



Shire of  
Peppermint Grove

## ORDINARY COUNCIL MEETING

# MINUTES

HELD ON  
**TUESDAY 26 APRIL 2022**  
AT  
**5.30 PM**



# Shire of Peppermint Grove

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## ORDINARY COUNCIL MEETING AGENDA

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### 1 DECLARATION OF OFFICIAL OPENING

At 5.30pm, 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 Horrex.

#### **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

#### ATTENDANCE

Shire President  
Deputy Shire President  
Elected Member  
Elected Member  
Elected Member  
Elected Member

Cr R Thomas  
Cr C Hohnen  
Cr P Macintosh  
Cr D Horrex  
Cr K Farley  
Cr D Jackson



A/CEO Manager Infrastructure Services  
Manager Development Services  
Manager Corporate and Community Services

Mr D Norgard  
Mr J Gajic  
Mr M Costarella

**Gallery**      Members of the Public  
                 Members of the Press

## **APOLOGIES**

Elected Member  
Chief Executive Officer

Cr P Dawkins  
Mr D Burnett

## **LEAVES OF ABSENCE**

NIL

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

Cr Horrex requested leave of absence for the 24<sup>th</sup> May Council meeting

**Moved Cr Farley Seconded Cr Hohnen**

**That the leave of Absence for Cr Horrex be approved for the 24<sup>th</sup> of May Council meeting.**

**CARRIED 6/0**

## **3 DELEGATIONS AND PETITIONS**

### **DELEGATIONS**

NIL

### **PETITIONS**

NIL

#### **4 PUBLIC QUESTION TIME**

The Presiding Member will open the public question time by asking the gallery if there were any questions or deputation for Council.

- The Agenda
- Question to Council and
- Deputation Forms

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

#### **Rules for Council Meeting Public Question Time**

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

#### **RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING**

NIL

#### **QUESTIONS FROM MEMBERS OF THE PUBLIC**

NIL

#### **DEPUTATIONS OF THE PUBLIC**

NIL

## **PRESENTATIONS FROM THE PUBLIC**

NIL

### **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.*

## **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)**

## **7 CONFIRMATION OF MINUTES**

### **ORDINARY COUNCIL MEETING 22 MARCH 2022**

#### **OFFICER RECOMMENDATION – ITEM 7.1**

**Moved: Cr MacIntosh                      Seconded: Cr Farley**

**That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 22 March 2022 be confirmed as a true and accurate record.**

**CARRIED 6/0**

### **SPECIAL COUNCIL MEETING 12 APRIL 2022**

#### **OFFICER RECOMMENDATION – ITEM 7.2**

**Moved: Cr Jackson                      Seconded: Cr Horrex**

**That the Minutes of the Special Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 12 April 2022 be confirmed as a true and accurate record.**

**CARRIED 6/0**

Cr Thomas advised that due to a interested member of the public being in the Chamber, she would seek Councils consideration to bring forward Late Item 9.2-Donation to the Red Cross for the Ukraine Crisis Appeal.



**Moved Cr MacIntosh Seconded Cr Horrex**

**That the Late Item 9.1- Donation to the Red Cross for the Ukraine Crisis Appeal, be accepted in the Agenda and brought forward to this point of the meeting.**

**CARRIED 6/0**

Cr Farley read the following statement with the President noting that it be recorded in the minutes:-

*On behalf of the Council of Peppermint Grove, I offer our support to the people of Ukraine. The Ukrainian people have shown extraordinary bravery and resilience defending their right to exist, their right to choose their own government and their right to live peacefully in their own cities, towns and villages. The world is witnessing a humanitarian crisis caused by the unprovoked invasion of a sovereign country. Anyone who believes in democracy, the rule of law and human rights cannot fail to have been horrified both by the invasion itself and by the indiscriminate aggression and cruelty shown by the Russian forces. We look to the international community to ensure that those responsible for crimes against humanity are brought to justice. Council authorises the CEO to make a donation of \$2000 for humanitarian assistance to the Red Cross Ukraine Appeal".*

**Moved Cr Farley****Seconded Cr Hohnen**

**That Council makes a donation of \$2,000 to the Red Cross for the Ukraine Crisis Appeal**

**CARRIED 6/0**

## 8 OFFICER REPORTS

### MANAGER DEVELOPMENT SERVICES

8.1.1 Development Application – 430 (Lot 28-29) Stirling Highway, Peppermint Grove – Partial Demolition & Heritage Additions & Restoration of Category 1 Roman Catholic Church Hall

### URBAN PLANNING

#### ATTACHMENT DETAILS

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 1</b>	Locality Map
<b>Attachment 2</b>	Development Application Drawings
<b>Attachment 3</b>	Griffiths Architects Heritage Report

