



**SHIRE OF PEPPERMINT GROVE**

**AGENDA FOR THE**

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

**TO BE HELD ON**

**16 JULY 2009**

# Health, Building & Town Planning Committee Meeting

16 July 2009

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**Shire of Peppermint Grove**

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

Dear Committee Member

The next meeting of the Shire of Peppermint Grove Health, Building & Town Planning Committee will be held on Thursday 16 July 2009 in the Council Chambers, 1 Leake Street, Peppermint Grove, after the Works and Finance meeting commencing at 4.30pm.

**Graeme K Simpson  
Chief Executive Officer**

15 July 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 AND APOLOGIES**

**A2 DELEGATION /DEPUTATIONS**

**Item DA 2 – Demolition of dwelling and construction of two-storey residence – lot 60 (12) Crossland Court**

A deputation from Highbury Homes will be attending the Committee Meeting to discuss and clarify any issues regarding the proposed residence.

**Item DA 3 – Construction of two-storey residence – Lot 73 (5) Bungalow Court**

A deputation from TPG Town Planning and Urban Design will be attending the Committee Meeting to discuss and provide clarification on any issues relating to the proposed residence at 3 Bungalow Court.

**Item DA 4 – Construction of two-storey residence – Lot 73 (5) Bungalow Court**

A deputation from TPG Town Planning and Urban Design will be attending the Committee Meeting to discuss and provide clarification on any issues relating to the proposed residence at 3 Bungalow Court.

**Item DA7 -Reconsideration Of Planning Condition – Lot (28) Irvine St**

A deputation from PrevostWeir Architects, Mr David Weir will be attending the Committee Meeting to discuss and provide clarification on any issues relating to the proposed review of the planning condition for 28 Irvine Street.

**A3 QUESTIONS BY MEMBERS OF THE PUBLIC**

**A4 DECLARATION OF INTEREST**

**A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**Recommendation**

That the Minutes of the Health, Building and Town Planning Committee meeting held on 9 June 2009 be confirmed as a true and accurate record of proceedings.

**A6 PROJECT REPORT LIST**

Attached as Appendix A6.

**EH ENVIRONMENTAL HEALTH**

**EH1 FOOD RECALL**

File Ref: HEA5  
Author: T Mayor, Manager of Development Services  
Date: 13 July 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**

Four (4) Food Recall Notifications were issued by the WA Department of Health for the reporting period two (2) of which were Category 1 and required the officer to respond immediately to the notification. Products that were found to be available through retail outlets in the Shire of Peppermint Grove were removed from sale and either returned to the distributor or arrangements were made for product to be destroyed.

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

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

That

The information be received.

**EH2 FOOD HANDLING PREMISES**

File Ref: HEA5  
Author: T Mayor, Manager of Development Services  
Date: 14 July 2009

**Purpose**

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

**Background**

The periodical survey of food premises to assess compliance with the ANZFA Food Safety Standards is conducted as a normal duty of the Environmental Health Officer.

**Report**

The following food businesses were inspected during the reporting period –

- Red Rooster
- Peppermint Grove Bakery
- Woolworths Supermarket (Butcher, Bakery and Delicatessen)

In the course of these surveys, there were no items observed which required Council's attention.

It is also reported that there have been significant improvements generally in the food businesses inspected during this reporting period and is a good reflection on the commitment of the business managements.

The Red Rooster fast food take-away business on Stirling Highway has recently been issued with a building licence for extensive internal refurbishments to the food preparation and service areas of the shop.

#### **Budget Implications**

Nil

#### **Policy Implications**

Nil

#### **Recommendation**

The information be received.

### **EH3 FOOD SAMPLES**

No food samples were taken during this reporting period.

### **AM AMALGAMATIONS**

#### **AM1 APPLICATION FOR AMALGAMATION/SUBDIVISION (WAPC APPLICATION NO. 139895) – LOTS 72 & 73 (3 & 5) BUNGALOW COURT PEPPERMINT GROVE**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 13 July 2009

#### **Background**

Applicant: TPG Town Planning and Urban Design  
Owner: D I Whittome & S M Harper  
TPS No 3 Zoning: R 25  
Land Use: Single dwelling  
Existing Lots/Areas: Two (2) existing: 390m<sup>2</sup> (lot 72) and 1502m<sup>2</sup> (lot 73)  
Proposed Lots/Areas: Two proposed new lots: 431m<sup>2</sup> (lot 72) and 1461m<sup>2</sup> (lot 73)

**Report**

WA Planning Commission has received an application from TPG Town Planning and Urban Design, on behalf of the owners of the abovementioned properties seeking approval for the amalgamation/subdivision of lots 72 and 73 Bungalow Court. The Commission has invited Council to provide any relevant information, comment or recommended conditions for the proposed subdivision of the property.

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

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

The proposed subdivision/amalgamation will amalgamate the two (2) existing lots to create two (2) new lots, this will increase the land area of lot 72 by 42m<sup>2</sup> and similarly, lot 73 will be reduced in land area by 41m<sup>2</sup> (see Amalgamation Plan, attached)

**Zoning**

The existing lots are coded R25 in the Shire of Peppermint Grove Town Planning Scheme No. 3, and the new lots will remain as Residential R25.

