



Shire of  
**Peppermint Grove**

# **ORDINARY COUNCIL MEETING**

# **AGENDA**

**TO BE HELD ON**  
**TUESDAY 28 NOVEMBER 2017**  
**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 **28 NOVEMBER 2017**, commencing at 5.30 pm.

## MEETING AGENDA ATTACHED

Yours faithfully



**Mr John Merrick JP**  
**CHIEF EXECUTIVE OFFICER**

**28 NOVEMBER 2017**

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### **DISCLAIMER**

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



# Shire of Peppermint Grove

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Shire of  
**Peppermint Grove**

## ORDINARY COUNCIL MEETING AGENDA

### 1 DECLARATION OF OFFICIAL OPENING

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

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

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

#### **Affirmation of Civic Duty and Responsibility**

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

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

### **2.1 ATTENDANCE**

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

**Visitors** \_\_\_\_\_, from \_\_\_\_\_  
**Gallery** \_\_\_\_\_ Members of the Public  
\_\_\_\_\_ Members of the Press

### **2.2 APOLOGIES**

### **2.3 LEAVES OF ABSENCE**

### **2.4 NEW REQUEST FOR A LEAVE OF ABSENCE**

## **3 DELEGATIONS AND PETITIONS**

### **3.1 DELEGATIONS**

### **3.2 PETITIONS**

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## 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**

- (a) *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.*
- (b) *During the Council meeting, after Public Question Time no member of the public may interrupt the meeting's proceedings or enter into conversation.*
- (c) *Whenever possible, questions should be submitted in writing at least 48 hours prior to the start of the meeting.*
- (d) *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.*
- (e) *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.

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## **5 DECLARATIONS OF INTEREST**

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

### **5.1 FINANCIAL INTEREST**

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

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

### **5.2 PROXIMITY INTEREST**

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

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

### **5.3 IMPARTIALITY INTEREST**

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

### **5.4 INTEREST THAT MAY CAUSE A CONFLICT**

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



## 5.5 STATEMENT OF GIFTS AND HOSPITALITY

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

## 6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

## 7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING ~ 24 October 2017

7.2 AGENDA BRIEFING FORUM ~ 14 November 2017

7.3 CONCEPT FORUM ~ 14 November 2017

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## **8 CHIEF EXECUTIVE OFFICER REPORTS**

### **8.1 URBAN PLANNING**

<b>8.1.1 Building Permits Issued</b>
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For works which are excluded from requiring planning consent under the Deemed to Comply provisions of the Planning and Development Regulations 2015 for October 2017;

- 17 Venn Street, PG WA 6011 – New Shed and Metal Trellis – BA 2017 / 00018 – Issued on 3/10/2017

## 8.1.2 Replacement Metal Deck Patio: Lot 501 (5/1B) McNeil Street, Peppermint Grove.

### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Lot 501 5/1B McNeil Street, Peppermint Grove

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	Unit 5/1B McNeil Street.
Application Index	:	DA 2017/00010
LPS No 4 Zoning	:	R-80 Residential
Land Use	:	Single Dwelling
Lot Area	:	3988m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Great Aussie Patios
Owner	:	D Millard
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.*

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## **PURPOSE OF REPORT**

For Council to determine an application seeking a replacement of the existing patio on the subject site.

## **SUMMARY AND KEY ISSUES**

- A replacement metal patio is proposed
- The application is supported by the body corporate
- Conditional approval is recommended.

## **LOCATION**

Please refer to the location plan.

## **BACKGROUND**

Unit 5/1B is one of 20 developed on the site in the 1970's'. Attached patios are atypical feature along the western elevation of this development in response to the afternoon summer sun.

## **CONSULTATION**

The development is to occur on common property and the Body Corporate for this application supports this application.

## **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**

The setback for both northern and southern boundary is seeking a variation to the minimum setback from 1m to 0.5 for the replacement patio.

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

The proposal complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies.

Portion of the land is reserved under the MRS (and LPS.4) for the SHACs, however, Main Roads WA has no objection to the proposal.

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**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 boundary setbacks shown on the plan submitted are notional boundaries only, as the courtyard areas are on common property of the site.

The 500mm setback proposed is acceptable in this situation and a site inspection revealed that this is the common practice here as most other adjoining units have similar flat roof patio's to this western elevation. Not only will the patio be setback with the 500mm 'amenity setback', but also sufficiently from Stirling Highway and would not be readily seen.

