



Shire of  
Peppermint Grove

## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**TO BE HELD ON  
TUESDAY 27 JULY 2021  
AT  
5.30 PM**



# Shire of Peppermint Grove

## **NOTICE OF MEETING**

Dear Councillor

It is advised that the **COUNCIL MEETING** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday 27 July 2021, commencing at 5.30 pm.

Yours faithfully



Don Burnett  
**CHIEF EXECUTIVE OFFICER**

**23 JULY 2021**

---

## **MEETING AGENDA ATTACHED**

---

### ***DISCLAIMER***

*Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.*

*Any statement, comment or decision made at a Council or Forum meetings regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.*

*Any person or entity who has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Forum meetings.*

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



# Shire of Peppermint Grove

## TABLE OF CONTENTS

ITEM	SUBJECT HEADING	PAGE
1	DECLARATION OF OFFICIAL OPENING	5
2	RECORDING OF ATTENDANCE, APOLOGIES AND LEAVES OF ABSENCE	5
2.1	ATTENDANCE	5
2.2	APOLOGIES	6
2.3	LEAVES OF ABSENCE	6
2.4	NEW REQUEST FOR A LEAVE OF ABSENCE	6
3	DELEGATIONS AND PETITIONS	6
3.1	DELEGATIONS	6
3.2	PETITIONS	6
4	PUBLIC QUESTION TIME	7
4.1	RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE FROM A PREVIOUS MEETING	7
4.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	7
4.3	DEPUTATIONS OF THE PUBLIC	7
4.4	PRESENTATIONS FROM THE PUBLIC	7
5	DECLARATIONS OF INTEREST	8
5.1	FINANCIAL INTEREST	8
5.2	PROXIMITY INTEREST	8
5.3	IMPARTIALITY INTEREST	8
5.4	INTEREST THAT MAY CAUSE A CONFLICT	8
5.5	STATEMENT OF GIFTS AND HOSPITALITY	9
6	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	9

<b>7</b>	<b>CONFIRMATION OF MINUTES</b>	<b>9</b>
7.1	<b>ORDINARY COUNCIL MEETING 22 JUNE 2021</b>	<b>9</b>
<b>8</b>	<b>OFFICER REPORTS</b>	<b>10</b>
<b>8.1</b>	<b>MANAGER DEVELOPMENT SERVICES</b>	<b>10</b>
8.1.1	Development - Single House with ancillary dwelling - 3 (Lot 3) Venn Street, Peppermint Grove - Request to vary LPS 4 Design Provisions (several variations requested)	10
8.1.2	Development – Revision to approved plans DA2020/00019 – 45 (lot 108) Irvine Street, Peppermint Grove	18
<b>8.2</b>	<b>MANAGER INFRASTRUCTURE SERVICES</b>	<b>24</b>
<b>8.3</b>	<b>MANAGER CORPORATE AND COMMUNITY SERVICES</b>	<b>25</b>
8.3.1	Financial Statements for Period Ended 30 June 2021	25
8.3.2	Accounts Paid June 2021	28
<b>8.4</b>	<b>CEO/ MANAGEMENT / GOVERNANCE / POLICY</b>	<b>30</b>
8.4.3	Matters for Information and Noting	30
<b>8.5</b>	<b>COMMITTEE REPORTS</b>	<b>32</b>
<b>9</b>	<b>NEW BUSINESS OF AN URGENT NATURE</b>	<b>32</b>
<b>10</b>	<b>MOTIONS ON NOTICE</b>	<b>32</b>
<b>11</b>	<b>CONFIDENTIAL ITEMS OF BUSINESS</b>	<b>32</b>
<b>12</b>	<b>CLOSURE</b>	<b>32</b>

Shire of  
Peppermint Grove

## ORDINARY COUNCIL MEETING AGENDA

### 1 DECLARATION OF OFFICIAL OPENING

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

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

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

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

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

### 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

Elected Member

Cr R Thomas

Cr C Hohnen

Cr G Peters

Cr P Macintosh

Cr P Dawkins

Cr D Horrex

Cr K Farley

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

Mr D Burnett  
Mr R Montgomery  
Mr M Costarella  
Mr D Norgard

## **2.2 APOLOGIES**

## **2.3 LEAVES OF ABSENCE**

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

## **3 DELEGATIONS AND PETITIONS**

### **3.1 DELEGATIONS**

NIL

### **3.2 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.*

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

NIL

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

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

#### **4.4 PRESENTATIONS FROM THE PUBLIC**

## **5 DECLARATIONS OF INTEREST**

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

### **5.1 FINANCIAL INTEREST**

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

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

### **5.2 PROXIMITY INTEREST**

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

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

### **5.3 IMPARTIALITY INTEREST**

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

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

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

## **5.5 STATEMENT OF GIFTS AND HOSPITALITY**

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

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

## **7 CONFIRMATION OF MINUTES**

### **7.1 ORDINARY COUNCIL MEETING 22 JUNE 2021**

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

**Moved:**

**Seconded:**

**That the Minutes of the Ordinary Council Meeting, of the Shire of Peppermint Grove held in the Council Chambers on 22 June 2021 be confirmed as a true and accurate record.**

