



Shire of
Peppermint Grove

ORDINARY COUNCIL MEETING

MINUTES

HELD ON
TUESDAY 27 AUGUST 2019
AT
5.30 PM



Shire of Peppermint Grove

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Ordinary Council Meeting - **Minutes**
27 August 2019

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Shire of Peppermint Grove

ORDINARY COUNCIL MEETING MINUTES

1 DECLARATION OF OFFICIAL OPENING

At 5.33pm, 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 Farley.

Affirmation of Civic Duty and Responsibility

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

2 RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE

2.1 ATTENDANCE

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

Cr R Thomas
Cr C Hohnen
Cr K Farley
Cr D Horrex
Cr G Peters
Cr P Macintosh



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

Mr D Burnett
Mr M Costarella
Mr D Norgard
Mr J Dallimore

Gallery 5 Members of the Public
 2 Members of the Press

2.2 APOLOGIES

Manager Development Services
Manager Library Services

Mr R Montgomery
Ms D Burn

2.3 LEAVES OF ABSENCE

NIL

2.4 NEW REQUEST FOR A LEAVE OF ABSENCE

NIL

3 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

Were 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 FROM A PREVIOUS MEETING

NIL

4.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

NIL

4.3 DEPUTATIONS OR STATEMENTS

Ms Philippa Mowbray Architect, 1 Mosman Terrace, Mosman Park – Item 8.1.1

Ms Mowbray addressed Council speaking on behalf of the owner 48A View Street.

5 DECLARATIONS OF INTEREST

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

5.1 FINANCIAL INTEREST

NIL

5.2 PROXIMITY INTEREST

NIL

5.3 IMPARTIALITY INTEREST

NIL

5.4 INTEREST THAT MAY CAUSE A CONFLICT

NIL

5.5 STATEMENT OF GIFTS AND HOSPITALITY

NIL

6 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

NIL

7 CONFIRMATION OF MINUTES

7.1 ORDINARY COUNCIL MEETING 23 JULY 2019

| |
|---|
| OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM 7.1 |
|---|

MOVED: Cr P Macintosh

SECONDED: Cr D Horrex

That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 23 July 2019 be confirmed as a true and accurate record.

CARRIED 6/0

8 OFFICER REPORTS

8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 48A View Street - Alterations to Street Façade

URBAN PLANNING

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|-------------------------------|
| Attachment 1 | Location Map |
| Attachment 2 | Development Application Plans |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | |
| Location / Property Index | : | 48A View Street, Peppermint Grove |
| Application Index | : | DA2019/00021 |
| LPS No 4 Zoning | : | Residential zone – R12.5 |
| Land Use | : | Residential |
| Lot Area | : | 1348m ² |
| Disclosure of any Interest | : | Nil. |
| Previous Items | : | DA2019/00010 |
| Applicant | : | Phillipa Mowbray Architects |
| Owner | : | Mrs Yvonne Burns |
| Responsible Officer | : | Mr. Ross Montgomery – 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Applicant requests Council to consider the proposed alterations to the street façade at 48A View Street, Peppermint Grove, to insert a structure in place of a timber sash windows. This report is revised to consider and address plan revisions submitted on August 13th.

SUMMARY AND KEY ISSUES

- The property is listed on the Shire Heritage List.
- An application DA2019/00010 initially proposed a series of alterations to the house including modification of the street façade.
- The internal and rear renovations were approved, however a large opening in the façade to accommodate a glass and metal conservatory was not approved by Council.
- The applicant was requested to reconsider the façade alteration to reduce the removal of brickwork and reduce the scale of the conservatory structure.
- Plans were revised to remove brickwork below the sill and remove a pair of sash windows to be replaced by a set of French doors. These would open onto a small raised terrace.
- Immediately prior to the Agenda Briefing meeting the applicant submitted plans which substituted a metal and glass box structure for the French doors installed in front of the new opening. The terrace proposal is similar.

LOCATION

48A View Street, Peppermint Grove

BACKGROUND

An application for additions and alterations (DA2019/00010) was received by the Shire in April of 2019. Council approved the part of the redevelopment to the heritage listed house at 48 View Street concerning internal and external development at the rear and side of the property.

The glass and steel conservatory structure proposed to be attached via an enlarged front window in the street façade and the structure in front of the house was not considered appropriate given the street presentation of the heritage house. Although the proposed renovations were approved to the rest of the house, the Council did not support the insertion of a glass conservatory into the distinctive façade.

On August 20th an inspection of the premises allowed for the applicant to explain the most recent design in terms of its compatibility to the heritage house and its street presentation.

CONSULTATION

Officers and elected members met with the owner and the architect to discuss the proposal and its merits.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications.

POLICY IMPLICATIONS

Local Planning Policy 3 – Heritage Places

The house at 48A View Street is heritage listed, and therefore Local Planning Policy 3 – Heritage Places is relevant to this application.

The Heritage Management Category 2 (MHI) contemplates that some modifications can be considered subject to retention of heritage features. The proposed works make changes to the façade of a heritage listed building, as such LPP 3 applies to the development. The proposed work maintains a large amount of heritage fabric of the façade by maintaining existing proportions within the door design. The most recent proposal alters the façade by removing a small portion of brick work below the present sill to create an opening towards the street.

The opening is similar in proportion to the other double sash window openings.

Local Planning Policy 3 – Heritage Places requires a property on the Shire Heritage List must obtain planning approval prior to being granted Council permission to rebuild and/or demolish all or part of a listed building.

STATUTORY IMPLICATIONS

The property is on the heritage list and all works to the building require a development application to be determined by Council.

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 works at 48A View Street, Peppermint Grove, respond to the advice from Council following the partial approval for renovations proposed in the previous application (DA2019/00010).

A glass conservatory as originally proposed was not supported by Council because it significantly changed the proportions of the window in the façade and obscured the street presentation of the façade, part of the contribution this heritage building makes to the street.

A bay window is included in the northern wall which is not as visible from the street and yet achieves the objective to allow more northern light into the front room. This element remains as proposed and is unlikely to be visible from View Street.

The interim redesign of a more modest alteration to the window; lowered the sill to the ground to make a doorway. It replaced the sash windows with French doors with mullions in a sympathetic geometry and style to the remaining windows on the street facade.

