



SHIRE OF PEPPERMINT GROVE

MINUTES OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

20 APRIL 2009

Ordinary Meeting of Council

20 APRIL 2009

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Shire of Peppermint Grove

MINUTES

Minutes of the Shire of Peppermint Grove Ordinary Meeting of Council held on 20 April 2009 in the Council Chambers, 1 Leake Street, Peppermint Grove, commencing at 6.33pm.

A1 DECLARATION OF OPENING AND RECORDING OF ATTENDANCE & APOLOGIES

Presiding Member declared the meeting open at 6.33pm and called for the recording of attendance and apologies.

Attendance: Cr B C Kavanagh, Shire President
Cr P B Bacich,
Cr M C Lynn,
Cr R L Thomas,
Cr G T Vikingur, (from 6.44pm)
Cr D A C Ward,

G K Simpson, Chief Executive Officer
T Mayor, Manager of Development Services
P J Howard, Manger of Financial Services
F Gerhard, Executive Officer

Apologies: Cr A Grice

A2 DELEGATIONS

No delegations present at this meeting.

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

No questions from the members of the public.

A4 DECLARATION OF INTEREST

Cr Thomas declared a proximity interest in items SD1 and HOP2.

Cr Bacich declared a pecuniary interest SD1.
Cr Kavanagh declared a proximity interest in item DA2.

A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Lynn seconded Cr Ward that:

- 1 The Minutes of the Special Meeting of Council held on 8 April 2009 be confirmed as a true and accurate record of proceedings.
- 2 The Minutes of the Ordinary Meeting of Council held on 23 March 2009 be confirmed as a true and accurate record of proceedings.

CARRIED UNANIMOUSLY

A6 PROJECT REPORT LIST

Distributed with Committee Agenda Papers.

A7 ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

Shire President advised that the Chief Executive Officer and Manager of Financial Services were proceeding with Minister's request for a required checklist to be submitted for structural reform by the required date of 30 April 2009.

REPORTS OF THE WORKS & FINANCE COMMITTEE

Attendance: Cr B C Kavanagh, Shire President, Member; Cr M C Lynn, Member;
Cr R Thomas, Member; Cr D Ward, Deputy Member; G K Simpson, Chief
Executive Officer; P J Howard, Manager Finance; F Gerhard, Executive
Officer

Apology: Cr A Grice, Presiding Member

A2 DELEGATION OF VISITORS

No delegation of visitors at the Committee Meeting.

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

No questions by members of the public at the Committee Meeting.

A4 DECLARATION OF INTEREST

No declarations of interest at the Committee Meeting.

FE FINANCE CONTROL & EXPENDITURE

FE1 ACCOUNTS FOR PAYMENT

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 8 April 2009

Purpose

The purpose of this report is to obtain approval for cheques, electronic funds payments and direct debits drawn since the last report and accounts now presented for payment.

Background

Nil

Report

Appendix 4.1 lists details of all cheques drawn since the last report and accounts now presented for payment. The following summarises the cheques, electronic fund transfers, direct debits and accounts included in the list presented for payment.

MUNICIPAL FUND	PAYMENT TYPE	<u>AMOUNT</u>
	Cheque numbers 10053 – 10073 (inclusive)	
	Electronic Funds Transfers 2520 – 2595 (Inclusive)	
	Direct Debits 785 – 792 (inclusive)	
	TOTAL	\$256,517.90

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Thomas seconded Cr Ward it be recommended to Council that:

The payment of the cheques, electronic funds payments and direct debits drawn and accounts presented for payment, be approved.

COUNCIL DECISION – 54/APR 09

Moved Cr Lynn seconded Cr Ward that -

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

Note: Cr Vikingur joined the meeting at 6.44pm.

FE2 FINANCIAL STATEMENTS

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 8 April 2009

Purpose

The purpose of this report is to provide Council with the financial reports for the period ended 31 March 2009.

Background

Nil

Report

The financial reports are provided for the period ended 31 March 2009.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Ward seconded Cr Thomas it be recommended to Council that:

The financial reports for the period ended 31 March 2009 be received and adopted.

COUNCIL DECISION - 55/APR 09

Moved Cr Lynn seconded Cr Ward that:
The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FE3 INVESTMENTS

File Ref: INV1
Author: P J Howard, Manager Finance
Date: 8 April 2009

Purpose

The purpose of this report is to provide details of Council's investments as at 31 March 2009 including details of the investing authority and terms.

Background

Nil

Report

INVEST #	INVESTMENT	INVESTING AUTHORITY	DATE INVESTED	MATURITY DATE	TERMS	INTEREST RATE	AMOUNT
1	Reserve Fund	NAB	27.01.2009	27.04.2009	90 Days	4.70%	\$4,431,245.44
2	POS Fund	NAB	27.02.2009	30.03.2009	31 Days	3.16%	\$535,934.85
3	General Fund	NAB	27.02.2009	30.03.2009	31 Days	3.16%	\$428,642.54

TOTAL \$5,395,822.83

For members information, it is advised that the Reserve Funds Investment at 31 January 2009 is comprised as follows:-

Staff Leave Reserve	\$ 23,454.32
Plant Replacement Reserve	\$ 171,173.84
Infrastructure/Building Reserve	\$4,017,296.72
Sitting Fee Reserve	\$ 42,943.10
Library Leave Reserve	\$ 42,298.54
Library Infrastructure Reserve	\$ 70,674.48
Road Reserve	\$ 63,404.43
	<u>\$ 4,431,245.44</u>

For Members information:

At the same period last year the reserve balances were as follows:

Staff Leave Reserve	\$ 19,402.26
Plant Replacement Reserve	\$ 163,084.30
Infrastructure/Building Reserve	\$ 219,118.26
Sitting Fee Reserve	\$ 21,187.20
Library Leave Reserve	\$ 36,934.85
Library Infrastructure Reserve	\$ 32,421.61
Road Reserve	\$ 59,590.83
	<u>\$ 551,739.31</u>

For Members information:

Interest earnings of \$73,924.98 have been credited to the fund at maturity on 27 January, 2009. Budgeted transfers to reserves of \$49,400 together with library surplus of \$10,178 have been transferred from the Cash Maximiser term deposit and added to the reserve fund on 27 January, 2009. The fund has now been invested for a further three months to mature on 27 April 2009 with the government guarantee on amounts held over \$1,000,000 being taken up. The request for the government deposit guarantee has been lodged with the NAB and the resulting fee will be reported in the May meeting.

Total amount held in Reserves as at 31st March 2009, is \$4,967,180 as shown in the Balance Sheet under heading Cash Restricted.

The amount of \$428,642.54 held in the general term deposit is included in Cash At Bank on the Balance Sheet.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Kavanagh seconded Cr Ward it be recommended to Council that:

The Investment Register for 31 March 2009 be received.

