

**SHIRE OF PEPPERMINT GROVE**

**MINUTES OF THE**

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

**HELD ON**

**10 FEBRUARY 2009**

# Health, Building & Town Planning Committee Meeting

10 February 2009

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## Shire of Peppermint Grove

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### MINUTES

Minutes of the Health, Building and Town Planning Committee Meeting held on 10 February, 2009 in Council Chambers, 1 Leake Street, Peppermint Grove commencing at 4.40pm.

#### **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**

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

Attendance: Cr P B Bacich, Presiding Member (retired at 4.45pm)  
Cr B C Kavanagh, Member  
Cr G T Vikingur, Member  
Cr D A Ward, Member

G K Simpson, Chief Executive Officer  
T Mayor, Manager of Development Services  
F Gerhard, Executive Assistant

#### **A1.1 RESIGNATION OF PRESIDING MEMBER**

Cr Bacich advised that because of recent events he tendered his resignation as Presiding Member of the Committee but wished to stay on the Committee as a member.

#### **A1.2 ELECTION OF PRESIDING MEMBER OF THE COMMITTEE**

Nominations for the position of Presiding Member were called.

Moved Cr Bacich seconded Cr Vikingur that Cr Ward be elected to the position of Presiding Member of the Committee for the balance of the term (October 2009).

**CARRIED**

**A2 DELEGATION /DEPUTATIONS**

There were no delegations for this meeting.

**A3 QUESTIONS BY MEMBERS OF THE PUBLIC**

**A3.1 Mr Prevost – Item DA6 – 50 Johnston Street**

Mr J L Prevost, applicant for Item DA6 requested an extension of the Planning Consent Approval (008-62) because –

- Significant delays occurred in negotiations with neighbours
- A builder needs to be selected
- Negotiations and planning are lengthy processes

The request is to extend the time period to 24 months and only require substantial construction to be completed, not the entire project.

**A4 DECLARATION OF INTEREST**

Cr Bacich declared an interest as owner of one of the properties in Item AM1 and retired from the meeting at 4.45pm.

**A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Moved Cr Kavanagh seconded Cr Vikingur that:

The Minutes of the Health, Building and Town Planning Committee meeting held on 9 December 2008 be confirmed as a true and accurate record of proceedings.

**CARRIED**

**A6 PROJECT REPORT LIST**

Distributed with the Committee Agenda Papers.

**EH ENVIRONMENTAL HEALTH**

**EH1 FOOD RECALL**

File Ref: HEA5  
Author: T Mayor, Manager of Development Services  
Date: 4 February 2009

**Purpose**

The purpose of this report is to inform Council of the action taken by the Shire's Manager of Development Services with regard to food recall notifications.

**Background**

The Health Department of Western Australia advises all Local Governments of any food products that have been recalled.

**Report**

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

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

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

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

The information be received.

**CARRIED**

**EH2 FOOD HANDLING PREMISES**

No reports for this reporting period

**EH3 FOOD SAMPLES**

No reports for this reporting period

**AM AMALGAMATIONS**

**AM1 APPLICATION FOR AMALGAMATION/SUBDIVISION (WAPC APPLICATION NO. 139181) – LOT 1 (18) IRVINE STREET & LOT 2 (1B) VENN STREET PEPPERMINT GROVE**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 4 February 2009

**Background**

Applicant: Benetti Grogan and Associates  
Owner: CR & TW Walsh and Olympic Property Group Pty Ltd  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Areas: 671m<sup>2</sup> (lot 1) and 1172m<sup>2</sup> (lot 2)

**Report**

WA Planning Commission has received an application from Benetti Grogan and Associates, on behalf of the owners of the abovementioned properties seeking approval for the amalgamation/subdivision of lot 1 (18) Irvine Street & lot 2 (1B) Venn Street. The Commission has invited Council to provide any relevant information, comment or recommended conditions for the proposed subdivision of the property by 11 February 2009. After this date the Commission will determine the application.

The Officer has formally advised that the Council will be meeting on 16 February 2009 and successfully sort an extension of time for comment.

The proposed subdivision/amalgamation will create a minor variation to the common property boundary between the two existing lots however, the lots will remain as two lots. Essentially, the subdivision/amalgamation will increase the land area of lot 1 (currently 671m<sup>2</sup>) to 689m<sup>2</sup> whilst lot 2 (currently 1172m<sup>2</sup>) will be marginally reduced to a land area of 1153m<sup>2</sup>.