That design was [previously] assessed to be more respectfully conservative to the heritage fabric of the building because it maintained the geometry and dimensions in unity with the facade. The design objective was to connect between the front room and the garden.

Additional Information following the Agenda Forum 13 August 2019

Revised Plan was submitted on August 13

The revision proposes a bolder metal and glass box door structure located in front of the opening in the façade. This modern addition makes little reference to the older parts of the façade but occupies the opening created by removing some brickwork under the sill.

The addition of new elements onto any heritage building or site challenges the designer to manage the impact of any addition onto the remaining heritage structures and fabric.

There is no standard approach and any work warrants careful consideration of circumstances for the additions and the manner in which the heritage qualities of the place are to be perceived (viewing points).

In some cases the renovations should be in sympathy with the overall appearance and character of the heritage building so as not to disrupt the way a building is to be read as a united entity with an appearance consistent with the era and style (for example as presented towards View Street). New works would be sympathetic in terms of their overall design and finish however do not necessarily need to be a faithful reproduction of older building fabric. The old and the new should sit comfortably and united as a building without needing to be a meticulous recreation.

In other cases new work should be readily distinguished as a modern addition so as not to be confused with the remaining building fabric. This approach would permit that new elements should stand out as modern, sometimes as an overlay on the old building fabric but nevertheless respecting and not detracting from the original heritage fabric.

In determining which approach is appropriate to each case, there should be regard for the context, the heritage values ascribed to the building and the practicality of executing the renovations to achieve a structurally sound outcome – one which does not detract from the overall heritage value of the building in itself and as part of a streetscape.

In this case the most recent proposal is a less overt intervention than the original glass and metal conservatory, it nevertheless is clearly not related to the original house or its design narrative. The work updates and installs outdoor living to the façade program. The façade is setback considerable distance from View Street and so any impact of this change may not be noticed when viewed from the street.

The applicant explained that the intention is to add a functional element to the façade - one which opens that room of the house to the front garden. This element is not intended to disrespect the original fine form and details of the house, but changes the function of that room.

The silhouette of the house still presents as the original main structure when viewed from the street (as per requirements of LPP 3), and the box window changes just one portion of the front façade. Unlike many houses of the vintage this house has not been subjected to a life of ad-hoc

additions –its few previous changes were for practical rather than stylistic purposes and it remains largely intact and authentic for its era.

Should Council agree that all new work should visibly different from the old portions of the building, then the revised design is considered acceptable because –

- it does not remove or alter large portions of the original heritage building fabric,*
- it is functionally sound and achieves the objective of modernising one aspect of a house to counteract the case that rooms were not designed to flow into the garden; and*
- the work can be implemented with attention to the materiality and fine detailing which is an approach consistent with the interior and other elements of the house.*

And therefore approval to the redesign is recommended as per the Alternative Recommendation.

The Recommendation presented to the Agenda Briefing (below) relates to a set of plans now superseded by the applicant. An Alternative Recommendation relates to latest plans.

Alternate Officer Recommendation –

That Council Approves the application for ‘Alteration to Street Façade’ at 48A View Street, Peppermint Grove, and revised plans submitted on August 13 2019, and subject to the following conditions:

- 1. 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” as part of this application and shall form part of the development approval issued.*
- 2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.*
- 3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.*
- 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:*
 - How materials and equipment will be delivered and removed from the site;*
 - How materials and equipment will be stored on the site;*
 - Parking arrangements for contractors;*
 - Construction Waste disposal strategy and location of waste disposal bins;*
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;*
 - Other matters likely to impact on surrounding properties.*
- 5. Building details and plans are to address the materiality of design including the detailing of the door structure, its architrave, colours and finishes are to respect and match the proportions and materials of the building and as it presents towards View Street.*

OFFICER RECOMMENDATION/S – ITEM NO 8.1.1

That Council Approves the application for ‘Alteration to Front Façade’ at 48A View Street, Peppermint Grove, subject to the following conditions:

1. 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” as part of this application and shall form part of the development approval issued.
2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.
3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.
4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:
 - How materials and equipment will be delivered and removed from the site;
 - How materials and equipment will be stored on the site;
 - Parking arrangements for contractors;
 - Construction Waste disposal strategy and location of waste disposal bins;
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - Other matters likely to impact on surrounding properties.
5. French doors, architrave and new threshold are to match the proportions and materials of the doors and windows facing View Street.

ALTERNATE OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.1**MOVED: Cr K Farley****SECONDED: Cr D Horrex**

That Council Approves the application for ‘Alteration to Street Façade’ at 48A View Street, Peppermint Grove, and revised plans submitted on August 13 2019, and subject to the following conditions:

- 1. 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” as part of this application and shall form part of the development approval issued.**
- 2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.**
- 3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.**
- 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:**
 - How materials and equipment will be delivered and removed from the site;**
 - How materials and equipment will be stored on the site;**
 - Parking arrangements for contractors;**
 - Construction Waste disposal strategy and location of waste disposal bins;**
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;**
 - Other matters likely to impact on surrounding properties.**
- 5. Building details and plans are to address the materiality of design including the detailing of the door structure, its architrave, colours and finishes are to respect and match the proportions and materials of the building and as it presents towards View Street.**

CARRIED 6/0

8.1.2 23A View Street – Alfresco Extension for Single House

URBAN PLANNING

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|-------------------------------|
| Attachment 1 | Location Map |
| Attachment 2 | Development Application Plans |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | DB027B |
| Location / Property Index | : | 23A View Street, Peppermint Grove |
| Application Index | : | DA2019/00023 |
| LPS No 4 Zoning | : | Residential zone R-12.5 |
| Land Use | : | Residential |
| Lot Area | : | 909m ² |
| Disclosure of any Interest | : | Nil. |
| Previous Items | : | Nil. |
| Applicant | : | Timesright Pty Ltd (T/A RK Brine Master Builder) |
| Owner | : | Jane Elizabeth Moffat |
| Responsible Officer | : | Mr. Ross Montgomery – Manager of Development Services |

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

Council is requested to consider the proposed extension to an Alfresco entertainment area at the rear of 23A View Street, Peppermint Grove. The plans propose an outdoor kitchen bench installed in existing patio area.

