



SHIRE OF PEPPERMINT GROVE

MINUTES OF THE

ORDINARY MEETING OF COUNCIL

HELD ON

17 NOVEMBER 2008

Ordinary Meeting of Council

17 November 2008

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Shire of Peppermint Grove

MINUTES

Minutes of the Shire of Peppermint Grove Ordinary Meeting of Council held on 17 November 2008 in the Council Chambers, 1 Leake Street, Peppermint Grove, commencing at 6.30pm.

A1 DECLARATION OF OPENING AND RECORDING OF ATTENDANCE & APOLOGIES

The Deputy Shire President, Cr A Grice declared the meeting open at 6.30pm and requested the recording of attendance.

Attendance: Cr A Grice, Deputy President
Cr P B Bacich
Cr M Lynn,
Cr D Ward
Cr V T Vikingur

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

Apology: Cr Brian Kavanagh, President
P J Howard, Manager of Finance

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

A3.1 Demolition of The Cliffe – 25 Bindaring Parade

Mrs Burt asked what action will Council be taking to ensure that the building is retained on the current site if practical/possible.

Presiding Member, Cr Grice advised that a Committee is being organised to explore the different options available. Members of the public will be invited to participate on the Committee and the public will have the opportunity to make comment.

Cr Bacich added that Planning Approval which has a 12 month expiry period has been granted for the Demolition, however, a Heritage Report and photographic history is required prior to the Demolition Licence being issued and at this stage no application has been received from the owner.

A3.2 Demolition of the carport at 18 Irvine Street

Mrs Thomas enquired if Council approval was required for the carport to be demolished if not approved by Council at the time of approving the development application.

The CEO advised that it is normal practice to remove if necessary extra parts of the building under renovation. If the structural deficiencies are found it is acceptable to reinstate the building in the same position. Re-submission for Council approval is only required if there is a significant change i.e. moved to alternative location, made larger, or change in roof structure.

Cr Grice advised the matter will be taken on board and a response to Mrs Thomas concerns will be made in writing.

A2 DELEGATIONS

A2.1 Redevelopment of Freshwater Bay Playground

Mr Julian Croudace and Mr Patrick Jordan of Ecoscape presented the redevelopment programme to Council.

A copy of the time schedule was distributed with agenda papers. It accommodates the statutory tendering process and the Shire's meeting cycle.

The designs have been changed in accordance with the budget restraints and include:

- Keeping the idea of the swan river design
- Keeping a wide concrete mowing strip around the edge flush to turf.
- Imprint into the concrete geographical reference points which occur along the river
- New Playground equipment is included and upgrading of old equipment to regulatory standards is also allowed for in the budget
- Materials have been simplified and using recycled coloured synthetic turf will be more hardwearing. Synthetic soft fall underlay will also be added.
- Retention of the shade sails
- There will be colour coordinated yacht race markers included in the playground
- Funds have been included to install a renovated dinghy
- Less extensive planting and looking at uses two groups of plants namely: shore and river type plants
- Use of a stabilised gravel pave on the southern and northern ends where required.

A 4 - 5 month construction period is anticipated and expected completion to be December 2009.

Futures stages could be achievable with budget allocation in a 3- 5 year time frame. Items to be considered are fencing, terracing equipment, extra planting, street trees and entry statement.

Plans will go on display in the library and on Shire's website for public viewing and final plans will be available for the December round of meeting for consideration

Note: Mr Croudace and Mr Patrick retired from the meeting at 7.08pm.

A4 DECLARATION OF INTEREST

There no declaration of interest at this meeting.

A5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Ward seconded Cr Vikingur that:

The Minutes of the Ordinary Meeting of Council held on 20 October 2008 be confirmed as a true and accurate record of proceedings.

CARRIED UNANIMOUSLY

A6 ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

No announcements.

REPORTS OF THE WORKS & FINANCE COMMITTEE

Attendance: Cr A Grice, Presiding Member; Deputy President; Cr B C Kavanagh, Member; Shire President; Cr M C Lynn, Member; G K Simpson, Chief Executive Officer; P J Howard, Manager of Finance

A2 DELEGATION OF VISITORS

There were no delegations of visitors at the Committee Meeting.

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

There were no questions asked by members of the public at the Committee meeting.

A4 DECLARATION OF INTEREST

There were no declarations of interest at the Committee meeting.