The Residential Design Codes, Table 1, sets out the minimum site area per dwelling for R25 coded land as being 320m<sup>2</sup> for a single house.

Subsequently, the new lots created by the subdivision/amalgamation will continue to comply with the Residential Design Codes and the Shire of Peppermint Grove Town Planning Scheme No. 3 and the Development Guidelines for R25 Super Block – Bay View Terrace.

**Consultation**

The Shire is making comment on the proposed subdivision and therefore there is no requirement for further consultation.

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Attachment**

Refer to appendix

**Recommendation**

That

Council advises the Western Australian Planning Commission that it supports WAPC Application No. 139895 for the proposed amalgamation/subdivision of lots 72 & 73 Bungalow Court Peppermint Grove and has no recommendations or conditions for the development.

**SD SUBDIVISIONS**

No reports for the reporting period.

**DA DEVELOPMENT APPLICATIONS**

**ADDITIONS/ALTERATIONS/REFURBISHMENTS/EXTENSIONS**

**DA1 - ADDITIONS TO RESIDENCE AND EXTENSION TO GARAGE – LOT 166 (39)  
VIEW STREET PEPPERMINT GROVE (PC APPLIC NO. 009 - 49)**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 13 July 2009

**Background**

Applicant: I & J McAllister  
Owner: I & J McAllister  
TPS No 3 Zoning: R10  
Land Use: Single dwelling  
Lot Area: 1461m<sup>2</sup>

**Report**

An application has been received seeking Council approval for the development of a balcony cover and an extension to an outbuilding at the above property.

The balcony cover will provide all-weather shelter to an existing balcony that services an office on the upper level of the residence (see attachments). The balcony will remain open-sided or unenclosed.

The outbuilding extension will be an addition to the existing garage which is located at the rear of the property and has vehicle access to the Right-of-Way (see attachments).

The extension will provide additional cover and security for the owners' motor vehicles.

It should be noted that there is only casual parking for one (1) vehicle at the front of 39 View Street and that the predominant vehicle access and garaging is at the rear of the property which reduces the impact of vehicles entering/leaving the property to View Street and further, reduces the adverse impact upon the streetscape.

This report recommends that Council grant approval for the balcony cover and the garage extension at 39 View Street

**Heritage**

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

**Plot Ratio**

The plot ratio (0.38) will be unchanged by the development and continues to comply with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

**Open Space**

The open space (61%) will be unchanged and continues to comply with the Residential Planning Codes, Table No 1.

**Front Setback**

Unchanged by development

**Rear Setback**

Dwelling

Unaffected by the balcony cover addition.

Garage

The existing garage is located 3.5m from the rear boundary of the property. The extension will result in the garage being 1080mm from the rear boundary of lot 166.

The Residential Design Codes recommends that building comply with the setbacks prescribed by Table 1 of the Codes, however, as the proposed outbuilding extension adjoins a ROW the development will comply with the Performance Criteria 6.3.1, 6.2.3 and 6.2.6.

**Southern Side Setback**

Unaffected by the development

**Northern Side Setback**

Unaffected by the development

**Height**

Dwelling addition (balcony cover) does not exceed the height of the existing roof of the residence.

Outbuilding extension (garage) – will have a maximum roof height of 2.8m and complies with the requirements of the Shire of Peppermint Grove Town Planning Scheme No. 3 which prescribes a maximum height of 5.0m for outbuildings.

#### **Amenity**

The development will have no adverse impact upon the streetscape of the property or the general amenity of the locality.

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

Unaffected by the development.

#### **Fencing**

N/A

#### **Outbuilding Area**

The existing garage has a floor area of 83.65m<sup>2</sup> and the extension will create an additional 30.23m<sup>2</sup>. The Residential Design Codes prescribes a maximum floor area of 60m<sup>2</sup> or 10% of the site area, which ever is the lesser.

The Codes' rationale for outbuildings is a ratio of the floor area of the outbuilding to the site area, however, this is based upon smaller residential land areas. The land areas of residential properties in Peppermint Grove are considered to be unique and it would therefore be reasonable for Council to exercise its discretion to approve the additional floor area for the garage. Discretionary approval has become a normal process for outbuildings in Peppermint Grove and it has been 'flagged' for consideration in the review of the Shire's Town Planning Scheme.

#### **Consultation**

A summary of the community consultation process showing formal comments and their relevance to the Shire's Peppermint Grove Town Planning Scheme No 3 and the Residential Design Codes is illustration below.

<b>NEIGHBOUR PROPERTY</b>	<b>COMMENTS AND/OR OBJECTIONS</b>	<b>R-CODE R'QMNTS</b>	<b>TPS3 R'QMNTS</b>	<b>OFFICER'S COMMENTS</b>
37 View St	No comments/objections	Complies	Complies	It will be necessary for Council to approve the variation to the floor area of the outbuilding.
41 View St	No comments/objections			
36 Keane St	No comments/objections			
2 Bay View Tce	No comments/objections			

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

It will be necessary for Council to exercise its discretion in accordance with the Residential Design Codes Clause 2.4 if approval is granted for the variation to the floor area of the garage.

