



SHIRE OF PEPPERMINT GROVE

MINUTES OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

18 MAY 2009

Ordinary Meeting of Council

18 MAY 2009

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Shire of Peppermint Grove

MINUTES

Minutes of the Shire of Peppermint Grove Ordinary Meeting of Council held on 18 May 2009 in the Council Chambers, 1 Leake Street, Peppermint Grove commencing at 6.30pm.

A1 DECLARATION OF OPENING AND RECORDING OF ATTENDANCE & APOLOGIES

Presiding Member declared the meeting open at 6.30pm and called for the recording of attendance and apologies.

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

G K Simpson, Chief Executive Officer
P J Howard, Manager of Financial Services

Apologies: T Mayor, Manager of Development Services

A2 DELEGATIONS

No delegations present at this meeting.

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

A3.1 Mr Wordsworth

Question 1

Mr Wordsworth asked if Council had requested that Presbyterian Ladies College provide a traffic management report to support its development application for construction of a new hall over the current swimming pool.

Answer

Mr Marcus Collins, Architect advised that he had spoken to Mr Argyle about his concerns and the College will work with the community to ensure there is a minimum disruption.

Construction access will be off McNeil Street, not Pindari Parade.

A4 DECLARATION OF INTEREST

Cr Ward declared a pecuniary interest in Item DA7 and the Late Item on Library Tenders because of his contracts to supply quantity surveying and cost management services for both projects.

A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Ward seconded Cr Vikinger that:

- 1 The Minutes of the Ordinary Meeting of Council held on 20 April 2009 be confirmed as a true and accurate record of proceedings.
- 2 The Minutes of the Special Council Meeting held on Thursday 7 May 2009 be confirmed as a true and accurate record of proceedings.

CARRIED UNANIMOUSLY

A6 PROJECT REPORT LIST

Distributed with Committee Agenda Papers.

A7 ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

The President advised that the administration had completed the first stage of the Minister's Reform Schedule and Council now needs to elect a Project Team to undertake Stage 2. A late report has been tabled for operational issues to be considered.

REPORTS OF THE WORKS & FINANCE COMMITTEE

Attendance: Cr A Grice, Presiding Member, Deputy President; Cr B C Kavanagh, Shire President, Member; Cr M C Lynn, Member; Cr R Thomas, Member; G K Simpson, Chief Executive Officer; P J Howard, Manager Finance; Mr Denis McLeod of McLeods Barristers & Solicitors

A2 DELEGATION OF VISITORS

Mr Denis McLeod attended the meeting for discussion on the Public Open Space (POS) valuation.

Note: Mr McLeod retired from the Committee Meeting at 6.16pm.

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

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

A4 DECLARATION OF INTEREST

No declaration of interest at the Committee meeting.

W WORKS

W1 STREET TREE REPLACEMENT – Lot 32 (23) Johnston Street

File Ref: TRE1
Author: G K Simpson
Date: 5 May 2009

Purpose

The purpose of this report is to bring Council's attention the request from the owner of 23 Johnston Street Mr Metcalf for Council to reconsider its decision to require the replacement of two street trees at the developers cost.

Background

Council resolved on 20 April 2009 that Mr & Mrs Metcalf be advised that because the need to remove the young street tree is a result of the development, Council requires that:

- 1 two new advanced trees be established on the Johnston Street verge, with one being in the truncated corner and the other being on the eastern side of the fence opening
- 2 the old tree and the young tree be removed
- 3 A deposit of \$2,500 to be paid in advance to cover the cost of the Shire purchasing two new advanced trees mentioned in sub-recommendation 1.

Report

The owner states in respect to replacing the old tree:

“I do not believe this tree needs to be removed. It is in no worse state than many other trees. I also fail to see the reason why a ratepayer should bear the cost of removal of a tree on the verge. I would be fascinated to see the precedent for this occurring in the past, and interested to know if this will be council policy in the future. Should the council determine that removal is absolutely necessary this should be at your expense, not mine.