FE FINANCE CONTROL & EXPENDITURE

FE1 ACCOUNTS FOR PAYMENT

File Ref: ACC3
Author: P J Howard, Manager Finance
Date: 4 November 2008

Purpose

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

Background

Nil

Report

Appendix FE1 lists details of all cheques drawn since the last report and accounts now presented for payment. The following summarises the cheques, electronic fund transfers, direct debits and accounts included in the list presented for payment.

<u>MUNICIPAL FUND</u>	<u>PAYMENT TYPE</u>	<u>AMOUNT</u>
	Cheque numbers 9952 – 9974 (inclusive)	
	Electronic Funds Transfers 2177– 2256 (Inclusive)	
	Direct Debits 745 – 752 (inclusive)	
	TOTAL	\$386,567.00

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

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

COUNCIL DECISION – 224/NOV 08

Moved Cr Lynn seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FE2 FINANCIAL STATEMENTS

File Ref: ACC3
Author: P J Howard, Manager of Development Finance
Date: 4 November 2008

Purpose

The purpose of this report is to provide Council with the financial reports for the period ended 31 October 2008.

Background

Nil

Report

The financial reports are provided for the period ended 31 October 2008.
The financial reports are attached at Appendix FE2.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

The financial reports for the period ended 31 October 2008 be received and adopted.

COUNCIL DECISION – 225/NOV 08

Moved Cr Lynn seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FE3 INVESTMENTS

File Ref: INV1
Author: P J Howard, Manager Finance
Date: 6 November 2008

Purpose

The purpose of this report is to provide details of Council's investments as at 31 October 2008, including details of the investing authority and terms.

Background

Nil

Report

INVEST #	INVESTMENT	INVESTING AUTHORITY	DATE INVESTED	MATURITY DATE	TERMS	INTEREST RATE	AMOUNT
1	Reserve Fund	NAB	28.10.2008	27.01.2009	91 Days	6.90%	\$4,297,279.36
2	POS Fund	NAB	30.09.2008	30.10.2008	30 Days	7.32%	\$526,257.34
3	General Fund	NAB	30.09.2008	30.10.2008	30Days	7.32%	\$816,015.33

TOTAL \$5,639,552.03

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

Staff Leave Reserve	\$ 22,222.69
Plant Replacement Reserve	\$ 168,658.69
Infrastructure/Building Reserve	\$ 3,949,356.96
Sitting Fee Reserve	\$ 22,161.86
Library Leave Reserve	\$ 38,633.94
Library Infrastructure Reserve	\$ 33,913.08
Road Reserve	\$ 62,332.14

\$ 4,297,279.36

\$80,171 has been credited to the above reserve as the 90 day term deposit has matured on 28.10.08. The Reserve fund has been reinvested for a further 3 months with interest earnings of \$73,924.98 to be credited to the fund at maturity on 27 January, 2009.

For Members information:

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

Staff Leave Reserve	\$ 17,443.36
Plant Replacement Reserve	\$ 206,258.33
Infrastructure/Building Reserve	\$ 213,306.60
Sitting Fee Reserve	\$ 20,625.25
Library Leave Reserve	\$ 33,034.79
Library Infrastructure Reserve	\$ 14,978.83
Road Reserve	\$ 58,010.30

\$563,657.47

For Members information:

Total amount held in Reserves (including POS funds) as at 31 October 2008, is \$4,823,536.70 as shown in the Balance Sheet under heading Cash Restricted.

\$150,000 was transferred on 30 October 2008 from the Municipal term deposit account into the General Municipal banking account for general operating purposes. Balance of this fund as at 31 October is \$816,015.33. This amount held in the General term deposit is included in Cash At Bank on the Balance Sheet.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

The Investment Register for 31 October 2008, be received.

COUNCIL DECISION - 226/NOV 08

Moved Cr Lynn seconded Cr Ward

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FE4 CONSULTANTS FEES LIBRARY PROJECT