**Policy Implications**

Nil

**Budget Implications**

Nil

**Attachment**

Refer to appendix

**Recommendation**

That

Council grant Planning Consent approval for Application 009 – 49 for the proposed upper level balcony all-weather shelter addition at the rear of the existing residence and extension to the outbuilding (garage) at lot 166 (39) View Street Peppermint Grove in accordance with the plans and specifications submitted on 8 May 2009.

Further, the applicant is advised that Council has in accordance with the Residential Design Codes, Clause 2.4 Discretionary decisions, exercised its discretion to permit the garage extension to have a floor area of more than 60m<sup>2</sup>.

**CONSTRUCTION OF NEW DWELLINGS**

**DA2 DEMOLITION OF DWELLING AND CONSTRUCTION OF TWO-STOREY RESIDENCE – LOT 60 (12) CROSSLAND COURT PEPPERMINT GROVE (PC APPLIC NO. 009 – 51)**

**A deputation from Highbury Homes will be attending the Committee Meeting to discuss and provide clarification on any issues relating to the proposed residence at 12 Crossland Court.**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 13 July 2009

**Background**

Applicant: Highbury Homes  
Owner: S Jeyadevan  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Area: 800m<sup>2</sup>

**Report**

An application has been received seeking approval for the demolition of the existing single storey dwelling, garage and front fences and for the construction of a two storey residence (See attachments for details).

The development will include two garages at the front of the residence with nil setbacks to the eastern and western common property side boundaries and a setback of 7.05m from the front boundary.

The side boundary nil setbacks for the garages will require the particular attention of the adjoining property owners and also special consideration by Council if approval is to be granted for the two garages with the nil side boundary and the reduced front boundary setbacks.

All other elements of the development comply with the relevant provisions of the Residential Design Codes (i.e. side boundary setbacks, overlooking) and the Shire of Peppermint Grove Town Planning Scheme No. 3.

The proponent has presented a submission to support the development application (see attachments).

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

This report recommends that Council grant conditional approval for the proposed two-storey residence at 12 Crossland Court.

**Heritage**

This property and the existing dwelling are not listed in the Shire of Peppermint Grove Municipal Heritage Inventory.

**Plot Ratio**

The plot ratio will be 0.464, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

**Open Space**

The open space will be 56.08% which complies with the Residential Planning Codes, Table No 1.

**Front Setback**

The main dwelling – will have a setback 16.5m from the front boundary of the allotment and complies with the requirements of the Town Planning Scheme which prescribes a setback of 9.0m.

However -

The two garages – will each have a setback of 7.055m from the front boundary of lot 60 and does not comply with the Scheme setback requirement, which prescribes a front setback of 9.0m.

The proponent has provided a rationale and photographs to support the request for the application to be considered under the provisions of the Residential Design Codes (see attachments).

The supporting documents demonstrate that the garages will satisfy the Residential Design Codes Performance Criteria 6.2.1 Setback of buildings generally, and further, the applicant has demonstrated that the development (i.e. the garages) will be consistent with the majority of existing single residential developments in Crossland Court (see attachments, photographs) and in fact the setbacks for the garages will exceed the setbacks for all of the garages identified in Crossland Court.

In addition, the north-facing walls of the garages comply with the provisions of the Residential Design Codes Clause 6.2.8 which states that –

**6.2.8**

***Garage doors***

***P8*** *The extent of frontage and building façade occupied by garages assessed against the need to maintain a desired streetscape not dominated by garage doors.*

*And –*

***A8*** *Where a garage is located in front of the building a garage wall where it is aligned parallel to the primary street are not to occupy more than 60% or the frontage at the setback line as viewed from the street where the upper floor or balcony extends for the width of the garage and the entrance to the dwelling is clearly visible from the primary street.*

It is the officer's opinion that the proposed development (i.e. garages) is a text book example of the Acceptable development and Performance Criteria for garages at the front of a dwelling.

It is recommended that the front setback for the garages be considered in accordance with the provisions of the Residential Design Codes and subsequently approval be granted for the garages as proposed.

**Rear Setback**

The new residence will have an average rear setback of 6.45m with the predominant two-storey section (85% of the width of the building) being 9.5m from the rear boundary. There is a short 3.0m length of single-storey wall (sanitary facilities for swimming pool and pool store room) that will be 3.4m from the rear boundary which represents only 15% of the width of the residence. This section of wall has a height of RL 13.94.

The existing rear boundary fence (to be retained) has a height of 1.9m and together with the variation in the ground levels between lot 60 and the rear property, the aggregate height of the fence and retaining wall results in the top of the fence having RL 13.23 above the ground level of lot 60.

Hence, there will be approximately 670mm of this short section of wall above the height of the existing boundary fence.

This section of the building has no windows to habitable rooms, is well concealed behind the existing boundary fence and the residence at 5 Keane Street (property at rear of 12 Crossland Court) is approximately 15m from the common property boundary.

