



SHIRE OF PEPPERMINT GROVE

AGENDA FOR THE

ORDINARY MEETING OF COUNCIL

TO BE HELD ON

16 FEBRUARY 2009

Ordinary Meeting of Council

16 February 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 16 February 2009 in the Council Chambers, 1 Leake Street, Peppermint Grove, commencing at 6.30pm.

Graeme K Simpson
Chief Executive Officer

12 February 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

Apologies: Cr D Ward

A2 DELEGATIONS

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

Mrs Thomas carried over from December meeting

A) Variations to Development Approvals

I refer to our telephone conversation last Friday, 12 December, concerning the queries I raised last month on procedures relating to the demolition of the garage at 1B Venn Street and constriction of a new structure in the street setback area. I have not yet received a written reply to my question but I have follow-up questions arising from our conversation and list these below for Council attention.

1. You advised me that the demolition of the garage and construction of a replacement is a “minor variation” to the development application approved in May 2007 and, that such variations are routinely decided by the Manager of Development Services, without further reference to Council, under a delegated authority arrangement.
Would you please provide information on what constitutes the distinction between minor and major variations? I note that in this case we are dealing with a building that is, both, within a primary street setback and of a design that does not conform to the TPS policy for approved structures within a setback area. If these are minor variations, what are major ones?
2. You have advised me that the Manager of Development Services had approved the above “minor” variations before the November meeting. This is somewhat puzzling as the discussion at the November meeting centred on whether any approval at all was required. Neither the developer concerned nor the Manager of Development Services, who were both at the meeting, mentioned that such an approval process had occurred. Would you please advise when variation approval for demolition of the garage and replacement structure was requested and when it was granted?
3. What management system of review is in place in the Shire to monitor discretionary decisions by the Manager of Development Services to ensure that there is consistency with the provisions of the Town Planning Scheme and that all decisions are within the scope of his delegated authority? What reports of such audits are presented to Council, in what form and how often?
4. How are cumulative “minor” variations handled? At what point do a series of minor variations over time become a significant variation to the original approval, how is this handled and how is this information presented to Council.
5. During our telephone conversation I expressed my concern that the original development application for 1B Venn Street/18 Irvine Street (May 2007) had contained inaccuracies and somewhat misleading information. You disagreed with this view and said, “They spent a lot of time discussing the wording”. When I asked you who ‘they’ were, you replied that it was the Manager of Development Services and the architect concerned.

I had understood that, whilst the Manager of Development Services would discuss applications with architects and owners, his reports to Council are an independent analysis of the application, not a joint report with the applicant concerned. Would you please confirm whether my understanding is correct and, if so, why this particular report was compiled in a different way, i.e. in collaboration with the applicant's architect.

B) Building License Conditions

1. As you are aware there have been a number of breaches of the building license for 1B Venn Street and these have been reported to Council. Residents were advised last week that the developer concerned had been contacted and that there should be no further disturbances. Yesterday, Sunday 14th December, work continued on site from around 10am to around 3pm. The work involved the noisy operation of high pressure hosing. It was both inconsiderate and yet another breach of the building license hours of operation.

What penalties are available to councils for multiple breaches of a building license. What is the process for implementing these penalties and has such a process been set in motion in this case.

2. I refer to our discussion on the level of building license fee paid in respect of the development at 1B Venn Street. Some months ago I drew your attention to apparently conflicting figures provided for this development. The figure submitted to the Shire in September 2007 was \$800,000. At a public meeting that same month attended by dozens of residents, the developer stated that he would spend \$1.5 million on renovation costs. You agreed that this apparent disparity was puzzling but, surprisingly, I learnt that no action was taken at the time. I raised this again last week and I understand that thither information is now being sought

Please advise what process of investigation is carried out in the case of such widely varying figures and what information is given to Council during and after this process?

What elements of a renovation are not included in the fee to the Shire? For example, I understand that landscaping is excluded, what other aspects are exempt?

Answers – A) Variations to Development Approvals

1. The distinction between minor and major variations is at the discretion of the person who has the delegated power. It is a matter of fact and degree in each case, and it is not possible to state a precise rule which will determine in every case what is or is not a minor variation. As a matter of general principle the State Administrative Tribunal in the case of *Rennet Pty Ltd v City of Joondalup* (2006) WASAT 289 has stated that a variation from the planning approval plans which adds some component of planning significance will not come within the scope of

the planning approval granted. In this case I am satisfied that the change approved was a minor variation which did not require a new application for planning approval.

- 2 The Architect, when submitting the plans for the building permit (issued on 1 July 2008) indicated on the plans the structure was to be demolished and rebuilt. The issue of “minor variation” was considered in the context of the building license application.
I did not have all of the details to hand at the November 2008 meeting, and your questions were therefore taken on notice to ensure that an “off the cuff” response was not inaccurate.
- 3 The Manager of Development Services informs Council on occasions when he exercises his authority and depending on the nature and number of amendments can report to Council at the final inspection stage or earlier.
- 4 It is for the delegate to determine in each case whether a variation, or series of variations, is a minor variation which can be approved without a fresh planning approval. Small changes made to a building that will lessen the impact on neighbours privacy and amenity are routinely approved. A proposed change that increases the impact would be referred to the adjoining owner for comment and to Council for a decision.
- 5 Reports to Council by officers are independent but matters of fact and detail are often discussed with applicants to ensure there is no misunderstanding as to what is being proposed. These discussions are quite proper and occurred in this case. There was no collaboration with the applicant’s architect as to the content of the report which dealt with the merits of the proposal. The method of preparation of the report in this case was no different to the manner in which a standard report is prepared.

Answer to Building Licence Conditions

- 1 The issue of building activities being carried out outside the permitted times has been referred to the developer and to the Shire’s solicitors for further action and advice, and possible prosecution.
- 2 The information on the discrepancy between the value of work quoted for the Building License and the reported amount to be expended was noted for action however, no clear indication of the cost of restoration could be endorsed until the extent of the demolition is known. It is also well recognized that costing building restoration is a difficult process and most often results in the final cost exceeding the initial value. Where it becomes apparent that a development significantly exceeds the original quoted value the Local Government may request a cost review at the conclusion of a project for the purposed of obtaining a balance of payment for application and licence fees.

Furthermore, the builder has a statutory obligation to the Building, Construction Industry Training Commission to accurately declare the value of the work

Mrs Thomas – February Meeting Questions

Thank you for your letter of the 12th December 2008 in response to my question at the November Council meeting about the construction of the garage at 1B Venn Street, formerly 18 Irvine Street. I received your letter after the December Council meeting at which I posed a number of further questions on this issue to which I am awaiting a reply. Your letter, however, has raised a couple of additional points which I am, herewith, submitting for the next Council meeting.

In your letter you confirm that the original building application to Council for 1B Venn St provided for the adaptation of the existing garage structure, and that its subsequent demolition was approved by the Manager of Development Services as a minor variation to the original approval. Your letter includes reference to case law on the process followed for minor variations to planning approvals.

However, neither your comments, nor the comments of Judge Chaney answer the original question I posed on whether the demolition of a pre-existing building in a set back area extinguishes the right of an individual to build a new structure within that set back area.

Building in a set back area requires a concession from Council. My understanding and that of others that I have consulted, is that some vestige of the original building must be retained in order for the structure to act as a license to build within a setback without a specific concession from Council. If you re-read the original planning application you will see that this Council was not asked to grant a concession for a building in the set back from Venn Street, and has not done so. The original planning approval for a building in the set back area was based exclusively on there being an existing building within the set back which obviated the need for any further approvals. This pre-existing structure, as you have confirmed, was subsequently completely demolished and no concession is in place for the entirely new structure that is currently under construction.

Case law on the specific issue of building within a set back area without a concession from Council is what would appear to be relevant here.

Let me clarify my queries by asking you to explain the differences between the development approval process at 1B Venn Street, and that of 50 Leake Street. In both cases there were existing buildings in a set back area – the garage for 1B Venn Street and part of the main residence for 50 Leake Street. Both owners were granted planning permission to renovate these structures. Concessions to build in their respective set backs were not required because of the pre-existing buildings. In both cases the owners subsequently decided that the condition of the buildings was, apparently, too poor for renovation, and that complete demolition was the best course of action.

In the case of 50 Leake Street, fresh plans were submitted to Council, and a concession to build in the front set back was applied for and granted. It seems clear from the minutes that, whilst the location of the previous property was taken into account by councillors in making their decision, the process required a formal concession from Council.

In the case of IB Venn Street, you advise that the Manager of Development Services authorised the revised planning application, without reference to Council, as a 'minor variation'. The matter has not been referred to Council and Council has not granted a concession to build in the set back.. Why not?