17 October invoices									
We have received the following September invoices:									
\$	38,632.50	Cox inv # 606025.00-18							
\$	38,632.50	TOTAL							
The invoices are split up as follows:									
As per the Cost Sharing Agreement, "professional fees", the amount to be shared by each council is as follows based on floor area:									
PG ADMINISTRATION OFFICES SHARE OF INVOICES									
	0								
Total floor/basement area =3,879 sq.m									
PG Admin/basement floor area = 750 sq. m									
The PG share of invoice for its Administration office is 750/3879 (19.33%) x						\$	-	=	19.33%
									\$0.00
Cox inv # 606025.00-18									
Total floor/basement area =3,879 sq.m									
PG Admin/basement floor area = 750 sq. m									
The PG share of invoice for its Administration office is 750/3879 (19.33%) x						\$	38,632.50	=	19.33%
									\$7,469.55
	0								
Total floor/basement area =3,879 sq.m									
PG Admin/basement floor area = 750 sq. m									
The PG share of invoice for its Administration office is 750/3879 (19.33%) x						\$	-	=	19.33%
									\$ -
	0								
Total floor/basement area =3,879 sq.m									
PG Admin/basement floor area = 750 sq. m									
The PG share of invoice for its Administration office is 750/3879 (19.33%) x						\$	-	=	19.33%
									\$ -
PG OFFICE SHARE OF INVOICES									\$7,469.55

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LIBRARY							
The remaining 80.67% of the invoices for the LIBRARY BUILDING is to be shared as per the population ratio in the 2006 census							
Population figures for that census were:							
Cottesloe		7,256	42.47%				
Mosman Park		8,251	48.29%				
Peppermint Grove		1,580	9.25%				
Total		17,087	100.00%				
0					\$ -	split as follows:	
Cottesloe 7,256 / 17,087 =		42.47%		\$ -			
Mosman Park 8,251 / 17,087 =		48.29%		\$ -			
Peppermint Grove 1,580 / 17,087 =		9.25%		\$ -			
Total		100.00%		\$ -			
Cox inv # 606025.00-18							
					\$ 31,162.95	split as follows:	
Cottesloe 7,256 / 17,087 =		42.47%		\$ 13,233.36			
Mosman Park 8,251 / 17,087 =		48.29%		\$ 15,048.02			
Peppermint Grove 1,580 / 17,087 =		9.25%		\$ 2,881.57			
Total		100.00%		\$ 31,162.95			
0					\$ -	split as follows:	
Cottesloe 7,256 / 17,087 =		42.47%		\$0.00			
Mosman Park 8,251 / 17,087 =		48.29%		\$0.00			
Peppermint Grove 1,580 / 17,087 =		9.25%		\$0.00			
Total		100.00%		\$0.00			
					\$ -	split as follows:	
0							
Cottesloe 7,256 / 17,087 =		42.47%		\$0.00			
Mosman Park 8,251 / 17,087 =		48.29%		\$0.00			
Peppermint Grove 1,580 / 17,087 =		9.25%		\$0.00			
Total		100.00%		\$0.00			
Total invoices shared as follows							
Cottesloe share =		\$ 13,233.36					
Mosman Park Share=		\$ 15,048.02					
PG Share =		\$ 2,881.57					
Peppermint Grove Admin Office		\$7,469.55					
		\$ 38,632.50					
I will forward the invoices to your accounts departments							
MP COTT SHARE		\$ 28,281.38					
PG SHARE		\$ 10,351.12					
TOTAL		\$ 38,632.50		\$38,632.50			
		\$ -					

Committee Recommendation

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

The report on Consultancy Fees for month of October for the Library Project be received.

COUNCIL DECISION - 227/NOV 08

Moved Cr Lynn seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FE5 OUTSTANDING RATES

File Ref: RAT12
Author: P J Howard, Manager Finance
Date: 4 November 2008

Purpose

The purpose of this report is to inform Council on the collection of rates to 4 November 2008.

Background

Nil

Report

Rate notices for the 2008/2009 financial year were sent to ratepayers on 7th August 2008. Levies included therein consisted of:

General Rates	1,650,823
Refuse Charges	<u>33,425</u> inc. GST
Total Levied	\$1,684,248

In addition to the above Emergency Services Levies of \$177,309 were raised on behalf of FESA. ESL raised is remitted to FESA on a monthly basis as it is received by us.

Amounts that are overdue as at 4 November, 2008 are:

General Rates 2008/09	116,030
Refuse Charges	1,400
Interest	2,535

ESL penalty interest	196
ESL	<u>8,055</u>
Total Overdue	\$128,276

Outstanding installments total \$253,892 over the three remaining installments.

Total rates outstanding including overdue rates is \$382,168. \$33,727 of this total is outstanding emergency services levies. The comparable figure at this time last year was \$288,954 total outstanding.

