



SHIRE OF PEPPERMINT GROVE

MINUTES OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

23 MARCH 2009

Ordinary Meeting of Council

23 March 2009

TABLE OF CONTENTS

Item	Subject	Page
A	OATH AND AFFIRMATION OF ALLEGIANCE AND DECLARATION OF OFFICE BY NEWLY ELECTED COUNCILLORS	5
A1	DECLARATION OF OPENING AND RECORDING OF ATTENDANCE & APOLOGIES	5
A2	DELEGATIONS	5
A3	QUESTIONS BY MEMBERS OF THE PUBLIC	5
	A3.1 Mr Peter Macintosh - On the Matter of a Conflict of Interest.	6
	A3.2 Mr Greg Peters	8
A4	DECLARATION OF INTEREST	9
A5	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	9
	The Minutes of the Ordinary Meeting of Council held on 23 rd February 2009	9
A6	PROJECT REPORT LIST	9
A7	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION	9
	REPORTS OF THE WORKS & FINANCE COMMITTEE	10
A2	DELEGATION OF VISITORS	10
	A2.1 Keane Street/View Street Roundabout	10
	A2.2 Hurstford Close/Leake Street Intersection	10
A3	QUESTIONS BY MEMBERS OF THE PUBLIC	10
A4	DECLARATION OF INTEREST	10
A6	PROJECT REPORT LIST	10
FE	FINANCE CONTROL & EXPENDITURE	11
	FE1 ACCOUNTS FOR PAYMENT	11
	COUNCIL DECISION – 33/MAR 09	12

FE2	FINANCIAL STATEMENTS		12
		COUNCIL DECISION – 34/MAR 09	12
FE3	INVESTMENTS		13
		COUNCIL DECISION – 35/MAR 09	14
FE4	LIBRARY PROJECT SUMMARY COSTS		15
		COUNCIL DECISION – 36/MAR 09	15
FE5	ANNUAL BUDGET REVIEW		16
		COUNCIL DECISION – 37/MAR 09	19
W	WORKS		19
W1	KEANE STREET/VIEW ROUNDABOUT		19
		COUNCIL DECISION – 38/MAR 09	20
FOP	OPERATIONAL ISSUES		20
FOP1	RANGER REPORT		20
	REPORTS OF THE HEALTH, BUILDING & TOWN PLANNING COMMITTEE		21
A2	DELEGATION /DEPUTATIONS		21
A3	QUESTIONS BY MEMBERS OF THE PUBLIC		21
A4	DECLARATION OF INTEREST		21
A6	PROJECT REPORT LIST		21
EH	ENVIRONMENTAL HEALTH		21
EH1	FOOD RECALL		21
		COUNCIL DECISION – 39/MAR 09	22
EH2	FOOD HANDLING PREMISES		22
		COUNCIL DECISION – 40/MAR 09	23
EH3	FOOD SAMPLES		23
AM	AMALGAMATIONS		23
AM1	APPLICATION FOR AMALGAMATION/SUBDIVISION (WAPC APPLICATION NO. 139422) – LOTS 87, 88 & 89 (12, 14 & 16) BAY VIEW TERRACE PEPPERMINT GROVE		24
		COUNCIL DECISION – 41/MAR 09	25
SD	SUBDIVISIONS		25
DA	DEVELOPMENT APPLICATIONS		25
DA1	FRONT FENCE – LOT 36 (1) CROSSLAND COURT PEPPERMINT GROVE (PC APPLIC NO. 009 – 34)		26
		COUNCIL DECISION – 42/MAR 09	28
DA2	RECONSTRUCTION OF EXISTING (OUTBUILDING) CARPORT – LOT 100 (46) IRVINE STREET PEPPERMINT GROVE (PC APPLIC, NO. 009 –33)		28
		COUNCIL DECISION – 43/MAR 09	31

DA3	EDUCATIONAL ESTABLISHMENT (LEARNING CENTRE) – TENANCIES 10, 11 & 12, COTTESLOE CENTRAL SHOPPING CENTRE, LOT 87 ET AL (460 – 476) STIRLING HIGHWAY PEPPERMINT GROVE (PC APPLIC, NO. 009 – 40)	31
	COUNCIL DECISION – 44/MAR 09	33
BLD	BUILDING	34
BLD1	BUILDING LICENCE VARIATIONS	34
BLD2	HERITAGE	34
BLD3	BUILDING/DEMOLITION LICENSES APPROVED	34
	COUNCIL DECISION – 45/MAR 09	35
BLD4	BUILDING INSPECTIONS	35
	COUNCIL DECISION – 46/MAR 09	37
BLD5	SIGNS & HOARDINGS	37
HOP	OPERATIONAL ISSUES	37
HOP1	REVIEW OF THE SHIRE OF PEPPERMINT GROVE TOWN PLANNING SCHEME NO. 3	37
	COUNCIL DECISION – 47/MAR 09	37
DEL	DELEGATES REPORT	38
DEL1	Special Meeting Of Central Zone of Local Government Association	38
DEL2	WMRC Special Meeting	38
DEL3	CAPH Board Meeting	38
CEO	CHIEF EXECUTIVE OFFICER'S REPORT	38
CEO1	REPORT OF THE RETURNING OFFICER FOR THE APRIL 2009 ELECTION	38
	COUNCIL DECISION – 48/MAR 09	39
CEO2	EXTRA-ORDINARY ELECTION	39
	COUNCIL DECISION – 49/MAR 09	40
CEO3	COMMITTEE VACANCIES	40
	COUNCIL DECISION - 50/MAR 09	41
CEO4	LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN	42
	COUNCIL DECISION – 51/MAR 09	43
NBUS	NEW BUSINESS OF AN URGENT NATURE	43
OP	OPERATIONAL ISSUES	43
OP1	CEO'S REVIEW	43
	COUNCIL DECISION – 52/MAR 09	44
CIB	CONFIDENTIAL ITEMS OF BUSINESS	44
CLOSURE		44

Shire of Peppermint Grove

MINUTES

Minutes of the Shire of Peppermint Grove Ordinary Meeting of Council held on 23 March 2009 in the Council Chambers, 1 Leake Street, Peppermint Grove, commencing at 6.30pm

Post Representative, Romi Ramalli, was authorized by the Shire President to tape meeting procedures.