I am happy to meet with yourself and any other councillors on site to discuss if this requires further debate.”

The rationale behind the initial administrative recommendation was that there is a completely new home looking over the intersection to the south east corner which has two new trees growing at the regular spacings but will not apply in front of 23 Johnston Street. It is agreed that the young street tree will cause problems in the future and needs removing, however the spacing of the remaining trees will be irregular.

It was suggested that it would be better to have two new trees planted to ensure there is a regular spacing of 8 metres between trees as they curve around the corner from Venn Street to Johnston Street but the owners object to paying for the cost. The tree in question is old and scrappy, however the owners believe that it may improve with care.

If the owners wish to retain the old tree in the front verge then it is open to Council to replace the tree at its cost or just leave it stand.

Policy Implications

Nil

Budget Implications

Nil

Administrative Recommendation

That

It be recommended to Council that Mr & Mrs Metcalf be required to replace the one tree at a cost of \$1300.

Committee Decision

Moved Cr Kavanagh seconded Cr Lynn that:

The request be deferred to the Council Meeting and the administration be requested to supply photographs of the location.

COUNCIL DECISION – 77/MAY 09

Moved Cr Grice seconded Cr Lynn that:

- (1) The young street tree in Johnston Street be removed and the applicant be required to pay \$1300 for the new tree to be planted in the corner truncation.
- (2) The existing mature tree located east of the drive way be retained.

CARRIED UNANIMOUSLY

W2 HURSTFORD CLOSE/LEAKE STREET INTERSECTION - COMMUNITY COMMENT

File Ref: TRA1
Author: G K Simpson
Date: 5 May 2009

Purpose

The purpose of this report is to bring to Council's attention the result of the community comments consultation.

Background

A total of 52 notices were specifically posted to the affected residents and 20 replies received plus one petition with 9 signatures of which 4 submitted an individual submission.

Report

It is difficult to assess community opinions when two residents who preferred Option 1 signed the petition objecting to change, one person who preferred Option 2 also signed The petition objecting.

Net results offer cancelling out the three who doubled up on the signatures we have:

Option 1	2
Option 2	7
Against	8 + 9 on the petition

It appears that the overwhelming numbers support the petition made the Mr Stephen Kenney which advocates a do nothing option and argues against the comments made by the residents of Hurstford Close.

Policy Implications

Nil

Budget Implications

Funds for traffic calming won't have to be expended.

Committee Decision

Moved Cr Lynn seconded Cr Thomas that:

The item be deferred to the June Committee meeting together with:

1. Comments from Porter Consulting Engineers
2. List of all people on the petition and those who record dual conflicting comment
3. Diagram of Option 1 and 2
4. A copy of the traffic count figure from the 2008 survey.

COUNCIL DECISION – 78/MAY 09

Moved Cr Grice seconded Cr Ward that the community decision be noted.

CARRIED UNANIMOUSLY

FE FINANCE CONTROL & EXPENDITURE

FE1 ACCOUNTS FOR PAYMENT

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

<u>MUNICIPAL FUND</u>	<u>PAYMENT TYPE</u>	<u>AMOUNT</u>
	Cheque numbers 10074 – 10093 (inclusive)	
	Electronic Funds Transfers 2596 – 2672 (Inclusive)	
	Direct Debits 793 – 801 (inclusive)	
	TOTAL	\$288,325.27

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Lynn seconded Cr Thomas that:

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

COUNCIL DECISION - 79/MAY 09

Moved Cr Grice seconded Cr Lynn that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

E2 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 30 April 2009.

Background

Nil

Report

The financial reports are provided for the period ended 30 April 2009.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Lynn seconded Cr Thomas that:

The financial reports for the period ended 30 April 2009 be received and adopted.

COUNCIL DECISION - 80/MAY 09

Moved Cr Grice seconded Cr Lynn that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

FE3 INVESTMENTS

File Ref: INV1
Author: P J Howard, Manager Finance
Date: 6 May 2009

Purpose

The purpose of this report is to provide details of Council's investments as at 30 April 2009 including details of the investing authority and terms.

