



SHIRE OF PEPPERMINT GROVE

AGENDA FOR THE

ORDINARY MEETING OF COUNCIL

TO BE HELD ON

17 August 2009

Ordinary Meeting of Council

17 August 2009

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Shire of Peppermint Grove

NOTICE OF THE ORDINARY MEETING OF COUNCIL

Dear President & Councillors

The next meeting of the Shire of Peppermint Grove Ordinary Meeting of Council will be held on 17 August 2009 in the Council Chambers, 1 Leake Street, Peppermint Grove, commencing at 6.30pm.

Graeme K Simpson
Chief Executive Officer

13 August 2009

A G E N D A

PROTOCOL STATEMENT

Council recognizes that it is permissible to record the Shire's Council and Committee Meeting 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.

A1 DECLARATION OF OPENING AND RECORDING OF ATTENDANCE & APOLOGIES

A2 DELEGATIONS

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

A4 DECLARATION OF INTEREST

A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 20 July 2009 be confirmed as a true and accurate record of proceedings.

That the Minutes of the Special Meeting of Council held on 28 July 2009 be confirmed as a true and accurate record of proceedings.

That the Minutes of the Special Meeting of Council held on 10 August 2009 be confirmed as a true and accurate record of proceedings.

A6 PROJECT REPORT LIST

Distributed with Committee Agenda Papers.

A7 ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

REPORTS OF THE WORKS & FINANCE COMMITTEE

Attendance: Cr B C Kavanagh, Presiding Member, Cr R L Thomas, Cr D A Ward
Mr G K Simpson, Chief Executive Officer, Mr P J Howard, Manager of
Finance

Apologies: Cr A Grice

A2 DELEGATION OF VISITORS

Nil

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

Nil

A4 DECLARATION OF INTEREST

Nil

A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Ward seconded Cr Thomas that:

The Minutes of the Works and Finance Committee Meeting held on 16 July 2009, be confirmed as a true and accurate record of proceedings.

A6 PROJECT REPORT LIST

Distributed with the Committee Agenda.

FE FINANCE CONTROL & EXPENDITURE

FE1 ACCOUNTS FOR PAYMENT

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 6 August 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 10111 – 10128 (inclusive)	
	Electronic Funds Transfers 2808 – 2919 (Inclusive)	
	Direct Debits 819 – 826 (inclusive)	
	TOTAL	\$464,010.85

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Ward seconded Cr Thomas 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.

FE2 FINANCIAL STATEMENTS

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 6 August 2009

Purpose

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

Background

Nil

Report

The financial reports are provided for the period ended 31 July 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 July 2009 be received and adopted.

FE3 INVESTMENTS

File Ref: INV1
Author: P J Howard, Manager Finance
Date: 6 August 2009

Purpose

The purpose of this report is to provide details of Council's investments as at 31 July 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	27.04.2009	27.07.2009	90 Days	3.60%	\$4,157,876.65
2	POS Fund	NAB	29.06.2009	30.07.2009	31 Days	3.15%	\$521,452.72
3	General Fund	NAB	29.06.2009	30.07.2009	31 Days	3.15%	\$30,515.47
TOTAL							\$4,709,844.84

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

Staff Leave Reserve	\$ 25,330.44
Plant Replacement Reserve	\$ 173,876.49
Infrastructure/Building Reserve	\$3,688,629.47
Sitting Fee Reserve	\$ 29,878.25
Library Leave Reserve	\$ 43,150.61
Library Infrastructure Reserve	\$ 71,728.67
Road Reserve	\$ 125,282.73
	<u>\$ 4,157,876.65</u>

For Members information:

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

Staff Leave Reserve	\$ 21,423.02
Plant Replacement Reserve	\$ 165,897.22
Infrastructure/Building Reserve	\$3,875,676.63
Sitting Fee Reserve	\$ 21,748.40
Library Leave Reserve	\$ 37,913.17
Library Infrastructure Reserve	\$ 33,280.39
Road Reserve	\$ 61,169.26
	<u>\$ 4,217,108.09</u>

For Members information:

Interest earnings of \$39,877.32 have been credited to the fund at maturity on 27 July, 2009. The fund has now been invested for a further one month to mature on 26 August 2009 (with interest of \$11,311.71).

