



Shire of
Peppermint Grove

SPECIAL MEETING OF COUNCIL

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

MINUTES

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



Shire of Peppermint Grove

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SPECIAL MEETING OF COUNCIL MINUTES

1. Declaration of Official Opening

At 5.30pm, the Shire President declared the meeting open and requested the recording of attendance and apologies.

The media indicated they were not recording the meeting.

2. Recording of Attendance, Apologies and Leaves of Absence

2.1 Attendance

Shire President
Deputy Shire President
Elected Member
Elected Member
Elected Member

Cr R Thomas
Cr C Hohnen
Cr D Horrex
Cr G Peters
Cr P Dawkins

Chief Executive Officer
Manager Development Services

Mr D Burnett
Mr R Montgomery

Gallery: 2 Members of the Press

2.2 Apologies

Elected Member
Elected Member

Cr K Farley
Cr P Macintosh

Manager Corporate & Community Services
Manager Infrastructure Services

Mr M Costarella
Mr D Norgard

2.3 Leaves of Absence

Nil



3. Delegations and Petitions

3.1 Delegations

Nil

3.2 Petitions

Nil

4. Public Question Time

The Presiding Member opened 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

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

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

Nil

4.2 Questions from members of the public

Nil

4.3 Deputations of the public

Nil

5. DECLARATIONS OF INTEREST

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

5.1 FINANCIAL INTEREST

Nil

5.2 PROXIMITY INTEREST

Nil

5.3 IMPARTIALITY INTEREST

Nil

5.4 INTEREST THAT MAY CAUSE A CONFLICT

Nil

5.5 STATEMENT OF GIFTS AND HOSPITALITY

Nil

ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

NIL

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

Attachment No	Details
Attachment 1	LPP7 Draft Policy
Attachment 2	Plan of Right of Ways
Attachment 3	Aerial Imagery
Attachment 4	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 thoroughfares 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 advertising 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.

COUNCIL DECISION – ITEM NO 6.1

Moved: Cr Hohnen

Seconded: Cr Horrex

That Council approves for the proposed Local Planning Policy 7 – Improved Local Access to Service Subdivision and Redevelopment to 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.

CARRIED 5/0



7. NEW BUSINESS OF AN URGENT NATURE

NIL

8. MOTION TAKEN ON NOTICE

NIL

9. CONFIDENTIAL ITEMS OF BUSINESS

NIL

10. CLOSURE

At 5.40pm, there being no further business the meeting closed.