Final notices were sent out on the 27th October and are due on the 10th November. Final Letters of Demand will be sent out by the Shire in the following two weeks. Subsequent to this the Shire's debt collection agency will send out a final letter of demand and failure to respond will result in summonses to pay being issued.

Budget Implications

Nil

Committee Recommendation

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

The information be noted.

COUNCIL DECISION - 228/NOV 08

Moved Cr Lynn seconded Cr Ward

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

W WORKS

W1 PROTECTED CHILDREN'S CROSSING STIRLING HIGHWAY/MCNEIL STREET

File Ref: TRA1
Author: G K Simpson, Chief Executive Officer
Date: 4 November 2008

Purpose

The purpose of this report is to consider the proposed amendments to the intersection layout and children's crossing at the McNeil St and Stirling Highway.

Background

The children's crossing and Road Safety Committee has requested that Council close the median strip on Stirling Highway to prevent right turns out of McNeil Street and allow only left in and left out of McNeil Street.

There was also a suggestion made at the meeting that the crossing be moved up to nine (9) metres south of its current position.

Report

In giving preliminary consideration to the concept it was obvious that there will be knock on effects causing changes in traffic flows elsewhere in the Shire, namely Leake Street and The Esplanade therefore the concept was referred direct to Porter Consulting Engineers for their perusal and comment.

A copy of the report by Porter Consulting Engineers is attached to the Committee Report.

Policy Implications

Nil

Budget Implications

No funds have been provided in the budget for consulting fees or construction costs.

Committee Recommendation

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

- 1 Prior to the Shire of Peppermint Grove considering the proposed partial road closure, Main Roads Western Australia be requested to provide advice on:
 - a) The number of right turn movements that will relocate from Stirling Highway/McNeil Street and the subsequent anticipated reduction in crash costs.
 - b) Which Stirling Highway intersections the banned right turn movements are anticipated to relocate to, and the capacity of those intersections to safely accommodate the additional traffic movements.
 - c) Are there anticipated increases in crash costs that will occur at the Stirling Highway intersections where the right turn movements will relocate to and what are those costs?
 - d) What road safety improvements Main Roads WA will introduce to ensure that intersections subjected to additional right turn movements will not experience crash costs higher than their current and also not greater than currently occurring at Stirling Hwy/McNeil St intersection.
 - e) What are the anticipated additional traffic movements that will occur on local roads within Peppermint Grove through redirection of right turn movements from the Stirling Highway/McNeil Street intersection?

- 2 As the Shire of Peppermint Grove was not involved in the meeting on site, the Children's Crossing and Road Safety Committee be requested to provide information on:
 - a) The nature of the safety concerns at the crossing
 - b) The reason why solar powered wig wags has not been explored further, and;
 - c) Why moving the school crossing south of the intersection was not supported, as this may alleviate some or the traffic congestion by allowing right turn movements out of McNeil Street whilst the crossing is in operation.
- 3 Comment be sought from Main Roads WA on the proposal to relocate the pedestrian crossing.
- 4 Main Roads WA and the Children's Crossing and Road Safety Committee are requested to ensure that the Shire is included in future discussions involving road and traffic matters in Peppermint Grove.

COUNCIL DECISION -- 229/NOV 08

Moved Cr Lynn seconded Cr Ward that:

- 1 Council seek further information from MRWA on the safety conditions and proposed relocation of the pedestrian crossing.
- 2 The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FOP OPERATIONAL ISSUES

Note: This item was deferred for discussion until item HOP1 under Reports of Health, Building and Town Planning.

FOP1 RECORDING OF MEETINGS POLICY – PROPOSED POLICY A6.2

File Ref: MEE0
Author: G K Simpson
Date: 6 November 2008

Purpose

The purpose of this report is to bring the issue of recording of Council and Committee meetings by the use of electronic, visual or vocal recording devices to Council for a

decision as to whether Council is prepared to permit the practice and to introduce controls or to move to prevent the practice.

Background

Concern was raised during the October Health, Building and Town Planning Committee Meeting when it came to notice that a member of the public (journalist) was seen using a voice recording device during general debate on a matter on the meeting agenda. Some Councillors strongly expressed their opposition to the action and requested the issue be referred to Council, which did occur but Council resolved no recordings of meetings will be permitted until Council has determined its policy position.

Subsequent investigation has revealed that it is not contrary to law for people to record comments made at a meeting open to the public unless the controlling body, in this case the Shire, has a local law which controls or prevents the action.

