



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY 26 APRIL 2016
AT
5.30 PM



Shire of Peppermint Grove

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Shire of Peppermint Grove

ORDINARY COUNCIL MEETING MINUTES

26 APRIL 2016

Minutes of the **Shire of Peppermint Grove** Ordinary Meeting of Council held at 1 Leake Street, Peppermint Grove Council Chambers on Tuesday 26 April 2016.

1 DECLARATION OF OFFICIAL OPENING

At 5.31pm, the Shire President declared the meeting open and requested that the Affirmation of Civic Duty and Responsibility be read aloud by a Councillor and requested the recording of attendance and apologies.

The Post indicated that they were not recording the meeting.

Cr. K Farley read the affirmation

Affirmation of Civic Duty and Responsibility

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



2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

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

Visitors Nil
Gallery 3 Members of the Public
1 Members of the Press

2.2 APOLOGIES

Nil

2.3 LEAVES OF ABSENCE

Nil

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

Cr G Peters
Requests a Leave of Absence for the Agenda Briefing, 10 May 2016.

| |
|-------------------------------|
| COUNCIL DECISION – 884 |
|-------------------------------|

Moved: Cr R Thomas, Seconded: Cr K Farley

That Cr G Peters be granted leave of absence for the Agenda Briefing Forum 10 May 2016.

CARRIED: 7/0

:



3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

Nil

3.2 PETITIONS

Nil

4 PUBLIC QUESTION TIME

At 5.32pm the Presiding Member opened the public question time by asking the gallery if there were any questions or deputation for Council. "Rules for Council meeting Public Question Time" were noted in the Agenda. Copies of:

- The Agenda
- Question to Council and
- Deputation Forms

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

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

Nil

4.3 DEPUTATIONS OF THE PUBLIC

Nil

At 5.32pm, 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

Cr S Fleay – 8.1.1 Two Storey Dwelling: Lot 504 (No.3) Crossland Court, Peppermint Grove.

Cr S Fleay's wife is owner of the property seeking planning approval.

Shire President, Rachel Thomas – 8.4.3 CAPH – New Lease.

Shire President, R Thomas - Is a Board Member of Curtin Aged Persons Home.

5.2 PROXIMITY INTEREST

Cr S Fleay – 8.1.1 Two Storey Dwelling: Lot 504 (No.3) Crossland Court, Peppermint Grove.

Cr S Fleay's wife is owner of the property seeking planning approval.

5.3 IMPARTIALITY INTEREST

Shire President, R Thomas, Cr G Peters, Cr K Farley, Cr D Horrex, Cr P Macintosh and Cr C Hohnen – 8.1.1 – Two Storey Dwelling: Lot 504 (No.3) Crossland Court, Peppermint Grove.

Cr S Fleay is a fellow Councillor.

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Nil

5.5 STATEMENT OF GIFTS AND HOSPITALITY

Nil

6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil

7 CONFIRMATION OF MINUTES



7.1 ORDINARY COUNCIL MEETING 22 MARCH 2016

COUNCIL DECISION – 885

Moved: Cr P Macintosh, Seconded: Cr D Horrex

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 22 March 2016 be confirmed.

CARRIED: 7/0

7.2 SPECIAL MEETING OF COUNCIL 22 MARCH 2016

COUNCIL DECISION – 886

Moved: Cr D Horrex, Seconded: Cr C Hohnen

That the Minutes of the Special Meeting of Council, of the Shire of Peppermint Grove held in the Council Chambers on 22 March 2016 be confirmed.

CARRIED: 7/0

7.3 AGENDA BRIEFING FORUM 12 APRIL 2016

COUNCIL DECISION – 887

Moved: Cr D Horrex, Seconded: Cr G Peters

That the Minutes of the Agenda Briefing Forum, of the Shire of Peppermint Grove held in the Council Chambers on 12 April 2016 be confirmed.

CARRIED: 7/0

7.4 CONCEPT FORUM 12 APRIL 2016

COUNCIL DECISION – 888

Moved: Cr G Peters, Seconded: Cr D Horrex

That the Minutes of the Concept Forum, of the Shire of Peppermint Grove held in the Council Chambers on 12 April 2016 be confirmed.

CARRIED: 7/0



8 CHIEF EXECUTIVE OFFICER REPORTS

At 5.35pm Cr S Fleay left the Council Chambers.

DECLARATION OF INTEREST – FINANCIAL AND PROXIMITY

Cr S Fleay's wife is owner of the property seeking planning approval.

DECLARATION OF IMPARTIALITY

Shire President, R Thomas, Cr G Peters, Cr K Farley, Cr D Horrex, Cr P Macintosh and Cr C Hohnen -

Cr S Fleay is a fellow Councillor.

8.1 URBAN PLANNING

8.1.1 Two-Storey Dwelling: Lot 504 (No.3) Crossland Court Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|-------------------|
| Attachment 1 | 3 Crossland Court |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | Property |
| Location / Property Index | : | 3 Crossland Court |
| Application Index | : | 015-158 |
| TPS No 3 Zoning | : | Residential |
| Land Use | : | Single Dwelling |
| Lot Area | : | 760m2 |
| Disclosure of any Interest | : | Nil |
| Previous Items | : | N/A |
| Applicant | : | Steadman Building Group |
| Owner | : | Simone Fleay |
| 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 an application for the development of a two-storey masonry and tile dwelling on Crossland Court, Peppermint Grove.

SUMMARY AND KEY ISSUES

- A two-storey dwelling is proposed on a vacant site.
- The plans indicate a reduced front setback.
- Three objections and one letter of support have been received from adjoining affected landowners.
- A conditional approval has been recommended.

LOCATION

As per the attached location plan.

BACKGROUND

The Shire was contacted by the building designer by email in September 2015, in regard to the development standards applicable to this site, and whether a reduced front setback would be considered due to the skewed front boundary. Advice was provided in writing as to the development standards required for development in the Shire and that a reduced front setback may be considered on merit, providing there was no visual intrusion into the streetscape.

Plans were lodged on the 3 February 2016, which indicated a reduced front setback to the southern eastern corner of the house of 5.8-metres.

Following discussions with the building designer, on streetscape issues, revised plans were lodged on the 21 March 2016, which demonstrated an increased setback to 6.5-metres.

CONSULTATION

Adjoining/affected land owners were advised of the proposed development in writing and given 14 days to make a submission. Three submissions have been received. One submission supported the proposal and two submissions opposed the application on the basis that a front setback relaxation would be out of character with the streetscape of Crossland Court.

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, 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. | 9-metre front setback. | 6.5-metre minimum: does not comply |
| 2. | 0.5 Plot ratio (Clause 4.9.5) | 0.43: complies |
| 3. | 10-metre height. | 8.45-metres to ridge: complies |
| <u>RESIDENTIAL DESIGN CODES</u> | | |
| Acceptable Development/ Performance Criteria | | Assessment/Comment |
| 1. | Open Space | 67.51% open space; complies |
| 2. | Side set back (1.0m required to western garage elevation). | 1.2-metres proposed; Complies |
| 3. | Privacy Provisions (4.5-metres to boundary). | Bedroom windows 4.6-metres to boundary: complies. |
| <u>SCHEME/COUNCIL POLICY</u> | | |
| Policy Provisions | | Assessment/Comment |



| | | |
|----|--|-----------------|
| 1. | Streetscape Policy: <i>Open outlook and Setbacks Proposed to take into account adjoining buildings.</i> | Does not comply |
|----|--|-----------------|

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 house has been assessed as complying with the Scheme and R-Codes with the exception of the reduced front setback.