It is the officer's opinion that this section of the proposed residence will have no adverse impact upon the amenity of the adjoining property and it is therefore recommended that the proposed rear setbacks be approved.

#### Overlooking

The design of the proposed residence complies with the overlooking requirements of the Residential Design Codes Clause 6.8.1 Visual privacy however, the neighbours at 5 Keane Street (rear property) have expressed concern about continued visual intrusion from a balcony that services an upper level sitting room at the rear of the residence. Although overlooking has been address it would be reasonable to invite the proponent to consider the introduction of a vegetation 'green screen' at the rear boundary to impede the direct line of sight between the balcony and the active living areas of the residence at 5 Keane Street. This matter has been discussed with the owners' representative and the Shire has been advised that the owners are willing to consider the proposed introduction of vegetation screening.

#### **Western Side Setbacks**

The main dwelling complies with the provisions of the Residential Design Codes Tables 2a and 2b.

The Residential Design Codes does not contemplate nil setbacks for R12.5 coded lots and subsequently, it is at the discretion of Council (after neighbour consultation) to determine if a nil setback is appropriate. Clause 6.3.2 of the Codes states –

#### **6.3.2**

##### ***Buildings on boundary***

***P2 Buildings built up to the boundaries other than the street boundary where it is desirable to do so in order to:***

- *make effective use of space; or*
- *enhance privacy; or*
- *otherwise enhance the amenity of the development;*
- *not have any significant adverse effect on the amenity of the adjoining property; and*
- *ensure that direct sun to major openings to habitable rooms and outdoor living areas of the adjoining properties is not restricted*

It is the opinion of the officer that the proposed garages will satisfy the Performance Criteria 6.3.2 and therefore approval is recommended for the two garages.

### **Eastern Side Setback**

The main dwelling complies with the provisions of the Residential Design Codes Tables 2a and 2b.

The Residential Design Codes does not contemplate nil setbacks for R12.5 coded lots and subsequently, it is at the discretion of Council (after neighbour consultation) to determine if a nil setback is appropriate.

Overshadowing – as prescribed by the Residential Design Codes, is determined at midday on 21 June 2009. At this point of time there is no overshadowing to any of the neighbouring properties. The neighbour (7A Keane Street) has raised the issue of the perceived impact that the nil setback of the eastern-side garage may have upon the afternoon sun in the summer period. Although this is not contemplated by the Codes the proponent has provided a shadow diagram that clearly demonstrates that the garage will not affect the neighbour's outdoor living area and that in actual fact the existing boundary fence will create overshadowing, but with no significant effect until after 6.00pm.

It is the officer's opinion that the nil setbacks for both of the garages will not adversely affect the amenity of the adjoining properties and that Council approval should be granted for the nil setbacks.

### Overlooking

The owners of 7A Keane Street have also raised concerns regarding overlooking from the windows serving the stairs and scullery (see attachments, floor plan). These elements comply with the Residential Design Codes Performance Criteria 6.8.1 Visual privacy and Acceptable development A1 and further, the existing common property boundary fence also provides a visual screen between the properties.

It is the opinion of the officer that overlooking satisfies R Codes requirements and no further action is required.

### **Height**

Lot 60 has a Mean Natural Ground Level RL 10.57. The roof of the proposed residence will have an RL 19.37 translating to a maximum building height of 8.8m and therefore complies with the requirements of the Town Planning Scheme, which prescribes a maximum building height of 10.0m.

### **Amenity**

The existing 1.8m high front boundary solid screen brick fence together with the existing garage at a distance of 1.5m from the front boundary have completely concealed the residence and have not made any valuable contributions to the streetscape.

However, the proposed new residence with the open-aspect front fencing, gatehouse and architectural features in the main residence will certainly make a refreshing and significant contribution to the streetscape of Crossland Court and the general amenity of the locality. It would however, be desirable for more landscaping/planting be provided at the front of the property.

### **Crossovers and Street Trees**

Street trees - there will be no affect on street trees as there are no trees on the road reserve.

Crossover - it is proposed to introduce a second crossover (see attachments, site plan). Council discourages more than one crossover and further, the Residential Design Codes states that –

#### ***Performance Criteria***

##### **6.5.4**

##### ***Vehicle access***

***P4*** *Vehicle access provided so as to minimise the number of crossovers, avoid street trees, to be safe in use and not detract from the streetscape.*

#### **Officer's comment:**

It should be acknowledged that two crossovers will ensure that vehicles leave the property in a forward gear, which is considered a positive approach to vehicle safety in Crossland Court.

#### **Fencing**

Not part of this application.

It is proposed that the existing boundary fences are to be retained.

#### **Outbuilding Area**

Nil

#### **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
11 Crossland Ct	Sighted plans – no comments			
3A Keane St	No comments			
5 Keane St	Sighted plans - comments/concerns formally submitted (see attachments)	Clause 6.8.1 Visual privacy		Design has addressed overlooking requirements(see comments above)
7A Keane St	Sighted plans - comments/concerns formally submitted (see attachments)	Clause 6.8.1 Visual privacy		Design has addressed overlooking requirements (see comments above)

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

Should Council decide to consider the nil side boundary setbacks and the front setback under the provisions of the Residential Design Codes it would be necessary for Council to state that it has exercised its discretion in accordance with Clause 2.4 Discretionary decisions of the Residential Design Codes.