Background

Nil

Report

INVEST #	INVESTMENT	INVESTING AUTHORITY	DATE INVESTED	MATURITY DATE	TERMS	INTEREST RATE	AMOUNT
1	Reserve Fund	NAB	27.01.2009	27.04.2009	90 Days	4.70%	\$4,431,245.44
2	POS Fund	NAB	30.03.2009	29.04.2009	30 Days	3.10%	\$537,300.39
3	General Fund	NAB	30.03.2009	29.04.2009	30 Days	3.10%	\$229,232.97
TOTAL							\$5,197,778.80

For members information, it is advised that the Reserve Funds Investment at 30 April 2009 is comprised as follows:-

Staff Leave Reserve	\$ 24,110.33
Plant Replacement Reserve	\$ 172,798.93
Infrastructure/Building Reserve	\$4,164,492.82
Sitting Fee Reserve	\$ 43,207.95
Library Leave Reserve	\$ 42,760.23
Library Infrastructure Reserve	\$ 71,079.76
Road Reserve	\$ 124,149.32
	<u>\$ 4,642,599.33</u>

For Members information:

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

Staff Leave Reserve	\$ 19,853.84
Plant Replacement Reserve	\$ 164,058.40
Infrastructure/Building Reserve	\$3,802,329.57
Sitting Fee Reserve	\$ 21,352.72
Library Leave Reserve	\$ 37,223.40
Library Infrastructure Reserve	\$ 32,674.91
Road Reserve	\$ 60,056.38
	<u>\$ 4,137,549.22</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.

Total amount held in Reserves as at 30 April 2009, is \$5,179,900 as shown in the Balance Sheet under heading Cash Restricted.

\$200,000 was transferred on 1 April 2009 from the Municipal term deposit account into the General Municipal banking account for general operating purposes. Balance of this fund as at 30 April 2009 is \$229,232.97. This amount held in the General term deposit is included in Cash At Bank on the Balance Sheet.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

Moved Cr Lynn seconded Cr Thomas that :

The Investment Register for 30 April 2009 be received.

COUNCIL DECISION - 81/MAY 09

Moved Cr Grice seconded Cr Lynn that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

FE4 LIBRARY PROJECT SUMMARY COSTS

08/09 year	All figures are exclusive of GST									
	Cox	Davson Ward	Fundraising m'm	Brown McAllister	Josh Byrne	Misc	Western Pwr	Kooperman	J&S drilling	
										1,267,707
Jul-08	4,212	32,000				14,850				51,062
Aug-08	4,212					6,821				11,033
Sep-08	35,120									35,120
Oct-08	8,853									8,853
Nov-08	3,610				2,708					6,318
Dec-08	3,610					2,616	14,125	7,500		27,851
Jan-09	3,610									3,610
Feb-09	4,685					3,225		4,000		11,910
Mar-09	3,610				7,455			3,400		14,465
Apr-09										-
May-09										-
Jun-09										-
	71,523	32,000	-	-	10,163	27,513	14,125	14,900	-	\$ 1,437,931
Payments under cost sharing arrangement										
	Cottesloe	MP	PG	PG Office		Total				
Jul-08	17,943	20,403	3,907	8,809		1,267,707	b/f 07/08			
Aug-08	3,779	4,298	823	2,133		51,062				
Sep-08	12,030	13,680	2,620	6,791		11,033				
Oct-08	3,033	3,448	660	1,712		35,120				
Nov-08	2,164	2,461	471	1,222		8,853				
Dec-08	10,156	11,549	2,212	3,935		6,318				
Jan-09	1,237	1,406	269	698		27,851				
Feb-09	4,080	4,639	888	2,303		3,610				
Mar-09	5,567	6,330	1,212	1,355		11,910				
Apr-09						14,465				
May-09						-				
Jun-09										
TOTALS	\$ 59,989	\$ 68,215	\$ 13,063	\$ 28,958	\$ -	\$ 1,437,931				
				Total expended to date		\$ 1,437,931				
	\$ 435,413	\$ 495,125		PG to date	\$ 325,599					
	Cott to date	MP to date		3 councils contributions		\$ 1,256,137				
				funded from reserves		\$ 181,793				
						\$ 1,437,931				

Committee Recommendation

Moved Cr Thomas seconded Cr Lynn that:

The report on Library Project Summary Costs be received.