Although there is some variant in the Crossland Court streetscape in regard to front setbacks, this does not provide a wholesale justification for a setback reduction to any subsequent application for new dwellings in this street. Any application for a reduced setback must comply with Clause 4.4 (c) of the Scheme, which states;

- c) For R 10 and R 12.5 code areas the setback from the front street boundary to any building including carport or garage shall be a minimum of 9 metres for the primary street and 4.5 metres from the secondary street. Council may permit a lesser setback where;*

a lot has a depth of less than 25 metres from a street boundary to a rear boundary; or

where there are a significant number of existing houses having a lesser setback to the same street block; and

where it is considered that the lesser setback will not detrimentally affect the quality of the streetscape.

The subject site has a depth of more than 34-metres and adjoining houses have setbacks of at least 9-metres. Furthermore, the current proposal would impose upon adjoining properties due to the inappropriate positioning of the building on the site.

Council's *Streetscape Policy* has as its objective;

...to encourage a high quality of streetscape.

The policy also states that in order for this policy to be fulfilled, Council should seek to achieve the following in considering an application;

Preserve an open outlook from the street reserve so that front garden and buildings are visible.

Provide a setback appropriate to the width, height and bulk of the proposed building in relation to the adjoining building.

Given the skewed nature of the lot, a reduced front setback to the south-eastern corner of the house could be considered to the 2.8-metres side boundary setback. However, the minimum front boundary setback that could be considered would be 7.2-metres. This would allow views to the adjoining property in accordance with the above quoted policy and at the same time result in an average setback of at least 9 metres.

It is assessed that the impact upon the amenity of the landowner by the increase in setback from 6.5-metres to 7.2-metres would be minimal, but the benefits would be noticeable and justifiable in terms of meeting the streetscape policy.

On this basis a condition requiring a minimum setback of 7.2-metres, in lieu of the 9-metre required has been recommended.

Alternatively, given the skewed front boundary of the subject lot, the applicant may wish to consider a design revision whereby the plan of the dwelling steps along the building line, which would ensure the largest possible backyard and minimal use of the street setback area.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.1

That Council grant planning approval for two-storey brick, weatherboard and tile dwelling on Lot 504 (No. 3) Crossland Court Peppermint Grove, in accordance with the plans and specifications submitted on 3 February 2016, and revised plans dated the 21 March 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 504 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. Details of the screen wall and infill panels demonstrating 50% open aspect above 900mm in accordance with the Local Laws Relating to Fencing shall be submitted and approved prior to the issue of a building permit.



6. The minimum front setback to the south eastern corner of the proposed dwelling shall be increased to 7.2-metres in order to comply with Council's Streetscape Policy.
7. The proposed new crossover shall be either concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer prior to the occupation of the dwelling.
8. Prior to the issue of a building permit, the applicant shall submit a schedule of colours, materials and finishes to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.

Advisory Note:

- i) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal under its streetscape policy in regard to the reduced front setback from 9-metres to 7.2-metres.

COUNCIL DECISION – 889

Moved: Cr C Hohnen, Seconded: Cr D Horrex

That Council:

Grant planning approval for two-storey brick, weatherboard and tile dwelling on Lot 504 (No. 3) Crossland Court Peppermint Grove, in accordance with the plans and specifications submitted on 3 February 2016, and revised plans dated the 21 March 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 504 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. Details of the screen wall and infill panels demonstrating 50% open aspect above 900mm in accordance with the Local Laws Relating to Fencing shall be submitted and approved prior to the issue of a building permit.**



- 6. The minimum front setback to the south eastern corner of the proposed dwelling shall be increased to 7.2-metres in order to comply with Council's Streetscape Policy.**
- 7. The proposed new crossover shall be either concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer prior to the occupation of the dwelling.**
- 8. Prior to the issue of a building permit, the applicant shall submit a schedule of colours, materials and finishes to the satisfaction of the Chief Executive Officer of the Shire of Peppermint Grove.**

Advisory Note:

- i) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal under its streetscape policy in regard to the reduced front setback from 9-metres to 7.2-metres.**

CARRIED: 6/0

Cr S Fleay returned to the Council Chambers at 5.41pm.



8.1.2 Alterations and Window Additions Lot 111 (34A) Leake Street, Peppermint Grove
URBAN PLANNING

ATTACHMENT DETAILS

| Attachment No | Details |
|----------------------|--|
| Attachment 2 | 34A Leake Street Peppermint Grove |

Voting Requirement : Simple Majority
 Subject Index : Property
 Location / Property Index : 34A Leake Street
 Application Index : 015-162
 TPS No 3 Zoning : Residential R12.5
 Land Use : Single Dwelling
 Lot Area : 950m
 Disclosure of any Interest : Nil
 Previous Items : Nil
 Applicant : Susan Hejleh
 Owner : Susan Hejleh
 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 to install larger bedroom windows to the western and eastern first floor elevations of the dwelling.

SUMMARY AND KEY ISSUES

- The proposed changes to the windows would not comply with the Deemed-to-Comply provisions of the R-Codes.
- Adjoining/affected landowners have consented to the proposed larger bedroom windows.
- Approval can be recommended.

LOCATION

Please refer to attached location plan

BACKGROUND

The house received planning consent from Council in 2002 and was constructed during the following year. In 2007 the landowner requested to increase the size of the window on the upper level of the eastern elevation and was advised that this would not be supported under the R-Codes which were in force at that time.

Unfortunately the house at No. 34A Leake Street was damaged in an electrical fire in 2015. Both the interior of the first floor and the roof were gutted, plus extensive non-structural smoke and water damage to the ground floor.

Given that the dwelling met the Deemed-to-Comply provisions of the R-Codes, planning consent for the repair works was not required. The applicant's builder lodged an application for a building permit issued in 2016. Since early 2016 repair works have begun including new/replacement roof structure, re-tiling, and internal repairs to plumbing and electrical services.

The landowners have re-assessed some aspects of the design of the house at this stage and contacted the Shire in regard to the process for changing window sizes on the western and eastern elevation of the dwelling.

CONSULTATION

The affected landowners on the common boundaries were contacted directly by the landowners. Both adjoining landowners have signed the plans.

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

Under the Deemed-to-Comply provisions of the R-Codes, bedroom windows require a minimum boundary setback of 4.5-metres. Alternatively windows should be screened with obscure glazing to 1.6-metres in height.

