



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY 27 SEPTEMBER 2016
AT
5.30 PM



Shire of Peppermint Grove

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Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING MINUTES

27 SEPTEMBER 2016

Minutes of the **Shire of Peppermint Grove** Ordinary Meeting of Council held at 1 Leake Street, Peppermint Grove Council Chambers on Tuesday 27 September 2016.

1 DECLARATION OF OFFICIAL OPENING

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

The Post 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.

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

Shire President	Cr R Thomas
Deputy Shire President	Cr C Hohnen
Elected Member	Cr S Fleay
Elected Member	Cr D Horrex
Elected Member	Cr P Macintosh
Elected Member	Cr G Peters
Manager Corporate Services	Mr Paul Rawlings Acting CEO
Manager Library and Community Services	Ms D Burn
Manager Infrastructure Services	Mr D Norgard
Manager Development Services	Mr M Whitbread
Executive Officer	Ms M Tabbakh (Minutes)
Visitors	Nil
Gallery	Nil Members of the Public 2 Members of the Press

2.2 APOLOGIES

Nil

2.3 LEAVES OF ABSENCE

Elected Member, Cr K Farley – Approved at the Ordinary Council Meeting, 23 August 2016.

Chief Executive Officer, Mr John Merrick

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

Cr S Fleay

Requests a Leave of Absence for Agenda Briefing Forum and Concept Forum 11 October 2016.

COUNCIL DECISION – 944

Moved: Cr R Thomas, SECONDED: Cr C Hohnen

That Cr S Fleay be granted Leave of Absence for the Agenda Briefing Forum and Concept Forum 11 October 2016.

CARRIED: 6/0

Shire President, Rachel Thomas

Requests a Leave of Absence for Agenda Briefing Forum and Concept Forum 11 October 2016.

COUNCIL DECISION – 945

Moved: Cr R Thomas, SECONDED: Cr C Hohnen

That Cr R Thomas be granted Leave of Absence for the Agenda Briefing Forum and Concept Forum 11 October 2016.

CARRIED: 6/0

3 DELEGATIONS AND PETITIONS

3.1 DELEGATIONS

Nil

3.2 PETITIONS

Nil

4 PUBLIC QUESTION TIME

At 5.34 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 5.34pm, 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

Nil

5.2 PROXIMITY INTEREST

Nil

5.3 IMPARTIALITY INTEREST

Cr G Peters – 8.1.2 Proposed Retaining and Fill: Lot 65 (No. 27) Leake Street, Peppermint Grove.

Cr G Peters has a contract with the owner of the property to clean the swimming pool.

Cr G Peters – 8.1.3 Detached Garage with Ancillary Dwelling, Loft Storage and Balcony Additions to Main House: Lot 32 (No. 130) Forrest Street, Peppermint Grove.

Cr G Peters has a minor contract agreement with the owner of the property to service 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

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING

23 AUGUST 2016

COUNCIL DECISION – 946

MOVED: Cr S Fleay, SECONDED: Cr D Horrex

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 23 August 2016 be confirmed.

CARRIED: 6/0

7.2 AGENDA BRIEFING FORUM

13 SEPTEMBER 2016

COUNCIL DECISION – 947

MOVED: Cr D Horrex, SECONDED: Cr C Hohnen

That the Minutes of the Agenda Briefing Forum, of the Shire of Peppermint Grove held in the Council Chambers on 13 September 2016 be confirmed.

CARRIED: 6/0

7.3 CONCEPT FORUM

13 SEPTEMBER 2016

COUNCIL DECISION – 948

MOVED: Cr D Horrex, SECONDED: Cr C Hohnen

That the Minutes of the Concept Forum, of the Shire of Peppermint Grove held in the Council Chambers on 13 September 2016 be confirmed.

CARRIED: 6/0

8 CHIEF EXECUTIVE OFFICER REPORTS

8.1 URBAN PLANNING

8.1.1 Proposed Alterations and Garage Additions: Lot 53 (No.2) Hurstford Close, Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	2 Hurstford Close

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	2 Hurstford Close
Application Index	:	016-178
TPS No 3 Zoning	:	Residential
Land Use	:	Single Dwelling
Lot Area	:	750m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Neil Pollard
Owner	:	Neil Pollard
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 an existing garage that would involve a boundary wall on the northern boundary of No. 2 Hurstford Close, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The proposed garage requires a boundary setback variation.
- A freestanding metal carport forward to the house is to be removed.
- Conditional approval has been recommended.

LOCATION

As per the attached location plan

BACKGROUND

The applicant met with Council staff in July 2016, to discuss interior alterations to the dwelling which were subsequently commenced following the granting of a building licence.