#### **Policy Implications**

Nil

#### **Budget Implications**

Nil

#### **Attachment**

Refer to appendix

#### **Recommendation**

That

Council grant Planning Consent approval for Application 009 – 51 for the demolition of the existing single-storey dwelling, carport and front fences and for the construction of the proposed two-storey residence at lot 60 (12) Crossland Court Peppermint Grove in accordance with the plans and specifications submitted 5 June 2009, subject to –

1. the provision of additional landscaping/garden planting across the front of the two garages and a the landscape plan must be submitted to the Shire and be to the satisfaction of the Chief Executive Officer.

2. the development of only one (1) crossover in compliance with the provisions of the Residential Design Codes

And further –

- a) That the proponent is advised that in granting approval for the development that Council has resolved to exercise its discretion in accordance with the Residential Design Codes Clause 2.4 Discretionary decisions, to grant approval for the nil setbacks to the eastern and western side boundaries and the reduced front boundary setback of 7.055m for the garages at the front of the property.
- b) The proponent is invited to consider the introduction of a vegetation ‘green screen’ at the rear boundary to impede the direct line of sight between the upper level balcony and the active living areas of the residence at 5 Keane Street.

**DA3 CONSTRUCTION OF TWO-STOREY RESIDENCE – LOT 73 (5) BUNGALOW COURT PEPPERMINT GROVE (PC APPLIC NO. 009 -54)**

**A deputation from TPG Town Planning and Urban Design, will be attending the Committee Meeting to discuss and provide clarification on any issues relating to the proposed residence at 5 Bungalow Court.**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 13 July 2009

**Background**

Applicant: TPG Town Planning and Urban Design  
Owner: D I Whittome & S M Harper  
TPS No 3 Zoning: R25  
Land Use: Single dwelling  
Lot Area: 1461m<sup>2</sup>

**Report**

**NOTE TO COUNCILLORS**  
***THIS REPORT SHOULD BE CONSIDERED AS A JOINT  
SUBMISSION WITH ITEM DA 4, BELOW***

An application has been received seeking approval for the construction of a two-storey residence at the above property.

Lot 73 is part of the original Super Block subdivision and was three (3) R25 lots which were recently amalgamated into one (1) lot to form the current lot 73. There is an application currently with the WA Planning Commission (see item AM 1, above for details) seeking approval for a minor alteration to the common property boundary between lot 73 & lot 72 Bungalow Court, which is also owned by Whittome/Harper. The boundary adjustment will vary the land areas of these lots by 41m<sup>2</sup> however, the alteration will have no impact upon this proposed development.

The proposed residence and associated curtilage has been carefully and skillfully designed by the architect giving full consideration to the Design Guidelines for the Super Block subdivision and has successfully delivered a building that meets the desired requirements of the owners whilst providing an uncompromising result for the adjoining residential property owners.

The consultant, TPG, has prepared a very comprehensive report and analysis for the development (see attachments).

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

**Heritage**

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

**Plot Ratio**

The plot ratio will be 0.65, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace.

**Open Space**

The open space will be 63% which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace.

**Front Setback**

Complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace.

**Rear Setback**

Complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace.

**Western Side Setback**

Complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace.

**Eastern Side Setback**

Minor variation – see Consultant’s report

It is the opinion of the officer that the minor variation will have no adverse impact on any future development at lot 89 Bay View Terrace (currently vacant land).

**Height**

Minor variation – see Consultant’s report

It is the opinion of the officer that the minor variation will have no adverse impact on any future development at lot 89 Bay View Terrace (currently vacant land) or upon the properties at 51 and 53 Johnston Street.

**Amenity**

It is the opinion of the officer that the proposed development will result an outstanding outcome for the subdivision and will make a significant contribution to the amenity of the locality and complement all of the adjoining residential properties.

**Crossovers and Street Trees**

Lot 73 is vacant land and will require the construction of a new crossover as part of the development process.

There are no street trees in the road reserve.

**Fencing**

Not part of this application and will require a separate application following negotiations with adjoining property owners.

**Outbuilding Area**

N/A

**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 illustrated below.

NEIGHBOUR PROPERTY	COMMENTS AND/OR OBJECTIONS	R-CODE R'QMNTS	TPS3 R'QMNTS	OFFICER'S COMMENTS
7 Bungalow Ct	No comments			
51 Johnston St	No comments			
53 Johnston St	No comments			
8 Bay View Tce	Sighted plans and discussed with the officer			
10 Bay View Tce	Sighted plans and discussed with the officer			
12 Bay View Tce	Sighted plans and discussed with the officer			

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

Council may exercise its discretion to grant approval for the proposed minor variations for the setback to the eastern side common property boundary and the building height in accordance with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace states -

#### ***1.5 Development Approval***

*The Council may approve an application involving departures from the requirements of these Guidelines, if in its opinion, the application satisfies the objectives of the Guidelines.*

#### **Policy Implications**

Nil

#### **Budget Implications**

Nil

#### **Attachment**

Refer to appendix

#### **Recommendation**

That

Council grant Planning Consent approval for Application 009 – 54 for the development of the proposed two-storey residence at lot 73 (5) Bungalow Court Peppermint Grove in accordance with the plans and specifications submitted on 12 June 2009.

