

**SHIRE OF PEPPERMINT GROVE**

**MINUTES**

**Of the**

**HEALTH, BUILDING & TOWN PLANNING  
COMMITTEE MEETING**

**HELD ON**

**12 MAY 2009**

# Health, Building & Town Planning Committee Meeting

12 May 2009

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**Shire of Peppermint Grove**

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**MINUTES**

Minutes of the Shire of Peppermint Grove Health, Building & Town Planning Committee held on Tuesday 12 May 2009 in the Council Chambers, 1 Leake Street, Peppermint Grove, commencing at 4.39pm.

**A1 DECLARATION OF OPENING AND RECORDING OF ATTENDANCE AND APOLOGIES**

In the absence of the Presiding Member, Cr Vikingur was elected as Presiding Member for the meeting and requested the recording of attendance and apologies.

Attendance: Cr G J Vikingur, Presiding Member  
Cr B C Kavanagh, Shire President, Deputy Member  
Cr R L Thomas, Member

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

Apologies: Cr D Ward

**A2 DELEGATION /DEPUTATIONS**

**A2.1 PRESBYTERIAN LADIES COLLEGE – PROPOSED DEVELOPMENT OF A MULTI-PURPOSE RECREATION HALL, JUNIOR SCHOOL CAMPUS**

**DELEGATIONS**

Mr Bob Niven, Presbyterian Ladies' College  
Mr Marcus Collins, Marcus Collins Architect  
Ms Chavaune Francis, Director of Community Relations

Mr Bob Niven, Manager of Administration, Presbyterian Ladies' College, Mr Marcus Collins, Architect and Ms Chavaune Francis, Director of Community Relations attended the meeting to discuss the proposed development of a multi-purpose recreation hall at the Junior School.

The Manager of Development Services, Mr Terry Mayor, advised the meeting that the PLC had submitted an application for the development a multi-purpose recreation hall at the PLC Junior School campus, Lot 70 McNeil Street, which is located on the eastern-side of View Street. The proposed hall would be constructed over the existing swimming pool at the Junior School.

The project is subject to an infrastructure grant being allocated by the Commonwealth Government however the time frames set by the Commonwealth require a Local Government Planning Consent to be in place by 17 June 2009 which is just two days after the June Council meeting.

Mr Niven advised that:

- The intent of the building is to associate with swimming pool use. Funding guidelines state that the facility must have community consent.
- The facility will not be open for community use
- It is not seen as a change of use but additional culture event. It would also serve as a junior school gymnasium.

Presiding Member, Cr Vikingur advised that because of the importance and size of the project Council could hold a special meeting to assist completing the application within the time limits if needed.

The Chief Executive Officer drew attention to the road gradient problems at the intersection of Pindari Place and The Esplanade which would make it almost impossible to get trucks to the construction site.

Mr Collins explained that an alternative route for construction vehicles was being considered and that the vehicle entry from McNeil Street through the existing staff car park was being considered as a more suitable access point, in preference to Pindari Parade.

Mr Niven advised that the PLC Principal is prepared to give an undertaking that the vehicle access to the Junior School from Pindari Place will be closed and that public parking for the proposed hall would be provided in the existing parking areas and on the grassed sports field located on the Senior School campus.

The Manager of Development Services advised the meeting that, it was apparent from community comments that have been received and from assessment of the proposal, the main issue for the development would be traffic management –

- During the construction phase of the development (i.e. access point, vehicle movement times); and
- the future parking requirements for the occasions when the local community and public use the hall for functions (i.e. control of vehicle parking).

This matter would be satisfactorily addressed with the commitment from the PLC that car parking for public functions at the hall would only be available at the existing parking facilities and on the grassed sports field at the Senior School campus, which is the current PLC vehicle management policy used for all other large and public functions.

Mr Niven advised that the comments of the Committee had been noted and that a revised proposal for the hall would be prepared in consultation with the Manager of

Development Services and be submitted with the aim of accepting the offer to call Special Meeting Council to consider the proposed hall so that a submission can be lodged in time for the Federal funding of the facility.

NOTE: Cr Kavanagh requested that the matter be considered by the Health Building and Town Planning Committee before being approved by Council.

**DA.2 UPPER LEVEL ADDITION AND INTERNAL ALTERATIONS AND REFURBISHMENTS TO RESIDENCE – LOT 50 (3) KEANE STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 36)**

**DELEGATION**

Ms Irina DiAngelo, Drafting Co-ordinator Dale Alcock Home Improvements

Mr Pete Zivkovic, Design Consultants Dale Alcock Home Improvements

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 6 May 2009

**Background**

Applicant: Dale Alcock Home Improvements

Owner: G & K Crawford

TPS No 3 Zoning: R12.5

Land Use: Single dwelling

Lot Area: 781 m<sup>2</sup>

**Report**

At the Ordinary Meeting of Council held on 20 April 2009 an application was considered for alterations and additions to the residence at 3 Keane Street.