I anticipate that your explanation may be that there is a difference of scale between these revised planning applications that justifies this different treatment. However, as far as I am aware, the requirement for a concession from Council does not distinguish between the size or shape of the incursion into a set back area, nor whether the structure concerned is an out building or part of a main residence nor whether the original or revised plans are extensive or modest. Council deliberation will, of course, be affected by such factors, but not the procedural process itself

With reference to all of the above, I should be grateful if you would provide further explanation as to why the new garage in the front set back of IB Venn Street has not been referred to Council for a concession so that the correct procedure for similar circumstances in the future is crystal clear.

Please also advise the basis for the calculations for plot ratio and open space in the original planning application for IB Venn St. Are these calculations based upon the subdivided block area of 1172 sq m or upon the original property area of 1 843sq m?

Answers to February Questions

In respect to the application for a new residence at 50 Leake Street, the proposal was a completely new development which was not considered a minor variation to the original proposal to renovate, and therefore required a separate approval. The situation at 18 Venn St is not comparable as for all practical purposes the garage is the same as that approved by the Council as a renovation. Because it was considered a minor variation to that which the Council had already approved, there was no need to return the matter to the Council for further consideration on the issue of building in the front setback or otherwise.

In any event, at the time the Council granted development approval, Venn St was the secondary street setback, not the front setback, as the WAPC had not at that time granted subdivision approval. The Council was of course aware of the subdivision proposal and had that in mind when considering the development, but the planning scheme had to be applied to the proposal on the basis of the lot as it stood at that time. It is a well understood principle of planning law in Australia that a development is to be assessed on the basis of the facts and law which apply at the time an application is determined. The Council could not have approached the application on the assumption that the subdivision would be necessarily be approved by the WAPC.

The site area calculations you refer to were therefore required to be calculated based on the then existing lot size.

Calculations for Plot Ratio and Open Space

Original land area of 18 Irvine Street: 1888m² (DPI Tax Map Ref)
390m²

- Plot ratio 0.21 (TPS3 requires a maximum 0.5 plot ratio)
- Open space 79% (RDC requires a minimum 55% open space)

New land area of 1B Venn Street: 1172m²
Area of development 390m²

- Plot ratio 0.33 (TPS3 requires maximum 0.5 plot ratio)
- Open space 66.7% (RDC requires a minimum, 55% open space)

Therefore the development at 1B Venn Street complies with the relative requirements of the Residential Design Codes for open space and the Shire of Peppermint Grove Town Planning Scheme No. 3 for plot ratio for both the original property (18 Irvine Street) and the new subdivision 1B Venn Street.

A4 DECLARATION OF INTEREST

A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Recommendation

That the Minutes of the Ordinary Meeting of Council held on 15 December 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 Alix Grice, Presiding Member; Cr B C Kavanagh, Member; Cr M C Lynn, Member; G K Simpson, Chief Executive Officer; P J Howard, Manager of Finance

A2 DELEGATION OF VISITORS

There were no delegations for this meeting

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

There were no questions asked by Members of the Public

A4 DECLARATION OF INTEREST

There were declarations of interest.

A6 PROJECT REPORT LIST

Attached with the Agenda Papers.

FE FINANCE CONTROL & EXPENDITURE

FE1 ACCOUNTS FOR PAYMENT – DECEMBER 2008

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 22 January 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 FE1 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>
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Cheque numbers 10004 – 10019 (inclusive)

Electronic Funds Transfers 2326 – 2410 (Inclusive)

Direct Debits 761 – 768 (inclusive)

TOTAL **\$353,573.64**

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Kavanagh seconded Cr Lynn 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.

FE1A ACCOUNTS FOR PAYMENT – JANUARY 2009

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 3 February 2009

Purpose

The purpose of this report is to obtain approval for cheques drawn since the last report and accounts now presented for payment.

Background

Nil

Report

Appendix FE2 lists details of all cheques drawn since the last report and accounts now presented for payment. The following summarises the cheques, accounts and direct debits included in the list presented for payment.

MUNICIPAL FUND	PAYMENT TYPE	<u>AMOUNT</u>
	Cheque numbers 10020 – 10036 (inclusive)	
	Electronic Funds Transfers 2411 – 2462 (Inclusive)	
	Direct Debits 769 – 776 (inclusive)	
	TOTAL	\$305,935.31

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Kavanagh seconded Cr Lynn it be recommended to Council that -

The payment of the cheques drawn and accounts presented for payment be approved.

FE2 FINANCIAL STATEMENTS – DECEMBER 2008

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 22 January 2009

Purpose

The purpose of this report is to provide Council with the financial reports for the period ended 31 December 2008.

Background

Nil

Report

The financial reports are provided for the period ended 31 December 2008.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Lynn seconded Cr Kavanagh it be recommended to Council that -

The financial reports for the period ended 31 December 2008 be received and adopted.

FE3 FINANCIAL STATEMENTS – JANUARY 2009

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 3 February 2009

Purpose

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

Background

Nil

Report

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

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Lynn seconded Cr Kavanagh it be recommended to Council that -

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

FE4 INVESTMENTS – DECEMBER 2008

File Ref: INV1
Author: P J Howard, Manager Finance
Date: 22 January 2009

Purpose

The purpose of this report is to provide details of Council's investments as at 31 December, 2008, 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	28.10.2008	27.01.2009	91 Days	6.90%	\$4,297,279.36
2	POS Fund	NAB	01.12.2008	31.12.2008	30 Days	4.61%	\$529,039.44
3	General Fund	NAB	01.12.2008	31.12.2008	30 Days	4.61%	\$623,437.53
4	Cash Maximiser	NAB	13/11/2008	27.01.2009	75 Days	5.25%	\$59,578.00

TOTAL \$5,509,334.33

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

Staff Leave Reserve	\$ 2,222.69
Plant Replacement Reserve	\$ 168,658.69
Infrastructure/Building Reserve	\$ 3,949,356.96
Sitting Fee Reserve	\$ 22,161.86
Library Leave Reserve	\$ 38,633.94
Library Infrastructure Reserve	\$ 33,913.08
Road Reserve	\$ <u>62,332.14</u>
	\$ <u>4,297,279.36</u>

The Reserve fund has been reinvested for a further 3 months with interest earnings of \$73,924.98 to be 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 placed in a Cash Maximiser term deposit and will be added to the Reserve fund on 27 January, 2009.

For Members information:

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

Staff Leave Reserve	\$ 18,222.25
Plant Replacement Reserve	\$ 207,855.33
Infrastructure/Building Reserve	\$ 215,572.09
Sitting Fee Reserve	\$ 20,844.31
Library Leave Reserve	\$ 36,385.65
Library Infrastructure Reserve	\$ 31,479.02
Road Reserve	\$ <u>58,626.42</u>
	\$ <u>588,985.06</u>

For Members information:

Total amount held in Reserves as at 31 December, 2008, is \$4,885,897 as shown in the Balance Sheet under heading Cash Restricted.

POS interest of \$2,004.56 for December will be credited to the POS reserve in January.

\$200,000 was transferred on 31 December 2008 from the Municipal term deposit account into the General Municipal banking account for general operating purposes. Balance of this fund as at 31 December is \$623,437.53. This amount 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 Lynn it be recommended to Council that -

The Investment Register for 31 December 2008 be received.

FE5 INVESTMENTS – JANUARY 2009

File Ref: INV1
Author: P J Howard, Manager Finance
Date: 3 February 2009

Purpose

The purpose of this report is to provide details of Council's investments as at 31 January 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	28.10.2008	27.01.2009	91 Days	6.90%	\$4,371,204.34
2	POS Fund	NAB	31.12.2008	30.01.2009	32 Days	4.35%	\$532,942.67
3	General Fund	NAB	31.12.2008	30.01.2009	32 Days	4.35%	\$625,666.54
4	Cash Maximiser	NAB	13/11/2008	27.01.2009	75 Days	5.25%	\$59,578.00

TOTAL \$5,589,391.55

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

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Staff Leave Reserve	\$ 22,991.22
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	\$ 3,404.43
	<u>\$ 4,430,782.34</u>

For Members information:

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

Staff Leave Reserve	\$ 18,623.96
Plant Replacement Reserve	\$ 208,804.56
Infrastructure/Building Reserve	\$ 216,860.26
Sitting Fee Reserve	\$ 20,968.87
Library Leave Reserve	\$ 36,585.15
Library Infrastructure Reserve	\$ 31,821.42
Road Reserve	\$ 58,976.75
	<u>\$ 592,640.97</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.

Total amount held in Reserves as at 31 January, 2009, is \$4,963,725.01 as shown in the Balance Sheet under heading Cash Restricted. The amount of \$625,666.54 held in the General Term Deposit is included in Cash At Bank on the Balance Sheet.

National Australia Bank has advised that the Federal Government has imposed a fee of between 70 basic point and 150 basic points on every dollar above the \$1m threshold that customers want guaranteed.

