

SHIRE OF PEPPERMINT GROVE

MINUTES OF THE

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

HELD ON

10 MARCH 2009

**Health, Building & Town Planning Committee Meeting
10 March 2009
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Shire of Peppermint Grove

MINUTES

Minutes of the Health, Building and Town Planning Committee Meeting held on 10 March 2009 at the Shire of Peppermint Grove commencing at 4.40pm.

A1 DECLARATION OF OPENING AND RECORDING OF ATTENDANCE AND APOLOGIES

The Presiding Member declared the meeting open at 4.40pm and called for the recording of attendance and apologies.

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 this meeting

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

No questions by members of the public at this meeting.

A4 DECLARATION OF INTEREST

There were no declarations of interest at this meeting.

A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr P Bacich, seconded Cr D Ward that:

The Minutes of the Health, Building and Town Planning Committee meeting held on 10 February 2009 be confirmed as a true and accurate record of proceedings.

CARRIED

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.

CARRIED

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.

CARRIED

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.

CARRIED

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 an equality of votes.

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.

CARRIED

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 – 11.30pm

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.

CARRIED

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.

CARRIED

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.

CARRIED

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.

CARRIED

CLOSURE

There being no further business the meeting closed at 5.37pm.

These minutes were confirmed as a true and accurate record of proceedings at the Health, Building and Town Planning committee meeting held on 14 April 2009.

Presiding Member

Date