



**SHIRE OF PEPPERMINT GROVE**

**AGENDA**

**FOR THE**

**ORDINARY MEETING OF COUNCIL**

**TO BE HELD ON**

**15 June 2009**

## Ordinary Meeting of Council

15 June 2009

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## Shire of Peppermint Grove

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### NOTICE OF THE ORDINARY MEETING OF COUNCIL

Dear President & Councillors

The next meeting of the Shire of Peppermint Grove Ordinary Meeting of Council will be held on 15 June 2009 in the Council Chambers, 1 Leake Street, Peppermint Grove, commencing at 6.30pm.

**Graeme K Simpson**  
Chief Executive Officer

11 June 2009

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## A G E N D A

### **PROTOCOL STATEMENT**

Council recognizes that it is permissible to record the Shire's Council and Committee Meeting in the written, sound, vision medium (or any combination of the mediums) when open to the public, however, people who intend to record meetings are requested to inform the Presiding Member of their intention to do so.

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

### **A2 DELEGATIONS**

Mr Denis McLeod invited to meet with Council for discussion on the Public Open Space valuation supplied.

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

### **A4 DECLARATION OF INTEREST**

**A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**Recommendation**

That the Minutes of the Ordinary Meeting of Council held on 18 May 2009 be confirmed as a true and accurate record of proceedings.

That the Minutes of the Special Meeting of Council held on 9 June 2009 be confirmed as a true and accurate record of proceedings.

**A6 PROJECT REPORT LIST**

Distributed with Committee Agenda Papers.

**A7 ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION**

**REPORTS OF THE WORKS & FINANCE COMMITTEE**

In the absence of the Committee Presiding Member Cr Lynn was duly elected as Presiding Member for the meeting.

Attendance: Cr M C Lynn, Presiding Member  
Cr B C Kavanagh, Shire President, Member  
Cr R L Thomas, Member  
G K Simpson, Chief Executive Officer  
P J Howard, Manager Finance

Apology: Cr A Grice, Presiding Member

**A2 DELEGATION OF VISITORS**

No delegations or visitors 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**

No declarations of interest at the Committee Meeting.

**A6 PROJECT REPORT LIST**

Distributed with the Committee Agendas.

## **FE FINANCE CONTROL & EXPENDITURE**

### **FE1 ACCOUNTS FOR PAYMENT**

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

#### **Purpose**

The purpose of this report is to obtain approval for cheques, electronic funds payments and direct debits drawn since the last report and accounts now presented for payment.

#### **Background**

Nil

#### **Report**

Appendix 4.1 lists details of all cheques drawn since the last report and accounts now presented for payment. The following summarises the cheques, electronic fund transfers, direct debits and accounts included in the list presented for payment.

MUNICIPAL FUND	PAYMENT TYPE	<u>AMOUNT</u>
	Cheque numbers 10094 – 10098 (inclusive)	
	Electronic Funds Transfers 2673 – 2740 (Inclusive)	
	Direct Debits 802 – 809 (inclusive)	
	<b>TOTAL</b>	<b>\$202,903.02</b>

#### **Policy Implications**

Nil

#### **Budget Implications**

Nil

#### **Committee Recommendation**

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

The payment of the cheques, electronic funds payments and direct debits drawn and accounts presented for payment, be approved.

## **FE2 FINANCIAL STATEMENTS**

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

### **Purpose**

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

### **Background**

Nil

### **Report**

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

### **Policy Implications**

Nil

### **Budget Implications**

Nil

### **Committee Recommendation**

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

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

## **FE3 INVESTMENTS**

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

### **Purpose**

The purpose of this report is to provide details of Council's investments as at 31 May 2009 including details of the investing authority and terms.

### **Background**

Nil

**Report**

INVEST #	INVESTMENT	INVESTING AUTHORITY	DATE INVESTED	MATURITY DATE	TERMS	INTEREST RATE	AMOUNT
1	Reserve Fund	NAB	27.04.2009	27.07.2009	90 Days	3.60%	\$4,367,999.33
2	POS Fund	NAB	29.04.2009	29.05.2009	30 Days	3.07%	\$518,656.16
3	General Fund	NAB	29.04.2009	29.05.2009	30 Days	3.07%	\$229,811.40
<b>TOTAL</b>							<b>\$5,116,466.89</b>

