which people float in salt water at body temperature

They have been used since 1954 to study the effects of sensory deprivation. In 1970's, the effects of sensory deprivation were researched by the team at the University of British Columbia. The scientists at this University renamed sensory deprivation as "Restricted Environmental Stimulation Therapy" (REST).

The effect of sensory deprivation has been the subject of studies in the United States and in Sweden. Published results have indicated that as a therapy it can reduce and relieve, in the short term at least, both pain and stress. Based on this research REST pods or float tanks have been produced for commercial and private use. It has also resulted in the creation of a flotation centres industry and an internet search reveals that there are at least eight flotation centres operating in WA.

Given the concerns raised, and the need to better understand the operation of such a business a site visit was carried out by the Manager Development Services, to ascertain the impact of such a land use, its relative intensity, and likely impact within the context of the Johnston Street commercial building.

CONSULTATION

Adjoining/affected land owners within the existing office complex were advised of the proposed development in writing and given 14 days in which to make a submission.

Two written submissions were received objecting to the proposal on a number of grounds including;

- Impact on parking availability for disabled patrons.
- The intensity of the business would have a detrimental impact on the low key medical practices within the building.
- The land use would introduce smells and activity into the building that currently do not exist.

- As a strata titled building the owners are required to approve of a change of use.

The issues raised in the letters of objection are addressed under the Officers comment section of the report.

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

<u>TOWN PLANNING SCHEME NO. 3</u>	
Scheme Requirement/Clause	Assessment/Comment
4. Built form provisions	N/A Existing structure will remain as is.
5. Approved Land Use: Office ('P')	Proposed Land Use : Private Amusement ('AA')
6. Parking 10 Bays provided	Complies*(refer Officers comment below).

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 concerns raised in the letters of objection received are understandable in the context of this land use being an unknown quantity in terms of its operation.

An unannounced visit was conducted at an established Flotation Centre in the North Perth area which has been operating for three years. This particular business operated three flotation tanks, and during the visit these were all occupied and it could be considered to be operating at its maximum capacity.

There were three aspects of this form of business that were most noticeable. The first was the absence of any noise. The owner informed me that quietness was essential for the successful use of these isolation tanks. Secondly, there were no smells one may anticipate with a spa or indoor pool operation. The third was that no one waiting was in the reception area. The two staff on hand advised that bookings were handled on-line and they were on average booked out a week in advance. The busy periods were mid-morning, followed by early and late evening.

In terms of parking there was approximately 8 bays available on the site, of which only five were occupied (two staff and three clients). If this is any guide the 10 bays available for the four clients and two staff in Johnston Street should be more than adequate. One further point in regard to parking raised by an objector was the issue of their own disabled clients not being able to use the bays adjacent to the Cottesloe Primary School. It is assessed that it would not be necessary for clients to the flotation therapy suites to use any of these bays on the northern side of Johnston Street.

Another submission made in response to the proposal questioned whether the application should have been signed by the body corporate prior to being accepted by the Shire for assessment. Investigations with Landgate on this issue and the information available in the Strata Titles Manual deals with this question. The only situation where strata owners are required to sign an application is for either building works on common property, and in the case where certain land uses which are specifically excluded within Strata By-laws and or Articles of Incorporation.

The applicant has been requested to provide, prior to the Council meeting on the 25 October 2016 copies of the strata title and By-laws, to ascertain whether any use restriction apply to

this strata development. Otherwise, as within any other property within the Shire, land uses are the remit of the Local Authority under Town Planning Scheme No.3.

From a planning perspective the business is considered very low key and would have no discernible impact on the amenity of the locality. Subject to conditions appropriate to this form of development, approval can be recommended.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.4

That Council grant planning approval for change of use 'Office' to 'Private Amusement' (Flotation Tanks) on Lots 21 & 164 (No. 10) Johnston Street, Peppermint Grove, in accordance with the plans and specifications submitted on 12 August 2016, subject to the following conditions:

- 1. The proposed land use, the subject of this approval, shall be commenced within two-years of the date of issue of the consent forms.**
- 2. The business shall operate within the hours proposed in the application. Any extension of hours shall be the subject of a separate application.**
- 3. Customers accessing the therapy rooms shall park within the allocated basement car park of the building at 10 Johnston Street.**

Advisory Note:

- i) The applicant is advised that a building permit is required for the installation of the flotation tanks that demonstrates the structural capacity of the suspended concrete floor.**
- ii) The applicant is advised to contact the Shire in regard to the Environmental Health Requirement with the management and monitoring of the isolation float tanks.**

8.1.5 Minor Alterations and Additions: Lot Pt 12 (No.19) Irvine Street, Peppermint Grove.

URBAN PLANNING
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item refers	19 Irvine Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	19 Irvine Street
Application Index	:	016-184
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Residential
Lot Area	:	m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	
Owner	:	Mr & Mrs Thomas
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 the removal and replacement of a window with a door and a door with a window, on two elevations on the rear of the house at No.19 Irvine Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The alterations proposed house comply with the Scheme.
- The heritage values of the property are not affected
- Approval can be recommended.

LOCATION

Please refer to attached location plan

BACKGROUND

Approval was granted in 1978 for the single storey rear additions on the north western corner of the original house.

Council at its meeting held on 16 July 2001 granted planning consent for alterations and two -storey rear additions, including a detached garage at the rear of the subject site.

Council at its meeting held on the 18 February 2008 granted planning consent for the development of an attached carport on the eastern elevation.

CONSULTATION

The scope of works proposed is considered minor and would not affect the adjoining land owner on this basis

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 minor alterations involving the introduction of a window and door would not affect the development standard involving open space, plot ratio or boundary setbacks.

Heritage

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 as the proposed alterations would only affect the more recent 1978 rear additions to the dwelling. It is assessed that there are no negative heritage impacts associated with this development.

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.

The works involve the removal of a window on the southern elevation and its replacement with a pair of French doors. It is also proposed to remove a sliding aluminum door on the western elevation and replace this with mullioned double hung window that would be in keeping with the house.

There are no objections to the proposed works on planning grounds and approval can be recommended.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.5

That Council grant planning approval for alterations and additions on Lot 108 (No.19) Irvine Street, Peppermint Grove, in accordance with the plans and specifications submitted on 4 April 2016, subject to the following conditions;

- 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 fourth year.**

8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

Nil

8.5 CORPORATE

8.5.1 Financial Report – August 2016

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6	Financial Report – August 2016

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.*
- 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 provide Council with a report of financial activity for the period 1 July 2016 to 31 August 2016.

SUMMARY AND KEY ISSUES

- The financial report for the month ended 31 August 2016, indicates a year-to-date surplus of \$210,375
- Operating revenue is some \$8,061 less than forecast.
- Operating expenditure is some \$154,537 less than forecast.
- Capital expenditure totalling \$60,708 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 2016/17 budget forecast a surplus of \$390,000 to be brought forward from 2015/16.

The actual surplus brought forward at 1st July 2016 was \$495,386 (subject to any audit variations).

This additional \$105,386 relates to expenditure savings and additional revenue not identified at the time the budget was compiled plus around \$40,000 of expenditure associated with the new computer enterprise system software not incurred in June due to a slight delay in

implementation by around 7 weeks. These latter funds will be incurred in the first 3 months of 2016/17 and will require amendments to the 2016/17 IT budget.

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) Employee Costs

Employee costs are some \$13,858 less than expected. This figure relates to timing variances.

(2) Materials and Contracts

Materials and contracts expenses are some \$66,350 less than expected due mainly to invoices relating to July and August yet to be received and processed.

(3) Depreciation

No asset depreciation expenses have been recorded for 2016.

(4) Net Current Assets July 1 B/fwd

See discussion under “Financial Implications” above

(5) Net Current Assets Year-to-Date

Net current assets as at 31 August 2016 exceed the forecast figure by some \$186,864, due to the greater-than expected surplus brought forward from 2015/16 and invoices not yet received and processed.

OFFICER RECOMMENDATION/S – ITEM No. 8.5.1

That the Financial Report for the period 1 July 2016 to 31 August 2016 be received.

8.5.2 Accounts for Payment – September 2016
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment 7	Accounts for Payment – September 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.*
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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 September 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.

PAYMENT TYPE

AMOUNT

Credit Card Transactions – MCS and MIS
 Cheques
 Electronic Funds Transfers 00003 – 00009

TOTAL MUNICIPAL FUND	\$306,795.75
TRUST FUND PAYMENTS	\$0.00
TOTAL	\$306,795.75

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 the cheques, electronic funds payments and credit card and accounts presented for payment for September 2016 and totalling \$306,795.75 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.*