On 20 July \$250,000 was transferred to the Municipal Operating account to cover operating cash required for July. This amount will be repaid to the term deposit as rate income is received.

Total amount held in Reserves as at 31 July 2009, was \$4,679,329 as shown in the Balance Sheet under heading Cash Restricted.

The amount of \$30,515 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 Ward seconded Cr Thomas it be recommended to Council that:

The Investment Register for 31 July 2009 be received.

FE4 LIBRARY PROJECT SUMMARY COSTS

09/10 year	All figures are exclusive of GST										
	Cox	Davson Ward	Fundraising m'm	IBMS	Josh Byrne	Misc	P S Structures	Kooperman	J&S drilling		
Jul-09	16,131			4676.754545		4,805		6,800.00		1,480,592	b/f 08/09
Aug-09							693,920			32,412	
Sep-09										693,920	
Oct-09										-	
Nov-09										-	
Dec-09										-	
Jan-10										-	
Feb-10										-	
Mar-10										-	
Apr-10										-	
May-10										-	
Jun-10										-	
	16,131	-	-	4,677	-	4,805	693,920	6,800	-	\$ 2,206,924	
Payments under cost sharing arrangement											
	Cottesloe	MP	PG	PG Office		Total					
Jul-09	11,103	12,625	2,418	6,267		1,480,592					b/f 08/09
Aug-09	237,699	270,294	51,759	134,169		32,412					
Sep-09						693,920					
Oct-09											
Nov-09											
Dec-09											
Jan-10											
Feb-10											
Mar-10											
Apr-10											
May-10											
Jun-10											
TOTALS	\$ 248,801	\$ 282,919	\$ 54,177	\$ 140,435	\$ -	\$ 2,206,924					
						Total expended to date				\$ 2,206,924	
	\$ 700,246	\$ 793,258				PG to date	\$ 531,627				
	Cott to date	MP to date				3 councils contributions	\$ 2,025,132				
						funded from reserves	\$ 181,793				
							\$ 2,206,924				

Recommendation

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

The report on Library Project Summary Costs be received.

W WORKS

W1 STIRLING HIGHWAY/JOHNSTON STREET INTERSECTION

Ref: ROA13, GRA2
Author: G K Simpson, Chief Executive Officer
Date: 28 July 2009

Purpose

The purpose of this report is to seek Councils endorsement of the application submitted for \$480,000 from the National Black Spot Funding Programme of 2010/11.

Background

Mr Brad Harris of Porter Consulting Engineer and the Chief Executive Officer met with Mr Abu Shamleh, Mr Snook and Mr Wooldridge of Main Roads WA, to discuss methodology to enable progress to be made on determining what improvements should be made to the Stirling Highway/Johnston Street intersection.

Mr Harris and the CEO outlined the results of the community consultation and the impasse reached whereby Council prefers the full set of traffic signals and Main Roads has only allocated Black Spot funds for the full median closure.

The outcome of the meeting was that the Shire would leave the existing \$150,000 Black Spot allocation for 2008/09 to remain in reserve and an additional application be made for \$480,000 for a set of traffic signals with no filter right turn pockets. This funding pool is in the 2010/11 financial year.

Report

The funding application was submitted to Main Roads WA (MRWA) on Thursday 23 July 2009 and MRWA has advised that it will undertake a review of all of the traffic movement in the wider precinct, that is include from Jarrad Street southwards.

Policy Implication

Nil

Budget Implication

The agreement to make an application for 2010/11 funding and for MRWA to review traffic movement in the precinct will mean that the existing grant will be held in reserve and not expended.

Committee Recommendation

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

Council endorse the administrative action taken to apply for funding of \$480,000 from the National Black Spot Programme to upgrade Johnston St/Stirling Highway intersection.

W2 REGIONAL COOPERATION AND RESOURCE SHARING

Ref: REG18
Author: G K Simpson, Chief Executive Officer
Date: 28 July 2009

Purpose

The purpose of this report is to seek Councils comments on the Model for Regional Cooperation and Resource Sharing in the western suburbs as proposed by Anne Banks-McAlliser Consulting in her report to the Western Suburbs Regional Organisation of Councils. (WESROC)

Background

The report has been written against the background of the past few years of the WESROC initiatives and the Dollery Report.