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

Staff Leave Reserve	\$ 24,110.33
Plant Replacement Reserve	\$ 172,798.93
Infrastructure/Building Reserve	\$3,903,492.82
Sitting Fee Reserve	\$ 29,607.95
Library Leave Reserve	\$ 42,760.23
Library Infrastructure Reserve	\$ 71,079.76
Road Reserve	\$ 124,149.32
	<u>\$ 4,367,999.33</u>

For Members information:

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

Staff Leave Reserve	\$ 20,371.56
Plant Replacement Reserve	\$ 164,647.88
Infrastructure/Building Reserve	\$3,826,631.96
Sitting Fee Reserve	\$ 21,481.27
Library Leave Reserve	\$ 37,447.49
Library Infrastructure Reserve	\$ 32,871.62
Road Reserve	\$ 60,417.93
	<u>\$ 4,163,869.71</u>

For Members information:

Interest earnings of \$51,353.89 have been credited to the fund at maturity on 27 April, 2009. The fund has now been invested for a further three months to mature on 27 July 2009 (with interest of \$41,668.92). The Government guarantee on amounts held over \$1,000,000 has been taken up. The request for the government deposit guarantee has been lodged with the NAB and the resulting fee has not yet been applied.

\$60,000 part receipt in November of Black Spot funds was placed in the Road reserve on 27 April 2009. \$100,000 Federal Government infrastructure grant received in April was placed in the Infrastructure reserve on 27 April 2009. This transfer of \$160,000 brought the reserves to \$4,642,599.33.

On 29 May \$294,600 was transferred to the Municipal Operating account to cover YTD expenditure already paid on Capital Projects budgeted to be funded from Reserves. (From Infrastructure Reserve - \$100,000 PG office, \$110,000 MHP, \$51,000 PG share library; From Sitting Fee Reserve -\$13,600; From POS Reserve - \$20,000 POS Keane's Point reserve.)

Total amount held in Reserves as at 31 May 2009, was \$4,886,655 as shown in the Balance Sheet under heading Cash Restricted.

Balance of the general fund (rates and other income in term deposit) as at 31 May 2009 is \$229,811.40. 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 Thomas seconded Cr Kavanagh it be recommended to Council that:

The Investment Register for 31 May 2009 be received.

#### **FE4 ASSET WRITE OFFS 2008/2009**

File Ref: ASS2  
Author: P J Howard, Manager Finance  
Date: 3 June 2009.

#### **Purpose**

The purpose of this report is to submit to Council asset write offs for the 2008/09 financial year for approval.

### **Background**

It was recommended as best practice in the Audit management letter for 2004/2005 that all assets written off the asset register be approved by council resolution.

### **Report**

The following assets were written off the Assets Register in 2008/2009:

CAVALIER 1966 PORTACABIN

PUMP MANNERS HILL PARK

CAVALIER 1994 PORTACABIN CRIBROOM

BOX TRAILER

ISUZU TIP TRUCK-8IW157

SUBARU FORESTER 1CHI794

RODEO 4x2 1CHQ585

HOLDEN STATESMAN 1CJE054

FAIRMONT GHIA SEDAN 1CON729

HOLDEN UTILITY 1CRV382

### **Policy Implications**

As above

### **Budget Implications**

Nil

### **Committee Recommendation**

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

The above list of assets written off be approved by Council.

## **FE5 DRAFT BUDGET 2009/2010**

File Ref: BUD4

Author: P J Howard, Manager Finance

Date: 27 May 2009

### **Purpose**

The purpose of this report is to present to Council a program of income and expenditure items to be included in the draft budget to be presented at the July round of Council meetings.

## **Background**

Nil

## **Report**

### **2008/2009**

The Rate Setting Statement shows an estimated carry over of \$60,527 for the 2008/2009 financial year. This figure includes an estimated \$3,816 Library surplus.

Building and Planning fees were subdued this year and did not meet budget targets. A number of grants have been received with the major ones placed in reserves. Manners Hill Park works have been completed, work has begun on the Keane's Point Playground redevelopment, the sinking of the pump station and Keane's Point toilet block. The Library/Administration Development is proceeding with \$150,000 being spent in 08/09 towards Peppermint Grove's share of consultants fees.

### **2009/2010**

#### **Operating Expenditure**

Major items of Operational Expenditure are outlined below:

#### **PROGRAM: GOVERNANCE**

**A/c 1040150 Salaries:** It is proposed to provide salary increases to Administration staff of 3.75% being CPI for Perth to December 2008. This is in line with the budgeted amount approved for library staff in April 2009 at the Combined Library budget Committee meeting.