Voting Requirement : Simple Majority  
 Acceptance Date :  
 Location / Property Index : 430 (Lot 28-29) Stirling Highway, Peppermint Grove  
 Application Index : DA2022/00010  
 LPS No 4 Zoning : Private Clubs, Institutions and Places of Worship  
 Land Use : Community Purpose  
 Lot Area : 2,774m<sup>2</sup> (Lot 28-29 combined)  
 Disclosure of any Interest : Nil.  
 Previous Items : Nil.  
 Applicant : DQ Designs  
 Owner : Roman Catholic Archbishop of Perth  
 Assessing Officer : Mr. M. Stocco  
 Authorising Officer : Mr. J. Gajic

#### **PURPOSE OF REPORT**

The Roman Catholic Church is proposing the partial demolition, additions, and restorations to a Category 1 heritage Church Hall c.1926. The purpose of the application is to rejuvenate a public building which has serviced the community for nearly 100 years. The applicant has requested the demolition of an ageing externally accessible ablutions facility and the repurposing and relocation of the kitchenette and ancillary works. The ablutions facility will be relocated allowing direct access from within the hall and to meet current building standards. The kitchenette relocation will expand the area available for food preparation and provide direct access to an externally accessible storeroom. Additionally, Council's discretion is sought to restore and replace heritage aspects like for like. The restoration seeks to enhance the heritage status of the building being Federation Romanesque original by renowned designer M C Kavanagh.

## **SUMMARY AND KEY ISSUES**

- Land is zoned Private Clubs, Institutions and Places of Worship in LPS 4 – The use for Community Purposes is unchanged and is compatible with zoning.
- The property is on the Shire Municipal Heritage Inventory. The Applicant is proposing partial demolition, additions and restoration of a **Category 1**, Local Heritage Survey place.
- The Development Application was lodged on 17 April 2022 (DA2022/00010).
- The applicant DQ Designs engaged Heritage Architect, Griffiths Architects to describe and justified the proposal from a heritage perspective.
- The proposal will not impact on the adjacent heritage listed St Mary Star of The Sea Church.
- The proposal does not change existing access arrangements to the Stirling Highway (MRS Primary and Regional Road Reservation).
- The proposal requires a Building Application and certification should have regard for the approved plan set.

## **LOCATION**

430 (Lot 28-29) Stirling Highway, Peppermint Grove (adjacent St Mary Star of The Sea Church).

## **BACKGROUND**

The Roman Catholic Church has owned the Church Hall since its construction in 1926. The hall is set on the north side of the site near McNeil Street and well back from the Stirling Highway. Originally a brick and iron building with timber and corrugated finishes, it was later rendered, covering the original face brick. A set of utilitarian toilets constructed in 1935 are attached to the rear, and these have been modified and expanded over time. The Church Hall currently provides uses incidental to the St Mary Star of The Sea Church and for community functions. Presbyterian Ladies College use the hall for educational purposes.

The Church Hall once had a raised platform to the rear and a vestry to the rear that was converted to a kitchen. There are entrance lobbies either side. The roof, rendered walls, joinery and ceilings are in poor condition. Ceilings have been battened to prevent collapse. The render to the brickwork has cracked and is causing the brick to deteriorate.

The Shires Local Planning Scheme 4 identifies the Church Hall as *Community Purpose Use* which is a D use for Private Clubs, Institutions and Places of Worship and means that the use is not permitted unless the local government has exercised its discretion by granting

development approval. Notwithstanding, the Church Hall has non-conforming use rights that permit the continued use of the Church Hall for Community Purposes.

Local Planning Scheme 4 defines a Community Purpose as: *“premises designed or adapted primarily for the provision of educational, social, or recreational facilities or services by organisations involved in activities for community benefit”*.

The applicant is proposing internal and external alterations to enhance and refurbish the building for the community’s benefit. The changes include.

#### Internal Changes

- New servery window.
- Replacement of ceilings (like for like heritage specification).
- Internal wooden joinery to be refurbished and replaced like for like to heritage specification.
- Existing floorspace to converted into a kitchen (northern elevation).
- Vestibule to be converted into to storeroom (northern elevation).
- Existing kitchenette to be converted into a storeroom (eastern elevation).

#### External Changes

- Proposed circulation roadway widening (eastern elevation – the current roadway has access from McNeil Street).
- New kitchen external doors (eastern elevation).
- Rear toilet block to be demolished and party-wall face brick to be restored (eastern elevation).
- New toilet facility windows. Existing windows to be tinted opaque (southern elevation).
- New ramp access to comply with current universal access requirements (western elevation).
- All doors (timber) to be refurbished to original specification and installed with security locks.
- External wooden joinery to be refurbished and replaced like for like to heritage specification.
- External building render to be removed and restored original face brick.
- Additional split system outdoor unit to be installed.

The applicant engaged Griffiths Architects to undertake a Heritage Impact Report to assesses the impact of the proposed works based on the heritage significance and value of the immediate area. The report confirms that the proposal is acceptable and would not jeopardise current heritage attributes of St Mary Star of the Sea Church, which is located adjacent to the Church Hall. However, the proposed works will need to be undertaken with care as to not detract from or damage the heritage values of the place.