## 8 OFFICER REPORTS

### 8.1 MANAGER DEVELOPMENT SERVICES

8.1.1 Development - Single House with ancillary dwelling - 3 (Lot 3) Venn Street, Peppermint Grove - Request to vary LPS 4 Design Provisions (several variations requested)

### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 1</b>	Locality Plan
<b>Attachment 2</b>	Perspectives
<b>Attachment 3</b>	Ground Floor, Upper Floor, Plot Ratio, Elevations, Proposed and Existing Site Plan, Proposed Landscaping

Voting Requirement : Simple Majority  
 Acceptance Date : 24/05/2021  
 Location / Property Index : 3 (Lot 3) Venn Street, Peppermint Grove  
 Application Index : DA 2021/00017  
 LPS No 4 Zoning : Residential, R-12.5  
 Land Use : Single House and Ancillary dwelling  
 Lot Area : 921m<sup>2</sup>  
 Disclosure of any Interest : Nil.  
 Previous Items : Nil.  
 Applicant : Webb & Brown-Neaves  
 Owner : Yang Zhang & Jiangya Cui  
 Assessing Officer : Mrs R Levitske  
 Authorising Officer : Mr R Montgomery

#### PURPOSE OF REPORT

Council is requested to consider design variations to LPS 4 for a proposed new 2 storey single house, an ancillary dwelling, boundary retaining, screen walls and a front fence located at 3 Venn Street, Peppermint Grove.

## **SUMMARY AND KEY ISSUES**

The proposed development has several areas of design variation to Shire's Local Planning Scheme 4 (LPS4) and by reference to the Residential Planning Codes (R Codes). This requires a planning assessment as to the acceptability of the following:-

- \* Clause 5.4.1 – Visual Privacy
- \* Clause 5.3.8 – Retaining Walls > 0.5m height
- \* Clause 32 Table No.1 – Plot Ratio not to exceed 0.5
- \* R Codes – Table 1, 2a and 2b - boundary setbacks
- \* Local Planning Policy 12 – Front Fences

## **LOCATION**

The property 3 Venn Street is located on the eastern side of Venn Street immediately to the south of a right of way.

## **BACKGROUND**

The proposed development includes a new two storey house adjacent to the street with a single storey ancillary dwelling and a double garage located to the rear (eastern) boundary of the property adjacent to a right of carriageway.

## **CONSULTATION**

The design variations proposed for the application were advertised to adjacent properties (to the north and south and opposite side of road). One response was received which is in support of the proposed development.

## **STRATEGIC IMPLICATIONS**

There are no strategic plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

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

<b>Acceptable Development/Performance Criteria</b>		<b>Assessment/Comment</b>
1.	Clause 5.4.1 – Visual Privacy. Setback prescribed 6m	The cone of vision from the upstairs sitting room will extend across the right of way to the north of the property and into No.1 Venn St for a distance of approximately 0.7m.
2.	Clause 5.3.8 – Retaining Walls. Retaining walls greater than 0.5m in height set back from boundaries in accordance with the setback provisions of Table 1.	Northern retaining <ul style="list-style-type: none"> <li>• One retaining wall extends from the front of the main dwelling to the rear alfresco, ranging between 0.3m – 0.59m in height above NGL and extending approximately 27m.</li> <li>• Another section proposed to be positioned below the ancillary dwelling, measuring 15.5m in length and 0.67m in height above NGL.</li> </ul>
3.	Setbacks to side boundaries prescribed under the R-Codes under Table 1, 2a and 2b	The proposed development does not comply to the prescribed 1.5m setback under the R-Codes in 3 instances: <ul style="list-style-type: none"> <li>• Proposed parapet wall along the southern rear boundary of the property to create a storeroom.</li> </ul>
4.	LPS4 – Plot Ratio – 0.5 Plot Ratio	The proposed plot ratio is 0.508
5.	Local Planning Policy 12 – Front Fences specifies a maximum height of 0.9m above NGL for the solid components of front boundary fences.	The proposed front fence does not comply with the Shires LPP12 as the proposed letterbox is solid and ranges in between 0.883m – 1.03m in height above NGL.