The Officer's report is attached for Council information.

At the Meeting it was resolved to defer a decision on the matter until further information on the following issues was presented to the Committee for consideration –

- confirmation of the calculated plot ratio for the proposed development
- determination of the number of storeys in the existing residence i.e. does the basement constitute a storey and therefore, does the proposed upper level addition constitute a third storey (which relates to building height)?

The applicant has submitted additional information, elevations and streetscape design to provide clarification of the abovementioned issues. In addition, the property owner has also presented a personal rationale for the development and explains their desire to retain the heritage residence whilst carrying out the alterations and additions to meet the needs of their family.

**THE SUBMISSIONS FROM THE APPLICANT AND THE PROPERTY OWNERS SHOULD BE READ IN CONJUNCTION WITH THIS REPORT**

**PLOT RATIO**

The original plot ratio calculated and reported by the officer to the April Meeting was 0.41, whilst the applicant determined and stated in a formal submission that the plot ratio was 0.535.

The plot ratio was re-calculated in accordance with the Shire of Peppermint Grove Town Planning Scheme No. 3, Schedule 1 – Planning Scheme Interpretations -

*"Plot Ratio"*

*means the ratio of the gross total of the areas of all floors to the area of land within the site boundaries and in calculating the gross total of the areas of all floors the areas shall be measured over any walls but shall not include lift shafts, stairs or stair landings, machinery rooms, air conditioning, equipment rooms, non-habitable floor space in basements, areas used exclusively for the parking of wheeled vehicles at or below ground level, lobbies or amenities common to more than 1 dwelling or private open balconies of not more than 2.4m depth*

The development plans have been reassessed by the officer and the applicant. After re-calculating floor areas of the existing residence and the proposed additions it is confirmed that the plot ratio has been calculated to be 0.48.

Therefore the plot ratio for the proposed development complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 4.9.5, which prescribes a maximum plot ratio of 0.5.

**DETERMINATION OF NUMBER OF 'STOREYS'**

The Shire of Peppermint Grove Town Planning Scheme No. 3

*"Basement or Basement Storey":*

*means any storey of a building of which 50% by Volume or more is below the natural ground level and is also under the ground storey.*

In the formal submission from the applicant (see attachments) it is calculated that the basement is 20% below natural ground level, which clearly does not satisfy the Scheme definition. The applicant has provided a rationale to support the request to consider the lower level as a basement and not a storey.

The applicant has also submitted photographs of other dwellings in Peppermint Grove that demonstrate the presence of a basement and due to site topography the dwelling clearly presents as a three storey residence.

There is a contradiction in the Shire of Peppermint Grove Town Planning Scheme No. 3 Clause 4.4(b) that has on this and other occasions lead to the confusion between the number of storeys permitted in a dwelling and the allowable building height -

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.*

This matter was discussed at the recent Special Meeting of Council held on 8 April 2009 which was convened to consider the review of the Town Planning Scheme. At the meeting it was agreed that this matter has created confusion between the number of 'storeys' in a dwelling and the 'height' of a dwelling. In addition, it was also established that the issue of variable site levels would always result in at least one elevation of a building, on a sloping site, having the appearance of more than one or two storeys.

Therefore, the number of storeys in a dwelling is not a function of building height i.e. the number of storeys is not necessarily relevant provided the height of the dwelling does not exceed the building height of 10.0m as prescribed by the Scheme.

Therefore, it was generally accepted that this matter should be clarified in the Scheme Review and it was agreed that the height of a building above mean natural ground level was a more relevant factor in the control of building height rather than controlling the number of storeys in a dwelling.

This report recommends that Council grant approval for the proposed alterations and additions at 3 Keane Street.

### **Committee Recommendation**

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

That

Council grant Planning Consent approval for Application 009 – 36 for the upper level addition, internal alterations and refurbishments and the restoration of the original Category 1 Heritage residence (Shire of Peppermint Grove Heritage Inventory) residence at lot 50 (3) Keane Street Peppermint Grove in accordance with the plans and specifications submitted on 19 February 2009.

And further, the proponent is advised that Council, in granting planning consent approval for the development, has exercised its discretion in accordance with the Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 5.1.6 Variations to Scheme Provisions, to approve the building height of 10.4m.

**CARRIED**

### **A3 QUESTIONS BY MEMBERS OF THE PUBLIC**

No questions by members of the public.

### **A4 DECLARATION OF INTEREST**

No declaration of interest.

### **A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Moved Cr Thomas seconded Cr Kavanagh that:

The Minutes of the Health, Building and Town Planning Committee meeting held on 14 April 2009 be confirmed as a true and accurate record of proceedings.