At the same time draft plans were proposed involving a boundary wall and coincidentally the adjoining/affected land owner to the north also lodged plans that also proposed a boundary wall on the common boundary.

Council at its meeting held on the 23 August 2016, granted planning consent that included a parapet wall on the common boundary of No. 2 and No. 3 Hurstford Close.

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

Town Planning Scheme No.3

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

<u>TOWN PLANNING SCHEME NO. 3</u>		
Scheme Requirement/Clause		Assessment/Comment
1.	9-metre rear setback	9-metres: Complies
2.	0.5 Plot ratio (Clause 4.9.5)	0.316: Complies
3.	10-metre height.	5-metres to ridge: Complies.
<u>RESIDENTIAL DESIGN CODES</u>		
Acceptable Development/ Performance Criteria		Assessment/Comment
1.	55% Open Space	61.5% open space: Complies
2.	Side set back (1.0m required to northern garage elevation).	Nil proposed: Refer to <i>Officers Comments</i> section below.

Heritage

There are no heritage issues associated with either the subject site or adjoining properties.

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

There is currently a large single garage under the main roof of the house, setback 12-metres from the street. A covered open metal deck carport projects forward of this garage

In order to create a double garage along with a storage area, it is proposed to remove the metal deck carport and bring the garage forward to the 9-metre street setback.

In order to provide sufficient width to park cars side by side, it is proposed to take the garage's northern wall onto the common boundary with No 3 Hurstford Close. Under the Deemed-to-comply provisions of the R-Codes a wall greater than 9-metres in length requires a minimum 1.5-metre boundary setback. In this instance the adjoining neighbour has received an approval for a parapet wall along this section of the common boundary. This wall would be on the southern boundary of the adjoining lot, and therefore not overshadow No.3 Hurstford Close.

The proposed boundary wall at 2.9-metres in height is assessed as having a negligible impact on the amenity to the adjoining/affected property owners.

The plans submitted also indicate the renewal of a front fence to the property. This new front fence is of an open aspect design, and when taken together with the removal of the metal deck carport and recent roof, repainting and gutter and fascia replacement would mean that the street dwellings contribution to Hurstford Close streetscape is greatly enhanced.

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

OFFICER RECOMMENDATION/S – ITEM No.8.1.1

That Council grant planning approval for alterations and garage additions on Lot 53 (No. 2) Hurstford Close, Peppermint Grove, in accordance with the plans and specifications submitted on 18 August 2016, subject to the following conditions:

1. All stormwater being retained and disposed of on-site, details of which are to be submitted and approved prior to the issue of a building permit by the Shire.
2. The development, the subject of this approval, shall be commenced within two-years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.
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 Hurstford Close.
4. The proposed new crossover shall be either concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer of the Shire prior to the occupation of the dwelling.
5. The external face of the boundary wall shall be finished to the satisfaction of the Chief Executive Officer of the Shire prior to the occupation of the additions.

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 nil setback to the northern boundary.

COUNCIL DECISION – 949

MOVED: Cr S Fleay, SECONDED: Cr C Hohnen

That:

Council grant planning approval for alterations and garage additions on Lot 53 (No. 2) Hurstford Close, Peppermint Grove, in accordance with the plans and specifications submitted on 18 August 2016, subject to the following conditions:

- 1. All stormwater being retained and disposed of on-site, details of which are to be submitted and approved prior to the issue of a building permit by the Shire.**
- 2. The development, the subject of this approval, shall be commenced within two-years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.**
- 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 Hurstford Close.**
- 4. The proposed new crossover shall be either concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer of the Shire prior to the occupation of the dwelling.**
- 5. The external face of the boundary wall shall be finished to the satisfaction of the Chief Executive Officer of the Shire prior to the occupation of the additions.**

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 nil setback to the northern boundary.

CARRIED: 6/0

DECLARATION OF INTEREST – IMPARTIALITY

Cr G Peters – Has a contract with the owner of the property to clean the swimming pool.

8.1.2 Proposed Retaining and Fill: Lot 65 (No.27) Leake Street, Peppermint Grove
URBAN PLANNING
ATTACHMENT DETAILS

Attachment No	Details
Attachment 2	27 Leake Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	27 Leake Street
Application Index	:	016-176
TPS No 3 Zoning	:	Residential
Land Use	:	Single Dwelling
Lot Area	:	1221 m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Justin Bajada
Owner	:	Gary James Johnson
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local*

Laws) and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE OF REPORT

For Council to consider a development application for a level deck area increase the height by 1088 mm at the rear of a property. Approval is also sought for two awnings over the doorway leading from the house to the proposed deck area.