Report

There has only been one occurrence of a person failing to seek permission from the Presiding Member of the meeting in the last 11 years and only one or two occasions when it was done.

It is suggested that as it is permitted to record at public meetings Council introduce controls because :-

- Some people are intimidated by recording devices and as Council encourages members of the public to present to Council and Committee meetings it may be necessary to accommodate those persons who are not happy with the recording.
- Recording may stifle debate
- Recording devices come in varying qualities and may record comments made in private which are not part of the public debate.
- Whilst recording may force some members to limit any inappropriate comment it is unlikely to enhance the quality of decision making, therefore be of little benefit to Council.

Policy Implication

Will create new policy.

Budget Implication

No specific funds have been allocated for compilation of a formal policy or local law.

Committee Recommendation

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

Council accept that the current status is that recording of public meetings is permitted at law and no action be taken to proceed with the compilation of a local law to control the recording of meetings.

FOP2 RANGER REPORT - October 2008

File Ref: LAW3
Author: A Jackson, Senior Ranger
Date: 5 November 2008

1 Activity Statistics

	PARKING	DOGS
Infringements	0	0
Written cautions	7	17
Verbal cautions	5	13
Vehicle tow notices	1	-
Impounded vehicles	0	-
Dogs Impounded	-	0
Barking complaints	-	0
Dog attacks	-	0
Dogs Returned to Owners	-	2

2 Current Issues

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

Committee Recommendation

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

The information be received.

COUNCIL DECISION - 230/NOV 08

Moved Cr Lynn seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

FOP3 OTHER

FOP3.1 REVIEW OF LEGAL FEES

Members requested that the administration report on the legal fees paid and the methodology of engaging legal practitioners.

FOP3.2 INTERSECTION OF MCNEIL ST & STIRLING HIGHWAY

Members requested that information be sought on the possibility of truncating the corners of the intersection to assist vehicles negotiating the acute corner on the northern side of McNeil Street.

FOP3.3 SHIRE PROJECTS REPORT

Members requested that the report be listed at the front of future meeting agendas.

FOP3.4 MEETING WITH WALGA/BARRINGTON GROUP

Cr Kavanagh requested that the Presiding Members of the two Standing Committees be requested to join the proposed meeting with Ms Ricky Burgess of WALGA and Mr John Barrington of Barrington Consulting Group.

FOP3.5 WATER CORPORATION – SINKING OF THE PUMPING STATION

Members requested that the administration make contact with the project managers and check that their programme is running on schedule and will not be delayed through the Swan River Trust's consultation process. The programme should include the physical demolition of the existing sewerage pumping station in the consultation process.

COUNCIL DECISION - 231/NOV 08

Moved Cr Lynn seconded Cr Ward that:

The information be received.

CARRIED UNANIMOUSLY

REPORTS OF THE HEALTH, BUILDING & TOWN PLANNING COMMITTEE

Attendance: Cr P B Bacich, Presiding Member; Cr D A Ward, Member; Cr G T Vikingur, Member (from 4.43pm); Cr B C Kavanagh, President, Deputy Member; G K Simpson, Chief Executive Officer; T Mayor, Manager of Development Services

A2 DELEGATION /DEPUTATIONS

There were no delegations at the Committee Meeting.

A3 QUESTIONS BY MEMBERS OF THE PUBLIC

There were no questions by members of the public at the Committee Meeting

A4 DECLARATION OF INTEREST

There were no declarations of interest at the Committee Meeting.

EH ENVIRONMENTAL HEALTH

EH1 FOOD RECALL

No reports for this month

EH2 FOOD HANDLING PREMISES

File Ref: HEA5
Author: T Mayor, Manager of Development Services
Date: 4 November 2008

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 Health (Food Hygiene) Regulations 1993, are conducted as a normal duty of the Environmental Health Officer.

Report

The following food businesses were inspected during the reporting period –

- Caffissimo Café
- Peppermint Grove Bakery
- Woolworths Supermarket (Butcher, Bakery and Delicatessen)

Although the above premises were structurally in good order, there were items relating the general cleaning and hygiene that were of concern and require follow-up inspections to be

carried out by the Officer to ensure compliance with Food Safety Standards. There were however, no items observed which required Council's attention.

Budget Implications

Nil

Policy Implications

Nil

Committee Recommendation

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

The information be received.

