



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

AGENDA

TO BE HELD ON
TUESDAY 27 NOVEMBER 2018
AT
5.30 PM



Shire of Peppermint Grove

NOTICE OF MEETING

Dear Councillor

It is advised that the **COUNCIL MEETING** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday **27 NOVEMBER 2018**, commencing at 5.30 pm.

MEETING AGENDA ATTACHED

Yours faithfully



Don Burnett
CHIEF EXECUTIVE OFFICER

23 NOVEMBER 2018

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Shire of Peppermint Grove

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Shire of Peppermint Grove

ORDINARY COUNCIL MEETING AGENDA

1 DECLARATION OF OFFICIAL OPENING

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

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

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

Affirmation of Civic Duty and Responsibility

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

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Deputy Shire President
Elected Member
Elected Member
Elected Member

Cr C Hohnen (Presiding Member)
Cr K Farley
Cr D Horrex
Cr G Peters

Chief Executive Officer
Manager Library and Community Services
Manager Corporate Services
Manager Infrastructure Services
Manager Development Services

Mr D Burnett
Ms D Burn
Mr P Rawlings
Mr D Norgard
Mr R Montgomery

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

2.2 APOLOGIES

Shire President Cr R Thomas

2.3 LEAVES OF ABSENCE

Cr P Macintosh – Granted at OCM 23 October 2018

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

3.2 PETITIONS

4 PUBLIC QUESTION TIME

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

- The Agenda
- Question to Council and
- Deputation Forms

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

Rules for Council Meeting Public Question Time

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

4.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

4.3 DEPUTATIONS OF THE PUBLIC

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

5 DECLARATIONS OF INTEREST

Councillors / Staff are reminded of the requirements of section 5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the Shire's Code of Conduct. Councillors / staff are required to submit declarations of interest in writing on the prescribed form.

5.1 FINANCIAL INTEREST

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

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

5.2 PROXIMITY INTEREST

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

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

5.3 IMPARTIALITY INTEREST

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

5.4 INTEREST THAT MAY CAUSE A CONFLICT

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

5.5 STATEMENT OF GIFTS AND HOSPITALITY

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

6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

7 CONFIRMATION OF MINUTES

COUNCIL DECISION

7.1 ORDINARY COUNCIL MEETING 23 OCTOBER 2018

Moved:

Seconded:

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 23 October 2018 be confirmed as a true and accurate record.

8 CHIEF EXECUTIVE OFFICER REPORTS

8.1 URBAN PLANNING

8.1.1 Development - Roof Deck - Lot 24 (16) Bay View Terrace, Peppermint Grove WA 6011

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 - Item 8.1.1 refers	16 Bay View Terrace - Roof Deck

Voting Requirement : Simple Majority
 Subject Index : DB027B
 Location / Property Index : Lot 24 (16) Bay View Terrace, PEPPERMINT GROVE WA 6011
 Application Index : DA2018/00026
 LPS No 4 Zoning : R-10
 Land Use : Dwelling
 Lot Area : 700m
 Disclosure of any Interest : Nil
 Previous Items : 22 May 2018 OCM – Confidential Item (8.1.2) 11.2
 Applicant : Palazzo Exclusive Homes Pty Ltd
 Owner : H & S Riaz
 Responsible Officer : Mr Ross Montgomery

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

The Council is requested to consider approving a revised design for a roof deck which was previously approved as part of a new single residence. The project is yet to be completed and the applicant requests a modification to increase the size, and to introduce glass privacy screening.

SUMMARY AND KEY ISSUES

- The approval to build a single dwelling at 16 Bay View terrace in Peppermint Grove included a roof deck.
- Revised design has been subject to discussion and included neighbour consultation and inspection of the premises by Elected Members of Council.
- Neighbours at 53 Johnston and 14 Bay View Terrace have been consulted and advise they do not object to the revised design.
- Deck is proposed to be larger and BBQ area is re-located to be concealed against the stairwell.
- Screening will be part of the design to prevent overlooking of neighbours and to ensure the deck does not include bulky visual intrusion which might add to the appearance of height and bulk.
- The revised design has been subject to consultation with the Councillors, neighbours and staff and with the modifications proposed now offers a visually acceptable resolution of providing long views and distant outlook and also respects the privacy of neighbouring homes and ground level activity.