SUMMARY AND KEY ISSUES

- The proposed retaining and fill exceed the 500mm limit under the Deemed-to-comply provisions of the R-Codes.
- Impact to an adjoining/affected property is minimal.
- Conditional approval has been recommended.

LOCATION

As per the attached location plan.

BACKGROUND

The applicant met with Council staff on two occasions to discuss the application, and was advised that the assessment would necessarily focus on protecting the privacy of the adjoining landowners.

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 at the time of writing the report.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Town Planning Scheme No.3

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

<u>TOWN PLANNING SCHEME NO. 3</u>		
Scheme Requirement/Clause		Assessment/Comment
1.	0.5 Plot ratio (Clause 4.9.5)	No Change
<u>RESIDENTIAL DESIGN CODES</u>		
Acceptable Development/ Performance Criteria		Assessment/Comment
1.	55% Open Space	No Change
2.	Side set back	No Change
3.	6-metres where ground levels are raised 500mm above NGL. (or screening provided)	Screening provided to 1.6-metres in height.

Heritage

Although the house at No 27 Leake is a Category 1 property on the Shire's Heritage List. The scope of works proposed would only impact the later additions and would not be seen from the street. There are no concerns raised from a heritage perspective in regard to this application.

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 current layout of the site features a paved area at the same level of the house which via a series of terraces/stairs steps down to natural ground level at the common northern boundary. This pool area forms the principal outdoor living area of the dwelling and the current arrangement is an unsatisfactory use of space.

The proposed deck will result in raised ground levels adjacent to the northern boundary of the site. This southern side of the neighbouring property contains service areas rather than outdoor entertaining areas or living areas of the house, however a 1.6-metre high solid screen has been shown on the drawings to maintain privacy between these properties.

The patios proposed will add an additional 35m² of outdoor covered area and has been setback from the boundaries in accordance with the R-Codes.

Subject to standard and appropriate conditions for this form of development, approval can be recommended.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.2

That Council grant planning approval for patio and deck on Lot 65 (No. 27) Leake Street, Peppermint Grove, in accordance with the plans and specifications submitted on 10 August 2016, subject to the following conditions:

1. The development, the subject of this approval, shall be commenced within two-years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.
2. The boundary screen shall be installed to the satisfaction of the Chief Executive Officer of the Shire prior to the occupation of the retained area.
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 Hurstford Close at all times.

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 raised deck in excess of 500mm above Natural Ground Level.

COUNCIL DECISION – 950

Moved: Cr S Fleay, SECONDED: Cr D Horrex

That Council:

Grant planning approval for patio and deck on Lot 65 (No. 27) Leake Street, Peppermint Grove, in accordance with the plans and specifications submitted on 10 August 2016, subject to the following conditions:

- 1. The development, the subject of this approval, shall be commenced within two-years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.**
- 2. The boundary screen shall be installed to the satisfaction of the Chief Executive Officer of the Shire prior to the occupation of the retained area.**
- 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 Hurstford Close at all times.**

Advisory Note:

- l) 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 raised deck in excess of 500mm above Natural Ground Level.**

CARRIED: 6/0

DECLARATION OF INTEREST – IMPARTIALITY

Cr G Peters – Has a minor contract agreement with the owner of the property to service the swimming pool.

8.1.3 Detached Garage with Ancillary Dwelling, Loft Storage and Balcony Additions to Main House: Lot 32 (No.130) Forrest Street, Peppermint Grove
URBAN PLANNING
ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3	130 Forrest Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	130 Forrest Street
Application Index	:	016-172
TPS No 3 Zoning	:	Residential
Land Use	:	Single Dwelling
Lot Area	:	760m ²
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Ariane Prevost, Architect
Owner	:	Mr. & Mrs. Lewis
Responsible Officer	:	Michael Whitbread Manager of Development Services

COUNCIL ROLE

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

permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE OF REPORT

For Council to consider a development application for a detached garage that includes an ancillary dwelling and loft storage area at the rear of No. 130 Forrest Street, Peppermint Grove.

SUMMARY AND KEY ISSUES

- The detached garage has a parapet wall to the western boundary.
- Concern has been expressed in regard to the loft windows.
- A conditional approval has been recommended.

LOCATION

As per the attached location plan.

BACKGROUND

Council at its meeting held on the 21 October 1996 granted planning approval for the development of two storey additions at the rear of the heritage dwelling on the subject site.

Council at its meeting held on the 18 June 2001 granted planning approval for the development of a carport on the eastern side of the house, well behind the building line and attached to the 1997 additions.