COUNCIL DECISION - 56/APR 09

Moved Cr Lynn seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FE4 LIBRARY PROJECT SUMMARY COSTS

08/09 year	All figures are exclusive of GST									
	Cox	Davson Ward	Fundraising m'm	Brown McAllister	Josh Byrne	Misc	Western Pwr	Kooperman	J&S drilling	
Jul-08	4,212	32,000				14,850				1,267,707
Aug-08	4,212					6,821				51,062
Sep-08	35,120									11,033
Oct-08	8,853									35,120
Nov-08	3,610				2,708					8,853
Dec-08	3,610					2,616	14,125	7,500		6,318
Jan-09	3,610									27,851
Feb-09	4,685					3,225		4,000		3,610
Mar-09	3,610				7,455			3,400		11,910
Apr-09										14,465
May-09										-
Jun-09										-
	71,523	32,000	-	-	10,163	27,513	14,125	14,900	-	\$ 1,437,931
Payments under cost sharing arrangement										
	Cottesloe	MP	PG	PG Office		Total				
Jul-08	17,943	20,403	3,907	8,809		1,267,707				b/f 07/08
Aug-08	3,779	4,298	823	2,133		51,062				
Sep-08	12,030	13,680	2,620	6,791		11,033				
Oct-08	3,033	3,448	660	1,712		35,120				
Nov-08	2,164	2,461	471	1,222		8,853				
Dec-08	10,156	11,549	2,212	3,935		6,318				
Jan-09	1,237	1,406	269	698		27,851				
Feb-09	4,080	4,639	888	2,303		3,610				
Mar-09	5,567	6,330	1,212	1,355		11,910				
Apr-09						14,465				
May-09						-				
Jun-09										
TOTALS	\$ 59,989	\$ 68,215	\$ 13,063	\$ 28,958	\$ -	\$ 1,437,931				
				Total expended to date		\$ 1,437,931				
	\$ 435,413	\$ 495,125		PG to date	\$ 325,599					
	Cott to date	MP to date		3 councils contributions		\$ 1,256,137				
				funded from reserves		\$ 181,793				
						\$ 1,437,931				

Committee Recommendation

Moved Cr Kavanagh seconded Cr Thomas it be recommended to Council that:

- 1 The report on Library Project Summary Costs be received.
- 2 The Manager of Finance be requested to report to the next Works and Finance Committee on the actual costs permitted to be recouped from the Library Project and the distribution ratio agreed to.

COUNCIL DECISION - 57/APR 09

Moved Cr Lynn seconded Cr Ward that:

The Committee Recommendation be adopted

CARRIED UNANIMOUSLY

W WORKS

W1 ROADS TO RECOVERY 3

File Ref: GRA3
Author: G K Simpson, Chief Executive Officer
Date: 7 April 2009

Purpose

The purpose of this report is to bring to Council's attention that the Federal Government has extended the Roads to Recovery Program for a further five years.

Background

There has been two previous Road to Recovery Programs (R2R) which are funded over a quinquennium, however for small local governments application can be made to take the whole amount in one project.

Report

It is suggested that as R2R funds have to be spent within a gazetted road reserve funds in the 2009/10 budget be redefined to fund The Esplanade project from the R2R allocation of \$49,433 and rates be utilized for the Right of Way.

Policy Implications

Nil

Budget Implications

The projects will be part of budget discussions.

Committee Recommendation

Moved Cr Ward seconded Cr Thomas it be recommended to Council that:

Application be made to source the Roads to Recovery funds in one bulk figure to use on road resealing.

COUNCIL DECISION - 58/APR 09

Moved Cr Lynn seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

W2 RIGHT OF WAY – PERMEABLE PAVEMENT

File Ref: ROA8
Author: G K Simpson, Chief Executive Officer
Date: 7 April 2009

Purpose

The purpose of this report is to bring to Council's attention the report of Porter Consulting Engineers on the suggested surface to be used in the Right of Ways.

Background

Porter Consulting Engineers reported to the Shire in July 2008 that to construct, seal, drain and illuminate the right of ways for a width of four metres and the total length of 200 metres would amount to approximately \$180,000 - \$220,000 which is clearly beyond the Shire's ability to fund in one budget.

Report

The project commenced with the request to upgrade the surface of the right of way extending in an easterly direction for the shopping centre car park between Leake Street and Irvine Street, however the study widened to include what type of surface was recommended. A copy of the Porter's report was attached with the agenda papers.

Regular vehicle usage in the right of way for people using rear entrance to their properties is limited to the first 100 metres which will cover from 26R Leake Street to 34R Leake Street. The scope of work will require raising the sewerage pit lids, introducing additional soakwell capacity, boxing out and filling with road base and final sealing for a width of four metres. It is not suggested overhead lighting be installed but it may be affordable to include bollard lighting.

Policy Implications

Acceptance of the concept of bitumen sealing of right of way may set policy for the future upgrading of the ROW surfaces.

Budget Implications

The cost of sealing and drainage will need to be funded from rates.

Reconstruction of The Esplanade is not considered to be necessary and there will be surplus carried over as the suggested repair and overlay will be less costly than the \$80,000 allocated. Additional funds can be allocated in the 2009/10 budget.

Committee Recommendation

Moved Cr Kavanagh seconded Cr Ward it be recommended to Council that:

Sealing and draining as per Porter's recommendation for the first 100 metres of the Right of Way running eastwards from the shopping centre carpark be listed in the draft budget for 2009/10.

COUNCIL DECISION - 59/APR 09

Moved Cr Lynn seconded Cr Ward that:

- 1 The Policy Implication stated in the report not be seen to be a precedent and therefore the implication be nil.
- 2 The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

W3 PROPOSED ROUNDABOUT KEANE/VIEW STREET

File Ref: ROA3/ROA4
Author: G K Simpson, Chief Executive Officer
Date: 8 April 2009

Purpose

The purpose of this report is to inform Council of the outcome of the direct consultation with residents living in the vicinity of the intersection.

Background

A copy of the proposed roundabout plan was forwarded to twenty-six properties close to the intersection and the closure of the comments period only two comments were submitted.

Report

One resident supported the proposal and referred to it as excellent and much needed. The second resident stated:

However, my experience with roundabouts is that most cars approach the intersection on a “rolling” basis. This would be a disaster if approaching the intersection coming up the hill on Keane Street.

Because of the restricted visibility of this approach it is important to come to a complete stop and very carefully ease into the intersection to be sure of avoiding a collision.

The Shire should consider restricting the parking on the East side of View Street near this intersection to improve road coming up Keane Street.

The Shire should not put in the roundabout because it is not a level arrival point from all 4 directions.

The rules on approaching a roundabout require a driver to give way to all traffic on the roundabout and provided they approach the intersection at a reasonably cautious speed difference in levels will not be a problem because all vehicles have equal give way/right of way. Parking has been restricted to improve sight distance.

Policy Implications

Nil

Budget Implications

The projected cost is below the budgeted figure.

Committee Recommendation

Moved Cr Kavanagh seconded Cr Thomas it be recommended to Council that subject to the total project cost being within budget -

Council engage Porter Consulting Engineers to –

- 1 seek competitive quotations to construct the roundabout
- 2 supervise the construction project

COUNCIL DECISION - 60/APR 09

Moved Cr Lynn seconded Cr Thomas that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

W4 REQUEST FOR REMOVAL OF STREET TREE

File Ref: TRE1
Author: G K Simpson, Chief Executive Officer
Date: 9 April 2009

Purpose

The purpose of this report is to seek Council's approval to remove a young street tree from the verge of 23 Johnston Street.

Background

A change to the position of the ground level undercroft garage on the new home being constructed on the North West corner of Johnston and Venn Streets has resulted in the owners shifting the position of the driveway and altering the front fence.

Report

Inspection of the property has shown that the fence was not being built according to the approved plan but this matter is now going to be rectified.

The proposed driveway is to come out directly south of the garage opening and the crossover at the footpath edge will curve in a south westerly direction and enter Johnston Street near the western boundary of the property.

The position of the young tree is almost in the middle of the driveway and whilst it may be possible to reverse out past the tree now it will rapidly expand in trunk size and become a hazard.

The owners are very keen to see the existing old tree on the street corner given extra water in the hope that will now flourish.

Policy Implications

Nil. It has been a management practice to resist the removal of good quality trees however, the young tree has been damaged and the old tree on the verge is in a poor state.

Budget Implications

Costs should be borne by the developer.