Under the R-Codes (6.4.1 Visual Privacy) compliance with the Design principles is demonstrated when there is minimal overlooking of active habitable spaces of adjacent dwellings achieved through landscape screening, building layout and the design of major openings. In the case of the proposed major opening to the western boundary the common boundary is separated by a vehicle access leg to a battle-axe lot. While only 2-metres of this may be taken into account it is also noted that there is extensive landscaping on both the subject site and adjoining neighbour's property. The effective distance between the windows and the western neighbour's boundary is 5.1-metres. At the same time the windows are off-set from those of the neighbour and there would be no direct views between habitable rooms.

On the western common boundary the adjoining owners house is relatively close to the common boundary and the side elevation consists of a deep verandah, which prevents any overlooking from the proposed windows on the eastern elevation of the applicants house to the open spaces or windows of the affected eastern neighbour's property.

FINANCIAL IMPLICATIONS

There are minor financial costs associated with alterations to the scheme maps and the publishing.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The proposed changes to the windows have been assessed under the Design principles and would not have a detrimental impact on the amenity of the adjoining/affected landowners.

In the R-Codes, the cone of vision has been adopted as the Deemed-to-Comply standard for all situations. As important as this is in defining privacy, perceptions of overlooking are



just as important. In this instance the relative position of the adjoining properties, and the unique context would justify the application of the Design principle.

From a planning perspective there is no objection to the window alterations proposed in this application.

OFFICER RECOMMENDATION/S – ITEM No 8.1.2

That Council grant planning approval for alterations and additions on Lot 111 (No.34A) Leake Street Peppermint Grove, in accordance with the plans and specifications submitted on 24 March 2016, subject to the following conditions;

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

Advisory Note

- i) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal under the Design Principles of the Residential Design Codes in regard to visual privacy.

Cr D Horrex left the Council Chambers at 5.42pm

COUNCIL DECISION – 890

AMENDMENT

Moved: Cr C Hohnen, Seconded: Cr K Farley

Item 1 to include the words: *the eastern elevation*

1. The development the subject of this approval for the **eastern elevation** shall be commenced within one year of the date of issue of the consent forms, and completed at the conclusion of the second year.

CARRIED: 6/0



COUNCIL DECISION – 891

SUBSTANTIVE MOTION:

Moved: Cr K Farley, Seconded: Cr S Fleay

That:

Council grant planning approval for alterations and additions on Lot 111 (No.34A) Leake Street Peppermint Grove, in accordance with the plans and specifications submitted on 24 March 2016, subject to the following conditions;

- 1. The development the subject of this approval for the eastern elevation shall be commenced within one year of the date of issue of the consent forms, and completed at the conclusion of the second year.**

Advisory Note

- i) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal under the Design Principles of the Residential Design Codes in regard to visual privacy.**

CARRIED: 6/0



8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil



8.4 MANAGEMENT / GOVERNANCE / POLICY

8.4.1 Review of Library Management Agreement

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|--|
| Attachment 3 | Letter and spreadsheet from the of Town of Mosman Park |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | CS093D |
| Location / Property Index | : | Grove Library, 1 Leake Street Peppermint Grove |
| 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 | : | Item No. 9.1.3 Ordinary Council Meeting, 26 August 2015 |
| Applicant | : | N/A |
| Owner | : | N/A |
| Responsible Officer | : | Chief Executive Officer, John Merrick |

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

For Council to consider if it would participate in a review of the Agreement.

SUMMARY AND KEY ISSUES

- Proposed by the Town of Mosman Park.
- Town of Cottesloe proposes no change to the funding model.
- Consideration of “business case”.

LOCATION

N/A

BACKGROUND

For the past several years, Mosman Park, through its committee member, has expressed a wish to restructure the funding model, obviously to its advantage, and which has been rejected by the Committee itself, and Council.

Several months ago, Mosman Park submitted a request for a full review of the existing agreement, with a stipulation from Cottesloe that there was no interest in changing the current funding guidelines.

The Shire of Peppermint Grove advised Mosman Park that a business case should be presented for consideration as to whether Peppermint Grove would participate in such a review.

The attached letter and spreadsheet purportedly represent a business case but, however, is a list of familiar issues raised by Mosman Park in the past.

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

One of the suggested reasons for a review of the current agreement was the removal of the construction component from the agreement.

Peppermint Grove has argued that this component should remain in place because it represents an historical record of how each of the participants demonstrated their respective willingness to work together towards the completion of a first class, benchmark quality facility, and the depth of the good will intentioned at the time.

Because of the lack of information provided within the supposed “business case”, it is difficult to determine exactly what Mosman Park envisage and it is therefore difficult for Council to consider whether it is willing to participate in the proposed review.

It would be assumed that previously raised issues are part of the agenda and include:

- Counting non-resident members of the Library as an expense to be shared equally by all three participants despite this component being a legitimate operational cost.
- Committee representation reflective of each of the participant’s interests defined by population.
- Separation of the Community Centre from the Library.

OFFICER RECOMMENDATION/S – ITEM No. 8.4.1

That the Chief Executive Officer requests that the Town of Mosman Park provides a detailed outline of each of the issues to be reviewed within the Project Construction and Management Agreement.

COUNCIL DECISION – 892

Moved: Cr C Hohnen, Seconded: Cr K Farley



That the Chief Executive Officer requests that the Town of Mosman Park provides a detailed outline of each of the issues to be reviewed within the Project Construction and Management Agreement.

CARRIED: 6/0



8.4.2 Contribution to Mosman Park Men’s Shed

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-----------------------------|------------------------|
| Attachment 4 | Letter from Men’s Shed |

- Voting Requirement : Simple Majority
- Subject Index : File Ref: GS125H
- 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 : Item 9.1.1 Ordinary Council Meeting 23 February 2016
- Applicant : Mosman Park Men’s Shed
- 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

For Council to consider a contribution to Mosman Park Men's Shed.

SUMMARY AND KEY ISSUES

- A contribution of \$10,000 from the Shire of Peppermint Grove.
- The Shed currently has over ten members who reside in Peppermint Grove.

LOCATION

N/A

BACKGROUND

The attached letter has been received from the Mosman Park Community Men's Shed requesting a contribution of \$10,000 from the Shire of Peppermint Grove towards an expansion program.

A similar request has been made to Cottesloe, Claremont and Mosman Park Councils for a contribution of \$25,000 each.

CONSULTATION

N/A

STRATEGIC IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

STATUTORY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

While this would be an unbudgeted expense, Council will be conducting a budget review in March, and our current positive financial position, would enable such a contribution to be made.



ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

The letter suggests that “over 10” Peppermint Grove residents are members of the Men’s Shed.

OFFICER COMMENT

Advice has been received that the Town of Claremont has listed an amount of \$16,500 for consideration in its 2016/17 budget. Cottesloe has reportedly agreed to consider an amount of \$16,000, and Mosman Park have allocated an amount of \$25,000 for consideration in its draft budget.

OFFICER RECOMMENDATION/S – ITEM No. 8.4.2

That:

Council considers a contribution of \$10,000 to the Mosman Park Men’s Shed.

COUNCIL DECISION – 893

Moved: Cr K Farley, Seconded: Cr S Fleay

That:

Council contributes \$10,000 to the Mosman Park Men’s Shed.