For NAB a fee of 70 bps will apply because of NAB's AA Credit Rating.

In Peppermint Grove case, this means that interest earned would be reduced from 4.7% to 4.00%. This will reduce the interest earned for 90 days to 27 April 2009 by \$5,922 from \$51,353 to \$45,431.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Kavanagh seconded Cr Lynn it be recommended to Council that -

- 1 The Investment Register for 31 January 2009 be received.
- 2 Council take up the Federal Governments offer to guarantee deposits for funds in excess of \$1m at the fee of 70 basic points per dollar deposited.

FE6 WRITE – OFF RATES AND ESL INTEREST

File Ref: RAT12
Author: P J Howard, Manager Finance
Date: 22 January 2009

Purpose

The purpose of this report is to obtain Council's approval to write off rates interest and ESL interest totaling \$69.53 on Assessment numbers 1910, 2484, 5310, 6549, 5330, 6545 and 6547, Peppermint Grove.

Background

Nil

Report

The respective owners were not responsible for interest accrued due to changes of ownership which left small totals of interest outstanding when paid at settlement.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Lynn seconded Cr Kavanagh it be recommended to Council that -

Ordinary Meeting of Council
16 February 2009

Council approve the write off of rates interest and ESL interest totaling \$69.53 on Assessment numbers 1910, 2484, 5310, 6549, 5330, 6545 and 6547, Peppermint Grove.

FE7 CONSULTANTS FEES LIBRARY PROJECT

08/09 year	All figures are exclusive of GST									
	Cox	Davson Ward	Fundraising miment	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										27,851
Feb-09										-
Mar-09										-
Apr-09										-
May-09										-
Jun-09										-
	59,618	32,000	-	-		24,287	14,125	7,500	-	\$ 1,407,945
Payments under cost sharing arrangement										
	Cottesloe	MP	PG	PG Office		Total				
Jul-08	17,943	20,403	3,907	8,809		51,062				b/f 07/08
Aug-08	3,779	4,298	823	2,133		11,033				
Sep-08	12,030	13,680	2,620	6,791		35,120				
Oct-08	3,033	3,448	660	1,712		8,853				
Nov-08	2,164	2,461	471	1,222		6,318				
Dec-08	10,156	11,549	2,212	3,935		27,851				
Jan-09						-				
Feb-09						-				
Mar-09						-				
Apr-09						-				
May-09						-				
Jun-09						-				
TOTALS	\$ 49,105	\$ 55,839	\$ 10,693	\$ 24,601	\$ -	\$ 1,407,945				
				Total expended to date		\$ 1,407,945				
	\$ 424,530	\$ 482,749		PG to date	\$ 318,873					
	Cott to date	MP to date		3 councils contributions		\$ 1,226,152				
				funded from reserves		\$ 181,793				
						\$ 1,407,945				

Committee Recommendation

Moved Cr Lynn seconded Cr Kavanagh it be recommended to Council that -

The report on Consultancy Fees for the Library Project be received.

FE8 FINANCIAL ESTIMATES 2008/09

Financial estimates for second half 2008/09						
	\$	\$	\$	\$		
New projects not budgeted 08/09	Estimated cost to January 09	Annual budget YTD	Overbudget/Unbudgeted	Additional Funding source		
The Cliffe project:						
Consultants:	10,000	0	10,000	10,000	in salary budget	
Project manager	10,000	0	10,000	10,000	in salary budget	
Administration study:	20,000	0	20,000	30,000	Councillor sitting fees reserve fund	
Major item over budget						
Legal fees	128,400	37,917	90,483	85,000	est additional interest revenue to 30 June	
				80,000	Saving on deferred projects Reconstruction of Esplanade	
Total	168,400	37,917	130,483			
Revenue items under budget	revenue to Jan 09	Annual budget YTD	Under budget			
Development application fees	14,000	26,250	12,250			
Building licence fees	7,500	29,167	21,667			
			33,917			
			Total unbudgeted expense and income shortfall	164,400		
			Additional income sources	215,000		
Monthly interest has dropped from 26,000 to 17,000 per month						
Interest rate dropped from 7.71 for 90 days to 4.7 for 90 days						
Possible future projects						
Boardwalk to Claremont						
Redesign of walking paths on foreshore						
Development of Johnston St sump.						

Committee Recommendation

Moved Cr Lynn seconded Cr Kavanagh it be recommended to Council that -

The report on the financial estimates for 2008/2009 be received.

W WORKS

W1 APPLICATION FOR CROSSOVERS AND FOOTPATH REALIGNMENT

File Ref: ROA12/ROA10
Author: G K Simpson, Chief Executive Officer
Date: 2 February 2009

Purpose

The purpose of this application is to seek Council's approval for changes to the footpath alignment and position of the crossover at 113 Forrest Street in Peppermint Grove.

Background

The previous development on the southern side of Forrest Street at the Stirling Highway intersection had two crossovers into Forrest Street with one being retained as a visitor parking bay.

Report

The applicant has requested: -

- Two cream washed aggregate crossovers to the property being approved
- The footpath be realigned to swing away from the property line
- To allow the new section of the footpath to be grey washed aggregate to match the existing footpath width
- The verge to be reinstated and reticulated with buffalo or couch grass
- Approval to install cream washed aggregate block paving from the front gate of units 1-4 to be new footpath

This request has the benefit of allowing a greater separation between pedestrians and vehicles leaving the property. The fence between 113 and 115 Forrest Street is not truncated and would be a potential conflict point between pedestrians and vehicles because of the lack of clear sight lines.

Policy Implications

Nil – meets the verge planting policy and Council does not have a formal policy on footpath surfaces, the usual practice is for grey in the residential area.

Budget Implications

Nil – the proposed cost of the work will be at the developer's expense.

Committee Recommendation

Moved Cr Lynn seconded Cr Kavanagh it be recommended to Council that -

The approval be granted to Euro Form Constructions to construct a new footpath in the front of 113 Forrest Street, two crossovers and verge treatment in accordance with Cottage & Engineering Surveys plan 161762 dated 14/11/06 subject to: -

- 1 the works to be completed to the satisfaction of the Shire and being at the developer's cost.
- 2 the verge treatment, reticulation and verge crossover and footpath being maintained at the cost of the strata company.

FOP OPERATIONAL ISSUES

FOP1 RANGER REPORT - (December 2008 and January 2009)

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

1 Activity Statistics

	PARKING	DOGS
Infringements	0	0
Written cautions	19	32
Verbal cautions	11	13
Vehicle tow notices	5	-
Impounded vehicles	0	-
Dogs Impounded	-	0
Barking complaints	-	0
Dog attacks	-	0
Dogs Returned to Owners	-	1

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
- 9 cautions for littering around building sites and
- 3 x Fines of \$200- for littering

Committee Recommendation

Moved Cr Lynn seconded Cr Kavanagh it be recommended to Council that -

The information be received.

FOP2 AMENDED PLAN – KEANE STREET/VIEW ST ROUNDABOUT

File Ref: RES3
Author: G K Simpson, Chief Executive Officer
Date: 9 March 2009

Purpose

The purpose of this report is to seek Councils support for the amended plan of the roundabout to be constructed in the Keane Street and View Street intersection.

Background

Councillors at the December meeting of the Works and Finance Committee expressed their concern about the number of trees marked for removal on the detailed design for the proposed roundabout.

Porter Consulting Engineers were asked to reconsider the design with a view to saving as many trees as possible.

Report

The current concept shows that the design has been reduced in size and only one tree marked for removal.

Preliminary costing for construction is estimated at \$79,500 plus \$4350 for Main Roads WA signage and line marking. There will also be costs for relocating street lights.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Kavanagh seconded Cr Lynn it be recommended to Council that -

- 1 Council endorse the amended detailed design of the roundabout for the intersection of Keane and View Streets
- 2 The detailed design be submitted to adjacent residents for comment.

REPORTS OF THE HEALTH, BUILDING & TOWN PLANNING COMMITTEE

Attendance: Cr P B Bacich, Presiding Member (retired at 4.45pm); Cr B C Kavanagh, Member; Cr G T Vikingur, Member; Cr D A Ward, Member; G K Simpson, Chief Executive Officer; T Mayor, Manager of Development Services; F Gerhard, Executive Assistant

A1.1 RESIGNATION OF PRESIDING MEMBER

Cr Bacich advised that because of recent events he tendered his resignation as Presiding Member of the Committee but wished to stay on the Committee as a member.

A1.2 ELECTION OF PRESIDING MEMBER OF THE COMMITTEE

Nominations for the position of Presiding Member were called.

Moved Cr Bacich seconded Cr Vikingur that Cr Ward be elected to the position of Presiding Member of the Committee for the balance of the term (October 2009).

A2 DELEGATION /DEPUTATIONS

There were no delegations for this meeting.