LOCATION

Corner of Bay View Terrace and Johnston Street (Lot 24) 16 Bay View Terrace, Peppermint Grove. (See attached Location Map).

BACKGROUND

A roof deck was previously approved by the Shire as part of the overall house development and it sat on top of a portion of the steel clad roof area.

The builder revised the design of the roof during the construction and without planning approval (subject to CDC building permit) substituted a concrete roof for the steel clad roof—arguing this revision provides better weather protection and structural integrity to the house. This revision to the roof prompted the builder to propose an increase the area of the roof deck.

The Shire planner on being advised of this unauthorised change told the builder (the applicant) to stop further work on the deck and to lodge a formal request by way of a planning application to the Shire to consider a revision to the planning approval for the deck area.

Elected members inspected the site to view the unauthorised changes and to hear an explanation from the builder as to why and how the changes had been made, and to explain why the Shire should consider the revised design as a planning application to revise the

approved plan. Councillors at this time expressed concern that the deck covered a much larger area than what had been approved, and that it should not extend to the western edge and needed to be screened so as not to overlook and jeopardise the privacy of neighbours.

The applicant was advised to liaise with abutting neighbours to ensure there were no concerns about overlooking or privacy of their outdoor open space areas.

The applicant has since revised the proposal to reduce the area away from the western edge of the roof, and to propose to install a 1.8 m high obscure glass perimeter screen to the south-west, west and north-western edges of the deck to screen the properties to the west and north from being overlooked.

CONSULTATION

The revised design has been referred to the owners of 14 Bay View Terrace and 53 Johnston Street Peppermint Grove for comment. Both owners have responded to confirm they have viewed the plans and met with the builder and applicant to inspect the deck area and to see samples of the screening proposed. They advise that on what they discussed and saw they will not object to the application provided the screening to the deck is constructed as described by the builder and as per the application 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

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

The house was approved by the Shire subject to Town Planning Scheme 3 and the design provides an imposing and contemporary architectural presence to this corner site. The roof deck is visually incorporated into the form of the roofline.

The applicant was instructed to cease work on the deck and has followed instructions to revise and respond as a formal planning application and has willingly consulted with Councillors and neighbours to amend the design and the non-compliant situation. Following the meeting with Councillors the applicant has revised the extent of the deck to respect the need to prevent overlooking of neighbours private areas of their property.

The issue of the potential overlooking into the private yards of neighbours from the deck has been addressed by the use of obscure glass panels and glass blades to screen and re-direct views away from neighbouring yard areas.

At the request of the Shire the applicant has provided aerial and street perspective illustrations of the project to demonstrate the minimal visual impact this change will have on the street appearance of the house. The applicant has also invited neighbours to inspect the roof deck area and explain/discuss the proposed screening treatments to the deck edges and to address any concerns regarding privacy.

Abutting neighbours confirm they have been consulted and are now satisfied the design will provide them with visual privacy.

The application seeks approval to the amendment of the Approved Plan to the extent that it addresses the roof and the deck. The proposed deck is considerably larger in area than what was approved. The design has also relocated a barbeque area into a less visually prominent area and will screen this from street view.

The revised roof deck design will provide outdoor active habitable space for the house on a portion of the roof and will offer the residents an outlook towards the river foreshore and views beyond to the Darling Scarp.

The redesign with proposed screening requested to be included as part of the approved plan will adequately address the issue of overlooking neighbours' private open space areas.

Approval of this application will resolve the unauthorised design change to the deck from the Approved Plan and allow the project to be completed.