**CARRIED**

### **A6 PROJECT REPORT LIST**

Minutes of the Project Team Inception Meeting – Review of Town Planning scheme. Attached as Appendix A6.

### **EH ENVIRONMENTAL HEALTH**

#### **EH1 FOOD RECALL**

File Ref: HEA5  
Author: T Mayor, Manager of Development Services  
Date: 7 May 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**

Three (3) Food Recall Notifications were issued by the WA Department of Health for the reporting period all of which were consumer recall level and did not require any formal action by the officer.

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

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

That

The information be received.

**CARRIED**

**EH2 FOOD HANDLING PREMISES**

No reports for the reporting period

**EH3 FOOD SAMPLES**

No reports for the reporting period

## **AM AMALGAMATIONS**

### **AM1 WAPC APPROVAL - 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 May 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: 951m<sup>2</sup> (lot 87), 1001m<sup>2</sup> (lot 88) and 1001m<sup>2</sup> (lot 89)  
Two proposed new lots: 1800m<sup>2</sup> (lot 1) and 1153m<sup>2</sup> (lot 2)

#### **Report**

At the Ordinary Council Meeting held on 16 March 2009, Council considered advice from the WA Planning Commission regarding 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.

Council raised no objections to the amalgamation/subdivision and subsequently, the Commission has advised Council that it has approved the subdivision and endorsed the deposited plan (dated 17 February 2009) for the subdivision.

The subdivision/amalgamation resulted in the amalgamation the three (3) existing lots. The outcome of the subsequent subdivision created two (2) larger lots (see Amalgamation Plan, attached), which will continue to comply with the minimum site area and lot frontage for Residential coding R10 prescribed by the Residential Design Codes.

The two new lots will therefore remain coded R10 in the Shire of Peppermint Grove Town Planning Scheme No. 3 and will be identified in the Scheme map of the new Local Planning Scheme currently being reviewed.

#### **Committee Recommendation**

Moved Cr Kavanagh seconded Cr Thomas that:

Council note the information.

**CARRIED**

**SD SUBDIVISIONS**

No reports for the reporting period

**DA DEVELOPMENT APPLICATIONS**

**ADDITIONS/ALTERATIONS/REFURBISHMENTS/EXTENSIONS**

**DA1 -ALTERATIONS AND UPPER LEVEL ADDITIONS TO EXISTING RESIDENCE AND CONSTRUCTION OF OUTBUILDING (GARAGE) – LOT 130 (28) IRVINE STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 46)**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 7 May 2009

**Background**

Applicant: Prevost Weir Architects  
Owner: J Lauder  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Area: 1819m<sup>2</sup>

**Report**

An application has been received seeking approval for internal renovations and refurbishments and minor upper level additions to the existing residence at the above property.

The alterations and additions and internal refurbishments will include the construction of an upper level balcony to the main bedroom and extensions to another bedroom and bathroom. Refurbishments will include kitchen modifications and minor alterations to existing windows in the kitchen/dining area (ground floor level).

It is also proposed to replace a garage at the rear of the property which will continue to have access to the Right-of-Way.

***THE APPLICANT HAS PREPARED A DETAILED SUBMISSION AND SHOULD BE READ IN CONJUNCTION WITH THIS REPORT***

This report recommends that Council grant conditional approval for the proposed development at 28 Irvine 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.”*

There have been significant recent additions to the residence that are not considered to be in keeping with the original architectural genre and the proposed works aim to restore the integrity of the building design whilst making the dwelling more functional for owner’s family requirements.

### **Plot Ratio**

The plot ratio will be 0.37, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

### **Open Space**

The open space will be 72.3% which complies with the Residential Planning Codes, Table No 1.

### **Front Setback**

Unaffected by the development

### **Rear Setback**

Dwelling – unaffected by development

Outbuilding – at the discretion of Council (see comments below ‘western side setback’).

In accordance with the Residential Design Codes, 6.2.3 Setback of garages and carports, the proposed garage must have a circulation or maneuvering space of 6.0m immediately in front of the opening to the garage. The proposed garage will be located 1.0m from the rear boundary of the property, whilst the Right-of-Way has a width of 3.6m and the ceded land immediately on the opposite side of the ROW has a width of 4.3m. The ceded land is part of the ROW. The aggregate distance between the garage opening and the rear of the garage on the opposite side of the ROW will be 8.9m and therefore, the garage satisfies the requirements of the Residential Design Codes.

### **Western Side Setback**

Residence – bedroom and bathroom extension – setback is unaffected by development and complies with the setback requirements of the Residential Design Codes.

Outbuilding (garage) – it is proposed that the motor vehicle garage will have a nil setback to western side boundary.