COUNCIL DECISION - 82/MAY 09

Moved Cr Grice seconded Cr Lynn that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

W WORKS

W1 STREET TREE REPLACEMENT –Lot 32 (23) Johnston Street

This item was reported on earlier in the Committee meeting.

W2 HURSTFORD CLOSE/LEAKE STREET INTERSECTION - COMMUNITY COMMENT

This item was reported on earlier in the Committee meeting.

FOP OPERATIONAL ISSUES

FOP1 RANGER REPORT - (April 2009)

File Ref: LAW3
Author: A Jackson, Ranger
Date: 1 May 2009

1 Activity Statistics

	PARKING	DOGS
Infringements	0	0
Written cautions	7	17
Verbal cautions	9	22
Vehicle tow notices	5	-
Impounded vehicles	-	-
Dogs Impounded	-	-
Barking complaints	-	1
Dog attacks	-	0
Dogs Returned to Owners	-	5

2 Current Issues

- 22 hours patrol
- Animal Supervision on parks and reserves
- Parking patrols in all school areas morning and evening
- Monitoring trades vehicles on building sites
- Security

Committee Recommendation

Moved Cr Lynn seconded Cr Thomas that:

The information be received.

COUNCIL DECISION - 83/MAY 09

Moved Cr Grice seconded Cr Lynn that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

REPORTS OF THE HEALTH, BUILDING & TOWN PLANNING COMMITTEE

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 of 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 a

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.

A2.2 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 m²

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.

COUNCIL DECISION - 84/MAY 09

Moved Cr Ward seconded Cr Vikingur that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

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

A4 DECLARATION OF INTEREST

No declaration of interest at the Committee Meeting.

A6 PROJECT REPORT LIST

Minutes of the Project Team Inception Meeting – Review of Town Planning scheme.

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.

COUNCIL DECISION - 85/MAY 09

Moved Cr Ward seconded Cr Vikingur that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

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: 951m² (lot 87), 1001m² (lot 88) and 1001m² (lot 89)

Two proposed new lots: 1800m² (lot 1) and 1153m² (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.

COUNCIL DECISION - 86/MAY 09

Moved Cr Ward seconded Cr Vikingur that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

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: 1819m²

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 60m²*
- 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 58.956m² 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

COUNCIL DECISION - 87/MAY 09

Note: Cr Vikingur advised the meeting that it would assist the applicant if Council was able to approve Stage 1 of the development and leave the elements that need to be advertised to Stage 2 of the development.

Moved Cr Ward seconded Cr Lynn that:

Council grant planning consent approval for application 009-46 for the proposed alterations and upper level additions subject to; the following items, namely the upper level balcony, privacy screen and outbuilding (garage) being excluded from the approval and being resubmitted for consideration to the June meeting.

CARRIED UNANIMOUSLY

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: 744m²

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 60m²*
- 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 7.2m² 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 64.5m².

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
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.

COUNCIL DECISION - 88/MAY 09

Moved Cr Ward seconded Cr Thomas that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

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: 5633m²

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.

COUNCIL DECISION - 89/MAY 09

Moved Cr Ward seconded Cr Vikingur that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

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: Private Clubs & Institutions
Land Use: Schools

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 will have 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.

Note: Cr Vikingur recorded his vote against the recommendation during the Committee Meeting.

COUNCIL DECISION - 90/MAY 09

Moved Cr Ward seconded Cr Thomas that:

The Committee recommendation be adopted.

CARRIED

Note:

Councillors Vikingur and Ward recorded their votes 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: 893m²

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 is 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)

COUNCIL DECISION - 91/MAY 09

Moved Cr Ward seconded Cr Thomas that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

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:

Building Lic. No.	Owner	Address	Description	Amount \$
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.

