



Shire of  
Peppermint Grove

## **ORDINARY COUNCIL MEETING**

# **AGENDA**

**TO BE HELD ON**  
**TUESDAY 4 MAY 2021 (DEFERRED 27 APRIL**  
**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 4 May 2021, commencing at 5.30 pm.

Yours faithfully



Don Burnett  
**CHIEF EXECUTIVE OFFICER**

**23 APRIL 2021**

## **MEETING AGENDA ATTACHED**

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# Shire of Peppermint Grove

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Shire of  
Peppermint Grove

## ORDINARY COUNCIL MEETING AGENDA

### 1 DECLARATION OF OFFICIAL OPENING

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

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

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

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

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

### 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 D Horrex  
Cr K Farley  
Cr G Peters  
Cr P Macintosh  
Cr P Dawkins

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 23 MARCH 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 23 March 2021 be confirmed as a true and accurate record.**

## 8 OFFICER REPORTS

### 8.1 MANAGER DEVELOPMENT SERVICES

#### 8.1.1 153 Forrest Street – Subdivision Comments

#### URBAN PLANNING

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1	Location Map
Attachment 2	Proposed Subdivision

Voting Requirement	:	Simple Majority
Acceptance Date	:	03/2021
Location / Property Index	:	153 Forrest Street
Application Index	:	Subdivision - referral
LPS No 4 Zoning	:	Residential, R-12.5
Land Use	:	single house/lot
Lot Area	:	1821m <sup>2</sup> (two lots proposed)
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Developed Consultants
Owner	:	Yu
Assessing Officer	:	Mr Josh Dallimore – Planning and Administration Officer
Authorising Officer	:	Mr Ross Montgomery – Manager Development Services

#### PURPOSE OF REPORT

The Shire received a referred by the Department of Planning Lands and Heritage (DPLH) subdivision application made to the Western Australian Planning Commission (WAPC) in March 2021.

This report seeks Council endorsement of a referral response to the WAPC about the proposed subdivision and how it might be implemented to meet Shire requirements.

#### SUMMARY AND KEY ISSUES

- Lot 84 is vacant and has been almost completely cleared of all vegetation.
- Proposed design is to create two lots from a single lot and to make a shared driveway located on a common easement from Forrest Street for both lots.
- The proposal cedes the 4.27m widening for the rear right of way which meets Council draft policy and complements adjoining widening obtained from previous subdivision.
- The proposed rear lot seeks access from Forrest Street and the configuration does not create additional crossovers to Forrest Street and may provide a better connection and aspect of development between the street and the rear properties.

## **LOCATION**

Lot 84 Forrest Street Peppermint Grove (southern side of street).

## **BACKGROUND**

The land was previously the site of a single house and garden which was demolished in 2019 and the land was almost completely cleared. The owner intended to develop a house situated to the south of the property and the Council approved a set of plans in April 2019.

There has been no Building Permit issued to implement the approval.

It is noted that LPS 4 cl.26 (3) modifies the R Codes and does not support a battle-axe subdivision for the reason that battle-axe layout can impact the streetscape by imposing an additional driveway and crossover which reduces green verge and street tree planting.

There has been a similar subdivision to the east prior to LPS 4. Officers are mindful of how a development of the created lot might occur so as to encourage an opportunity for development which enhances the streetscape and provides access in proportion to the frontage.

## **CONSULTATION**

None required – Shire is referred for comment back to DPLH.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

- Access – LPP 7

## **STATUTORY IMPLICATIONS**

- Battle-axe - LPS 4 does not permit battle-axe subdivision where this will create a lot that does not have vehicular access to a private or communal street or right of way connected to a public road.

## **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 planning consultant for the owner met Shire officers in March 2021. He indicated the ownership was changing and the issued planning approval for the house was unlikely to proceed and instead the land would be subdivided into two lots. The meeting was to discuss layout options and requirements for a subdivision from a Shire perspective with regard to LPS 4.

The site is not bordered by heritage listed properties and slopes moderately from Forrest Street down to the right of way. It has already been cleared of almost all vegetation. The land to the east of this site has previously been subdivided with a battle axe subdivision and that ceded a 4.27m widening to the right of way at the rear. .