Council at its meeting held on the 20 July 2010 refused planning approval for a detached two storey outbuilding, comprising of a garage and studio. The refusal was based on the ridge height, which at 6.5-metres, exceeded the 5-metre limit.

Council at its meeting held on the 28 September 2010 refused planning approval for a detached two storey outbuilding, comprising of a garage and studio. This application was identical to the July 2010 application and was refused on the same grounds.

Council at its meeting held on the 17 December 2013 granted planning approval for a minor verandah to be built onto the 1997 rear additions.

CONSULTATION

Adjoining/affected land owners were advised of the proposed development in writing and given 14 days to make a submission. One written submission was received expressing the following concerns:

“We do prefer to see the new scheme applied in all cases and for ancillary dwellings not to have a second floor. We would readily support our neighbours' plans if they were restricted to one floor only.”

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Town Planning Scheme No.3

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

<u>TOWN PLANNING SCHEME NO. 3</u>		
Scheme Requirement/Clause		Assessment/Comment
1.	6-metre rear setback	2.4-metre minimum: (refers Officer’s Comments below).
2.	0.5 Plot ratio (Clause 4.9.5)	0.27: Complies
3.	10-metre height.	5-metres to ridge: Complies (refer Officers Comments below).
<u>RESIDENTIAL DESIGN CODES</u>		
Acceptable Development/ Performance Criteria		Assessment/Comment
1.	55% Open Space	76.5% open space: Complies
2.	Side set back (1.0m required to western garage elevation)	1.2-metres proposed; Complies
3.	Privacy Provisions (4.5-metres to boundary)	Balcony: Complies

Heritage

The house at No. 130 Forrest Street Peppermint Grove, is a Category 1 place on the Shire’s Heritage List.

According to the Municipal Inventory, the house was built in 1900 in a Federation Queen Anne style from Limestone, Timber and Iron for a Captain Frank Pitts.

The scope of works would not impact on the form or fabric of the original house.

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 minor addition including the balcony on the northern (rear) elevation of the house has been assessed as complying with the Scheme and R-Codes and this aspect of the application can be supported.

In regard to the detached garage, the proposed parapet wall with adjoining land currently zoned R40, and under this zoning a boundary wall is 'as of right'. In much the same way as higher density sites must respect the development standards of neighbouring properties that have a lower applicable density code, the opposite also holds where land adjoins higher density coded sites.

In this instance land coded R40 allows boundary walls of up to 3.5 metres in height, along two thirds or 66% of the boundary. The boundary wall proposed at 9.1-metres in length and 2.5-metres in height along a 90-metre long boundary, which is only 10% of the common boundary.

The refusal of two previous applications for habitable spaces within a loft design garage /ancillary dwelling was based on the fact that the proposed ridge height of 6.5-metres was considered excessive and exceeded Council's outbuildings policy.

Since that time the definition of ancillary accommodation (or granny flats) has been amended to be called ancillary dwellings. At the same time Council, in response to community feedback, adopted in Draft Local Planning Scheme 4, provisions allowing for larger floor areas for ancillary dwellings from the 70m² limit under the R-Codes to 120m². However, the height to the ridge is limited to 5-metres with a wall height of 3.5-metres. The intent with this approach was to ensure that the main dwelling on a single lot remained the dominant building and, as importantly, eliminate any perceptions of overlooking from detached outbuildings and ancillary dwellings.

The plans indicate that the habitable areas of the detached ancillary dwelling are on the ground floor, and the upper level loft area is for storage only. This loft area, due to the low pitch of the roof and 5-metre ridge height, is constrained and would only allow a 2-metre

wide area with a standing height of two metres, which is clearly a non-habitable area. The large dormer window facing south, and forming a void allows both light into the ground floor of the ancillary accommodation as well as immediate views of the mature tree, which is to be retained.

OFFICER RECOMMENDATION/S – ITEM No. 8.1.3

That:

Council grant planning approval for a detached single storey garage and loft, and ancillary dwelling and balcony to the house on Lot 32 (No. 130) Forrest Street, Peppermint Grove, in accordance with the plans and specifications submitted on 3 February 2016, and revised plans dated the 21 March 2016, subject to the following conditions:

1. All stormwater being retained and disposed of on-site, details of which are to be submitted and approved prior to the issue of a building permit by the Shire.
2. The development, the subject of this approval, shall be commenced within two-years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.
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.
4. The proposed new crossover shall be either concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer of the Shire prior to the occupation of the dwelling.
5. 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.

