



Shire of  
**Peppermint Grove**

# **ORDINARY COUNCIL MEETING**

# **MINUTES**

**HELD ON**  
**TUESDAY 26 SEPTEMBER 2017**  
**AT**  
**5.30 PM**



# Shire of Peppermint Grove

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Shire of  
**Peppermint Grove**

## ORDINARY COUNCIL MEETING MINUTES

26 SEPTEMBER 2017

Minutes of the **Shire of Peppermint Grove** Ordinary Meeting of Council held at 1 Leake Street, Peppermint Grove Council Chambers on Tuesday 26 September 2017.

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

Cr D Horrex 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.***

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## **2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE**

### **2.1 ATTENDANCE**

Shire President	Cr R Thomas
Elected Member	Cr S Fleay
Elected Member	Cr D Horrex
Elected Member	Cr K Farley
Elected Member	Cr P Macintosh
Elected Member	Cr G Peters
Chief Executive Officer	Mr John Merrick
Manager Corporate Services	Mr P Rawlings
Manager Infrastructure Services	Mr D Norgard
Manager Development Services	Mr M Whitbread
Executive Officer	Ms M Tabbakh (Minutes)
<b>Visitors</b>	2, from Curtin Care and Taylor Burrell Barnett Planners
<b>Gallery</b>	1 Members of the Public
	2 Members of the Press

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## 2.2 APOLOGIES

Deputy Shire President, Cr C Hohnen  
Manager Library and Community Services, Ms D Burn

## 2.3 LEAVES OF ABSENCE

Nil

## 2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

Nil

**At 5.31pm The Shire President R Thomas left the Council Chambers.**

**Cr k Farley presided in her absence.**

### DECLARATION OF INTEREST – FINANCIAL

The Shire President, Rachel Thomas is a Board Member of Curtin Care.

## 3 DELEGATIONS AND PETITIONS

### 3.1 DELEGATIONS

Mr David Cox from Curtin Care and Ms Samantha Thompson from Taylor Burrell Barnett Planners, gave a presentation on the Wearne Redevelopment Master Plan Process.

**At 6.00pm Shire President R Thomas returned to the Council Chambers.**

### 3.2 PETITIONS

Nil

## 4 PUBLIC QUESTION TIME

At 6.00 pm 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 6.00pm, there being no further questions the Presiding Member closed the public question time.

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## 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

The Shire President, Rachel Thomas – Board Member of Curtin Care

### 5.2 PROXIMITY INTEREST

**Cr C Hohnen.** 8.1.3 Replacement Two Storey Dwelling and Ancillary Dwelling Lot 116 (No. 70) Leake Street, Peppermint Grove.

Cr C Hohnen owns the neighbouring property.

### 5.3 IMPARTIALITY INTEREST

**Cr G Peters.** 8.1.3 Replacement Two Storey Dwelling and Ancillary Dwelling Lot 116 (No. 70) Leake Street, Peppermint Grove.

Cr G Peters has a contract to maintain the swimming pool.

### 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)

The Presiding Member announced the following:

- Nil



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**7 CONFIRMATION OF MINUTES**

7.1 ORDINARY COUNCIL MEETING 22 AUGUST 2017

**COUNCIL DECISION – 1097****Moved: K FARLEY, SECONDED: D HORREX**

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 22 August 2017 be confirmed.

**CARRIED: 6/0**

7.2 AGENDA BRIEFING FORUM 12 SEPTEMBER 2017

**COUNCIL DECISION – 1098****Moved: CR P MACINTOSH, SECONDED: CR D HORREX**

That the Minutes of the Agenda Briefing Forum, of the Shire of Peppermint Grove held in the Council Chambers on 12 September 2017 be confirmed.

**CARRIED: 6/0**

7.3 CONCEPT FORUM 12 SEPTEMBER 2017

**COUNCIL DECISION – 1099****Moved: CR G PETERS, SECONDED: CR S FLEAY**

That the Minutes of the Concept Forum, of the Shire of Peppermint Grove held in the Council Chambers on 12 September 2017 be confirmed.