As Council is aware, the original 18 Irvine Street was recently subdivided to create two new lots, lot 1 (18 Irvine Street) and lot 2 (1B Venn Street).

At the June 2008 Ordinary Meeting Council considered an application for the development of a new dwelling at 18 Irvine Street however, the proposal was refused by Council and subsequently the proponent lodged a request for review, which is currently being considered by the State Administration Tribunal (SAT).

Subsequently, it would be inappropriate for Council to make any recommendations or comments to the WA Planning Commission (WAPC) on the proposed subdivision as it would have the potential to prejudice the decision of the SAT and therefore it would be reasonable for Council to defer consideration on the subdivision until the matter is resolved by SAT.

After consultation it was apparent that the WAPC was unaware that the matter was before SAT. The Officer corresponded with the WAPC to advise on the status of the matter.

**Consultation**

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

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

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

Council advises the Western Australian Planning Commission that as the State Administrative Tribunal is currently considering a request for the review of a Council's decision to refuse a development application at lot 1 (18) Irvine Street Peppermint Grove, it would be inappropriate for Council to make any recommendations or comments to the Commission on the proposed subdivision. Any statements may have the potential to prejudice the decision of the Tribunal, subsequently the Shire Council has made the decision to defer consideration on the subdivision application until the matter is resolved by the State Administrative Tribunal.

**CARRIED**

**SD SUBDIVISIONS**

See item AM 1, above.

**DA DEVELOPMENT APPLICATIONS**

**ADDITIONS/ALTERATIONS/REFURBISHMENTS/EXTENSIONS**

**DA1 ALTERATIONS TO OUTDOOR LIVING AREAS AND REFURBISHMENTS AND  
ALTERATIONS TO DWELLING – LOT 30 (62) LEAKE STREET PEPPERMINT  
GROVE (PC APPLIC NO. 009 – 28)**

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 2 February 2009



## **Background**

Applicant:	Rodrigues Bodycoat Architects
Owner:	L Steinepreis
TPS No 3 Zoning:	R12.5
Land Use:	Single dwelling
Lot Area:	1944m <sup>2</sup>

## **Report**

An application has been received seeking approval for alterations to the existing outdoor living areas and refurbishments and minor alterations to the part area of the existing residence at the above property.

The alterations to the outdoor living are essentially the replacement of pavement, decking and safety barrier to the existing swimming pool and the construction of a pergola. The external ground levels will not be changed by the alterations.

The proposed pergola, which will provide sun shelter to the swimming pool area will be located at the rear of the residence and 4.5m from the western side boundary of the lot 30.

Internal alterations and refurbishments to the residence include the replacement of existing stairs, removal or replacement of windows and doors to create more functional rooms and the construction of sanitary facilities within the existing garage (to provide facilities for swimming pool). The internal works will not change the use of the related rooms i.e. habitable rooms and therefore will not affect the setback or overlooking requirements and provisions of the Residential Design Codes.

This report recommends that Council grant approval for the proposed outdoor alterations and construction of new pergola and the internal refurbishments and construction of sanitary facilities at 62 Leake 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.”*

## **Plot Ratio**

The plot ratio will be 0.31, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

**Open Space**

The open space will be 63.67% which complies with the Residential Planning Codes, Table No 1.

**Front Setback**

Unchanged by the development – remains at 33.4m.

**Rear Setback**

Unchanged by the development – remains at 16.5m.

**Western and Eastern Side Setbacks**

Residence

The setbacks to the residence will be unchanged by the development.

Pergola

The proposed pergola will be located 4.5m from the western side common property boundary and complies with the relevant requirements of the Residential Design Codes, Table 2a.

**Height**

Residence

The roof heights of the residence remain unchanged.

Pergola

The pergola will have a maximum roof height of 2.85m and complies with the provisions of the Shire of Peppermint Grove Town Planning Scheme No. 3, Policy on Outbuildings, which prescribes a maximum building height of 5.0m.

**Amenity**

The proposed alternations and refurbishments will have no impact upon the architectural features of the original residence. The design shows that the existing residence is retained in the development, with the proposed works being constructed with details, finishes and materials that will complement the fabrics of the existing residence.