A OATH AND AFFIRMATION OF ALLEGIANCE AND DECLARATION OF OFFICE BY NEWLY ELECTED COUNCILLORS

Cr Rachel L Thomas made the Declaration for the office of Elected Member and the Shire President welcomed her to Council.

A1 DECLARATION OF OPENING AND RECORDING OF ATTENDANCE & APOLOGIES

The President declared the meeting open at 6.30pm and called for the recording of attendance and apologies.

Attendance: Cr B C Kavanagh, Shire President
Cr A Grice, Deputy President
Cr P B Bacich,
Cr M C Lynn
Cr R L Thomas
Cr G T Vikingur
Cr D Ward

G K Simpson, Chief Executive Officer
T Mayor, Manager of Development Services
F Gerhard, Executive Officer

Apologies: P J Howard, Manager of Financial Services

A2 DELEGATIONS

No delegations at this meeting.

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

A3.1 Mr Peter Macintosh - On the Matter of a Conflict of Interest.

When is Council going to address the appalling conflict of interest of one of your members? The failure to address this flies in the face of the principles of good governance to the point it now questions the integrity of the shire's management and brings the council in to disrepute.

The issue is that Cr Bacich is a skilled property developer and a member of the Health, Building & Town Planning committee. It is acknowledged that he may use his skills to help guide the building and planning function within the shire to the benefit of the greater community. However, he may also use this position to raise his own awareness of building opportunities or influence the internal process of building, planning and approvals which ultimately benefit Cr Bacich with favourable outcomes for his own developments.

The mere fact that a potential conflict exists, should be sufficient grounds for the councilor to stand aside of the HBTP committee.

However, it is clear that in the light of there being so many contentious issues about his development works, the community believes that those personal interests are not aligned with the community as a whole.

To add some clarity;

1. Cr Bacich has more than one active residential property development within the shire (in addition to his personal residence),
2. that over 250 voters (of 1050) were sufficiently concerned as to his subdivision of a heritage listed property at 18 Irvine St., to sign a petition for him to resign from council (such being ignored),
3. that it was subsequently demonstrated that the subdivision application for 18 Irvine was based on factual errors overstating the size of the subdivided block,
4. that in the progress of his building works at 18 Irvine there have been numerous allegations of breaches of his building license, including him personally operating noisy earth moving equipment late in to the evening.
5. that he has commenced work on another site without appropriate building permits
6. that he has expressed interest in developing another heritage site, the "Cliff" as reported in the Post, December 2008.
7. that he does not keep his personal affairs private, causing them to spill over into the news papers, where he is associated with this council and our shire, and his integrity and honesty is found lacking by a Justice of the Supreme Court.

I, as the Chief Executive Officer do not intend to address the propositions and assertions made in the preamble however, in respect to the specific questions I advise as follows: -

Questions/Answers

Question 1

Does the council confirm that a potential conflict of interest exists with Cr Bacich, being an active property developer within the shire and therefore subject to building administrative requirements and also being a member of the Health, Building & Town Planning committee.

Answer 1

“The fact that a Council member may be perceived as having a conflict of interest in his position as a Councillor does not in itself amount to a breach of the law in respect of which any action can be taken. The culpable forms of conflict of interest recognised by the relevant laws involve inappropriate conduct in connection with a financial interest, and failure to disclose an interest affecting impartiality. It should be noted that the relevant laws do not require a Council member who has an interest in the matter affecting impartiality should refrain from participating in the deliberations and decision making of the Council concerning that matter. There is not necessarily a culpable conflict of interest if a Council member acts correctly according to law when any matter in which the Councillor has a financial interest, or an interest affecting impartiality, comes before the Council for consideration.

The mere fact of Cr Bacich being an active property developer within the Shire, and also being a member of the Health, Building and Town Planning Committee, does not in itself necessarily provide a sufficient justification for the Council to take any action.”

Question 2

If so will the council consider to ask Cr Bacich to step down from the HB&TP committee?

Answer 2

“As the existence of a potential conflict of interest does not in itself indicate culpability on the part of a Council member, it is appropriate that there be no answer to question 2. However if the Council did consider that the conduct of a Councillor was so inappropriate that it ought to take action aimed at removal of the Councillor from a committee, the Council, in the interests of natural justice, would need to give an opportunity to the Council member to be heard on the subject.”

Question 3

Will the council take legal action against the alleged breaches of the building license at 18 Irvine and any other breaches?

Answer 3

The Shire’s administration has taken action over the alleged breaches of conditions of the building license, however its success will depend on the availability of witnesses to

attend the Court and the quality of their evidence. Every reasonable effort will be made to achieve a satisfactory outcome.

Question 4

Are any, or have any of the professional third parties engaged in the "Cliff" heritage review been engaged or received any financial reward from Cr Bacich.

Answer 4

“The intent of this question is not clear. If it is intended to ask whether Cr Bacich has ever engaged any of the professionals at any time, it is too wide to be relevant. If it is asking whether Cr Bacich has given financial reward to any of the professionals in connection with their engagement in the “Cliff” heritage review, that touches on a very serious matter. If the Shire receives an allegation that such conduct has occurred, the Council would need to treat the matter as a serious allegation and appropriate questions may be asked of the professionals and perhaps Cr Bacich. If the allegation is in any way borne out, a complaint would need to be made to the Corruption and Crime Commission. However the making of such an allegation may have implications in relation to the law of defamation.

President advised the questions submitted by Mr Macintosh would be responded to in writing.

A3.2 Mr Greg Peters

Question One

What steps is Council taking towards and what is their vision concerning forced amalgamations announced by Mr Castrilli, the Minister of Local Government, seeing that the proposed library and council building has not commenced construction at this stage.

Answer

The President advised that the local governments were locked into a three stage process until responses are forwarded to the Minister. Discussions are being held with all other western suburbs local governments on the issue of amalgamations. This Council has not resolved to participate in the amalgamation but gathering information to see if any benefits would be gained but Council hoped that Peppermint Grove would remain as is.

WESROC, through its Executive Committee will be engaging consultants to undertake and complete by April 2009 an assessment for comparison purposes the likely costs and benefits of the proposals being put forward:

1. An amalgamation of the WESROC Councils,
2. An amalgamation of Cottesloe, Mosman Park and Peppermint Grove councils together with an amalgamation of Claremont and Nedlands Council while Subiaco remains independent,

3. A fast tracked (say 2 to 3 years) maximisation of Regional Cooperation and Resource Sharing amongst WESROC Councils.

Question 2

Mr Peter enquired whether Council had re-considered the plans to build a new office.