COUNCIL DECISION – 951

MOVED: Cr D Horrex, SECONDED: Cr C Hohnen

That:

Council grant planning approval for a detached single storey garage and loft, and ancillary dwelling and balcony to the house on Lot 32 (No. 130) Forrest Street, Peppermint Grove, in accordance with the plans and specifications submitted on 3 February 2016, and revised plans dated the 21 March 2016, subject to the following conditions:

- 1. All stormwater being retained and disposed of on-site, details of which are to be submitted and approved prior to the issue of a building permit by the Shire.**

- 2. The development, the subject of this approval, shall be commenced within two-years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.**

- 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.**

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

- 5. 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.**

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 – July 2016

CORPORATE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4	Financial Report – July 2016

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

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

- The financial report for the month ended 31 July 2016, indicates a year-to-date surplus of \$252,196
- Operating revenue is some \$30,013 more than forecast.
- Operating expenditure is some \$132,534 less than forecast.
- Capital expenditure totalling \$15,556 has been incurred during July 2016.

LOCATION

N/A

BACKGROUND

Nil

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The 2016/17 budget forecast a surplus of \$390,000 to be carried forward to the 2016/17 budget.

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

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

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

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

(1) Other Revenue

Revenue from other sources exceeds the estimated year-to-date budget by some \$32,231.

This relates to an insurance payout for the replacement of the Holden Commodore Utility written off in a traffic accident. The vehicle was replaced in August and entries recording such transaction will appear in next month's financial report.

(2) Employee Costs

Employee costs are some \$13,042 more than expected. This figure relates to timing variances.

(3) Materials and Contracts

Materials and contracts expenses are some \$99,798 less than expected due mainly to invoices relating to July yet to be received and processed.

(4) Public Utilities

Public utilities expenses are some \$11,956 less than expected due mainly to invoices relating to July yet to be received and processed.

(5) Depreciation

No asset depreciation expenses have been recorded for July 2016.

(6) Net Current Assets July 1 B/fwd

See discussion under "Financial Implications" above.

(7) Net Current Assets Year-to-Date

Net current assets as at 31 July 2016 exceed the forecast figure by some \$235,178, due to invoices yet to be received and the unexpected insurance payout relating to the Commodore.

OFFICER RECOMMENDATION/S – ITEM No. 8.5.1

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

COUNCIL DECISION – 952

Moved: Cr D Horrex, SECONDED: Cr C Hohnen

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

CARRIED: 6/0

8.5.2 Accounts for Payment – August 2016
CORPORATE
ATTACHMENT DETAILS

Attachment No	Details
Attachment 5	Accounts for Payment – August 2016

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

COUNCIL ROLE

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

The purpose of this report is to obtain approval for cheques, electronic funds payments and direct debits drawn since the last report and accounts now presented for payment.

SUMMARY AND KEY ISSUES

Significant payments in August 2016 included the following:

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

LOCATION

N/A

BACKGROUND

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

PAYMENT TYPE

AMOUNT

Direct Debit Fees & Leases – 418, DD6020, 6035, 6042
Cheques 220 – 225 (Inclusive)
Electronic Funds Transfers 10504 – 10596 & 00001 – 00002

TOTAL MUNICIPAL FUND	\$394,263.02
TRUST FUND PAYMENTS	\$0.00
TOTAL	\$394,263.02

CONSULTATION

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

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/S – ITEM No. 8.5.2

That:

The payment of the cheques, electronic funds payments and direct debits drawn and accounts presented for payment for August 2016 and totalling \$394,263.02 be approved.

COUNCIL DECISION – 953

MOVED: Cr S Fleay, SECONDED: Cr D Horrex

That:

The payment of the cheques, electronic funds payments and direct debits drawn and accounts presented for payment for August 2016 and totalling \$394,263.02 be approved.

CARRIED: 6/0

9 NEW BUSINESS OF AN URGENT NATURE

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

9.1 LATE ITEMS

9.1.1 Proposed Retaining and Fill: Lot 1 (No.19) View Street, Peppermint Grove

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	19 View Street

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	19 View Street
Application Index	:	016-176
TPS No 3 Zoning	:	Residential
Land Use	:	Single Dwelling
Lot Area	:	1191m ²
Disclosure of any Interest	:	Nil
Previous Items	:	Ordinary Council Meeting 27 October 2015
Applicant	:	M J Mahony
Owner	:	M J Mahony
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.*
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- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other*

permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE OF REPORT

For Council to consider a development application for a retaining wall to allow fill for a pool area at the rear of No.19 View Street.

SUMMARY AND KEY ISSUES

- The proposed retaining and fill exceeds the 500mm limit under the Deemed-to-comply provisions of the R-Codes.
- Impact to an adjoining/affected property is minimal.
- Conditional approval has been recommended.