And further, the proponent is advised that Council has exercised its discretion in accordance with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace, Clause 1.5, to grant approval for the minor variations to the setback to the eastern side common property boundary and the height of the residence.

**DA4 CONSTRUCTION OF TWO-STOREY RESIDENCE LOT 72 (3) BUNGALOW COURT PEPPERMINT GROVE (PC APPLIC NO. 009 – 55)**

**A deputation from TPG Town Planning and Urban Design, will be attending the Committee Meeting to discuss and provide clarification on any issues relating to the proposed residence at 3 Bungalow Court.**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 13 July 2009

**Background**

Applicant: TPG Town Planning and Urban Design  
Owner: D I Whittome & S M Harper  
TPS No 3 Zoning: R25  
Land Use: Single dwelling  
Lot Area: 431m<sup>2</sup>

**Report**

**NOTE TO COUNCILLORS**  
***THIS REPORT SHOULD BE CONSIDERED AS A JOINT  
SUBMISSION WITH ITEM DA 3, ABOVE***

An application has been received seeking approval for the construction of a two-storey residence at the above property.

Lot 73 is part of the original Super Block R25 subdivision. There is an application currently with the WA Planning Commission (see item AM 1, above for details) seeking approval for a minor alteration to the common property boundary between lot 72 & lot 73 Bungalow Court, which is also owned by Whittome/Harper. The boundary adjustment will vary the land areas of these lots by 41m<sup>2</sup> however, the alteration will have no adverse impact upon this proposed development.

The proposed residence and associated curtilage has been carefully and skillfully designed by the architect giving full consideration to the Design Guidelines for the Super Block subdivision and has successfully delivered a building that meets the desired requirements of the owners whilst providing an uncompromising result for the adjoining residential property owners.

The consultant, TPG, has prepared a very comprehensive report and analysis for the development (see attachments).

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

**Heritage**

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

**Plot Ratio**

The plot ratio will be 0.61, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace.

**Open Space**

The open space will be 73% which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace.

**Front Setback**

Complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace.

**Rear (Eastern) Setback**

The rear setbacks are required to be in accordance with the Detailed Area Plan, which prescribes a 4m setback between the building and the eastern boundary. There is a proposed variation for 2.7m to 3m setback for the new residence (see attachments, site plan).

Although the setback does not comply with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace, it is the opinion of the officer that the minor variation will have no adverse impact on any future development at 8 Bay View Terrace (currently vacant land). The officer has discussed this design element with the owner of 8 Bay View Terrace.

**Southern Side Setback**

Complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace.

**Northern Side Setback**

Complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace.

**Height**

Minor variation – see Consultant’s report

It is the opinion of the officer that the minor variation will have no adverse impact on the future development at 8 Bay View Terrace (currently vacant land), 6 Bay View Terrace or upon 4 Bungalow Court (currently vacant land).

**Amenity**

It is the opinion of the officer that the proposed development will result an outstanding outcome for the subdivision and will make a significant contribution to the amenity of the locality and complement all of the adjoining residential properties.

**Crossovers and Street Trees**

Lot 72 is vacant land and will require the construction of a new crossover as part of the development process.

There are no street trees in the road reserve.

**Fencing**

Not part of this application and will require a separate application following negotiations with adjoining property owners.

**Outbuilding Area**

N/A

**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
4 Bungalow Ct	No comments			
7 Bungalow Ct	No comments			
9 Bungalow Ct	No comments			
8 Bay View Tce	Sighted plans and discussed with the officer	Clause 6.8.1 Visual privacy		The issue of overlooking has been discussed and the treatment of the window elements complies with the RCD.

**Discretions to be Considered**

Council may exercise its discretion to grant approval for the proposed minor variations for the setback to the eastern side common property boundary and the building height in accordance with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace states -

***1.5 Development Approval***

*The Council may approve an application involving departures from the requirements of these Guidelines, if in its opinion, the application satisfies the objectives of the Guidelines.*

**Policy Implications**

Nil

**Budget Implications**

Nil

**Attachment**

Refer to appendix

**Recommendation**

That

Council grant Planning Consent approval for Application 009 – 55 for the development of the proposed two-storey residence at lot 72 (3) Bungalow Court Peppermint Grove in accordance with the plans and specifications submitted on 12 June 2009.

And further, the proponent is advised that Council has exercised its discretion in accordance with the Shire of Peppermint Grove Town Planning Scheme No 3, Development Guidelines for R25 Super Block Subdivision, Bay View Terrace, Clause 1.5, to grant approval for the minor variations to the setback to the eastern side common property boundary and the height of the residence.