The President advised that it was very difficult to stop everything because of the proposed amalgamations. The proposed building is very adaptable and could be used for community space.

The site is the commercial hub of the three local governments and will have a significant position even if amalgamation did occur.

Question 2

Mr Peters requested information on details of the proposed educational facility in the Council agenda (item DA3, page 31) and clarification of the proposed opening times.

Mr Mayor advised that it was a private sector Fun Track Learning Centre with approximately 23 students who would attend between the hours of

Monday – Friday	8.00am to 8.30pm
Friday	8.30am to 5.30pm
Saturday	8.00am to 11.30am.

A4 DECLARATION OF INTEREST

There were no declarations of interest at this meeting.

A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Bacich seconded Cr Lynn that:

The Minutes of the Ordinary Meeting of Council held on 23rd February 2009 be confirmed as a true and accurate record of proceedings.

CARRIED UNANIMOUSLY

A6 PROJECT REPORT LIST

Distributed with Committee Agenda Papers.

A7 ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

President commented that the issue of amalgamation was distracting from normal business to meet the very short timeframes issued by the Minister. Shire may have a need to employ another staff member to deal with the day to day requirements of the Shire.

REPORTS OF THE WORKS & FINANCE COMMITTEE

Attendance: Cr A Grice, Presiding Member; Cr B C Kavanagh, Member, Shire President; Cr M Lynn, Member; Cr R Thomas, Councillor Elect, Observer; G K Simpson, Chief Executive Officer; P J Howard, Manager of Financial Services

A2 DELEGATION OF VISITORS

A2.1 Keane Street/View Street Roundabout

Mr Evan Williams of Porter Consulting Engineers tabled his amended design of a roundabout with a 4m diameter garden bed located in the middle of the roundabout –

- There is an example of a roundabout in Fremantle at the Queen Street/High St intersection.
- There is a 4-metre wide inner circle that can be used for small landscaping treatment.
- Long length trucks and busses would not be able to undertake right hand turns, but could easily negotiate a straight through run.

A2.2 Hurstford Close/Leake Street Intersection

Mr Williams tabled a concept design to introduce parking nibs on the north side of Leake Street, one on each side of Hurstford Close. In the southern side of Leake Street it is proposed to have a small on-road blister constructed to narrow the width at Leake Street at the intersection.

Cr Kavanagh requested that consideration be given to installing a raised plateau at the intersection.

Note: Mr Evan Williams retired from the Committee meeting at 5.30pm.

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

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

A4 DECLARATION OF INTEREST

No declarations of interest at the Committee meeting.

A6 PROJECT REPORT LIST

Distributed with the Committee agenda papers.

FE FINANCE CONTROL & EXPENDITURE

FE1 ACCOUNTS FOR PAYMENT

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 5 March 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>
	Cheque numbers 10037 – 10052 (inclusive)	
	Electronic Funds Transfers 2463 – 2519 (Inclusive)	
	Direct Debits 777 – 784 (inclusive)	
	TOTAL	
\$204,158.09		

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.

COUNCIL DECISION – 33/MAR 09

Moved Cr Grice seconded Cr Lynn that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FE2 FINANCIAL STATEMENTS

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 5 March 2009

Purpose

The purpose of this report is to provide Council with the financial reports for the period ended 28 February 2009.

Background

Nil

Report

The financial reports are provided for the period ended 28 February 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 28 February 2009 be received and adopted.

COUNCIL DECISION – 34/MAR 09

Moved Cr Grice seconded Cr Lynn that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FE3 INVESTMENTS

File Ref: INV1
Author: P J Howard, Manager Finance
Date: 5 March 2009

Purpose

The purpose of this report is to provide details of Council's investments as at 28 February 2009 including details of the investing authority and terms.

Background

Nil

Report

INVEST #	INVESTMENT	INVESTING AUTHORITY	DATE INVESTED	MATURITY DATE	TERMS	INTEREST RATE	AMOUNT
1	Reserve Fund	NAB	27.01.2009	27.04.2009	90 Days	4.70%	\$4,431,245.44
2	POS Fund	NAB	30.01.2009	27.02.2009	28 Days	3.81%	\$534,500.33
3	General Fund	NAB	30.01.2009	27.02.2009	28 Days	3.81%	\$627,495.21

TOTAL \$5,593,240.98

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

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

For Members information:

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

Ordinary Meeting of Council
23 March 2009

Staff Leave Reserve	\$ 19,018.02
Plant Replacement Reserve	\$ 162,349.70
Infrastructure/Building Reserve	\$ 218,051.41
Sitting Fee Reserve	\$ 21,084.04
Library Leave Reserve	\$ 36,769.62
Library Infrastructure Reserve	\$ 32,138.04
Road Reserve	\$ <u>59,300.69</u>
	\$ <u>548,711.51</u>

For Members information:

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

Total amount held in Reserves as at 27 February 2009, is \$4,965,746 as shown in the Balance Sheet under heading Cash Restricted.

\$200,000 was transferred on 27 February 2009 from the Municipal term deposit account into the General Municipal banking account for general operating purposes. Balance of this fund as at 27 February is \$427,495.21. 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 Lynn seconded Cr Kavanagh it be recommended to Council that:

The Investment Register for 28 February 2009 be received.