It is therefore requires a design principles planning assessment.

### **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**

No.3 (Lot 3) Venn Street is a regular shaped block zoned R12.5 with rights of way to the north and the east of the property. 5 Venn Street to the south has a right of carriageway/easement to permit rear access to 5 Venn Street. The property (Lot 3) is zoned R 12.5 and is 921m<sup>2</sup> area with a frontage of 15.29m and a side boundary length of 60.33m.

The proposed 2 storey residence at 3 Venn St complies with the Shires LPP1 – Streetscape as the proposed residence is setback 9.7m from the front boundary to Venn St. The proposed residence also complies with the R-Codes regarding ancillary dwellings as the proposed floor area of 69.84m<sup>2</sup> under the prescribed 70m<sup>2</sup> in the R-Codes.

1. The cone of vision from the proposed upstairs sitting room extends for 0.7m across a right of way and crosses into No.1 Venn St. The applicant in support of the variation states that:

*The design principles in Clause 5.4.1 of the R-Codes are addressed as follows:*

- *Views within the cone of vision from the sitting room will impact the front setback area of the house to the north, and area which is already readily visible from the public realm. In addition, overview is of a solid wall at the southern side of the neighbouring house, a wall which has no major openings.*
- *On the basis of the above, the variation will result in no loss of visual privacy to major openings or private outdoor living areas.*

Review of the proposed plans and photo's that form part of the justification for the application of the above points confirms this assessment and therefore approval to the variation can be justified because the variation will have little impact on the surrounding properties.

2. Clause 5.3.8 of the R-Codes states that retaining walls greater than 0.5m in height are to be set back from boundaries in accordance with the setback provisions of Table 1. Retaining walls 0.5m or less in height may be located up to the lot boundary. The applicant has stated that:

*Each wall exceeds the maximum height of 0.5m required. The variation is assessed with the reference to the Design Principles in 5.3.7, 5.3.8 and 5.4.1 of the R-Codes as follows:*

- *The proposed retaining will be positioned on a boundary adjoining a ROW. The retaining will not be directly visible from major openings or outdoor areas from the property to the north-west given the presence of a high boundary wall.*
- *The dwelling to the north-east has a front wall inhibiting views to the laneway from ground floor major openings and outdoor spaces. Views from upper-floor major openings are unlikely to be directly or significantly impacted by the retaining below the ancillary dwelling.*

- *The retaining (wall) height variations will not result in building heights exceeding the maximum specified under the R-Codes or LLP4 (9m limit for category B buildings). Proposed building ridge heights are 8.037m above NGL for the main dwelling and 5.877 for the ancillary dwelling.*

The proposed retaining walls abut an existing ROW and do not effect abutting residences. Further along the ROW there are several properties that already have solid brick boundary walls directly abutting the ROW. Considering this case, the effect of the proposed retaining walls on the boundary abutting the ROW will not be detrimental to any surrounding properties and the variation should be approved considering merit and design principles.

3. A parapet boundary wall on the southern boundary has been proposed to create a double garage and store at the rear of the property. The applicant states that:

*The ancillary dwelling features a boundary wall to the southern boundary (Store). Boundary walls are not contemplated for lots coded R12.5 in the R-Codes, and therefore guidance is provided in LPP11 – Building on Side and Rear Boundaries. The provisions of LPP11 and the design principles in Clause 5.1.3 are addressed below to guide consideration of the variation.*

*The boundary wall is 5.7m in length and an average height of 3m and a portion of that wall will be concealed by an adjoining garage structure on the property to the south. Further the boundary wall is well removed from the streetscape and primary street setback line and is not to be positioned forward of the adjoining dwelling frontage.*

During the advertising phase the property affected by the parapet wall (No.5) offered no objection to the proposal. Approval by the Shire was also granted for a parapet wall at No.5 Venn Street (directly to the south of No.3) at the front of the property, this lot is also zoned R12.5 and the provisions of LPP11 allowed for the approval. As the proposed wall at No.3

- is to the rear of the property;
- will create access for the property off the ROW;
- is not within the front setback to Venn Street; and
- is in line with the provisions of the Shire's LPP11.

It is a better design outcome for the streetscape in terms of design principles and approval is recommended.