**Crossovers and Street Trees**

Unaffected by the development.

**Fencing**

Not part of this application and no changes to boundary fencing.

**Outbuilding Area**

No change to the area of the existing outbuilding

**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
60 Leake St	No comment received			
64 Leake St	No comment received			
47A Irvine St	No comment received			

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

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

Council grant Planning Consent approval for Application 009 – 28 for the alterations to the outdoor living areas including the construction of a pergola and the internal refurbishments and construction of sanitary facilities in the garage of the existing residence at lot 30 (62) Leake Street Peppermint Grove in accordance with the plans and specifications submitted on 23 December 2008.

**CARRIED**

**CONSTRUCTION OF NEW DWELLINGS**

No reports this month

**CONSTRUCTION OF FENCES**

No reports this month

## **CONSTRUCTION OF OUTBUILDINGS**

### **DA2 OUTBUILDING (POOL HOUSE) LOTS 5 & 60 (146) FORREST STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 31)**

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

#### **Background**

Applicant: L Shek  
Owner: L Shek  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Area: 5633m<sup>2</sup>

#### **Report**

An application has been received seeking approval for the construction of an outbuilding (pool house) at the above property.

The outbuilding, which will be located at the front of the property approximately 14m from the front boundary of the allotment, will be a contemporary, modular design constructed from a structural, insulated 'Colorbond' metal sandwich panel. An existing

outbuilding, front boundary fence and landscaping/vegetation will provided screening from Forrest Street.

This report recommends that Council grant conditional approval for the pool house 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.”*

It should be noted that the proposed outbuilding will be a distance of 26m from the existing residence and at a lower ground level and as such will have no adverse impact upon the visual amenity and architecture of the residence.

**Plot Ratio**

The plot ratio will be 0.23, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

**Open Space**

The open space will be 73.65% which complies with the Residential Planning Codes, Table No 1.

**Front Setback**

The proposed outbuilding will be located 13.9m 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.

In addition, the proposed poolhouse will be positioned immediately behind an existing brick masonry outbuilding and together with existing vegetation and additional plantings the outbuilding will be significantly screened from the street.

**Rear Setback**

Unaffected by the development

**Side Boundary Setbacks**

Unaffected by the development. The outbuilding will be 28m and 36m from the western and eastern side boundaries, respectively.

**Height**

The outbuilding will have a maximum roof height of 3.8m and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, Policy on Outbuildings, which prescribes a maximum height of 5.0m.

**Amenity**

As stated above, the outbuilding will be constructed from an insulated 'Colorbond' metal sandwich panel with a flat profile. The walls of the building will be predominantly champagne, grey and orange colours and the skillion roof will be grey.

The outbuilding will be screened from the street by an existing outbuilding and vegetation, in addition the existing front fence is approximately 2.3m high and the ground level behind the fence is approximately 1.3m above the ground level of the PAW at the front of the property. These elements therefore combine to provide substantial screening and subsequently, the outbuilding will have no adverse impact upon the streetscape or the amenity of the adjoining properties.

**Crossovers and Street Trees**

Unaffected by the development.

**Fencing**

Not part of this application and there no proposed changes.

### 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
5 View St	Sighted plans and advised that there were no objections to proposal.			
148 Forrest St	No comments received			
147 Forrest St	No comments received			
149 Forrest St	No comments received			
151 Forrest St	Sighted plans and advised that there were no objections to proposal, however, some concern raised about the intended use of the existing outbuilding and asked if the building was to be demolished or retained.			

### Discretions to be Considered

Nil

### Policy Implications

Nil

### Budget Implications

Nil

### Committee Recommendation

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

Council grant Planning Consent approval for Application 009 – 31 for the construction of an outbuilding (pool house) at lots 5 & 60 (146) Forrest Street Peppermint Grove in accordance with the plans and specifications submitted on 16 January 2009, subject to –

1. The planting of additional non-deciduous plants along the front boundary of the allotment to provide additional screening. The plants should have a height of approximately 1.8m upon reaching maturity.
2. The existing outbuilding and proposed new outbuilding not being used for habitable purposes.