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

A3.1 Mr Prevost – Item DA6 – 50 Johnston Street

Mr J L Prevost, applicant for Item DA6 requested an extension of the Planning Consent Approval (008-62) because –

- Significant delays occurred in negotiations with neighbours
- A builder needs to be selected
- Negotiations and planning are lengthy processes

The request is to extend the time period to 24 months and only require substantial construction to be completed, not the entire project.

A4 DECLARATION OF INTEREST

Cr Bacich declared an interest as owner of one of the properties in Item AM1 and retired from the meeting at 4.45pm.

A6 PROJECT REPORT LIST

Distributed with the Committee Agenda Papers.

EH ENVIRONMENTAL HEALTH

EH1 FOOD RECALL

File Ref: HEA5
Author: T Mayor, Manager of Development Services
Date: 4 February 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

Two Food Recall Notifications were issued by the WA Department of Health for the reporting period all 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 Kavanagh it be recommended to Council that:

The information be received.

EH2 FOOD HANDLING PREMISES

No reports for this reporting period

EH3 FOOD SAMPLES

No reports for this reporting period

AM AMALGAMATIONS

AM1 APPLICATION FOR AMALGAMATION/SUBDIVISION (WAPC APPLICATION NO. 139181) – LOT 1 (18) IRVINE STREET & LOT 2 (1B) VENN STREET PEPPERMINT GROVE

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 4 February 2009

Background

Applicant: Benetti Grogan and Associates
Owner: CR & TW Walsh and Olympic Property Group Pty Ltd
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Areas: 671m² (lot 1) and 1172m² (lot 2)

Report

WA Planning Commission has received an application from Benetti Grogan and Associates, on behalf of the owners of the abovementioned properties seeking approval for the amalgamation/subdivision of lot 1 (18) Irvine Street & lot 2 (1B) Venn Street. The Commission has invited Council to provide any relevant information, comment or recommended conditions for the proposed subdivision of the property by 11 February 2009. After this date the Commission will determine the application.

The Officer has formally advised that the Council will be meeting on 16 February 2009 and successfully sort an extension of time for comment.

The proposed subdivision/amalgamation will create a minor variation to 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.

As Council is aware, the original 18 Irvine Street was recently subdivided to create two new lots, lot 1 (18 Irvine Street) and lot 2 (1B Venn Street).

At the June 2008 Ordinary Meeting Council considered an application for the development of a new dwelling at 18 Irvine Street however, the proposal was refused by Council and subsequently the proponent lodged a request for review, which is currently being considered by the State Administration Tribunal (SAT).

Subsequently, it would be inappropriate for Council to make any recommendations or comments to the WA Planning Commission (WAPC) on the proposed subdivision as it would have the potential to prejudice the decision of the SAT and therefore it would be reasonable for Council to defer consideration on the subdivision until the matter is resolved by SAT.

After consultation it was apparent that the WAPC was unaware that the matter was before SAT. The Officer corresponded with the WAPC to advise on the status of the matter.

Consultation

The Shire is making comment on the proposed subdivision and therefore there is no requirement for further consultation.

Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Kavanagh seconded Cr Vikingur it be recommended to Council 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.

SD SUBDIVISIONS

See item AM 1, above.

DA DEVELOPMENT APPLICATIONS

ADDITIONS/ALTERATIONS/REFURBISHMENTS/EXTENSIONS

DA1 ALTERATIONS TO OUTDOOR LIVING AREAS AND REFURBISHMENTS AND ALTERATIONS TO DWELLING – LOT 30 (62) LEAKE STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 28)

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 2 February 2009

Background

Applicant: Rodrigues Bodycoat Architects
Owner: L Steinepreis
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 1944m²

Report

An application has been received seeking approval for alterations to the existing outdoor living areas and refurbishments and minor alterations to the part area of the existing residence at the above property.

The alterations to the outdoor living are essentially the replacement of pavement, decking and safety barrier to the existing swimming pool and the construction of a pergola. The external ground levels will not be changed by the alterations.

The proposed pergola, which will provide sun shelter to the swimming pool area will be located at the rear of the residence and 4.5m from the western side boundary of the lot 30.

Internal alterations and refurbishments to the residence include the replacement of existing stairs, removal or replacement of windows and doors to create more functional rooms and the construction of sanitary facilities within the existing garage (to provide facilities for swimming pool). The internal works will not change the use of

the related rooms i.e. habitable rooms and therefore will not affect the setback or overlooking requirements and provisions of the Residential Design Codes.

This report recommends that Council grant approval for the proposed outdoor alterations and construction of new pergola and the internal refurbishments and construction of sanitary facilities at 62 Leake 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.”

Plot Ratio

The plot ratio will be 0.31, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be 63.67% which complies with the Residential Planning Codes, Table No 1.

Front Setback

Unchanged by the development – remains at 33.4m.

Rear Setback

Unchanged by the development – remains at 16.5m.

Western and Eastern Side Setbacks

Residence

The setbacks to the residence will be unchanged by the development.

Pergola

The proposed pergola will be located 4.5m from the western side common property boundary and complies with the relevant requirements of the Residential Design Codes, Table 2a.

Height

Residence

The roof heights of the residence remain unchanged.

Pergola

The pergola will have a maximum roof height of 2.85m and complies with the provisions of the Shire of Peppermint Grove Town Planning Scheme No. 3, Policy on Outbuildings, which prescribes a maximum building height of 5.0m.

Amenity

The proposed alternations and refurbishments will have no impact upon the architectural features of the original residence. The design shows that the existing residence is retained in the development, with the proposed works being constructed with details, finishes and materials that will complement the fabrics of the existing residence.

Crossovers and Street Trees

Unaffected by the development.

Fencing

Not part of this application and no changes to boundary fencing.

Outbuilding Area

No change to the area of the existing outbuilding

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
60 Leake St	No comment received			
64 Leake St	No comment received			
47A Irvine St	No comment received			

Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council grant Planning Consent approval for Application 009 – 28 for the alterations to the outdoor living areas including the construction of a pergola and the internal refurbishments and construction of sanitary facilities in the garage of the existing residence at lot 30 (62) Leake Street Peppermint Grove in accordance with the plans and specifications submitted on 23 December 2008.

CONSTRUCTION OF NEW DWELLINGS

No reports this month

CONSTRUCTION OF FENCES

No reports this month

CONSTRUCTION OF OUTBUILDINGS

DA2 OUTBUILDING (POOL HOUSE) LOTS 5 & 60 (146) FORREST STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 31)

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 3 February 2009

Background

Applicant: L Shek
Owner: L Shek
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 5633m²

Report

An application has been received seeking approval for the construction of an outbuilding (pool house) at the above property.

The outbuilding, which will be located at the front of the property approximately 14m from the front boundary of the allotment, will be a contemporary, modular design constructed from a structural, insulated 'Colorbond' metal sandwich panel. An existing

outbuilding, front boundary fence and landscaping/vegetation will provided screening from Forrest Street.

This report recommends that Council grant conditional approval for the pool house at 146 Forrest 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.”

It should be noted that the proposed outbuilding will be a distance of 26m from the existing residence and at a lower ground level and as such will have no adverse impact upon the visual amenity and architecture of the residence.

Plot Ratio

The plot ratio will be 0.23, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be 73.65% which complies with the Residential Planning Codes, Table No 1.

Front Setback

The proposed outbuilding will be located 13.9m from the front boundary of the allotment and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, which prescribes a front setback of 9.0m.

In addition, the proposed poolhouse will be positioned immediately behind an existing brick masonry outbuilding and together with existing vegetation and additional plantings the outbuilding will be significantly screened from the street.

Rear Setback

Unaffected by the development

Side Boundary Setbacks

Unaffected by the development. The outbuilding will be 28m and 36m from the western and eastern side boundaries, respectively.

Height

The outbuilding will have a maximum roof height of 3.8m and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, Policy on Outbuildings, which prescribes a maximum height of 5.0m.

Amenity

As stated above, the outbuilding will be constructed from an insulated ‘Colorbond’ metal sandwich panel with a flat profile. The walls of the building will be predominantly champagne, grey and orange colours and the skillion roof will be grey.

The outbuilding will be screened from the street by an existing outbuilding and vegetation, in addition the existing front fence is approximately 2.3m high and the ground level behind the fence is approximately 1.3m above the ground level of the PAW at the front of the property. These elements therefore combine to provide substantial screening and subsequently, the outbuilding will have no adverse impact upon the streetscape or the amenity of the adjoining properties.

Crossovers and Street Trees

Unaffected by the development.

Fencing

Not part of this application and there no proposed changes.