## CONSULTATION

The assessment by Shire officers, has concluded that a period of 14 days advertisement to affected neighbours is required, per Local Planning Policy 6 – Neighbour Consultation on Development. Plans of the affected area will be made public to the consulted neighbours and to the Town of Cottesloe. The advertisement period will conclude before the April Ordinary Council Meeting.

Main Roads WA need not be consulted *under circumstances where the application is for an ancillary and incidental addition or modification to an existing authorised development, which does not encroach upon the road reservation and has no intention to alter existing access arrangements* (Government Gazette 2738, 30 May 2017).

## STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

## LOCAL PLANNING POLICY IMPLICATIONS

There are no Local Planning Policy implications evident at this time.

## STATUTORY IMPLICATIONS

The proponent has complied with relevant Local Planning Scheme 4 provisions and Local Planning Policies and are outlined in the table below.

<b><u>LOCAL PLANNING SCHEME NO. 4</u></b>	
<b>Scheme Requirement/Clause</b>	<b>Assessment/Comment</b>
<b>Table 5 – Additional Site and Development Requirements</b>  <b><u>5. Stirling Highway</u></b> (a) <i>Development abutting Stirling Highway is required to rationalise access arrangements such that no direct vehicular access is obtained from Stirling Highway unless otherwise supported as part of an access strategy approved by Main Roads Western Australia.</i>  (b) <i>In consideration of applications abutting Stirling Highway the local government will consider:</i>  (i) <i>the requirements of any approved access strategy;</i>	<b>The following comments satisfy LPS4 requirements.</b>  (a) There are three access points servicing the Church Hall. The primary street is from Stirling Highway. The secondary access is from McNeil Street and the service access is via the southern right of way.  (i) N/A

<p>(ii) <i>the availability of alternative vehicular access from streets or public rights of way;</i></p> <p>(iii) <i>the need to accommodate extension of streets and public rights of way, or the granting of easements to allow alternative vehicular access for adjoining lots fronting Stirling Highway;</i></p> <p>(iv) <i>the need to coordinate shared parking, pedestrian access, loading, waste management collection and vehicular access across multiple lots within the same street block and may impose conditions relating to such access arrangements.</i></p>	<p>(ii) The site allows ingress and egress from alternative vehicular access.</p> <p>(iii) The proponent is proposing a change of vehicular traffic movement for the McNeil Street access. The change will include a 2-way circulation roadway.</p> <p>(iv) The combined lots of 28-29 accommodate public parking across multiple lots and should not require additional parking spaces.</p>
<p><b>Schedule 1 – Parking Standards</b> <b>Community Purpose</b> <i>1 space for every 100m<sup>2</sup> gross floor area, plus 1 space for every employee. Minimum 4 spaces.</i></p>	<p>There is already a sufficiently large area of car parking in front of the Church Hall.</p>

<b><u>SCHEME/COUNCIL POLICY</u></b>	
<b>Policy Provisions</b>	<b>Assessment/Comment</b>
Local Planning Policy 3 – Heritage Place	Meets all policy requirements.
Local Planning Policy 6 – Neighbourhood Consultation on Development	14 Days Advertisement Period 12 April – 26 April 2022

### **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 Objectives of Local Planning Scheme 4 Table 2 are:

- *To provide sites for privately owned and operated recreation, institutions, and places of worship.*
- *To integrate private recreation areas with public recreation areas wherever possible.*
- *To provide for a range of privately owned community facilities and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.*

- *To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.*

The applicant is required to successfully restore and refurbish the Church Hall to a like for like standard as per Local Planning Policy 3 – Heritage Places.

The applicant is proposing a change to the external finish of the building. The building has been had a render applied and over time the render has deteriorated. The applicant has requested the discretion of the Council to commence removal of the render to reveal the original face brick. The applicant has raised concerns that the process may damage the building and so any work will have to be undertaken carefully and in stages. The applicant has raised that if the entire building can't be restored to the original face brick, then further extensive removal of original brickwork would be required at the Councils discretion. A condition is proposed to be included in any subsequent Development Approval that will require the submission of a further heritage report and the prior written approval of Council for the replacement of external brickwork.

The toilet facility which adjoins the Presbyterian Ladies College will be demolished. This will free a currently occupied portion of the building's footprint. The applicant is proposing the existing circulation roadway off McNeil Street to be widened to facilitate 2-way movements.

The following Officer Recommendation assumes no objection(s) of a substantive nature are received. Should an objection(s) be received within the advertising period, an update will be provided.

#### **OFFICER RECOMMENDATION/ COUNCIL DECISION – ITEM NO 8.1.1**

**Moved : Cr MacIntosh**

**Seconded Cr Farley**

**That Council approves the Partial Demolition and Heritage Additions and Restoration of Category 1 Roman Catholic Church Hall and associated works proposed at 430 Stirling Highway, Peppermint Grove in accordance with the submitted plans DA2022/00010 and application lodged on, April 17, 2021, subject to the following conditions:**

- 1. The approved building works and layout shall not be altered without the prior written consent of the Shire of Peppermint Grove's Development Services. The development plans, as dated marked and stamped "Approved", together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the "Approved Plans" and shall form part of the development approval issued.**
- 2. No works to the building are to be undertaken prior to the issue of a Building Permit for such works. All work to the buildings on this site shall be in accordance with the Approved Plans and to match certified building permit plans at all times.**
- 3. Prior to lodgement of a Building Permit application, the applicant is to submit for the approval of the Shire construction and engineering details of the widening works for the existing crossover to McNeil Street. The plans must demonstrate a**

suitable truncation to preserve sightlines and safety for all vehicle manoeuvres associated with accessing the site.