COUNCIL DECISION - 232/NOV 08

Moved Cr Bacich seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

EH3 FOOD SAMPLES

No reports for this month

AM AMALGAMATIONS

No reports for this month

SD SUBDIVISIONS

No reports for this month

DA DEVELOPMENT APPLICATIONS

ADDITIONS/ALTERATIONS/REFURBISHMENTS/EXTENSIONS

**DA1 CONSTRUCTION OF TWO STOREY RESIDENCE – LOT 26 (12)
JOHNSTON STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 03)**

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 4 November 2008

Background

Applicant:	Perceptions
Owner:	S L Yu
TPS No 3 Zoning:	R15
Land Use:	Single dwelling
Lot Area:	766m ²

Report

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

The proposed new residence will be a contemporary architectural design and will be rendered and painted brick masonry construction with metal 'Colorbond' roof cladding.

A garage will be located at the front of the main residence however, the minimum front building setback will be 20m and will make a significant contribution to the streetscape of the locality.

It is proposed that the garage will have a nil setback to the western side boundary of the property which will require Council to exercise its discretion if granting approval.

This report recommends that Council grants approval for the development of the proposed new two storey residence at 12 Johnston Street.

Heritage

Lot 26 is now is now vacant land following the recent demolition of the single storey dwelling which was listed in the Shire of Peppermint Grove Municipal Heritage Inventory as Category 2 -

"Category 2

Buildings, which also contribute to the character and atmosphere of Peppermint Grove. These buildings may be altered and extended in a manner which recognises and retains some original features or which may be demolished, but the replacement building should recognise by its position the adjoining residence and precinct. The owner to provide an archival record for any building demolished under this category and the Shire to provide a plaque for inclusion in the adjoining footpath to recognise the cultural significance of the property".

Plot Ratio

The plot ratio will be 0.476, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be 70.59% which complies with the Residential Planning Codes, Table No 1.

Front Setback

The proposed residence will have a setback of 22.18m (and 20.0m to the front of the garage) and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, which prescribes a front setback of 9.0m.

Rear Setback

The rear setback of 6.339m complies with the Acceptable Development of the Residential Design Codes, Clause 6.3.1 and Table 1 which prescribes a rear setback of 6.0m.

Western Side Setback

Main Dwelling

The western side boundary setback for the main dwelling does not comply with the setback requirements prescribed by the Residential Design Codes, Tables 2a & 2b. It is proposed that the new dwelling will have a setback of 1.5m, whilst the Residential Design Codes, Acceptable Development Criteria prescribe a setback of 1.6m.

The applicant has not requested that the setback be considered on a Performance Criteria basis and therefore it is necessary for the proposed development to comply with the Acceptable Development requirements, i.e. the building must have a setback of 1.6m.

Garage

The proponent is however, seeking Council consideration for a variation to the side boundary setback for the garage, which is located with a nil setback to the western side common property boundary of lot 26.

The Residential Design Codes, Clause 6.3.2 Buildings on boundary, does not contemplate a nil setback for R15 coded lots, however, the applicant has requested that the nil setback be treated in accordance with Clause 6.3.2 Performance Criteria –

6.3.2

Buildings on boundary

P2 Buildings built up to 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; or*
- *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 adjoining properties is not restricted*

The formal submission states that the proposed garage parapet wall will be 8.11m long with an average height of 2.7m. Although the Residential Design Codes does not prescribe Acceptable Development Criteria for R15 coded lots, it does state that for R20 and R25 a wall with a nil setback to a boundary other than a front boundary should be not higher than 3.0m and may be up to 9.0m in length. Using these criteria, it would be reasonable to accept the proposed garage wall with a nil setback to the western side common property boundary of lot 26.

It should be noted that the adjoining property, lot 24 Johnston Street, immediately to the west of lot 26, is a vacant lot and is the property of the Shire of Peppermint Grove. Lot 26 is used as a stormwater drainage sump for Johnston Street and the surrounding locality. Therefore, it would be reasonable for Council to acknowledge that there will be no impact upon the amenity of lot 24 resulting from the nil setback for the proposed garage at lot 26.

This report therefore recommends that Council accepts the statements in the proponent's request for the variation to the Acceptable Development Criteria and supports the proposed nil setback from the western side common property boundary for the garage.

Eastern Side Setback

All eastern side boundary setbacks for the new dwelling comply with the relevant requirements of the Residential Design Codes, Tables 2a & 2b.

