



SHIRE OF PEPPERMINT GROVE

MINUTES OF THE

HEALTH, BUILDING & TOWN PLANNING COMMITTEE MEETING

HELD ON

12 July 2010

Health, Building & Town Planning Committee Meeting

12 July 2010

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Shire of Peppermint Grove

Minutes of the Shire of Peppermint Grove Health, Building & Town Planning Committee meeting held on Tuesday 12 July 2010 in the Council Chambers, 1 Leake Street, Peppermint Grove commencing at 6.34pm.

MINUTES

A1 DECLARATION OF OPENING AND RECORDING OF ATTENDANCE AND APOLOGIES

The Presiding Member declared the meeting opened at 6.34pm and called for the recording of attendance and apologies.

Attendance: Cr D Ward, Presiding Member
Cr B Kavanagh, Shire President
Cr K Farley

Mrs A Banks-McAllister, Chief Executive Officer
Mr D Chidlow, Manager Development Services
Ms K Highfield, Executive Officer

Apologies: Cr R Thomas, Deputy Shire President

A2 DELEGATION /DEPUTATIONS

Nil

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

Nil

A4 DECLARATION OF INTEREST

Cr Ward declared a financial interest in item DA1.

A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Kavanagh, seconded Cr Ward

Recommendation

That the Minutes of the Health, Building and Town Planning Committee meeting held on 14 June 2010 be confirmed as a true and accurate record of proceedings.

CARRIED UNANIMOUSLY

EH ENVIRONMENTAL HEALTH

Nil

Cr Ward left the meeting at 6.36pm

DA DEVELOPMENT APPLICATIONS

**DA1 APPLICATION FOR FRONT FENCE, CROSSOVER AND OUTBUILDING
(STUDIO) LOT 50 (No.48) LEAKE STREET, PEPPERMINT GROVE APPLIC
NO. 010 - 42**

File Ref: 010-42

Author: D Chidlow, Manager of Development Services

Date: 7 July 2010

Background

Applicant: Philip Nikulinsky Architect

Owner: S Sullivan

TPS No 3 Zoning: R12.5

Land Use: Single Dwelling

Lot Area: 1609m²

Report

An application has been received seeking approval for the construction of a studio on the subject property.

The proposed outbuilding is well set back to the rear of a large lot. The outbuilding complies with the Shire of Peppermint Grove Town Planning Scheme No.3 and Planning Policies. The applicant has also submitted details of new front fencing and crossover. The proposal was advertised to adjoining landowners and no submissions were received.

This report recommends that approval be granted.

Heritage

The existing dwelling is not listed on the Shires' Heritage Inventory.

Plot Ratio

The plot ratio will be approximately 0.23 which complies with the requirements of the Scheme which prescribes a maximum plot ratio of 0.5 under clause 4.9.5 of the Scheme.

Open Space

The open space will be approximately 77% which complies with 55% required under the Residential Planning Codes, Table No 1.

Front Setbacks

Not applicable.

Rear Setback

The proposed rear setback complies with the 6.0 metre requirement of the Residential Design Codes.

Side Boundary Setbacks

The side boundary setbacks comply with the Residential Design Codes.

Crossovers and Street Trees

A new crossover is proposed to provide driveway access to the existing garage off Leake Street. There are existing peppermint trees that will remain. Currently there is vehicle access to the existing garage off from the ROW. A search of the property file did not find any previous applications for a crossover. The Shire of Peppermint Grove Policy – Vehicle Crossover does not prohibit having a second crossover or a crossover where ROW access exists.

Fencing

The portion of front fence being replaced will comply with the Local Fencing Laws and comprises a 1 metre high wrought iron fence with automatic sliding gate. The remainder of the 1.8 metre high brick wall is proposed to remain.

The plans also show a new 1.8 metre high brushwood fence along the ROW on the eastern boundary. This is proposed to be raked down to 1.1 metres height at the Leake Street junction with the new portion of front fence. This will be to ensure that line of sight is maintained for vehicles leaving the ROW. Details of the raking down are not provided on the plan; it is recommended that this be conditioned as subject to the satisfaction of the CEO.

Outbuilding Area

The proposed studio will be 38 square metres and replaces an existing small outbuilding.