Further Information following the Agenda Briefing Forum

The Officer Recommendation, Condition 3, has been expanded as requested by Councillors to address the issue that there should be no access to the perimeter roof deck other than for maintenance.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council approves the proposed roof deck at 16 Bay View Terrace Peppermint Grove, subject to the following Conditions:-

1. The development the subject of this approval must at all times comply with the residential land use by the Shire as part of this approval and Local Planning Scheme No.4. (Approved Plans/Land Use)
2. All building works on the site are to comply with the terms of this Planning Approval and associated Approved Stamped Plans (A1 Sht 6, 10, 11) at all times.
3. Screening materials to the perimeter of the roof deck are to be as per the specifications contained in the approval and panels are to be secured to prevent access to the roof area beyond the screen; there shall be no access to the roof area beyond the screen other than for maintenance purposes.
4. Screen panels to the south-west, west, north-west edge of the roof deck are to be 1.8m high obscure glass panels.
5. Screen panels to the south adjacent to the barbeque area, and along the northern edge of the deck as marked on the Approved Plan are to be 1.8m high obscure glass blades angled to permit view to the north east only (on the northern side) and south east (on the BBQ screen).
6. Lighting to the barbeque area shall be low-voltage downlights focussed on cooking top surfaces only. Deck area shall only be illuminated by low-emission (low-lux) units with all light directed back onto the deck and not to spill onto the street or off-site.
7. There shall be no amplified or other sound or music to be emitted from the deck.
8. Furniture and other objects or materials placed on the roof deck are to be anchored during use to prevent dislocation onto adjacent properties and such objects are to be stowed out of sight when not in use.
9. All works shall be completed within 12 months of the issue of this Approval.

Advice Notes

1. With regard to Condition 2; all subsequent building plans required to implement this Planning Approval or subsequent use of the site and premises shall not be certified for issue of a Permit unless they agree with Planning Approval conditions, Approved Plans (as stamped by the Shire) and other site-relevant requirements (LPS 4) of the Shire of Peppermint Grove.
2. The Applicant is advised that Council in granting this Approval has exercised its discretion to accept the design solution of obscure glass panels and blade screens, and assurance from applicant that lighting fixtures to the deck will be of a minimal nature. In issuing approval the Shire retains the prerogative as part of its responsibility to act upon any complaint which may arise due to noise or light emission as part of the use of the premises.

8.1.2 Development - Shed at Lot 330 (550) Stirling Highway, Peppermint Grove
URBAN PLANNING
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item refers 8.1.2	550 Stirling Highway, Peppermint Grove

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	Lot 330 (550) Stirling Highway, Peppermint Grove
Application Index	:	DA2018/00031
LPS No 4 Zoning	:	R-80 – Mixed Use
Land Use	:	Office
Lot Area	:	715m
Disclosure of any Interest	:	Nil.
Previous Items	:	Change of Use Approval – Office Use – 28/08/2018 OCM
Applicant	:	Stratco WA Pty Ltd – Sheds WA
Owner	:	A Blackwell and P Benjamin
Responsible Officer	:	Mr Ross Montgomery

COUNCIL ROLE

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PURPOSE OF REPORT

Council has received a development application to erect a steel shed in the rear of the old Cottesloe Police Station.

SUMMARY AND KEY ISSUES

- Existing building on the site is a Category 1 Heritage Listed building and is on the State Heritage Register.
- The Shire approved the use of the building with minor internal works (fit out) to allow the tenancy of the premises for MAEK home design and building company offices.
- At the time of the previous application for use of the premises MAEK enquired about the installation of a small shed for the storage of display materials.
- The Shire advised that the site could not be used for storage of building materials and was not to be used as an industrial builders' yard.
- MAEK indicated they required a secured outdoor space for keeping samples to display to customers.
- They indicated they would seek approval for a small storage shed to be located at the rear of the police station in the brick-paved car park.
- The proposed shed is more than 33m² in area and will remove one car bay from the site (scheme provision is for 7 car parking spaces based on 178 m² floor area of offices).
- The proposal will not require the removal of trees.