**CARRIED: 6/0**

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## **8 CHIEF EXECUTIVE OFFICER REPORTS**

### **8.1 URBAN PLANNING**

#### **8.1.1 Building Permits - August**

For works which are excluded from requiring planning consent under the Deemed to Comply provisions of the Planning and Development Regulations 2015 for August 2017.

No Permits issued for August 2017.

**NOTED**

**8.1.2 Proposed Alterations and Additions Lot 40 (No.8) Venn Street, Peppermint Grove**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 1</b>	<b>8 Venn Street</b>

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	8 Venn Street
Application Index	:	DA 2017/00004
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Dwelling
Lot Area	:	749m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Million Dollar Makeovers
Owner	:	C Seagreen
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 an extension to the ground floor of a partial two storey dwelling.

The plans submitted indicates a rear setback variation for 6-metres to a 5-metre minimum and a 100mm reduction to the southern boundary to match in with an existing setback.

## **SUMMARY AND KEY ISSUES**

- The applicant is seeking variation to the rear and side setback in accordance with the Design Principles of the R-Codes.
- The development complies in all other respects. Conditional approval has been recommended.

## **LOCATION**

As per the attached location plan

## **BACKGROUND**

The Shire issued a building licence on the 25 November 1980, for the development of a two-storey brick and zincalume dwelling on the subject site.

## **CONSULTATION**

Adjoining/affected land owners were advised of the proposed development in writing and given 14 days to make a submission. No written submissions were received.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

### **Local Planning Scheme No.4**

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

<b><u>LOCAL PLANNING SCHEME NO. 4</u></b>		
<b>Scheme Requirement/Clause</b>		<b>Assessment/Comment</b>
<b>1.</b>	9-metre front setback	9-metres: Complies
<b>2.</b>	0.50 Plot ratio (Clause 26)	0.50: Complies
<b>3.</b>	Averaged Floor level	Below 500mm of fill.
<b><u>RESIDENTIAL DESIGN CODES</u></b>		
<b>Deemed-to-Comply</b>		<b>Assessment/Comment</b>
<b>1.</b>	55% Open Space	67% open space: Complies
<b>2.</b>	Height (Category B) 7-metres	6.7-metres to the ridge
<b>3.</b>	Rear Setback 6-metres	5-metres: Does not comply (average 6-metres).

### *Heritage*

The subject site is located almost 1-metre lower than the adjoining Category 1 place on the common southern boundary. The alterations and additions are modest and would not have any impact on the heritage values of the adjoining property.

## **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.

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## **OFFICER COMMENT**

The application seeks two relatively minor variations to setback. In the case of the rear setback from 6-metres to 5-metres, there are no objections as the average rear setback would exceed 6-metres. The southern side setback variation is 100mm, and given that this portion of the side is below the crown of the road, and much lower than the adjoining southern property this variation would not be easily discerned.

On this basis the application can be supported subject to standard conditions for this form of development.

## **OFFICER RECOMMENDATION/S – ITEM No.8.1.2**

That Council grant planning approval for alterations and additions on Lot 40 (No. 8) Venn Street, Peppermint Grove, in accordance with the plans and specifications submitted on 9 August 2017, 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 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.
3. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining 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 along Venn Street.
4. The proposed new crossover shall be either concrete or brick paving to Council specifications and the satisfaction of the Chief Executive Officer of the Shire, prior to the occupation of the dwelling.
5. The street verges shall not be used for the storage of construction materials, skip bins and site facilities.
6. The street trees shall be protected during construction and fencing to the drip line shall be installed prior to the commencement of construction.

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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 the rear and side setbacks.

**COUNCIL DECISION – 1100**

**MOVED: CR K FARLEY, SECONDED: CR S FLEAY**

**That:**

**Council grant planning approval for alterations and additions on Lot 40 (No. 8) Venn Street, Peppermint Grove, in accordance with the plans and specifications submitted on 9 August 2017, 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 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.**
- 3. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining 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 along Venn Street.**
- 4. The proposed new crossover shall be either concrete or brick paving to Council specifications and the satisfaction of the Chief Executive Officer of the Shire, prior to the occupation of the dwelling.**
- 5. The street verges shall not be used for the storage of construction materials, skip bins and site facilities.**
- 6. The street trees shall be protected during construction and fencing to the drip line shall be installed prior to the commencement of construction.**

**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 the rear and side setbacks.**

**CARRIED: 6/0**

**DECLARATION OF INTEREST – IMPARTIALITY**

Cr G Peters has a contract to maintain the swimming pool.