4. LLP5 Plot ratio & Coverage of Site – Residential R10, R12.5, R215, R20 prescribes a plot ratio of 0.5% for residential development within the Shire. The applicant has stated that:

*The area of the subject land is 921m<sup>2</sup> and the application proposes a plot ratio of 0.508 slightly exceeding the maximum 0.5 required.*

*The design principles in Clause 5.1.4 of the R-Codes are addressed to guide consideration of the variation as follows:*

- *The extent of open space provided will enable access to all edges of the main dwelling and ancillary dwelling. The primary street setback and extent of outdoor living areas proposed are also compliant.*
- *The variation will not result in the overshadowing requirements of the R-Codes being exceeded, and the development will not contribute to any loss of visual privacy on adjoining properties.*
- *The variation will not contribute to any significant building bulk impacts on adjoining residential properties. Given the small size of the variation (0.08), it will not result in any perception of over development when viewed from the street or adjoining properties.*

The 921m<sup>2</sup> used in the plot ratio calculations is inclusive of the portion to the rear of the property which has an easement of carriageway in favour of No.5 Venn Street. This calculation is consistent with the methodology applied by the Shire at No.5 Venn St to assess and approve the plot ratio of that development.

Although the proposed variation to plot ratio (0.08 over or 7m<sup>2</sup> of floor space) exceeds LPS 4; the massing of the house, attention to LPP5 and the deep planting garden areas proposed would provide an acceptable design principles outcome. The house directly addresses the street with a garden and a single car parking space which provides an open view towards the house from the street. This is preferable to a design which would impose a garage door for much of the frontage.

Considering these design benefits the approval of a plot ratio variation to 0.508 from 0.5, is recommended because the design proposed addresses the street and achieves a positive streetscape outcome.

5. A front fence has been proposed at the property, the Shire's LPP12 – Front Fences specifies a maximum height of 0.9m above NGL for the solid components of front boundary fences. The proposed letterbox component is solid and ranges between 0.883m – 1.03m in height above NGL, with a portion exceeding 0.9m above NGL. The applicant has stated that:

- *The variation has arisen in part due to the slope of the land from the south to the north.*
- *The letterbox does not conceal any major openings at the dwelling façade, meaning the fence design will permit views to the street from all ground floor major openings.*
- *The balance of the front fence contains lower solid components being 0.25m -0.7m above NGL, all well below 0.9m and ameliorating the variation of the height of the letterbox.*

An inspection of the surrounding streetscape indicates a wide variety of fences and garages fronting the streetscape along Venn Street. Approval of the variation would

accord with other properties in the street and therefore is in keeping with the prevailing streetscape. Approval to the variation is recommended.

## **CONCLUSION**

Each of the proposed design variations has been assessed separately and in combination to warrant support because the overall design makes a positive contribution to the streetscape, and is consistent with neighbouring properties.

The design variations meet design principles in combination better than deemed to comply provisions of the R-Codes and also comply in relation to the Shire's LPS4 and the relevant local planning policies.

Following assessment of the design and merits of the proposed variations to be acceptable, Council is recommended to approve the proposed residence at 3 Venn Street subject to conditions.

### **Further Information from the Agenda Briefing Forum 13 July 2021**

***Following discussion at the Agenda Briefing Forum, it was determined that a Landscape Plan be provided as attachment to the report:***

#### ***Draft Landscaping Condition***

***Submission of a Landscape Plan prior to the issue of a Building Permit and completed to the satisfaction of the Shire (CEO) and indicating the:***

- ***Scale (recommended 1:100), dimensions and any offsets of the landscaping areas;***
- ***Location of and species of planting;***
- ***Materials, levels and surfacing of ground areas;***
- ***Deep soil planting areas and shade trees (refer SPP 3.1 R Codes);***
- ***Drainage paving and irrigation; and***
- ***Location of any incidental structures such as ponds, steps, screens, fencing or gates.***

#### ***Advice***

***The landscape plan is to be prepared and submitted for the Approval of the Chief Executive Officer of the Shire prior to the issue of a Building Permit and may include reference to adjoining properties including the Shire managed street verges and right of way.***

***The Shire officers may provide additional advice on plant selection and horticulture should this be required prior to submission of the plan.***

**OFFICER RECOMMENDATION/S – ITEM NO 8.1.1**

Council approves the single house and ancillary dwelling at 3 (Lot 3) Venn Street Peppermint Grove to be developed in accordance with submitted plans DA 2021/00017 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:
  - o How materials and equipment will be delivered and removed from the site;
  - o How materials and equipment will be stored on the site;
  - o Parking arrangements for contractors;
  - o Construction Waste disposal strategy and location of waste disposal bins;
  - o Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - o How risks of wind and/or water born erosion and sedimentation will be minimised during works;
  - o Other matters likely to impact on surrounding properties.