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

**That Council grant planning approval for a replacement patio on Lot 501, Unit 5/1B McNeil Street Peppermint Grove, in accordance with the plans and specifications submitted on 13 October 2017, subject to the following conditions;**

- 1. All stormwater being retained on the subject site to the satisfaction of the Chief Executive Officer of the Shire.**

### 8.1.3 Proposed Two Lot Subdivision: Lot 3 (No.24) View Street, Peppermint Grove

## URBAN PLANNING

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2	Lot 3 (No. 24) View Street

Voting Requirement	:	Simple Majority
Subject Index	:	N/A
Location / Property Index	:	Lot 3 (No.24) View Street
Application Index	:	WAPC 155727
TPS No 3 Zoning	:	Residential R12.5
Land Use	:	Single Dwelling
Lot Area	:	1882m2
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Peter Webb and Associates
Owner	:	J V Lennon
Responsible Officer	:	Michael Manager of Development Services

### COUNCIL ROLE

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## **PURPOSE OF REPORT**

The Western Australian Planning Commission has referred an application for a two lot subdivision to the Shire for comment prior to determining the application.

## **SUMMARY AND KEY ISSUES**

- The proposed lot sizes would comply with the minimum and average lot areas for land coded R12.5.
- The retained heritage listed dwelling on the remnant lot with frontage to Leake Street complies with the Scheme and R-Codes.
- Conditional approval is recommended for this two lot subdivision.

## **LOCATION**

Please refer to location plan.

## **BACKGROUND**

The current site consists of a two storey Category 1 Heritage Listed dwelling with frontage to Leake Street.

Council at its meeting held on the 24 October 2014 (WAPC 150643 refers), supported a similar two lot subdivision creating lots that complied with Table 1 of the R-Codes.

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter as the Shire is a referral authority and the application is determined by the Western Australian Planning Commission (WAPC).

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

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## **STATUTORY IMPLICATIONS**

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

The proposed subdivision will result in two lots each with its own street frontage.

The plan of subdivision indicates that there are no buildings on proposed Lot 2, however, a condition has been recommended requiring all improvements on the lot being removed prior to final clearance of the diagram of survey.

### ***Heritage***

The previous plan of subdivision approved by the WAPC in regard to this site, included a 3.41-metres setback from the two storey verandah of the two-storey dwelling to the new eastern boundary of proposed Lot 1.

The current application seeks to reduce this side boundary setback to the Heritage Listed house from the 3.41-metres previously approved to 2.41-metres.

## **FINANCIAL IMPLICATIONS**

The planning authority in this instance is the Western Australian Planning Commission (WAPC). Any review sought in the State Administrative Tribunal in regard to either the determination made on this application or any related conditions of approval imposed, the WAPC is the respondent.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **OFFICER COMMENT**

The plans submitted propose a two lot subdivision, with each new lot having frontage to a gazetted road. In this case the existing dwelling on proposed Lot 1 will retain frontage to Leake Street and proposed Lot 2 will have frontage to View Street.

The land is subject to a density code of R12.5, which stipulates a minimum lot area of 700m<sup>2</sup> with an average lot area of 800m<sup>2</sup>. The parent lot has an area of 1882m<sup>2</sup> which would result in an average lot area for this subdivision of 941m<sup>2</sup>. Lot 1, which retains the existing dwelling on Leake Street, is proposed at 1078m<sup>2</sup> and Lot 2 with frontage to View Street is proposed at 804m<sup>2</sup>. The proposed two lot subdivision complies with the Table 1 of the R-Codes.



As the dwelling is to be retained, a planning assessment was conducted to ensure the dwelling would still comply with the Scheme and R-Codes on the remnant lot. It was assessed that in terms of open space, plot ratio, setbacks and parking provision the dwelling to be retained on proposed Lot 1 would continue to comply with the Scheme. The subdivision of the lot is not considered to impact the heritage dwelling as adequate setbacks of 3.41-6.41 metres from the existing dwelling to the new lot boundary are proposed. Subject to standard WAPC subdivision conditions the proposed subdivision can be supported.