Committee Recommendation

Moved Cr Ward seconded Cr Thomas it be recommended that:

Mr & Mrs Metcalf be advised that because the need to remove the young street tree is a result of the development, Council requires that:

- 1 two new advanced trees be established on the Johnston Street verge, with one being in the truncated corner and the other being on the eastern side of the fence opening.
- 2 the old tree and the young tree be removed.
- 3 all costs be covered by the owner and a bond of \$2,500.00 be lodged with the Shire.

COUNCIL DECISION - 61/APR 09

Moved Cr Lynn seconded Cr Thomas that:

The Committee Recommendation be adopted subject to item 3 being amended to read:

- 3 A deposit of \$2,500 to be paid in advance to cover the cost of the Shire purchasing two new advanced trees mentioned in sub-recommendation 1.

CARRIED UNANIMOUSLY

FOP OPERATIONAL ISSUES

FOP1 RANGER REPORT - March 2009

File Ref: LAW3
Author: A Jackson, Senior Ranger
Date: 2 April 2009

1 Activity Statistics

	PARKING	DOGS
Infringements	1	0
Written cautions	14	11
Verbal cautions	7	13
Vehicle tow notices	3	-
Impounded vehicles	0	-
Dogs Impounded	-	0
Barking complaints	-	0
Dog attacks	-	0
Dogs Returned to Owners	-	3

2 Current Issues

- 22 hours patrol
- Animal Supervision on parks and reserves
- Parking patrols in all school areas morning and evening
- Monitoring trades vehicles on building sites
- Security Patrols (Council Buildings)

Committee Recommendation

Moved Cr Ward seconded Cr Thomas it be recommended to Council that:

The information be received.

COUNCIL DECISION - 62/APR 09

Moved Cr Lynn seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

REPORTS OF THE HEALTH, BUILDING & TOWN PLANNING COMMITTEE

Attendance: Cr D A C Ward, Presiding Member; Cr P B Bacich, Member;
Cr B C Kavanagh, Shire President, Deputy Member; Cr R L
Thomas, Member; G Simpson, Chief Executive Officer;
T Mayor, Manager of Development Services; F Gerhard,
Executive Officer

Apologies: Cr G T Vikingur

A2 DELEGATION /DEPUTATIONS

No delegations present at the Committee Meeting.

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

No questions by members of the public at the Committee Meeting.

A4 DECLARATION OF INTEREST

Cr Thomas declared a proximity interest in items SD1 and HOP2 at the Committee Meeting.

Cr Bacich declared a pecuniary interest SD1 and proximity interest HOP2 at the Committee Meeting

Cr Kavanagh declared a proximity interest in item DA2 at the Committee Meeting.

EH ENVIRONMENTAL HEALTH

EH1 FOOD RECALLS

File Ref: HEA5
Author: T Mayor, Manager of Development Services
Date: 8 April 2009

Purpose

The purpose of this report is to inform Council of the action taken by the Shire's Manager of Development Services with regard to food recall notifications.

Background

The Health Department of Western Australia advises all Local Governments of any food products that have been recalled.

Report

One (1) Food Recall Notification was issued by the WA Department of Health for the reporting period which was a Category 2 and is a consumer level recall and does not

require a response from the Shire's Environmental Health Officer. Consumers can return the product to the distributor and disposal/destruction is carried out by the retailer

The Food Recall Notification and details of the recall product are available from the Officer.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Bacich seconded Cr Thomas it be recommended to Council that:

The information be received.

COUNCIL DECISION - 63/APR 09

Moved Cr Ward seconded Cr Bacich that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

EH2 FOOD BUSINESS INSPECTIONS

File Ref: HEA5
Author: T Mayor, Manager of Development Services
Date: 8 April 2009

Purpose

The purpose of this report is to inform Council of the food businesses inspected during the reporting period.

Background

The surveillance and inspection of food businesses are carried out periodical and routinely to assess compliance with the Health (Food Hygiene) Regulations 1993, are conducted as a normal duty of the Environmental Health Officer.

Report

The following food businesses were inspected during the reporting period –

- Royal Freshwater Bay Yacht Club
- Peppermint Grove Bakery
- Woolworths Supermarket (small goods and delicatessen section)
- One for the Road Café
- Red Rooster
- Little Cloud
- Cappuccino by the River
- Cafissommo Café

A Schedule of these food businesses and the outcomes of the inspections was distributed for Council information with the agenda papers.

Although the above premises were structurally in good order, there were items relating the general cleaning and hygiene that were of concern and require follow-up inspections to be carried out by the Officer to ensure compliance with Food Safety Standards.

Budget Implications

Nil

Policy Implications

Nil

Committee Recommendation

Moved Cr Kavanagh seconded Cr Thomas it be recommended to Council that:

The information be received.

COUNCIL DECISION - 64/APR 09

Moved Cr Ward seconded Cr Bacich that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

EH3 FOOD SAMPLES

No reports for the reporting period

AM AMALGAMATIONS

No reports for the reporting period

SD SUBDIVISIONS

SD1 ENDORSEMENT OF DEPOSITED PLAN FOR SUBDIVISION/AMALGAMATION (WAPC APPLICATION NO. 139181) – LOT 2 (1B) VENN STREET & LOT 1 (18) IRVINE STREET PEPPERMINT GROVE

Note: Crs Bacich and Thomas declared a pecuniary and proximity interest in the item under consideration and retired from the meeting at 7.13pm without taking part in discussion or voting on the subdivision.

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 8 April 2009

Background

Applicant: Bennetti Grogan and Associates
Owner: Olympic Holdings Pty Ltd and T & C Walsh
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 1843 m²

Report

At the Ordinary Meeting of Council held on 17 February 2009, Council was advised by the WA Planning Commission that an application for subdivision had been lodged with the WAPC for a minor subdivision/amalgamation of lot 2 (1B) Venn Street and lot 1 (18) Irvine Street Peppermint Grove. At the time of the advice from the WAPC the State Administrative Tribunal was deliberating on a request for review that involved these properties. Subsequently, it was resolved that -

Council advises the Western Australian Planning Commission that as the State Administrative Tribunal is currently considering a request for the review of a Council's decision to refuse a development application at lot 1 (18) Irvine Street Peppermint Grove, it would be inappropriate for Council to make any recommendations or comments to the Commission on the proposed subdivision. Any statements may have the potential to prejudice the decision of the Tribunal, subsequently the Shire Council has made the decision to defer consideration on the subdivision application until the matter is resolved by the State Administrative Tribunal.

The Planning Commission noted the response and invited the Shire of Peppermint Grove to prepare conditions that could be imposed should the Commission decide to approve the subdivision.

Council has recently received advice that the WA Planning Commission has approved the subdivision. A deposited plan has subsequently been submitted by the subdivision applicant, Bennetti Grogan and Associates, seeking clearance of the approval conditions.

The new subdivision/amalgamation has created a minor variation to shape of the common property boundary between the two existing lots however, the lots will remain as two lots. Essentially, the subdivision/amalgamation will increase the land area of lot 1 (currently 671m²) to 689m² whilst lot 2 (currently 1172m²) will be marginally reduced to a land area of 1153m². The variation in land areas will not affect the existing residential density coding of lots 1 & 2 and will remain unchanged as R12.5.

Committee Recommendation

Moved Cr Kavanagh seconded Cr Ward it be recommended to Council that:

Council notes the information.

COUNCIL DECISION - 65/APR 09

Moved Cr Ward seconded Cr Vikingur that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

Note: Crs Bacich and Thomas rejoined the meeting at 7.16pm

DA DEVELOPMENT APPLICATIONS

ADDITIONS/ALTERATIONS/REFURBISHMENTS/EXTENSIONS

DA1 UPPER LEVEL ADDITION AND INTERNAL ALTERATIONS AND REFURBISHMENTS TO RESIDENCE – LOT 50 (3) KEANE STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 36)

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 8 April 2009

Background

Applicant: Dale Alcock Home Improvements
Owner: G & K Crawford
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 781 m²

Report

An application has been received seeking approval for an upper level addition, external restorations and internal (minor) alterations and refurbishments to the existing single storey residence at the above property.