**Advice Note**

Council advises that the assessment of this application resulted in design revisions and improvements. In making this decision Council adopted a design principles approach regarding the following design variations:-

- Clause 5.4.1 – Visual Privacy
- Clause 5.3.8 – Retaining Walls > 0.5m height
- Clause 32 Table No.1 – Plot Ratio not to exceed 0.5
- R Codes – Table 1, 2a and 2b - boundary setbacks
- Local Planning Policy 12 – Front Fences

Following referral for comment and receiving no objections from the abutting neighbours Council determined this design and variations proposed would be an acceptable design solution for this site and circumstances.

## 8.1.2 Development – Revision to approved plans DA2020/00019 – 45 (lot 108) Irvine Street, Peppermint Grove

## URBAN PLANNING

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
<b>Attachment 1</b>	Locality Map
<b>Attachment 2</b>	Site Plan, Ground Floor Plan, First Floor Plan, Basement Plan, Elevations, Boundary Elevations.

Voting Requirement	:	Simple Majority
Acceptance Date	:	27/05/2021
Location / Property Index	:	45 (Lot 108) Irvine Street, Peppermint Grove
Application Index	:	DA 2021/00019
LPS No 4 Zoning	:	Residential, R-12.5
Land Use	:	Additions and alterations to an existing heritage building.
Lot Area	:	Proposed Lot Area of 1645m <sup>2</sup> (Based on subdivision)
Disclosure of any Interest	:	Nil.
Previous Items	:	DA2020/00019
Applicant	:	Phillipa Mowbray Architects
Owner	:	Leigh and Jackie Ferguson
Assessing Officer	:	Rebekah Levitske
Authorising Officer	:	Ross Montgomery

### PURPOSE OF REPORT

Council previously issued approval for works to redevelop a heritage listed house in Irvine Street Peppermint Grove. The applicant has revised the design and the Shire is now requested to consider the revised plans for the restoration of a heritage listed property and new modern extension with basement and pool at 45 Irvine St, Peppermint Grove to proceed subject to the previous approval.

## **SUMMARY AND KEY ISSUES**

- A set of plans was approved by the Shire in October 2020 (DA 2020/00019)
- An amended set of plans was issued on the 26<sup>th</sup> of May for an amended development approval.
- The proposed subdivision to the rear of the lot requires there to be a 1.5m pedestrian walk leg from Irvine Street. The subdivision design shows this leg is located on the eastern boundary.
- Amended plans reflect a re-design in regard to the proposed extension to the rear of the heritage listed structure and revised site layout due to the proposed subdivision of the rear of the lot abutting the northern right of way.
- Subdivision of a portion of the original site causes a reduction of lot size necessitating review of building design in respect to plot ratio. This is checked as part of the planning assessment.

## **LOCATION**

45 (Lot 108) Irvine Street, Peppermint Grove

## **BACKGROUND**

A set of plans was approved by the Shire in October 2020 following a design principles assessment. The plans were put before Council due to several issues including:

- The property is on the Shire's Heritage List.
- Design variation from the Shire Local Planning Scheme 4 (LPS4) and the R-Codes in respect to the wall height (9.42m) of the addition exceeding the R Codes by 2.42m.

It is noted the present heritage listed house already exceeds the Shire's height requirements and will be taller than the proposed addition (this has a flat roof). The plans as amended in a number of areas remain consistent with previous approved design variations (wall height of 9.42m).

The applicant describes the Approved Plan amendments referenced 1 to 11 (below) and are noted on the drawing set provided by the applicant.

### **1. Basement gym and store**

The gym in the basement has been altered in size, allowing for greater separation between the basement retaining wall and heritage home footings. The wine store and stair well have been relocated reducing the mass of the area.

### **2. Entertainment area**

The entertainment area has been resized and altered to suit the additional basement alterations. The eastern wall has been moved to line up with the structure above, allowing for greater buildability and a reduction in the visible structure. An additional store has been added from the garage area.

**3. Basement Stair and Wine Store**

The basement stairs have been relocated to the west, next to the lift shaft and directly under the main house feature stair. The wine store has been relocated to this area for convenient access from the lift. The footprint of the basement has also been altered to reduce any impacts on the right of way once the retaining works are under way.

**4. Laundry and Servery**

Laundry has increased in size and taken over the space used by the external store. The servery is now in line with the glazing, allowing for a cleaner look rather than the stepped design in the previous scheme.

**5. Bay window booth seating**

With the stair from the basement being moved to the lift area the space have been utilized with booth seating. The booth gives a great connection to the street and gardens and the booth seating allows a retreat from the northern sun with an inside outside connection. Additional internal sliding doors have been added to the gallery area to help condition the dining and lounge while aiding sound attenuation. The concrete wall has been reduced to open the area up to the garden through the bay window.