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

**That Council refers the application 155727 for a proposed two-lot subdivision of Lot 3 (No.24) View Street, Peppermint Grove back to the Western Australian Planning Commission with a recommendation of approval subject to the following conditions.**

- 1. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia. (Local Government)**
- 2. Other than buildings, outbuildings and/or structures shown on the approved plan for retention, all buildings, outbuildings and/or structures present on the proposed lot 2 at the time of subdivision approval being demolished and materials removed from the Lot(s). (Local Government)**
- 3. The existing dwelling being retained is to comply with the requirements of the Residential Design Codes. (Local Government)**
- 4. Arrangements being made to the satisfaction of the Western Australian Planning Commission for the filling and/or capping of any bores and/or wells, or the identification of any bore and/or wells, to be retained on the land. (Local Government)**
- 5. Redundant septic sewer systems including all tanks and pipes and associated drainage systems (soak wells or leach drains), and any stormwater disposal systems are to be decommissioned, in accordance with the Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, removed, filled with clean sand and compacted. Proof of decommissioning is to be provided in the form of either certification from a licensed plumber or a statutory declaration from the landowner/applicant, confirming that the site has been inspected and all septic tanks, soak wells, leach drains and any associated pipework have been removed. (Local Government)**

### 8.1.4 Replacement Two-Storey Dwelling: Lot 38 (No.47) Johnston Street, Peppermint Grove.

## URBAN PLANNING

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 3</b>	<b>Lot 38 47 Johnston Street</b>

Voting Requirement	:	Simple Majority
Subject Index	:	Property
Location / Property Index	:	47 Johnston Street
Application Index	:	DA 2017/00009
LPS 4 Zoning	:	Residential R12.5
Land Use	:	Single Dwelling
Lot Area	:	718m <sup>2</sup>
Disclosure of any Interest	:	Nil
Previous Items	:	Item 8.1.2 25 October 2016
Applicant	:	Oswald Home (1972) Pty Ltd
Owner	:	Tupac Investments Pty Ltd
Responsible Officer	:	Michael Whitbread. Manager of Development Services.

### COUNCIL ROLE

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## **PURPOSE OF REPORT**

For Council to determine an application for a two-storey replacement dwelling on the subject site. The applicant is seeking an assessment under the Design principles in regard to access to onsite parking and a 300mm increase infill above the 500mm permitted as of right.

## **SUMMARY AND KEY ISSUES**

- The applicant is seeking parking and access from Johnston Street rather than the adjoining Right-of-Way.
- The proposed dwelling complies in all other respects with the Local Planning Scheme, R-Codes and local planning policies.
- Conditional approval is recommended.

## **LOCATION**

Please refer to the attached location plan.

## **BACKGROUND**

Council at its meeting held on 25<sup>th</sup> October 2016, granted conditional planning approval for the development of a two-storey replacement dwelling which included the provision of basement parking and a non-habitable loft area.

The assessment of this application included consideration of application of the Design principles applicable to vehicular access to permit access to the basement car park from Johnston Street, rather than the adjoining right-of-way.

## **CONSULTATION**

The proposed development was advertised to adjoining/affected landowners and no written submissions have been 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**

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

## Local Planning Scheme No.4

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

<b><u>LOCAL PLANNING SCHEME NO. 4</u></b>		
<b>Scheme Requirement/Clause</b>		<b>Assessment/Comment</b>
<b>1.</b>	9-metre front setback	9.2-metre setback-complies
<b>2.</b>	0.5 Plot Ratio	0.49-complies
<b>3.</b>	Category B building height	6-metre wall height and 9-metres to the ridge.
<b>4.</b>	Mean Average Ground Level 21.400.	Proposed finished floor level 21.400 (maximum fill of 800mm proposed)
<b><u>RESIDENTIAL DESIGN CODES</u></b>		
<b>Deemed-to-Comply</b>		<b>Assessment/Comment</b>
<b>1.</b>	55% open space	64% open space-complies.
<b>2.</b>	6-metre rear setback	10.5-metres minimum to alfresco area
<b>3.</b>	On-site parking and access from the right-of-way	Proposed access from Johnston Street to garage parking. Please refer to officers comments.
<b>4.</b>	Privacy provisions: 4.5metres to a bedroom window.	4.5-metres provided - complies
<b><u>SCHEME/COUNCIL POLICY</u></b>		
<b>Policy Provisions</b>		<b>Assessment/Comment</b>
<b>1.</b>	Urban Design and Streetscape (draft)	Respectful of adjoining development in terms of height and scale
<b>2.</b>	Building Heights	Introduction of fill over 500mm to a maximum of 800mm.

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## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

## **SOCIAL IMPLICATIONS**

There are no social implications at this time.

## **OFFICER COMMENT**

The proposed dwelling for No. 47 Johnston Street, has been designed to take advantage of the passive solar benefits available at the rear of this north/south orientated lot.