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
5 View St	Sighted plans and advised that there were no objections to proposal.			
148 Forrest St	No comments received			
147 Forrest St	No comments received			
149 Forrest St	No comments received			

151 Forrest St	Sighted plans and advised that there were no objections to proposal, however, some concern raised about the intended use of the existing outbuilding and asked if the building was to be demolished or retained.			
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Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council grant Planning Consent approval for Application 009 – 31 for the construction of an outbuilding (pool house) at lots 5 & 60 (146) Forrest Street Peppermint Grove in accordance with the plans and specifications submitted on 16 January 2009, subject to –

1. The planting of additional non-deciduous plants along the front boundary of the allotment to provide additional screening. The plants should have a height of approximately 1.8m upon reaching maturity.
2. The existing outbuilding and proposed new outbuilding not being used for habitable purposes.

NOTE TO APPLICANT:

The wind generator shown on the plans submitted on 16 January 2009 is *not* part of this approval and will require the proponent to submit a separate Application for Planning Consent seeking Council approval for the apparatus.

DA3 TEMPORARY OUTBUILDINGS x 4 (SEA CONTAINERS) – LOT 28 McNEIL STREET (OF 25 BINDARING PARADE) PEPPERMINT GROVE (PC APPLIC 009 – 25)

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 3 February 2009

Background

Applicant: Greg Rowe and Associates
Owner: M Creasy
TPS No 3 Zoning: R10
Land Use: Single dwelling
Lot Area: Total land area of 25 Bindaring Pd: 4777m² (lot 28: 407m²)

Report

An application has been received seeking Council approval for the temporary installation of four (4) sea contains at the above property. The proponent requires the sea containers to provide temporary storage facilities for personal and household effects for a period of 24 months.

The sea contains -

- Size: 2.6m high, 2.4m wide and 6.0m in length.
- Intended use: Storage of personal/household effects
- Location: the proposed location for the 4 x sea containers is at the western end of 25 Bindaring Parade 1.0m from the western side common property boundary adjoining 29 McNeil Street an 1.0m from the .
- Colour: ‘iron oxide’ – a dark red colour
- Duration/time required: 24 months

The proponent, on behalf of the property owner, has provided a formal rationale and site plan supporting the installation of the sea containers.

THE PROPONENT’S RATIONALE SHOULD BE READ IN CONJUNCTION WITH THE OFFICER’S REPORT

This report recommends that Council grant *conditional* approval for the installation of four (4) x sea containers at 25 Bindaring Parade.

Heritage

This property is no longer listed in the Shire of Peppermint Grove Municipal Heritage Inventory. The State Government has been granted approval for the removal of the property from the State Heritage Register. The action then provided the opportunity for the owner to make application to the Shire for the demolition of the building and the subsequent removal of the building from the Shire's Heritage Inventory.

Plot Ratio

The plot ratio will be 0.32, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be 68.85% which complies with the Residential Planning Codes, Table No 1.

Front Setback

Unaffected by the development

Rear (western) and Side (northern) Boundary Setbacks

The proponent has nominated the western and northern common property boundaries of lot 28 as the side and rear boundaries, respectively, in order to establish building setbacks for the sea containers. The geometry and access of 25 Bindaring Parade is relatively unique and the nominated boundaries are considered quite reasonable for the purposes of assessing the setbacks.

It is therefore proposed that the sea containers will be located 1.0m from both the western and northern common property boundaries of the property. The proponent states that these setbacks will comply with the requirements of the Residential Design Codes.

Eastern Side Setback

Unaffected by the development – the eastern boundary of lot 28 is the front boundary of the lot.

Height

The sea containers will have a height of 2.6m. The Residential Design Codes, 6.10.1 Outbuildings A1 Acceptable Development, states that outbuildings should not exceed 2.4m in height.

The Shire of Peppermint Grove Town Planning Scheme No. 3, Policy on Outbuildings, prescribes a height of 3.0m for outbuildings, however, this is inconsistent with the Residential Design Codes and therefore the requirements of the Codes prevail.

The proponent has stated that the additional height of 200mm is minimal deviation and would not have an adverse impact upon the visual amenity of the neighbouring properties.

Amenity

The Officer has had discussions with the owner 29 McNeil Street and 27 Airlie Street (Claremont). These properties adjoin the western and northern common property boundaries of lot 28 and will be the most affected by the position of the sea containers.

The neighbours did not object to the installation of the sea containers but were concerned about the position and subsequent impact upon the visual amenity of their properties. Both owners have expressed their concern that the position and height of the sea containers would have a significant impact upon the visual amenity of their properties and both owners requested that the sea containers be moved approximately 6 – 8m east of the proposed location which will ensure that the sea containers are well screened by existing vegetation. However, the owner of 31 McNeil Street has expressed serious concerns regarding the proposed position and is in favour of the alternative location i.e. 8m east.

It is the opinion of the Officer that the sea containers would be better positioned immediately to the rear of 35 McNeil Street, which is owned by the owner of 25 Bindaring Parade and occupied by a relative. Alternatively, the sea containers could be positioned further east onto the property.

Crossovers and Street Trees

Unaffected by the development

Fencing

Not part of this application and no proposed changes to existing fencing.

Outbuilding Area

The sea containers will have an aggregate floor area of 57m². The Residential Design Codes states that outbuildings can be 60m² or 10% of the site area whichever is the lesser. Lot 28 is 410m² in area and as such the maximum outbuilding area is 41m². Therefore, the aggregate area of the outbuildings (sea containers) exceeds the maximum area by 16m².

The proponent has stated that the additional floor area of the sea containers will not adversely affect the amenity of the locality.

It is the Officer's opinion that the additional floor area of the sea containers will satisfy the Residential Design Codes, Performance Criteria 6.10.1 Outbuildings P1, i.e. the additional floor area will not adversely affect the amenity of the adjoining properties.

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
<p>2 The Esplanade</p> <p>27 Airlie St</p> <p>29 McNeil St</p>	<p>No comments received</p> <p>No objection to installation of sea containers but is concerned that the location will adversely affect the visual amenity of their property.</p> <p>No objection to installation of sea containers but is concerned that the location will adversely affect the visual amenity of their property.</p>	<p>Performance Criteria 6.10.1 Outbuildings P1 – outbuildings that do not detract from the visual amenity of residence or neighbouring properties.</p> <p>As above</p>		<p>It is the opinion of the Officer that the proposed outbuildings (4 x sea containers) will have an adverse impact upon the visual amenity of this property. It would therefore be appropriate for the sea containers to be located in a position approx 6 – 8m east of the proposed position where existing vegetation will provide visual screening for the sea containers.</p> <p>As above</p>
<p>31 McNeil St</p> <p>33 McNeil St</p> <p>41 McNeil St</p>	<p>No comments received</p> <p>No comments received</p> <p>No comments received</p>			

Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council grant Planning Consent approval for Application 009 – 25 for the installation of four (4) temporary outbuildings (4 x sea containers) at lot 28 (25) Bindaring Parade Peppermint Grove in accordance with the plans and specifications submitted on 4 December 2008, subject to –

1. the four (4) sea containers being positioned further east and immediately to the rear of 35 McNeil Street Peppermint Grove to minimize visual impact upon the adjoining neighbours.
2. the four (4) sea containers being removed from 25 Bindaring Parade 24 months from the date of this Planning Consent approval.

COMMERCIAL PREMISES

DA4 PROPOSED RETAIL LIQUOR SALES – SHOP 4 – 5 COTTESLOE CENTRAL SHOPPING CENTRE LOT 87 ET AL 460 – 476) STIRLING HIGHWAY PEPPERMINT GROVE (PC APPLIC NO. 009 – 29)

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 2 February 2009

Background

Applicant:	D Favaretto, Liquor Out West Pty Ltd
Owner:	Primewest Pty Ltd
TPS No 3 Zoning:	Commercial
Land Use:	Shop
Lot Area:	13,282m ²

Report

An application has been received seeking approval to establish a retail liquor sales outlet at the above property.

The proposed development will be located within the Cottesloe Central Shopping Centre in shops 4 & 5, which are existing retail shops within the Centre.

Cottesloe Central Shopping Centre is zoned “Commercial” and the Use Class “Shop” is a permitted or ‘P’ use in a Commercial zone as defined by the Shire of Peppermint Grove Town Planning Scheme No. 3, table 3.2 ZONING TABLE -

‘P’ means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;

Further, the Town Planning Scheme, Schedule 1, PLANNING SCHEME INTERPRETATIONS provides the following defines -

Shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.

Liquor Store: means any land or buildings the subject of a Store Licence granted under the provision of the Liquor Licensing Act 1988 (as amended).

The proposed development, Retail Liquor Sales, will be for the retail sales of packaged liquor only. There will be no consumption of beverages on the premises, subsequently, the shop will comply with the requirements of the Shire of Peppermint Grove Town Planning Scheme No. 3.

Trading hours:

The shop will be open normal retail shop trading hours 9.00am – 6.00pm, Monday to Saturday.

Staff sanitary facilities:

Existing sanitary facilities are available for staff within the Shopping Centre.