COUNCIL DECISION – 35/MAR 09

Moved Cr Grice seconded Cr Lynn

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FE4 LIBRARY PROJECT SUMMARY COSTS

08/09 year	All figures are exclusive of GST									
	Cox	Davson Ward	Fundraising m/m	Brown McAllister	Josh Byrne	Misc	Western Pwr	Kooperman	J&S drilling	
										1,267,707
Jul-08	4,212	32,000				14,850				51,062
Aug-08	4,212					6,821				11,033
Sep-08	35,120									35,120
Oct-08	8,853									8,853
Nov-08	3,610				2,708					6,318
Dec-08	3,610					2,616	14,125	7,500		27,851
Jan-09	3,610									3,610
Feb-09										-
Mar-09										-
Apr-09										-
May-09										-
Jun-09										-
	63,228	32,000	-	-		24,287	14,125	7,500	-	\$ 1,411,555
Payments under cost sharing arrangement										
	Cottesloe	MP	PG	PG Office		Total				
						1,267,707				b/f 07/08
Jul-08	17,943	20,403	3,907	8,809		51,062				
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	1,237	1,406	269	698		3,610				
Feb-09						-				
Mar-09						-				
Apr-09						-				
May-09						-				
Jun-09						-				
TOTALS	\$ 50,342	\$ 57,245	\$ 10,962	\$ 25,299	\$ -	\$ 1,411,555				
						Total expended to date				\$ 1,411,555
	\$ 425,766	\$ 484,155		PG to date	\$ 319,841					
	Cott to date	MP to date			3 councils contributions	\$ 1,229,762				
					funded from reserves	\$ 181,793				
						\$ 1,411,555				

Committee Recommendation

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

The report on Library Project Summary Costs be received.

COUNCIL DECISION – 36/MAR 09

Moved Cr Grice seconded Cr Lynn that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FE5 ANNUAL BUDGET REVIEW

File Ref: BUD3
Author: P J Howard, Manager Finance
Date: 5 March 2009

Purpose

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

Background

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

Report

The results of the review and the Statement of Financial Activity for the review period follow in the next two pages.

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

Policy Implications

Budget review policy established.

Budget Implications

Nil

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

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

Ordinary Meeting of Council
23 March 2009

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

NOTES ON VARIANCE PROJECTED ACTUALS TO BUDGET.

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

Revenues:

General Purpose Funding: Revenues above YTD Budget.

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

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

Transport: above budget

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

Economic Services:

BCITF levies are \$50,000 above budget

Expenses:

Recreation & Culture: Above budget

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

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

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

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

Adjustments for Non-Cash

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

CEO and foreman vehicle yet to be disposed.

Capital Revenue

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

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

Capital Expenditure

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

Reseal Forrest st complete \$34,800, \$20,000 below budgeted cost. Preliminary work on roundabout begun. Reconstruction of Esplanade deferred. Traffic calming and installation of sumps, a/c 12010 not yet begun, budget of \$45,000.

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

These costs originally included Sinking of Pump Station which has now been expensed rather than capitalised. \$350,000 is budgeted for the Keane's Pt redevelopment. \$50,000 is new Keane's Point public convenience which is budgeted to be withdrawn from reserves.

Land and Buildings

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

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

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

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

Actual includes \$6,800 library computer equipment purchased to date which was misclassified in the budget as Plant and Equipment, which accurately is Furniture and Equipment. Actual also includes \$1,700 replacement stolen TV. Includes Pump control cubicle \$19,376 and Ecoscape payment of \$3,700 - Playground site analysis.

Transfers from reserves:

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

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

\$100,000 is budgeted to be withdrawn to fund redevelopment of depot at Manners Hill Park and \$50,000 is due to be withdrawn from POS funds to cover Keane's Point redevelopment work to date. \$15,000 from sitting fee fund to cover projects funded.

Committee Recommendation

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

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

COUNCIL DECISION – 37/MAR 09

Moved Cr Grice seconded Cr Lynn

The item be deferred to the April Council Meeting.

CARRIED UNANIMOUSLY

W WORKS

W1 KEANE STREET/VIEW ROUNDABOUT

File Ref: TRA1
Author: G K Simpson, Chief Executive Officer
Date: 9 March 2009

Purpose

The purpose of this report is to seek Councils support for the detailed concept of providing a small 10m diameter paved roundabout with 4m diameter landscaping ring in the centre.

Background

Council budgeted to install a roundabout at the Keane Street/View Street intersection and requested Porter Consulting Engineers to undertake the design work.

The first roundabout design (Revision A) allowed for all swept path movements of vehicles up to Austroads standard dimension Single Unit Truck. Vehicles up to and including that dimension could make all through and right turning movements around the central landscape planted annulus. This design required removal of six trees to accommodate the geometry.

This amended design (Revision B) allows for straight through swept path of vehicles up to Single Unit Truck/Bus. However, right turns for vehicles of Single Unit Truck/Bus, or greater dimension may only be made by the vehicle crossing the central roundabout annulus. The central annulus is therefore trafficable by those vehicles and accordingly cannot be landscape planted.

Report

Revision B plans have been the option of including a 4-metre wide central planting annulus that will not be driven over by turning vehicles. Only one tree is marked for removal but the new kerb lines may require other tree roots to be trimmed.

The detailed plans need to be made available for comment by nearby residents.

Policy Implication

Nil

Budget Implication

The initial cost estimate for the works is \$70,000 plus relocation of services, engineering design work and signage (approximately \$4,500).

The budget allocation of \$120,000 was related to the original larger design concept, therefore the project will be well within budget.

Committee Recommendation

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

- 1 Council adopt the revised concept design B with a 10m diameter paved trafficable central section with a 4m planting annulus.
- 2 The concept plan be circulated to nearby residents for comment.

COUNCIL DECISION – 38/MAR 09

Moved Cr Grice seconded Cr Bacich that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FOP OPERATIONAL ISSUES

FOP1 RANGER REPORT

No report this month at the Committee meeting.

REPORTS OF THE HEALTH, BUILDING & TOWN PLANNING COMMITTEE

Attendance: Cr D Ward, Presiding Member; Cr P B Bacich, Member;
Cr R Thomas, Councillor Elect, Observer; G K Simpson, Chief
Executive Officer; T Mayor, Manager of Development Services
F Gerhard, Executive Assistant

Apologies: Cr G T Vikingur
Cr B C Kavanagh

A2 DELEGATION /DEPUTATIONS

No delegations at the Committee meeting

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

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

A4 DECLARATION OF INTEREST

There were no declarations of interest at the Committee meeting.

A6 PROJECT REPORT LIST

Distributed with the agenda papers.

EH ENVIRONMENTAL HEALTH

EH1 FOOD RECALL

File Ref: HEA5
Author: T Mayor, Manager of Development Services
Date: 4 March 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 P Bacich seconded Cr Ward it be recommended to Council that:

The information be received.