**A/c 1040320 Legal Expenses:** Provision of legal opinions is budgeted at \$50,000. Review of Local Laws is budgeted at \$20,000.

**A/c 1040330, Computer maintenance:** \$12,000 is budgeted for website maintenance.

**A/c 1040360, Newsletters and annual reports:** \$10,000 is budgeted for regular, high quality newsletters.

**A/c 1040380 Consultants:** \$90,000 is allocated to Consultants including \$55,000 to WESROC projects.

#### **PROGRAM: LAW ORDER AND PUBLIC SAFETY, EDUCATION AND WELFARE,**

**A/c 1050130:** \$1,000 donation is again budgeted for the Cat Haven.

**A/c 1050230:** A total of \$35,000 is budgeted towards Community and Security Program part funded by government grant funds.

**A/c 1060000:** Funds are provided for Chaplaincy Shenton College, Safety education in Schools, Constable Care program and the Life Ed Van.

**A/c 108090,** Aged Persons Services: \$1,200 is budgeted towards Seniors Internet training to be held at St Hilda's College

**A/c 108020,** Disability Access and Inclusion Plan: \$2,000 is budgeted for this plan.

**A/c 1080100:** TAPPS \$10,143 is budgeted for TAPPS.

### **PROGRAM: COMMUNITY AMENITIES**

**A/c 1100000, Domestic Refuse Collection:** Rubbish tip fees increased by \$30,000 to \$83,000 due to 300% increase in State land fill levy.

**A/c 1100400, Town Planning:** \$60,000 is budgeted for the completion of the statutory review of the Town Planning Scheme. \$10,000 is budgeted for a business plan of options regarding development of the Johnston St sump.

### **PROGRAM: RECREATION AND CULTURE**

**A/c 1110300, Community and Recreation Projects:** \$5,000 is allocated to a Claremont Boardwalk study, \$22,747 is budgeted as a donation to the Yacht Club and the Tennis Club.

**A/c 1111700:** \$21,000 is budgeted for the Oral History project and the Literature prize in partnership with the Town of Mosman Park and the Town of Cottesloe.

**A/c 1110480:** \$5,000 has been allocated for cleanup of the Bowling Club site.

### **PROGRAM: TRANSPORT**

**A/c 1120820:** \$16,700 is budgeted for a traffic management study.

### **CAPITAL EXPENDITURE**

**A/c 1040630:** New Administration Office, \$3,070,000 to be funded from Reserves.

**A/c 1040650:** Purchase of Plant (Motor Vehicles) – a cash allowances for the changeover of administration vehicle has been made of \$9,900 funded from rates income.

**A/c 1110610:** Furniture and Equipment (Parks) – Replacement of Barbeque, seating and provision of additional street furniture have been provided at a total \$15,000.

**A/c 1110615:** Keane's Point foreshore and Playground will be redeveloped at a cost of \$450,000 with \$350,000 from POS reserves and the remainder being the Federal Infrastructure grant of \$100,000.

**A/c 1110620:** Keane Street Public Conveniences – New toilet block. Cost \$120,000 to be funded from POS money.

**A/c 1110640:** New Library building : Peppermint Grove share \$1,037,800, to be funded from Reserve funds.

**A/c 1120040:** Road Construction – Reconstruct the Esplanade – Keane St to Irvine St (funded from rates), \$60,000 contract, construction of new roundabout Cnr Keane St and View St, \$124,000 (begun 08/09, funded from rates), and reseal Roads to Recovery project, \$49,433; Stirling Hwy – Johnston St intersection works, \$60,000 - Black Spot funding.

**A/c 1120100:** Misc Traffic and Roadworks –provision of traffic calming measures, \$25,000; Sealing Right of Ways, \$100,000 and Street lighting project, \$100,000. All projects funded from reserves.

**A/c 1140650:** Purchase of Plant. The following plant items are budgeted to be purchased:

Replacement of 2006 Holden Rodeo – estimated changeover \$4,000. Purchase of Outfront mower \$30,000. Items funded from rates. Changeover of Library vehicle, \$10,000 – funded from Library reserves.