SUMMARY AND KEY ISSUES

- The current two-storey house is located on a battle-axe lot of 908m² in area.
- Development already exceeds the LPS 4 plot ratio of 0.5 by 0.04.
- The extension proposal will make the plot ratio more than 0.58 (with exclusions)
- Because the development exceeds deemed to comply development standards of LPS 4, planning approval is required to vary Scheme standards.
- The additional area to the alfresco is open on two sides and will overlook a sunken terrace with lap pool.
- An outdoor kitchen is also part of the proposal and partially encloses the area.

LOCATION

23A View Street, Peppermint Grove

BACKGROUND

The property contains a two-storey single house with balcony deck, terraced garden and lap pool located at the rear of a battle-axe lot.

The applicant originally came to the Shire with a certified Building Application for the extension of the rear alfresco area the addition of a small outdoor kitchen into the garden.

The applicant submitted plot ratio calculations indicating that the current house exceeds the maximum allowable plot ratio (at 0.54 it is over the maximum of 0.5 in Local Planning Scheme 4). A Shire assessment of the addition indicates the alfresco additions will increase the plot ratio for the site to 0.58.

The applicant was advised of this aspect of non-compliance requires a Planning Application to vary the plot ratio applicable to the development. All such variations must be considered by the Council.

CONSULTATION

The works are within the current building setbacks from boundaries. No specific consultation or referral to neighbours has been undertaken by the Shire. The architect advised that the neighbours offered no objection when the plan was discussed.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

The Shire recently adopted draft guidelines to assist in determining the basis of variation to the plot ratio area for single houses.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

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

| LOCAL PLANNING SCHEME NO. 4 | | |
|--|---|--|
| Scheme Requirement/Clause | | Assessment/Comment |
| 1. | Plot Ratio to be less than 0.5 | The current development exceeds 0.5 |
| RESIDENTIAL DESIGN CODES | | |
| Acceptable Development/Performance Criteria | | Assessment/Comment |
| 1. | Standard R 12.5 boundary setbacks. | Compliant for side setback. Existing house has reduced rear setback in southern portion of the development. |
| SCHEME/COUNCIL POLICY | | |
| Policy Provisions | | Assessment/Comment |
| 1. | Draft Plot Ratio guideline– what counts towards it and what does not. | The addition of a kitchen encloses the existing alfresco area on three sides and therefore this entire area should have 50% floor area assessed into PR. The current house exceeds LPS 4 Plot Ratio. |

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 Residential zone - R 12.5 identifies the density of urban development permitted, both in terms of dwellings per ha as well as the envelope of each lot covered by buildings. LPS 4 further identifies building coverage of a site as no more than 0.5 by the Plot Ratio.

This standard is intended to prevent overdevelopment of sites and is an important measure to protect landscaped areas, trees and to ensure a suitable buffer space between properties. The architect calculated the plot ratio for the current and proposed development for the proposal based on their floor plans and it will exceed LPS 4 maximum of 0.5 (the site with additions will go from 0.54 to at least 0.58).

The current buildings exceed the plot ratio in the LPS 4 coverage (0.54) however they pre-date the scheme. The land is a battle-axe format with a very long driveway. There is a gross floor area of the house cited to be 602.5 m² and the total lot area is 908 m² (noting however this includes a driveway access and forecourt).

The application seeks the Council approval to a plot ratio of 0.58 (discounted as per draft policy. A **design principles** assessment of the reduced rear setback and plot ratio area requires that the variation could only be agreed if it were to deliver a superior design outcome than the deemed compliance design.

Although the rear setback of the existing house at the south east corner is slightly less than the required setback of 6m, the house is skewed to this boundary and an averaging the rear setback, may mitigate this impingement.

Adherence to Plot Ratio is important because the building coverage of the site results in a loss of site area available for deep planting and may ultimately lead to the over-development of the site.

In support of allowing the variation the architect indicates there will be up to 67% of the site available for open space, however for this property much of this area is allocated to the long driveway and manoeuvring forecourt. These may not necessarily be considered viable urban green space, because they do not contain deep planting for shade trees.

The LPS 4 sets out several objectives for the Residential zone, and these include:-

- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas;
- To promote a residential environment consistent with the heritage of the locality and to enhance the sense of place and community identity, and
- To enhance those characteristics which contribute towards residential amenity, and to avoid those forms of development which have the potential to prejudice the preservation of the high amenity value of a safe and attractive residential environment.

Inspection of the site and surrounding development highlights the accumulating impact of incremental variation of Scheme and Codes design parameters with a built form more reflective of a higher density than R 12.5 (albeit at the rear of the properties).

LPS 4 introduced a plot ratio and other site design standards to achieve objectives to restrict overdevelopment of single residential sites. It is however not always practical to apply these to pre-existing development.

On basis of the stated intention of these objectives, this proposal raises questions as to how the expansion of an alfresco covered area on this scale is delivering a superior design outcome or conversely how in isolation it might impact the neighbourhood and the residential zone

Against this however is the consideration of the surrounding area, with adjacent buildings also close to boundaries and covering large portions of their site.

It is recommended that the Shire advertise this proposal to abutting properties to gauge their comments about the requested variation of plot ratio in respect to the alfresco area.

Any comments received following referral will be reported back to the Council and further consideration of possible overall neighbourhood impact due to the variation of plot ratio and the principle of meeting LPS 4 objectives incrementally and as an overall structure.

Additional Information following Agenda Briefing Forum 13 August 2019

Council building records dating 2008 - 2019

2008 plans indicate the house built about 0.5 plot ratio.

Several additions via building permit made to the house over the past ten years.

2012 there was a large addition to the second storey and

2014 relocated swimming lap pool and veranda alterations. The house floor area was cited on Application to be over 400m².

Small proportion of site is garden/green space.

Detail of Building Approvals for the site since 2008 is attached.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.2

MOVED: Cr G Peters

SECONDED: Cr C Hohnen

That Council resolves to defer the consideration of the application for alfresco extension to vary LPS 4 plot ratio for the additional alfresco area proposed at 23A View Street Peppermint Grove until the matter is referred to abutting residents to view and comment about the size and extent of the additional development.