**NOTE TO APPLICANT:**

The wind generator shown on the plans submitted on 16 January 2009 is *not* part of this approval and will require the proponent to submit a separate Application for Planning Consent seeking Council approval for the apparatus.

**CARRIED**

**DA3 TEMPORARY OUTBUILDINGS x 4 (SEA CONTAINERS) – LOT 28 McNEIL STREET (OF 25 BINDARING PARADE) PEPPERMINT GROVE (PC APPLIC 009 – 25)**

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

**Background**

Applicant: Greg Rowe and Associates  
Owner: M Creasy  
TPS No 3 Zoning: R10  
Land Use: Single dwelling  
Lot Area: Total land area of 25 Bindaring Pd: 4777m<sup>2</sup> (lot 28: 407m<sup>2</sup>)

**Report**

An application has been received seeking Council approval for the temporary installation of four (4) sea contains at the above property. The proponent requires the sea containers to provide temporary storage facilities for personal and household effects for a period of 24 months.

The sea contains -

- Size: 2.6m high, 2.4m wide and 6.0m in length.
- Intended use: Storage of personal/household effects
- Location: the proposed location for the 4 x sea containers is at the western end of 25 Bindaring Parade 1.0m from the western side common property boundary adjoining 29 McNeil Street an 1.0m from the .

- Colour: 'iron oxide' – a dark red colour
- Duration/time required: 24 months

The proponent, on behalf of the property owner, has provided a formal rationale and site plan supporting the installation of the sea containers.

<p><b><i>THE PROPONENT'S RATIONALE SHOULD BE READ IN CONJUNCTION WITH THE OFFICER'S REPORT</i></b></p>
--

This report recommends that Council grant *conditional* approval for the installation of four (4) x sea containers at 25 Bindaring Parade.

**Heritage**

This property is no longer listed in the Shire of Peppermint Grove Municipal Heritage Inventory. The State Government has been granted approval for the removal of the property from the State Heritage Register. The action then provided the opportunity for the owner to make application to the Shire for the demolition of the building and the subsequent removal of the building from the Shire's Heritage Inventory.

**Plot Ratio**

The plot ratio will be 0.32, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

**Open Space**

The open space will be 68.85% which complies with the Residential Planning Codes, Table No 1.

**Front Setback**

Unaffected by the development

**Rear (western) and Side (northern) Boundary Setbacks**

The proponent has nominated the western and northern common property boundaries of lot 28 as the side and rear boundaries, respectively, in order to establish building setbacks for the sea containers. The geometry and access of 25 Bindaring Parade is relatively unique and the nominated boundaries are considered quite reasonable for the purposes of assessing the setbacks.

It is therefore proposed that the sea containers will be located 1.0m from both the western and northern common property boundaries of the property. The proponent states that these setbacks will comply with the requirements of the Residential Design Codes.

**Eastern Side Setback**

Unaffected by the development – the eastern boundary of lot 28 is the front boundary of the lot.



### **Height**

The sea containers will have a height of 2.6m. The Residential Design Codes, 6.10.1 Outbuildings A1 Acceptable Development, states that outbuildings should not exceed 2.4m in height.

The Shire of Peppermint Grove Town Planning Scheme No. 3, Policy on Outbuildings, prescribes a height of 3.0m for outbuildings, however, this is inconsistent with the Residential Design Codes and therefore the requirements of the Codes prevail.

The proponent has stated that the additional height of 200mm is minimal deviation and would not have an adverse impact upon the visual amenity of the neighbouring properties.

### **Amenity**

The Officer has had discussions with the owner 29 McNeil Street and 27 Airlie Street (Claremont). These properties adjoin the western and northern common property boundaries of lot 28 and will be the most affected by the position of the sea containers.

The neighbours did not object to the installation of the sea containers but were concerned about the position and subsequent impact upon the visual amenity of their properties. Both owners have expressed their concern that the position and height of the sea containers would have a significant impact upon the visual amenity of their properties and both owners requested that the sea containers be moved approximately 6 – 8m east of the proposed location which will ensure that the sea containers are well screened by existing vegetation. However, the owner of 31 McNeil Street has expressed serious concerns regarding the proposed position and is in favour of the alternative location i.e. 8m east.