CARRIED: 6/0



**At 6.00pm Shire President Cr R Thomas left the Council Chambers.
The Deputy Shire President Cr C Hohnen presided in her absence.**

DECLARATION OF INTEREST – FINANCIAL

Shire President, R Thomas - Is a Board Member of Curtin Aged Persons Home.

8.4.3 CAPH – New Lease

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-----------------------------|-----------------------------------|
| Attachment 5 | Meeting Notes and Lease Agreement |

Voting Requirement : Simple Majority
 Subject Index : CS151A
 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 : Item No. 9.1.1 Ordinary Council Meeting 27 October 2015
 Applicant : Wearne Aged Care Facility, Lot 87 Gibney Street Cottesloe
 Owner : N/A
 Responsible Officer : John Merrick, Chief Executive Officer

COUNCIL ROLE

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

arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE OF REPORT

Council's consideration of the proposed new "Agreement to Lease" and "Lease" of the Wearne Aged Care Facility to Curtain Aged Persons Homes (CAPH).

SUMMARY AND KEY ISSUES

- Support a new 25 year lease

LOCATION

N/A

BACKGROUND

At its meeting on 27th October 2015 Council, by resolution number 824, agreed to support a new 25 year lease and authorised the CEO from the Town of Claremont to facilitate the preparation of the documentation with the legal costs being shared by the four Councils.

The "Agreement to lease" and the "LEASE" documents are attached for information.

During the preparation of these documents, the matter of an ongoing administrative and liaison between the Lessee and the four Councils was discussed with the solicitors.

It has been established that the most convenient process for this function would be by delegation to each of the four CEO's to resolve issues which may arise from time to time in regard to the lease.

In the exercise of this delegation of authority, if the CEO believes the matter for decision represents a material change, he/she is to report the matter to Council for decision.

CONSULTATION

Significant consultation has occurred between the four Councils, through the CAPH Working Group, as well as directly with representatives of CAPH.

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

Public advertising is required by Section 3.58 of the Local Government Act 1995 as Council is disposing of the land via a 25 year lease.

FINANCIAL IMPLICATIONS

The preparation of the Lease documentation has been quoted at approximately \$10,000 which is to be shared equally by the four Councils.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

OFFICER RECOMMENDATION/S – ITEM No. 8.4.3

That Council

1. Approves the Agreement to Lease and Lease (Attachment 2 and Attachment 3);
2. Authorises the Shire President and Chief Executive Officer to execute the documents on behalf of the Shire of Peppermint Grove following completion of all statutory requirements pursuant to Section 3.58 of the *Local Government Act 1995*;
3. Authorises the Chief Executive Officer in conjunction with the Towns of Claremont, Cottesloe and Mosman Park to give local public notice of the proposal to dispose of lot 555 in accordance with the Section 3.58 of the *Local Government Act 1995*;
4. (a) Pursuant to Section 5.42 of the *Local Government Act 1995* delegates to the Chief Executive Officer the duty, power and authority to, in consultation with the CEOs of the co-owners:
 - (i) make and give any determination required by the Lease of lot 555 on behalf of the Lessor, approval, direction or order in relation to the Property; monitor compliance with and enforce as necessary the provisions of the CAPH lease (but this power does not include statutory powers of the Town of Cottesloe); and
 - (ii) all matters relating to the Agreement to Lease of lot 555 to Curtin Care.



(b) In exercising this delegation of authority the Chief Executive Officer shall not make a determination if:

- (i) the CEO believes the matter for decision is a material change to the terms and conditions of the Lease or Agreement to Lease, or
- (ii) the majority of the other co - owner Chief Executive Officers do not agree to exercise their delegated authority.

(c) If the Chief Executive Officer declines to give a determination (for reasons set out in part 4(b)) the CEO must report the matter to the Council for decision.

COUNCIL DECISION – 894

AMENDMENT

Moved: Cr S Fleay, Seconded: Cr P Macintosh

- 1. Approves the Agreement to Lease and Lease (Attachment 2 and Attachment 3);**

Section 46: in the last paragraph on page 31, of the contract, to replace the word *shall* with the word *may*:

The Lessor may grant to the Lessee a lease for the Further Term at the Rent and on terms and conditions similar to this Lease other that the clause 46 and on such other terms and conditions as the Lessor may consider reasonably appropriate.

Item 2 to include the word *Deputy*:

- 2. Authorises the Deputy Shire President and Chief Executive Officer to execute the documents on behalf of the Shire of Peppermint Grove following completion of all statutory requirements pursuant to Section 3.58 of the *Local Government Act 1995*;**

CARRIED: 5/0

COUNCIL DECISION – 895

SUBSTANTIVE MOTION:

Moved: Cr S Fleay, Seconded: Cr G Peters

- 1. Approves the Agreement to Lease and Lease (Attachment 2 and Attachment 3); subject to:**

Section 46: in the last paragraph on page 31, of the contract, to replace the word *shall* with the word *may*:



The Lessor ***may*** grant to the Lessee a lease for the Further Term at the Rent and on terms and conditions similar to this Lease other than clause 46 and on such other terms and conditions as the Lessor may consider reasonably appropriate.

2. Authorises the Deputy Shire President and Chief Executive Officer to execute the documents on behalf of the Shire of Peppermint Grove following completion of all statutory requirements pursuant to Section 3.58 of the *Local Government Act 1995*;
3. Authorises the Chief Executive Officer in conjunction with the Towns of Claremont, Cottesloe and Mosman Park to give local public notice of the proposal to dispose of lot 555 in accordance with the Section 3.58 of the *Local Government Act 1995*;
4. (a) Pursuant to Section 5.42 of the *Local Government Act 1995* delegates to the Chief Executive Officer the duty, power and authority to, in consultation with the CEOs of the co-owners:
 - (i) make and give any determination required by the Lease of lot 555 on behalf of the Lessor, approval, direction or order in relation to the Property; monitor compliance with and enforce as necessary the provisions of the CAPH lease (but this power does not include statutory powers of the Town of Cottesloe); and
 - (ii) all matters relating to the Agreement to Lease of lot 555 to Curtin Care.
- (b) In exercising this delegation of authority the Chief Executive Officer shall not make a determination if:
 - (i) the CEO believes the matter for decision is a material change to the terms and conditions of the Lease or Agreement to Lease, or
 - (ii) the majority of the other co - owner Chief Executive Officers do not agree to exercise their delegated authority.
- (c) If the Chief Executive Officer declines to give a determination (for reasons set out in part 4(b)) the CEO must report the matter to the Council for decision.

CARRIED: 5/0

At 6.07pm the Shire President, Rachel Thomas returned to the Council Chambers



8.5 CORPORATE

8.5.1 Financial Report – March 2016

CORPORATE

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|-------------------------------|
| Attachment 6 | Financial Report – March 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 2015 to 31 March 2016.

SUMMARY AND KEY ISSUES

- The financial report for the nine months ended 31 March 2016, indicates a year-to-date surplus some \$229,787 more than forecast.
- Operating revenue (excluding rates) is some \$44,282 more than forecast.
- Operating expenditure is some \$138,432 less than forecast (\$182,713 after deduction of depreciation and loss on sale of assets, being non-cash items).
- Capital expenditure totalling \$262,924 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 report includes the full 2015/16 rates and charges, the first three quarterly contributions for the Library and Community Centre, all insurance premiums, twenty fortnightly payrolls and around 76% of annual estimated contract/materials expenses.