The proposed addition contains additional bedrooms, bathroom facilities and access stairs to serve the upper level. The remaining work is the restoration of the existing heritage residence and minor internal renovations.

This report recommends approval for the proposed development at 3 Keane Street.

Heritage

This property is listed in the Shire of Peppermint Grove Municipal Heritage Inventory as Category 1.

“Category 1

Buildings, which due to their character create the atmosphere of Peppermint Grove, therefore should be retained, but may be altered and extended in a manner which is both discrete and sympathetic to the original fabric and character so that a significant proportion of the original building is retained and from the street the additions are seen to be a continuation of the same fabric and character cultural significance of the property”.

Plot Ratio

The plot ratio will be 0.41, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be 58.5% which complies with the Residential Planning Codes, Table No 1.

Front Setback

Unaffected by the development

Rear Setback

Unaffected by the development

Western Side Setback

Complies with the relevant requirements of the Residential Design Codes, Tables 2a and 2b, setback provisions.

Eastern Side Setback

Complies with the relevant requirements of the Residential Design Codes, Tables 2a and 2b, setback provisions.

Height

The architect has gone to considerable lengths to ensure that the features of the original building are carefully and faithfully replicated in the design of the proposed additions, extensions and alterations, particularly in the external profiles, roof pitches and fabric selections. In order to maintain continuity with the architecture of the original dwelling and to avoid a ‘compressed’ appearance from the street, it was necessary to retain relative ceiling levels and roof pitches, resulting in a small section of the upper level roof exceeding the prescribed height limit. The section of roof that exceeds the height limit is located in the centre of the building and will have no impact upon the amenity of the adjoining properties and will contribute to the visual amenity of the streetscape by creating a building that is more in keeping with the original heritage dwelling at 3 Keane Street.

The Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 5.1.6 Variations to Scheme Provisions enables Council to vary conditions where there is an outcome that will make a positive contribution to the retention and restoration of a heritage dwelling.

Lot 50 has a Mean Natural Ground Level RL 8.93. The ridge of the proposed upper level addition will have a maximum roof height RL 19.33, resulting in a building height of 10.4m and exceeds the building height prescribed by the Shire of Peppermint Grove Town Planning Scheme No. 3 by 400mm.

The Shire of Peppermint Grove Town Planning Scheme No. 3 Part 5.1 HERITAGE PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE, Clause 5.1.6 Variation to Scheme Provisions, enables Council to exercise reasonable discretion to permit certain variation to ensure that heritage buildings are retained and conserved and states that –

5.1.6 Variations to Scheme Provisions

5.1.6.1 Where desirable to facilitate the conservation of a place, area, building object or structure of heritage value, or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that where in the Council’s opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall:

- a) *consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 6.2 Advertising of Applications; and*
- b) *have regard to any expressed views prior to making its decision to grant the variation.* (Approval Gazetted 16/7/96)

It should be noted that the section of roof that exceeds the maximum height of 10.0m is located in the centre of the roof of the upper level addition and will have minimal impact upon the amenity of the adjoining properties.

As the roof of the upper level addition will exceed the prescribed building height limit, it will be necessary for Council to exercise its discretion and to grant its express approval for the section of roof that exceeds the maximum height limit of the Shire's Town Planning Scheme.

This report recommends that Council exercises its discretion to implement its power to approve the height variation of 10.4m.

Amenity

The existing residence at lot 50 is listed as a Category 1 building in the Shire of Peppermint Grove Municipal Heritage Inventory and the proposed restoration and development of the dwelling will make a significant contribution to the amenity of the locality whilst conserving a valuable heritage building in the Shire.

Crossovers and Street Trees

Unaffected by the development

Fencing

No changes to the existing fence structures.

Outbuilding Area

N/A

Consultation

A summary of the community consultation process showing formal comments and their relevance to the Shire's Peppermint Grove Town Planning Scheme No 3 and the Residential Design Codes is illustration below.

NEIGHBOUR PROPERTY	COMMENTS AND/OR OBJECTIONS	R-CODE R'QMNTS	TPS3 R'QMNTS	OFFICER'S COMMENTS
1 Keane St	Sighted plans – no comments.			
3A Keane St	No comments or objections received.			
5 Keane St	Sighted plans – no objections No comments or objections			
12 Crossland Ct				

Discretions to be Considered

Should approval be granted for the development it will be necessary for Council to exercise its discretion in accordance with the Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 5.1.6 Variations to Scheme Provisions, to approve the building height of 10.4m.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Kavanagh seconded Cr Thomas it be recommended to Council that:

The item be deferred until the May Committee Meeting.

COUNCIL DECISION - 66/APR 09

Moved Cr Ward seconded Cr Thomas that:

The Committee Recommendation be adopted.

CARRIED

Note: Cr Bacich recorded his vote against the motion.

CONSTRUCTION OF NEW DWELLINGS

No reports for the reporting period

CONSTRUCTION OF FENCES

DA2 FRONT BOUNDARY FENCE – LOT 101 (28) VIEW STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 41)

Note: Cr Kavanagh declared a proximity interest in the application and retired at 7.23pm without taking part in discussion or voting.

Note: Cr Ward was elected as Meeting Presiding Member in the absence of Cr Kavanagh.

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 8 April 2009

Background

Applicant: Boughton Architecture
Owner: J Birchmore
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 1518m²

Report

An application has been received seeking approval for the construction of an open aspect fence on the front boundary at the above property.

The fence has been constructed and essentially complies with all of the relevant requirements of the Shire of Peppermint Grove Local Laws Relating to Fencing, however, the 20mm spacing between the 65mm wide timber palings is less than the prescribed 50% permeability and requires Council consideration for this minor variation. The Local Law enables Council to exercise its discretion to permit such a variation.

The residence at 28 View Street is a Category 1 Heritage building (Shire of Peppermint Grove Heritage Inventory) and has recently undergone a significant restoration and renovation program. The fence is in keeping with the architecture and style of the residence and satisfies the intent and spirit of the Local Law.

The proponent has submitted a formal rationale for the fence and should be read in conjunction with this report.

This report recommends that the minor variation for the fence at 28 View Street be approved.

Discretions to be Considered

The Shire of Peppermint Grove Local Laws Relating to Fencing, clause 8, enables Council to exercise discretion to approve a variation that would be in keeping with the intent of the Local Law and further, it would be in the interests for the streetscape and general amenity of the area to support the minor variation.

Policy Implications

Nil

Budget Implications

Nil

Officer's Recommendation

Council grant Planning Consent approval for Application 009 – 41 for the variation to the open aspect requirement for the front fence and permits a spacing of 20mm between the 65mm timber palings at lot 101 (28) View Street Peppermint Grove in accordance with the plans and specifications submitted on 26 March 2009.

And further, the proponent be advised that Council, in granting planning consent approval for the development, has exercised its discretion in accordance with the Shire of Peppermint Grove Local Laws Relating to Fencing, to approve the variation to the open aspect requirement of the Local Laws.

Committee Recommendation

Moved Cr Thomas seconded Cr Ward it be recommended to Council that:

- 1 Council grant Planning Consent approval for Application 009 – 41 subject to the construction meeting the 50% permeability of the open aspect requirement for the front fence at lot 101 (28) View Street, Peppermint Grove.

Note: Cr Bacich recorded his vote against the Committee's motion and advised that he was in favour of the Officer's Recommendation.