CARRIED 6/0

8.1.3 16 Bay View Terrace – Gate Structure

URBAN PLANNING

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|-------------------------------|
| Attachment 1 | Location Map |
| Attachment 2 | Development Application Plans |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | |
| Location / Property Index | : | 16 Bay View Terrace, Peppermint Grove |
| Application Index | : | DA2019/00022 |
| LPS No 4 Zoning | : | R-10 |
| Land Use | : | Residential |
| Lot Area | : | 700m ² |
| Disclosure of any Interest | : | Nil. |
| Previous Items | : | Nil. |
| Applicant | : | Palazzo Exclusive Homes Pty Ltd |
| Owner | : | H Riaz |
| Responsible Officer | : | Mr. Ross Montgomery – Manager of Development Services |

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

Council is requested to consider the proposed 'Gate Structure' at 16 Bay View Terrace, Peppermint Grove subject to the policy LPP2 – Minor Structures in the Street Setback.

SUMMARY AND KEY ISSUES

- Structure proposes a concrete slab on top of a brick piers and glass gate located on Johnston Street.
- LPP2 indicates a gate house, lichgate and similar structure may be approved provided it is no less than 4m² in area and under 3 m in height.
- Materials complement the recently completed house and fence in materials, colour and finishes.
- Structure does not impact sightlines, is not near driveways and is assessed as low impact.

LOCATION

16 Bay View Terrace, Peppermint Grove

BACKGROUND

At the time of submission, the Shire also received an application for Building Permit at 16 Bay View Terrace for changes to the front boundary fence. This proposal has been designed to complement the fence design with this building application to create a superstructure over the gateway which visually links the house to the street.

CONSULTATION

The structure meets the LPP2 in terms of height and area and is unlikely to impact neighbouring properties. No consultation has been undertaken in respect to this matter.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

The proposal aligns with adopted Shire policy - LPP2.

STATUTORY IMPLICATIONS

The Scheme LPS4 does not consider gate structures however LPP2 specifically addresses these in terms of size and design.

Local Planning Scheme No.4

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

| LOCAL PLANNING SCHEME NO. 4 | | |
|--|---|--|
| Scheme Requirement/Clause | | Assessment/Comment |
| 1. | na | na |
| RESIDENTIAL DESIGN CODES | | |
| Acceptable Development/Performance Criteria | | Assessment/Comment |
| 1. | na | na |
| 2. | na | na |
| SCHEME/COUNCIL POLICY | | |
| Policy Provisions | | Assessment/Comment |
| 1. | LPP2 - <4m ² in area; < 3m in height | Area = 3.9m ² ; Height = 2.9m Design meets Policy in terms of area and height. |

FINANCIAL IMPLICATIONS

There are no financial implications evident.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident.

SOCIAL IMPLICATIONS

There are no social implications evident.

OFFICER COMMENT

Johnston Street has a streetscape of eclectic diversity of houses designed and built in different times and to different architectural styles. The single house associated with the gate is two-storeys with roof terrace. It offers a bold, contemporary street appearance with materials of concrete masonry, metal and glass.

The proposed gate superstructure is a concrete slab. The street boundary front fence is masonry with coated steel infill panels. The gate and side-panel are proposed to be glass.

The superstructure is a flat slab sitting atop brick piers. This is aesthetically similar to the house, which presents to the street as a series of 'stacked' rectangular masonry elements.

Aesthetically the gate canopy will present as a structure with simple, brutalist form. The structure is therefore not discordant with the overall appearance of the house from the street.

The proposed gate superstructure is compliant with the LPP2 in terms of size and height.

The LPP2 requirement for the gatehouse indicates it should complement the house in materials, finishes and construction methods, which it does.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO 8.1.3**MOVED: Cr D Horrex****SECONDED: Cr P Macintosh**

That Council approves the proposed gate structure at 16 Bay View Terrace Peppermint Grove in accordance with submitted plans and the following Conditions:-

- 1. 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” as part of this application and shall form part of the development approval issued.**
- 2. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.**
- 3. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met**
- 4. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:**
 - How materials and equipment will be delivered and removed from the site;**
 - How materials and equipment will be stored on the site;**
 - Parking arrangements for contractors;**
 - Construction Waste disposal strategy and location of waste disposal bins;**
 - Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;**
 - Other matters likely to impact on surrounding properties.**
- 5. Building Permit to be accompanied by a structural certification for integrity.**

CARRIED 6/0

8.1.4 12 The Esplanade - Renovations to Single house – Revised Plans

URBAN PLANNING

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|-----------------------------------|----------------|
| Attachment 1 – Item refers | Location Plan |
| Attachment 2 – Item refers | Revised Plans |
| Attachment 3 – Item refers | DA Checklist |

| | | |
|----------------------------|---|---|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | DB027B |
| Location / Property Index | : | 12 The Esplanade, Peppermint Grove |
| Application Index | : | DA2019/00016 |
| LPS No 4 Zoning | : | Residential – R10 |
| Land Use | : | Residential |
| Lot Area | : | 1597m ² |
| Disclosure of any Interest | : | Nil. |
| Previous Items | : | Item considered at July Council meeting deferred pending assessment of revised plans. |
| Applicant | : | Griffiths Architects |
| Owner | : | Theresa Lynn Smith |
| Responsible Officer | : | Mr. Ross Montgomery – Manager of Development Services |

COUNCIL ROLE

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

PURPOSE OF REPORT

Council is requested to consider the revised plans for 'Additions and Conservation Works' at 12 The Esplanade, Peppermint Grove.