A substantial background is written on pages 4 and 5 of the report.

Report

The WESROC Board has received the report and referred it to member Councils for comment.

This Shire also has to make a formal submission to the Minister on reform proposals and it is suggested that the Banks-McAllister report be appended to the submission with Councils comment on what it means to the Council.

In addition to receipt of the report it also needs to be noted that the WESROC Executive has resolved to engage Ms Banks-McAllister to commence duties to form a WESROC part time secretariat. It is envisaged that this will amount to the equivalent of one (1) day per week for a three (3) month period.

At the conclusion of this establishment period a proposal will be submitted to the WESROC Board to further develop the secretariat.

Policy Implications

Shire's Policy No A1 supports the concepts of regional cooperation and resource sharing.

Budget Implications

Provision has been made in the WESROC budget to accommodate the establishment of a secretariat and the Shire has made provision for its share.

Committee Recommendation

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

1. Endorse the Banks-McAllister report on A Model for Regional Cooperation and Resource Sharing in the Western Suburbs.
2. Support the WESROC Executive proposal to establish a part time secretariat to support WESROC.

FOP OPERATIONAL ISSUES

FOP1 RANGER REPORT - (July)

File Ref: LAW3
Author: A Jackson, Ranger
Date: 5 August 2009

1 Activity Statistics

	PARKING	DOGS
Infringements	1	0
Written cautions	7	6
Verbal cautions	5	9
Vehicle tow notices	3	-
Impounded vehicles	-	-
Dogs Impounded	-	-
Barking complaints	-	-
Dog attacks	-	-
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

Committee Recommendation

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

The information be received.

REPORTS OF THE HEALTH, BUILDING & TOWN PLANNING COMMITTEE

Attendance: Cr DA Ward, Presiding Member, Cr R L Thomas, Member,
Cr G T Vikingur, Member, G K Simpson, Chief Executive Officer,
T Mayor, Manager of Development Services.

A2 DELEGATION /DEPUTATIONS

Nil

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

Nil

A4 DECLARATION OF INTEREST

Nil

A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Vikingur seconded Cr Thomas that:

The Minutes of the Health, Building and Town Planning Committee meeting held on 16 July 2009 be confirmed as a true and accurate record of proceedings.

EH ENVIRONMENTAL HEALTH

EH1 FOOD RECALL

File Ref: HEA5
Author: T Mayor, Manager of Development Services
Date: 6 August 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

Four (4) Food Recall Notifications were issued by the WA Department of Health for the reporting period two (2) of which were Category 1 and required the officer to

respond immediately to the notification. Products that were found to be available through retail outlets in the Shire of Peppermint Grove were removed from sale and either returned to the distributor or arrangements were made for product to be destroyed.

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 Vikingur seconded Cr Thomas it be recommended to Council that

The information be received.

EH2 FOOD HANDLING PREMISES

No inspections carried out in this reporting period

EH3 FOOD SAMPLES

No food samples were taken during this reporting period.

AM AMALGAMATIONS

No applications for this reporting period.

SD SUBDIVISIONS

No reports for the reporting period.

DA DEVELOPMENT APPLICATIONS

ADDITIONS/ALTERATIONS/REFURBISHMENTS/EXTENSIONS

DA1 - ADDITION TO DWELLING AND DEVELOPMENT OF UTILITY AREA – LOT 118 (64) LEAKE STREET PEPPERMINT GROVE (PC APPLIC NO. 009 - 58

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 6 August 2009

Background

Applicant: Klopper and Davis Architects
Owner: R & M Lynn
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 1821m²

Report

An application has been received seeking Council approval for the construction of the existing residence and a utility area at the above property.

The addition to the residence is a seasonal operable weather roof, which has been designed to provide shelter to the active outdoor living/barbeque area.

Further, it is also proposed to construct a blade wall section, which will provide screening for the development of a utility area located at the rear of the property. The utility area will be used for storage of refuse bins and garden materials.

The proponent has provided a submission detailing the elements of the development.

***THE CONSULTANT'S SUBMISSION SHOULD BE
READ BY COUNCILLORS IN CONJUNCTION WITH
THIS REPORT***

This report recommends that approval be granted for the proposed additions at 64 Leake Street.