The Residential Design Codes does not prescribe boundary setbacks for outbuildings, however, the criteria should be that they do not detract from the essential functions of private open space, the visual amenity of neighbours or the streetscape.

The proposed outbuilding will satisfy the Residential Design Codes, Acceptable development 6.10 Incidental development requirements –

#### 6.10

##### *Outbuildings*

*P1 Outbuildings that do not detract from the Streetscape or the visual amenity of residents or neighbouring properties.*

*A1 Outbuildings that:*

- 1. are not attached to dwellings*
- 2. are non-habitable*
- 3. have a floor area of not more than 60m<sup>2</sup>*
- 4. have a wall height of not more than 2.4m*
- 5. have a ridge height of not more than 4.2m*
- 6. are not in the primary street setback area*
- 7. do not reduce open space*

The proposed outbuilding therefore satisfies the Performance Criteria 6.10 P1 of the Residential Design Codes.

#### **Eastern Side Setback**

##### Residence - upper level balcony addition

A visual screen to the height of 1.65m has been introduced along the full length of the eastern end of the upper level balcony addition (to the main bedroom) with the aim of preventing overlooking to the adjoining residence, 30 Irvine Street. There is however a minor intrusion by the cone of vision into the outdoor living area/swimming pool at 30 Irvine Street (see attachments). The introduction of a 600mm extension to the privacy screen on the southern side of the balcony will ensure that the balcony will satisfy the Residential Design Codes, Performance Criteria 6.8 Privacy requirements –

#### 6.8.1

##### *Visual privacy*

*P1 Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimized by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscaping or remoteness.*

*A1 Major openings and unenclosed outdoor active habitable spaces (balconies, verandahs, terraces) ... which overlook any part of Part of any other*

*residential property behind the street setback line, to comply with the following -  
ii. are provided with permanent vertical screening to restrict views within the cone of vision from any major opening of an active habitable space*

Outbuilding (garage) – the eastern side boundary is unaffected by the development.

### **Height**

#### Residence

The amended roof structure for the upper level additions (bedroom and bathroom extension) has the same RL 9.5m as the existing roof and therefore will not affect the roof height of the dwelling. Furthermore, the maximum roof height of the dwelling (excluding the architectural feature – turret at the rear of the residence) will comply with the Shire of Peppermint Grove Town Planning Scheme No. 3, which prescribes a maximum roof height of 10.0m.

#### Outbuilding

The proposed garage will have a maximum height of 4.1m and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, Policy on Outbuildings, which prescribes a maximum height of 5.0m and the Residential Design Codes.

### **Amenity**

The existing residence and the proposed development (alterations and additions to residence and construction of garage) will continue to enhance the streetscape and will not have any adverse impact upon the amenity of the neighbouring properties.

### **Crossovers and Street Trees**

Unaffected by the development

### **Fencing**

Not part of this application

### **Outbuilding Area**

The proposed outbuilding will have a floor area of 58.956m<sup>2</sup> and complies with the Residential Design Codes Performance Criteria 6.10 Incidental development requirements (see comments ‘Western side setback’ above).

### **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
26 Irvine St	No comments received			
26R Irvine St	No comments received			
30 Irvine St	No comments received			
25R Keane St	No comments received			

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Officers Recommendation:**

That:

Council grant Planning Consent approval for Application 009 – 46 for the proposed alterations and upper level additions to the existing residence and construction of new outbuilding (garage) at lot 130 (28) Irvine Street Peppermint Grove in accordance with the plans and specifications submitted on 9 April 2009, subject to –

1. the adjoining property owner at 26R Irvine Street granting formal approval for the construction of the garage with a nil setback to the western side common property boundary of 28 Irvine Street.
2. the privacy screen on the upper level balcony addition being amended to introduce a 600mm return along the southern length of the balcony commencing at the southern end of the privacy screen, which will ensure that the cone of vision does not intrude over the property boundary to the outdoor living area (swimming pool) at 30 Irvine Street.

**Committee Decision**

Moved Cr Vikingur seconded Cr Thomas that;

Consideration of the application be deferred until the June meeting of the Health Building and Town Planning Committee

**CARRIED**

**DA2 UPPER LEVEL ADDITION AND INTERNAL ALTERATIONS AND REFURBISHMENTS TO RESIDENCE – LOT 50 (3) KEANE STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 36)**

**Note:** This item was reported under Delegations

**CONSTRUCTION OF NEW DWELLINGS**

No reports for the reporting period

**CONSTRUCTION OF FENCES**

No reports for the reporting period

**CONSTRUCTION OF OUTBUILDINGS**

**DA3 OUTBUILDING (GARDEN SHED) – LOT 36 (1) CROSSLAND COURT PEPPERMINT GROVE (PC APPLIC NO. 009 – 43)**

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

**Background**

Applicant: ORA, Architects  
Owner: J Manners-Hill  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Area: 744m<sup>2</sup>

**Report**

An application has been received seeking Council approval for the construction of an outbuilding (garden shed) at the above property.