SUMMARY AND KEY ISSUES

- Following pre-lodgement discussion with applicant, formal application lodged on June 13 2019.
- Councillors had raised concerns about elements of the proposal (the proposed garage and second driveway) due to the impact on the streetscape and aspect to the heritage house. Some design revision occurred however the concerns remained and this advice was relayed to the applicant by private briefing following the July Agenda Briefing.
- A revised set of plans was submitted on July 19 after the agenda had closed. These revised plans were tabled by applicant at the July 23 Council Meeting. The applicant made a statement to the Council.
- Council deferred the item until officers could assess and report on the design revisions.
- The revised plans have redesigned the front wall, garage entrance, forecourt and second crossover. (Those elements of concern to Council)
- The proposed work to the house itself is unchanged in the plans and setbacks of the extension to the main house are consistent with the original submission.
- Previous assessment was that the development sought multiple variations to the Scheme and R Codes development standards and so whilst the proposal could not be assessed as 'deemed to comply'; a merit-based design principles assessment is required. That report examined the proposal as a total design solution.
- Areas requiring variation include the proposed garage which is mostly within the street setback (minimum 9 m LPS4) and is therefore non-compliant with Scheme. A second crossover is a matter not covered by the Scheme but is a matter at Council's discretion. The recently revised plan shows a second driveway of reduced width and as trafficable turf with left in/out access to the Esplanade.
- The redesign removes the 'brow' over the garage entry from the street to reduce street impact and lowers the front edge of the wall, replaced by open view railing.
- The revised design improves site lines to the house when viewed from the street.
- Officer recommendation for previous design was approval subject to conditions.
- This report describes the revisions in terms of the previous design and in terms of the issues raised by Council concerning streetscape and visual impacts.

LOCATION

12 The Esplanade, Peppermint Grove

BACKGROUND

The applicant has previously presented to Council Concept meeting on two occasions (08/03/2019 and 09/04/2019) with sketch drawings of the proposed works and justification for the changes proposed.

Councillors raised concern about the proposed works in the front setback area and the proposal for a second crossover. The applicant amended the design to respond to some of this advice prior to the lodgement of a formal planning application on June 13th 2019.

A report was prepared by the Shire which assessed on design principles and recommended approval and this was presented to the Agenda Briefing on July 9th. Councillors provided feedback which confirmed that whilst much of the proposal was considered acceptable several concerns remained about the development within the front setback area and the second crossover and driveway and impact on the streetscape.

Plans were further revised and submitted on July 19th and tabled by the applicant at the Ordinary Council Meeting on July 23. Council noted the revision of the plans and resolved to defer the application to allow sufficient time for officers to assess and report on the revised plans. The matter would be re-presented to the Council in August.

CONSULTATION

Adjoining property owners were advised on the 11th June 2019 and invited to view and comment on the plans. This consultation period closed on the 25th of June 2019 and no formal comment on the proposed development was received from those contacted. Revised plans do not give rise to additional impacts and so do not require further referral.

STRATEGIC IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

12 The Esplanade is included in the Shire Heritage List. The Municipal Heritage Inventory database records the property as a management category 1.

The proposal alters the built fabric the house and therefore, due regard needs to be given to Local Planning Policy **LPP3**, Heritage Places.

This provides that Council should be satisfied that:

- *Significant heritage fabric is retained;*
- *Original front elevations and features are retained and/or restored;*
- *Intrusive finishes or elements that negatively impact on the heritage significance of the building are removed; and*
- *Work is either reversible in the future or does not compromise the heritage significance of the building.*

In addition it proposes development within a reduced street setback and in this respect **LPP2** addresses Carports, Garages and Minor Structures in the Street setback.

Specifically the policy states that :

“...Carports and garages should be sensitively located on lots so as to not hinder views to Heritage Listed properties. Council is able to refuse inappropriately sited carports and garages under Clause 67 (m) & (n) of the Deemed Provisions of the Planning and Development (Local Planning Scheme) Regulations 2017”.

STATUTORY IMPLICATIONS

Local Planning Scheme No.4

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

| RESIDENTIAL DESIGN CODES | | |
|--|--|---|
| Acceptable Development/Performance Criteria | | Assessment/Comment |
| 1. | Front setback – 9m (Modified by Local Planning Scheme 4) | The proposed addition to the house protrudes into the front setback of the property by 1.5m so that the front setback is 7.5m. This creates 7.3m ² of floor area within the front setback area. |
| 2. | Northern boundary setback – 1.8m for a 4m wall with major openings (Table 2b R-Codes). | Existing building is setback 1.43m from the property boundary and does not meet the deem-to-comply provisions of the R-Codes. The proposed plans intend to extend the building at the current setback distance in both directions creating one 10.6m wall and another 24m wall at the same setback distance as the original building. |
| 3. | Garage access built up to lot boundary within 9m front setback area | The LPS 4 street setback is 9 metres. The garage is partly underground but nevertheless is almost entirely within the setback. Current set of garages is located at the rear of the property accessed by a long driveway. |

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 previous report is attached. This additional comment may be considered additive to earlier assessment of the proposal in respect to the house and internal modifications.

This report addresses those elements of the redesign related to development within the front setback and street verge to assess their comparative merit against the previous design.

Assessment of the revised plans.

The revised plans were submitted in response to critique of the previous design in relation to the garage, the front garage wall and car-stand forecourt all located within the front setback.

These concerns were raised by Council at the July 9th Agenda Briefing Meeting. The applicant has revised the plans to make design improvements which address and improve upon the design to the extent possible whilst retaining a garage and forecourt within the front setback.

Design Revisions and assessment comment:-

1. The entrance to the garage and the roof has now been setback from the property boundary by 2.4m, although this is still well within the 9m front setback area. The design revision to the garage roof-edge now sits lower to reduce the visual impact of when viewed from the Esplanade.

The garage door has been recessed further from the line of the front boundary which is combined with a larger arc return of the retaining wall from the street. The redesign softens the south eastern edge to reduce the overall bulk of the garage when viewed the street. That edge is less obtrusive of the aspect and visual dialogue between the house and the street.

A perception of height is reduced by removing the 'brow' of the garage well back from the footpath. The redesign responds to the Council concern by retracting that edge and is sympathetic to the street aspect of the heritage building from the south east.

This revision is assessed to be a design improvement from the previous plans.

2. A revised second driveway crossover has raised the concern of Council. The concern was that this paved area would visually disrupt the expanse of the turf verge in what is a prominent and pleasant aspect to the Esplanade streetscape.

Although a second crossover remains in the revised design, the width has been decreased and now provides left in/out access only to the Esplanade. In addition the surface proposed for paving the crossover is trafficable turf which seeks to visually continue a green appearance of the verge to the Esplanade.

This revision partly addresses Council's concern about the visual impact although it will still possibly impact traffic management devices and raise traffic impact. A condition is recommended to seek traffic advice to inform the final design.

The narrowing of the crossover and a restriction to left in/out is a further concession towards the concerns outlined to the applicant from Council.