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 and Charges

Revenue from fees and charges exceeds the estimated year-to-date budget by some \$34,112.

This strong performance relates mainly to town planning fee income being well in advance of the budget at this point-in-time. Other areas such as unbudgeted kiosk rental income and building fee income have also contributed to the above figure.

(2) Other Revenue

Revenue from other sources exceeds the estimated year-to-date budget by some \$18,090.

This relates mainly to additional interest on overdue rates and a reimbursement for workers compensation payments (the worker has successfully returned to pre-injury duties).

(3) Employee Costs

Employee costs after seventeen fortnightly payrolls are some \$49,055 less than expected.

This saving is due to the non-replacement of an outside worker after his departure in July with his duties being performed by contractors. The estimated full-year saving for this category is around \$50,000.

(4) Materials and Contracts

Materials and contracts expenses are some \$163,496 less than expected due mainly to invoices yet to be received and processed.

Given the deletion of one outside worker position in favour of increased use of contractors was not included in the budget this category may exceed its total year budget by up to \$50,000, less any savings.

(5) Depreciation

The recent completion of the 2014/15 audit and revaluation of infrastructure assets to fair values, together with recent announcements by the Australian Accounting Standards Board clarifying componentisation of short and long-cycle asset consumption and allowable residual values, has revealed the need to alter depreciation charges.

The following table depicts the budgeted and estimated charges for the full year to 30 June 2016:

| Asset Class | 2015/16 Budget | 2015/16 Estimated |
|-----------------------|---------------------------|------------------------------|
| Buildings | 84,500 | 105,100 |
| Furniture & Equipment | 15,000 | 14,600 |
| Plant & Equipment | 25,000 | 15,700 |
| Roads | 132,000 | 146,500 |
| Footpaths | 20,000 | 54,200 |
| Parks | 10,000 | 43,800 |
| Drains | 7,000 | 6,200 |
| Other Infrastructure | 0 | 1,400 |
| TOTALS | 293,500 | 387,500 |

Whilst the above increased charges have no impact on Council's cash position the resultant estimated \$94,000 additional expenditure will flow through the asset management and long-term financial plans as well as the asset-related financial ratios, requiring future attention.

(6) Profit/Loss on Sale of Assets, (7) Plant Purchases and (8) Proceeds from Sale of Assets

The following table is an extract from the 2015/16 budget regarding asset sales:

| | Net Book Value | Sale Proceeds | Profit(Loss) |
|-------------------------|---------------------------|---------------------------|---------------------------|
| | 2015/16 BUDGET | 2015/16 BUDGET | 2015/16 BUDGET |
| | \$ | \$ | \$ |
| Transport | | | |
| Mitsubishi Challenger | 30,000 | 30,000 | 0 |
| Holden Colorado | 19,000 | 19,000 | 0 |
| Mazda BT50 | 19,000 | 19,000 | 0 |
| Tenant Street Sweeper | 4,000 | 4,000 | 0 |
| Caterpillar 904B Loader | 30,405 | 30,000 | (405) |
| | 102,405 | 102,000 | (405) |



The following table depicts the results of asset sales to date:

| | Net Book Value | Sale Proceeds | Profit(Loss) |
|----------------------------|----------------|---------------|--------------|
| | 2015/16 | 2015/16 | 2015/16 |
| | ACTUAL | ACTUAL | ACTUAL |
| | \$ | \$ | \$ |
| Plant and Equipment | | | |
| Holden Commodore Utility | 24,125 | 23,778 | (347) |
| Mitsubishi Challenger | 31,683 | 25,042 | (6,641) |
| Holden Colorado | 0 | 0 | 0 |
| Mazda BT50 | 0 | 0 | 0 |
| Ford Ranger XLT | 40,000 | 40,000 | 0 |
| Tenant Street Sweeper | 4,000 | 2,858 | (1,142) |
| Caterpillar 904B Loader | 30,405 | 26,000 | (4,405) |
| | 130,213 | 117,678 | (12,535) |

Due to concerns regarding falling trade-in values, both the Ranger XLT and Commodore utilities have been replaced in addition to those envisaged in the 2015/16 budget. In addition, it is proposed to replace the BT50 and Colorado utilities with two 4WD Hilux's.

This is dealt with at item 8.5.3 of this agenda.

(9) Net Current Assets Year-to-Date

Net current assets exceed estimated net current assets for the first eight months by some \$229,787. This figure reflects the slightly stronger than expected revenue performance, particularly planning fees and, to a lesser extent, building fees and the materials and contracts expenditure committed but not yet posted.

OFFICER RECOMMENDATION – ITEM No. 8.5.1

That the Financial Report for the period 1 July 2015 to 31 March 2016 be received.

COUNCIL DECISION – 896

Moved: Cr G Peters, Seconded: Cr C Hohnen

That the Financial Report for the period 1 July 2015 to 31 March 2016 be received.

CARRIED: 6/0



8.5.2 Accounts for Payment – March 2016

CORPORATE

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-----------------------------|--|
| Attachment 7 | Accounts for Payment – March 2016 |

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

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
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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 March 2016 included the following:

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

LOCATION

N/A

BACKGROUND

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

| <u>PAYMENT TYPE</u> | <u>AMOUNT</u> |
|--|----------------------|
| Direct Debit Fees & Leases – 413, DD5643, 5665, 5666, 5670, 5679, 5707, 5716 | |
| Cheques 172 - 185 (Inclusive) | |
| Electronic Funds Transfers 9970 - 10089 (Inclusive) | |
| TOTAL MUNICIPAL FUND | \$428,193.17 |
| TRUST FUND PAYMENTS | \$0.00 |
| TOTAL | \$428,193.17 |

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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



FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM No. 8.5.2

That:

The payment of the cheques, electronic funds payments and direct debits drawn and accounts presented for payment for March 2016 and totalling \$428,193.17 be approved.

COUNCIL DECISION – 897

Moved: Cr K Farley, Seconded: Cr S Fleay

That:

The payment of the cheques, electronic funds payments and direct debits drawn and accounts presented for payment for March 2016 and totalling \$428,193.17 be approved.

CARRIE: 6/0



8.5.3 Light Vehicle Fleet Management

CORPORATE

ATTACHMENT DETAILS

| <u>Attachment</u> | <u>Details</u> |
|--------------------------|-----------------------|
| Nil | |

- 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 consider a recommendation from the Audit Committee regarding replacing light vehicles.

SUMMARY AND KEY ISSUES

- At its last meeting on 22nd March 2016, the Audit Committee recommended Council approve the replacement of two, two-wheel drive utilities with two new four-wheel drive Toyota Hilux utilities for a GST-exclusive net cost of \$33,636.
- If accepted, this proposal will complete the renewal of all four Council-owned utilities and enable their replacement on a regular basis to minimise changeover prices and depreciation expenses.