COUNCIL DECISION - 92/MAY 09

Moved Cr Ward seconded Cr Vikingur that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

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 -

Building Lic. No.	Building type	Address	Inspection type and outcome
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

COUNCIL DECISION - 93/MAY 09

Moved Cr Ward seconded Cr Vikingur that:

The information be received.

CARRIED UNANIMOUSLY

BLD5 SIGNS & 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.

COUNCIL DECISION – 94/MAY 09

Moved Cr Ward seconded Cr Lynn that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

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.

COUNCIL DECISION - 95/MAY 09

Moved Cr Ward seconded Cr Lynn that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

**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.

COUNCIL DECISION - 96/MAY 09

Moved Cr Ward seconded Cr Lynn that:

The Committee recommendation be adopted.

CARRIED UNANIMOUSLY

DEL DELEGATES REPORT

Nil

CEO CHIEF EXECUTIVE OFFICER'S REPORT

There were no reports for this month.

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

OP 1 PUBLIC OPEN SPACE (POS) VALUATION

Moved Cr Lynn seconded Cr Vikingur that in accordance with the provision of Section 5-23(2)(d) of the Local Government Act this item be deferred to the end of the agenda for consideration behind closed doors.

CARRIED UNANIMOUSLY

OP2 LIBRARY TENDER

Note: Cr Ward declared a pecuniary interest in the Library Project and retired from the meeting at 7.28pm without taking part in discussion or voting.

File Ref: LIB 7
Author: P Howard, Manager of Finance
Date: 18 May 2009

Purpose

The purpose of this report is to endorse and implement the recommendation of the Library Tender Evaluation Committee held on 13th May 2009 at 4pm.

Background

Report

The Tender evaluation committee considered the **Cottesloe, Peppermint Grove & Mosman Park Community and Library Facilities and Shire of Peppermint Grove Administration Offices** contract summary analysis dated 11 May 2009 prepared by Davson + Ward.

The representatives agreed to further the project process with the recommendation to be submitted to the Shire of Peppermint Grove at this meeting outlined below.

Policy Implications

Nil

Budget Implications

Within budget estimates

Recommendation

That

1. Council resolve to enter into the Project Construction and Management Agreement between the Shire of Peppermint Grove, the Town of Cottesloe and the Town of Mosman Park as prepared by Corrs Chambers Westgarth and presented to the Council meeting but subject to clauses 9.2, 10.1 and 14.8 being amended to read as set out below, and authorise the President and Chief Executive Officer to sign under seal the document once finalised.

9.2 Power of Committee

The Project Steering Committee is hereby vested by the Participants with the following rights, authorities, powers, duties and discretions:

- (a) control, and direct development of the Project concept and its preparation for tender; and
- (b) provide advice to the Tender Evaluation Committee and Project Control Group in the carrying out of their functions.

10.1 Establishment of the Project Control Group

The Participants agree that there shall be established a committee to be known as the 'Project Control Group' comprising six members.

14.8 Project Manager

The Manager must appoint a Project Manager to amongst other things report direct to the Project Control Group and all costs of the employment of the Project Manager are Expenses to which the Participants must contribute in accordance with this document.

2. Subject to the prior execution by the councils of the Project Construction and Management Agreement, authorise the Shire of Peppermint Grove to enter into a contract with the preferred tenderer, P S Structures for the construction of the Cottesloe, Mosman Park, Peppermint Grove library, community centre and Peppermint Grove shire office.
 - a) The contract is to be for \$12,241,000 if the Green Precincts Fund Grant is unsuccessful which would be approximately \$2,659,709 Peppermint Grove Administration Building and \$9,581,291 for the Library and Community Centre.
 - b) The contract is to be for \$13,586,000 if the Green Precincts Fund Grant is successful which would be approximately \$2,948,884 Peppermint Grove Administration Building and \$10,637,116 for the Library and Community Centre.
3. In the event of the Green Precincts Fund grant not being approved one or more of the local governments may agree to contribute over and above their proportion of the base contract price and this additional funding may be allocated to their preferred components of the ESD initiatives and inclusion of other scope reductions.
4. The Chief Executive Officer's of the respective local governments seek legal advice from Corrs Chambers Westgarth on the sufficiency of the proposed recommendations with respect to all statutory and legal requirements to each council and ensure that the Council resolution is correctly aligned with the management agreement.