COUNCIL DECISION - 67/APR 09

Moved Cr Bacich seconded Cr Vikingur that -

- 1 Council grant Planning Consent approval for Application 009 – 41 for the variation to the open aspect requirement for the front fence and permits a spacing of 20mm between the 65mm timber palings at lot 101 (28) View Street Peppermint Grove in accordance with the plans and specifications submitted on 26 March 2009.
- 2 The proponent be advised that Council, in granting planning consent approval for the development recognises the heritage restoration work undertaken by the owner of the property, and exercise its discretion in accordance with the Shire of Peppermint Grove Local Laws Relating to Fencing, to approve the variation to the open aspect requirement of the Local Laws.

Note: Cr Kavanagh rejoined at 7.42pm.

CARRIED UNANIMOUSLY

CONSTRUCTION OF OUTBUILDINGS

No reports for the reporting period

COMMERCIAL PREMISES

No reports for the reporting period

DEMOLITIONS

No reports for the reporting period

OTHER

DA3 REDEVELOPMENT OF CHILDREN'S PLAYGROUND – ROYAL FRESHWATER BAY PLAYGROUND, KEANE'S POINT RESERVE 221556 CORNER HOBBS PLACE AND LILLA STREET PEPPERMINT GROVE

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 8 April 2009

Background

Applicant: Shire of Peppermint Grove
Owner: Shire of Peppermint Grove
TPS No 3 Zoning: Reserve
Land Use: Recreation
Lot Area: 4697m²

Report

The Shire of Peppermint Grove is currently engaged in the redevelopment of the existing children's playground and equipment at the Freshwater Bay Playground , Hobbs Place.

The Shire is responsible for the management, development and general maintenance of the reserve.

The reserve is recognized in the Metropolitan Regional Scheme and as such, it is the policy of the WA Planning Commission for development on a reserve to approved by the Commission, however, the policy does enable the managing agent (the Shire) to determine if it is necessary to seek this approval.

In this instance, the proposed redevelopment of the playground maintains continuity with the approved use of the reserve and therefore it is not considered necessary to obtain the approval of the WAPC for the proposed works being the redevelopment of the playground and facilities.

Consultation

The Officer has liaised with the WAPC on the matter.

Discretions to be Considered

Council may exercise its discretion in accordance with the WAPC Policy DC 5.3 Use of Land Reserved for Parks and Recreation and resolve to not require the approval of the WAPC for the redevelopment of the playground.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Bacich seconded Cr Thomas it be recommended to Council that:

Council exercise its discretion in accordance with the WAPC Policy DC 5.3 Use of Land Reserved for Parks and Recreation and resolve to not require the approval of the WAPC for the redevelopment of the playground at Reserve 22156 Hobbs Place, Peppermint Grove.

COUNCIL DECISION - 68/APR 09

Moved Cr Ward seconded Cr Vikingur that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

BLD BUILDING

BLD1 BUILDING LICENCE VARIATIONS

No reports for the reporting period

BLD2 HERITAGE

No reports for the reporting period

BLD3 BUILDING/DEMOLITION LICENCES APPROVED

File Ref: BUI20/BUI7
Author: T Mayor, Manager of Development Services
Date: 7 April 2009

Purpose

The purpose of this report is to inform Council of the Building Licences and Demolition Licences approved during the reporting period.

Background

Council Policy delegates authority to the Building Surveyor to approve licenses for the construction and demolition of buildings provided the following requirements are met: -

1. The use of any discretionary power by Council has previously been addressed by the Council.
2. Development approval has been granted in accordance with the requirements of the Shire of Peppermint Grove Town Planning Scheme No.3.
3. Development approval conditions being complied with.
4. Compliance with the Building Code of Australia.
5. Compliance with any conditions previously stated by Council.

Report

The following building licenses have been approved during the reporting period, in accordance with Council's Policy:

Building Lic. No.	Owner	Address	Description	Amount \$
3129	B BREDEN	70 LEAKE	Side boundary fence (adjoining ROW)	1,512
3130	PUZEY	29 McNEIL	Outbuilding (workshop)	55,000
3131	R OSWAL	2 BAY VIEW TCE	Entry statement and front and perimeter boundary fences	750,000
3132	FIELDLINE CORP	460 – 476 STIRLING HIGHWAY	Internal fitout and alterations to shop for educational establishment	88,000

There were no Demolition Licences issued during the reporting period:

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Bacich seconded Cr Thomas it be recommended to Council that:

The information be received.

COUNCIL DECISION - 69/APR 09

Moved Cr Ward seconded Cr Vikingur that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

BLD4 BUILDING INSPECTIONS

File Ref: BUI10
Author: T Mayor, Manager of Development Services
Date: 7 April 2009

Purpose

The purpose of this report is to inform Council of the routine building inspections carried out by the Officer during the reporting period.

Background

The Building Surveyor carries out routine inspections of buildings under construction and when necessary conducts final inspections of completed buildings to ensure that the building complies with Council development approval (planning) and requirements of the Building Code of Australia (building) and other statutory requirements (health and sanitation).

Where non-compliance is identified the Officer will initiate appropriate action to remedy deviations to approvals or statutory requirements.

Report

Inspections of the following building licences were carried out during the reporting period -

Building Lic. No.	Building type	Address	Inspection type and outcome
2951	New dwelling	132 Forrest St	Progress – internal fitout commenced, external cladding being installed.
3108	Swimming pool	132 Forrest St	Progress – excavation completed and reticulated cleaning system installed.
2968	Western side boundary fence	132 Forrest St	Completed
3066	Group dwelling	113 Forrest St	Progress – nearing completion. Internal fitout in progress,

			external landscaping completed. Crossover under construction.
3046	Alterations and additions to dwelling	161 Forrest Street	Progress – internal fitout commencing.
2898	Swimming pool	161 Forrest St	Progress – shell installed
3047	New dwelling	1 Butler Way	Progress – lock-up, internal fitout in progress.
3061	Restoration and refurbishments to fire damaged residence	20 Bay View Tce	Completed – inspection to be conducted with engineers and insurance assessor
3121	Bin storage compound	113 Forrest St	Completed
2994	New residence	20 The Esplanade	Progress inspection – roof construction completed, internal fitout in progress.
3059	Alterations, additions and renovations/refurbishments to existing residence	58 View St	Progress inspection – new additions complete, roof under construction, internal work commenced
3015	New residence	53 Irvine St	Progress inspection – basement complete, ground level under construction.
3072	New dwelling	6 Bay View Tce	Progress – upper level and roof complete, internal fitout commenced.
2965	New residence	37B Keane St	Progress inspection – nearing completion
3050	Carport	155 Forrest St	Completed
3035	New dwelling	1 Crossland Ct	Progress – nearing completion.
3100	New residence	2 Bay View Tce	Progress inspection are carried out every 2 weeks with the project supervisor. Construction of ground floor slabs and walls in progress.
2951	New residence	132 Forrest St	Progress – lock-up, internal fit out in progress.
2968	Boundary fences	132 Forrest St	Completed

Committee Recommendation

Moved Cr Bacich seconded Cr Thomas it be recommended to Council that:

The information be received.

COUNCIL DECISION - 70/APR 09

Moved Cr Ward seconded Cr Vikingur that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

BLD5 SIGNS & HOARDINGS

No reports for the reporting period

HOP OPERATIONAL ISSUES

HOP1 IMPLEMENTATION OF A REVISED SAMPLING SCHEME – LOCAL HEALTH AUTHORITY ANALYTICAL COMMITTEE (LHAAC)

File Ref: HEA5
Author: T Mayor, Manager of Development Services
Date: 14 April 2009

Purpose

The purpose of this report is to inform Council of the changes to the Local Health Authorities Analytical Committee's new food sampling scheme.