The proposed outbuilding, which will be a rendered brick structure with a 'Colorbond' metal roof cladding, will be located at the rear of the property. The site level for the shed will be reduced below the existing ground level at the adjacent northern and western property boundaries, which will result in the shed being fully screened from 10 Irvine Street (side boundary) and significantly screened from 12 Irvine Street (rear boundary).

This report recommends that Council grant approval for the outbuilding at 1 Crossland Court.

**Heritage**

There is a new residence currently under construction (nearing completion) at 1 Crossland and subsequently the property is not listed in the Shire of Peppermint Grove Municipal Heritage Inventory.

**Plot Ratio**

The plot ratio will be 0.47 and continues to comply with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

**Open Space**

The open space will be 55% and continues to comply with the Residential Planning Codes, Table No 1.

**Front Setback**

Unaffected by the development

**Rear (northern) and Side (western) Boundary Setbacks**

The outbuilding will be located 1.2m from the rear boundary and 1.3m from the side boundary of lot 36.

See comments below – ‘Amenity’

**Right (East) Side Setback**

Unaffected by the development

**Height**

The outbuilding will have a maximum height of 2.454m and complies with the Shire of Peppermint Grove Policy on Outbuildings, which prescribes a maximum height of 5.0m.

See comments below – ‘Amenity’

**Amenity**

The Residential Design Codes does not prescribe boundary setbacks for outbuildings, however, the criteria should be that they do not detract from the essential functions of private open space, the visual amenity of neighbours or the streetscape.

The proposed outbuilding will satisfy the Residential Design Codes, Acceptable development 6.10 Incidental development requirements –

*6.10*

*Outbuildings*

*P1 Outbuildings that do not detract from the Streetscape or the visual amenity of residents or neighbouring properties.*

*A1 Outbuildings that:*

- 1. are not attached to dwellings*
- 2. are non-habitable*

3. *have a floor area of not more than 60m<sup>2</sup>*
4. *have a wall height of not more than 2.4m*
5. *have a ridge height of not more than 4.2m*
6. *are not in the primary street setback area*
7. *do not reduce open space*

The proposed outbuilding therefore satisfies the Performance Criteria 6.10 P1 of the Residential Design Codes.

#### **Crossovers and Street Trees**

Unaffected by the development

#### **Fencing**

Not part of this application

#### **Outbuilding Area**

The outbuilding will have a floor area of 7.2m<sup>2</sup> and complies with the Performance Criteria (above) and the Shire of Peppermint Grove Town Planning Scheme No. 3 Policy on Outbuildings, which prescribes a maximum area of 64.5m<sup>2</sup>.

#### **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.

<b>NEIGHBOUR PROPERTY</b>	<b>COMMENTS AND/OR OBJECTIONS</b>	<b>R-CODE R'QMNTS</b>	<b>TPS3 R'QMNTS</b>	<b>OFFICER'S COMMENTS</b>
10 Irvine St	No comments received			
12 Irvine St	No comments received			

#### **Discretions to be Considered**

Nil

#### **Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

Moved Cr Vikingur seconded Cr Thomas that:

Council grant Planning Consent approval for Application 009 – 43 for the construction of the proposed outbuilding (garden shed) at lot 36 (1) Crossland Court Peppermint Grove in accordance with the plans and specifications submitted on 3 April 2009.

**CARRIED**

**COMMERCIAL PREMISES**

No reports for the reporting period

**DEMOLITIONS**

No reports for the reporting period

**OTHER**

**DA4 INSTALLATION OF DOMESTIC WIND TURBINE – LOTS 5 & 60 (146) FORREST STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 44)**

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

**Background**

Applicant: Funk Architects  
Owner: L Shek  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Area: 5633m<sup>2</sup>

**Report**

An application has been received seeking Council approval for the installation of a domestic wind turbine at the above property.

The proposed wind turbine or power generator will be located between and screened from Forrest Street by two outbuildings on the property (see attachments - site plan) and will be a distance of approximately 30m from the western side boundary and approximately 12m from the front (southern) boundary of the property.

The mounting pole (120mm diameter) for the turbine will be 3.6m in height and the turbine will be 1.1m in height resulting in an aggregate height of 4.7m. The elliptic shaped blades of the turbine will have a maximum diameter of 1.245m. Both the mounting pole and turbine will be white in colour (see attachments - photograph).