The revision is considered to be a design improvement from the previous plan.

3. The top edge front wall is now lower and has a revised profile. The height now includes an open view aspect using iron railings.

This revision responds to the concerns about visual aspect between the façade of the heritage house and the street. A railing combined with the proposed pillow-cut limestone dressing to match the adjacent street boundary wall at 14 The Esplanade, reduces the sheer height and starkness of a contemporary retaining wall. Planting beds are proposed along the top of the wall to break up the plane adjacent to the footpath. A limestone wall of equivalent height exists along much of the street boundary; this revision recognises and makes concession to the concerns expressed by Council. The manner of stone dressing, the reduction in stone height, introduction of planting and replacement with an iron railing as an open-view element will improve the street aspect from the design shown in the previous set of plans.

This revision is considered to be a design improvement from the previous plan.

4. The trafficable roof/forecourt of the garage remains in the revised plans, but has been reduced in scale and changed in layout to locate vehicles back from the street edge. Planting areas are proposed in the edge of the wall to soften the street appearance. Any vehicles parked in the front setback area will be visible from the street, and that may interrupt view to the house façade. This has been raised as a concern however neither the Policy LPP2 or the Scheme (LPS4) prohibit vehicles to be parked in the front setback area. Other heritage listed houses within the Shire have residents' parking within the front setback on driveways or forecourts and this is not perceived to be a problem. Perhaps it is the elevation of this property which raises the concern however policy does draw that distinction and so in this instance, and given the concessions made by the redesign to introduce landscaping the revision to the design is assessed to be a superior design solution to previous plans.

This revision is considered to be a design improvement from the previous plan.

On balance the submitted revised plans improve upon the design outcome compared to previous plans and in response to their communicated concerns about development between the house and the street.

Notwithstanding the intentions on LPP2 and LPP3 the applicant has on balance made a sound case for relaxation of the front setback of 9 m to approve this design.

Because the revised design is superior to the previous design; the previous recommendation for Approval subject to Conditions is restated.

Although the introduction of a second crossover is not optimal in terms of impact on the verge streetscape of the Esplanade; it is considered to be a necessary concession to practicality; one warranted only through consideration of the restricted access posed by the topography, the traffic and street parking restriction at this location.

The contentious elements are not directly associated with the heritage house but to the grounds in front of the house. These works are reversible and could be removed at a future stage without detriment to the house or its heritage value.

The redesign, if executed with care and attention to detailing of materials and finishes, will provide an acceptable and satisfactory streetscape, an important reinvestment in the

refurbishment of a heritage listed house and an example of practical and sympathetic modern design to address heritage and streetscape issues.

Council is recommended to grant approval to this redesign subject to conditions.

OFFICER RECOMMENDATION/S – ITEM NO 8.1.4

Council approves the “Additions and Conservation Works” at 12 The Esplanade, Peppermint Grove, in accordance with revised Plans lodged on July 19 and tabled in Council on July 23 and subject to the following conditions:

1. Prior to the lodgement of a Building Permit application for the works, the applicant is to obtain an assessment of the interior modifications by a heritage interiors architect and to provide this assessment to the Shire of Peppermint Grove for information and further advice regarding issue of the Permit.
2. Prior to the commencement of works, the applicant shall submit for approval and thereafter implement to the satisfaction of the Shire of Peppermint Grove, a construction management plan detailing:
 - a. How materials and equipment will be delivered and removed from the site;
 - b. How materials and equipment will be stored on the site;
 - c. Parking arrangements for contractors;
 - d. Construction Waste disposal strategy and location of waste disposal bins;
 - e. Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - f. How risks of wind and/or water born erosion and sedimentation will be minimised during works;
 - g. Other matters likely to impact on surrounding properties.
3. 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” as part of this application and shall form part of the development approval issued.
4. The development, the subject of this approval shall be substantially commenced within two years of the date of issue of the consent forms and be completed before the conclusion of the third year, whereby all works are to be completed and conditions met.
5. All works are to be subsequent to the issue of a Building Permit and shall not be carried out, other than in accordance with this this Planning Approval and consistent with Building Permit certified/approved plans.
6. Prior to the issue of a Building Permit, the applicant is to enter into an Agreement with the Shire to undertake to meet all costs associated with the review, redesign and modification of the Esplanade by a consultant nominated by the Shire, including traffic control devices, kerbing, landscaping should this additional crossover be approved.

7. The proposed second crossover as designed and constructed at the cost of the applicant shall be finished as specified to meet the Shire requirements for traffic and pedestrian safety to the satisfaction of the CEO.

Advice Note:-

1. With regard to Conditions which require approval to the satisfaction of the Shire this shall be to a standard as determined by the Chief Executive Officer of the Shire of Peppermint Grove.
2. Conditions 6 & 7 will require the applicant to meet the cost of an independent traffic consultant's report as well as any costs required to modify road surfaces and traffic devices.

| |
|---|
| COUNCIL DECISION – ITEM NO 8.1.4 |
|---|

MOVED: Cr C Hohnen

SECONDED: Cr P Macintosh

That Council refuses the development application for the following reason:

The development will encroach into the 9-metre setback prescribed by clause 26 of the Local Planning Scheme 4 and will thereby have an unacceptable visual impact upon the street in what is a particularly prominent section of the Esplanade.

Advice:

Council advises that in refusing the application it has also considered Local Planning Policy 1 (LPP1), LPP2 and LPP3 in so far as determining whether the benefits of the renovation of the house to perpetuate its heritage value, warrants the development within the front setback which will obscure views towards the house from the street, and which will, in addition, adversely impact what is an important section of the Esplanade by imposing an addition and unnecessary second driveway crossover.

CARRIED 6/0

8.2 MANAGER INFRASTRUCTURE SERVICES

NIL

8.3 MANAGER LIBRARY SERVICES

NIL

8.4 MANAGER CORPORATE AND COMMUNITY SERVICES

8.4.1 Financial Report – July 2019

CORPORATE

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|-------------------------------------|
| Attachment | Financial Report – July 2019 |

| | | |
|----------------------------|---|--|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | FM026A |
| Location / Property Index | : | N/A |
| Application Index | : | N/A |
| LPS No 4 Zoning | : | N/A |
| Land Use | : | N/A |
| Lot Area | : | N/A |
| Disclosure of any Interest | : | Nil |
| Previous Items | : | N/A |
| Applicant | : | N/A |
| Owner | : | N/A |
| Responsible Officer | : | Michael Costarella, Manager Corporate and Community Services |

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

To report on financial activity for the period 1 July 2019 to 31 July 2019.