Background

The current sampling scheme was introduced approximately 25 years ago. The Scheme levies funds from all Local Governments in WA according to a population based formula and uses the funds to engage the services of a food analyst to conduct a variety of analyses on food samples submitted by member Local Governments.

The Scheme was intended to sample and analyse locally manufactured and produced foods, however, food supplies are now obtained world-wide and subsequently there has been a recognized need to change the sampling and analysis scheme.

A full background report together with FAQs prepared by the Local Health Authorities Analytical Committee was attached with the agenda papers.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Bacich seconded Cr Thomas it be recommended to Council that:

The information be received.

COUNCIL DECISION - 71/APR 09

Moved Cr Ward seconded Cr Vikingur

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

HOP2 STATE ADMINISTRATIVE TRIBUNAL DECISION DR/265 OF 2008 – WALSH AND THE SHIRE OF PEPPERMINT GROVE - LOT 1 (18) IRVINE STREET PEPPERMINT GROVE (PC APPLIC NO. 008 – 54)

Note: Crs Thomas previously declared a proximity interest in the property at 18 Irvine Street and retired from the meeting at 8.47pm without taking part in discussion or voting

File Ref: TPL3
Author: T Mayor, Manager of Development Services
Date: 14 April 2009

Purpose

The purpose of this report is to inform Council of the outcome of the State Administrative Tribunal decision DR/265 of 2008.

Background and Report

At the Ordinary Meeting of Council held on 16 June 2008, an Application for Planning Consent was considered for the development of a new two residence at the 18 Irvine Street Peppermint Grove. The officer recommended that the application for

the new residence be approved however, after considering a number of intense submissions from neighbours in the vicinity of 18 Irvine Street, the Council resolved to not grant Planning Consent for the development on the basis that:

- a) *the bulk and scale of the proposed development is not in keeping with the area and impacts upon the heritage residence at 1B Venn Street*
- b) *the proposed incursions into the northern, western and southern setback area is undesirable*
- c) *the building located at the nil setback on the southern boundary will result in the overshadowing to the heritage home at 1B Venn Street*
- d) *Irvine Street is the primary street for the proposed dwelling as it provides the major entry to the building*

The owners subsequently exercised their right to submit a request for the review of Council's decision to the State Administrative Tribunal.

After a protracted 10 months of Hearings and \$106,000 of expenditure on legal and planning representation, the State Administrative Tribunal (SAT) held a Final Hearing on 17 March 2009. The Tribunal decided to set aside the decision of the Shire of Peppermint Grove (Planning Consent Application No. 008 – 54) to refuse development approval for the construction of a single residence at 18 Irvine Street and a decision was substituted that conditional development approval be granted. The conditions of the SAT approval included –

- Irvine Street being the primary street front
- A front boundary setback of 5.5m was approved for the proposed residence
- A minor incursion on the northern side of the residence was required to be removed
- A solid section of boundary fence was permitted on the northern (front) boundary to provide privacy to a swimming pool and the outdoor living area and
- The nil setbacks on the southern and eastern sides of the residence remained unchanged

Essentially, there were no significant changes to the proposed residence that was originally recommended to Council for approval by the officer.

In accordance with the instructions of the SAT the Shire has issued planning approval and a building licence for the development of a new residence at 18 Irvine Street Peppermint Grove.

A full copy of the SAT's Reasons for the Decision of the Tribunal and the Order of the decision was distributed with the agenda papers.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Kavanagh seconded Cr Bacich it be recommended to Council that:

The information be received

COUNCIL DECISION - 72/APR 09

Moved Cr Ward seconded Cr Vikingur that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

Note: Cr Thomas rejoined the meeting at 8.50pm

DEL DELEGATES REPORT

DEL1 WA Local Government Association – Central Zone Meeting

Councillors Bacich, Ward and the Chief Executive Officer attended the Central Zone Meeting at the City of Perth on 26 March 2009.

Major items of interest were: -

- Local Government Response to the Minister’s Amalgamation Proposal
- Public Library Stock Takes – the meeting expressed its concern that Local Government appears to have been disadvantaged in the proposed agreement with the State Library and suggested that the matter needs further investigation.

DEL2 Proposed Library Project

The Shire President advised that he and the Chief Executive Officer had attended a Tender Evaluation Committee Meeting earlier in the day and the Committee resolved to request the preferred builder hold the price on the contract until mid May pending the outcome of the grant applications before a final commitment is made.

Should funding not be approved the three local governments would need to re-evaluate the proposed library/community centre project.

CEO CHIEF EXECUTIVE OFFICER'S REPORT

CEO1 ANNUAL LEAVE - CEO

File Ref: PER13
Author: G K Simpson, Chief Executive Officer
Date: 16 April 2009

Purpose

The purpose of this report is to advise Council that I will be away on two weeks leave for the period 25 May to 5 June.

Report

The Minister for Local Government's Structural Reform programme makes it difficult to be away for long periods and this period is between Council's meeting schedule.

Policy Implications

Policy E1 and Delegated Authority No 1 makes provision for the CEO to make arrangements for an officer to be Acting and on this occasion it will be Mr Terry Mayor.

Budget Implications

Provision has been made in the budget for higher duties to be paid.

COUNCIL DECISION - 73/APR 09

Moved Cr Lynn seconded Cr Ward that:

- 1 Annual leave arrangements for the Chief Executive Officer be approved.
- 2 The arrangements for Acting CEO be noted.

CARRIED UNANIMOUSLY

CEO2 WA LOCAL GOVERNMENT ASSOCIATION – ANNUAL GENERAL MEETING

File Ref: REG2
Author: G K Simpson, Chief Executive Officer
Date: 16 April 2009

Purpose

The purpose of this report is to bring to Council's notice that the WA Local Government Association Annual General Meeting will be held on Saturday 8 August at the Perth Convention Centres.

Agenda items may be submitted up until Friday, 12 June 2009.

Background

The AGM is to be held at the conclusion of the 2009 Local Government Convention. The actual meeting will commence at 1.00pm and will finish at around 5.00pm.

Report

The Shire's representatives to the Central Zone of WALGA usually attend the Annual General Meeting and it is open to any Councillor to attend but all persons must be registered.

Invitations will be sent to Member Councils closer to the event.

Policy Implications

Nil

Budget Implications

Nil – provision has been made in the budget to cover any costs.

COUNCIL DECISION - 74/APR 09

Moved Cr Lynn seconded Cr Ward that:

The information be received.

CARRIED UNANIMOUSLY

NBUS NEW BUSINESS OF AN URGENT NATURE

No business of an urgent nature.

OP OPERATIONAL ISSUES

OP1 ANNUAL BUDGET REVIEW

File Ref: BUD3
Author: P J Howard, Manager Finance
Date: March 2009

Purpose

The purpose of this report is to review the 2008/2009 budget.

Background

Under the Regulation 33A of the Local Government (Financial Management) Regulations 1996 the Shire is required to conduct a budget review between 1 January and 31 March each financial year.

Report

Council resolved at the March Meeting to defer the item to the April Council Meeting.

The results of the review and the Statement of Financial Activity for the review period follow.