The operational noise level of the turbine will be less than 45 decibels (dBA) when measured at 15.24m when the wind speed is 14.5m/s (manufacturer's specifications). To put this sound level into perspective, in most settings, *"normal conversational speech levels are between 55 and 66 dBA at conversation distances in the school, home, hospital, and department store environments"*.

(Source: P. E. Souza and K. L. Tremblay  
**New Perspectives on Assessing Amplification Effects**  
Trends in Amplification, September 1, 2006; 10(3): 119 – 143).

The property own owners are conscious of the need to conserve natural resources used for energy production and argue that the turbine will use renewable wind power to generate electricity for domestic consumption within their residence.

This report recommends that Council grant approval for the installation of the domestic wind turbine 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.”*

The proposed wind turbine will be approximately 40m from the residence and is sufficiently isolated, screened and at a lower ground level from the residence and as such will have no adverse impact upon the visual amenity and architecture of the heritage residence.

### **Plot Ratio**

Unaffected by the development. The plot ratio will be 0.23 and continues to comply with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

**Open Space**

Unaffected by the development. The open space will be 73.65% and continues to comply with the Residential Planning Codes, Table No 1.

**Front Setback**

Unaffected by the development. The proposed turbine will be located 12m 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.

**Rear (northern) and Sides (eastern and western) Boundary Setbacks**

Unaffected by the development

See comments below – ‘Amenity’

**Height**

The turbine will have a maximum height of 4.7m and complies with the Shire of Peppermint Grove Policy on Outbuildings, which prescribes a maximum height of 5.0m.

See comments below – ‘Amenity’

**Amenity**

The Residential Design Codes does not prescribe boundary setbacks for outbuildings and other structures such as a wind turbine, however, the Codes does recognize the need to consider external fixtures, subsequently, the criteria should be that they do not detract from the essential functions of private open space, the visual amenity of neighbours or the streetscape.

The proposed wind turbine will satisfy the Residential Design Codes, Acceptable development 6.10.2 Incidental development requirements –

*6.10.2*

*External fixtures*

*P2 ... external fixtures that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.*

*A2.3 Other external fixtures that:*

- 1. are not visible from the primary street*
- 2. are designed integrally with the building; or*
- 3. are located so as not to be visually obtrusive*

The proposed wind turbine therefore satisfies the Performance Criteria 6.10.2 P2 of the Residential Design Codes.

**Crossovers and Street Trees**

Unaffected by the development

**Fencing**

Not part of this application

**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
5 View St	No comments received			

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

Moved Cr Thomas seconded Cr Vikingur that:

Council grant Planning Consent approval for Application 009 – 44 for the installation of the proposed wind turbine (domestic wind power generator) at lots 5 & 60 (146) Forrest Street Peppermint Grove in accordance with the plans and specifications submitted on 8 April 2009, subject to –

*The sound level produced by the wind turbine at any time and with any wind speed will comply with the Environmental Protection (Noise Regulations) 1998.*

**CARRIED**

**DA5 INSTALLATION OF GOOD SAMARITAN CHARITY COLLECTION FACILITY – PRESBYTERIAN LADIES' COLLEGE LOT 39 VIEW STREET**

File Ref: SCH1

Author: T Mayor, Manager of Development Services

Date: 7 May 2009

**Background**

Applicant: Presbyterian Ladies' College  
Owner: Presbyterian Ladies' College  
TPS No 3 Zoning:  
Land Use:  
Lot Area:

**Report**

An application has been received seeking Council approval for the installation/placement of a Good Samaritan's charity collection facility on the Presbyterian Ladies' College campus adjacent to the View Street boundary of the school.

The prefabricated collection facility ('bin') is a sturdy metal structure that is secured to enable only authorized or controlled access. The 'bin' colour is the widely recognised corporate orange/yellow with the Good Samaritan motif (seal), name (Good Sammy) and contact details. The bin dimensions: 1650mm high; 1200mm wide; and 950mm deep (see attachment – photograph).

It is proposed to locate the 'bin' within the school campus approximately 4m from the View Street boundary and will be accessible via the school carparking area or general pedestrian access (see attachments – site plan).

Additional vegetation planting is proposed between the 'bin' and the property boundary to provide some visual screening to make the 'bin' more discreet however, this will obscure the facility from the street which would be counter productive to the aim of the proposal i.e. to be highly visible to enable easy identification/location for people wishing to deposit items for collection.

This report recommends that Council approve the installation of the charity collection facility at the Presbyterian Ladies' College.

**Setback from View Street**

The charity collection 'bin' will be located approximately 4m from the View Street boundary of the school campus (see attachment – site plan).

**Amenity**

The collection 'bin' will be located on the school campus immediately adjacent to the View Street staff carpark. The position of the 'bin', existing vegetation and significant distance from any neighbouring properties will ensure that the 'bin' does not adversely affect the amenity of the locality.