**CONSTRUCTION OF OUTBUILDINGS**

**DA5 CONSTRUCTION OF OUTBUILDING – LOT 32 (130) FORREST STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 50)**

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 13 July 2009

### **Background**

Applicant: A M Lewis  
Owner: National Estate Builders Pty Ltd  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Area: 1819m<sup>2</sup>

### **Report**

An application has been received seeking Council approval for the construction of an Outbuilding at the above property.

The proposed outbuilding will be a lofted structure and contain a garage, barbeque room, gym and sanitary facilities on the ground level and a studio in the upper level/loft.

This report recommends that Council not grant planning approval for the development of the outbuilding at 130 Forrest St.

### **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.”*

### **Plot Ratio**

The plot ratio will be 0.38, 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% which complies with the Residential Planning Codes, Table No 1.

### **Front Setback**

Unaffected by development

### **Rear Setback**

The proposed outbuilding will have a nil setback to the rear boundary which adjoins a Right-of-Way. The ROW is privately owned by the Catholic Church of Australia and subsequently the nil setback should receive the approval of the Church.

**Western Side Setback**

The outbuilding will have a setback of 6m from the western side common property boundary and not affect setback requirements.

**Eastern Side Setback**

The ground level of the outbuilding will have a nil setback to the eastern side common property boundary and subsequently, the development will require formal consent from the owner of the adjoining property, 132 Forrest Street

(Note: The owner of 132 Forrest Street has submitted formal comment on the development and has objected to the nil setback. See attachments).

It is the officer's opinion that this will be an acceptable setback for the development.

**Height**

The proposed lofted outbuilding will have a height of 6.5m. The Shire of Peppermint Grove Town Planning Scheme No. 3 Policy on Outbuildings prescribes a maximum height of 5.0m, which represents a 30% increase over the acceptable building height. Further, the outbuilding is a lofted structure and as such there is significant building bulk and scale that intrudes over the 5.0m height restriction.

It is the officer's opinion that this will be an acceptable height for the development.

**Amenity**

The proposed outbuilding does not comply with Policy provisions relating to Outbuildings i.e. floor area and height and the nil setbacks are not acceptable to the adjoining property owners. Further, the bulk and scale of the outbuilding together with the nil setbacks will have an adverse impact upon the amenity of the adjoining properties and is not considered to be orderly and proper planning.

It is the opinion of the officer that the outbuilding is an unacceptable development for the abovementioned reasons.

**Crossovers and Street Trees**

Unaffected by the development

**Fencing**

There are no proposed changes to boundary fences.

**Outbuilding Area**

The proposed outbuilding will have a floor area of 109.8m<sup>2</sup>. The Shire of Peppermint Grove Town Planning Scheme No. 3 Policy on Outbuildings prescribes a maximum floor area of 64.5m<sup>2</sup>, which represents a variation of 70.23% greater than the prescribed floor area for outbuildings.

**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
128 Forrest St (23 x strata units)	A number of comments received from unit owners which mainly related to vehicle movement/access to the site should development approval be granted.			See officer's comments in bulk of this report.
132 Forrest St	Setback, overlooking, bulk, scale.			
2 McNeil St (Catholic Church)	No comments received			

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

Should Council consider granting approval for the development it would be necessary for Council to exercise considerable discretion for variations to the building height, floor area, nil setbacks to the eastern common property boundary (owner of 132 Forrest Street has formally objected to the nil setback) and northern common property boundary (no comment or consent from the Church).

#### **Policy Implications**

It would be necessary to exercise discretion to vary the policy requirements (see comments above).

#### **Budget Implications**

Nil

#### **Attachment**

Refer to appendix

#### **Recommendation**

That

Council ***not*** grant Planning Consent approval for Application 009 – 50 for the development of the proposed lofted outbuilding at lot 32 (130) Forrest Street Peppermint Grove as submitted on 29 May 2009 on the basis that the outbuilding does not comply with the Shire's Policy requirements and further, the bulk and scale and nil setbacks to common property boundaries will not contribute to orderly and proper planning within the Shire of Peppermint Grove.

**DA6 CONSTRUCTION OF OUTBUILDINGS (ALL-WEATHER SHELTERS AND POOL PAVILLION) – LOT 53 (40A) IRVINE STREET PEPPERMINT GROVE (PC APPLIC NO 09 - 52)**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 13 July 2009

**Background**

Applicant: S Carew-Reid  
Owner: S Carew-Reid  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Area: 968m<sup>2</sup>

**Report**

An application has been received seeking approval for the construction of three (3) outbuildings at the above property.

The outbuildings are all open-sided structures with two of the structures designed to provide all-weather shelter to the dwelling and the remaining structure being a pool pavilion.

Lot 53 is a battle-axe lot and the structures will not be visible from the street or the adjoining properties.

This report recommends that Council grant approval for the pavilions.

**Heritage**

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

**Plot Ratio**

The existing plot ratio of 0.41 will be unchanged by the development 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 remain unchanged at 68.5% and continues to comply with the Residential Planning Codes, Table No 1.