Policy

<u>Town Planning Scheme No. 3</u>		
<u>Outbuildings Policy</u>		
Requirement/Clause		Assessment/Comment
1.	Any wall of an outbuilding shall not exceed 3 m in height.	Wall height – 2.895m Complies
	The maximum height of any part of the outbuilding shall not exceed 5 m	Ridge height – 4.425m Complies
2.	A person shall not, without official approval of Council, construct more than two outbuildings or an outbuilding exceeding, or outbuildings exceeding in the aggregate 46.5 square metres. In any case the total development of a site shall not exceed a site cover of 0.5	Floor area – 38 sq metres Complies Site Cover – 0.23 Complies

Consultation

In accordance with Councils' Policy Advising Adjoining Owners on Development Proposals Policy the development was advertised in accordance with the policy for 14 days. There were no formal submissions lodged.

Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Approval will provide income by way of building licence fees. Development of the site will also provide increased rate income. Should the applicant decide to appeal the decision or conditions of approval for this application, costs may be incurred in defending the decision.

Officer Recommendation

That Council grant planning approval for a front fence, crossover and an outbuilding (studio) at lot 50 (48) Leake Street Peppermint Grove in accordance with the plans and specifications submitted 4 June 2010 subject to:

- a) The applicant providing at building license application stage a management plan that addresses traffic management and parking arrangements for construction vehicles.
- b) Construction of the crossover in accordance with Council Policy – Crossovers.
- c) Peppermint trees on the verge to be protected from the construction of the crossover.
- d) Line of sight truncation for the side boundary brushwood fencing to be provided to the satisfaction of the CEO.

Amendment

Moved Cr Kavanagh, seconded Cr Farley

The Following condition (e) to be added to the recommendation:

- (e) That Shire subject approval to Section 70A notification that the studio not be used for habitation.

Committee Recommendation

Moved Cr Kavanagh, seconded Cr Farley

That Council grant planning approval for a front fence, crossover and an outbuilding (studio) at lot 50 (48) Leake Street Peppermint Grove in accordance with the plans and specifications submitted 4 June 2010 subject to:

- a) **The applicant providing at building license application stage a management plan that addresses traffic management and parking arrangements for construction vehicles.**
- b) **Construction of the crossover in accordance with Council Policy – Crossovers.**

- c) **Peppermint trees on the verge to be protected from the construction of the crossover.**
- d) **Line of sight truncation for the side boundary brushwood fencing to be provided to the satisfaction of the CEO.**
- e) **The Studio is not to be used for ancillary accommodation of human habitation.**
- f) **The applicant shall arrange a notification under Section 70A of the Transfer of Land Act 1893 to be placed on the Certificate of Title of the subject lot, advising owners and subsequent owners of land that the studio is not to be used for ancillary accommodation of human habitation. All costs associated with the lodgment of the Notification and vetting by the Shire's Solicitor shall be borne by the applicant.**

CARRIED UNANIMOUSLY

Cr Ward returned to the meeting at 6.40pm.

**DA2 APPLICATION FOR ADDITIONS TO DWELLING, LOT 117 (NO. 13)
JOHNSTON STREET, PEPPERMINT GROVE APPLIC NO. 010 - 43**

File Ref: 010-43
Author: D Chidlow, Manager of Development Services
Date: 7 July 2010

Background

Applicant: Mike McCourt Homes Pty Ltd
Owner: T & D Sheldrick
TPS No 3 Zoning: R12.5
Land Use: Single Dwelling
Lot Area: 1008m²

Report

An application has been received seeking approval for additions to the rear and side of an existing dwelling.

The proposed additions comply with the Residential Design Codes, excepting for the rear setback, the Shire of Peppermint Grove Town Planning Scheme No.3 and Planning Policies. The proposal was advertised to adjoining landowners and no submissions were received.

This report recommends that approval be granted with conditions.

Heritage

The property is not listed on the Shires' Heritage Inventory.

Plot Ratio

The new plot ratio will be 0.4 which complies with the requirements of the Scheme which prescribes a maximum plot ratio of 0.5 under clause 4.9.5 of the Scheme.

Open Space

The open space will be 61% which complies with 55% required under the Residential Planning Codes, Table No 1.

Front Setbacks

The proposed front setback does not change.

Rear Setback

The rear setback for the additions will be 2.16 metres which does not comply with the 6.0 metre setback requirement of the Residential Design Codes. The existing dwelling does not comply with the 6.0 metre setback with a current setback of 5.16 metres. It is not practicable to extend the kitchen/laundry without reducing the rear setback. The side setback for the additions is at the minimum of 1.0 metre to reduce the variation to the rear setback.