**Crossovers and Street Trees**

Unaffected by the proposal

**Consultation**

There are no adjoining neighbours and as the facility presents to the View Street road reserve approval it is at the discretion of council.

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Officer Recommendation**

That

Council grant Planning Consent approval for Application 009 – 45 for the installation of the proposed Good Samaritan charity collection facility at the Presbyterian Ladies' College lot 39 (14) McNeil Street Peppermint Grove in accordance with the plans and specifications submitted on 8 April 2009.

**Committee Recommendation**

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

Council *not* grant Planning Consent approval for Application 009 – 45 for the installation of the proposed Good Samaritan charity collection facility at the Presbyterian Ladies' College lot 39 (14) McNeil Street Peppermint Grove as submitted on 8 April 2009, on the basis that it was felt that the facility would encourage the deposit of electrical goods, clothing and other chattels that are not suitable for use or redistribution by the Good Samaritan Industries and would therefore ultimately become a litter and waste problem for the Shire of Peppermint Grove to manage.

**CARRIED**

Note: Cr Vikingur recorded his vote against the motion.

**DA6 CHANGE OF RESIDENTIAL PROPERTY STREET ADDRESS – LOT 32 (23)  
JOHNSTON STREET PEPPERMINT GROVE**

File Ref: BUI18

Author: T Mayor, Manager of Development Services

Date: 7 May 2009

**Background**

Applicant: J Metcalf  
Owner: S & J Metcalf  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Area: 893m<sup>2</sup>

**Report**

Council has received a request from the owners of the above property seeking Council approval for a change of residential property street address.

Lot 32 is a corner lot located on the north-western corner at the intersection of Venn and Johnston Streets (see attachments – locality map).

Approval was granted in September 2007 for the construction of a new dwelling at lot 32, which now nearing completion. The primary street frontage and vehicle access to the property is Johnston Street. Venn Street is the secondary street to lot 32. At the time of approval the pre-existing residence had a street address of 23 Johnston Street and was retained by the owners for the development of the new residence however, the new dwelling has been designed with the vehicle access from Johnston Street and personal entry to the residence from Venn Street.

The owners are now seeking approval to change the property identification street address –

***FROM: 23 JOHNSTON STREET***

***TO: 16 VENN STREET***

The proposed new street address will be in ascending numerical even sequence with the other residences in Venn Street and will not affect the sequence of numbers in Johnston Street, other than the number 23 will not be available for further use in Johnston Street at this stage.

Furthermore, Venn Street concludes at the northern side of the intersection with Johnston Street with Solomon Street (Town of Mosman Park) continuing on at the southern side of the Johnston intersection. The house numbering sequence in Solomon Street commences at house number 2 and continues in an ascending order (away from the intersection of Johnston and Solomon Streets), hence there is no conflict with the propose house number change for lot 32.

This report recommends that Council grant approval for the change of residential property identification street address at lot 32 Johnston Street.

**Amenity**

Unaffected by change to street numbering

**Crossovers and Street Trees**

Unaffected by change to street numbering

**Consultation**

Neighbour consultation is not required, address change is Council discretion.

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

Moved Cr Kavanagh seconded Cr Thomas that:

1. Council grant approval for the residential property identification street address at lot 32 Johnston Street to be changed -

FROM: 23 JOHNSTON STREET PEPPERMINT GROVE

TO: 16 VENN STREET PEPPERMINT GROVE

- as requested by the property owners on 5 April 2009.

2. Council formally advises the Landgate Nomenclature Committee of the change of residential property identification street address.
3. The Shire of Peppermint Grove Administration ensure that a statement is placed on the property records for lot 32 Johnston Street Peppermint Grove which will indicate that the original property street address was 23 Johnston Street however with the construction of the new dwelling the main personal access was created to present to Venn Street which is the secondary street to the property. A lot of this geometric shape has traditionally had a Johnston Street frontage (primary street)

**CARRIED**

**DA7 CONSTRUCTION OF MULTI-PURPOSE RECREATION/FUNCTION HALL – PRESBYTERIAN LADIES’ COLLEGE LOT 70 McNEIL STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 47)**

See Item A2.1 Delegations. Presented to the Committee a proposal for a hall development to seek comment and direction.

## **BLD BUILDING**

### **BLD1 BUILDING LICENCE VARIATIONS**

No reports for the reporting period

### **BLD2 HERITAGE**

No reports for the reporting period

### **BLD3 BUILDING/DEMOLITION LICENSES APPROVED**

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

<b>Building Lic. No.</b>	<b>Owner</b>	<b>Address</b>	<b>Description</b>	<b>Amount \$</b>
3133	Olympic Holdings	1B VENN ST	Open aspect front fence and northern side boundary fence	50,000
3134	FJ DEMPSTER	16 (UNIT 1) CROSSLAND CT	pergola addition	10,000
3135	T & C WALSH	18 IRVINE	Two storey dwelling	1,368,031

There were no Demolition Licences issued during the reporting period.