Heritage

This property is not listed in the Shire of Peppermint Grove Municipal Heritage Inventory.

Plot Ratio

The plot ratio will be unaffected by the developments and will continue to comply with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be unchanged by the developments and will continue to comply with the Residential Planning Codes, Table No 1.

Front and Side Boundary Setback

Unaffected by the development

Rear Boundary Setback

Complies with the Residential Design Codes Development Criteria.

Height

Comply with the provisions of the Shire of Peppermint Grove Town Planning Scheme No. 3 and the Residential Design Codes.

Amenity

The developments will not have any adverse impact upon the amenity of the neighbouring properties.

Crossovers and Street Trees

Unaffected by the development

Fencing

Not part of this proposal.

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 illustrated below.

NEIGHBOUR PROPERTY	COMMENTS AND/OR OBJECTIONS	R-CODE R'QMNTS	TPS3 R'QMNTS	OFFICER'S COMMENTS
66 Leake St	No comments received			
62 Leake St	Sighted by owner's representative and no comments received			

Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Vikingur seconded Cr Thomas it be recommended to Council that

Council grant Planning Consent approval for Application 009 – 58 for the construction of a seasonal operable weather roof addition to the existing residence and the construction of a blade wall to create a utility area (at the rear of the property) at lot 118 (64) Leake Street Peppermint Grove in accordance with the plans and specifications submitted 29 June 2009.

CONSTRUCTION OF NEW DWELLINGS

No applications for this reporting period.

CONSTRUCTION OF FENCES

**DA 2 HEIGHT EXTENSIONS TO EXISTING BOUNDARY FENCES – LOT 118 (64)
LEAKE STREET PEPPERMINT GROVE (PC APPLIC NO. 009 - 58)**

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 6 August 2009

Background

Applicant: Klopper and Davis Architects
Owner: R & M Lynn
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 1821m²

Report

An application has been received seeking Council approval for extensions to sections of the existing rear (southern) and side (eastern) boundary fences at the above property.

The proponent has provided a submission detailing the extensions to the boundary fences.

***THE CONSULTANT'S SUBMISSION SHOULD BE
READ BY COUNCILLORS IN CONJUNCTION WITH
THIS REPORT***

The extension to the rear fence is designed to provide privacy to the rear property at 47B Irvine Street in accordance with a condition of planning consent (009 - 07) issued to the owners of 64 Leake Street. Further, as the rear boundary of 64 Leake Street adjoins a ROW the increased fence height will provide additional security to the property.

In item DA 1, above, an application has been considered for the addition of an operable seasonal roof to shelter an active outdoor living/barbeque area on the eastern side of the residence. In order to improve privacy and noise control to the neighbouring property (62 Leake Street) the proponent is seeking approval to extend a 6m length of fence to a height of 2.8m (see attachments). The fence extension will be constructed of the same material as the existing boundary fence.

In addition, the proponent is also seeking to increase a 17.7m section of fence at the rear of the eastern side common property boundary fence. The extension will result in a height of 2.4m for this section of fence (see attachments). The adjoining property is currently vacant and the owner has raised no objections to the development.

This report recommends that approval be granted for the proposed extensions to the boundary fences at 64 Leake Street.

Heritage

This property is not listed in the Shire of Peppermint Grove Municipal Heritage Inventory.

Plot Ratio

The plot ratio will be unaffected by the developments and will continue to comply with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be unchanged by the developments and will continue to comply with the Residential Planning Codes, Table No 1.

Boundary Setbacks

Unaffected by the development.

Height

N/A

Amenity

The additional fence heights will not have any adverse impact upon the amenity of the neighbouring properties and will contribute to improved privacy and property security.

Crossovers and Street Trees

Unaffected by the development.

Fencing

The variations to the fence heights will require the approval of Council.

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
66 Leake St	No comments received			
66R Leake St	No comments received			

Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Vikingur seconded Cr Thomas it be recommended to Council that

Council grant Planning Consent approval for Application 009 – 59 for the construction of height extensions to the existing boundary fences at lot 118 (64) Leake Street Peppermint Grove in accordance with the plans and specifications submitted 29 June 2009.