There is no requirement to provide sanitary facilities for patrons. Public facilities are available within the Centre.

Car parking:

There is a total of 325 car parking bays available for shoppers on site at the Centre, which includes parking allocation for shops 4 & 5.

Other retail liquor sales:

There two (2) other retail liquor sales shops in the Shire of Peppermint Grove, Liquor Land located at 484 Stirling Highway and Vintage Cellars at 502 Stirling Highway. In addition to these outlets, liquor sales are also available at the Albion Hotel, Stirling Highway, which is within the jurisdiction of the Town of Cottesloe.

Trading will be required to comply with the Liquor Control Act and will be managed and review by the Department of Racing Gaming and Liquor.

This report recommends that Council grants planning consent approval for the proposed retail sale of liquor at the above premises and supports the application to the Department of Racing, Gaming and Liquor.

Heritage

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

Consultation

As part of the licensing process, the Department of Racing, Gaming and Liquor will advertise the application for the liquor retail sales of packaged liquor in the Western Australian Newspaper and will enable other liquor outlets and individuals to make comment/objection to the proposed retail liquor outlet at the Cottesloe Central Shopping Centre.

Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council grants Planning Consent Approval for Application 009 – 29 for the retail sale of packaged liquor at the Cottesloe Central Shopping Centre, Shops 4 & 5, lot 87 (460 – 476) Stirling Highway Peppermint Grove, in accordance with the plans and details submitted on 12 January 2009, subject to –

1. no consumption of liquor on the premises
2. receiving formal approval from the Department of Racing, Gaming and Liquor

3. the applicant submitting to the Shire a copy of the licensing approval from the Department of Racing, Gaming and Liquor for the retail sale of liquor before proceeding with the fitout of the shops
- at the Cottesloe Central Shopping Centre, Shops 4 & 5.

NOTE TO APPLICANT:

The applicant is required to submit an Application for Building Licence to the Shire of Peppermint Grove seeking approval for the internal fitout of Shops 4 & 5.

DEMOLITIONS

No reports for this month.

OTHER

DA5 INSTALLATION OF TRANSPORTABLE CLASSROOM AT COTTESLOE PRIMARY SCHOOL – RESERVE 23582 (LOT 315) 530 STIRLING HIGHWAY STREET PEPPERMINT GROVE (PC APPLIC NO. 009 - 30)

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 4 February 2009

Background

Applicant:	Department of Housing and Works
Owner:	Department of Education and Training
TPS No 3 Zoning:	Public Use (Crown reserve)
Land Use:	School
Lot Area:	11,626m ²

Report

An application has been received seeking Council approval for the installation of a new classroom at the above property.

The proposed classroom will be a prefabricated, transportable building and will be located within the school precinct, 30m from the western boundary (Stirling Highway) and 140m from the Johnston Street boundary.

The classroom will have a floor area of 69.12m² and will be able to accommodate 35 students whilst providing the required access for disabled people.

The School is on the Shire of Peppermint Grove Municipal Heritage Inventory however, the proposed classroom will not be part of the original school buildings and is sufficiently remote from these buildings such that it will not have any adverse impact upon the cultural or heritage significance of the place.

This report recommends that Council grant *conditional* planning approval for the new classroom at the Cottesloe Primary School.

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.”

The School is also recognized by the Heritage Council of Western Australia and therefore the proponent will be required to make application to and obtain the express formal approval of the Heritage Council WA for the proposed development.

Front Setback

The classroom will be located 30m from Stirling Highway and satisfies the setback requirements prescribed by the Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 4.7 PRIVATE CLUBS AND INSTITUTIONS

Rear Setback

Unaffected by the development

Southern Side Setback

The classroom will be located 140m from the Johnston Street boundary i.e. southern side boundary.

Northern Side Setback

The classroom will be 120m from the Keane Street boundary i.e. northern side boundary.

Height

The classroom has a low profile roof resulting in a building height of 3.6m above the existing ground level of the proposed location for the building and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 4.7 PRIVATE CLUBS AND INSTITUTIONS Part (f) maximum height of buildings.

Amenity

The classroom will not have any impact upon the amenity of the adjoining residential properties nor will there be any adverse impact upon the streetscape of either Johnston or Keane Streets .

Crossovers and Street Trees

Unaffected by the development

Fencing

Not part of this application.

Outbuilding Area

N/A

Consultation

As the classroom is remote from any adjoining residential properties it was not necessary to consult with adjoining property owners.

As a condition of Council planning approval however, the applicant will be required to consult with and obtain approval of the Heritage Council WA before commencing the development.

Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council grants Planning Consent Approval for Application 009 – 30 for the installation of a prefabricated, transportable classroom at the Cottesloe Primary School, Reserve 23582 (lot 315) 530 Stirling Highway Peppermint Grove, in accordance with the plans and specifications submitted on 14 January 2009, subject to –

1. the proponent submitting details to and receiving approval from the Heritage Council of WA for the propose new classroom.
2. an Application for Building Licence is submitted to the Shire of Peppermint Grove for the proposed new classroom together with the formal approval of the Heritage Council.

DA6 EXTENSION OF PLANNING CONSENT APPROVAL (008 – 62) – NEW DWELLING LOT 89 (50) JOHNSTON STREET PEPPERMINT GROVE (PC APPROVAL 008 – 62)

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 5 February 2009

Background

Applicant: JL Prevost
Owner: JL Prevost
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 1262m²

Report

At the Ordinary Meeting of Council held on 16 June 2008 planning consent approval was granted for the construction of a new residence at the abovementioned property. The development proposed a nil setback for a garage wall on western common property boundary however, Council resolved to require a 1.0m setback following an objection from the adjoining property owner. As a result of the decision the applicant and adjoining neighbour entered into lengthy and amicable discussions on the building setback for the garage wall with the aim of reaching a solution to the setback conditions.

The matter was subsequently brought back to Council for further information the consequence of which resulted in a delay in the preparation of final plans for the development.

The Shire of Peppermint Grove Town Planning Scheme No. 3, Schedule 3 – Planning Consent/Refusal, states that –

This approval is valid for a period of 12 months only. If development is not completed within this period, a fresh approval must be obtained before commencing or continuing development.

The property owner has experienced a significant delay in the process of resolving the boundary setback issue and is now seeking Council's indulgence and has requested consideration in the extension of the Planning Consent for a period of 12 months to provide a more realistic time frame for the commencement and completion of the proposed residence.

THE OWNER OF 50 JOHNSTON STREET HAS PREPARED AND SUBMITTED A RATIONALE FOR THE EXTENSION OF TIME FOR PLANNING CONSENT AND SHOULD BE READ WITH THIS REPORT

Officer's Comments

There have been no new dwellings in Peppermint Grove in the past five years that have been constructed within the required 12 month period and it is considered to be a high and with due respects an unrealistic expectation to achieve this desired goal.

As part of the review of the Shire of Peppermint Grove Town Planning Scheme, the statement in the Planning Consent is to be revised to reflect the nature or size of residential developments in Peppermint Grove and the ability of the building industry to respond to building construction requirements and demands. Therefore a more reasonable expectation and subsequent statement to be considered could be -

*This approval is valid for a period of **24** months only. If development is not **substantially commenced** within this period, a fresh approval must be obtained before commencing or continuing development.*

There are no variations or changes to the approved plans for this development.

This report recommends that council approve the extension of 12 months for Planning Consent 008 – 62.

Discretions to be Considered

The Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 6.3 DETERMINATION OF APPLICATIONS, sub-clause 6.3.4 states that –

Where the Council approves an application for planning consent under this Scheme the Council may limit the time for which that consent remains valid.

Therefore, the Council may exercise its discretion to vary the time for a planning consent i.e. the limit may be more or less than the 12 months stated on Schedule 3.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council grant approval for the extension of twelve (12) months for Planning Consent Approval 008 – 62 issued on 25 June 2008 to enable the commencement and substantial construction of the proposed new residence at lot 98 (50) Johnston Street Peppermint Grove

DA7 CLARIFICATION OF PLANNING DEFINITIONS – SHIRE OF PEPPERMINT GROVE TOWN PLANNING SCHEME NO. 3 AND RESIDENTIAL DESIGN CODES

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 5 February 2009

Background

The Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 4.4(b) restricts residential dwellings to a maximum height of 10m and two storey -

SHIRE OF PEPPERMINT GROVE TOWN PLANNING SCHEME NO. 3

4.4 RESIDENTIAL PLANNING CODES: VARIATIONS AND EXCLUSIONS
The following variation to the residential planning codes shall apply:

b) For R10, R12.5 and R15 coded areas no site shall be developed or building constructed to exceed 2 storeys excluding any basement storey and 10m* in height measured to the highest portion of the roof of the development from mean natural ground level or other level determined by Council.
(*Approval Gazetted 7/5/93)

There are no definitions in the Scheme for terms “storey, active habitable space and outdoor living area” and therefore it is necessary to refer to the Residential Design Codes as a guide for determining an application.