LOCATION

550 Stirling Highway, Peppermint Grove. Eastern portion of site. (See attached Plan).

BACKGROUND

Council considered and approved the use of the premises as sales offices for a home design and build company at its August meeting.

That proposal was referred to neighbours for comment and the issue of site access, parking and traffic was raised as a concern for this site and the area in particular.

The applicant indicated that the offices would generate minimal traffic and would not employ many staff on-site. There was mention of the need to have an outdoor secure storage area such as a small shed to keep trade display – samples of finishes to show prospective customers.

The application has been supported by an explanation from the business operator as to the need for the shed, its use and the likely capability of the site to accommodate worker and customer parking and access.

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 Planning Scheme No.4

The proposal has been assessed against relevant Scheme provisions outlined in the table below.

<u>LOCAL PLANNING SCHEME NO. 4</u>		
	Scheme Requirement/Clause	Assessment/Comment
1.	1 bay per 25 m2	Site requires 7 bays based on cited floor area of 178 m2. Development pre-dates the scheme and designed for Police use not office Applicant states 2 cars for employee parking required and balance of 6 car bays will meet customer needs.
2.	Access – vehicles to leave site in forward gear.	Turn-around space is adequate

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

The applicant, MAEK Homes has provided a description of the activity associated with the shed and the overall operation of the sales/display centre from the site.

Location of the shed is to be in the south-eastern corner and will take up 2 car bays and will not interfere with existing trees. The storage is to secure items out of the weather and where they can be accessed independently to the offices.

The site is on a public transport corridor and as two of the four staff will be coming to site by public transport the site car parking requirement is adequate

MAEK Homes assures the Shire the building is to be used as a design studio and not a commercial building yard. The proposed shed is to be managed by the Architect and not to be used for the storage of building materials or bulk products. The rear area is not to be accessed by large trucks. The site has already been re-painted and the front garden replanted and once the shed is installed the site can be operated for its approved purpose.

The revised submitted plan shows the location of the shed in relation to the position of car bays and the Police Station building. This plan indicates there will be sufficient space for car parking, turning and manoeuvring provided that all goods remain stored within the shed at all times.

Given the commitments stated to the Shire as to the car parking and storage operations at the site, it is recommended that the shed be granted approval subject to conditions.

Further Information following the Agenda Briefing Forum

The correct site plan has now been included in the attachments.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.2

That Council approves the erection of a shed of 33m² area at the rear of Lot 330 (550 Stirling Highway Peppermint Grove) to be used for the display and storage of building samples associated with the design studio operations in accordance with the approved plan subject to the following conditions:-

- 1. The development the subject of this approval must at all times comply with the plans approved as well as the approved use of the premises by the Shire as part of this approval and the approval relating to the use of the site as a design studio and office.**
- 2. The shed is to be sited in the south-eastern corner of the rear car park, clear of existing trees, and to be designed so as to ensure doors are opened and do not obstruct the flow of vehicles accessing the car park.**
- 3. Building works on the site are to be subject to comply with Building Code of Australia and do not impact the compliance of the existing adjacent buildings.**

- 4. The shed is to be used as described for the display and storage of building samples, display items and fittings as part of the design, sales and project delivery associated with the studio. No storage of goods is permitted outside the shed.**
- 5. The applicant is required to remove the shed upon vacation of lease of premises and must return the premises to a state consistent with the appearance and finishes matching the heritage values of the site.**

8.1.3 Development - Application to amend the Approved Plan related to the planning approval for a house and ancillary dwelling. Proposal to retrospectively obtain approval for unauthorised Internal Changes at Lot 113 (38) The Esplanade, Peppermint Grove.