Height

Lot 26 has a Mean Natural Ground Level RL 10.675. The proposed residence will have a ridge RL 18.416 resulting in a maximum building height of 7.741m and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, which prescribes a maximum building height of 10.0m above mean natural ground level.

Amenity

Lot 26 is opposite the Cottesloe Primary School and located in proximity to the commercial zones on Monument Street and Stirling Highway.

The front setbacks (20.0m to the front of the garage and 22.18m to the front of the main residence) will create openness to the streetscape and will make a valuable contribution to the amenity and appearance of the streetscape and general locality of the area.

It is noted that a spa pump and motor will be located on the eastern side of the residence. This type of appliance is noted for its noise level and it would therefore be appropriate the spa motor/pump to be relocated to another location where there is no potential to affect the amenity of the adjoining property owner at 14 Johnston Street.

This report recommends that the motor/pump be relocated to another position other than adjacent to the eastern side boundary of lot 26 or alternatively, be housed in an approved noise attenuation cabinet.

Crossovers and Street Trees

Not affected by the development.

Fencing

Not part of this application, however, it is noted that the site levels will be altered and will require some retaining against the boundary, which may require replacement of portions of the common property boundary fences. The retaining walls will form part of this planning application however, the boundary fences, if altered or replaced, will require a separate application.

Outbuilding Area

There is no proposal for an outbuilding.

Consultation

The relevant neighbouring and adjoining property owners have been formally advised of the proposal and invited to make comment. A summary of the formal comments that have been submitted have been prepared and are presented below with relevant comments in context with the provisions of the Shire of Peppermint Grove Town Planning Scheme No. 3 and the Residential Design Codes –

NEIGHBOUR PROPERTY	COMMENTS AND/OR OBJECTIONS	R-CODE R'QMNTS	TPS3 R'QMNTS	OFFICER'S COMMENTS
4 Harvey St	Concern regarding potential overlooking from upper level	The cone of vision and boundary setbacks comply with the requirements of the RDC.	N/A	Evaluation of the setbacks confirm compliance with the RDC. There is no rationale for requiring installation of screening.
2 Harvey St	No comments received			
6 Harvey St	No comments received			

Discretions to be Considered

Council will be required to exercise its discretion in accordance with the Residential Design Codes, Clause 2.5 Exercise of discretion, should approval be granted for the nil setback for the parapet wall of the garage on the western side common property boundary of lot 26.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council grant Planning Consent approval for Application 009 – 03 for the construction of a new two storey residence at lot 26 (12) Johnston Street Peppermint Grove in accordance with the plans and specifications submitted on 24 July 2008, subject to –

1. the parapet wall of the garage having an average height of not more than 2.7m above the immediate natural ground level of lot 26
2. the spa pump and motor (located on the eastern side of the dwelling) being either:
 - a) located in any other position but not on the eastern side of the residence; or
 - b) contained within a noise attenuation cabinet constructed to the satisfaction of the Shire's Chief Executive Officer
3. the main dwelling having a setback of 1.6m from the western side common property boundary in accordance with the prescribed setback of the Residential Design Codes, Table 2a.

And further, the proponent is advised that, in accordance with the provisions of the Residential Design Codes, Part 2.5 Exercise of Discretion, the Council has exercised its discretion to assess the setback for the garage in accordance with the Performance Criteria of the Residential Design Codes and to approve the boundary setback variation for the parapet wall of the garage to have a nil setback from the western side common property boundary of lot 26 Johnston Street.

COUNCIL DECISION - 233/NOV 08

Moved Cr Bacich seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

DA2 ADDITIONS AND ALTERATIONS TO EXISTING DWELLING – LOT 200, 201 & 202 (32) VIEW STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 16)

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 5 November 2008

Background

Applicant: The Design Mill
Owner: C E Shenton
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 2014m²

Report

An application has been received seeking approval for the alterations and additions to the existing residence at the above property.

The development will require the partial demolition of an addition at the rear of the residence that was constructed in C 1970 and is considered (by the owners) to be out of character with the architecture and fabric of the original dwelling.

The proposed addition will therefore be designed and the construction materials used will complement the original residence i.e. limestone wall construction, terracotta roof tiles and timber sash windows.