LOCATION

N/A

BACKGROUND

In the absence of a formal policy on light vehicle changeovers generally vehicles have been replaced after 2 – 3 years at a GST-exclusive net cost of between \$10,000 and \$15,000.

Typically vehicles would have travelled 30,000 to 40,000 kilometres, been serviced at least twice and may have required new tyres and/or batteries. Holding vehicles for long periods also increases the chances of minor damage - not claimable under insurance due to policy excesses - and negatively impacting trade-in valuations.

As an alternative it is proposed to purchase “premium” four-wheel drive vehicles with proven ability to retain value (Toyota Hilux and Ford Ranger) on a regular basis (9,000 to 15,000 kilometres) allowing Council to minimise the changeover cost by maximising the benefit of fleet discounts. For example, the recommended Hilux’s attract fleet discounts of around \$6,000 each allowing for contracted future changeovers of \$1,750 after 9 months or 15,000 kilometres (whichever occurs first). Such an arrangement will limit annual depreciation to around \$2,300 on average, per vehicle, remove servicing and parts expenses and minimise the risk of minor damage.

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

Local Government (Financial Management) Regulation 33A requires a local government to undertake a budget review to take place between 1 January and 31 March in each financial year. Councils are free to review their budgets periodically during the year and are encouraged to do so.

FINANCIAL IMPLICATIONS

The 2015/16 budget forecast the purchase of two, 2WD Ford Rangers and the sale of the current Mazda BT50 and Holden Colorado for a total net changeover of \$9,000 (from the Plant Reserve).

A quotation was sought from Titan Ford indicating each vehicle would cost around \$11,700 (GST-exclusive) to changeover – a total of \$23,400.

The alternative quote from Gt. Southern Toyota will enable the purchase of two Toyota Hilux 4WD's (1 auto, 1 manual transmission) for a total cost of \$33,636, an additional \$10,236 for a superior vehicle. In addition Gt Southern Toyota offer guaranteed changeover's of \$1,750 after 9 months or 15,000 kilometres on future Hilux's.

It should be noted that to minimise the cost of changing over the XLT Ford Ranger (MIS) and Holden Commodore (MDS) vehicles in the future both have been replaced for net costs of \$2,830 and \$3,690 respectively.

The Ranger is able to be traded for minimal cost every six months (or 9,000 kilometres) via Titan Ford and the Commodore once per year for around \$2,000.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The \$6,520 expended renewing both manager's utilities represents additional items to this year's budget and will need to be funded from the Plant Reserve.

The \$33,636 cost of the two Hilux's are proposed to be funded by re-allocating the budgets for the purchase of a heavy-duty trailer - \$10,000 - (a "work-around" being found for transporting the skid-steer loader and ride-on mower) and the proposed depot fencing - \$20,000 - (having been resolved using an alternative solution). The remaining \$3,636 is to come from the Plant Reserve.



While only around \$1,700 will remain in the Plant Reserve after the above purchases, future annual changeovers will be limited to around \$10,000 for light vehicles. In addition, the skid-steer loader was only purchased in 2015, the tip truck remains in excellent condition and only the ride-on mower needs replacing in the near future, with the cost easily accommodated in that year's budget.

OFFICER RECOMMENDATION/S – ITEM No. 8.5.3

That Council

1. adopts the recommendation from the Audit Committee and accepts the two quotations from Gt Southern Toyota for the supply of two Toyota Hilux four-wheel drives for a net cost of \$33,636, GST-exclusive);
2. endorses the actions of the Chief Executive Officer in changing over the Ford Ranger and Holden Commodore for a total net cost of \$6,520; and
3. authorises amendments to the 2015/16 budget to reflect the above vehicle purchases and the deletion of the heavy-duty trailer purchase and depot fencing projects.

COUNCIL DECISION – 898

Moved: Cr G Peters, Seconded: Cr P Macintosh

That Council

1. **adopts the recommendation from the Audit Committee and accepts the two quotations from Gt Southern Toyota for the supply of two Toyota Hilux four-wheel drives for a net cost of \$33,636, GST-exclusive);**
2. **endorses the actions of the Chief Executive Officer in changing over the Ford Ranger and Holden Commodore for a total net cost of \$6,520; and**
3. **authorises amendments to the 2015/16 budget to reflect the above vehicle purchases and the deletion of the heavy-duty trailer purchase and depot fencing projects.**

CARRIED: 6/0



9 NEW BUSINESS OF AN URGENT NATURE

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

9.1 LATE ITEM

9.1.1 Alterations and Two-Storey Additions Lot 122 (No.9) Keane Street Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|----------------|
| Attachment 1 | 9 Keane Street |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | Property |
| Location / Property Index | : | 9 Keane Street |
| Application Index | : | 015-160 |
| TPS No 3 Zoning | : | Residential R12.5 |
| Land Use | : | Single Dwelling |
| Lot Area | : | 1735m2 |
| Disclosure of any Interest | : | Nil |
| Previous Items | : | N/A |
| Applicant | : | C & R Newton |
| Owner | : | R Newton |
| 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 contemporary two storey alterations and addition to a Category 1 brick and tile heritage listed dwelling. The plans include an extension to the replacement boundary wall.

SUMMARY AND KEY ISSUES

- The additions will result in the original form and fabric of the house being retained.
- The contemporary design would not overwhelm the category 1 listed house.
- Conditional approval is recommended.

LOCATION

Please refer to the attached location plan.

BACKGROUND

The existing house is included on the Shire's heritage list as a category 1 building.

Rear additions to this turn of the 20th century house were first approved in 1954, with further additions of a sunroom and a family room in 1991. A raised terrace followed at the rear of these additions in 1996.

A detached garage with a parapet wall along the eastern boundary was also approved in the early 1990's.

Council at its meeting held on the 15 December 2015, granted planning consent for alterations and additions, above an existing basement level at the rear of the subject site.

The lot is subdivisible under the current zoning and density code applicable to the site. However, subdivision is a process conducted by the Western Australian Planning Commission and would be the subject of a separate application.

The landowners are aware that a future subdivision of the site would require that the house would still need to comply with the Shire's development standards in regards to plot ratio, setbacks and opens space.

It should also be noted that there is a bedroom in the current basement area. The landowner contacted Council prior to lodging their application seeking clarification on the number of storeys permitted. Given that the basement is more than 50% below natural ground level and complies with the definition under the Scheme.

Council, at the Agenda Briefing Forum held on 22 March 2016, (Council decision 878 refers) resolved that the application;

'...be deferred until next council meeting in April, for further information on queries that have be raised'.

Council concerns in regard to the impact of the additions on the heritage house, rationalization of fenestration, likely effect on the original chimneys and the need for coloured elevations were subsequently discussed with the applicant. Revised plans were lodged with the Shire on the 19 April 2016.

CONSULTATION

Adjoining/affected land owners were advised of the proposed development in writing and given 14 days to make a submission. One submission was received expressing two areas of concern, privacy from the upper storey windows, and also requesting that any air-conditioning units be located to minimise noise emissions.

The revised plans have addressed the concerns in regard to windows.