### **OPERATING INCOME**

The Rate Setting Statement shows total revenue required from property rates of \$1,756,565. This represents an increase of 9% on last year's rate in the dollar. Minimum rates will rise from \$736 to \$802.

CPI to March 31, 2009 for Perth for the preceding 12 months was 2.1%. The General Construction index to March 31 was 2.9%. Local Government Cost index was 2.4%.

The local government cost index uses a combination of the CPI and the General Construction Index WA (70% and 30% respectively) and provides an indication of those changes in the WA economy that relate more closely to the functions of local government.

The rate increase of 9% takes into account the Local Government Cost index and the need of the shire to meet its responsibility to provide enhanced services to the community.

Total Gross Rental Valuations now stand at \$28,322,738.

The effect of the budgetary provisions is detailed below:

Ordinary Meeting of Council  
15 June 2009

	2008/2009	2009/2010
Rate in \$ / \$ GRV	5.7476 cents	6.2649 cents
Minimum Rate	\$736	\$802

Most other income items remain unchanged from the previous year and estimates are provided in the attached Schedule of Fees and Charges .

### Policy Implications

Nil

### Budget Implications

Discussions from these items will assist in preparation of the annual budget.

### Committee Recommendation

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

The items discussed be noted for inclusion in the annual budget.

## **FE6 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	4,685					3,225		4,000		11,910
Mar-09	3,610				7,455			3,400		14,465
Apr-09	3,610					86		1,600		5,296
May-09										-
Jun-09										-
	75,133	32,000	-	-	10,163	27,599	14,125	16,500	-	\$ 1,443,227
<b>Payments under cost sharing arrangement</b>										
	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	4,080	4,639	888	2,303		11,910				
Mar-09	5,567	6,330	1,212	1,355		14,465				
Apr-09	1,821	2,071	397	1,007		5,296				
May-09										
Jun-09										
TOTALS	\$ 61,810	\$ 70,286	\$ 13,459	\$ 29,965	\$ -	\$ 1,443,227				
				Total expended to date		\$ 1,443,227				
	\$ 437,235	\$ 497,196		PG to date	\$ 327,003					
	Cott to date	MP to date		3 councils contributions funded from reserves		\$ 1,261,434				
						\$ 181,793				
						\$ 1,443,227				

**Committee Recommendation**

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

The report on Library Project Summary Costs be received.

**W WORKS**

**FOP OPERATIONAL ISSUES**

**FOP1 RANGER REPORT**

No report for month of May.

**REPORTS OF THE HEALTH, BUILDING & TOWN PLANNING COMMITTEE**

Attendance:

Cr B C Kavanagh, Shire President, Deputy Member  
Cr G J Vikingur, (from 4.35pm) Member  
Cr R L Thomas, Member

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

Apologies: Cr D A C Ward

**A2 DELEGATION /DEPUTATIONS**

No delegations.

**A3 QUESTIONS BY MEMBERS OF THE PUBLIC**

Mr Wordsworth advised the meeting that he and Mrs Wordsworth are happy with the outcome of negotiations between the Manager of Development Services and the College to have the access gates to Pindari Place permanently locked.

**A4 DECLARATION OF INTEREST**

No declarations.

**A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Moved Cr Thomas seconded Cr Kavanagh that:

That the Minutes of the Health, Building and Town Planning Committee meeting held on 12 May 2009 be confirmed as a true and accurate record of proceedings.

**A6 PROJECT REPORT LIST**

Distributed with Committee Agenda.

**EH ENVIRONMENTAL HEALTH**

**EH1 FOOD RECALL**

File Ref: HEA5  
Author: T Mayor, Manager of Development Services  
Date: 3 June 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 (2) Food Recall Notifications were issued by the WA Department of Health for the reporting period all of which were Consumer Level recalls and did not require any action by the Environmental Health Officer. 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 Thomas seconded Cr Kavanagh it be recommended to Council that:

The information be received.

## **EH2 INSPECTION OF FOOD HANDLING BUSINESSES**

File Ref: HEA 5  
Author: T Mayor, Manager of Development Services  
Date: 3 June 2009

### **Purpose**

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

### **Background**

The periodical survey of food businesses 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 –

- Red Rooster

A Schedule of the food business inspection outcome was circulated with the Committee Meeting agenda.

### **Budget Implications**

Nil

### **Policy Implications**

Nil

### **Committee Recommendation**

Moved Cr Thomas seconded Cr Kavanagh that:

The information be received.