RESIDENTIAL DESIGN CODES

Active habitable space

Any habitable room with a floor area greater than 10m² and any balcony, verandah, terrace or other outdoor living area raised more than 0.5m above natural ground level and greater than 1m in dimension and 3m² in area.

Outdoor living area

The area external to a single house or grouped dwelling to be used in conjunction with that dwelling such that it is capable of active or passive use but excludes any area with a dimension of less than 1m or which by reason of its development or topography is not readily accessible from the dwelling.

Storey

That part of a building between floor levels. If there is no floor above it is the part between the floor level and the ceiling.

A potential applicant has questioned the use of a trafficable roof for active living space where the roof will be less than 10m in height but does not have a roof or ceiling over, which would assist in the definition of a storey.

It would be appropriate for the Committee to discuss the matter for general information and to instruct the officer to seek the opinion of the Shire's solicitor to obtain clarification of a storey in relation to the Town Planning Scheme.

Committee Recommendation

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

Council instructs the Shire's Manager of Development Services to seek a legal opinion on the definition of "storey" from the Shire's solicitors in order to consider any future development applications for residential buildings.

BLD BUILDING

BLD1 BUILDING LICENCE VARIATIONS

No reports for this month.

BLD2 HERITAGE

No reports for this month.

BLD3 BUILDING/DEMOLITION LICENSES APPROVED

File Ref: BUI20/BUI7
Author: T Mayor, Manager of Development Services
Date: 1ST February 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 \$
3123	MJ WHEELER	163 FORREST	front fence	3,000
3124	FIELDLINE CORP	460 – 476 STIRLING H'WAY	Internal party wall	45,000
3125	J MANNERS-HILL	1 CROSSLAND COURT	side boundary fences	18,000

There were no Demolition Licences issued during the reporting period:

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

The information be received.

BLD4 BUILDING INSPECTIONS

File Ref: BUI10
Author: T Mayor, Manager of Development Services
Date: 3 February 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
3080	Alterations (minor internal) to dwelling	15 View Street	Completed
2979	New dwelling	48 Johnston Street	Final inspection - completed
3020	Swimming pool	48 Johnston Street	Final inspection - completed
3113	Office fitout	460 Stirling Highway (Cottesloe Central Shopping Centre)	Final – completed
3073	Alterations and additions to outbuilding	45 Johnston Street	Progress – upper level addition at lock-up stage.

3160	Patio shade cover	Cottesloe Primary School	Final – completed
3077	Alteration to side boundary fence	45 Johnston Street	Final – completed

Committee Recommendation

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

The information be received.

BLD5 SIGNS & HOARDINGS

No reports for this month.

HOP OPERATIONAL ISSUES

No reports this month

DEL DELEGATES REPORT

DEL1 LGA CENTRAL ZONE MEETING – 29 JAN 2009

Cr Bacich and Chief Executive Officer attended the Central Zone Meeting held at the Royal Freshwater Bay Yacht Club.

There were two major issues presented to the Zone, namely –

1 Perth Coastal Planning Draft Strategy

This document has been released for public comment and copies of the document have been lodged in the library for public use.

2 Get Tough on Graffiti Strategy

The Office of Crime Prevention, Police Dept. And the WA Local Govt Assoc. have produced a new strategy that includes –

- Reinvigoration of the Graffiti Task Force
- 1800 number for public hotline reporting
- Rewards offered for reporting offenders
- Mobile CCTV observation equipment to be made available
- Funding Assistance
- Gardens for designing and crime (graffiti)
- Register of available professional services (website)
- Fines and penalties increased
- School Education Programs being trailed.

Other issues of interest were:

- Constitutional Recognition

CEO CHIEF EXECUTIVE OFFICER'S REPORT

CEO1 LIBRARY MANAGEMENT ARRANGEMENTS

File Ref: LIB7F
Author: G K Simpson, Chief Executive Officer
Date: 2 February 2009

Purpose

The purpose of this report is to seek Councils agreement to vary the management arrangements for the project construction and management agreement.

Background

The three participants in the provision of the library service, being Cottesloe, Peppermint Grove and Mosman Park have been operating by the use of a legal agreement that provides the basis on how the arrangement is managed and the method levying financial contributions.

A new agreement was drafted to have the Management Committee of forty years standing continue on into the future as per normal. Because the construction of the library and community learning centre is going to be such a major project it was proposed that the Steering Committee be formalised, mentioned in the legal agreement and be given responsibility to manage the construction.

Report

At the most recent meeting of the Tender Evaluation Committee an agreement was put forward to establish a system of control and method of voting that is different to how we have been operating, but not seen as a problem.

The three Chief Executive Officers met with Mr Philip Wilson of Corrs Chambers Westgarth who drafted the following proposal:

I refer to our conference on 3 December (at which Laurie Vickary and Paul Anderson were also present).

Given:

- (a) the desire of the three participating local governments (**Participants**) to leave the Tender Evaluation Committee in place until a construction contract is awarded; and*
- (b) the constitution of the Project Steering Committee is to be slightly different to the constitution of the Tender Evaluation Committee,*

there is no reason that I can see why the project committee structure cannot consist of 3, instead of 2, committees.

A suggested committee structure follows.

1 Tender Evaluation Committee

- 1.1 *Purpose: Call for (including, if necessary, re-calling) and evaluate tenders, negotiate with one or more preferred tenderers and make recommendations to the Participants in relation to the appointment of a contractor and in relation to the pricing, form and content of the proposed construction contract.*
- 1.2 *Membership: 2 representatives appointed by each Participant.*
- 1.3 *Voting: 1 vote each.*
- 1.4 *Decisions: By simple majority, but majority must include at least 1 representative from each Participant.*
- 1.5 *Quorum: 4 out of 6, including at least 1 representative appointed by each Participant.*

2 Project Steering Committee

- 2.1 *Purpose: Control, direct and manage the construction of the buildings pursuant to the construction contract (the construction contract having been entered into following approval by all Participants).*
- 2.2 *Structure: The same as for the Tender Evaluation Committee, but with each Participant being entitled to appoint an additional non-voting representative as an observer.*

3 Library Management Committee

- 3.1 *Purpose: To determine issues of policy and all other matters associated with the day to day management of the library.*
- 3.2 *Membership: 1 representative appointed by each Participant.*
- 3.3 *Voting: 1 vote each.*
- 3.4 *Decisions: By simple majority.*
- 3.5 *Quorum: 2 out of 3.*

4 General governance provisions

There will be some general governance provisions which apply to the governance and operation of each of the above 3 committees, including:

- (a) *the appointment of a presiding member who does not have a casting vote;*

- (b) *the manner in which meetings are convened and conducted and minutes kept;*
- (c) *each representative must be an elected member or employee of the relevant Participant; and*
- (d) *each Participant may at any time and from time to time, remove and replace any of its representatives, or appoint alternates.*

5 Contracts

- 5.1 *Construction contract: May only be entered into following the unanimous approval of all Participants.*
- 5.2 *Construction phase: All other contracts and agreements relating to project construction must be approved by the Project Steering Committee.*
- 5.3 *Library management phase: All contracts relating to the management of the library must be approved by the Library Management Committee.*

6 Budgets

- 6.1 *Pre construction contract: Budgets and expenditure to be as approved by the Tender Evaluation Committee.*
- 6.2 *Construction: Once construction contract (including construction price) is approved by all Participants, construction budgets and expenditure to be approved by the Project Steering Committee.*
- 6.3 *Library management phase: Draft budgets to be prepared by Library Management Committee, with expenditure to be in accordance with budgets ratified by Participants. Library capital expenditure requires unanimous ratification by all Participants. Library operating expenditure requires ratification only by a majority of Participants.*

7 Day to day management

Day to day management during all phases is vested by the Participants in the Manager (initially Shire of Peppermint Grove). The Manager will employ a project manager.

If all 3 participating local governments sign off on the suggested Committee structure outlined above, I can redraft the Project Construction and Management Agreement in order to reflect that structure.

It is intended that the Tender Evaluation Committee take on a slightly increased area of responsibility in that it wishes to approve budgets and expenditure as stated in item 6.1.

Policy Implication

Nil

Budget Implication

Nil

Recommendation

That

The draft of the suggested Committee Structures be adopted as the basis for the Construction and Management Agreement for the library and community learning centre and the Shire of Peppermint Grove office.

CEO2 LOCAL GOVERNMENT ELECTED MEMBERS RECORDS

File Ref: CMA1
Author: G K Simpson, Chief Executive Officer
Date: 12 February 2009

Purpose

A recent Freedom of Information application has requested access to Elected Members' records.

The existing Policy on records to be kept by Local Government Elected Members was negotiated between WA Local Government Association and the State Records Office.