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, 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. | 0.2 plot ratio: Complies. |
| 2. | 10-metre height (excluding basement) | 6.8 to 10-metres (including basement) |
| <u>RESIDENTIAL DESIGN CODES</u> | | |
| | Deemed to comply | Assessment/Comment |
| 1. | 6-metre rear setback | 20.5-metre setback: Complies. |



| | | |
|----|------------------------|---------------------------|
| 2. | 55% Open Space | 79% open space: Complies. |
| 3. | 1.5-metre side setback | Refer to Officers Comment |

Heritage

The municipal inventory data sheet for No.9 Keane Street states that the house was built in 1900 from dressed limestone with red brick quoining and had a corrugated iron roof.

Previous alterations and additions to the building had not encroached on the form and fabric of the original dwelling which has remained largely intact.

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.

Council requested at the Agenda Briefing Forum held on the 8 March 2016, an assessment by the Shires Heritage Consultant. The following report, in italics, provides comment on the impact of the proposed additions on the streetscape of Keane Street and the category 1 building on the subject site.

This heritage advice relates to a development application prepared by Mike Richardson Architect, on behalf of the Newton's in February 2016. We met with the owner, Chris Newton, and you on 14 March 2016, to look at the development context, the existing significant house, the later extensions, and the possible impact of the proposed changes.

Background

9 Keane Street a Category 1 place in the Shire's Municipal Heritage Inventory. It is cited in the statement of significance as being of some historical significance for its long association with the Nankivills and Drapers. It is also cited as being a fine example of the Federation Queen Anne style and a representative of the early development of the Shire.

No. 9 is relatively intact at the front of the house, has been internally refurbished and has an addition on the rear that has little or no significance. In fact the addition is quite poorly planned.

The front gable over the thrust bay does not look quite right and may have been modified in the past to achieve its present low pitch.

The place is sufficiently important for the approach to it being founded in

Burra Charter principles and much of what is indicated in the application adheres to those principles in relation to the degree of significance of the place, and the levels of significance of its elements.

It would appear that the place was significantly changed in the early 1990s and some work was done on repairing the original fabric. Inexplicably, the originally flooring was removed in favour of narrow boards. The planning for the addition is most odd and produces a lot of poorly ventilated and poorly lit spaces at the lower level.

Proposal

The submitted plans adequately illustrate the present situation and the proposals for which the applicant is seeking approval.

The proposals are limited to change of the fabric of little significance and the joining up point of old and new is, in fact, a part of the extension work. It is clear that the original four-roomed house was extended by over one metre on the west side and further on the south side, before the rendered brick addition was made in the 1990s.

Siting

The plans as submitted indicate that the new elements have been sited so as to have little impact from the street. The only visibility will be for a brief moment on the south-eastern approach. This is for a very brief moment in the streetscape experience and is set well back in the site, and will not be too prominent.

Bulk and Scale

The bulk and scale of the additions are in keeping with that of the existing house. The front elevation on the drawings is not re-assuring, as is the case with elevations. However, given the setback of the house, street level elevation and the location of the addition in relation to these, the new elements are acceptable.

Design Resolution

The basic design resolution appears to be acceptable in general terms. The owners might want to reconsider the link between old and new to allow roofs to drain off the old part of the house effectively. Box gutters are prone to failure and pulling the first floor addition back off the house to allow a 450 or 600 wide box gutter might be a better proposition.

Some simplification of the fenestration would be beneficial and the east, north and west windows could do with shading to improve energy performance by passive means. There are numerous window types and some simplification could bring the composition to a more resolved whole. The addition of solar protection would

provide better articulation of the walls in addition to providing better performance.

Also it would appear that there are too many windows in the first floor bedroom and that it will be too bright. Windows should be around 15% of floor area so that the author might like to look at the quantum of windows.

For a house of this quality in this location, Scyon cladding should probably be replaced with something like vertical cedar boards, detailed to allow graceful weathering.

It is not clear what the windows are made of, but they appear to be in a timber sub-frame. The sub-frame notion is a good one and it would be good to know what the rest of the window and joinery material comprise.

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 Shire's Heritage Architect's report was generally supportive of the proposal, however, there are some reservations regarding the external cladding and fenestration, particularly the size and the effects of the elevations of the additions. The issues surrounding the fenestration have been resolved with a simplification of the size and number of windows as was recommended by the Shire's Heritage Architect. This has been achieved by the removal of the ground floor windows that were part of the 1991 additions to the house. This change would do much to improve the presentation of the western elevation. At the same time the new windows on the first floor have been re-designed to form a more harmonious composition.

The proposed parapet wall along the eastern boundary, is an extension to the existing structure, and would have minimal impact to the adjoining property. The proposed addition adjoins the service alcove and laundry door of the house on the affected eastern side. It is also worth noting that the existing parapet wall is appreciably lower than the affected neighbour and as the proposed addition follows this same floor level the resulting visual impact would be very similar to a boundary fence.

There are no objections to the proposal on planning grounds and subject to standard and appropriate conditions for this form of development approval can be recommended.



OFFICER RECOMMENDATIONS – ITEM No. 9.1.1

That Council grant planning approval for alterations and additions on Lot 122 (No.9) Keane Street, Peppermint Grove in accordance with the plans and specifications submitted on 23 February 2016 and revised plans dated the 19 April 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 122 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 third year.
4. Details of the location of any air-conditioning systems shall be submitted to the satisfaction of the Chief Executive Officer of the Shire prior to the issue of building Permit.
5. A schedule of colours materials and finishes shall be submitted to the satisfaction of the Chief Executive Officer of the Shire prior to the issue of building Permit.
6. All windows to the additions shall comply with the Visual privacy provisions of the R Codes.
7. 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.
8. Details of the screen wall and infill panels demonstrating 50% open aspect above 900mm in accordance with the Local Laws Relating to Fencing shall be submitted and approved prior to the issue of a building permit.
9. The external face of the boundary wall shall be finished to the satisfaction of the Chief Executive Officer of the Shire.
10. Prior to the issue of a building permit, the applicant shall submit to the satisfaction of the Chief Executive Officer of the Shire, a schedule of colours materials and finishes.



Advisory Note

- i) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal for the replacement boundary wall under the Design Principles of the Residential Design Codes.
- ii) In regard to condition 4 above air conditioning unit should be located to
- iii) minimise noise emissions to adjoining properties.

COUNCIL DECISION – 899

AMENDMENT

Moved: Cr C Hohnen, Seconded: Cr K Farley

A new recommendation No.11 has been added to read:

11. The overall height of the extension to be reduced by 600mm.

CARRIED: 6/0

COUNCIL DECISION – 900

SUBSTANTIVE MOTION:

Moved: Cr R Thomas, Seconded: Cr K Farley

That Council grant planning approval for alterations and additions on Lot 122 (No.9) Keane Street, Peppermint Grove in accordance with the plans and specifications submitted on 23 February 2016 and revised plans dated the 19 April 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 122 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 third year.**
- 4. Details of the location of any air-conditioning systems shall be submitted to the satisfaction of the Chief Executive Officer of the Shire prior to the issue of building Permit.**



5. A schedule of colours materials and finishes shall be submitted to the satisfaction of the Chief Executive Officer of the Shire prior to the issue of building Permit.
6. All windows to the additions shall comply with the Visual privacy provisions of the R Codes.
7. 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.
8. Details of the screen wall and infill panels demonstrating 50% open aspect above 900mm in accordance with the Local Laws Relating to Fencing shall be submitted and approved prior to the issue of a building permit.
9. The external face of the boundary wall shall be finished to the satisfaction of the Chief Executive Officer of the Shire.
10. Prior to the issue of a building permit, the applicant shall submit to the satisfaction of the Chief Executive Officer of the Shire, a schedule of colours materials and finishes.
11. The overall height of the extension to be reduced by 600mm.