**6. Additional skylights**

Two skylights have been added to the basement roof to add natural light to the undercroft area whilst adding visual interest to the approach.

**7. Additional width to outdoor terrace**

The outdoor terrace has been increased in width from 3.16m to 4.87m to allow for a more useable space breaking out from the living and dining areas.

**8. Outdoor Entertaining reduced in size**

The outdoor entertainment area has been reduced in width by 1m to reduce the scale and increase the width of the garden. The line of the columns have been pulled back to maintain the relationship with the slab below.

**9. Landscaping Changes**

The firepit is now moved to the east. The levels have also been adjusted to be close to the natural ground, reducing any possible overlooking. Sloped retaining has been added to allow northern light to enter the undercroft. The stairs down to the undercroft are now incorporated into the landscape rather than being a dedicated stair.

**10. Pool and Outhouse**

The pool has been moved from the western boundary to the north. The cabana has been reduced in scale to provide shade to the pool deck. The outhouse has been moved 1200mm south to pull it away from the newly established boundary (pending approval of sub-division).

**11. Skylight to Heritage**

The skylight to the heritage home has been moved from above the stairs to the landing area. It has been reduced in scale slightly. The skylight is on a portion of roof not seen from the street or laneway as it will be concealed by the new addition but will add much needed natural light.

## **CONSULTATION**

The previous approved plans were advertised to neighbours on the 31 August 2020 and 2 responses were received. A site visit with the architect, owners and elected members also took place where several matters were discussed. The proposed plan revisions do not raise design issues which would warrant further neighbour consultation.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

## **STATUTORY IMPLICATIONS**

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

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

<b>RESIDENTIAL DESIGN CODES</b>		
<b>Acceptable Development/Performance Criteria</b>		<b>Assessment/Comment</b>
<b>1.</b>	7m maximum wall height to a concealed roof – Table 3, Category B	The proposal is to add a flat roof addition with a height of 9.47m above mean natural ground level. The height is to the rear of the property, setback from neighbouring properties and was screened by tall mature trees, however in the interim a number of large trees have been cleared.

## **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 application was approved by the Council and the wall height has remained the same so there are no proposed changes in that regard.

Plot ratio for the revised design has been re-calculated taking into account the proposed subdivision of the northern portion into a separate lot. This re-assessment in advance of an approved subdivision indicates the proposal could achieve the plot ratio requirements of 0.497 for the Shire (based upon the proposed 1645sqm site area of the subdivided front portion).

In assessing this development application in anticipation of a subdivision the Shire recognises the WAPC is yet to approve the proposed plan of subdivision. It is noted Shire requires a ceding of 4.7m of land along the northern boundary of proposed Lot 2 and this may necessitate a minor revision of the proposed lots to achieve R Code lot minimum sizes.

Other proposed changes to the site layout, such as the movement of the pool, the outbuilding and landscaping changes have been necessitated by the subdivision of the parent lot into 2 lots and further design development. The changes outlined have little impact on what was approved previously whereby the listed building is to be restored and a new extension to the rear (north) will provide the bulk of the redeveloped house area.

The repositioning of the proposed basement walls away from the existing heritage house is a prudent approach to conserving the integrity of the existing heritage house and its foundations.

Relocation of the stairs and wine store in the basement away from the heritage house and to the western side of the basement to meet the main house feature stair has allowed for this greater separation of the proposed new basement foundations and the heritage property. The moving of the stairs in the basement has created a bay window with booth seating and this will admit more light and additional views into the garden. It will link the garden and the living area which is assessed as a good design outcome.

In conclusion the revised plans reflect a series of modifications to the proposed building interior, and site layout which in total reflect an improvement in the design in terms of its structural and aesthetic qualities. Council is recommended to grant approval to the revised plans in the place of the previous Approved Plans, and for the previous Approval and conditions to apply to the replacement plans.

**Further Information from the Agenda Briefing Forum 13 July 2021**

**Following discussion at the Agenda Briefing Forum, it was determined that a Landscape Plan be provided as attachment to the report:**

**Draft Landscaping Condition**

**Submission of a Landscape Plan prior to the issue of a Building Permit and completed to the satisfaction of the Shire (CEO) and indicating the:**

- **Scale (recommended 1:100), dimensions and any offsets of the landscaping areas;**
- **Location of and species of planting;**
- **Materials, levels and surfacing of ground areas;**
- **Deep soil planting areas and shade trees (refer SPP 3.1 R Codes);**
- **Drainage paving and irrigation; and**
- **Location of any incidental structures such as ponds, steps, screens, fencing or gates.**