It is the opinion of the Officer that the sea containers would be better positioned immediately to the rear of 35 McNeil Street, which is owned by the owner of 25 Bindaring Parade and occupied by a relative. Alternatively, the sea containers could be positioned further east onto the property.

### **Crossovers and Street Trees**

Unaffected by the development

### **Fencing**

Not part of this application and no proposed changes to existing fencing.

### **Outbuilding Area**

The sea containers will have an aggregate floor area of 57m<sup>2</sup>. The Residential Design Codes states that outbuildings can be 60m<sup>2</sup> or 10% of the site area whichever is the lesser. Lot 28 is 410m<sup>2</sup> in area and as such the maximum outbuilding area is 41m<sup>2</sup>. Therefore, the aggregate area of the outbuildings (sea containers) exceeds the maximum area by 16m<sup>2</sup>.

The proponent has stated that the additional floor area of the sea containers will not adversely affect the amenity of the locality.

It is the Officer's opinion that the additional floor area of the sea containers will satisfy the Residential Design Codes, Performance Criteria 6.10.1 Outbuildings P1, i.e. the additional floor area will not adversely affect the amenity of the adjoining properties.

### 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
2 The Esplanade	No comments received			
27 Airlie St	No objection to installation of sea containers but is concerned that the location will adversely affect the visual amenity of their property.	Performance Criteria 6.10.1 Outbuildings P1 – outbuildings that do not detract from the visual amenity of residence or neighbouring properties.		It is the opinion of the Officer that the proposed outbuildings (4 x sea containers) will have an adverse impact upon the visual amenity of this property. It would therefore be appropriate for the sea containers to be located in a position approx 6 – 8m east of the proposed position where existing vegetation will provide visual screening for the sea containers.
29 McNeil St	No objection to installation of sea containers but is concerned that the location will adversely affect the visual amenity of their property.	As above		As above

31 McNeil St	No comments received			
33 McNeil St	No comments received			
41 McNeil St	No comments received			

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

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

Council grant Planning Consent approval for Application 009 – 25 for the installation of four (4) temporary outbuildings (4 x sea containers) at lot 28 (25) Bindaring Parade Peppermint Grove in accordance with the plans and specifications submitted on 4 December 2008, subject to –

1. the four (4) sea containers being positioned further east and immediately to the rear of 35 McNeil Street Peppermint Grove to minimize visual impact upon the adjoining neighbours.
2. the four (4) sea containers being removed from 25 Bindaring Parade 24 months from the date of this Planning Consent approval.

**CARRIED**

**COMMERCIAL PREMISES**

**DA4 PROPOSED RETAIL LIQUOR SALES – SHOP 4 – 5 COTTESLOE CENTRAL SHOPPING CENTRE LOT 87 ET AL 460 – 476) STIRLING HIGHWAY PEPPERMINT GROVE (PC APPLIC NO. 009 – 29)**

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 2 February 2009

## Background

Applicant: D Favaretto, Liquor Out West Pty Ltd  
Owner: Primewest Pty Ltd  
TPS No 3 Zoning: Commercial  
Land Use: Shop  
Lot Area: 13,282m<sup>2</sup>

## Report

An application has been received seeking approval to establish a retail liquor sales outlet at the above property.

The proposed development will be located within the Cottesloe Central Shopping Centre in shops 4 & 5, which are existing retail shops within the Centre.

Cottesloe Central Shopping Centre is zoned “Commercial” and the Use Class “Shop” is a permitted or ‘P’ use in a Commercial zone as defined by the Shire of Peppermint Grove Town Planning Scheme No. 3, table 3.2 ZONING TABLE -

*‘P’ means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;*

Further, the Town Planning Scheme, Schedule 1, PLANNING SCHEME INTERPRETATIONS provides the following defines -

*Shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.*

*Liquor Store: means any land or buildings the subject of a Store Licence granted under the provision of the Liquor Licensing Act 1988 (as amended).*

The proposed development, Retail Liquor Sales, will be for the retail sales of packaged liquor only. There will be no consumption of beverages on the premises, subsequently, the shop will comply with the requirements of the Shire of Peppermint Grove Town Planning Scheme No. 3.

### Trading hours:

The shop will be open normal retail shop trading hours 9.00am – 6.00pm, Monday to Saturday.

### Staff sanitary facilities:

Existing sanitary facilities are available for staff within the Shopping Centre.