COUNCIL DECISION – 39/MAR 09

Moved Cr Ward seconded Cr Bacich that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

EH2 FOOD HANDLING PREMISES

File Ref: HEA5
Author: T Mayor, Manager of Development Services
Date: 4 March 2009

Purpose

The purpose of this report is to inform Council of the food premises surveyed during the reporting period.

Background

The periodical survey of food premises to assess compliance with the Health (Food Hygiene) Regulations 1993, are conducted as a normal duty of the Environmental Health Officer.

Report

The following food businesses were inspected during the reporting period –

- Caffissimo Café
- Peppermint Grove Bakery
- Woolworths Supermarket (Butcher, Bakery and Delicatessen)

Although the above premises were structurally in good order, there were items relating the general cleaning and hygiene that were of concern and require follow-up inspections to be carried out by the Officer to ensure compliance with Food Safety Standards. There were however, no items observed which required Council's attention.

Budget Implications

Nil

Policy Implications

Nil

Recommendation

Moved Cr P Bacich seconded Cr Ward it be recommended to Council that:

The information be received.

COUNCIL DECISION – 40/MAR 09

Moved Cr Ward seconded Cr Bacich that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

EH3 FOOD SAMPLES

No reports for the reporting period

AM AMALGAMATIONS

AM1 APPLICATION FOR AMALGAMATION/SUBDIVISION (WAPC APPLICATION NO. 139422) – LOTS 87, 88 & 89 (12, 14 & 16) BAY VIEW TERRACE PEPPERMINT GROVE

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

Background

Applicant: TPG Town Planning and Urban Design
Owner: P & A C E Browne
TPS No 3 Zoning: R10
Land Use: Single dwelling
Lot Areas: Three (3) existing: 951m² (lot 87), 1001m² (lot 88) and 1001m² (lot 89)
Two proposed new lots: 1800m² (lot 1) and 1153m² (lot 2)

Report

WA Planning Commission has received an application from TPG Town Planning and Urban Design, on behalf of the owners of the abovementioned properties seeking approval for the amalgamation/subdivision of lots 87, 88 and 89 Bay View Terrace. The Commission has invited Council to provide any relevant information, comment or recommended conditions for the proposed subdivision of the property by 3 April 2009. After this date the Commission will determine the application.

A detailed submission on the amalgamation has been prepared by TPG and submitted to the WAPC providing a rationale for the subdivision.

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

The proposed subdivision/amalgamation will amalgamate the three (3) existing lots to create two (2) larger lots (see Amalgamation Plan, attached).

Zoning

The existing lots are coded R10 in the Shire of Peppermint Grove Town Planning Scheme No. 3, and the new lots will remain as Residential R10.

The Residential Design Codes, Table 1, sets out the minimum site area per dwelling of R10 coded land as being 875m² with 1,000m² being the average for a single house or grouped dwelling. The minimum site area per dwelling for a multiple dwelling is 1,000m². The minimum frontage for an R10 lot is 20m.

Subsequently, the new lots created by the subdivision/amalgamation will continue to comply with the Residential Design Codes and the Shire of Peppermint Grove Town Planning Scheme No. 3.

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 P Bacich seconded Cr Ward it be recommended to Council that:

Council advises the Western Australian Planning Commission that it supports WAPC Application No. 139422 for the proposed amalgamation/subdivision of lots 87, 88 and 89 Bay View Terrace Peppermint Grove.

COUNCIL DECISION – 41/MAR 09

Moved Cr Ward seconded Cr Bacich that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

SD SUBDIVISIONS

No reports for this reporting period

DA DEVELOPMENT APPLICATIONS

ADDITIONS/ALTERATIONS/REFURBISHMENTS/EXTENSIONS

No reports for this reporting period

CONSTRUCTION OF NEW DWELLINGS

No reports for this reporting period

CONSTRUCTION OF FENCES

**DA1 FRONT FENCE – LOT 36 (1) CROSSLAND COURT PEPPERMINT GROVE
(PC APPLIC NO. 009 – 34)**

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

Background

Applicant: Optimum Resources Architects
Owner: J Hill
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 744m²

Report

An application has been received seeking Council planning approval for the construction of a fence on the front boundary at the above property.

There is a new two storey residence currently under construction (nearing completion) at this property and the proposed fence will be erected during the completion of dwelling construction and landscaping.

The front boundary of lot 36 is 20.12m, however the proposed 1.8m high fence is only 9.05m long in order to accommodate the vehicle access onto the property.

The fence consists of two portions - a 5.45m open aspect section and a 3.6m length of fence that is solid masonry construction. Theoretically, the fence does not comply with the intent of the Shire of Peppermint Grove Local Laws Relating to Fences, which requires front fences to be open aspect with 50% permeability.

The proponent is seeking Council discretion to permit the eastern portion of the fence to be a solid construction with nil permeability.

This report recommends that the eastern portion of the proposed front fence at 1 Crossland Court be open aspect and not solid screen.

Heritage

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

Plot Ratio

The plot ratio of 0.46 will not be affected by the development and will continue to comply with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space 55% will not be affected by the development and continues to comply with the Residential Planning Codes, Table No 1.

Boundary Setbacks – front, sides and rear

Unaffected by the development

Amenity

The proposed fence will contribute to the amenity of the streetscape.

Crossovers and Street Trees

Unaffected by the development

Fencing

The Shire of Peppermint Grove Local Laws Relating to Fencing requires front fences to be open aspect with 50% permeability. The western portion of the fence is open aspect and complies with the requirements of the Local Laws, however, the eastern portion of the fence is solid masonry i.e. nil permeability.

The height of the fence complies with the requirements of the Local Laws.

Outbuilding Area

N/A

Consultation

The fence is on the front boundary of lot 36 and adjoins the road reserve, which is managed by the Shire of Peppermint Grove. Consultation on the application is only with the Shire. Therefore, there is no requirement to consult with other property owners.

Discretions to be Considered

The Shire of Peppermint Grove Local Laws Relating to Fencing requires front boundary fences to be open aspect with 50% permeability. As stated above, the proposed fence is 1.8m high and has a total length of 9.05m. A 5.45m (60.22%) portion of the fence is open aspect and complies with the Local Laws, however the remaining

3.6m portion (39.78%) of the fence is solid masonry and theoretically does not comply with the concept of 'open aspect'.

The intent of the Local Law is for the whole of the fence to be open aspect, rather than determining portions of the fence to be 'averaging' 50% permeability.