The vehicular crossover must be constructed and; thereafter, maintained in accordance with the Shire of Peppermint Grove Vehicular Crossovers General Requirements and Specifications.

4. The prior written approval of Council must be obtained for the replacement of external brickwork.
5. All vehicles associated with the approved works shall be parked and construction materials stored wholly within the subject land.
6. The ongoing use of the site and approved development works shall not cause erosion or degradation to the subject or surrounding land. Should the Shire of Peppermint Grove deem it necessary to undertake mitigation works; plans, specifications and work schedules may be required to be submitted and the works undertaken by the proponent at no cost and to the satisfaction of the Shire of Peppermint Grove.
7. This approval shall remain current for development to commence within two years of the date of issue of this notice. All works associated with this approval (once commenced) shall be completed before the end of the third year from the date of issue of this notice.

#### **Advice Notes.**

1. In respect to Condition 2, only site or related works in accordance with this Planning Approval may be undertaken prior to issue of Building Permit. Building certifier is to have regard to the requirement for consistency between the Approved Plans and certified building permit plans.
2. The Applicant is advised that the property is on the Shire's Heritage List and all works not expressly approved and included in a set of approved plans are not to be undertaken without a further planning heritage assessment as a pre-requisite to receive an approval prior to commencement. This Notice grants approval to works detailed on the Approved Plan only.
3. In respect to Conditions 3 and 5, the Shire requires the applicant to arrange for the inspection of all Shire infrastructure including the street verge adjacent to the property both prior to works and post completion to establish the impact and necessary remediation of impacts on all public infrastructure and lands. The Shire does not warrant or exempt the applicant from civil claim arising from damage to private property and associated with the approved works.
4. The Applicant is advised that demolition work of the property on the Shire Heritage List shall not be commenced until a photographic record and measured drawings of the Church Hall are completed for submission to the Shire as a record of the premises. The issue of a Demolition Permit of the Church Hall will be conditional



upon this architectural survey work being satisfactorily completed and lodged with the Shire prior to demolition works commencing.

5. Should the owner and/or applicant be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the *Planning and Development Act 2005*. An application for review must be submitted in accordance with Part XIV of the *Planning and Development Act 2005* within 28 days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is available on the SAT website [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or by phoning (08) 9219 3111 or 1300 306 017.

CARRIED 6/0

## MANAGER INFRASTRUCTURE SERVICES

NIL

## MANAGER CORPORATE AND COMMUNITY SERVICES

### 8.3.1 Financial Statements for Period Ended March 2022

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 31/03/2022

Voting Requirement	:	Absolute Majority
Subject Index	:	Financial Statements- 2021/22
Disclosure of Interest	:	Nil
Responsible Officer	:	Michael Costarella

#### PURPOSE OF REPORT

To receive the financial statements for the period ended 31 March 2022

#### SUMMARY AND KEY ISSUES

During the month of March, there are some differences between the year-to-date budget and the actual income and expenditure. This relates to timing of the receipt of invoices and the raising of rates and charges.

The main variance between the year-to-date budget and the actual expenditure and income to the 31 March 2022 were: -

- Fees & Charges
- Employees Costs

#### BACKGROUND

The Monthly Financial Statements are prepared in accordance with the requirements of the Local Government Act & Financial Management regulations and are presented to Council for information.

Overall, there is a 10% (less) variance between the operating year to date budget and year to date actuals.

## **STRATEGIC IMPLICATIONS**

Objectives within the Governance section of the Strategic Community Plan

## **POLICY IMPLICATIONS**

Shire of Peppermint Grove Financial Management Policies and Investment Policy.

## **STATUTORY IMPLICATIONS**

Local Government (Financial Management) Regulations 1996

## **FINANCIAL IMPLICATIONS**

There are no detrimental financial implications evident at this time.

## **OFFICER COMMENT**

The Monthly Financial Statements for the period ended the 31 March 2022 are presented in the new format. The new format includes a number of graphs and executive summary for councillors information.

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

### (1) Fees & Charges- \$16,000

The year to date budget for the Fees & Charges has been exceeded by additional building fees for the same period.

### (2) Employee Costs- \$ 42,000

The amount of \$42,000 is more than the year-to-date budget and relates to year to date budget allowing for two pays instead of three pays in July and December 2022 as well as termination payments. This is an accumulated amount that will resolve itself at the conclusion of the financial year.