**DECLARATION OF INTEREST – PROXIMITY**

Cr C Hohnen owns the neighbouring property.

**8.1.3 Replacement Two-Storey Dwelling and Ancillary Dwelling Lot 116 (No. 70) Leake Street, Peppermint Grove.**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 2</b>	<b>70 Leake Street</b>

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	70 Leake Street
Application Index	:	2017-00001
LPS No 4 Zoning	:	R12.5
Land Use	:	Single Dwelling
Lot Area	:	1819m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	Item 8.1.7. 26 February 2013
Applicant	:	Rodrigues Bodycoat Architects
Owner	:	Bramhall Pty Ltd
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 a replacement dwelling and a detached ancillary dwelling on the subject site.

## **SUMMARY AND KEY ISSUES**

- The new dwelling complies generally with the Deemed-to-comply provisions of the R-Codes.
- The ancillary dwelling floor area at 89m<sup>2</sup>, in lieu of 70m<sup>2</sup>, is acceptable in this context.
- The reduced setback to Leake Street of the ancillary dwelling is not supported on planning grounds.
- The roof deck and adjoining roof details need clarification.

## **LOCATION**

Please refer to the location plan.

## **BACKGROUND**

Council at its meeting held on the 26 February 2013, granted planning consent for the demolition of a single storey brick and tile 1930's dwelling. This house had been substantially altered and was not on the Shire's Heritage List. At the same meeting Council approval was granted for a partial two-storey dwelling with basement parking.

The planning approval expired in 2015 and the property has since changed hands.

## **CONSULTATION**

The proposal was advertised for a 14 day period and five written objections have been received from adjoining affected landowners.

The grounds of objection made have been addressed in the officers comment section below.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

### **Local Planning Scheme No.4**

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

<b><u>LOCAL PLANNING SCHEME NO. 4</u></b>		
<b>Scheme Requirement/Clause</b>		<b>Assessment/Comment</b>
1.	Plot ratio 0.5	0.33; Complies
2.	9-metre front setback	4.2 to 7.5-metres: Does not comply. (Ancillary dwelling only)
3.	6 metre wall height	Complies
4.	9 metre ridge	Complies
<b><u>RESIDENTIAL DESIGN CODES</u></b>		
<b>Deemed-to-comply</b>		<b>Assessment/Comment</b>
1.	Open Space 55%	73%: Complies
2.	Privacy: Upper level bedroom windows 4.5- metres from a common boundary  Roof deck/balcony 7.5-metres from a common boundary	Complies.  Complies
3.	Side set backs	Complies
4.	Setbacks and Street surveillance	Complies (refer officers comments)
5.	Rear Setback 6-metres	3-metres proposed.
<b><u>LOCAL PLANNING POLICY</u></b>		
<b>Policy</b>		<b>Assessment/Comment</b>
1.	Heritage (LPP3)	Please refer to heritage section of the report.

### Heritage Policy

The subject site adjoins 72 Leake Street, which is a Category 1 property on the Shire's Heritage List.

The adjoining heritage property at No.72 Leake Street is separated from the subject site by a right-of-way and is set well clear of the new dwelling.

It is assessed that the heritage values of the adjoining property would not be adversely affected by the proposed development.

### Streetscape

The two-storey component of the house has been located on the rear of the lot, with only the ancillary dwelling occupying a portion of the front setback area. A flat roofed patio/verandah setback is proposed at 4.5-metres from the street alignment with the front wall of the ancillary dwelling located at 7.5-metres from Leake Street.

Local Planning Scheme No.4 stipulates a minimum 9-metre front setback to buildings. The application proposes a 3.5-metres setback to the patio and 7.5-metres to the front wall of the proposed ancillary dwelling. This issue has been discussed with the applicant and it has been agreed that a condition be imposed on any approval Council may grant requiring a primary street setback to comply with the Scheme.