SHIRE OF PEPPERMINT GROVE
STATEMENT OF FINANCIAL ACTIVITY 2008/2009
of Projected variances to 30 June 2009 for the 12 month period 1 July 2008 to 30 June 2009

	2008/2009	February	February	Projected	Variance	Variations
	Budget	2009	2009	Actuals	Projected	Projected
		Y-T-D Budget	Actual		Actuals	Actuals
		\$	\$	\$	to budget	as % of
					\$	Budget
						%
Operating						
Revenues/Sources						
General Purpose Funding	1,897,459	1,799,758	1,874,461	1,946,461	49,002	2.58%
Governance	23,031	15,354	15,435	23,435	404	1.75%
Law, Order, Public Safety	50,015	33,343	46,022	50,222	207	0.41%
Community Amenities	76,547	51,031	48,185	76,278	-270	(0.35%)
Recreation and Culture	794,091	529,394	617,339	818,811	24,720	3.11%
Transport	7,100	4,733	63,962	63,962	56,862	800.87%
Economic Services	68,350	45,567	66,502	66,502	-1,848	(2.70%)
Other Property and Services	3,700	2,467	2,303	3,703	3	0.08%
Education and Welfare	0	0	0	0	0	0%
	2,920,293	2,481,647	2,734,209	3,049,374	129,081	10%
(Expenses)/(Applications)						
General Purpose Funding	(62,050)	(41,367)	(40,990)	(61,485)	565	0.91%
Governance	(409,929)	(273,286)	(281,857)	(422,786)	(12,857)	(3.14%)
Law, Order, Public Safety	(103,879)	(69,253)	(47,780)	(71,670)	32,209	31.01%
Health	(33,700)	(22,467)	(20,794)	(33,191)	509	1.51%
Community Amenities	(531,470)	(354,313)	(357,735)	(536,603)	(5,133)	(0.97%)
Recreation & Culture	(1,203,483)	(802,322)	(971,881)	(1,357,822)	(154,339)	(12.82%)
Transport	(432,223)	(288,149)	(268,025)	(392,038)	40,186	9.30%
Economic Services	(73,100)	(48,733)	(97,330)	(125,995)	(52,895)	(72.36%)
Other Property and Services	0	0	(49,725)	(51,725)	(51,725)	0.00%
Education and Welfare	(22,513)	(15,009)	(17,004)	(23,506)	(993)	4.41%
	(2,872,348)	(1,914,898)	(2,153,121)	(3,076,819)	(204,472)	(7.12%)
Adjustments for Non-Cash (Revenue) and Expenditure						
(Profit)/Loss on Asset Disposals	(31,341)	(20,894)	(4,481)	(14,481)	16,860	(53.80%)
Increase in equity WMRC	0	0	0	0	0	0.00%
Movement in LSL Leave Provisions	0	0	0	0	0	0.00%
Provisions/other accruals	5,000	3,333	0	5,000	0	0.00%
Depreciation on Assets	225,870	150,580	172,128	258,192	32,322	14.31%
Capital Revenue and (Expenditure)						
Purchase Land and Buildings	(4,330,800)	(2,887,200)	(137,306)	(155,959)	4,174,841	96.40%
Purchase Infrastructure Assets - Roads	(318,357)	(212,238)	(53,376)	(173,376)	144,981	45.54%
Purchase Infrastructure Assets - Parks	(560,000)	(373,333)	(10,000)	(50,000)	510,000	91.07%
Purchase Plant and Equipment	(268,960)	(191,307)	(132,321)	(202,321)	66,639	24.78%
Purchase Furniture and Equipment	(1,850)	(1,233)	(38,977)	(38,977)	(37,127)	(2007%)
Proceeds from Disposal of Assets	132,772	88,515	70,096	121,096	(11,676)	8.79%
Transfers to Reserves (Restricted Assets)	(249,400)	(166,267)	(264,949)	(314,949)	(65,549)	26.28%
Transfers from Reserves (Restricted Assets)	4,935,800	3,290,533	202,000	475,000	(4,460,800)	90.38%
ADD Net Current Assets July 1 B/Fwd	413,380	413,380	187,862	187,862	(225,518)	(54.55%)
Closing Surplus/ (deficit) C/F	0	660,618	571,764	69,642	69,642	

Ordinary Meeting of Council
20 April 2009

SHIRE OF PEPPERMINT GROVE
STATEMENT OF FINANCIAL ACTIVITY 2008/2009
Report on Significant Variances Greater than 10% and/or \$5,000

NOTES ON VARIANCE PROJECTED ACTUALS TO BUDGET.

Variances greater than 10% and/or \$5,000 were due to:

Revenues:

General Purpose Funding: Revenues above YTD Budget.

Projected Interest on investments is \$50,000 above budget.

Law, Order, Public Safety: \$39,735 carried forward from 2007/08

Transport: above budget

\$60,000 received in November as 40% of Black Spot funding of \$150,000 for Stirling Highway, Johnston St works.

Economic Services:

BCITF levies are \$50,000 above budget

Expenses:

Recreation & Culture: Above budget

\$202,000 expensed for sinking of pumping station, originally budgeted as capital works but now after clarification classed as expense. Water Corp owns the structure, whilst the land is vested in PG. Budget YTD of \$802,322 is 8/12 of budgeted annual expense of \$1,203,483. Library expenses are within YTD budget.

Transport: \$40,000 below YTD budget. Road drainage and footpath maintenance below budget.

Economic Services: Funds remitted to BCITF \$50,000 above budget

Other Property and Services: Public works overheads and Plant operation are allocated to other programs by a monthly average allocation rate. Annual budget is zero as all budgeted expenses are allocated to various programs. Actual expense above budget due to annual MV insurances and registrations paid in July. Leave taken by staff to January. Also \$10,000 LSL and Accrued leave payments to D Saunders, retiring works foreman.

Adjustments for Non-Cash

(Revenue) and Expenditure: (Profit)/Loss on asset disposals

CEO and foreman vehicle yet to be disposed.

Capital Revenue

Proceeds from disposal of assets: \$70,096 received from sale MDS vehicle, MoF vehicle, works rodeo, Isuzu truck and two portacabins. CEO vehicle and foremans to be disposed.

Transfers to reserves: Projected \$65,000 above budget, mainly extra interest earnings.

Capital Expenditure

Purchase Infrastructure Assets - Roads: \$145,000 Below Budget.

Reseal Forrest st complete \$34,800, \$20,000 below budgeted cost. Preliminary work on roundabout begun.

Reconstruction of Esplanade deferred.

Traffic calming and installation of sumps, a/c 12010 not yet begun, budget of \$45,000.

Purchase Infrastructure Assets - Parks: \$510,000 Below Budget.

These costs originally included Sinking of Pump Station which has now been expensed rather than capitalised.

\$350,000 is budgeted for the Keane's Pt redevelopment.

\$50,000 is new Keane's Point public convenience which is budgeted to be withdrawn from reserves.

Land and Buildings

\$4,200,000 below budget, major library works not yet begun.

\$70,000 to date on office building and \$36,000 on shire's share of library. To be withdrawn from reserves.

Purchase of Plant and Equipment: below budget. CEO Vehicle, foreman vehicle and out front mower not yet purchased.

Purchase of Furniture and Equipment: \$37,500 Above budget.

Actual includes \$6,800 library computer equipment purchased to date which was misclassified in the budget as Plant and Equipment, which accurately is Furniture and Equipment. Actual also includes \$1,700 replacement stolen TV.

Includes Pump control cubicle \$19,376 and Ecoscape payment of \$3,700 - Playground site analysis.

Transfers from reserves:

\$4,460,000 below budget, mainly due to library and admin office construction not yet begun.

Approximately \$110,000 will be transferred from reserves to cover current year cost for library and admin building.

\$100,000 is budgeted to be withdrawn to fund redevelopment of depot at Manners Hill Park and \$50,000 is due to be

withdrawn from POS funds to cover Keane's Point redevelopment work to date. \$15,000 from sitting fee fund to cover projects funded.

The Shire is also required to establish materiality levels for reporting on variances between actual figures and budget figures.

Policy Implications

Budget review policy established.

Budget Implications

Nil

COUNCIL DECISION - 75/APR 09

Moved Cr Thomas seconded Cr Lynn that:

- (a) Council adopt the review of the 2008/2009 budget and
- (b) Under the Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, Council adopt a materiality level of 10% and/or \$5,000 to report on variances between actual, projected actual and budget figures in the Budget review.