## **EH3 FOOD SAMPLES**

No reports for the reporting period.

## **AM AMALGAMATIONS**

No reports for the reporting period.

## **SD SUBDIVISIONS**

No reports for the reporting period.

## **DA DEVELOPMENT APPLICATIONS**

### **ADDITIONS/ALTERATIONS/REFURBISHMENTS/EXTENSIONS**

#### **DA1 - UPPER LEVEL ADDITION (BALCONY) 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: 4 June 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**

At the Ordinary Meeting of Council held on 18 May 2009 an application was considered for minor alterations and additions to the existing residence and the construction of a new replacement garage at the rear of the property (refer to attachments sent out with Committee Agenda).

Approval was granted for the internal refurbishments and the upper level additions on the western side of the residence (refer to Minutes of Meeting, 18 May 2009).

The upper level additions included a balcony from the main bedroom at the rear of the residence. The adjoining neighbours (30 Irvine Street) expressed some concerns about the proposed balcony and the potential to overlook the active outdoor living area at the rear of their residence. Analysis of the site plans indicates that the 'cone of vision' from the balcony intrudes over the common property boundary into the 30 Irvine Street and therefore does not comply with the provisions of the Residential Design Codes (see comments below, Eastern Side Setback).

In addition, the proposed (replacement) garage at the rear of the property will continue to have access to the Right-of-Way and will also have a nil setback to the western side common property boundary (refer to attachments sent out with Committee Agenda and comments below, Western Side Setback). Although the outbuilding satisfies the Performance Criteria of the Residential Design Codes, it is necessary for the adjoining property owner to grant formal consent for the nil setback. However, at the time of report preparation, the neighbour (26R Irvine Street) had not responded to the formal advice from Council regarding the proposed development.

Subsequently, Council resolved to approve the upper level additions (except for the balcony) and the internal refurbishments and deferred the balcony and the outbuilding to the June 2009 Council Meeting (refer to Minutes of Meeting, 18 May 2009).

***THE APPLICANT HAS PREPARED A DETAILED  
SUBMISSION AND SHOULD BE READ IN CONJUNCTION  
WITH THIS REPORT  
(RELEVANT SECTIONS OF THE REPORT HAVE BEEN  
HIGHLIGHTED)***

This report recommends that Council grant conditional approval for the proposed balcony and outbuilding 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**

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 active outdoor living area/swimming pool at 30 Irvine Street (see attachments). The introduction of a 900mm 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 (balcony)

The un-roofed balcony will not affect the height of the residence and 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 with the introduction of the privacy screen extension to the upper level balcony, 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 26R Irvine St 30 Irvine St	No comments received No comments received Expressed concern about the potential overlooking to the active outdoor living area at their property.	Cone of vision to be 4.5m and not intrude into active outdoor living area/s of neighbouring properties.	Nil – refers to RDC requirements	A 900mm extension to the privacy screen on the southern side of the balcony will address the overlooking issue and comply with the provisions of the RDC.
25R Keane 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 – 46 for the proposed upper level balcony addition 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 garage is to be located 2.4m from the southern boundary of Lot 130 Irvine Street. The purpose of the required increase to the rear

boundary setback is 2.4m is to ensure that the vehicle circulation space from the rear of the garage to the opposite side of the ROW is 6.0m in compliance with the requirements of the Residential Design Codes.

3. the 1650mm high privacy screen on the upper level balcony addition being altered to include a 900mm 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 into the active outdoor living area (swimming pool) at 30 Irvine Street.

## **OTHER**

### **DA 2 PRESBYTERIAN LADIES COLLEGE (PLC)– PROPOSED DEVELOPMENT OF A MULTI-PURPOSE RECREATION HALL, JUNIOR SCHOOL CAMPUS, LOT 70 McNEIL STREET PEPPERMINT GROVE (PC APPLIC 009 – 47)**

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

#### **Background**

Applicant: Marcus Collins, Architects  
Owner: Presbyterian Ladies College  
TPS No 3 Zoning: Private Clubs and Institutions  
Land Use: Private School  
Proposed Use: 'Educational Establishment' ('AA' use class: permitted at Council discretion)  
Lot Area: 39,446m<sup>2</sup>

#### **Report**

This item was considered and planning approval was granted at the Special Meeting of Council held on 9 June 2009 for the development of the proposed Multi-purpose Hall at the PLC Junior School. Minutes of the Special Meeting of Council are attached to this Agenda for Council confirmation.