### **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 siting of the house toward the rear of the site has been done in order to achieve river views and the owner is entitled to do so, providing that the Deemed-to-comply provisions of the R-Codes are met. The design developed for the site is interesting in that, in placing the house to the rear of the site, two aspects of the R-Codes still need to be satisfied. These revolve around a dwelling making a contribution to the streetscape as outlined under Clause 5.1.2 of the R-Codes, where there is a requirement under the Deemed-to-comply provisions for;

*C.2.1 Buildings to be setback from the primary street boundary:*

- i) *In accordance with Table 1*

- ii) *corresponding to the average of the setback of existing dwellings on each adjacent property fronting the same street.*

In this instance table 1 has been substituted under LPS 4 with the requirement for a 9-metre setback.

Under the Design principles of 5.1.2 (P2.1) buildings are expected to;

- *contribute to, and are consistent with, an established streetscape.*

The R-Code provisions quoted above are satisfied by the proposed ancillary dwelling, which would contribute to the streetscape setting, with a revised front setback of 9-metres, and by the fact that there would be a habitable room window addressing the primary street. The need for a habitable room window that gives the perception of surveillance is a further requirement under Clause 5.2.3 *'Street surveillance'* in the R-Codes.

Variations to the Deemed-to-comply provisions that does not adversely affect the amenity of the adjoining landowners, and are in accordance with the Design principals, can be considered by Council. In the case of the proposed detached ancillary dwelling at 89m<sup>2</sup> in lieu of the 70m<sup>2</sup> permitted as of right, there are no objections as this 19m<sup>2</sup> increase on a 1817m<sup>2</sup> Lot is considered acceptable on planning grounds.

This application has attracted several submissions objecting to various aspects of the proposal and these have been summarized in a tabulated form with corresponding planning responses.

<b>Grounds of Objection</b>	<b>Town Planning Response</b>
Loss of tree canopy where the house is proposed	Trees on private land are considered private property and Council does not have a policy. However, Council is able to consider tree preservation under clause 67(p) of LPS 4
40% of the site is given over to driveways and car parking.	Paved areas are still considered open space as defined under the R-Codes.
The extant house is to remain on the site without the land being subdivided	Although three submissions make this claim, the plans submitted clearly indicate demolition of the extant house. It could be possible to retain the house subject to a significant reduction in floor area. However, this could only be considered under a revised planning submission by the applicant.
Privacy of adjoining lots is being compromised due to the position of windows.	The windows and their location would meet the Deemed-to-comply provision of the R-Codes.

The roof deck/balcony represents a third storey.	For a development to be considered having a third storey, that space must be habitable. At the same time the house also meets the heights limits set-down in the scheme.
The development would not comply with the objectives of the Scheme and the R-Codes.	Complying with the Deemed provisions of the R-Codes meets the objectives of this state planning policy. Council is only able to set a higher standard than provided for under the Deemed-to-comply provisions by the special approval of the WAPC.
The significant height difference between the subject site and The Esplanade properties accentuates the bulk of the proposed dwelling.	The height differences, the result of the topography of the land and not excessive fill. The proposed dwelling meets the new height limits prescribed under LPS 4 for the Shire.
The averaged ground level is based on the four corners of the lot. If the land was subdivided the proposed dwelling would have a 'higher' finished floor level than would be permitted.	There are no subdivision plans for the site at this time. Ground levels and floor level can on current information only be determined retrospectively.

The objections received have been based on valid planning considerations, however, in the context of the Deemed-to-comply provisions of the R-Codes, (and therefore the Scheme), the grounds of objection cannot be sustained.

While privacy and overlooking are always a valid concern, the explanatory section of the R-Codes provides well considered aspects of privacy and states that;

*'Protection from overlooking is not required for open space other than that defined as **outdoor living areas**. Protection from overlooking is not necessary for extensive areas of garden which are well separated from the dwelling to which they relate.'* (Page 63)

The proposed roof deck has been relocated from the eastern elevation to the northern elevation, which would alleviate the adjoining/affected neighbours' privacy. The architect has provided details of the roof deck and the access landing. It is assessed that this space is 18m<sup>2</sup> of which 9m<sup>2</sup> is taken up with the stairwell. With a ceiling height of 2.2-metres this restricted space cannot be considered a habitable room as defined under the Building Code of Australia.