**Boundary Setbacks**

Unaffected by the development

**Height**

Complies with the Shire of Peppermint Grove Town Planning Scheme No. 3 Policy on Outbuildings.

**Amenity**

The pavilions will have no adverse impact on the adjoining properties.

**Crossovers and Street Trees**

Unaffected by the development

**Fencing**

No proposed changes and not part of this application.

**Outbuilding Area**

N/A

**Consultation**

A summary of the community consultation process showing formal comments and their relevance to the Shire's Peppermint Grove Town Planning Scheme No 3 and the Residential Design Codes is illustration below.

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

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Attachment**

Refer to appendix

**Recommendation**

That

Council grant Planning Consent approval for Application 009 – 52 for the development of the proposed pavillions at lot 53 (40A) Irvine Street Peppermint Grove in accordance with the plans and specifications submitted on 16 June 2009.

**COMMERCIAL PREMISES**

No applications for this reporting period.

**DEMOLITIONS**

No applications for this reporting period.

**OTHER**

**DA7 RECONSIDERATION OF PLANNING CONDITION – LOT (28) IRVINE ST**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 13 July 2009

**Background**

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

**Report**

At the Ordinary Council Meeting held on 16 June 2009 approval was granted for the development of a garage at the rear of the abovementioned property subject to the outbuilding being located 2.4m from the southern boundary of the property to adequate vehicle circulation space in the ROW adjacent to the garage (refer to Minutes of Meeting 16 June 2009, item DA 1).

The proponent is seeking the indulgence of Council and has requested the review of this condition and has submitted a rationale for a setback of 1.0m from the rear boundary of the lot 130 Irvine Street (see attachments).

There are no other proposed changes to the Planning Consent 009 – 46 issued for the development.

**Recommendation**

That

Council resolves to rescind part 2 of the conditions of approval for Planning Consent 009 – 46 and grant approval for a setback of 1.0m from the southern rear boundary for the garage at lot 130 (28) Irvine Street Peppermint Grove.

## **BLD BUILDING**

### **BLD1 BUILDING LICENCE VARIATIONS**

No applications for this reporting period.

### **BLD2 HERITAGE**

No applications/proposals for this reporting period.

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

File Ref: BUI20/BUI7  
Author: T Mayor, Manager of Development Services  
Date: 13 July 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>
3144	R POGA	33 IRVINE	Bathroom alterations	30,000
3145	BARBLETT	13 IRVINE	Front Fence	1,200
3146	RJ FRENCH	556 STIRLING HIGHWAY	Internal refurbishments and renovations	144,500

The following Demolition Licences were issued during the reporting period:

<b>Demolition Lic. No.</b>	<b>Owner</b>	<b>Address</b>	<b>Description</b>	<b>Amount \$</b>
D09-21	J V WHIDDON	35 VIEW ST PEPPERMINT GROVE	PARTIAL DEMOLITION OF DWELLING	110.00

#### **Policy Implications**

Nil

#### **Budget Implications**

Nil

#### **Recommendation**

The information be received.

#### **BLD4 BUILDING INSPECTIONS**

File Ref: BUI10  
Author: T Mayor, Manager of Development Services  
Date: 13 July 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>
3039	Restoration and refurbishments to Church	16A Keane St	Conservation work on Church Hall completed in accordance with Council and Heritage approval.
3061	Restoration of fire-damaged residence	20 Bay View Terrace	Completed.
2965	Construction of new dwelling	37A Keane Street	Completed
3127	Front fence	27 Johnston Street	Completed
3012	Additions and alterations to dwelling	6 Irvine Street	Completed
3047	Refurbishments of outbuilding	37 Irvine Street	Completed

### Recommendation

The information be received.

### **BLD5 SIGNS & HOARDINGS**

#### **BUILDING SITE SIGN – JOINT LIBRARY DEVELOPMENT, LOT 500 & 501 STIRLING HIGHWAY AND LEAKE STREET PEPPERMINT GROVE.**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 13 July 2009

### Background

Applicant: Shire of Peppermint Grove  
Owner: Shire of Peppermint Grove  
TPS No 3 Zoning: Recreation  
Land Use: Library & Public Open Space

**Report**

An application has been received from Cox Howlett and Bailey Architects for the temporary erection of a development sign for the Joint Library Development, lot 500 & 501 corner of Stirling Highway and Leake Street Peppermint Grove.

The Architect has provided a coloured design of the proposed sign which will be 2.4 x 1.8m in dimensions and will be located on either the Stirling Highway or Leake Street frontages.

**Discretions to be Considered**

The approval of the sign is at the discretion of Council as prescribed by the Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 5.2.

**Policy Implications**

Nil

**Budget Implications**

The Shire of Peppermint Grove will be required to make a contribution to the sign in accordance with the Joint Financial Agreement with the Towns of Mosman Park and Cottesloe.

**Attachment**

Refer to appendix

**Recommendation**

That

Council grant approval for the installation of the proposed development signs as proposed by Cox Howlett and Bailey Architects.

**HOP OPERATIONAL ISSUES**

No operational issues for this reporting period.

**CLOSURE**