Therefore, should Council decide to approve the proposed fence design with a 3.6m portion of the fence being a solid screen masonry construction i.e. not open aspect, then it would be necessary for Council to resolve to exercise its discretion to permit the variation to the requirements of the Local Laws.

Policy Implications

Nil

Budget Implications

Nil

Officer's Recommendation

- 1 Council does not support Planning Consent Application 009 – 34 for the request to exercise any discretion for the solid screen fence on the front boundary of lot 36 (1) Crossland Court Peppermint Grove.
- 2 The proponent is advised that planning consent be granted for the proposed fence subject to the fence complying with the provisions of the Shire of Peppermint Grove Local Laws Relating to Fencing, which requires the fence to be open aspect with 50% permeability.

Note: The Committee has not submitted a recommendation because of equality of votes.

COUNCIL DECISION – 42/MAR 09

Moved Cr Ward seconded Cr Vikingur that:

The Officer's Recommendation be adopted.

CARRIED

Note: Cr Bacich recorded his vote against the motion.

CONSTRUCTION OF OUTBUILDINGS

DA2 RECONSTRUCTION OF EXISTING (OUTBUILDING) CARPORT – LOT 100 (46) IRVINE STREET PEPPERMINT GROVE (PC APPLIC, NO. 009 –33)

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 5 March 2009

Background

Applicant: S J Zerovich
Owner: S J Zerovich
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 797m²

Report

An application has been received seeking Council approval for the reconstruction/refurbishment of the existing outbuilding (carport) at the above property.

The existing carport is a flat roof structure and is inconsistent with the architectural design of the residence at the property and does not make any significant contribution to the streetscape. It is proposed that the roof of the carport be removed and replaced with a pitched roof of 30° to complement the roof pitch of the residence and the eastern and southern posts of the carport are moved approximately 1.0m to improve access and all-weather protection to vehicles.

This report recommends that approval be granted for the alterations to the existing carport at 46 Irvine Street.

Heritage

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

Plot Ratio

The existing plot ratio will be unchanged by the development.

Open Space

The existing open space will be unchanged by the development.

Front Setback

The front setback will be unchanged by the development. The carport has an existing setback of 2.1m from the front boundary of the property.

Rear Setback

Unaffected by the development

Western Side Setback

Remains unchanged from the existing setback.

Eastern Side Setback

Remains unchanged from the existing setback.

Height

The new roof construction will have a maximum height of 4.2m 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

The proposed alterations to the carport will complement the architecture of the residence at 46 Irvine Street and will make a significant contribution to the streetscape.

Crossovers and Street Trees

Unaffected by the development

Fencing

Not part of this application

Outbuilding Area

The carport will have a floor area of 44.35m² and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, Policy on Outbuildings, which prescribes a maximum floor area of 46.5m².

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
44A Irvine St	No comments received			
46R Irvine St	No comments received			

Discretions to be Considered

As the carport is an existing approved building it is not necessary for Council to exercise any discretion in granting approval for the reconstruction/refurbishments to and for the existing location of the carport.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr P Bacich seconded Cr Ward it be recommended to Council that:

Council grant Planning Consent approval for Application 009 – 33 for the reconstruction/refurbishments to the existing outbuilding (carport) at lot 100 (46) Irvine Street, Peppermint Grove in accordance with the plans and specifications submitted on 27 January 2009.

COUNCIL DECISION – 43/MAR 09

Moved Cr Ward seconded Cr Bacich that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

COMMERCIAL PREMISES

DA3 EDUCATIONAL ESTABLISHMENT (LEARNING CENTRE) – TENANCIES 10, 11 & 12, COTTESLOE CENTRAL SHOPPING CENTRE, LOT 87 ET AL (460 – 476) STIRLING HIGHWAY PEPPERMINT GROVE (PC APPLIC, NO. 009 – 40)

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

Background

Applicant: Fun Track Learning Centre
Owner: Fieldline Corporation Pty Ltd
TPS No 3 Zoning: Commercial
Land Use: Shopping Centre
Lot Area: 13,282m²

An application has been received seeking approval to establish an “Educational Establishment” at the above property.

The proposed development will be located within the Cottesloe Central Shopping Centre in shops 10, 11 & 12 and are existing retail shops within the Centre. The location of these tenancies ensures that they have independent access and do not require entry into the Centre for access to the tenancies.

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

'AA' means that the Council may, at its discretion, permit the use;

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

"Educational Establishment" means a school, college, university, technical institute, academy or other educational centre, or a lecture hall, but does not include a reformative institution or institutional home;

The proposed development, “Educational Establishment” (Fun Track Learning Centre) will therefore comply with the requirements of the Shire of Peppermint Grove Town Planning Scheme No. 3.

Hours of operation:

The operating hours of the Learning Centre will be –

Monday – Thursday	-	8.30am – 8.30pm
Friday	-	8.30am – 5.30pm
Saturday	-	8.00am – 11.30am

Staff sanitary facilities:

Existing sanitary facilities within the Shopping Centre are available for staff and pupils and there will be additional facilities constructed within the Learning Centre to accommodate for classes that take place after normal operation hours of the Shopping 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 10, 11 & 12.

Occupation rates:

The potential maximum number of students and staff at any time will be approximately 33. The tenancies, if used for retail shop, would have a potential occupancy of 97 persons. Therefore, there is a significantly reduced demand on the car parking facilities at the Shopping Centre.

The proponent has provided supporting information and rationale for the proposed development.

THE PROPONENT’S SUBMISSION SHOULD BE READ BY COUNCILLORS IN CONJUNCTION WITH THIS REPORT

This report recommends that Council grants planning consent for the proposed “Educational Establishment” within the Cottesloe Central Shopping Centre.

Consultation

The proposed development is within the Cottesloe Central Shopping Centre and therefore there is no requirement to consult residential neighbours.

Discretions to be Considered

“Educational Establishment” is an “AA” Use Class i.e. Council may, at its discretion, permit the use.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr P Bacich seconded Cr Ward it be recommended to Council that:

Council grants Planning Consent Approval for Application 009 – 40 for the development of an “Educational Establishment” at the Cottesloe Central Shopping Centre, Shops 10, 11 & 12, lot 87 (460 – 476) Stirling Highway Peppermint Grove, in accordance with the plans and details submitted on 19 February 2009, subject to –

1. the provision of two (2) additional sanitary facilities within the tenancies with at least one (1) of the facilities accessible for people with disabilities
2. the applicant submitting to the Shire all necessary applications for signage for the Learning Centre and signage being in accordance with the Cottesloe Central Shopping Centre Sign Strategy.