Questions were raised at the Agenda Briefing Forum, 12<sup>th</sup> September 2017, in regard to tree canopy retention and the timing of the removal of the house. These two matters have been discussed with the applicant and revised site plans have been lodged that demonstrate more clearly the trees to be retained. In addition, the applicant has indicated that additional landscaping will be provided on site as it is the landowner's intention to enjoy the opportunity provided by the large land area of the site for garden. In terms of the existing house, the applicant also agreed to a condition being placed on any approval granted by Council, that

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the old house be removed from the site prior to the occupation of the replacement house. At the same time to ensure that the ancillary dwelling is constructed in order to satisfy the R-Code streetscape requirements, a condition has also been included that it be completed within 6-months of the removal of the current house on the site.

The proposed development is assessed as complying generally with the R-Codes and Scheme. In the case of the variations to the floor area of the proposed ancillary dwelling and the rear setback reduced from 6-metres to 3-metres, there is no objection on planning grounds. Nevertheless, the setback of the ancillary dwelling should be increased to comply with the LPS 4 to a minimum of 9-metres.

The application can be supported on planning grounds and a conditional approval can be recommended on this basis.

#### **OFFICER RECOMMENDATION/S – ITEM No. 8.1.3**

That Council grant planning approval for alterations, a replacement two storey dwelling, with a detached ancillary dwelling on Lot 116 (No. 70) Leake Street Peppermint Grove, in accordance with the plans and specifications submitted on 16 June 2017, subject to the following conditions;

1. The ancillary dwelling shall be setback 9-metres in accordance with Clause 26(2) of Local Planning Scheme No. 4.
2. The existing house on the site shall be demolished prior to the occupation of the replacement dwelling.
3. The proposed ancillary dwelling shall be constructed to the satisfaction of the Chief Executive Officer of the Shire within 6-months of the occupation of the replacement dwelling.
4. 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.
5. The street trees adjacent to the Lot 116 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).
6. 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.
7. The applicant shall adhere to the construction management plan during the development of the site to the satisfaction of the Chief Executive Officer.

8. The Right-of-Way shall be repaired/regraded at the completion of the development, prior to the occupation of the dwelling, to the satisfaction of the Chief Executive Officer.
9. Details of the screen wall and infill panels along the Leake Street frontage of the site, 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.
10. The crossover to the Leake 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.
11. 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.
- ii) 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 the increased floor area of the ancillary dwelling and the rear setback.

#### COUNCIL DECISION – 1101

**MOVED: CR S FLEAY SECONDED: CR K FARLEY**

#### AMENDMENT:

**No.2 - to read as follows:**

**The existing house on the site shall be demolished prior to the *issuance of the Certificate of Completion* of the principal dwelling on the subject site.**

**No.3- to read as follows:**

**The proposed ancillary dwelling shall be constructed to the satisfaction of the Chief Executive Officer of the Shire within 6-months of the *issuance of Certificate of Completion of the principal dwelling*.**

**CARRIED: 6/0**

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**COUNCIL DECISION – 1102**

**MOVED: CR S FLEAY SECONDED: CR K FARLEY**

**SUBSTANTIVE MOTION**

**That Council:**

**Grant planning approval for alterations, a replacement two storey dwelling, with a detached ancillary dwelling on Lot 116 (No. 70) Leake Street Peppermint Grove, in accordance with the plans and specifications submitted on 16 June 2017, subject to the following conditions;**