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details – Recommit October 2018</u>
Attachment	38 The Esplanade Peppermint Grove

Voting Requirement	:	Simple Majority
Subject Index	:	DB027B
Location / Property Index	:	Lot 113 (38) The Esplanade, PEPPERMINT GROVE
Application Index	:	DA2018/00028
LPS No 4 Zoning	:	Residential -R10
Land Use	:	Single house and ancillary dwelling
Lot Area	:	1645m
Disclosure of any Interest	:	Nil
Previous Items	:	Item 8.1.4 – OCM 23 October 2018 (recommitted)
Applicant	:	Ferraro Planning and Development Consultancy
Owner	:	B Jones
Responsible Officer	:	Manager Development Services - Mr Ross Montgomery

COUNCIL ROLE

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PURPOSE OF REPORT

Council is requested to consider approval of plans showing a revised internal layout for a single house and ancillary dwelling built at 38 The Esplanade Peppermint Grove.

SUMMARY AND KEY ISSUES

- Council deferred consideration of this matter at the October meeting in response to possible challenge and pending receipt of legal opinion by Solicitors.
- Advice confirms the Shire is required to make a decision on the Application and the report has been recommitted for consideration of Council.
- Building Permit plans have been submitted and executed which reflect this layout.
- Submitted Plans reflect the as-constructed format of the building and are a response to the Direction to Alter Notice issued by the Shire to the owner in July 2018.
- Revised design as constructed does not present a materially different building to what was proposed on the Approved Plan stamped in 2015 other than to re-configure internal rooms, relocate an external door.
- The substituted plan shows the interconnecting stairway between the ancillary dwelling and the single house as being fully enclosed – and cites this change as delivering better thermal efficiency.
- The plan also includes the visual privacy screen on the southern return of the first floor balcony as approved by the Shire in 2015. That screen wall has now been constructed in accordance with the original approval.

LOCATION

38 The Esplanade Peppermint grove is situated on the western edge of Freshwater Bay and overlooks the Swan River.

BACKGROUND

Council may recall there has been a Direction to Alter Notice issued to the owner of the property Mrs Barbara Jones. The Direction was made because the Shire discovered the completed single house and ancillary dwelling had been constructed in a manner which was inconsistent with the Approved Plans.

Following the issue of the Direction Notice the owner requested that the State Administrative Tribunal review this Notice. The matter is presently adjourned awaiting mediation and this lodgement could be considered a part of that action.

The Council has previously raised its concerns that the layout of the dwelling as it has now been constructed might give rise to the use of the premises as a multiple dwelling. It had therefore carefully considered the manner in which the building was laid out and the ancillary dwelling area of the structure was subsequently specified on the plans following Council's comments and decision not to approve a layout similar to that which has now been constructed.

The Local Planning Scheme 4 does not permit the use of a multiple dwelling in the Residential Zone R10. Use of the building in this manner would contravene the Scheme and would be liable to action for breach of the Scheme and the Planning and Development Act.

CONSULTATION

Although there has been no specific consultation undertaken in respect to this matter, the neighbor has made submission to the Shire on previous occasions.

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

As indicated it is possible for the Council to consider and approve the substitution of the submitted plans for the Approved Plan related to the Planning Approval of 2015.

The use of the building for multiple dwellings is not permitted in Local Planning Scheme 4 and so such an event would constitute a breach of the Scheme and would invite prosecution.

Local Planning Scheme No.4

The proposal complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies. The changes to the Approved Plan proposed by the substituted Plan are completely internal by nature.

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 substituted Plan reflects a return to a design layout similar to one previously considered and refused by the Council.

The plans differ to the Approved Plan as follows:-

- Relocation of the laundry

- Relocation of the internal laundry door
- Airconditioner units
- Hot Water Unit
- Relocated study
- Relocation of bedroom 3
- Relocation of WIR and ensuite
- Internal door on stairway and enclosure of stairway

Windows on the southern elevation at ground level have also been re-configured to reflect the internal changes

The neighbour to the south of the site has previously been critical of the development and was actively involved in drawing the non-conformity to the attention of Council, and in addition has been legally engaged in the Tribunal mediation process.

If the Council does not support the substitution of the plan for the Approved Plan this is a decision which can be appealed to SAT.