CARRIED UNANIMOUSLY

OP2 WESTERN CENTRAL LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS

File Ref: REG13
Author: Lee-anne Low, Community Safety Coordinator
Date: 15 April 2009

Purpose

The purpose of the report is to request council to formally adopt the Western Central Local Emergency Management Arrangements dated 17 December 2008.

Background

The Emergency Management Act 2005 (the Act) establishes the roles and responsibility of local government in relation to emergency management. It also provides for the development of local emergency management arrangements and for those arrangements to have application across two or more local governments.

The three main responsibilities placed on local governments under the Act are prescribed in section 36 to 43 as being:-

- To establish a local emergency management committee.
- To ensure that effective local emergency arrangements are prepared and maintained for its district
- To manage recovery following an emergency affecting the community in its district.

Eight Local Governments from the Central Metropolitan Police District have combined to form the Western Central Local Emergency Management Committee (WCLEMC) for the purposes of Emergency Management planning, completing the requirement of local government to establish a local emergency management committee. The WC LEMC consists of representatives from the Towns of Vincent, Cambridge, Claremont, Cottesloe and Mosman Park, the Cities of Nedlands and Subiaco and the Shire of Peppermint Grove. In addition to local government, the WC LEMC is comprised by representation from Police, Fire and Emergency Services, Department for Child Protection and State Health. This regional structure has been approved by the State Emergency Management Committee (SEMC).

The WCLEMC has, on behalf of the eight local governments and within the framework and guidelines set out in the Act and State Emergency Management policies and plans, created a consolidated set of local emergency management and recovery arrangements, which now need to be approved by each local government.

Report

The current emergency management arrangements for the Shire of Peppermint Grove were last presented to and adopted by the Council in July 1995, at that time the arrangements had been prepared for the four Combined Councils, being Peppermint Grove, Mosman Park, Claremont and Cottesloe. A copy of the arrangements is available from administration.

The way that the Plan was written, no longer fully complies with current Emergency Management Legislation and guidelines.

Whilst Local Government is charged with ensuring the development of local emergency arrangements, this responsibility is discharged through the WCLEMC with support and advice from the Local Emergency Coordinator, who, by appointment by the State Emergency Coordinator, is the Officer in Charge of the Police Sub-District. Respective local governments do not therefore have a direct role in development of the local emergency arrangements. In practice this is achieved through local government representation on the LEMC.

Direct response to a local emergency, although coordinated by the Local Emergency Coordinator, is the responsibility of the relevant Hazard Management Agency (HMA),

the organisation which, because of its legislative responsibility or specialised knowledge, expertise and resources has the capacity to combat the condition creating the emergency, for example, the HMA for fire is Fire and Emergency Services. The

local arrangements will require Local government to provide resources and support to an HMA, if so requested, through the local emergency coordinator. The only circumstance in which local government becomes the HMA is for fires outside Gazetted Fire Districts, predominantly in rural districts.

The local emergency management arrangements, coupled with our local recovery arrangements, also commit the respective local governments to provision of welfare centres and provision of information, equipment and material resources to assist with emergency planning and response and to manage recovery activities as required by Section 36 of the Act.

The recovery of the community, after an emergency is a specific Local Government function or responsibility requiring the Local Government to develop a Local Emergency Recovery Plan that will form part of the Local Emergency Management Arrangements. The Shire of Peppermint Grove's Local Emergency Recovery Plan was adopted by council in June 2007.

With the formation of the WCLEMC, because of the increased diversity of the needs and expectations of the expanded local government area, it was necessary to completely re-develop the local arrangements. This process coincided with the introduction of the new Emergency Management Act 2005, so a combined working party was formed to create Local Emergency Management Arrangements (LEMA) that were appropriate for the whole area and that were compliant with the State Government Legislation.

The revised Local Emergency Management Arrangements 2008 have now been completed and need to be formally adopted by each Council. The Arrangements have been created by the WCLEMC, a process which included input from all eight (8) Local Governments, a number of State Government Agencies and a number of non-government agencies, which would normally respond to an emergency. The document comprehensively outlines the responsibilities of the individual stakeholders as well as defining Hazard Management Agencies and Incident Management.

The arrangements are the result of approximately two (2) years work and should be read in conjunction with the Shire's Local Recovery Management Arrangements, which were adopted by the Council in June 2007.

Legal/Policy

The Emergency Management Act 2005 requires Local Governments to ensure the preparation of Local Emergency Management Arrangements and prescribes the required content of these arrangements. The document is compliant with this legislation.

It should also be noted that the document will be a "controlled document" whereby any modifications, or amendments, except those considered by the Committee to be of a minor and non-consequential nature, will require to be formally approved by all members of the WCLEMC, including the Local Governments, before any changes are made.

Clause 36 Of the Emergency Management Act 2005 states:

36. Functions of local government

It is a function of a local government —

- (a) subject to this Act, to ensure that effective local emergency management arrangements are prepared and maintained for its district;
- (b) to manage recovery following an emergency affecting the community in its district; and
- (c) to perform other functions given to the local government under this Act.

Strategic Implications:

An improved capacity to manage local emergencies contributes to several strategic aims, community well being, good governance and quality environment. Local governments role is essentially focused on community leadership, management and planning to deal with emergencies. This offers the community reassurance that agencies have a degree of preparedness and response capability should a significant emergency eventuate.

Sustainability Implications:

The Local Emergency Management Arrangements have been compiled as a way to ensure the sustainability of the community, in the event of an emergency and the recommended procedures and processes, are designed to maintain a consistent approach to all actions.

Consultation:

The arrangements have been prepared in conjunction with 7 other local governments and relevant stakeholders that constitute membership of the WCLEMC. It is recommended that the completion of the arrangements be advertised in Shire publications and by having a link to the document included on the Shire of Peppermint Grove Website.

Financial/Budget Implications:

There will be a cost associated with the printing and binding of the document and then some distribution costs to ensure that all stakeholders are given a copy. These costs have been budgeted for in the current financial year.

Comments:

The Western Central Local Emergency Management Arrangements have been compiled to ensure that the Shire of Peppermint Grove's Community is afforded appropriate preparation for and protection from both natural and man-made

emergencies. Its adoption will ensure that the Shire can continue to meet the expectations of the community and it provides a framework, which can be established, in the event of an emergency. The report is recommended for approval.

COUNCIL DECISION - 76/APR 09

Moved Cr Lynn seconded Cr Bacich that:

Council adopt The Western Central Local Emergency Management Arrangements dated 17 December 2008.

CARRIED UNANIMOUSLY

OP3 THE CLIFFE INVESTIGATIVE COMMITTEE

Minutes of the last meeting held on 20 April 2009 were attached with the agenda papers.

COUNCIL DECISION

Moved Cr Vikingur seconded Cr Lynn that:

Council endorse the actions taken by the Investigative Committee.

CARRIED UNANIMOUSLY

OP4 FINAL MEETING

The President drew attention to the fact that this was Cr Bacich's final Council Meeting and advised that:

- Cr Bacich, in serving six years was currently the longest serving member.
- Held the position of Deputy President for 3½ years.
- Served on the Regional Planning Committee, Central Zone of LGA and a Board Member of Curtin Aged Persons Homes.
- Put in personal time and effort in serving the community over a long period of time.

CIB CONFIDENTIAL ITEMS OF BUSINESS

No confidential items of business at this meeting.

Ordinary Meeting of Council
20 April 2009

CLOSURE

There being no further business the meeting closed at 8.15pm.

These minutes were confirmed as a true and accurate record of proceedings at the Ordinary Meeting of Council held on 18 May 2009.

Presiding Member

Date