SUMMARY AND KEY ISSUES

- Operating revenue is \$66,415 less than the year to date budget as the Shire is awaiting receipt of a grant;
- Operating expenditure is some \$181,441 less than the year to date budget and mainly due to July invoices being processed in August;
- Capital expenditure- No Capital works were undertaken in July.

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 for July 2019 shows the current net assets of \$3.9million which includes the rates debtors of \$3.3million. This is due to the levying of the rates in July 2019 and included in the outstanding debtors.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER COMMENT

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

(1) Fees and Charges

Additional Fees and charges received during July of \$11,000 relate to additional fees for development licence fees.

(2) Grants and Subsidies

Grants and subsidies were \$66,000 less than the year to date budget and this was mainly due to less than expected grant funding for July.

(4) Materials and Contracts

Materials and contract expenses are some \$117,837 less than expected, due largely to timing variances with respect to invoices for July 2019.

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.1**MOVED: Cr K Farley****SECONDED: Cr D Horrex**

That Council receive the monthly financial report for the period 1 July 2019 to 31 July 2019.

CARRIED 6/0

8.4.2 Accounts Paid – July 2019

CORPORATE

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|----------------------------------|
| Attachment | Accounts Paid – July 2019 |

| | | |
|----------------------------|---|--|
| 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 | : | Michael Costarella, Manager Corporate and Community Services |

COUNCIL ROLE

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

PURPOSE OF REPORT

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 July 2019 included the following:

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

LOCATION

N/A

BACKGROUND

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

| PAYMENT TYPE | FUND | NUMBER SERIES | AMOUNT |
|------------------|-----------|---------------|---------------------|
| EFT | MUNICIPAL | 292-294 | \$296,808.22 |
| CHEQUES | MUNICIPAL | 425 | \$194.65 |
| BPAY | MUNICIPAL | BPAY56-64 | \$2,464.79 |
| DIRECT DEBITS | MUNICIPAL | DD80-83 &86 | \$16,021.76 |
| CREDIT CARDS-MAY | MUNICIPAL | DD85 | \$14,065.15 |
| TOTAL | | | \$329,554.57 |

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 2019/20 annual budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER COMMENT

Nil

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.2

MOVED: Cr P Macintosh

SECONDED: CR D Horrex

That Council receive the list of payment of accounts by cheques, electronic funds transfers, direct debit payments and credit card payments for July 2019, totalling \$329,554.57.

CARRIED 6/0

8.4.3 Matters for Information and Noting

ATTACHMENT DETAILS

| Attachment No | Details |
|----------------------|--|
| Attachments | 1. Building Permits Issued July 2019 2. Planning Approvals Issued July 2019 3. Infringements Issued July 2019 4. Library Statistics July 2019 |

| | | |
|----------------------------|---|--------------------------------------|
| Voting Requirement | : | Simple Majority |
| Subject Index | : | Multiple |
| Location / Property Index | : | N/A |
| Application Index | : | N/A |
| TPS No 3 Zoning | : | N/A |
| Land Use | : | N/A |
| Lot Area | : | N/A |
| Disclosure of any Interest | : | N/A |
| Previous Items | : | N/A |
| Applicant | : | N/A |
| Owner | : | N/A |
| Responsible Officer | : | Don Burnett, Chief Executive Officer |

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

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

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

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

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

SUMMARY AND KEY ISSUES

The following reports are presented to Council at the Ordinary Council Meeting of August 2019:

1. Building Permits Issued July 2019
2. Planning Approvals Issued July 2019
3. Infringements Issued July 2019
3. Library Statistics July 2019

CONSULTATION

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

OFFICER RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.4.3

MOVED: Cr G Peters

SECONDED: Cr C Hohnen

That Council receives the information in this report.

CARRIED 6/0

8.5 CEO/ MANAGEMENT / GOVERNANCE / POLICY

NIL

8.6 COMMITTEE REPORTS – AUDIT COMMITTEE 13 AUGUST 2019

8.6.1 2017-18 AUDIT MANAGEMENT LETTER – ASSET SUSTAINABILITY RATIO

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

| <u>Attachment No</u> | <u>Details</u> |
|----------------------|--|
| Attachment 1 | 1. Correspondence from Department of Local Government |
| Attachment 2 | 2. Correspondence from Butler Settineri (Auditor) |

Voting Requirement : Simple Majority
 Subject Index : Multiple
 Responsible Officer : Michael Costarella

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide information to Council regarding correspondence received from the Department of Local Government, Sport and Cultural Industries.

SUMMARY AND KEY ISSUES

- To provide a response to the Department of Local Government, Sport & Cultural Industries on the adverse findings by the Auditor in relation to the Asset Sustainability ratio for the 2017/18 Financial year.
- Publish a copy of the report on the Shire of Peppermint Grove website in accordance with Section 7.12A (4)

LOCATION

N/A

BACKGROUND

On the 15 January 2019, the Shire's Auditor provided a report to Council on the results of the audit findings. The report referred to the following issues:-

- Financial Ratios
- Separation of Duties
- Employees Records
- Timesheets; and
- Purchase Orders

The Shire provided responses that satisfied to most issues included in the Management Letter, however the matter relating to the Financial ratios, in particular, the Asset Sustainability Ratio required further information and action.

Advice received from the Department of Local Government, Sport and Cultural Industries

requested that the Shire needed to address the Asset Sustainability ratio as it did not meet the Department's benchmark. i.e the benchmark set by the Department is 90% and the Shire 73%. (as shown on page 69 of the 2017/18 Annual Report).

For the information of the Committee and Council, The Asset Sustainability Ratio equates to the amount of funds expended on the Shire's Capital Works (for renewal and replacement) in comparison to the Depreciation expense.

The Shire had expended \$ 318,335 for its renewal and replacement of Assets (excluding proceeds on Sale of Assets and New Assets). However to achieve the Department's benchmark it was required to expend \$397,800 (This is 90% of the total Depreciation of \$442,267). The reasons that it did not reach the benchmark is included in the Officer comment below.