LOCATION

As per the attached location plan.

BACKGROUND

Council at its meeting held on the 27 October 2015 granted planning approval for the development of a two storey single dwelling at No. 19 View Street, Peppermint Grove.

Construction works commenced in late October 2015 and to date the house is currently approaching lock up stage. Completion of the dwelling is expect by late 2016.

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 at the time of writing this report.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY IMPLICATIONS

Town Planning Scheme No.3

The proposal has been assessed in regard to the relevant Scheme provisions and the degree of fill would be a maximum of 989 mm on the common boundary and then recedes nil (east to west) along a 10.3-metre portion of the boundary.

Planning consent is required where fill is introduced onto a site in excess of 500mm above Natural Ground Level.

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 plans submitted in September 2016, indicated that the level of the pool would be on a terraced area. The proposed retaining and fill would mean the elimination of several steps from the terrace to the pool area.

In terms of impact it is assessed that providing a screen wall is introduced to this portion of the boundary, as shown in the approved plans, in order to ensure the privacy and amenity of the adjoining southern property owner is largely unaffected.

OFFICER RECOMMENDATION/S – ITEM No. 9.1.1

That Council grant planning approval for retaining and fill on portion on Lot 1 (No. 19) View Street, Peppermint Grove, in accordance with the plans and specifications submitted on 18 August 2016, subject to the following conditions:

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

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 retaining and fill in excess of 500mm above Natural Ground Level.

COUNCIL DECISION – 954

MOVED: Cr C Hohnen, SECONDED: Cr D Horrex

That Council grant planning approval for retaining and fill on portion on Lot 1 (No. 19) View Street, Peppermint Grove, in accordance with the plans and specifications submitted on 18 August 2016, subject to the following conditions:

- 1. The development, the subject of this approval, shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the fourth year.**

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 retaining and fill in excess of 500mm above Natural Ground Level.**

CARRIED: 6/0

9.1.2 Proposed Amendments to State Planning Policy 3.1 Residential Design Codes (2016). Public Comment Period

URBAN PLANNING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2	R-Codes (2016 Amendment)

Voting Requirement	:	Simple Majority
Subject Index	:	Town Planning
Location / Property Index	:	N/A
Application Index	:	N/A
TPS No 3 Zoning	:	N/A
Land Use	:	N/A
Lot Area	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Officer	:	Michael Whitbread, Manager of Development Services

COUNCIL ROLE

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

For Council to consider a response to the request for public comment period initiated by the Western Australian Planning Commission (WAPC) in regard to proposed changes to the R-Codes.

SUMMARY AND KEY ISSUES

- The WAPC has proposed changes to the R-Codes.
- The changes are mainly administrative to align with the introduction of the Planning and Development Regulations 2015.
- The proposed changes can be supported for the most part.

LOCATION

As per the attached location plan.

BACKGROUND

Since the inception of the R-Codes in the 1980's, this State Planning Policy has undergone a number of revisions in response to increasing levels of infill development, changing housing standards and the introduction of minimum lot areas for strata development. Over the years additional development standards have been adopted, in addition to the shift from being prescriptive to a more performance based set of criteria for determining the siting of dwelling in WA.

CONSULTATION

The public consultation period for the proposed R-Code amendment will expire on the 10 October 2016.

Shire staff have also been in contact with the Planning Staff at WALGA to gauge their reaction to the changes and they have also raised questions in regard to proposal 31, and what this may mean in amenity terms.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

The proposed changes to the R-Codes would not affect any of the Shire's current or proposed Local Planning Policies at this stage.

In fact while the overwhelming tenor of the Planning and Development Regulations 2015 is the further erosion of the ability of Local Governments to make policy independent of the R-

Codes, it seems that the WAPC will on streetscape grounds, still permit LGA's to have a policy based on local character and amenity.

However, Local Planning Policies will have to be scrutinized by the WAPC on a case by case basis. The concern here is the criteria used by the WAPC to judge what appropriate policy is, and given the experience of protracted delays with amendments to Schemes taking 1-2 years, how long would this policy process take?

STATUTORY IMPLICATIONS

Unless prescribed as a special application of the R-Codes in the Local Planning Scheme, or via a Local Planning Policy, the R-Codes must apply as if they are part of the Scheme in Western Australia.

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 Western Australian Planning Commission has initiated the changes outlined in the attached table, which for the most part seek to align the R-Codes with the Planning and Development (Local Planning Scheme) Regulations 2015. This at least provides a justification for many of the changes proposed.