Refusal of the substitute plan may give rise to ongoing legal dispute between the Shire and Mrs Jones. Given that the LPS 4 prohibits the operation and use of multiple dwellings on the Residential R10 zone – any reluctance to approve the substitute plan may prove difficult to explain or to defend given that the Scheme provides the Shire with powers to enforce compliance and to legally prosecute the owner.

Since the Shire issued its Direction to Alter Notice there has been action taken to partially meet the terms of the Notice with respect to the privacy screen on the upper floor balcony. The construction of the privacy screen met the most direct ground for objection by the neighbours to the south.

The re-configured layout does not effectively indicate any greater risk or likelihood of the single house and the ancillary dwelling being used as separate multiple dwellings, and given the power of the Scheme to restrict such uses it is therefore recommended the substituted plan be approved and will replace the Approved Plan for the approval decision 015-149.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.3

Council resolves that the substitution of plans to replace the Approved Plan 015-149 (described as Figures 1 – 4) as submitted and proposed by Ferraro Planning and Development Consultancy on behalf of Mrs B Jones on September 15 2018, to the single house and ancillary dwelling located at 38 The Esplanade Peppermint Grove shall be APPROVED subject to the following conditions:-

- 1. The development the subject of this approval must at all times comply with the plans approved and also the land use allowed by Local Planning Scheme 4 and as part of this approval.**
- 2. The Study, Bath B, Bed 3 and Laundry A on the ground floor level of the dwelling are to be used in conjunction with the upper level of the dwelling and shall not be used in conjunction with or as part of the area shown as ‘Ancillary Dwelling’ on the ground floor of the dwelling.**

-
3. **The Approved Plans are consistent with Building Permit Plans and therefore all building works on the site are to comply with the terms of the Planning Approval and associated Approved Plans at all times.**
 4. **All subsequent certification of building plans for the purposes of permit issue shall assess and address Planning Approval Conditions and approved plans.**
 5. **The use of the premises shall at all times be in accordance with Local Planning Scheme 4 and strictly conform to the definition of a single house and ancillary dwelling.**

Advice notes

1. **With regard for Condition 1, all subsequent building plans required to implement this Planning Approval or subsequent use of the site and premises shall not be certified for issue of a Permit unless they agree with Planning Approval Conditions, Approved Plans and other site relevant requirements (LPS 4) of the Shire of Peppermint Grove.**
2. **In making this decision the Shire is satisfied the alterations described in the substituted Approved Plan do not result in a material affect or change to the use and function of the building as a single house and ancillary dwelling.**

8.2 INFRASTRUCTURE

NIL

8.3 COMMUNITY DEVELOPMENT

NIL

8.4 MANAGEMENT / GOVERNANCE / POLICY

NIL

8.5 CORPORATE

8.5.2 Financial Report – October 2018

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3	Financial Report – October 2018

Voting Requirement	:	Simple Majority
Subject Index	:	FM026A
Location / Property Index	:	N/A
Application Index	:	N/A
LPS No 4 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 report on financial activity for the period 1 July 2018 to 31 October 2018.

SUMMARY AND KEY ISSUES

- The financial report for the month ended 31 October 2018 indicates a YTD surplus of \$2,920,262 some \$40,597 more than YTD budget;
- Operating revenue is some \$25,808 more than YTD budget;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$1,753 less than YTD budget;
- Capital expenditure totalling \$152,460 has been incurred.
- The forecast surplus at 30 June 2019 is \$101,299.

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 forecasts a closing surplus of \$101,299. This has increased from that adopted as part of the 2018/19 budget by around \$19,300 due largely to additional operating grants (untied general purpose grants, Australia Day and Carols by Candlelight events).

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER COMMENT

The following comments relate to year-to-date (YTD) budget versus actuals variances or forecasts that vary from the full year estimate that are greater than \$10,000.

(1) Grants and Subsidies

As noted above Council will receive additional untied grants from the WA Local Govt. Grants Commission (\$4,207) and Main Roads (\$1,759), plus two unbudgeted grants from LotteryWest (Australia Day and Carols by Candlelight (\$5,000 each).