CONSULTATION

Ongoing meetings at an officer level have been held between Claremont, Cottesloe and ourselves.

STRATEGIC IMPLICATIONS

Strategy 2.1.1 -Develop & Implement Asset Management Plans throughout the district

Strategy 3.1.1 - Develop & maintain a long-term financial plan to support the annual budgets.

POLICY IMPLICATIONS

Asset Management Policy (3.4) To set the broad framework for decision making by Council in undertaking asset management in a structured, coordinated and organised approach.

STATUTORY IMPLICATIONS.

7.12A.Duties of local government with respect to audits

(4)A local government must —

(a)prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of those matters; and

(b)give a copy of that report to the Minister within 3 months after the audit report is received by the local government.

(5)Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website.

[Section 7.12A inserted: No. 49 of 2004 s. 8; amended: No. 5 of 2017 s. 19.]

FINANCIAL IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The renewal of the Shire's Assets through its annual capital works program, ensures that the Assets are maintained to an acceptable level of service. This enable the Community to better utilise the Assets.

OFFICER COMMENT

The Auditor's correspondence provides information on the capital works that were not completed by the 30 June 2018 and which would have enabled the Shire to reach the Department's benchmark.

These include:-

- Hobbs Place \$25,000
- Pavilion \$15,000
- Right of Way Upgrades\$30,000
- Replacement Website\$20,000

Had these four projects proceeded as planned, the 90% benchmark would have been easily attained.

At the September 2018 Council meeting, Council adopted key performance indicators for the CEO performance including the financial and asset ratios to meet or exceed the Department of Local Government guidelines by 30 June 2019.

OFFICER/COMMITTEE RECOMMENDATION – ITEM NO. 8.6.1

MOVED: Cr C Hohnen

SECONDED: Cr P Macintosh

That Council:

- 1. Receives the correspondence from the Department of Local Government, Sport and Cultural Industries dated the 28 June 2019**
- 2. Receives the Management Letter from Butler Settineri (Audit) Pty Ltd dated the 15 January 2019**
- 3. Advises the Department of Local Government, Sport and Cultural Industries that the reasons the Asset Sustainability benchmark was not achieved, were included in the letter from the Auditor of the 15 January 2019. This related to the non completion of the following projects: as at the 30 June 2018. i.e**
 - a. Hobbs Place \$25,000**
 - b. Pavilion \$15,000**
 - c. Right of Way Upgrades\$30,000**
 - d. Replacement Website\$20,000**

CARRIED 6/0

8.6.2 2018-19 DRAFT INTERIM AUDIT MANAGEMENT LETTER- BUTLER SETTINERI (AUDITOR)

MANAGEMENT/GOVERNANCE/POLICY

ATTACHMENT DETAILS

| Attachment No | Details |
|---------------|--|
| Attachment | Correspondence from Butler Settineri (Auditor) CONFIDENTIAL |

Voting Requirement : Simple Majority
 Subject Index : Multiple
 Responsible Officer : Michael Costarella

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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- ☐ **Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To provide information to Council regarding an interim audit report undertaken by Council's Auditor in May 2019.

SUMMARY AND KEY ISSUES

- To provide the committee with correspondence received from its Auditors relating to the findings identified during the interim audit. The Attachment includes management responses to the findings.
- The attachment is a draft that is yet to be considered by the Office of Auditor General (OAG). Following their consideration, a report will be provided by the OAG and at which time this will also be provided to Council.
- The draft interim audit report is provided for discussion and noting.

LOCATION

N/A

BACKGROUND

The Shire's Auditor provided a draft interim audit report that included a number of findings . Staff have provided comments on the findings Council on the results of the audit findings. The report referred to the following issues:-

- Lack of adequate documentation in employee files
- Leave taken but not approved
- Purchase Order approvals inconsistent with delegations
- Purchases made without purchase orders
- Quotations- minimum number not obtained
- Lack of testing the market to ensure value for money

The Shire provided responses that satisfied to most issues included in the Management Letter, however the matters may require further addressing following our responses being considered by the OAG.

CONSULTATION

Ongoing meetings at an officer level have been held between Claremont, Cottesloe and ourselves.

STRATEGIC IMPLICATIONS

Strategy 3.1.1 - Develop & maintain a long-term financial plan to support the annual budgets.

POLICY IMPLICATIONS

Ordering of Goods and Services Policy (2.8) to maintain control over expenditure

Purchasing & Tendering Policy (2.9) To ensure all goods and services are conducted efficiently ethically and in accordance with legislation.

STATUTORY IMPLICATIONS.

Part 7 of the Local Government Act 1995

FINANCIAL IMPLICATIONS

Nil

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

Nil

OFFICER COMMENT

The draft interim audit report identified 6 areas for improvement and Management has addressed these areas. These include:-

- Lack of adequate documentation in employee files- *There were 3 employees files that did not include the relevant information. This has been addressed.*
- Leave taken but not approved- *This related to leave form not officially signed. This has been addressed.*
- Purchase Order approvals inconsistent with delegations- *A new Purchasing and Tendering Policy adopted by Council at its July 2019 meeting addressed this matter.*
- Purchases made without purchase orders- *Staff have been advised of the requirement to raise purchase orders and controls are in place to ensure that no purchasing is undertaken without a purchase order.*
- Quotations- minimum number not obtained- *This has also been addressed with the adoption of the new Purchasing Policy 2.9*
- Lack of testing the market to ensure value for money. Generally the Shire uses the WALGA preferred suppliers where there are large amounts for goods and services, however Staff have been advised to seek quotes for any amount exceeding \$5,000.

COMMITTEE RECOMMENDATION/COUNCIL DECISION – ITEM NO. 8.6.2

MOVED: Cr C Hohnen

SECONDED: Cr P Macintosh

That the Audit Committee recommends to Council that it notes the draft interim audit report and management comments.

CARRIED 6/0

9 NEW BUSINESS OF AN URGENT NATURE

NIL

10 MOTIONS ON NOTICE

NIL

11 CONFIDENTIAL ITEMS OF BUSINESS

NIL

12 CLOSURE

At 5.52pm, there being no further business the meeting closed.