Side Boundary Setbacks

The side boundary setbacks comply with the Residential Design Codes at each building height level taking into account habitable rooms and major and minor openings.

Height

The proposed additions are single story and do not impact on the height requirements of the Scheme.

Overshadowing

The proposed additions will be single story and existing ground levels will be maintained. The proposal complies with the solar access for adjoining sites provisions of the Codes.

Crossovers and Street Trees

No trees or crossovers are impacted by this development.

Fencing

Not part of this application.

Consultation

In accordance with Councils' Policy Advising Adjoining Owners on Development Proposals Policy the development was advertised in accordance with the policy for 14 days. There were no formal submissions lodged.

Discretions to be Considered

It will be necessary for Council to exercise its discretion for the variations to the Scheme for reduced rear setback of 2.16 metres.

Policy Implications

Nil.

Budget Implications

Approval will provide income by way of building licence fees. Development of the site will also provide increased rate income. Should the applicant decide to appeal the decision or conditions of approval for this application, costs may be incurred in defending the decision.

Officer and Committee Recommendation

Moved Cr Kavanagh, seconded Cr Farley

That Council grant planning approval for additions to dwelling at lot 117 (13) Johnston Street, Peppermint Grove in accordance with the plans and specifications submitted 9 June 2010 subject to:

- a) **The applicant providing at building license application stage a management plan that addresses traffic management and parking arrangements for construction vehicles to the satisfaction of the CEO of the Shire.**
- b) **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 for a reduced rear setback.**

CARRIED UNANIMOUSLY

BLD BUILDING

Nil

HOP OPERATIONAL ISSUES

HOP1 STATEWIDE DOMESTIC CAT CONTROL LEGISLATION

File Ref: AMN6
Author: David Chidlow, Manager of Development Services
Date: 7 July 2010

Purpose

The purpose of this report is to provide comment to the Minister of Local Government on proposed new statewide domestic cat control Legislation.

Background

Nil

Report

The State Government proposes to introduce statewide domestic cat control legislation. The overarching objective of doing so is to reduce the number of stray (unowned) cats in Western Australia. This will be achieved through encouraging responsible pet ownership behaviour by members of the community that own cats or look after a cat and the implementation of cat control legislation across the whole State.

The anticipated outcome from a reduction in the number of cats is a reduction in the number of cats being euthanised, the impact of unowned cats on the natural environment and wildlife, the occurrence of nuisance caused by cats, such as noise, unwanted entering and damage to properties, and the poor health and living conditions of unowned cats.

A total of 19 out of 139 local governments in WA have introduced local laws for the control of cats, however, this could indicate that for many local governments, cats are not an issue. The State Government has developed proposed Statewide legislation based on previous research undertaken in this State, and an evaluation of similar legislation in other jurisdictions. Local governments will be required to administer and enforce the legislation, which includes the following mandatory elements, identification in the form of microchipping and/or collars and tags, registration, and sterilisation. The introduction of mandatory identification will have the benefit of ensuring that cats are easily identified as owned or unowned, and those without identification can be seized and impounded by authorised persons. Similar to the provisions required under the *Dog Act 1976* this will allow for the identification of the owners of cats. Registration is a potential source of revenue for local governments.

Other states

Jurisdiction	Scope
ACT - <i>Domestic Animals Act 2000</i>	Registration not compulsory. Mandatory microchipping. Mandatory sterilisation unless a permit is obtained.
NSW- <i>Companion Animals Act 1998</i>	Mandatory microchipping and registration with their local government. A reduced fee for

	registration is offered for sterilised animals.
Queensland - <i>Animal Management (Cats and Dogs) Act 2008</i>	Mandatory microchipping (by regulated implanters) is required before 12 weeks of age or at transfer of ownership; exemptions apply. Voluntary sterilisation (at owner's discretion) however, requires mandatory ear tattooing at the time of sterilisation. It is an offence for both owners and vets to fail to ensure that an animal is tattooed at the time of sterilising. For health reasons, tattooing exemptions apply. Mandatory registration of cats 12 weeks of age and older. The duration of registration is specified by a local law to safeguard local government's flexibility. Each local government will be required to maintain registers for cats.
South Australia - <i>Dog and Cat Management Act 1995</i>	The Act provides powers for local governments to enact by-laws relating to microchipping, sterilising and registration. Statewide microchipping and registration is not mandatory. Mandatory sterilisation and registration when sold from pound or refuge. The Act is under review.
Tasmania - <i>Cat Management Bill 2009</i>	It is proposed that the following provisions will be introduced over the next four years. Mandatory microchipping and registration. Mandatory sterilisation when sold. A cat owned for the purpose of breeding by a registered breeder is exempt from the sterilisation requirements. Only registered breeders can breed cats. Cannot sell a cat unless it is eight weeks old, microchipped, and sterilised unless exemptions apply.
Victoria - <i>Domestic Animals Act 1994</i>	Mandatory registration. Mandatory identification with a tag when outside their owner's premises. Local governments have also been given the power to require compulsory microchips for all cats in their district. Cats sold or given away from any pet shop, breeder or pound must have a microchip and be sterilised. Local governments have the power to require the compulsory sterilisation of cats.