#### **CONSTRUCTION OF NEW DWELLINGS**

No reports for the reporting period.

#### **CONSTRUCTION OF FENCES**

No reports for the reporting period.

#### **CONSTRUCTION OF OUTBUILDINGS**

No reports for the reporting period.

**COMMERCIAL PREMISES**

No reports for the reporting period.

**DEMOLITIONS**

No reports for the reporting period.

**BLD BUILDING**

**BLD BUILDING LICENCE VARIATIONS**

**BLD1 MINOR VARIATIONS TO APPROVED DEVELOPMENT OF TWO STOREY DWELLING – LOT 4 (50) LEAKE STREET PEPPERMINT GROVE (PC APPROVAL 007 –47)**

File Ref: BUI20  
Author: T Mayor, Manager of Development Services  
Date: 4 June 2009

**Background**

Applicant: C Hood  
Owner: C Hood  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Area: 810m<sup>2</sup>

**Report**

A request has been submitted on behalf of the owner of the abovementioned property seeking approval for minor variations to the approved development of a two storey dwelling at the above property.

The variations will include: enlargement of the cellar (below ground level); change to the floor material for the loggia; introduction of a balcony at the front of the residence; and internal alterations to the layout of the upper level bedroom and sanitary facilities.

The variations do not affect: the “footprint” of the approved residence; setbacks; overlooking; overshadowing; open space; or building height. Further, the increase of 42.72 m<sup>2</sup> in the floor area of the upper level will not cause the building to exceed the plot ratio of 0.5 prescribed by the Town Planning Scheme.

This report recommends that Council approves the proposed variations to the approved two storey residence at 50 Leake Street Peppermint Grove.

**Plot Ratio**

The plot ratio will be unchanged at 0.41, and continues to comply with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5, which prescribes a plot ratio of 0.5.

**Open Space**

The existing approved open space of 59.83% will be unaffected by the amendments and will continue to comply with the Residential Planning Codes, Table No 1.

**Front Setback**

Unaffected by the amendments.

**Rear Setback**

Unaffected by the amendments.

**Western Side Setback**

Unaffected by the amendments.

**Eastern Side Setback**

Unaffected by the amendments.

**Height**

Unaffected by the amendments

**Amenity**

Unaffected by the amendments

**Crossovers and Street Trees**

Unaffected by the amendments

**Fencing**

Not part of this report

**Outbuilding Area**

N/A

**Consultation**

As the variations were considered to be minor and continue to comply with all requirements of the Residential Design Codes it was necessary to consult neighbours.

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

Moved Cr Thomas seconded Cr Vikingur that:

Council grant approval for the proposed variations to Planning Consent Approval 007 – 47 for the construction of a two storey dwelling at lot 4 (50) Leake Street Peppermint Grove in accordance with the plans and specifications submitted on 3 February 2009.

## **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: 4 June 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>
3136	G SEABROOKE	27 LEAKE	in-ground swimming pool	56,830
3137	M DOLIN	48A VIEW	Window and door awnings	10,000
3138	SHENTON	32 VIEW	Additions, alterations & refurbishments	600,000

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

Moved Cr Thomas seconded Cr Vikingur that:

The information be received.

**BLD4 BUILDING INSPECTIONS**

File Ref: BUI10  
Author: T Mayor, Manager of Development Services  
Date: 4 June 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 -

<b>Building Lic. No.</b>	<b>Building type</b>	<b>Address</b>	<b>Inspection type and outcome</b>
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	23 Johnston St	Progress – footings

	secondary st		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
3080	Alterations (minor internal) to dwelling	15 View Street	Completed
2979	New dwelling	48 Johnston Street	Final inspection - completed
3020	Swimming pool	48 Johnston Street	Final inspection - completed
3113	Office fitout	460 Stirling Highway (Cottesloe Central Shopping Centre)	Final – completed
3073	Alterations and additions to outbuilding	45 Johnston Street	Progress – upper level addition at lock-up stage.
3160	Patio shade cover	Cottesloe Primary School	Final – completed
3077	Alteration to side boundary fence	45 Johnston Street	Final – completed

### **Committee Recommendation**

Moved Cr Thomas seconded Cr Vikingur that:

The information be received.

### **BLD5 SIGNS & HOARDINGS**

No reports for the reporting period.