## **BUDGET AMENDMENT- CAPEX PROJECT**

The 2021/22 Budget includes an amount for the Manners Hill Park Bollards and Gate renewal totalling \$37,500. (A/C 66101)

Quotes obtained from Contractors have exceeded that amount by \$10,000 and Staff are requesting a budget amendment to reduce the Minor Path works by a similar amount. The Minor Path works will be included in the 2022/23 budget.

Accordingly, there is a Nil effect on the closing surplus.

Investment of Municipal and Reserve Funds- as at 31 March 2022.

The Shire has funds the following funds invested as 'on call' and fixed term deposits with the National Australia Bank:-

Fund and TD Number	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest
Reserves	1,290,764.00	1/07/2021	24/06/2022	284	0.58%	5,825.06
Reserves Interest Receivable						5,825.06
Municipal PFA Acc	1,374,562.00	ON CALL			0.45%	\$1,896.36
Municipal Interest Received						\$1,896.36

**OFFICER RECOMMENDATION/ COUNCIL DECISION – ITEM NO 8.3.1**

Moved Cr Jackson  
That

Seconded Cr Horrex

1. Council receives the financial report for the period 1 July 2021 to 31 March 2022.
2. Council transfer an amount of \$10,000 from the Minor Path Renewal (A/C 65101) to the Manners Hill Park Bollard and Gate Renewal (A/C 66101)

**CARRIED 6/0**

**8.3.2 Accounts Paid March 2022**
**CORPORATE**
**ATTACHMENT DETAILS**

Attachment No	Details
Attachments	Accounts Paid – March 2022 Credit Card Statements – February 2022

Voting Requirement	:	Simple Majority
Subject Index	:	Financial Management
Disclosure of Interest	:	Nil
Responsible Officer	:	Michael Costarella, Manager Corporate and Community Services

**PURPOSE OF REPORT**

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

**SUMMARY AND KEY ISSUES**

Significant payments in March 2022 included the following:

- GST & PAYG remittance to ATO;
- Waste Management Services
- WA Superannuation

**BACKGROUND**

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

PAYMENT TYPE	NUMBER SERIES	AMOUNT
EFT	EFT00459-463	\$376,764.01
Direct Debits	DD00305-314	\$10,912.72
BPAY	BPAY253	\$90.03
Credit Cards – January	CCP00027	\$7,856.19
CHQ	CHQ	0
<b>TOTAL</b>		<b>\$395,622.95</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**

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

**FINANCIAL IMPLICATIONS**

The payments processed by the Shire relate to expenditure approved in the 2021/22 annual budget.

**OFFICER COMMENT**

The List of Accounts paid are provided to Council for information purposes and in accordance with the delegation to the CEO.

**OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO.8.3.2**

**Moved Cr Hohnen**

**Seconded Cr Horrex**

**That Council receive the list of payment of accounts by: -**

- 1. Cheques, Electronic funds transfers, BPay and Direct debit payments for the month of March 2022, totalling \$387,766.76**
- 2. Credit card payments for February 2022 totalling \$7,856.19.**

**CARRIED 6/0**

## CEO/ MANAGEMENT / GOVERNANCE / POLICY

### 8.4.1 Matters for Information and Noting

#### MANAGEMENT/GOVERNANCE/POLICY

#### ATTACHMENT DETAILS

<u>Attachment</u>	<u>Details</u>
Attachment refers to	<b>Building/Planning Statistics</b> <b>Library Statistics</b>

Voting Requirement	Simple majority
Subject Index	Matters for Information
Disclosure of any Interest	Nil
Responsible Officer	CEO

#### PURPOSE OF REPORT

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

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

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

- Building permits issues
- Demolition permits issued
- Seal register advising of when the Shire seal has been applied
- Infringements for parking/dogs etc
- Waste and recycling data
- Library statistics March

**SUMMARY AND KEY ISSUES**

The following reports are presented to Council 22 March 2022

1. Building/Planning Statistics
2. Library statistics March

**CONSULTATION**

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

**OFFICER RECOMMENDATION/ COUNCIL DECISION – ITEM NO. 8.4.1**

Moved Cr Hohnen

Seconded Cr Horrex

That Council receives the information in this report.

**CARRIED 6/0**



## COMMITTEE REPORTS

NIL

## 9 NEW BUSINESS OF AN URGENT NATURE/LATE ITEM

9.1 – LATE ITEM - Development Application - 42 (Lot 3) Keane Street, Peppermint Grove – New Single House (Two Storey Dwelling with Basement & Swimming Pool)

### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 1</b>	Locality Map
<b>Attachment 2</b>	Revised Development Application Drawings (Redacted)

Voting Requirement	:	Simple Majority
Acceptance Date	:	
Location / Property Index	:	42 (Lot 3) Keane Street
Application Index	:	DA2022/00005
LPS No 4 Zoning	:	Residential, R-10
Land Use	:	Single House
Lot Area	:	890m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Leon House Design Pty Ltd
Owner	:	Mrs. S Anagonostakis
Assessing Officer	:	Mr. M. Stocco/Mr. J. Gajic
Authorising Officer	:	Mr. J. Gajic

#### PURPOSE OF REPORT

Council received an application for a new single house at 42 Keane Street. The application was considered at the 22 March 2022 Ordinary Meeting of Council (Item no. 8.1.2). The Council delegated to the Chief Executive Officer approval subject to a number of design modifications including to address visual privacy, open space and deep soil planting areas, greater permeability for front fencing, landscaping, and to increase to at least 5.4m the rear building boundary setback. With the exception of the rear building setback the applicant has complied with all required modifications and has sought approval on the basis of demonstrating compliance with the design principle for lot boundary setbacks under the Residential Design Codes.