**Advice**

**The landscape plan is to be prepared and submitted for the Approval of the Chief Executive Officer of the Shire prior to the issue of a Building Permit and may include reference to adjoining properties including the Shire managed street verges and right of way.**

**The Shire officers may provide additional advice on plant selection and horticulture should this be required prior to submission of the plan.**

**OFFICER RECOMMENDATION/S – ITEM NO 8.1.2**

**Council approves the replacement of Approved Plan Series (DA202/00019 – dated 29/10/2020) with revised Approved Plans DA2021/00019 for the redevelopment of the single house and gardens at 45 Irvine Street Peppermint Grove. All conditions associated with the issued approval apply to the replacement plans and their implementation shall occur for the remaining duration of the approval (expiry in 2023).**

**Council approves the single house and ancillary dwelling at 3 (Lot 3) Venn Street Peppermint Grove to be developed in accordance with submitted plans DA 2021/00017 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:
  - o How materials and equipment will be delivered and removed from the site;
  - o How materials and equipment will be stored on the site;
  - o Parking arrangements for contractors;
  - o Construction Waste disposal strategy and location of waste disposal bins;
  - o Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - o How risks of wind and/or water born erosion and sedimentation will be minimised during works;
  - o Other matters likely to impact on surrounding properties.

**Advice:**

1. In approving this application Council has assessed the proposed plans against the Shires Local Planning Scheme 4 and the Design Principles of the R-Codes, and has provided discretion on the following areas:

- o Building/Wall Height of the new portion of the house

2. In approving this application Council notes that the approved date stamped plans (stamped 29/10/2020) under approval 2020/00019 including

A00.1 – Rev 2 / A01.1 Rev - 2 / A01.2 – Rev 1 / A.1.10 Rev – 1 / A02.1 – Rev 2 /  
A1.30 – Rev 2 / A01.4 – Rev 1

Will be replaced with the drawings that form part of this approval as follows:

A00.1 – Rev 3 / A01.2 Rev 4 / A01.3 – Rev 4 / A1.10 Rev – 4 / A2.01 Rev 3 /  
A2.02 Rev 2.

**8.2 MANAGER INFRASTRUCTURE SERVICES**

NIL

## 8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

### 8.3.1 Financial Statements for Period Ended 30 June 2021

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Interim Financial Statements for the period ended 30/06/2021

Voting Requirement	:	Simple Majority
Subject Index	:	Financial Statements- 2020/21
Disclosure of Interest	:	Nil
Responsible Officer	:	Michael Costarella

#### PURPOSE OF REPORT

To receive the financial statements for the period ended 30 June 2021

#### SUMMARY AND KEY ISSUES

There are some variances between the year to date budget and the actual expenditure and income to the 30 June 2021. These include:-

- Employee Costs
- Materials and Contracts
- Capital Expenditure.

#### 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.

#### CONSULTATION

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

#### STRATEGIC IMPLICATIONS

Objectives within the Governance section of the Strategic Community Plan

#### POLICY IMPLICATIONS

Shire of Peppermint Grove Financial Management Policies

## **STATUTORY IMPLICATIONS**

Local Government ( Financial Management) Regulations 1996

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **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) **Revised budget** versus actuals variances or forecasts that vary from the full year estimate that are greater than \$10,000.

### (1) Employee Costs- \$ 70,000

The amount of \$70,000 is less than the year-to-date budget and relates to anticipated expenditure of :-

- Salary and Wages                      \$60,000 (Accruals to be done)
- FBT    \$10,000

### (2) Materials & Contract-(\$312,000)

This year's actual expenditure is some \$312,000 less than the year to date budget and relates to anticipated expenditure of:-

1. Consultancies-                              **\$85,000** (inc Cottesloe Hub Project)
  
2. Materials and Contractors              **\$ 217,000** ( see below list)
  - a. Legal costs                                  \$ 8,000
  - b. Records Management                  \$ 23,000
  - c. Reserves Mtce                              \$ 91,000
  - d. Events    \$ 12,000
  - e. Green Waste                                 \$ 31,000
  - f. Swimming Pool Insp                      \$ 19,000
  - g. Waste Management                      \$ 17,000
  - h. Heritage Grants                            \$ 10,000
  - i. Other    \$ 6,000

*Note: Purchase Orders totalling \$183,000 have been raised for May , however Council is awaiting invoices and these are not included in the expenditure.*

**3. Building Utilities & Maintenance      \$ 10,000****(3) Capital Expenditure- total Expenditure \$773,000**

The total budget amount of capital works equate to \$1,086,544. As at the 30th June, there are a number of invoices to be received for completed works these include:-

- Reticulation Upgrade - Manners Hill Park, Keanes Park and Foreshore
- Paving Areas- Lilla Street ACROD path to toilets- Keanes Point
- Paving - footpath from Depot public toilets to Pavilion
- Street furniture renewal – various

*Note: Purchase Orders have been raised for these projects, however these are not included in the expenditure.*

The Local Road and Community Infrastructure Program (LRCI- Phase 2 has been deferred and will be carried forward to the 2021/22 financial year. Council has until the 31 December 2021 to complete the project.