The proposal is to subdivide the lot into two regular shaped lots (Lots 1 & 2) with the rear lot to be a battle axe. Following Shire advice that the Scheme does not allow battle axe subdivision, a revision to the design resulted in a driveway located at the western boundary of the northern lot which would be shared and thereby overcome the reason for LPS 4 to oppose additional driveways.

Mindful of LPS 4 which does not allow for battle-axe lots to be created, the subdivision proposed will create an easement for the driveway which straddles the boundary of the street lot with a cross easement to permit both lots to access over this portion and to thereby share one standard driveway.

The Shire officers advised they would recommend support for the proposal provided there was :-

- one crossover ( no wider than 3.5 m) for a shared driveway from Forrest Street for the two lots; and
- a legal agreement on title to guarantee cross access for the street lot and rear lot; (Lot 1 and Lot 2) to share access to the driveway strips of land on each other's title, and
- the ceding of a 4.27m strip of land abutting the right of way.

This would establish a sensible access arrangement so the front house formally addresses the street (the garage door would face the side of the shared driveway rather than the street). This will achieve the Shire Policy for streetscapes and will respect surrounding properties as they address the street.

It is for this reason officers recommend support for the proposal as put forward because this would limit the number of crossovers onto Forrest Street to the current number; establish side garaging for the northern house, and would by virtue of the RoW widening allow for enhanced rear access using the right of way as required by redevelopment. The area of each lot may need to be adjusted by the lateral dividing boundary to achieve R 12.5 minimum and average requirements, and the applicant undertook to review and revise the plan.

The consultant has considered and revised the plan of subdivision to reduce the width of the battle-axe connection to Forrest Street and has also adjusted the lot sizes so that both lots achieve the 800m<sup>2</sup> minimum size. A narrow leg is required from Forrest Street for the purposes of extending utilities to the rear lot. A reciprocal right of carriageway easement is proposed on the nominated driveway for both lots so as to permit practicable and legal thoroughfare for access purposes.

**Further Information following the Agenda Briefing Forum on 13 April 2021**

It was determined that there were a few grammatical errors in the Officer Recommendation. These are listed below, and have been amended accordingly:

At point 2. The word ‘single’ be added to the sentence before ‘Crossover’ to now read

“2. There shall be only one single crossover to Forrest Street...”

At Advice Note 1 – ‘3 metres’ be changed to ‘3.5 metres’ and the additional word ‘this’ be deleted.

At Advice Note 4 – the word ‘road’ be removed before ‘widening’ to read:

“4. The widening is a requirement to achieve satisfactory vehicular access...”

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

Council advises the Department of Planning Lands and Heritage that it will recommend Approval to the proposed subdivision of Lot 84 (153) Forrest Street Peppermint Grove into two lots (Lots 1 & 2) as indicated in the referred subdivision sketch plan (DPLH 160492) subject to the following modification and Conditions :-

1. Adjustment of the lateral boundary between Lots 1 and 2 to more closely achieve R 12.5 area requirements.
2. There shall be only one single crossover to Forrest Street for vehicular access to both lots and to accommodate a shared driveway and crossover; and
3. There shall be a legal agreement executed prior to lodgement of diagrams of survey (and with reference on title) to guarantee reciprocal vehicular cross access for that portion of proposed Lot 1 and Lot 2 which form the shared driveway between Lot 2 and Forrest Street.
4. There shall be the ceding of a 4.27m strip of land abutting the right of way to the south of Lot 2 for the purposes of future vehicular access.