Existing Policy on Local Government Elected Members

In relation to the recordkeeping requirements of Local Government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council. This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of Local Government.

Activities or transactions which stem from the performance of other roles by Local Government elected members that are not directly relevant to the decision making processes of Council or Committees of Council are not subject to mandatory recordkeeping requirements. Accordingly, the creation and retention of records relating to these activities or transactions is at the discretion of the Local Government.

The matter was referred to the Information Commissioner, whose decision included the view that records "... that are created or received by a councilor in his or her

official capacity as an elected representative, are, in my view, documents of an agency for the purposes of the FOI Act.”

The States Record Commissioner is of the opinion that is now appropriate to amend the existing policy for the record keeping requirements of Elected Members’ records.

The Commissioner is now seeking comment on the Proposed Revised Policy that follows:

Proposed Revised Policy on Local Government Elected Members

(NB: revised text is in bold italics)

In relation to the recordkeeping requirements of local government elected members, records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision making processes of Council and Committees of Council.

This requirement should be met through the creation and retention of records of meetings of Council and Committees of Council of local government ***and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.***

Local governments must ensure that appropriate practices are established to facilitate the ease of capture and management of elected members’ records up to and including the decision making processes of Council.

The issue has been referred to the WESROC Executive to consider the question, however it is difficult to escape the logic that there will often be communications between people that will affect the accountability of a local government in the discharge of its business.

The WA Local Government Association seeks Council’s opinion on the subject.

Recommendation

That

Council advise the WA Local Government Association that is not opposed to the amendment on the record keeping requirements of local government elected members.

CEO3 BUILDING ACTIVITY – LOT 76 BUNGALOW COURT – OLYMPIC HOLDINGS PTY LTD

During the week commencing the 2nd February 2009 it was brought to the attention of the administration that excavation work had been undertaken on Lot 76 Bungalow Court and a form of concrete pier and beam had been put together next to the limestone fence of the adjoining property.

After consultation with McLeods Barristers and Solicitors the following action has been taken –

- 1 Stop Work Notice issued
- 2 Notice of Illegal Work – setting in place what needs to be done to rectify the action taken
- 3 A Prosecution Notice for failing to provide a copy of plans and specifications and obtain a building licence.
- 4 A Prosecution Notice for commencing excavation work without protecting the existing building (limestone wall and footing)

The two Section 401 Notices (Stop Work and Illegal Work) are open to appeal to the State Administrative Tribunal and the two Prosecution Notices and, in cases of pleading Not Guilty, argued out in the Magistrates Court at Fremantle on 2nd March 2009.

A practising structural engineer has been consulted to give professional advice on the perceived emergency and the structural stability of the work done.

Recommended

That

The report on the building work undertaken on Lot 76 Bungalow Court be received.

CEO4 THE CLIFFE COMMITTEE

File Ref: HER3A
Author: G K Simpson, Chief Executive Officer
Date: 12 February 2009

The Committee has met on three occasions to establish the basic options and appointed professionals to assist in the investigation process.

Meetings were held on 18 December 2008, 16 January 2009 and 6 February 2009.

Appointment of Community Members

Council resolved to appoint three community members to join the four Councillors on The Cliffe Investigation Committee.

Nominations were invited from the public and at the close of the period, being 4.00pm on 11 February 2009, the following names were received.

- 1 Mr John Taylor – Architect
- 2 Mr Mac Hall – Resident and Real Estate Agent
- 3 Mr John Dowson – Historian, Fremantle Councillor
- 4 Mr Ian Baxter – Nominated by Mr Owen
- 5 Mr Bleddyn Butcher – Redfern, NSW

Recommendation

That

- 1 Receive the Minutes of the Cliffe Investigation Committee Meetings held on 18 December 2008, 16 January 2009 and 6 February 2009.
- 2 Council appoint the following persons to The Cliffe Investigation Committee
 - 1
 - 2
 - 3

CEO5 ANNUAL MEETING OF ELECTORS

File Ref: MEEM1
Author: G K Simpson, Chief Executive Officer
Date: 12 February 2009

The Annual Meeting of Electors was held on Tuesday 3 February 2009 and was attended by ten electors, four Councillors and three staff.

Formal motions were made for the receipt of Statutory reports and no resolutions made that require Council's consideration.

Minutes of the Annual Meeting of Electors will be circulated under separate cover.

Recommendation

That

The Minutes of Annual Meeting of Electors be received and its contents noted.

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

Items of an operation nature may be raised, but if a Council decision is required the issue will be referred to the appropriate Committee.

OP1 ALTERATIONS AND ADDITIONS TO SINGLE STOREY DWELLING – LOT 2 (1B) VENN STREET PEPPERMINT GROVE (PC APPROVAL 007 - 72)

File Ref: BUI20
Author: T Mayor, Manager of Development Services
Date: 12 February 2009

Background

Applicant: Olympic Property Group
Owner: Olympic Property Group
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 1843m²

Report

At the Ordinary Meeting of Council held on 21 May 2007, approval was granted for the restoration and refurbishment of the existing residence and for alterations and additions to the residence at 18 Irvine Street. Following the subdivision of the property the street address for the residence is now 1B Venn Street (see attachments, site plan).

The approved work has been progressing and the owner has formally advised the Shire of minor changes to the development which include –

- Deletion of a highlight window on the southern side of the garage
- Deletion of a highlight window to a robe on the eastern side of the addition
- Deletion of side windows to a bedroom on the northern side of the addition
- Deletion of doors from a passage on the northern side of the addition
- Deletion of two corner sections on the northern verandah of the original residence

Plot Ratio

The plot ratio will not be affected by the variations and continues to comply with the original approval.

Open Space

The open space will not be affected by the variations and continues to comply with the original approval.

Front Setback

Unaffected by the variations

Rear Setback

Unaffected by the variations

Northern Side Setback

The deletion of the two corner sections of the verandah on the northern side of the residence will increase the building setback from the northern common property side boundary and therefore will not affect the setback requirements of the Residential Design Codes.

Southern Side Setback

The highlight window located in the southern wall of the garage has been deleted and will not affect the existing approved common property side boundary setback for the garage.

Height

Unaffected by the variations

Amenity

The minor variation will have no adverse impact on the streetscape or amenity of the adjoining properties.

Crossovers and Street Trees

Unaffected by the variations

Fencing

Unaffected by the variations

Outbuilding Area

N/A

Consultation

As the variations do not affect any setbacks or create any overlooking issues there is no requirement to consult with adjoining property owners.

Discretions to be Considered

N/A

Policy Implications

The Manager of Development Services in accordance with the Shire of Peppermint Grove Policy Manual – policy H2 VARIATIONS TO DEVELOPMENT APPLICATION PLANS has exercised his discretion to approve the minor variations to the approved restoration, refurbishments, alterations and additions to the residence at 1B Venn Street Peppermint Grove.

Budget Implications

N/A

Attachment

Refer to appendix

Recommendation

That

Council endorses the actions of the Officer in approving the minor variations for the refurbishments, alterations and additions to the residence at 1B Venn Street Peppermint Grove (Planning Consent 007 - 72) in accordance with the Shire of Peppermint Grove Policy Manual Policy H2 – VARIATION TO DEVELOPMENT APPLICATION PLANS.

**OP2 DRAFT PERTH COASTAL PLANNING STRATEGY (PUBLIC COMMENT) –
WESTERN AUSTRALIAN PLANNING COMMISSION**

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 12 February 2009

Report

The Department for Planning and Infrastructure has been coordinating the preparation of the Perth Coastal Planning Strategy. The Strategy will provide guidance and support to decision-making on the future land use, development and conservation of the Perth metropolitan coast.

In 2005 and 2007 a series of workshops and forums were conducted as part of the community engagement program for developing the Perth Coastal Planning Strategy. The outcomes provided valuable information used directly in the preparation of the draft strategy.

The purpose of the strategy is to guide future sustainable planning for conservation, recreation, infrastructure and development of the metropolitan coast. The strategy builds on Network City at a sub-regional level for the coast; provides a strategic

regional framework for the implementation of State Government Policy 2.6 (State Coastal Planning Policy); and promotes integrated coastal zone management.

The study area for the Strategy is the coastal zone in the Metropolitan Region Scheme, extending 120 kilometres from Two Rocks in the north to Singleton (near Mandurah) in the south. The western boundary extends 500m off-shore and the eastern boundary is the first main road running parallel to the coast. The coastal precinct guidance is focused on the coastal foreshore reserve and the land abutting it.

The Draft Perth Coastal Planning Strategy document and a summary document are available from the Manager of Development Services for Councillors and may be viewed in the Library. Public comments on the Strategy are invited and submissions close on 31 March 2009.

Recommendation

That

Council notes the information.

CIB CONFIDENTIAL ITEMS OF BUSINESS

CLOSURE