- 1. The ancillary dwelling shall be setback 9-metres in accordance with Clause 26(2) of Local Planning Scheme No. 4.**
- 2 The existing house on the site shall be demolished prior to the issuance of the Certificate of Completion of the principal dwelling on the subject site.**
- 3 The proposed ancillary dwelling shall be constructed to the satisfaction of the Chief Executive Officer of the Shire within 6-months of the issuance of Certificate of Completion of the principal dwelling.**
- 4. 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.**
- 5. The street trees adjacent to the Lot 116 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).**
- 6. 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.**
- 7. The applicant shall adhere to the construction management plan during the development of the site to the satisfaction of the Chief Executive Officer.**
- 8. The Right-of-Way shall be repaired/regraded at the completion of the development, prior to the occupation of the dwelling, to the satisfaction of the Chief Executive Officer.**
- 9. Details of the screen wall and infill panels along the Leake Street frontage of the site, 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.**



- 10. The crossover to the Leake 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.**
- 11. 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.**
- ii) 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 the increased floor area of the ancillary dwelling and the rear setback.**

**CARRIED: 6/0**

## 8.1.4 Proposed Replacement Detached Double Garage. Lot 113 (No 38) The Esplanade, Peppermint Grove.

### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 3</b>	<b>No. 38 The Esplanade</b>

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	38 The Esplanade
Application Index	:	DA 2017/00005
TPS No 3 Zoning	:	Residential R10
Land Use	:	Single Dwelling
Lot Area	:	1644m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 21st October, 2015 (Item 9.1)
Applicant	:	Webb & Brown-Neaves
Owner	:	Barbara-Dene Gordon Jones
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**

Council is requested to consider the application for a nil setback of a parapet (garage) wall along the northern boundary at the rear of the property which is a variation from the Deemed-to-comply provisions of the R-Codes.

## **SUMMARY AND KEY ISSUES**

- A nil setback to the northern boundary of the subject site is proposed.
- It is assessed that the Design Principles of the R-Codes have been met.
- Approval is recommended.

## **LOCATION**

Please refer to the attached location plan.

## **BACKGROUND**

Council at its meeting held on 21 of October 2015, granted planning consent for the development of a two-storey building with an ancillary dwelling.

The plans submitted at that time proposed the retention of an existing flat roofed carport.

Plans for the new carport are essentially a renovation of the resident's existing carport which has become dilapidated. There has also been a request to extend the height of the carport to accommodate more modern vehicles.

## **CONSULTATION**

The adjoining affected neighbour was advised in writing of the proposed development and no written submission has been lodged in response.

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

<b><u>RESIDENTIAL DESIGN CODES</u></b>	
<b>Acceptable Development/ Performance Criteria</b>	<b>Assessment/Comment</b>
<b>1.</b> Minimum of 1 metre setback for walls less than 3.5 metres high and 9 metres in length.	Nil setback requested. Please refer to Officer Comment section for assessment.

## **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 application proposes to replace, in the same location an existing carport. This existing carport also includes a boundary wall on the northern boundary. This boundary wall adjoins a limestone retaining wall to an adjoining tennis court area.

Although the existing carport is in reasonable condition, it has a particularly low ceiling height of approximately 2.1-metres, which would make the undercover parking of large cars problematic. The replacement garage is marginally wider to house two motor cars and has an increased ceiling height to 2.6-metres in order to accommodate the larger and higher motor cars which have become increasingly popular in recent times.

Although the minimum setback required for walls is less than 3.5 metres and 9 metres in length is 1-metre, the Design Principals allow this to be varied subject to the proposed development not having a detrimental impact on the amenity of the adjoining property. It is assessed in this instance that there would be a negligible impact to the adjoining landowner and the plans submitted can be supported from a planning perspective.

**OFFICER RECOMMENDATION/S – ITEM No. 8.1.4**

That Council grant planning approval for a replacement garage on Lot 113 (No.38) The Esplanade Peppermint Grove, in accordance with the plans and specifications submitted on 4 August 2017, 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 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.
3. The Right-of-Way shall be repaired/regraded at the completion of the development, prior to occupation of the dwelling, to the satisfaction of the Chief Executive Officer.

## 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.
- ii) 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 lot boundary setback.