While the vast majority of the changes are administrative, or are seeking to make Clauses clearer in the light of experience, there are three noteworthy amendments that warrant closer examination.

The first makes reference to the variations to minimum lot areas and mentions that there has been a misinterpretation of the Design principals, whereby the lot areas for development can be varied. The ability to vary lot area requirements is the sole province of the Western Australian Planning Commission and not the Local Authority. Amending clause 5.1.1 to stipulate that lot areas can only be varied through the subdivision, and not the development application process, will remove any ambiguity and is welcome. This effectively signals to developers that concessions are not available from the Local Authority via a development approval process for reduced lot areas, and directs such matters to the WAPC in the first instant.

A new clause 5.2.7 (point 15 in the attached table) is meant to deal with Streetscape appearance in order to deal with the unintended consequences of the Planning and Development (Local Planning Scheme) Regulations 2015. At present the regulations would allow single house applications to by-pass the planning approvals process. This means that the same house that can be built on a green-field site, which meets the Deemed-to-comply

provisions of the R-Codes, could also be built in an established inner city suburb without any regard to form scale materials or siting.

Furthermore, the building certifier, without any experience in planning local knowledge of the Scheme and Policy, and without ever having to visit the site, can sign off an application for a new dwelling. It goes without saying that the effect on the character, and therefore the amenity of established suburbs would be eroded over time, as well as the identity of a place so many people value in a locality would be threatened. While this addition to the R-Codes would be helpful given the 'unintended consequences' of the Planning and Development (Local Planning Scheme) Regulations 2015, it is a poor substitute for the inherent strength afforded by the Scheme provision. Far too often 'policy' is discounted as has been seen in numerous DAP decisions, whereas Scheme provisions have demonstrated stronger legal status and weight. On this basis a return to Scheme based provisions is recommended as the preferable outcome based on past experience.

One further change proposed involves a permanent reduction in the typical side boundary setback from 1.5 metres for walls longer than 9-metres in length without habitable room windows and less than 3.5 in height, as outlined below.

31. *Modify Table 2b: Boundary setbacks – Walls with major openings as follows:*

Modify boundary setback for wall height of 3.5m or less to 1.2m. A 1.2m setback for a wall with a major opening for wall height of 3.5 metres or less (single storey), provides slightly greater design and lot use efficiency opportunities than a 1.5m setback.

The current version of the R-Codes allow walls to 1-metre from the boundary up to 9-metres in length. This together with other R-Code provisions provide for some stepping of the side elevations of houses which acts to break up the visual monotony of long walls and expansive slab style roofs to side boundaries. Such variation in the elevational treatment adds noticeably to the visual amenity of residential development and importantly provides an opportunity for gardens and the environmental benefits of shade and relief from hard surfaces that soft landscaping provides.

The Department of Planning was contracted on this point to discover what the rationale for the changes to this particular clause were. Advice was provided that this is the standard for residential development in Victoria, and that the WA development industry had requested the reduction in side boundary setbacks to allow for wider internal passageways for the development of aging in place accommodation. The 1200mm setback now proposed is based on the Australian Standard for universal access, which though laudable in and of itself, should not form the sole basis for determining building setbacks. There is also no guarantee that if this setback standard was reduced to 1200mm that builders would actually widen the internal passage ways of houses.

It seems fanciful that such a permanent reduction in side boundary setbacks for the single storey component of a dwelling should be contemplated irrespective of either the size or frontage of a lot. Furthermore, no evidence has been provided as to the current setback requirements being an issue. This proposal simply represents a dumbing down of a well-respected and proven development standard currently contained in Table 2b of the R-Codes.

It is assessed that one of the unintended consequences of such a reduced setback is not only the visual impact as outlined, but it would reduce the ability to provide eaves. There has been much criticism of recent housing design with little or no eaves to protect exterior walls from heat gain. Under the current setback requirements, 750mm eaves can be

achieved for most of the perimeter of a single storey house. This would be reduced to a maximum of 450mm if the 1200mm setback became the new minimum standard.

On this basis it is recommended that Council advises the Western Australian Planning Commission that it supports the changes outlined in the public comment documents with the exception of the proposed modifying of table 2b which is considered unjustified and unproven for housing development. At the same time the proposed Streetscape Clause is not considered a suitable substitute for Scheme provisions.

