



Shire of  
Peppermint Grove

# **SPECIAL MEETING OF COUNCIL**

*The purpose of the meeting being Consideration of  
Advertising Local Planning Policy 7 - Improved Local  
Access to Service Subdivision and Redevelopment*

## **AGENDA**

**TO BE HELD ON  
TUESDAY 2 MARCH 2021  
AT  
5.30 PM**



# Shire of Peppermint Grove

## Notice of Meeting

Dear Councillor

It is advised that the **Special Meeting of Council** will be held in the Council Chamber of the **Shire of Peppermint Grove**, 1 Leake Street, Peppermint Grove, on Tuesday 2 March, commencing at 5.30pm.

### MEETING AGENDA ATTACHED

Yours faithfully,

**Mr Don Burnett**  
**CHIEF EXECUTIVE OFFICER**

**26 February 2021**

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### **DISCLAIMER**

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

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# Shire of Peppermint Grove

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Shire of  
Peppermint Grove

## SPECIAL MEETING OF COUNCIL

### 1. Declaration of Official Opening

At \_\_\_\_\_ pm, the Shire President declared the meeting open 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.

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

Chief Executive Officer  
Manager Development Services  
Manager Corporate & Community Services

Mr D Burnett  
Mr R Montgomery  
Mr M Costarella

**Gallery** \_\_\_\_\_ Members of the Public

\_\_\_\_\_ Members of the Press

## 2.2 Apologies

## 2.3 Leaves of Absence

## 3. Delegations and Petitions

### 3.1 Delegations

### 3.2 Petitions

## 4. Public Question Time

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

- The Agenda
- Question to Council Forms 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.

In the event there are no public members present, the Presiding Member will dispense with Public Question Time.

### **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 Special 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**

#### **4.2 Questions from members of the public**

#### **4.3 Deputations of 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.*

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

#### **CONFIRMATION OF MINUTES**

Nil confirmation of Minutes at this meeting.



## 6. OFFICER REPORTS

### 6.1 Consideration of Advertising Local Planning Policy 7 - Improved Local Access to Service Subdivision and Redevelopment

#### URBAN PLANNING

#### ATTACHMENT DETAILS

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 1</b>	LPP7 Draft Policy
<b>Attachment 2</b>	Plan of Right of Ways
<b>Attachment 3</b>	Aerial Imagery
<b>Attachment 4</b>	Residential Lot Sizes Above Average

Voting Requirement	:	Simple Majority
Acceptance Date	:	N/A
Location / Property Index	:	Shire – LPS 4
Application Index	:	LPP 7
LPS No 4 Zoning	:	Residential
Land Use	:	Residential
Lot Area	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	Nil.
Applicant	:	Shire
Owner	:	Crown Land and Private Ownerships
Assessing Officer	:	Josh Dallimore – Planning and Development Officer
Authorising Officer	:	Mr. Ross Montgomery – Manager Development Services

#### PURPOSE OF REPORT

The Shire has recommended approval to infill subdivision of residential lots over several decades subject to ceding of additional land to augment the narrow right of ways for access purposes. The LPS 3 (now superseded) included a policy which provided the grounds for such requests. LPS 4 was adopted and approved subject to the amended Planning and Development Regulations (2015) which required that policies are not part of an approved Scheme. The Department of Planning Lands and Heritage now advises it will not support the Shire in requests for land to be ceded unless there is an adopted Local Planning Policy which justifies such requests.

LPP 7 has been prepared to meet this requirement. A design specific strategy will be developed later in consultation with abutting owners and stakeholders.

## **SUMMARY AND KEY ISSUES**

- Infill subdivision is often proposed with access exclusively from a right of way rather than a gazetted road.
- Right of ways in the Shire tend to be less than 3.5m in width and this results in an insufficient width of thoroughfare for two-way traffic or thoroughfare for large vehicles such as trucks and construction related vehicles.
- The draft LPP 7 will set out the justification and basis for a local policy which justifies ceding of land on subdivision to augment rights of way and to provide sufficient local vehicular access.
- Policy needs to be considered by Council and put forward for community information and comment.
- LPP 7 will complement other local planning policies to guide Council in matters of discretion.

## **LOCATION**

Residential and adjacent zones of the Shire of Peppermint Grove

## **BACKGROUND**

Despite the regular and consistent application of a similar policy in the past, the Shire is required to formally adopt a new policy before the Department of Planning Land and Heritage is prepared to support the ceding of land on infill subdivision to improve local access.

## **CONSULTATION**

Policy should be advertised for information and comment.

## **STRATEGIC IMPLICATIONS**

The policy is supported by the Local Planning Strategy and is consistent with WAPC Planning Bulletin 33.

## **POLICY IMPLICATIONS**

LPP 7 will complement the Shire local planning policy associated with exercise of discretion in making planning advice and decisions.

## **STATUTORY IMPLICATIONS**

A policy is independent and informs Scheme decisions and Shire planning advice. Policy needs to be adopted and advanced for public information and comment to meet the requirements of Planning and Development Act 2015 – Regulations.

## **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**

Rights of way throughout the Shire provide for a secondary network of low-speed thoroughfare to provide access to infill properties and enable closer subdivision.

The Shire has a history of requiring land to be ceded on infill subdivision applications for the purposes of making adequate width laneways for local access purposes. The draft Local Planning Policy 7 explains the merits and justification for land to be ceded from developers in terms of overall benefit to the locality and the specific lots proposed to be created.

This Policy requires advertisement for public information and comment prior to further consideration by the Shire. Any comments received during the comment period may be helpful to review and refine the draft policy prior to adoption.

## **OFFICER RECOMMENDATION/S – ITEM NO 6.1**

**That Council approves for the proposed Local Planning Policy 7 – Improved Local Access to Service Subdivision and Redevelopment be advertised for public information and comment for a period of 14 days after which the policy and any comments will be considered for Council approval.**

**7. NEW BUSINESS OF AN URGENT NATURE**

**8. MOTION TAKEN ON NOTICE**

**9. CONFIDENTIAL ITEMS OF BUSINESS**

**10. CLOSURE**

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