There is no requirement to provide sanitary facilities for patrons. Public facilities are available within the Centre.

Car parking:

There is a total of 325 car parking bays available for shoppers on site at the Centre, which includes parking allocation for shops 4 & 5.

Other retail liquor sales:

There two (2) other retail liquor sales shops in the Shire of Peppermint Grove, Liquor Land located at 484 Stirling Highway and Vintage Cellars at 502 Stirling Highway. In addition to these outlets, liquor sales are also available at the Albion Hotel, Stirling Highway, which is within the jurisdiction of the Town of Cottesloe.

Trading will be required to comply with the Liquor Control Act and will be managed and review by the Department of Racing Gaming and Liquor.

This report recommends that Council grants planning consent approval for the proposed retail sale of liquor at the above premises and supports the application to the Department of Racing, Gaming and Liquor.

**Heritage**

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

**Consultation**

As part of the licensing process, the Department of Racing, Gaming and Liquor will advertise the application for the liquor retail sales of packaged liquor in the Western Australian Newspaper and will enable other liquor outlets and individuals to make comment/objection to the proposed retail liquor outlet at the Cottesloe Central Shopping Centre.

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

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

Council grants Planning Consent Approval for Application 009 – 29 for the retail sale of packaged liquor at the Cottesloe Central Shopping Centre, Shops 4 & 5, lot 87 (460

– 476) Stirling Highway Peppermint Grove, in accordance with the plans and details submitted on 12 January 2009, subject to –

1. no consumption of liquor on the premises
2. receiving formal approval from the Department of Racing, Gaming and Liquor
3. the applicant submitting to the Shire a copy of the licensing approval from the Department of Racing, Gaming and Liquor for the retail sale of liquor before proceeding with the fitout of the shops

- at the Cottesloe Central Shopping Centre, Shops 4 & 5.

**NOTE TO APPLICANT:**

The applicant is required to submit an Application for Building Licence to the Shire of Peppermint Grove seeking approval for the internal fitout of Shops 4 & 5.

**CARRIED**

**DEMOLITIONS**

No reports for this month.

**OTHER**

**DA5 INSTALLATION OF TRANSPORTABLE CLASSROOM AT COTTESLOE PRIMARY SCHOOL – RESERVE 23582 (LOT 315) 530 STIRLING HIGHWAY STREET PEPPERMINT GROVE (PC APPLIC NO. 009 - 30)**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 4 February 2009

**Background**

Applicant:	Department of Housing and Works
Owner:	Department of Education and Training
TPS No 3 Zoning:	Public Use (Crown reserve)
Land Use:	School
Lot Area:	11,626m <sup>2</sup>

**Report**

An application has been received seeking Council approval for the installation of a new classroom at the above property.

The proposed classroom will be a prefabricated, transportable building and will be located within the school precinct, 30m from the western boundary (Stirling Highway) and 140m from the Johnston Street boundary.

The classroom will have a floor area of 69.12m<sup>2</sup> and will be able to accommodate 35 students whilst providing the required access for disabled people.

The School is on the Shire of Peppermint Grove Municipal Heritage Inventory however, the proposed classroom will not be part of the original school buildings and is sufficiently remote from these buildings such that it will not have any adverse impact upon the cultural or heritage significance of the place.

This report recommends that Council grant *conditional* planning approval for the new classroom at the Cottesloe Primary School.

### **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 School is also recognized by the Heritage Council of Western Australia and therefore the proponent will be required to make application to and obtain the express formal approval of the Heritage Council WA for the proposed development.

### **Front Setback**

The classroom will be located 30m from Stirling Highway and satisfies the setback requirements prescribed by the Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 4.7 PRIVATE CLUBS AND INSTITUTIONS

### **Rear Setback**

Unaffected by the development

### **Southern Side Setback**

The classroom will be located 140m from the Johnston Street boundary i.e. southern side boundary.

### **Northern Side Setback**

The classroom will be 120m from the Keane Street boundary i.e. northern side boundary.

**Height**

The classroom has a low profile roof resulting in a building height of 3.6m above the existing ground level of the proposed location for the building and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 4.7 PRIVATE CLUBS AND INSTITUTIONS Part (f) maximum height of buildings.