OFFICER RECOMMENDATION/S – ITEM No. 9.1.2

That Council advises the Western Australian Planning Commission that it supports the changes outlined in the public comment documents for the most part with the exception of point 15 and 31 for the following reasons;

- i) The proposed changes to the minimum setback by modifying table 2 and allowing a minimum 1.2-metre setback is considered unjustified at present and is an erosion of an established and respected development standard that would result in diminished residential amenity.
- ii) The addition of Clause 5.27 Streetscape in the R-Codes is not adequate compensation for the loss of Local Scheme provisions which have a demonstrated legal status as opposed to policies based requirements.

COUNCIL DECISION – 955

AMENMENT

MOVED: Cr C Hohnen, SECONDED: Cr D Horrex

Change the following to read:

- i) **The proposed changes to the minimum setback by modifying table 2 and allowing a minimum 1.2-metre setback irrespective of wall length would be a retrograde step in design parameters. It would be an erosion of an established and respected development standard that would result in diminished residential amenity.**
- ii) **The addition of Clause 5.27 Streetscape in the R-Codes is not adequate compensation for the loss of Local Scheme provisions which have a demonstrated legal status as opposed to policies based requirements.**

COUNCIL DECISION – 956**SUBSTANTIVE MOTION:****Moved: Cr R Thomas, Seconded: Cr C Hohnen****That:****Council advises the Western Australian Planning Commission that it supports the changes outlined in the public comment documents for the most part with the exception of point 15 and 31 for the following reasons;**

- i) The proposed changes to the minimum setback by modifying table 2 and allowing a minimum 1.2-metre setback irrespective of wall length would be a retrograde step in design parameters. It would be an erosion of an established and respected development standard that would result in diminished residential amenity.**
- ii) The addition of Clause 5.27 Streetscape in the R-Codes is not adequate compensation for the loss of Local Scheme provisions which have a demonstrated legal status as opposed to policies based requirements**

CARRIED: 6/0

10 MOTIONS ON NOTICE

Nil

11 CONFIDENTIAL ITEMS OF BUSINESS

COUNCIL DECISION – 957

MOVED: Cr G Peters, SECONDED: Cr P Macintosh

THAT:

Under section 5.23 of the Act the meeting be closed to members of the public at this point to allow Council to discuss Agenda Item 11.1.1 – **Expressions of Interest – Demolition of 2 Bay View Terrace Peppermint Grove**. And 11.1.2 – **Grove Library Café Lease – Proposed**

CARRIED: 6/0

At 6.01pm, the members of the public left the Council Chambers

11.1.1 Expression of Interest – Demolition of 2 Bay View Terrace, Peppermint Grove

Document were circulated separately to Elected Members

COUNCIL DECISION – 958

MOVED: Cr C Hohnen, SECONDED: Cr G Peters

That:

Council authorises the Shire President and Acting Chief Executive Officer to enter into a Deed of Acknowledgement of Debt with Mrs Radhika Oswal for repayment of demolition costs by 31st October 2016 on the following basis:

- 1. Mrs Oswal agrees to reimburse Council the contracted demolition of \$88,680 plus GST plus any variation costs up to a maximum of ten per cent (10%) or \$8,868 plus GST of the contract sum in the event of any claim for unforeseen costs incurred by Capital Recycling and accepted by Council;**
- 2. Mrs Oswal to be advised that the three underground rainwater storage tanks do not form part of the demolition contract and will be left in situ with Council arranging for a memorial to be placed on the title alerting prospective purchasers of their presence. Should Mrs Oswal desire that the tanks be removed at the same time as the demolition she will need to contract either Capital Recycling or another suitable contractor directly; and**
- 3. In the event there is any default on repayment of the above amount and the Shire is required to commence court proceedings for recovery Mrs Oswal**

waives the right to personal service of the writ and she gives an irrevocable consent that service may be effected by emailing or posting the writ to an Australian-based solicitor (to be nominated by Mrs Oswal and named in the deed).

CARRIED: 6/0

11.1.2 Grove Library Café Lease – Proposed Assignment of Lease

COUNCIL DECISION – 959

MOVED: C Hohnen, SECONDED: G Peters

Documents were circulated separately to Elected Members

That Council

1. Seeks the approval of the Minister for Lands to the proposed lease assignment;
2. Approves assignment of the Library Cafe Lease from Ms Emma Devonport to Ms Teyah Tran for the remainder of the current term and option renewal period; and
3. Authorises the Chief Executive Officer to sign the Assignment Deed and to affix the Shire of Peppermint Grove Common Seal to the document.

CARRIED: 6/0

COUNCIL DECISION – 960

MOVED: C Hohnen, SECONDED: D Horrex

THAT:

The meeting be re-opened to the public at 6.34 pm.

CARRIED: 6/0

No members of the public returned to the Council Chambers.

12 CLOSURE

At 6.35 pm, there being no further business the meeting closed.