**Advice:**

1. The Shire will allow a crossover to the street up to 3.5 metres in width to be constructed and for owners of each lot to reach agreement for the payment of this construction cost;

- 2. The legal agreement for easement over proposed Lot 1 will stipulate a width for the thoroughfare of vehicles to be maintained clear at all times;**
- 3. Upon ceding of the widening to the right of way the Shire is prepared to exercise its discretion to vary boundary setbacks where this may result in good residential and neighbourhood design outcomes.**
- 4. The widening is a requirement to achieve satisfactory vehicular access to the southern boundary of Lots 2, in the event future development elects to orient vehicular access from this boundary.**

**8.1.2 34-38 Irvine Street – Amendment to Current Approval**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

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

Voting Requirement	:	Simple Majority
Acceptance Date	:	15/02/2021
Location / Property Index	:	1880, 1890, 1900
Application Index	:	DA2021/00003
LPS No 4 Zoning	:	Residential, R-12.5
Land Use	:	Residential
Lot Area	:	1679m <sup>2</sup> , 893m <sup>2</sup> , 928m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	DA2020/00021
Applicant	:	Zorzi Builders
Owner	:	Anthony and Corinne Barton
Assessing Officer	:	Mr Josh Dallimore – Planning and Development Officer
Authorising Officer	:	Mr. Ross Montgomery – Manager Development Services

**PURPOSE OF REPORT**

Council is requested to consider the proposed amendment to DA2020/00021 at 34-38 Irvine Street, Peppermint Grove. Following the discussion leading to the recent approval, this application now proposes alterations to the plans related to the pool area, to introduce dedicated storage spaces within the rear setback area.

**SUMMARY AND KEY ISSUES**

- This application is to alter an approved plan for the pool area and the associated storage spaces being introduced in the rear setback area.
- The planning approval for the single house with ancillary dwelling is unaltered by the application proposal.
- The application was advertised to neighbours for information and comment; however, no comments are received about the proposed works following the consultation period
- The works are proposed in the rear setback portion of the site (rear setback).

## **LOCATION**

34-38 Irvine Street, Peppermint Grove

## **BACKGROUND**

In November of 2020, the Shire approved a development application for a “two level home with undercroft and pool” with a design which varied the R-Codes for the reduced setback to the rear boundary. The proposed variation to the R-Codes was assessed deemed to be acceptable by the Council considering the location of the development at some distance to neighbouring structures, and the proximity to the laneway would make an extra buffer space to rear neighbours.

The proposed amendment to the approved plan does not alter what has been approved within the overall rear setback area. This application introduces additional uses and minor elements into other another portion of the rear setback area, including garden and pool storage spaces.

## **CONSULTATION**

Notice of the proposed works was hand-delivered to adjoining residences on 2 March 2021 inviting neighbours to make comment on the proposal. The consultation period was open for 14 days from the date of the letter, during which time no comments were received by the Shire.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

Local Planning Policy 11 – Building on Side and Rear Boundaries

## **STATUTORY IMPLICATIONS**

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

The proposal complies with relevant Scheme provisions, Residential Design Codes and Scheme Policies *except for those outlined in the table below:*

<b>RESIDENTIAL DESIGN CODES</b>	
<b>Acceptable Development/Performance Criteria</b>	<b>Assessment/Comment</b>
1. Rear setback – R12.5 – 6m Required	Council has already decided the setback of structures from the boundary is adequate. Addition of minor storage structures within the setback has little impact on the location of development away from the boundary. Setback areas are often used for temporary and short-term storage.

### **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 application assigns domestic use for storage within minor structures to the rear setback area of the property. Throughout the Shire it is usual for rear and side setback areas to be used for storage of domestic equipment either in small sheds or other enclosures or else in the open and is seldom associated with a development approval. The use of these spaces would not warrant a planning assessment however the applicant amended the information on the approved plan and so this is being formally assessed.

This proposal would have no impact other properties or the amenity of the locality.

The application updates the approved plans and is consistent with current approvals. The proposal indicated in the revised plan is recommended for approval.