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 10, 11 & 12 and the premise is required to be inspected by the Shire’s Manager of Development Services and a Certificate of Classification issued before the premises is occupied.

COUNCIL DECISION – 44/MAR 09

Moved Cr Ward seconded Cr Bacich that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

DEMOLITIONS

No reports for this reporting period

OTHER

No reports for this reporting period.

BLD BUILDING

BLD1 BUILDING LICENCE VARIATIONS

No reports for this reporting period

BLD2 HERITAGE

No reports for this reporting period

BLD3 BUILDING/DEMOLITION LICENSES APPROVED

File Ref: BUI20/BUI7
Author: T Mayor, Manager of Development Services
Date: 4 March 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 \$
3126	J MANNERS-HILL	1 CROSSLAND COURT	Front boundary fence	10,500
3128	SL YU	12 JOHNSTON	Two storey dwelling	539,220

There were no Demolition Licences issued during the reporting period:

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr P Bacich seconded Cr Ward it be recommended to Council that:

The information be received.

COUNCIL DECISION – 45/MAR 09

Moved Cr Ward seconded Cr Bacich that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

BLD4 BUILDING INSPECTIONS

File Ref: BUI10
Author: T Mayor, Manager of Development Services
Date: 4 March 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
3091	Commercial – office and warehouse	1 Johnston St	Progress – brickwork completed, roof cladding commenced.
3120	Commercial – dividing party wall for shop	Shop 3 - 460 – 476 Stirling Highway	Completed
3124	Commercial – shop fitout	Shop 3/460 – 476 Stirling Highway	Completed
3118	Fences – front and secondary St	23 Johnston St	Progress – footings commenced
3053	New dwelling	23 Johnston St	Progress – lock-up stage.
2960	New dwelling	37 Keane St	Completed
3112	Boundary fences	37 Keane St	Completed
3087	Outbuilding	56 The Esplanade	Completed
3107	Renovation/addition/alterations to Shire workshop	Reserve 7802 (lot 160) Johnston St	Completed

Committee Recommendation

Moved Cr P Bacich seconded Cr Ward it be recommended to Council that:

The information be received.

COUNCIL DECISION – 46/MAR 09

Moved Cr Ward seconded Cr Bacich that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

BLD5 **SIGNS & HOARDINGS**
No reports for this reporting period

HOP OPERATIONAL ISSUES

HOP1 **REVIEW OF THE SHIRE OF PEPPERMINT GROVE TOWN
PLANNING SCHEME NO. 3**

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

Background

The Shire has engaged the town planning consultant URBIS to carry out a review of the current Shire of Peppermint Grove Town Planning Scheme No. 3 and to prepare a new Local Planning Scheme and Local Planning Strategy in accordance with the requirements of the Planning and Development Act.

Report

Consultants from Urbis have commenced the review process and it necessary for Council to be conversant with the process and direction of the review and to undertake the initial statutory tasks associated with the review.

Committee Recommendation

Moved Cr P Bacich seconded Cr Ward it be recommended to Council that:

Council hold a Special Meeting on Monday, 30 March 2009 to undertake the necessary statutory tasks of the review of the Shire of Peppermint Grove Town Planning Scheme No. 3 and to resolve to prepare a new Local Planning Scheme for the Shire of Peppermint Grove.

COUNCIL DECISION – 47/MAR 09

Moved Cr Ward seconded Cr Bacich that:

The Committee Recommendation be amended to read Council hold a Special Meeting to undertake the necessary statutory tasks of the review of the Shire of Peppermint Grove Town Planning Scheme No. 3 and to resolve to prepare a new Local Planning Scheme for the Shire of Peppermint Grove.

CARRIED UNANIMOUSLY

DEL DELEGATES REPORT

DEL1 Special Meeting Of Central Zone of Local Government Association

Cr Bacich advised he attended the above meeting early this month and the major points were:

- dissatisfaction with the Minister in the way amalgamation could be forced upon local government
- consensus not to amalgamate
- local government need to keep an open mind
- there are provisions under the Town Planning Scheme for the Minister to amalgamate

DEL2 WMRC Special Meeting

Shire President advised he will be attending the Special Meeting of WMRC to discuss the effect of amalgamation on this group.

DEL3 CAPH Board Meeting

Cr Bacich advised he was unable to attend the recent Board Meeting, but a meeting has been organized to sign documentation on the vesting of CAPH to the Local Governments of Claremont, Cottesloe, Peppermint Grove and Mosman Park which will mean that the four local authorities will own a substantial asset between them.

CEO CHIEF EXECUTIVE OFFICER'S REPORT

CEO1 REPORT OF THE RETURNING OFFICER FOR THE APRIL 2009 ELECTION

File Ref: ELE10
Author: Graeme Simpson, Returning Officer
Date: 6 March 2009

Purpose

The purpose of this report is to provide Council with the results of the nomination process for election to Council

Background

Nil

Report

Candidate elected unopposed for the remainder of a four-year term expiring in October 2011 was:

- Mrs Rachel Thomas

Policy Implications

Nil

Budget Implications

Nil

COUNCIL DECISION – 48/MAR 09

Moved Cr Ward seconded Cr Lynn that:

Mrs Rachel Thomas election unopposed for the remainder of a four-year term expiring in October 2011 be endorsed.

CARRIED UNANIMOUSLY

CEO2 EXTRA-ORDINARY ELECTION

File Ref: ELE10

Author: G K Simpson, Chief Executive Officer

Date: 9 March 2009

Purpose

The purpose of this report is to ascertain Council's view on whether it is prepared to wait until October to fill the vacancy left by Councillor Bacich.

Background

Cr Bacich has tendered his resignation to become effective on 20 April 2009, however the notice of vacancy is deemed to commence at the lodgement of the resignation, being 23 February 2009.

Report

The earliest possible date to conduct an election to fill the vacancy would be Saturday 9 May with the newly elected person sworn in for the May meeting, allowing six meetings, then the incumbent would be up for re-election in a four (4) vacancy election which may discourage potentially good candidates from nominating.