Full details of the individual project costs are shown on page 11 of the Financial Statements.

**OFFICER RECOMMENDATION/S – ITEM NO. 8.3.1**

**That Council receive the Interim financial report for the period 1 July 2020 to 30 June 2021.**

**8.3.2 Accounts Paid June 2021**
**CORPORATE**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment</b>	<b>Accounts Paid – June 2021</b>

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 May 2021 included the following:

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

**BACKGROUND**

The Attachment lists details of all payments made in May 2021 & June 2021 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.

<b>PAYMENT TYPE</b>	<b>NUMBER SERIES</b>	<b>AMOUNT</b>
EFT	EFT417-422	\$314,883.84
Direct Debits	DD238-244	\$ 8,270.91
Cheque- Petty Cash	CN444-445	\$ 206.35
Credit Cards- May		\$ 5,570.53
<b>TOTAL</b>		<b>\$328,931.63</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 2020/21 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/S – ITEM NO 8.3.2**

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

- 1. cheques, electronic funds transfers, direct debit payments for the month of June 2021, totalling \$323,361.10**
- 2. credit card payments for May 2021 totalling \$5,570.63**

## 8.4 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> <b>Recycling Statistics</b>

Voting Requirement	:	Simple majority
Subject Index	:	Matters for Information June 2021
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
- Library Management Group Meeting Notes

#### SUMMARY AND KEY ISSUES

The following reports are presented to Council 27 July 2021:

1. Building/Planning Statistics May/June 2021
2. Library Statistics June 2021
3. Recycling Statistics May 2021

## **CONSULTATION**

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

### **Further Information**

***The Shire's new local laws were submitted to the Joint Standing Committee on Delegated Legislation. Although the Shire's local laws were based on WALGA's model local laws, there were several undertakings required to be made by the Shire President to the Committee.***

- ***Waste Local Law – deletion of clause 2.7 (c) as it was duplicated with 3.1 (a)***
- ***Dog Local Law – definition of assistance animal to be deleted as no reference to an assistance animal is made in the local law.***
- ***Property Local Law – clause 2.7(1) (a), “smoking” to be changed to “smoke”***
- ***Parking Local Law – delete the word “if” at the beginning of 7.2(d)***
- ***Fencing Local Law – access to standards mentioned in the local law to be made available plus a number of “minor typographical and other errors” requiring correction.***
- ***Activities in Thoroughfares Local Law – access to standards will be provided through a link and there are several typographical and formatting changes.***
- ***Cat Local Law – went through with no change***
- ***Penalties Local Law – went through with no change.***

***The Shire President has provided letters of undertaking to the Committee. In some cases for minor changes, the undertaking provided can be addressed when the local law is reviewed in 8 years. The Shire is to also provide a copy of the undertakings with the local law, either in hard copy or the electronic copy on the Shire's web site. It is likely that the Fencing Local Law and the Waste Local law may have to be readvertised and resubmitted to the Joint Standing Committee, however if this is the case, a report will be presented to Council.***

***The officer's recommendation can include point 2 – That Council acknowledges the letters of undertaking provided by the Shire President in response to the changes raised by the Joint Standing Committee on delegations that are in relation to the local laws submitted to the Committee by the Shire.***

### **OFFICER RECOMMENDATION – ITEM NO. 8.4.1**

**That Council receives the information in this report.**

**8.5 COMMITTEE REPORTS**

NIL

**9 NEW BUSINESS OF AN URGENT NATURE**

NIL

**10 MOTIONS ON NOTICE***(Automatically sent back to Administration for consideration at the next Council Meeting)***11 CONFIDENTIAL ITEMS OF BUSINESS**

NIL

**12 CLOSURE**

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

---

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

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

**NAME:** \_\_\_\_\_

**POSITION:** \_\_\_\_\_

**MEETING DATE:** \_\_\_\_\_

**ITEM NO & SUBJECT:** \_\_\_\_\_

**NATURE OF INTEREST:** Financial / Proximity / Impartiality Interest that may cause a Conflict\*      \* Please Circle applicable

**EXTENT OF INTEREST:** \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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

## **FINANCIAL & PROXIMITY INTERESTS**

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

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

## **DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

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

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

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