CONSTRUCTION OF OUTBUILDINGS

**DA 3 - OUTBUILDING AND POOL DECK - LOT 117 (13) JOHNSTON STREET
PEPPERMINT GROVE (PC APPLIC NO. 009 - 56)**

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 6 August 2009

Background

Applicant: D J Sheldrick
Owner: D J Sheldrick
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 1008m²

Report

An application has been received seeking Council approval for the construction of a gazebo and pool deck at the front of the above property.

It is also proposed that the gazebo be constructed with a nil setback to an existing fence adjacent to the eastern side common property survey boundary and that the height of the fence be altered to provide additional privacy to the active outdoor living area at the front of the property.

This report recommends that conditional approval be granted for the proposed gazebo and pool deck at 13 Johnston Street.

Heritage

This property is not listed in the Shire of Peppermint Grove Municipal Heritage Inventory.

Plot Ratio

The plot ratio will be unaffected by the developments and will continue to comply with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be unchanged by the developments and will continue to comply with the Residential Planning Codes, Table No 1.

Front Setback

The gazebo and pool deck will be located approximately 8.0m from the front boundary of the property and does not comply with the setback prescribed by the Shire of Peppermint Grove Town Planning Scheme, which prescribes a setback of 9.0m from the front boundary.

Council may approve a variation for this requirement subject to the development satisfying certain requirements of the Scheme (see comments below, Amenity)

Rear Setback

Unaffected by development

Western Side Setback

Unaffected by development

Eastern Side Setback

The proposed gazebo will have a nil setback from the eastern side common property boundary.

Generally, where there is a potential for a building with a nil side boundary setback to have an adverse impact upon the adjoining neighbour it would be reasonable to require a setback of 1.0m, however, in this instance, the variation in the site levels and the presence of the existing brick masonry fence (adjacent to the) common property boundary will significantly reduce the impact that the gazebo will have on the amenity of 15 Johnston Street.

The neighbour at 15 Johnston Street has brought to the attention of the officer that the existing fence is not located on the survey boundary but is contained wholly within the property of 15 Johnston Street. Further, the neighbour has requested that the gazebo be located 1.0m from the boundary (see attachments, email to officer).

Officer's comments on the location and height of the gazebo are noted below, see Amenity.

Height

The gazebo will have a height of 3.7m above natural ground level and complies with the provisions of the Shire of Peppermint Grove Policy on Outbuildings, which prescribes a maximum height of 5.0m for outbuildings.

Amenity

The Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 4.4(c) states that-

4.4 RESIDENTIAL PLANNING CODES : VARIATIONS AND EXCLUSIONS

The following variation to the residential planning codes shall apply:

- c) *For R10 and R12.5 coded areas the setback from the front street boundary to any building including carport or garage shall be a minimum of 9 metres from the primary street and 4.5 metres from the secondary street. Council may permit a lesser setback where*

(Approval Gazetted 11/4/97)

- *a lot has a depth of less than 25 metres from a street boundary to a rear boundary; or*
- *where there are a significant number of existing houses having a lesser setback to the same street block; and*
- *where it is considered that the lesser setback will not detrimentally affect the quality of the streetscape.*

The existing residence has a front boundary setback of 26.5m (where the Scheme prescribes a setback of 9.0m), which significantly reduces that available area at the rear of the residence for active outdoor living area (see attachments, site plan). Subsequently, the area at the front of the residence is used for outdoor living activities and a swimming pool has previously been approved and constructed at the front of the property.

The proposed development will be screened from the street by the existing front fence and will also be well screened from the immediate neighbouring property at 15 Johnston Street by the fence located (adjacent to) the common property boundary between 13 & 15 Johnston Street.

There are a number of other properties in Johnston Street where garages and carports have been approved by Council (and the State Administrative Tribunal) to be constructed in the front setback area.

As the development will satisfy the Scheme provisions Clause 4.4 (c), dot points 2 & 3, above, it would therefore be reasonable for Council to grant approval for the gazebo and pool deck.

Crossovers and Street Trees

Unaffected by the development

Fencing

The proponent is also seeking approval to extend the height of the existing boundary fence between 13 & 15 Johnston Street, however, as stated above, this fence is in fact located on 15 Johnston Street and therefore is not the property of the owner of 13 Johnston Street and subsequently Council is no position to grant approval for any alterations to the fence.