It is suggested that the vacancy remain unfilled but because this time period is greater than the nominated four month period and approval from the WA Electoral Commissioner under Section 4.9(2) of the Local Government Act is required.

Policy Implications

Nil

Budget Implications

No allowance has been made in the current 2008/09 budget because October elections are scheduled to be held in the 2009/10 budget period.

COUNCIL DECISION – 49/MAR 09

Moved Cr Bacich seconded Cr Ward that:

Council seek approval from the WA Electoral Commissioner to defer filling the extraordinary vacancy caused by the resignation of Councillor Bacich because the term expires on 17 October 2009, a period of only six months.

CARRIED UNANIMOUSLY

CEO3 COMMITTEE VACANCIES

File Ref: COU2
Author: G K Simpson, Chief Executive Officer
Date: 10 March 2009

Purpose

The purpose of this report is to bring to Councils attention the need to fill the vacancies created by the resignation of Councillors Neumann and Bacich.

Background

Council resolved during October 2007 to increase the membership of the Works and Finance Committee and the Health, Building and Town Planning Committees to four members.

The Local Government Act requires that each Councillor is entitled to be on a standing committee but it is not compulsory to sit on a committee.

Report

The resignation of former Councillor Neumann are: -

Works and Finance Committee – Member
Health, Building and Town Planning Committee – Member
Library Project Steering Committee – Joint delegate with Cr Bacich & President
Western Suburbs District Planning Committee – Deputy Member

The resignation of Cr Bacich will leave the following positions vacant –

Health, Building and Town Planning Committee – Member
Local Govt Assoc. Central Zone – Joint Delegate
Library Project Steering Committee – Joint Delegate
Western Suburbs District Planning Committee – Delegate
Curtin Aged Persons Home Inc. – Member
Library Tender Evaluation Committee – Member

Policy Implications

Nil

Budget Implications

Nil

COUNCIL DECISION - 50/MAR 09

Moved Cr Lynn seconded Cr Vikingur that:

- 1 Committee Appointments be endorsed as follows:
 - i) Cr Thomas be appointed to the following positions –
 - Member of the Works and Finance Committee
 - Member of the Health, Building & Town Planning Committee
 - Library Project Steering Committee
 - ii) Cr Kavanagh be appointed to the following positions –
 - Delegate to the LGA Central Zone effective May 2009
 - Member of the Library Tender Evaluation Committee effective May 2009.

- iii) Cr Lynn be appointed to the Curtin Aged Persons Homes effective May 2009.
 - iv) Cr Ward be appointed as the delegate to the Western Suburbs District Planning Committee effective May 2009.
 - v) Cr Thomas be appointed as deputy delegate to the Western Suburbs District Planning Committee.
- 2 Moved Cr Vikingur seconded Cr Ward that:

The numbers of delegates on the Health, Buuilding and Town Planning Committee be reduced to three members.

CARRIED UNANIMOUSLY

CEO4 LOCAL GOVERNMENT COMPLIANCE AUDIT RETURN

File Ref: ADM4
Author: G K Simpson, Chief Executive Officer
Date: 11 March 2009

Purpose

The purpose of this report is to present to Council the 2008 Compliance Audit Return (CAR) for adoption and endorsement.

Background

Completion of the Compliance Audit Return is a statutory requirement and the process is that it is to be:

- a) presented to Council at a meeting of the Council
- b) adopted by the Council; and
- c) recorded in the minutes of the meeting at which it is adopted.

After the Compliance Audit Return has been presented to the Council, a certified copy of the return, along with the relevant section of the minutes and any additional information explaining or qualifying the compliance audit, is to be submitted to the Director General by 31 March 2009 (Certified means signed by the President and the CEO).

Report

There are no items of non compliance to bring to Council's attention with all statutory requirements of regulation 13 of the Local Government (Audit) Regulation 1996 being met.

Policy Implication

Nil

Budget Implication

Nil

COUNCIL DECISION – 51/MAR 09

Moved Cr Grice seconded Cr Ward

Council adopt the Compliance Audit Return for 2008.

CARRIED UNANIMOUSLY

NBUS NEW BUSINESS OF AN URGENT NATURE

No items of an urgent nature at this meeting.

OP OPERATIONAL ISSUES

OP1 CEO'S REVIEW

Shire President advised that the CEO review committee had met and discussions were still in progress and a report will be presented to the April Meeting.

OP2 WESTERN METROPOLITAN REGIONAL COUNCIL – ENDORSEMENT OF STRATEGIC WASTE MANAGEMENT PLAN

File Ref: REG4

Author: T Mayor, Manager Development Services

Date: 12 March 2009

Purpose

The purpose of this report is to consider and endorse the final draft Strategic Waste Management Plan of the Western Metropolitan Regional Council (WMRC).

Background

The Shire of Peppermint Grove is a member of the WMRC and has actively participated in the preparation of the draft Plan.

At the Ordinary Meeting of Council held on 20 October 2008, Council considered the draft Strategic Waste Management Plan that had been prepared by the WMRC and supported the release of the draft for community consultation and public comment. At the close of the consultation period no submissions were received.

Report

The draft has been reviewed by the Department of Environment and Conservation and commented that the Plan had been found to be comprehensive with respect to existing services. The Department also made some specific comments on the Plan and these have been addressed to the Department's satisfaction in the current version. A copy of the version of 6 February 2009 is attached electronically.

The WMRC is now seeking this Council's formal endorsement of the Plan and requires advice of Council's decision by Wednesday 25 March 2009 to enable the WMRC formal endorsement of the Plan at its next meeting scheduled for 2 April 2009.

Policy Implications

Nil

Budget Implications

Nil

COUNCIL DECISION – 52/MAR 09

Moved Cr Bacich seconded Cr Ward that:

Council endorses the Western Metropolitan Regional Council Strategic Waste management Plan (6 February 2009) and formally advises the WMRC Chief Executive Officer of its decision.

CARRIED UNANIMOUSLY

CIB CONFIDENTIAL ITEMS OF BUSINESS

No items of a confidential nature at this meeting.

CLOSURE

There being no further business the meeting was declared closed at 7.46pm.

These minutes were confirmed as a true and accurate record of proceedings at the Ordinary Meeting of Council held on 20 April 2009.

President

Date