COUNCIL DECISION - 97/MAY 09

(1) Moved Cr Grice seconded Cr Vikingur that

The recommendation contained in the report be adopted.

CARRIED UNANIMOUSLY
(By absolute majority)

(2) Moved Cr Grice seconded Cr Lynn that:

The Shire engage independent solicitors to advise on the risks and liabilities that the Shire may face as a result of being the lead Local Government in the project.

CARRIED UNANIMOUSLY

Note: Cr Ward rejoined the meeting at 7.46pm.

OP3 REFORM PROCESS – STAGE 2

File Ref: REG 18
Author: Graeme Simpson, Chief Executive Officer
Date: 18 May 2009

The administration has completed Stage 1 of the Minister's Timeframe for Reform and work has commenced on Stage 2.

Price Waterhouse Coopers Consultant met with Councillors on a workshop basis and is exploring the option of reform on a regional basis. This Shire is required to take action on a more local basis during the April/May period.

The first task is to establish a Project Team of 2 – 3 members to determine the preferred amalgamation structure.

COUNCIL DECISION – 98/MAY 09

Moved Cr Thomas seconded Cr Ward that:

Council appoint the following three persons to the Project Team.

- 1 Cr Kavanagh
- 2 Cr Vikingur
- 3 Cr Ward

CARRIED UNANIMOUSLY

OP4 LEAVE OF ABSENCE – Cr M LYNN

Cr Lynn has advised in writing that she will be travelling overseas with the family and seeks leave of absence during the period 16 June to 19 October 2009.

COUNCIL DECISION – 100/MAY 09

Moved Cr Thomas seconded Cr Ward that:

Cr Lynn be granted leave of absence from Council during the period 16 June to 19 October 2009.

CARRIED UNANIMOUSLY

CIB CONFIDENTIAL ITEMS OF BUSINESS

OP 1 PUBLIC OPEN SPACE (POS) VALUATION

Meeting to proceed behind closed doors.

Moved Cr Lynn seconded Cr Thomas that in accordance with the provision of Section 5-23(2)(d) of the Local Government Act, Council proceed to meet behind closed doors.

CARRIED UNANIMOUSLY

File Ref: TPL7
Author: Graeme Simpson, Chief Executive Officer
Date: 18 May 2009

Purpose

The purpose of this report is to seek Council approval to accept the independent valuation supplied by McGees Property.

Background

The Supreme Court set down that the valuation date to be applied was 22 June 2004 and Mr Richmond of McGees Property was appointed independently, but with approval of both parties, to supply a valuation for the prescribed date.

Report

The valuation for cash payment in lieu of contributing an area of 660.8m² of land from Stage 2 of the subdivision of the parent holding is \$627,000.

The Shire's valuers DTZ Australia have advised that whilst its figure is higher than the independent valuation the discrepancy does not warrant challenging and recommends acceptance.

Policy Implications

Nil

Budget Implications

No immediate affect on the current budget however limit the amount of funds to be placed in the public open space reserve.

COUNCIL DECISION - 100/MAY 09

Moved Cr Kavanagh seconded Cr Ward that:

Acceptance of the valuation be deferred pending clarification of whether GST is to be applied and McLeods be requested to continue the negotiations.

CARRIED UNANIMOUSLY

Open Meeting

Moved Cr Ward seconded Cr Lynn that the meeting resume with open doors.

CARRIED UNANIMOUSLY

CLOSURE

There being no further business the meeting closed at 8.08pm

These minutes were confirmed as a true and accurate record of proceedings at the Ordinary Meeting of Council held on 15 June 2009.

Presiding Member

Date