Outbuilding Area

The gazebo will have an area of 17.28m² and together with the existing carport the outbuildings will have an aggregate floor area of 53.28m², which complies with the provisions of the Shire of Peppermint Grove Town Planning Scheme No. 3, Policy on Outbuildings.

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 illustrated below.

NEIGHBOUR PROPERTY	COMMENTS AND/OR OBJECTIONS	R-CODE R'QMNTS	TPS3 R'QMNTS	OFFICER'S COMMENTS
15 Johnston St	Sighted plans, see attachments for comments	Nil setback – subject to Council approval	9.0m front boundary setback	Council may exercise discretion to approve the minor variation A nil setback can be approved by Council where there the development is considered to not have an adverse impact upon amenity
11 Johnston St	Sighted plans, no comments received			

Discretions to be Considered

The express approval is required for the variation to the front boundary setback of 9.0m prescribed by the Shire of Peppermint Grove Town Planning Scheme.

Policy Implications

Nil

Budget Implications

Nil

Attachment

Committee Recommendation

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

The application be deferred to the September Meeting pending the submission of a detailed feature survey site plan showing the location of the eastern common property boundary fence and the location of the proposed gazebo.

COMMERCIAL PREMISES

No applications for this reporting period.

OTHER

DA 4 – HOME OCCUPATION (OFFICE) – LOT 52 (47B) IRVINE STREET PEPPERMINT GROVE (PC APPLIC NO. 010 – 01)

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 6 August 2009

Background

Applicant: N Pollard
Owner: N Pollard
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 904m²

Report

An application has been received seeking Council approval for a ‘Home Occupation’ (Office) at the above property.

The applicant is proposing to operate a sales distribution business and will essentially be administered only with the use of telephone, facsimile and internet from the private study of the residence. The applicant has stated that there will be no clients attending the property and no direct sales from the property.

Details of the proposal have been provided by the applicant and will be tabled for information at the Health Building and Town Planning Committee Meeting.

‘Home Occupation’ is an “AA” Use Class in the Table 3.2 ZONING TABLE of the Shire of Peppermint Grove Town Planning Scheme No. 3, which therefore enables Council to exercise its discretion to permit the proposed use or activity.

By definition the Shire of Peppermint Grove Town Planning Scheme No. 3 states that –

Home Occupation: means a business or activity carried out within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that:

- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods and any nature;*
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;*
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;*
- (d) does not entail employment of any person not a member of the occupier's household;*
- (e) does not occupy an area greater than 20 square metres;*
- (f) does not display a sign exceeding 0.2 square metres in area.*
- (g) in the opinion of the Council is compatible with the principal uses to which land in the zone in which it is located may be put;*
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;*
- (i) does not entail the presence, parking and garaging of a vehicle of more than two (2) tonnes tare weight.*

The proposed activity will comply with the requirements of the Scheme and this report recommends that approval be granted for the proposed 'Home Occupation'.

Heritage

This property is not listed in the Shire of Peppermint Grove Municipal Heritage Inventory.

Plot Ratio

The plot ratio will be unaffected by the developments and will continue to comply with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be unchanged by the developments and will continue to comply with the Residential Planning Codes, Table No 1.

Boundary Setbacks

Unaffected by the development

Height

N/A

Amenity

Unaffected by the 'Home Occupation'

Crossovers and Street Trees

Unaffected by the development

Fencing

N/A

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.

Discretions to be Considered

'Home Occupation' is an "AA" Use Class and therefore requires Council to exercise its discretion to exercise its discretion to permit the proposed 'Home Occupation' activity.

Policy Implications

Nil

Budget Implications

Nil

Recommendation

Moved Cr Thomas seconded Cr Vikingur it be recommended to Council that

The application be deferred to the September meeting pending the submission of additional information including:

1. Background information from the WA Police regarding the keeping of firearms on a residential property for the purposes of dealing and selling
2. Comments from adjoining neighbours - following formal advice from the Shire regarding the proposed activity
3. the number and type (i.e. auto or semi-auto) of firearms to be kept on premises
4. Ammunition – type of quantity

5. Security of firearms – describe the type of security for firearms and demonstrate that the security of the firearms and the residence will comply with the requirements of the Police

BLD BUILDING

BLD1 BUILDING LICENCE VARIATIONS

No requests for minor variations during the reporting period.