Advisory Note

- i) The proponent is advised that Council, in granting planning consent for the development, has assessed the proposal for the replacement boundary wall under the Design Principles of the Residential Design Codes.
- ii) In regard to condition 4 above air conditioning unit should be located to
- iii) minimise noise emissions to adjoining properties.

CARRIED: 6/0



9.1.2 Review of Development Assessment Panels.

URBAN PLANNING

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-----------------------------|--------------------------------|
| Attachment 2 –Nil | Development Assessment Panels. |

- 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 : N/A
- 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.*
- 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 resolution in response to the moves by other Local Governments in regard to reforming Development Assessment Panels (DAPs).

SUMMARY AND KEY ISSUES

- Neighbouring Local Governments have expressed concern in regard to the lack of accountability of DAPs.
- There appears to be dissatisfaction with recent DAP decisions at a community and LGA level.
- An industry based approach through WALGA has been recommended.

BACKGROUND

Development Assessment Panels (DAPs) were introduced in July 2011, as part of the planning reform process. DAPs comprise 5 members – 2 councillors and 3 “experts” appointed by the Minister. The Chairman must be a ministerial appointee and has a casting vote which ensures that local councillors can always have a minority voice.

The criteria for an application to be dealt with by a DAP is restricted to residential developments of 10 or more units and all non-residential developments with a value above \$10 million. Planning applications with a value between \$2 million and \$10 million allows the developer to have the option to seek either a Council or a DAP determination.

The planning officer for the relevant local government area produces a Responsible Authority Report (RAR) which includes his/her recommendation on the development application. It should be noted that most DAP chairmen require the planning officer to provide alternative recommendations in the RAR for either approval or refusal. Local Governments take the opportunity to make their own recommendations in regard to an application that are subsequently included in the RAR to the DAP. DAPs, however, are under no obligation to have any regard to the recommendations made by the Local Government.

Most planning documents provide for the planning authority to use discretion in decision making. This is normally a sensible approach as each site is unique in some respects and a one size fits all approach can be too restrictive. However, experience with DAPs has been that a clause(s) that allow concessions that are too easily applied without due consideration of the purpose of the Local Planning Scheme and policies.

A 2015 Parliamentary enquiry into the operation of DAPs ignored the detailed concerns raised by a WALGA submission. The findings of the Parliamentary enquiry placed the blame for the excessive use of discretion by DAPs on local authorities for having town planning schemes that included discretionary provisions.

The City of Vincent, detailed a number of changes which have been circulated throughout the industry for information and discussion.

Other proposals listed below would also bring DAPs more in line with community expectations (and democratic principles).

- a) require DAPs to have regard to any Council recommendation or resolution regarding a development application;
- b) discretion should not be exercised nor concessions granted if the effect of those concessions would be contrary to the intent of any planning policy; and
- c) councils to be able to appeal to SAT if the DAP decision is not broadly in line with a council recommendation on the DA.

CONSULTATION

Not applicable.

STRATEGIC IMPLICATIONS

There are no strategic implications at this time.

STATUTORY IMPLICATIONS

Any changes to the DAP process will require the State Government to amend or repeal the Development Assessment Panel Regulations (2011).

FINANCIAL IMPLICATIONS

There are no costs associated with Council adopting a recommendation in regard to this issue.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The Towns of Mosman Park, Cottesloe and the City of Vincent recently passed resolutions advocating for either abolition or substantial modification of the DAP process.

The source of dissatisfaction with DAPs, expressed by elected members, has been the removal of community-based decision-making which has been the hallmark of the planning process in Western Australia.

As a result of recent DAP decisions in Subiaco, Cottesloe and South Perth, many Local Authorities have formed the view that DAPs do not appear to be bound by the same standards as the Councils they are standing in for. Furthermore, DAPs are not accountable

to the residents of a local area who are impacted by their decisions in the same way elected members would be.

Town Planning is not an exact science, and local concerns cannot always be addressed through Local Planning Scheme and Policies. Local councils are still seen as being best placed to interpret and represent community views. This has been highlighted in recent DAP decisions where the need for both discretion (not always in the developer's favour) and a local experience in determining planning applications, has been lacking judging by the community reaction.

The alternative conclusion, often drawn by the development industry, is to categorize local concerns as being nimbyism or merely subjective. Nevertheless, at the very heart of rigorous town planning practice is community consultation and gauging of what is acceptable. It is also reasonable for residents to expect the planning framework for their locality is to protect their amenity, an amenity that has always been paid for when homes are purchased.

It is worth keeping in mind that Development Assessment Panels are not **Planning** Assessment Panels. DAPs were established to look at 'significant' applications from the point of view of compliance with the Scheme (i.e. can it be approved) and not necessarily whether a development is desirable from a planning perspective. It is through the local democratic process, for all its imperfections, that the community is able to participate in the planning process. What the DAP's lack in the eyes of the community, (and many in the planning profession) is the credibility that comes with accountability. So a vital link in the democratic chain is missing here.

DAP membership is by Ministerial appointment and the key selection criterion of expert panel member is extensive development industry related experience. It could be argued that these qualifications are in themselves problematic as very many expert DAP members are still employed directly or indirectly in the development industry, and it remains their main source of income.

Other Local Governments with the same concerns have sought to advocate individually in regard to the performance of DAPs. However, given that similar views are held by several local authorities it is recommend to Council that WALGA may be best placed as the industry peak body to advocate for reform at a State level for the reform of DAP's.

OFFICER RECOMMENDATION/S – ITEM No.9.1.2

Recommendation

1. That Council notes and supports the resolutions by other Metropolitan LGA's in regard to the negative impacts of DAPs.
2. That Council seeks the abolition and/or a reform of DAP process to address the issues raised by other Local Governments through a State based forum.



-
3. Requests and urges WALGA to pursue a reform agenda in regard to scope, make-up and conduct of DAP's in WA.

COUNCIL DECISION – 901

Moved: Cr K Farley, Seconded: Cr C Hohnen

1. That Council notes and supports the resolutions by other Metropolitan LGA's in regard to the negative impacts of DAPs.
2. That Council seeks the abolition and/or a reform of DAP process to address the issues raised by other Local Governments through a State based forum.
3. Requests and urges WALGA to pursue a reform agenda in regard to scope, make-up and conduct of DAP's in WA.

CARRIED: 6/0



10 MOTIONS ON NOTICE

Nil

11 CONFIDENTIAL ITEMS OF BUSINESS

Nil

12 CLOSURE

At 6.39pm, there being no further business the meeting closed.