## **SUMMARY AND KEY ISSUES**

- Land is zoned Residential (R10) in LPS 4 – Use is compatible with zoning.
- The Development Application was lodged on 11 February 2022 (DA2022/00005) and conditionally approved on 22 March 2022 at the Ordinary Meeting of Council subject to design modifications.
- Delegated approval was unable to be issued in accordance with the Council resolution as the design modifications did not achieve a minimum building setback to the rear boundary of 5.4m.
- The applicant has modified the design on six occasions achieving greater alignment with the planning policy framework.
- The design modifications in response to the March Council Resolution now satisfy Local Planning Policy objectives, in addition to the deemed-to-comply requirements under the R-Codes (with the exception of lot boundary setbacks).
- The proposal was re-advertised to the owner of 1 Bungalow Court who withdrew their objection on the grounds visual privacy concerns being addressed.
- This Officer Report should be read in conjunction with Item 8.1.2 of the 22 March 2022 Ordinary Council Meeting.

## **LOCATION**

**42 (Lot 3) Keane Street, Peppermint Grove**

## **BACKGROUND**

As previously reported to Council, the land is a uniform shape comprising 890m<sup>2</sup> subdivided from the original parent lot fronting Keane Street, Bungalow Court and Bayview Terrace. The land has a single street frontage to Keane Street.

The subject land comprises 890m<sup>2</sup> and is zoned Residential R10. The land has a width of 31.27m and depth of 28.45m that compromises the ability to achieve the Local Planning Scheme prescribed 9m primary street setback in addition to the R-Codes deemed-to-comply rear setback of 6m. Whilst not determinant of the matter, it is noted that State Development Control Policy 2.2 – Residential Subdivision encourages single residential lots with preferable a greater depth than width to maximise private space, privacy, amenity and street setback. The land falls approximately 2m generally from the west to the east (6.4%).

The design is described as a contemporary inspired by Iwan Iwanoff and intended to capture natural light and orient towards outdoor entertainment areas.

The two-storey layout with a concealed under-croft features a curved swimming pool within the primary street setback area to capture morning sun with a simple geometric built form with geometric fenestration detail. The primary living areas are located on the upper storey to take advantage of outlooks over Freshwater Bay and to the Swan River.

Balconies are now screened where required and sufficiently setback from side boundaries to satisfied deemed-to-comply requirements for visual privacy. The roof is concealed and is not accessible.

### **CONSULTATION**

The proposal was initially advertised to adjoining neighbours in accordance with Local Planning Policy 6 – Neighbour Consultation on Development and comments closed on 16 March 2022.

The sole variation now sought pertains to the rear building setback such that the revised design was re-advertised to the southern neighbour (1 Bungalow Court). The affected neighbour withdrew their objection in writing on the basis that the deletion of a balcony to the guest bedroom, inclusion of screening to the alfresco balcony and modifications to major openings suitably addressed their privacy concerns.

### **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

### **LOCAL PLANNING POLICY IMPLICATIONS**

The proposal complies with relevant Scheme provisions, Local Planning Policies, and the deemed-to-comply requirements of the R-Codes with the exception of 5.1.3 lot boundary setbacks (6m rear setback).

### **STATUTORY IMPLICATIONS**

<b>LOCAL PLANNING SCHEME NO. 4</b>	
<b>Scheme Requirement/Clause</b>	<b>Deemed-to-Comply (DTC) or Design Principles (Variation)</b>
<b>Plot Ratio</b> For R10, R12.5, R15 and R20 Coded areas the maximum plot ratio shall be 0.5	The applicant has complied with Plot Ratio

<b>RESIDENTIAL DESIGN CODES</b>	
<b>Development/Performance Criteria</b>	<b>Deemed-to-Comply (DTC) or Design Principles (Variation)</b>
<b>Site Setbacks</b> Table 1, Tables 2a and 2b of the R-Codes.	<b>Variation – Southern (rear) boundary setback does not satisfy deemed to comply R-Code requirements</b>
<b>Building Heights</b>	The applicant has complied with Building Height

Table 3, Category B Maximum Building Heights	
<b>Visual Privacy</b> C5.4.1, Figure 10, 10a, 10b and 10c of the R-codes. (Cone of Vision)	The applicant has complied with Visual Privacy deemed-to-comply requirements for the western and southern neighbours and the Design Principle for the eastern neighbour
<b>Solar Access for Adjoining Sites (overshadowing)</b> Part 5 - 5.4.2 C2.1	The applicant has complied with Solar Access for Adjoining Sites