BLD2 HERITAGE

No applications/proposals for this reporting period.

BLD3 BUILDING/DEMOLITION LICENSES APPROVED

File Ref: BUI20/BUI7
Author: T Mayor, Manager of Development Services
Date: 6 August 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 \$
3147	J BIRCHMORE	28 VIEW	Front fence	20,000
3148	WHIDDON	45 VIEW	In-ground swimming pool	50,000
3149	J BOYATZIS	45A IRVINE	Two-storey residence and outbuilding (pool pavillion)	3,161,646
3150	M BLAKISTON	143 FORREST	Repairs & alterations to front fence	16,000
3151	R KASSIM	1 HURSTFORD CL	Two-storey dwelling	822,516

The following Demolition Licences were issued during the reporting period:

Demolition Lic. No.	Owner	Address	Description
22010-D22	J E BOYATZIS	45A IRVINE	Single storey brick residence

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Vikingur seconded Cr Thomas it be recommended to Council that

The information be received.

BLD4 BUILDING INSPECTIONS

File Ref: BUI10
Author: T Mayor, Manager of Development Services
Date: 6 August 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
3147	Front fence	28 View St	Completed
2965	Two-storey residence	37A Keane St	Completed
3035	Two-storey residence	1 Crossland Ct	Completed
3134	Patio addition	1/16 Crossland Ct	Completed
2997	Swimming pool	47 Leake St	Completed
2993 3054 3084	Restoration and refurbishments to residence and ancillary accommodation, construction of outbuilding	28 View St	Completed

3061	Reinstatement and restoration of fire-damaged two-storey residence	20 Bay View Tce	Completed
3030	Alteration, additions and restoration	1B Venn St	Completed
3066	5 x Group Dwelling	113 Forrest St	Completed

Committee Recommendation

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

The information be received.

BLD5 SIGNS & HOARDINGS

No applications for the reporting period.

HOP OPERATIONAL ISSUES

HOP 1 THE CLIFFE – FUTURE OPTIONS STUDY

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 6 August 2009

Purpose

The purpose of this report is to refer the Future Options Study to Committee for consideration.

Background

The report was accepted by the Cliffe Committee and subsequently referred to the Ordinary Meeting of Council on 20 July 2009 where it was resolved that –

1. The Cliffe Future Options Study be received and be made available for future access.
2. The report be referred to the Health Building and Town Planning Committee for consideration.

Report

The options studied were -

- 1 **Status Quo**
 Retain the house, outbuildings and garden in their existing condition.

Property to be marketed with Conservation Management Plan and Heritage Agreement as conditions of sale.

- 2A **Clear site, demolish**
Demolish the house in accordance with the conditions of the demolition licence and market as per current subdivision. Property to be archivally recorded.
- 2B **Clear site, relocate**
Relocate the house offsite, to provide a clear site and market land as per current subdivision. Property to be archivally recorded. Refurbish The Cliffe as per the Conservation Plan in its new location, with a use appropriate to the location and the house.
- 3 **Retain house, add another house**
Re-subdivide for one further substantial lot. Market The Cliffe and garden and the new residential lot. Market remaining “rump” blocks. Refurbish The Cliffe as per Conservation Management Plan and Heritage Agreement.
- 4 **Retain house in large garden**
Re-subdivide to retain house in largest possible garden. Market “rump” blocks. Refurbish The Cliffe as per Conservation Management Plan and Heritage Agreement.
- 5 **Retain house with smaller lots**
Retain house and subdivide rear of Lot 10 and western leg of property into smaller lots with driveway access from McNeill Street. Refurbish The Cliffe as per Conservation Management Plan and Heritage Agreement.
- 6 **Relocate house onsite**
Relocate The Cliffe further south on the lot and re-subdivide the northern section of the property into smaller lots accessed from the Devil’s Elbow. Refurbish The Cliffe as per Conservation Management Plan and Heritage Agreement.
- 7 **Retain house and subdivide front garden**
Retain The Cliffe and subdivide the front garden into a wide frontage lot facing McNeill Street. The Cliffe would retain access from Bindaring Parade, but would not be visible from McNeill Street. Refurbish The Cliffe as per Conservation Management plan and Heritage Agreement.