### **Further Information following the Agenda Briefing Forum on 13 April 2021**

*The following grammatical error was amended at Recommendation Item 1. The word 'poll' should be "pool".*

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

**Council approves the minor amendment to the Approved Plans for DA2020/00021 for the use of the rear setback area of 34-38 Irvine Street Peppermint Grove for storage purposes (minor structures) and will issue a supplementary approval subject to the following conditions:**

- 1. Rear setback is to be preserved with only permitted use for non-permanent and minor storage for pool and garden equipment.**
- 2. All conditions applied via Approval DA2020/00021 are retained and transferred to this approval – Approved Plans are to be updated to reflect additional and changed use of rear setback area.**

**Advice:-**

**Council advises the owner that in approving the uses and minor structures within the rear setback of the land it also notes that a section of the site abutting the right of way may be required for widening purposes at some future stage yet to be determined by the Shire. In the event of this land being required for widening, the Shire will not be liable for the cost of removal or demolition of any improvements or approved structures.**

**8.1.3 46 Johnston Street – Addition and Alterations to Heritage House**
**URBAN PLANNING**
**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 1</b>	Location Map
<b>Attachment 2</b>	Development Application Plan
<b>Attachment 3</b>	Heritage Impact Statement

Voting Requirement	:	Simple Majority
Acceptance Date	:	25/01/2021
Location / Property Index	:	2710
Application Index	:	DA2021/00002
LPS No 4 Zoning	:	Residential, R-12.5
Land Use	:	Residential
Lot Area	:	1337m <sup>2</sup>
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Mata Design Studio
Owner	:	Dr. David Kevin Colvin
Assessing Officer	:	Josh Dallimore – Planning and Development Officer
Authorising Officer	:	Mr. Ross Montgomery – Manager Development Services

**PURPOSE OF REPORT**

Council is requested to consider the proposed additions and alterations to the heritage listed property at 46 Johnston Street, Peppermint Grove. The application proposes extensions to the heritage section on the ground floor and to the newer upstairs addition.

**SUMMARY AND KEY ISSUES**

- The property is on the Shires Heritage List. The local heritage inventory (LHI) describes it as a management category 1 building. The draft Heritage Survey maintains the heritage value for the property.
- The design does not meet deemed-to-comply standards of R Codes for building and wall height. A section of the ground floor addition extends 4.7m into the rear setback and 0.65m into the western side boundary.
- Council is to consider and approve these variations to the R-Codes (roof height, wall height, and boundary setback).
- The heritage portion of the building was built well before current R Codes. The height variations sought for additions are consistent with existing development on the property.
- An independent heritage architect has assessed and advises the proposed works and design present no adverse impacts of the proposal on the heritage fabric.

## **LOCATION**

46 Johnston Street, Peppermint Grove

## **BACKGROUND**

The Shire received an application for development approval for 46 Johnston Street on 22 January 2021. Preliminary assessment of the proposed plans determined that the proposal with its variations conformed with *design principles* of the R-Codes, and an explanation/justification for the proposed 1.2m setback to the rear was requested. The applicant presented at the Shire's Concept Forum in March 2021, where Councillors discussed and provided informal comment on the plans back to the applicant.

In response to that Concept Forum comment is further information and justification for the reduced rear setback. The Shire now has sufficient information to make an informed planning decision consider the design and planning merit of the variations.

## **CONSULTATION**

Letters were hand delivered to abutting neighbours on 10 February 2021 informing them of the proposed works. Saint Hilda's school (abutting the rear) was also advised. The consultation period was open for 14 days and closed on 24 February 2021. There were no plan inspections during this time and no comments are forthcoming.

## **STRATEGIC IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

## **POLICY IMPLICATIONS**

Local Planning Policy 3 – Planning for Heritage Conservation

The Shires LPP 3 requires that all works to a heritage listed property have planning approval prior to issuing of a building permit. A Heritage Impact Statement (HIS) was prepared by Griffiths Architects for the proposed works. The HIS identifies that:

*“the heritage values then, it is clear that there will be no impact on its historic value and the changes will not further erode the value any more than the 2014 additions have already done.”*

The proposed additions do not degrade the heritage fabric of the house and so the works as assessed against the LPS 4 are recommended for approval.