**Amenity**

The classroom will not have any impact upon the amenity of the adjoining residential properties nor will there be any adverse impact upon the streetscape of either Johnston or Keane Streets .

**Crossovers and Street Trees**

Unaffected by the development

**Fencing**

Not part of this application.

**Outbuilding Area**

N/A

**Consultation**

As the classroom is remote from any adjoining residential properties it was not necessary to consult with adjoining property owners.

As a condition of Council planning approval however, the applicant will be required to consult with and obtain approval of the Heritage Council WA before commencing the development.

**Discretions to be Considered**

Nil

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

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

Council grants Planning Consent Approval for Application 009 – 30 for the installation of a prefabricated, transportable classroom at the Cottesloe Primary School, Reserve 23582 (lot 315) 530 Stirling Highway Peppermint Grove, in accordance with the plans and specifications submitted on 14 January 2009, subject to –

1. the proponent submitting details to and receiving approval from the Heritage Council of WA for the propose new classroom.



2. an Application for Building Licence is submitted to the Shire of Peppermint Grove for the proposed new classroom together with the formal approval of the Heritage Council.

**CARRIED**

**DA6 EXTENSION OF PLANNING CONSENT APPROVAL (008 – 62) – NEW DWELLING LOT 89 (50) JOHNSTON STREET PEPPERMINT GROVE (PC APPROVAL 008 – 62)**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 5 February 2009

**Background**

Applicant: JL Prevost  
Owner: JL Prevost  
TPS No 3 Zoning: R12.5  
Land Use: Single dwelling  
Lot Area: 1262m<sup>2</sup>

**Report**

At the Ordinary Meeting of Council held on 16 June 2008 planning consent approval was granted for the construction of a new residence at the abovementioned property. The development proposed a nil setback for a garage wall on western common property boundary however, Council resolved to require a 1.0m setback following an objection from the adjoining property owner. As a result of the decision the applicant and adjoining neighbour entered into lengthy and amicable discussions on the building setback for the garage wall with the aim of reaching a solution to the setback conditions.

The matter was subsequently brought back to Council for further information the consequence of which resulted in a delay in the preparation of final plans for the development.

The Shire of Peppermint Grove Town Planning Scheme No. 3, Schedule 3 – Planning Consent/Refusal, states that –

*This approval is valid for a period of 12 months only. If development is not completed within this period, a fresh approval must be obtained before commencing or continuing development.*

The property owner has experienced a significant delay in the process of resolving the boundary setback issue and is now seeking Council's indulgence and has requested consideration in the extension of the Planning Consent for a period of 12 months to

provide a more realistic time frame for the commencement and completion of the proposed residence.

***THE OWNER OF 50 JOHNSTON STREET HAS PREPARED AND SUBMITTED  
A RATIONALE FOR THE EXTENSION OF TIME FOR PLANNING CONSENT  
AND SHOULD BE READ WITH THIS REPORT***

Officer's Comments

There have been no new dwellings in Peppermint Grove in the past five years that have been constructed within the required 12 month period and it is considered to be a high and with due respects an unrealistic expectation to achieve this desired goal.

As part of the review of the Shire of Peppermint Grove Town Planning Scheme, the statement in the Planning Consent is to be revised to reflect the nature or size of residential developments in Peppermint Grove and the ability of the building industry to respond to building construction requirements and demands. Therefore a more reasonable expectation and subsequent statement to be considered could be -

*This approval is valid for a period of 24 months only. If development is not substantially commenced within this period, a fresh approval must be obtained before commencing or continuing development.*

There are no variations or changes to the approved plans for this development.

This report recommends that council approve the extension of 12 months for Planning Consent 008 – 62.

**Discretions to be Considered**

The Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 6.3 DETERMINATION OF APPLICATIONS, sub-clause 6.3.4 states that –

*Where the Council approves an application for planning consent under this Scheme the Council may limit the time for which that consent remains valid.*

Therefore, the Council may exercise its discretion to vary the time for a planning consent i.e. the limit may be more or less than the 12 months stated on Schedule 3.