**NOTE:** The demolition licence number D09 – 20, issued for the demolition of the residence and outbuildings at 25 Bindaring Parade Peppermint Grove was issue on 13 February 2009, however, it was omitted in the Officer's report to the Ordinary Council Meetings of 16 March 2009 and 20 April 2009.

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

Moved Cr Kavanagh seconded Cr Vikingur that:

The information be received.

**CARRIED**

**BLD4 BUILDING INSPECTIONS**

File Ref: BUI10  
Author: T Mayor, Manager of Development Services  
Date: May 2008

### **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 -

<b>Building Lic. No.</b>	<b>Building type</b>	<b>Address</b>	<b>Inspection type and outcome</b>
3009	Alterations and additions to dwelling	25 McNeil St	Final inspection – completed
3016	New residence	12 Irvine St	Final inspection – completed
3060	Alterations and additions	38 Leake St	Progress – lock-up, internal fitout in progress
3048	New dwelling	53 Leake St	Progress – internal plastering in progress
3069	New dwelling	41 McNeil St	Progress – wall construction commenced
3116	Addition to dwelling (alfresco)	29 McNeil St	Completed
3128	New dwelling	12 Johnston St	Progress – footings and slab poured
3099	Boundary fence	37A Keane St	Completed
3081	Alterations and additions to dwelling	27 Leake St	Progress – construction of additions completed, internal fitout in progress

### **BLD5SIGNS & HOARDINGS**

No reports for the reporting period

## **HOP OPERATIONAL ISSUES**

### **HOP1 PROJECT PROGRESS – CONSTRUCTION OF NEW PUBLIC TOILETS, RESERVE 22156, KEANE’S POINT, LILLA STREET PEPPERMINT GROVE**

The Swan River Trust (SRT) has advised that administrative approval has been granted for the construction of the new public facilities at Keane’s Point following consideration of the SRT Board and advertising in newspapers and posting on the Trust’s website.

The recommendation for approval has now progressed to the Minister’s Officer for final approval.

#### **Committee Recommendation:**

Moved Cr Thomas seconded Cr Vikingur that:

Council note the information.

**CARRIED**

### **HOP 2 NEW STANDING ORDERS FOR WAPC AND ITS COMMITTEES**

#### **BACKGROUND**

The existing Standing Orders for the board of the WAPC and its Committees were adopted on the 27 March 2007 to provide guidance to members of the board and its Committees on the rules and procedures relating to the conduct of meetings.

In view of good governance principles the existing Standing Orders have been reviewed which identified the need to review the existing provisions to:

- provide better clarity as to the provisions relating to meetings;
- introduce new provisions that will result in better decision making; and
- introduce new provisions relating to the orderly and efficient conduct of meetings.

The review has also highlighted a need to provide greater clarity of the responsibilities of members and employees of the Department relating to the business to be discussed at meetings.

As a result a new Standing Orders document has been drafted for the board’s adoption and have been attached for Council information.

**Committee Recommendation:**

Moved Cr Thomas seconded Cr Vikingur that:

Council note the information.

**CARRIED**

**HOP 3 ELECTRICITY SERVICE UPGRADE FOR NEW SEWAGE PUMP STATION  
(PROPOSED COMMENCEMENT OF WORKS) – KEANE’S POINT RESERVE 22156  
LILLA STREET PEPPERMINT GROVE**

File Ref: RES3, PUB1

Author: T Mayor, Manager of Development Services

Date: 7 May 2009

**Background**

Applicant:	Western Power
Owner:	Vesting - Shire of Peppermint Grove
TPS No 3 Zoning:	Reserve
Land Use:	Public Recreation
Reserve:	Keane’s Point

**Report**

The WA Water Corporation has advised that work on the installation of the sewage emergency holding facility upgrade and pump station modifications at the Keane’s Point Reserve will be carried out later this year. As part of the upgrade Western Power will be upgrading the electrical service to the site and has formally advised Council that this work will be commence within the next 16 weeks i.e. sometime between May and September 2009. The proposed works will require Western Power to access both the recreational reserve (Keane’s Pt) and the Lilla Street road reserve (see attachments).

**Consultation**

Nil

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

Moved Cr Thomas seconded Cr Vikingur that:

Council note the information.

**CARRIED**

**CLOSURE**

There being no further business the meeting closed at 6.46pm.

These minutes were confirmed as a true and accurate record of proceedings a the Health, Building and town Planning Committee Meeting held on 9<sup>th</sup> June 2009.

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Presiding Member

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Date