## **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>	Lot Boundary Setback – R-Codes Table 2  Proposed – 1.05m  Compliant – 1.7m	The proposed reduced setback to the western side boundary can be considered for approval for the following reasons: <ul style="list-style-type: none"> <li>• It matches the existing heritage listed portion of the house</li> <li>• It is single storey and does not dominate neighbouring properties</li> <li>• The addition abutting the western boundary moves away from the boundary at halfway to limit the extent of the reduced setback</li> </ul>
<b>2.</b>	Rear Lot Boundary Setback – R-Codes Table 1  Proposed – 1.2m  Compliant – 6m	The proposed addition varies the rear setback by 4.8m to reduce the setback to 1.2m. This is a significant variation to the R-Codes, however, can be considered for the following reasons: <ul style="list-style-type: none"> <li>• The reduced setback will be single storey and will not dominate or significantly overshadow neighbours</li> <li>• The reduced setback will have a run of approximately 6m along a 29m boundary, with the remaining 23m of rear setback between 6m and up to 9.4m</li> <li>• Average setback to the rear is therefore 8.3m, and exceeds the minimum requirement (by 2.3m)</li> </ul>
<b>3.</b>	Residential Building Heights – R-Codes Table 3 – Category B Building  Proposed – 7.9m wall height, 9.7m pitched roof  Compliant – 6m wall height, 9m pitched roof	Heritage architect advice is noted and accepted; R Codes are devised to apply to contemporary buildings rather than additions and renovations to heritage era buildings. An R Code compliant structure would look incongruous and may detract from the heritage and aesthetic values of a more tailored architectural design.  The variations sought are within tolerance and will achieve design principles.

### **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 application requires consideration to vary wall and roof heights and two boundary setbacks.

The heritage architect review reports the design is unlikely to detract from the heritage values of the original and remaining portion of original house.

The proposal will update and repair an important building of heritage value within the Shire. The design concessions are warranted because they will deliver a design which meets design principles contained in R Codes, and will complement the current heritage property especially from its street presentation.

Consultation period did not give rise to objection which confirms initial assessment by heritage architect that setback variations are acceptable for the site, and planning assessment that impact on abutting properties is minimal and acceptable.

It is for these reasons that the recommendation is for Council to approve the application as submitted and subject to standard conditions.

### **Further Information following the Agenda Briefing Forum on 13 April 2021**

***A couple of grammatical errors were picked up and amended accordingly:***

***‘Johnstone’ to be changed to ‘Johnston’***

***In Advice – the word ‘is’ to be replaced with ‘are’ so that it reads:***

***“the design codes are justified...”***

**OFFICER RECOMMENDATION/S – ITEM NO 8.1.3**

**Council approves the application DA2021/00002 submitted on January 21, 2021 for additions to a single storey house at 46 Johnston St Peppermint Grove consistent with the submitted and approved plans and the following conditions of completion:**

- 1. Prior to the commencement of work a Building Permit and Permit Plans shall be submitted for approval and shall be consistent with the Approved Plans and conditions of this planning approval.**
- 2. All development associated with implementing this approval shall comply with the approved plans and conditions at all times.**
- 3. All Building Permit plans are to be assessed and certified to comply with the Approval and Approved Plans with this report and to be provided to the Shire prior to commencement of building works to implement such plans.**
- 4. Prior to the issue of a Building Permit the applicant is to submit for approval to the satisfaction of the Shire (Chief Executive) a Site Access and Building Management Plan which addresses the following matters:-**
  - i. Truck and equipment access on and surrounding the site;**
  - ii. Laydown and storage of all building materials on site;**
  - iii. Traffic and safety management of works at all times; and**
  - iv. Nomination of a site superintendent to be responsible for all implementation works in accordance with the Approval and any issued permits. -this person is to record and manage resident and neighbour liaison of any issues in the first instance.**
- 5. Any demolition of the structure associated with the works approved shall be inspected by a heritage architect and assessed for impact and management prior to commencement of demolition.**

**Advice:**

**Council advises that in approving the application it had regard to local planning policies, Local Planning Scheme 4 and the R Codes as well as design principles and advice received regarding the likely heritage impact of the proposed work. It is satisfied that the variations approved to the design codes are justified and will provide an acceptable design outcome for the site and locality.**

## 8.2 MANAGER INFRASTRUCTURE SERVICES

NIL

## 8.3 MANAGER CORPORATE AND COMMUNITY SERVICES

### 8.3.1 Financial Statements for Period Ended 31 March 2021

#### CORPORATE

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment	Financial Statements for the period ended 31/03/2021

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 31 March 2021

#### SUMMARY AND KEY ISSUES

There are some variances between the year to date budget and the actual expenditure and income to the 31 March 2021. These include:

- Contributions
- 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 is a summary of the overall variances between the revised year to date budget and the Actual expenditure and Income to the 31<sup>st</sup> March 2021.