The subject site is 718m<sup>2</sup> with a 20.8-metre frontage to Johnston Street and the requirement for a 9-metre setback somewhat centres the house on the site. It is with these constraints in mind that the applicant is seeking to vary the Deemed-to-Comply clause 5.3.5 *Vehicular access* of the R-Codes, which requires where available access to onsite parking is from an adjoining right-of-way. Council is able to consider this request subject to the proposed development satisfying the following Design principles;

*P5.1 Vehicular access provided for each development site to provide:*

- *vehicle access safety;*
- *reduced impact of access points on the streetscape;*
- *legible access;*
- *pedestrian safety;*
- *minimal crossovers; and*
- *high quality landscaping features.*

It is assessed that the proposed development would meet these Design principles in a general sense. In terms of the last point concerning high quality landscaping, the large rear yard would provide the opportunity for extensive landscaping. However, in regard to the street setback area, extensive paving is proposed to allow for a vehicle manoeuvring area to provide the ability to leave Lot. 38 site in forward gear as the site is opposite the T-Junction of Johnston and Palmerston Streets.

Nevertheless, it may be possible to reduce the percentage of hard landscaping of both crossover and the driveway/reversing area to the site without affecting vehicle egress. At the same time a landscape plan should be submitted for approval prior to the issue of a building permit for the development.

Building heights are taken from *mean natural ground level* under Clause 26 of Local Planning Scheme No.4. However, to ensure the application of method does not result in

undesirable outcomes, Council's LPP 4 Residential Building Heights requires a development application (in accord with the R-Codes), for fill in excess of 500mm.

In this instance the main natural ground would result in 800mm of fill at the south west corner of the site which adjoins a right-of-way. It is assessed that this 300mm variation would not have a detrimental impact to an adjoining property or the streetscape and is supported on planning grounds.

The replacement house is considered respectful to the streetscape and adjoining development. The variation to allow access to garage parking can again be recommended for approval subject to standard and appropriate conditions for this form of development.

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

**That Council grant planning approval for a replacement two storey dwelling on Lot 38 (No.47) Johnston Street, Peppermint Grove in accordance with the plans and specifications submitted on 4 October 2017, subject to the following conditions;**

- 1. The development the subject of this planning consent shall comply with the plans submitted for approval and any specific planning conditions imposed by Council.**
- 2. 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.**
- 3. The street trees adjacent to the Lot 38 shall be protected during construction and no goods or building materials shall be stored on the street verge or within the drip line(s) of the street tree(s).**
- 4. The development the subject of this approval shall be commenced within two years of the date of issue of the consent forms, and completed at the conclusion of the third year.**
- 5. Prior to the issue of a building permit, the applicant shall submit a landscaping plans for the site demonstrating reduced hard landscaping in the front setback are and `high quality landscape features to the satisfaction of the Chief Executive Officer.**
- 6. The approved landscape plan shall be installed to the satisfaction of the Chief Executive Officer, prior to the occupation of the dwelling.**
- 7. The submission of a building management plan prior to the issue of a building permit for the proposed development outlining the how building materials and deliveries to the site will be managed without affecting access to adjoining properties, controlling dust and the provision for trades parking to ensure two way road access is maintained.**

8. The applicant shall adhere to the construction management plan during the development of the site to the satisfaction of the Chief Executive Officer.
9. The Right-of-Way shall be repaired/regraded at the completion of the development, prior to the occupation of the dwelling, to the satisfaction of the Chief Executive Officer.
10. Details of the screen wall and infill panels demonstrating 50% open aspect above 900mm in accordance with the Local Laws, Relating to Fencing shall be submitted and approved prior to the issue of a building permit.
11. The crossover to the Johnston Street frontage of the site, shall be either concrete or brick paving to Council specifications to the satisfaction of the Chief Executive Officer prior to the occupation of the dwelling.

#### **Advisory Note**

- i) The applicant is advised that Council has exercised its discretion under the Local Planning Scheme, in regard to the vehicular access and increased fill being introduced in excess of 500mm.



8.2 INFRASTRUCTURE

Nil

8.3 COMMUNITY DEVELOPMENT

Nil

8.4 MANAGEMENT / GOVERNANCE / POLICY

Nil



## 8.5 CORPORATE

### 8.5.1 Financial Report – October 2017

#### CORPORATE

##### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 4</b>	<b>Financial Report – October 2017</b>

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

##### COUNCIL ROLE

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

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**PURPOSE OF REPORT**

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

**SUMMARY AND KEY ISSUES**

- The financial report for the four months ended 31 October 2017 indicates a closing surplus of \$2,971,678, some \$214,463 more than forecast;
- Operating revenue is some \$17,573 more than forecast;
- Operating expenditure (to date but subject to outstanding invoices not yet received) is some \$119,348 less than forecast;
- No capital expenditure has been incurred.