Impact on Local government

Costs will be imposed on local government through its role in administering and enforcing the provisions of the legislation. For example, local governments will be responsible for managing any registration process including the maintenance of relevant databases. In addition, local governments will be expected to seize and impound unregistered or unidentified cats. Registration and impounding fees should offset these costs. The success of the legislation will be determined by the level of local government enforcement. Relevant local government officers, such as rangers, may also be given permission to implant microchips. Costs may be incurred through the purchase of equipment and the requirement for officers to undergo training and accreditation. In addition, there may be costs from performing the implanting, however, this could be offset by a fee for performing this procedure. The 19 local governments that presently have cat control local laws will not be affected to the same extent as those without such laws, as some of these responsibilities are already being performed by these local governments. Local governments may find, especially those without cat control local laws, that they experience an increase in the number of complaints relating to cats. Nonetheless,

research has indicated that animal management services performed by local governments across Australia were estimated to operate at a loss of \$35 million per annum.

The proposed legislation is recommended for support. However there are some issues that will need further clarification. The following relevant comments are extracted from the WA Rangers association in response to the proposed legislation.

When should compulsory identification be introduced?

Immediately for animals born or aged under three-months at time of legislation being implemented, with a six-month period of grace to allow all other animal owners to complete micro-chipping / registration / sterilisation.

At what age should identification be required?

Animals required to be:

- Sterilised, micro-chipped and registered to a centralised database at three-months of age for companion animals – nominal fee; and
- Micro-chipped and registered to a centralised database at three-months of age for breeding animals – commercial fee.

When should compulsory Sterilisation be required?

Any cat not used for breeding by a registered breeder - within 6 months of the introduction of the legislation following the proposed period of education and advertising.

Fees should cover costs

Fee to be costed after consultation with micro-chip companies and State government.

Registration Fee structure to include:

- Companion Animal
 - Sterilisation
 - Micro-chipping
 - Registration to centralised database (life-time)
 - Veterinary administration fee
- Breeding (Commercial) Animal
 - Micro-chipping
 - Registration to centralised database (life-time)
 - Veterinary administration fee

Are there any other quantifiable costs and benefits associated with an education campaign, and will this proposal achieve the policy objectives in the absence of legislation?

There will be multiple benefits in achieving the outcomes identified as required in any successful cat legislation.

However all education campaigns must be funded by the State government (perhaps Department of Local Government) and not individual local governments.

The process will require an annual and ongoing multi media campaign prior to the legislation and after.

What is required is a cultural change in relation to obligations which come with companion animal (cat) ownership. The background to the Cat consultation paper indicates that this relates to a minority of existing or potential cat owners. Nevertheless it is suggested that these are the people the proposed legislation needs to target.

Policy Implications

Nil.

Budget Implications

The registration process and costs associated with a process that replicates the Dog Act is not supported. Fees and charges for registration under the Dog Act Regulations have not been reviewed for many years. The reason advanced is that these costs discourage registration.

At this stage cost are unknown, however if the Legislation is passed then budgetary provisions will need to be allocated.

Officer and Committee Recommendation

Moved Cr Farley, seconded Cr Kavanagh

That Council advise the Minister for Local Government that the proposed statewide domestic cat control legislation is supported, however further details on periods of grace for implementation of sterilisation and identification when the legislation is introduced, and the cost recovery of fees are required to be resolved.

CARRIED UNANIMOUSLY

CLOSURE

There being no further business the meeting was declared closed at 6:45pm.

These minutes were confirmed as a true and accurate record of proceedings at the Health, Building and Town Planning Committee Meeting held on 12 July 2010.

Presiding Member

Date