No recommendations have been made in the report however, there has been an electronic petition submitted with 90 names and email addresses calling for the following action to be taken –

We, the undersigned, beg that:

- *The Councillors of the Shire of Peppermint Grove, WA*
- *The WA Heritage Minister and the Parliament of Western Australia*
- *The Federal Minister for Environment , Heritage and the Arts and the Federal Parliament of Australia*

Recognize the error of removing the historic jarrah house “The Cliffe” at 25 Bindaring Parade Peppermint Grove WA from the Western Australian Register of Heritage Places.

We urge our local, state and national representatives to take immediate steps to restore every legal protection to “The Cliffe” and implore them to support a rehabilitation programme that will restore the building itself to its former glory. We suggest immediate negotiations with the present owners to prevent the building’s needless demolition and to ensure that its unique contribution to our heritage can be preserved and maintained for future generations.

In section 8.1 of The Cliffe Report under the Findings it has been reported that –

The Conservation Management Plan demonstrates that The Cliffe clearly satisfies the threshold for entry onto the Register of Heritage Places.

The Cliffe cannot be considered for re-entry onto the Register of Heritage Places unless leave is granted by the Supreme Court for a period of five years from the time of its removal.

It would appear that it is not possible to achieve the requirements stated in the petition.

This leaves the issue with the Council for consideration and needs to be viewed against the Shire’s financial capability to raise project funds and the degree of community support.

Policy Implications

Nil

Budget Implications

There are no funds in the Shire’s current Budget for 2009/10.

The Shire's loan raising capability is approximately \$1.8 million however, \$1 million has been committed for the library project. This virtually limits the role that Council can play in this matter.

Committee Recommendation

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

Council

1. Receive the electronic petition and note the views expressed
2. advise the owner that –
 - 1) its preference is to see The Cliffe reinstated and restored on site
 - 2) It is prepared to consider planning concessions consistent with the Town Planning Scheme to assist a developer retain and restore the building.

DEL DELEGATES REPORT

DEL1 COUNCIL MEETING AGENDA

WALGA – Central Zone Meeting – Thursday 30th July 2009

The Chief Executive Officer and Cr Ward attended the Central Zone of the Local Government Association meeting held in Subiaco on Thursday 30th July 2009.

Items of major interest were:-

- The Commonwealth Government and the State are pushing for a Planning and Development Assessment System whereby independent regional committees will be established to deal with applications of greater value than the prescribed threshold. In the eastern states the threshold is for projects over \$10,000,000 and in WA the State Government is talking \$1,000,000. The President of WALGA is of the view \$5,000,000 would be a more suitable bigger value.

The Central Zone meeting resolved to support the recommendation for WALGA to develop and undertake a planning and development approvals review and reform programme.

- WALGA is pressing the State Government to develop a new State/Local Agreement for the provision of public library services in WA.

Regrettably the State has reduced its contribution from \$10,400,000 to \$6,400,000. The Association will continue to press for beneficial outcomes for local libraries.

CEO CHIEF EXECUTIVE OFFICER'S REPORT

Meeting Arrangements – September

Councillors reported that two members are committed to international travel during the second half of September which will require a change to the meeting arrangements for September.

It is not practical for the Finance Department to attempt to produce financial reports in the first week of September therefore it is recommended to Council that the Committee meetings for September be dispensed with and Council meets on Monday 14 September without having Committee Meetings.

The October Council meeting arrangements had to be similarly altered because of the Biennial Election date being set on the 17 October 2009.

Recommendation

That Council

1. Dispense with the Committee meetings scheduled for 14 and 15 September.
2. Reschedule the Council meeting to be held on Monday 14 September 2009 at 6.30pm.
- 3.

NBUS NEW BUSINESS OF AN URGENT NATURE

Items introduced under this section require the support of an absolute majority of Council (4 members) to be carried.

OP OPERATIONAL ISSUES

CIB CONFIDENTIAL ITEMS OF BUSINESS

CLOSURE