**LOCATION**

N/A

**BACKGROUND**

Nil

**CONSULTATION**

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

**STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

The financial report indicates Council exceeded its estimated 1st July 2017 brought forward surplus of \$261,470 by some \$81,216 with only final 2016/17 audit adjustments, if any, to be accounted for. Cash at 30<sup>th</sup> June 2017 was some \$72,008 more than estimated, receivables \$55,382 and payables and provisions \$42,311.

In addition, forecasts to 30<sup>th</sup> June 2018 suggest at this stage a further \$49,508 (that is, \$162,945 less \$32,221 [budgeted closing surplus] and less \$81,216 [additional opening surplus discussed above]) is available for re-allocation.

This figure will alter during the course of the year and will be updated on a monthly basis.

### **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 greater than \$10,000.

#### **(1) Grants and Subsidies**

Year-to-date revenue from grants and subsidies exceeds the budget by some \$16,168. This relates to the receipt of an unbudgeted \$9,686 grant from Lotterywest for this year's Carols by Candlelight event and an additional \$9,489 *Roads to Recovery* grant (brought forward from 2018/19) less a \$2,022 reduction in the State road grant as a result of the reinstatement of the vehicle registration and stamp duty concessions being offset by reductions on local road grants.

#### **(2) Employee Costs**

Employee costs are some \$18,755 less than anticipated. This is largely due to timing issues with respect to public holiday overtime (library) and fringe benefits tax expenses.

#### **(3) Materials and Contracts**

Materials and contracted expenses are some \$84,917 less than expected at this stage though much of this relates to invoices yet to be received.

#### **(4) Insurances**

Insurance expenses (mainly due to workers compensation premium reductions) are \$19,341 less than expected. At this stage Council has one outstanding claim under its Industrial Special Risks cover (relating to property damage from a suspected power spike) which will incur a \$1,000 excess payment if accepted (hence a 30 June 2018 forecast of \$94,589 rather than the current \$93,589).

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

See discussion under "financial implications" above.

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

Net current assets as at 31 October 2017 exceed the forecast figure by some \$214,463 at this stage. This is attributable to the additional brought forward surplus (\$81,216 at this stage) and the Change in Net Assets total (\$136,920) less YTD rate revenue shortfall of \$4,338 and \$664 reduction in interest on cash reserves transferred shortfall.

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

**That the interim financial report for the period 1 July 2017 to 31 October 2017 be received.**

## 8.5.2 Accounts Paid – October 2017

### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5	Accounts Paid – October 2017

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

#### COUNCIL ROLE

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

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

## **SUMMARY AND KEY ISSUES**

Significant payments in October 2017 included the following:

- GST & PAYG remittance to ATO;
- Balance of 2017/18 insurance premiums to LGIS Insurance Services;
- Payments for waste disposal to WMRC;
- Staff & Shire superannuation contributions.

## **LOCATION**

N/A

## **BACKGROUND**

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

<b><u>PAYMENT TYPE</u></b>	<b><u>AMOUNT</u></b>
Cheques 303 - 309	\$2,515.68
Electronic Funds Transfers 00143 – 00153	<u>\$314,352.79</u>
<b>TOTAL</b>	<b>\$316,868.47</b>

## **CONSULTATION**

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

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

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



**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER COMMENT**

Nil

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

**That:**

**The payment of cheques, electronic funds payments and credit card payments for October 2017, totalling \$316,868.47 be approved.**

**9 NEW BUSINESS OF AN URGENT NATURE**

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

**10 MOTIONS ON NOTICE**

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

**11 CONFIDENTIAL ITEMS OF BUSINESS****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 – 2018 Australia Day Citizenship Awards Nomination**.

At \_\_\_\_ pm, the members of the public left the Council Chambers.

**11.1 2018 AUSTRALIA DAY CITIZENSHIP AWARDS - NOMINATIONS****12 CLOSURE**

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





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

**TO:** Chief Executive Officer  
SHIRE OF PEPPERMINT GROVE

**NAME:**

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**POSITION:**

---

**MEETING DATE:**

---

**ITEM NO & SUBJECT:**

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**NATURE OF  
INTEREST:**

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

\* Please Circle  
applicable

**EXTENT OF  
INTEREST:**

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**SIGNATURE:**

---

**DATE:**

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**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.*