### **HOP OPERATIONAL ISSUES**

No reports for the reporting period.

### **DEL DELEGATES REPORT**

No reports for the reporting period.

## **CEO CHIEF EXECUTIVE OFFICER'S REPORT**

### **CEO1 REGISTRATON OF DELEGATES – WALGA 2009 AGM**

File Ref: REG2  
Author: G K Simpson, Chief Executive Officer  
Date: 11 June 2009

#### **Purpose**

The purpose of this report is to seek Councils nomination of voting delegates to be registered for the Association's Annual General Meeting.

#### **Background**

The 2009 Annual General Meeting will be held in the Perth Convention and Exhibition Centre on Saturday afternoon on 8 August 2009.

Councils delegates to the Central Zone of WALGA meetings are Councillors Kavanagh and Ward. All Councillors are invited to attend however the voting delegates are required to be registered with the Association prior to 20 July 2009.

#### **Report**

Councils are permitted to have up to two voting delegates which may be elected members or serving officers.

#### **Policy Implication**

Nil

#### **Budget Implication**

Nil

#### **Recommendation**

That

Councillor.....and Councillor.....  
be nominated as the Shire's voting delegates at the 2009 Annual General Meeting of  
the WA Local Government Association.

## **CEO2 SHIRE V's WALSH – 18 IRVINE STREET PEPPERMINT GROVE**

File Ref: TPL7  
Author: G K Simpson, Chief Executive Officer  
Date: 11 June 2009

### **Purpose**

The purpose of this report is to seek Councils direction in respect to appealing against the decision of Justice Chaney on the Application for Review of the decision handed down by the State Administrative Tribunal.

### **Background**

Council resolved at a Special Meeting of Council on 7 May 2009.

Moved Cr Ward seconded Cr Grice that Council support the review of the SAT decision and confine the submission to the fact that the Tribunal focused too much on the fact of the previous subdivision and not on other factors which affect the form of the proposal.

### **Report**

Dr Stephen Willey of Minter Ellison Lawyers has reported as follows.

#### ***Substantive findings***

*In relation to the substantive matters in dispute (that is, did the Tribunal in making its decision make an error of law) Justice Chaney found:*

- *The reference to 'the presumption of subsequent development for a reasonably sized house being created by the approval of the subdivision' in the original decision, should not be construed as suggesting that there is a presumption of an enforceable entitlement to construct a particular house.*
- *The relevant comments of Senior Member Parry in **Boulter and City of Subiaco** [2007] WASAT 71, are not a statement of legal principle, but merely a statement of planning logic.*
- *The size, shape and orientation of a lot (matters determined by the subdivision approval), will often influence how discretionary departures from prescribed controls will be determined in assessing any subsequent development application. However, these factors do not override the proper consideration of the planning issues, but are relevant considerations.*
- *The Tribunal in the original proceedings did not err in respect to the relevance of, or weight to be attached to, the original subdivision approval.*
- *The Shire was not denied the opportunity to make submissions as to the weight, if any, to be given to the earlier subdivision of the land and as such was not denied procedural fairness.*

Provisions exist under the SAT ACT2004WA that a party may appeal a decision of the President to the Court of Appeal within 28 days and as Justice Chaney handed down his decision on 2 June 2009 application for leave must be lodged with the Court of Appeal by 30 June 2009.

The administration supports the view of Minter Ellison Lawyers that there is insufficient need to justify continuing the legal action at the likely cost involved.

A copy of the Minter Ellison confidential memorandum to the Shire will be available at the meeting.

**Policy Implication**

Nil

**Budget Implication**

Further legal cost will increase the sum of the budget overrun and also affect the 2009/10 budget.

**Recommendation**

That:

The Shire not make application for leave to appeal the decision of the President of the State Administrative Tribunal in the issue of the Shire V's Walsh – 18 Irvine Street.

**NBUS NEW BUSINESS OF AN URGENT NATURE**

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

**OP OPERATIONAL ISSUES**

**OP1 REQUEST FOR LEAVE OF ABSENCE**

Cr Thomas has advised that she will be away from the district during July 2009 and requests leave of absence from the 20 July 2009 meeting.

**Recommendation**

That

Council grant leave of absence from 1 July to 31 July 2009 for Cr Thomas to be absent from the July meeting.

**CIB CONFIDENTIAL ITEMS OF BUSINESS**

**CLOSURE**