(2) Employee Costs

At this stage employee costs are some \$12,109 more than expected. This reflects additional long service leave payments plus timing variances. Additional leave payments will be recouped from the staff leave reserve following the annual budget review next March.

(3) Net Current Assets Year-to-Date

Net current assets as at 31 October 2018 exceed the budgeted figure by some \$40,597 at this stage. This is largely attributable to revenue being in advance of the estimated budget and some savings in capital expenditure.

OFFICER RECOMMENDATION/S – ITEM No. 8.5.1

That Council receives the financial report for the period 1 July 2018 to 31 October 2018.

8.5.3 Accounts Paid – October 2018
CORPORATE
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Accounts Paid – October 2018

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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- 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

The purpose of this report is to advise the details of all cheques drawn, credit card and electronic funds payments and direct debits since the last report.

SUMMARY AND KEY ISSUES

Significant payments in October 2018 included the following:

- GST & PAYG remittance to ATO;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

LOCATION

N/A

BACKGROUND

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

<u>PAYMENT TYPE</u>	<u>AMOUNT</u>
Cheques 389 - 395	\$4,319.35
Direct Debits DD17 – DD23	\$14,401.75
Electronic Funds Transfers 251 – 257	<u>\$294,562.22</u>
TOTAL	<u>\$313,283.32</u>

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

Accounts are paid during the month in accordance with Delegation 2 "Payments from the Municipal Fund and the Trust Fund". Power to delegate to the CEO is contained in Section 5.42 of the Local Government Act 1995.

FINANCIAL IMPLICATIONS

The payments processed by the Shire relate to expenditure approved in the 2018/19 annual budget.

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 Council receives the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for October 2018, totalling \$313,283.32.

8.5.3 Matters for Information and Noting

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachments	1. Rates Comparison 2017/18 and 2018/19 2. Up and coming Library and Community Centre Events 3. Library Statistics 4. Planning and Building Approvals/Infringements Issued October 2018.

Voting Requirement	:	Simple Majority
Subject Index	:	Multiple
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	:	Mhairi Warne, 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.*
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PURPOSE OF REPORT

The Shire of Peppermint Grove regularly receives and produces information for receipt by the Elected Members. The purpose of this item is to keep Elected Members informed on items for information received by the Shire.

The Matters for information report will be presented at each Council meeting and will provide an update on a number of areas of the Shire's operations and also provide information and correspondence of interest to elected members.

It is intended that the following information is provided on a regular basis, either monthly or quarterly, noting some of this data is still to be collected in a presentable format.

- Building permits issues
- Demolition permits issued
- Advisory notes from WALGA, DLG&C or other stakeholders
- WESROC Mayor/President forum notes
- WALGA Zone minutes
- WALGA State Council minutes
- Seal register advising of when the Shire seal has been applied
- Shine statistics
- Infringements for parking/dogs etc
- Waste and recycling data
- Library statistics

SUMMARY AND KEY ISSUES

The following reports are presented to Council at the Ordinary Council Meeting of November 2018:

1. Rates Comparison 2017/18 and 2018/19
2. Up and coming Library and Community Centre Events
3. Library Statistics
4. Planning and Building Approvals/Infringements Issued October 2018.

CONSULTATION

No community consultation was considered necessary in relation to the recommendation of this report.

OFFICER RECOMMENDATION/S – ITEM NO. 8.5.3

That Council receives the information in this report.

9 NEW BUSINESS OF AN URGENT NATURE

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

10 MOTIONS ON NOTICE

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

11 CONFIDENTIAL ITEMS OF BUSINESS**12 CLOSURE**

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

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

TO: Chief Executive Officer
SHIRE OF PEPPERMINT GROVE

NAME: _____

POSITION: _____

MEETING DATE: _____

ITEM NO & SUBJECT: _____

**NATURE OF
INTEREST:**

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

* Please *Circle*
applicable

**EXTENT OF
INTEREST:**

SIGNATURE: _____

DATE: _____

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

FINANCIAL & PROXIMITY INTERESTS

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

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

DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

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

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

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