**Policy Implications**

Nil

**Budget Implications**

Nil

**Committee Recommendation**

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

Council grant approval for the extension of twelve (12) months for Planning Consent Approval 008 – 62 issued on 25 June 2008 to enable the commencement and substantial construction of the proposed new residence at lot 98 (50) Johnston Street Peppermint Grove

**CARRIED**

**DA7 CLARIFICATION OF PLANNING DEFINITIONS – SHIRE OF PEPPERMINT GROVE TOWN PLANNING SCHEME NO. 3 AND RESIDENTIAL DESIGN CODES**

File Ref: TPL1  
Author: T Mayor, Manager of Development Services  
Date: 5 February 2009

**Background**

The Shire of Peppermint Grove Town Planning Scheme No. 3, Clause 4.4(b) restricts residential dwellings to a maximum height of 10m and two storey -

***SHIRE OF PEPPERMINT GROVE TOWN PLANNING SCHEME NO. 3***

***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. (\*Approval Gazetted 7/5/93)***

There are no definitions in the Scheme for terms “storey, active habitable space and outdoor living area” and therefore it is necessary to refer to the Residential Design Codes as a guide for determining an application.

***RESIDENTIAL DESIGN CODES***

***Active habitable space***

*Any habitable room with a floor area greater than 10m<sup>2</sup> and any balcony, verandah, terrace or other outdoor living area raised more than 0.5m above natural ground level and greater than 1m in dimension and 3m<sup>2</sup> in area.*

***Outdoor living area***

*The area external to a single house or grouped dwelling to be used in conjunction with that dwelling such that it is capable of active or passive use but excludes any area with a dimension of less than 1m or which by reason of its development or topography is not readily accessible from the dwelling.*

***Storey***

*That part of a building between floor levels. If there is no floor above it is the part between the floor level and the ceiling.*

A potential applicant has questioned the use of a trafficable roof for active living space where the roof will be less than 10m in height but does not have a roof or ceiling over, which would assist in the definition of a storey.

It would be appropriate for the Committee to discuss the matter for general information and to instruct the officer to seek the opinion of the Shire's solicitor to obtain clarification of a storey in relation to the Town Planning Scheme.

**Committee Recommendation**

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

Council instructs the Shire's Manager of Development Services to seek a legal opinion on the definition of "storey" from the Shire's solicitors in order to consider any future development applications for residential buildings.

**CARRIED**

**BLD BUILDING**

**BLD1 BUILDING LICENCE VARIATIONS**

No reports for this month.

**BLD2 HERITAGE**

No reports for this month.

**BLD3 BUILDING/DEMOLITION LICENSES APPROVED**

File Ref: BUI20/BUI7  
Author: T Mayor, Manager of Development Services  
Date: 1<sup>ST</sup> February 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>
3123	MJ WHEELER	163 FORREST	front fence	3,000
3124	FIELDLINE CORP	460 – 476 STIRLING H'WAY	Internal party wall	45,000
3125	J MANNERS-HILL	1 CROSSLAND COURT	side boundary fences	18,000

There were no Demolition Licences issued during the reporting period:

### **Policy Implications**

Nil

### **Budget Implications**

Nil

### **Committee Recommendation**

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

The information be received.

**CARRIED**

### **BLD4     BUILDING INSPECTIONS**

File Ref:            BUI10  
Author:            T Mayor, Manager of Development Services  
Date:                3 February 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>
3080	Alterations (minor internal) to dwelling	15 View Street	Completed
2979	New dwelling	48 Johnston Street	Final inspection - completed
3020	Swimming pool	48 Johnston Street	Final inspection - completed
3113	Office fitout	460 Stirling Highway (Cottesloe Central Shopping Centre)	Final – completed
3073	Alterations and additions to outbuilding	45 Johnston Street	Progress – upper level addition at lock-up stage.

3160	Patio shade cover	Cottesloe Primary School	Final – completed
3077	Alteration to side boundary fence	45 Johnston Street	Final – completed

**Committee Recommendation**

Moved Cr Vikingur seconded Cr Kavanagh it be recommended to Council that

The information be received.

**CARRIED**

**BLD5 SIGNS & HOARDINGS**

No reports for this month.

**HOP OPERATIONAL ISSUES**

No reports this month

**CLOSURE**

There being no further business the meeting closed at 5.55pm.

These minutes were confirmed as a true and accurate record of proceedings at the Health, Building and Town Planning committee meeting held on 10 March 2009.

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Presiding Member

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Date