**Total Operating Revenue** – The operating income is 4% under the expected YTD income to be received to the March 2021. This is mainly due to grant funds expected in March 2021.

**Total Operating expenditure-** This is 7% less than the year to date budget and mainly relates to materials and contractors and employee costs.

**Capital expenditure-** The capital expenditure shows the works on the Johnston Street reseal, Venn street , replacement of the Bore, Reticulation upgrade and Purchase of Vehicles.

## **Further Specific Information**

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) Contributions & Reimbursements- \$47,000

The actual income is \$47,000 less than the year-to-date budget and is mainly due to the invoices for Library Joint Venture 4th Quarter contributions being sent in April.

### (2) Employee Costs- \$ 38,000

The amount of \$38,000 is less than the year-to-date budget and relates to anticipated expenditure of :-

- Occupation Health & Safety program \$22,000
- Salary and Wages \$10,000

(3) Materials & Contract-(\$238,000)

This year's actual expenditure is some \$238,000 less than the year to date budget and relates to anticipated expenditure of:-

- |                                  |  |
|----------------------------------|--|
| 1. Consultancies-                | \$ 70,000 ( inc Cottesloe Hub Project) |
| 2. Materials and Contractors     | \$146,000 ( see below list)            |
| a. Audit Fees                    | \$ 16,000                              |
| b. Office Equipment Mtce         | \$ 10,000                              |
| c. Records Management            | \$ 13,000                              |
| d. Reserves Mtce                 | \$ 48,000                              |
| e. Events                        | \$ 13,000                              |
| f. Road Repairs                  | \$ 10,000                              |
| g. Green Waste                   | \$ 10,000                              |
| 3. Building Maintenance & Others | \$ 22,000                              |

(4) Capital Expenditure- total Expenditure \$601,000

The total budget amount of capital works equate to \$1,086,544. As at the 31<sup>st</sup> March 2021, there are a number of projects that (have commenced) and are to be completed by the end of June 2021 and these include:-

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

*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 financial report for the period 1 July 2020 to 31 March 2021.**

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

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

Voting Requirement	:	Simple Majority
Subject Index	:	Accounts Paid March 2021
Disclosure of any Interest	:	Nil
Responsible Officer	:	Michael Costarella, Manager Corporate and Community Services

**PURPOSE OF REPORT**

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

**SUMMARY AND KEY ISSUES**

Significant payments in March 2021 included the following:

- GST & PAYG remittance to ATO;
- Waste Management Services
- IT Services
- WA Superannuation
- New Reticulation for Manners Hill Reserve
- Final Instalment for Insurance Premiums

**BACKGROUND**

The Attachment lists details of all payments made in February 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	402-408	\$774,561.02
Direct Debits	2017/214-223	\$11,452.29
BPAY	202-204	\$43,46.62
Credit Cards	CCP 00015	\$6,683.12
<b>TOTAL</b>		<b>\$797,043.05</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 8.1.2**

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

- 1. Cheques, electronic funds transfers, direct debit payments for the month of March 2021, totalling \$790,359.93**
- 2. Credit card payments for February 2021 totalling \$6,683.12**

## 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>
	<b>Building Permits Issued</b> <b>Planning Approvals Issued</b> <b>Infringements Issued</b> <b>Library Statistics</b> <b>Recycling Statistics</b>

Voting Requirement	:	Simple majority
Subject Index	:	Matters for Information March 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 April 2021:

1. Building Permits Issued
2. Planning Approvals Issued
3. Infringements Issued
4. Library Statistics
5. Recycling Statistics

## **CONSULTATION**

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

## **OFFICER RECOMMENDATION – ITEM NO. 8.4.2**

**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.

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**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.*