<b>SCHEME/COUNCIL POLICY</b>	
<b>Policy Provisions</b>	<b>Deemed-to-Comply (DTC) or Design Principles (Variation)</b>
<b>Local Planning Policy 1</b> – Design and Streetscape	The applicant has complied with the policy requirements
<b>Local Planning Policy 2</b> – Ecological Urban Design and Sustainability	The applicant has complied with the policy requirements
<b>Local Planning Policy 3</b> – Heritage Place	N/A
<b>Local Planning Policy 4</b> – Residential Building Heights	The applicant has complied with Building Height
<b>Local Planning Policy 5</b> – Plot Ratio	The applicant has complied with Plot Ratio
<b>Local Planning Policy 6</b> – Neighbourhood Consultation on Development	14 Day advertisement period has been undertaken and has now concluded
<b>Local Planning Policy 8</b> – Construction Management Plans	Proposed to be addressed with a condition of Development Approval – to be required prior to submission of a Building Application
<b>Local Planning Policy 9</b> – Development BONDS	Requirement of a Building Application
<b>Local Planning Policy 10</b> – Design Review Panels	N/A
<b>Local Planning Policy 11</b> – Building on Side and Rear Boundaries	The applicant has complied with the policy requirements
<b>Local Planning Policy 12</b> – Front Fences	The applicant has complied with the policy requirements
<b>Vehicular Crossover Policy and Technical Specification</b>	Subject to approval by Manager of Infrastructure Services

### **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**

In response to the six design modifications required to be addressed in order for the proposal to be approved under delegated authority five have been fully addressed.

- a. Visual privacy for 1 Bungalow Court has been addressed to the satisfaction of the affected neighbour and now accords with the deemed-to-comply requirements of the R-Codes. Key design modifications include deletion of a south-facing balcony to the guest bedroom, inclusion of screening to the southern section of the east-facing alfresco balcony, and modifications to four major openings by way of raising the sill heights.
- b. Open space has been increased from 58% to 62% (60% deemed-to-comply requirement exceeded).
- c. Deep soil planting areas within the primary street setback area has been increased to 55% (50% policy standard exceeded).
- d. Five shade trees have been denoted on the site plan (Council requirement of three exceeded).
- e. Visual permeability for front fencing now satisfactorily addresses the planning objectives of the Local Planning Policy. The key design modification being deletion of the 1.2 - 1.4m high solid wall previously providing screening to the primary outdoor living area has been replaced by full length vertical panels with 60mm openings.

The applicant has additionally clarified the shadow modelling diagram that demonstrates approximately 17.2% of 1 Bungalow Court will be in shade at midday on the winter solace. The lift shaft that casts the longest shadow and has been verified and the modelling takes into consideration the topography. The deemed-to-comply shadowing of any neighbouring site area is 25%.

Council discretion is sought for a variation to the rear boundary building setback which averages 4.3m in lieu of the 5.4m minimum stipulated in Council's March resolution. It is the officer's assessment that the performance principle has been satisfied. Specifically:

- The building bulk on the southern neighbour is not excessive by virtue of the concealed roof and reduced wall height that is further 'softened' through articulation and various external finishes and materials;
- the proposal provides adequate direct sunlight and ventilation to the development itself and to neighbouring properties. Whilst somewhat speculative, it would appear that the northern lot boundary setback for 1 Bungalow Court will be a rear setback with a resultant significant building separation;
- there is no compromise to overlooking and resultant loss of privacy on adjoining properties as a result from the decreased setback; and additionally,

- the sole affected (southern) neighbour has withdrawn their objection in response to the amended design.

More often the inability to achieve boundary setbacks is a result of excessive building bulk or otherwise attributed to being an overdevelopment of a site. The proposal is not considered an overdevelopment. Notwithstanding the site area being less than the minimum for an R10 zone and the lot width being greater than its depth, the primary street and side lot boundary setbacks are compliant. Additionally, standards pertaining to visual privacy and overshadowing, prescribed open space and landscaping have not been compromised. In light of the this, the rear boundary setback variation is unlikely to establish a precedent.

### **CONCLUSION**

The local planning policy framework acknowledges the importance of protecting and enhancing the amenity of streetscapes. This objective is achieved in part through increased Local Planning Scheme mandated primary and secondary street setbacks, in addition to landscaping and open space standards. The proposal does not seek to vary any design principle that would otherwise adversely impact the streetscape.

The variation being sought to the rear boundary setback is not considered excessive in the context of the surrounding lots. The corresponding performance principle in the R-Codes has been assessed to be met and the risk of creating an undesirable precedent is mitigated for the reasons outlines in the officer comments.

The proposal is assessed to have planning merit and make a positive contribution to the streetscape of Keane Street. It is the officer's recommendation that Development Approval is conditionally granted.