**COUNCIL DECISION – 1103**

**MOVED: CR K FARLEY, SECONDED: CR G PETERS**

**That Council:**

**Grant planning approval for a replacement garage on Lot 113 (No.38) The Esplanade Peppermint Grove, in accordance with the plans and specifications submitted on 4 August 2017, 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 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.**

- 3. The Right-of-Way shall be repaired/regarded at the completion of the development, prior to occupation of the dwelling, to the satisfaction of the Chief Executive Officer.**

**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.**
- ii) 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 lot boundary setback.**

**CARRIED: 6/0**

8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

Nil

## 8.5 CORPORATE

## 8.5.1 Financial Report – August 2017

## CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4	Interim Financial Report – August 2017

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Paul Rawlings, Manager, Corporate Services

COUNCIL ROLE

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



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## **PURPOSE OF REPORT**

To provide Council with a report of financial activity for the period 1 July 2017 to 31 August 2017.

## **SUMMARY AND KEY ISSUES**

- The financial report for the two months ended 31 August 2017, indicates a closing surplus of \$3,224,796 some \$133,258 more than forecast;
- Operating revenue is some \$26,688 less than forecast;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$77,644 less than forecast;
- No capital expenditure has been incurred.

## **LOCATION**

N/A

## **BACKGROUND**

Nil

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

The financial reports indicates Council exceeded its estimated 1st July 2017, brought forward surplus of \$261,470 by some \$86,641 with only debtors adjustments for deferred pensioner rates and any final 2016/17 audit adjustments to be accounted for.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

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## **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 - particularly from development and building applications – has been somewhat muted to date. This category will be closely watched over the next few months prior to the annual budget review in March 2018.

### **(2) Materials and Contracts**

Materials and contracted expenses are some \$58,412 less than expected at this stage though much of this relates to invoices yet to be received.

### **(3) Net Current Assets Brought Forward at 1<sup>st</sup> July 2017**

See discussion under “financial implications” above.

### **(4) Net Current Assets Year-to-Date**

Net current assets as at 31 August 2017, exceed the forecast figure by some \$133,258 at this stage. This is largely attributable to the additional brought forward surplus (\$86,641 at this stage), and materials and contracts expenses timing issues (\$58,412) discussed above.

## **OFFICER RECOMMENDATION/S – ITEM No. 8.5.1**

That the Interim Financial Report for the period 1 July 2017 to 31 August 2017, be received.

## **COUNCIL DECISION – 1104**

**MOVED: CR S FLEAY, SECONDED: CR D HORREX**

**That the Interim Financial Report for the period 1 July 2017 to 31 August 2017, be received.**

**CARRIED: 6/0**

**8.5.2 Accounts Paid – August 2017**
**CORPORATE**
**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 5</b>	<b>Accounts Paid – August 2017</b>

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

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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## **PURPOSE OF REPORT**

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

## **SUMMARY AND KEY ISSUES**

Significant payments in August 2017 included the following:

- GST & PAYG remittance to ATO;
- Remittance of portion of library cash reserve to Town of Cottesloe;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

## **LOCATION**

N/A

## **BACKGROUND**

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

<b><u>PAYMENT TYPE</u></b>	<b><u>AMOUNT</u></b>
Cheques 291, 292 & 301	\$2,174.00
Electronic Funds Transfers 00123 – 00133	<u>\$319,849.91</u>
<b>TOTAL</b>	<b>\$322,023.91</b>

## **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.

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**FINANCIAL IMPLICATIONS**

The payments processed by the Shire relate to expenditure approved in the 2017/2018 annual budget (as amended).

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

Nil

**OFFICER RECOMMENDATION/S – ITEM No. 8.5.2**

That:

The payment of cheques, electronic funds payments and credit card payments for August 2017, totalling \$322,023.91 be approved.

**COUNCIL DECISION – 1105**

**MOVED: CR S FLEAY, SECONDED: CR D HORREX**

That:

**The payment of cheques, electronic funds payments and credit card payments for August 2017, totalling \$322,023.91 be approved.**

**CARRIED: 6/0**

**9 NEW BUSINESS OF AN URGENT NATURE**

Nil

**10 MOTIONS ON NOTICE**

Nil

**11 CONFIDENTIAL ITEMS OF BUSINESS**

Nil

**12 CLOSURE**

At 6.24pm, there being no further business the meeting closed.