### **ACCEPTANCE OF LATE ITEM 9.1- Development Application - 42 (Lot 3) Keane Street, Peppermint Grove – New Single House (Two Storey Dwelling with Basement & Swimming Pool)**

**Moved Cr Farley**

**Seconded Cr Hohnen**

**That Council accept the late Item 9.1 for consideration at this meeting**

**CARRIED 6/0**

**OFFICER RECOMMENDATION/ COUNCIL DECISION– ITEM NO. 9.1**

Moved Cr Farley

Seconded Cr Horrex

That Council approves the single house and associated works proposed at 42 Keane Street, Peppermint Grove in accordance with the submitted plans (Revision F) dated 25 March 2022, subject to the following conditions and advice notes:

1. The approved building works and layout shall not be altered without the prior written consent of the Shire of Peppermint Grove's Development Services. The development plans, as dated marked and stamped "Approved", together with any requirements and annotations detailed thereon by the Shire of Peppermint Grove, are the "Approved Plans" and shall form part of the development approval issued.
2. No works to the building are to be undertaken prior to the issue of a Building Permit for such works. All work to the buildings on this site shall be in accordance with the Approved Plans and to match certified building permit plans at all times.
3. As part of the Building Permit application the applicant shall submit for approval and to the satisfaction of the Shire of Peppermint Grove, a Construction Management Plan (CMP) prepared in accordance with Local Planning Policy 8 – Construction Management Plans binding all contractors working on the site.

Once approved, the CMP shall form part of this permit.

**Note:** The prior written approval of Shire of Peppermint Grove's Infrastructure Services is required for the temporary closure of any footpath, road or laneway. Infrastructure Services can be contacted to discuss traffic management.

**Note:** Construction works must be carried out in accordance with AS 2436-2010 - Guide to Noise and Vibration control on Construction, Demolition and maintenance sites.

**Note:** Unless otherwise approved by the Shire of Peppermint Grove construction works may only occur between the hours of 7am and 7pm Monday to Saturday (excluding public holidays).

**Note:** Unless otherwise approved by the Shire of Peppermint Grove all vehicles associated with the approved works shall be parked and construction materials stored wholly within the subject land.

**Note:** Attention is drawn to 'Sand Drift Prevention and Sediment Control Guidelines for Building Sites' that is located on the Shire's website.

**Note: Attention is drawn to the protection of verge trees. If pruning is necessary, please provide an arborist report.**

**Note: The site shall be securely fenced during the construction stage to prevent the entry of unauthorised persons.**

- 4. The vehicular crossover must be constructed and thereafter, maintained in accordance with the Shire of Peppermint Grove Vehicular Crossovers General Requirements and Specifications.**
- 5. Prior to occupation commencing the five (5) shade trees identified on the endorsed plans shall be established in a semi-mature state (minimum 200lt pot/planter bags).**
- 6. The ongoing use of the site and approved development works shall not cause erosion or degradation to the subject or surrounding land. Should the Shire of Peppermint Grove deem it necessary to undertake mitigation works; plans, specifications and work schedules may be required to be submitted and the works undertaken by the proponent at no cost and to the satisfaction of the Shire of Peppermint Grove.**
- 7. External lighting shall be installed and maintained so as to avoid distracting passing motorists or causing nuisance to neighbours.**
- 8. This approval shall remain current for development to commence within two years of the date of issue of this notice. All works associated with this approval (once commenced) shall be completed before the end of the third year from the date of issue of this notice.**

#### **Advice Notes.**

- 1. In respect to Condition 2, only site or related works in accordance with this Planning Approval may be undertaken prior to issue of Building Permit. Building certifier is to have regard to the requirement for consistency between the Approved Plans and certified building permit plans.**
- 2. In respect to Conditions 3 and 4, the Shire requires the applicant to arrange for the inspection of all Shire infrastructure including the street verge adjacent to the property both prior to works and post completion to establish the impact and necessary remediation of impacts on all public infrastructure and lands. The Shire does not warrant or exempt the applicant from civil claim arising from damage to private property and associated with the approved works.**
- 3. Should the owner and/or applicant be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the Planning and Development Act 2005. An application for review must be submitted in accordance with Part XIV of the Planning and Development Act 2005 within 28 days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991, Perth, WA 6845. Further information regarding this right of review is**





available on the SAT website [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or by phoning 9219 3111 or 1300 306 017.

4. Council has exercised its discretion to allow a reduced rear lot boundary setback on the design principles.

**CARRIED 6/0**

## **10 MOTIONS ON NOTICE**

NIL

## **11 CONFIDENTIAL ITEMS OF BUSINESS**

NIL

## **12 CLOSURE**

At 6.02 pm, there being no further business the meeting closed.



**CLOSURE**

At 6:02pm there being no further business the closed.

These minutes were confirmed at the ordinary council meeting 26 April 2022.

A handwritten signature in blue ink, appearing to read 'Raeleen', with a large, sweeping flourish extending to the right.

Signed:

Presiding Person at the meeting at which these minutes were confirmed.

Date: 26 April 2022