Building development will include the removal and replacement of the existing meals area, development of an alfresco outdoor living area and the extension of the garage, all at ground level, whilst the upper level addition will require the demolition of the store and studio to enable the development of two bedrooms and a living area.

There will be other minor internal alterations in the upper level of the dwelling.

As there will be no significant change to the actual building “footprint”, the new addition will have no impact upon the plot ratio or open space requirements for the site.

This report recommends that Council approves the alterations and additions to the residence at 32 View 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 0.261, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be 86.93% which complies with the Residential Planning Codes, Table No 1.

Front Setback

Unchanged by development

Rear Setback

Unchanged by development

Northern Side Setback

All northern side boundary setbacks for the dwelling additions comply with the relevant requirements of the Residential Design Codes, Tables 2a & 2b.

Southern Side Setback

All southern side boundary setbacks for the dwelling additions comply with the relevant requirements of the Residential Design Codes, Tables 2a & 2b.

Height

The roof ridge of the proposed dwelling addition will have a building height RL 13.49m and will match the height of the existing/original roof structure. Therefore it is not necessary for Council to exercise any discretion as the roof height has been established for the existing dwelling.

Further, by examining the elevations of the proposed additions it is clear that it would not be practical to alter the roof pitch to be below the maximum roof height of 10.0m (prescribed by the Shire of Peppermint Grove Town Planning Scheme No. 3) as this would have a detrimental impact upon the original dwelling and would not be sympathetic to the historic architecture of the structure.

Amenity

The proposed alterations and additions will not be visible to the street and will therefore not have any impact upon the streetscape or amenity of the locality. Further, the setback and overlooking provisions of the Residential Design Codes have been satisfied and will therefore the development will not affect the amenity of the neighbouring properties.

Crossovers and Street Trees
Unaffected by the development

Fencing
Not part of this application.

Outbuilding Area
Not part of this application

Consultation

The relevant neighbouring and adjoining property owners have been formally advised of the proposal and invited to make comment. A summary of the formal comments that have been submitted have been prepared and are presented below with relevant comments in context with the provisions of the Shire of Peppermint Grove Town Planning Scheme No. 3 and the Residential Design Codes –

NEIGHBOUR PROPERTY	COMMENTS AND/OR OBJECTIONS	R-CODE R'QMNTS	TPS3 R'QMNTS	OFFICER'S COMMENTS
41 Irvine St	No comments received			
41R Irvine St	No comments received			
34 View St	No comments received			
30A View St	No comments received			
30 View St	No comments received			

Discretions to be Considered
Nil

Policy Implications
Nil

Budget Implications
Nil.

Committee Recommendation

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

Council grant Planning Consent approval for Application 009 – 16 for the partial demolition and the alterations and additions (ground and upper levels) to the existing residence at lots 200, 201 and 202 (32) View Street Peppermint Grove in accordance with the plans and specifications submitted on 17 October 2008.

COUNCIL DECISION - 234/NOV 08

Moved Cr Bacich seconded Cr Vikingur that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

DA3 OUTBUILDING WITH NIL SETBACK TO BOUNDARY AND TENNIS COURT LIGHTING – LOT 20 (29) McNEIL STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 15)

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 5 November 2008

Background

Applicant:	Fiona Robson, Architect
Owner:	I K Puzey
TPS No 3 Zoning:	R12.5
Land Use:	Single dwelling
Lot Area:	1464m ²

Report

An application has been received seeking Council approval for the –

- demolition of two (2) garden sheds
- construction of a new outbuilding (with a nil setback to the eastern side common property boundary)
- installation of environmental tennis court lighting

- at the above mentioned property.

The proposed new outbuilding will be constructed in the same location as the existing (2) outbuildings i.e. in the north-eastern corner of lot 20, however, the proponent is

seeking approval for a nil setback to the eastern side common property boundary for the outbuilding, which will include the construction of a retaining/parapet wall for the length of the outbuilding.

In addition, the proponent is seeking approval for the installation of tennis court lighting.

This report recommends that Council grant conditional approval for the development of the outbuilding and the installation of tennis court lighting.

Heritage

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

Plot Ratio

The plot ratio will be unchanged by the development

Open Space

The open space will be unchanged by the development

Front Setback

Unchanged by the development

Rear Setback

Unchanged by the development

Western Side Setback

Unaffected by the development

Eastern Side Setback

It is proposed that the outbuilding will be constructed with a nil setback to the eastern side common property boundary of lot 20 and will therefore require the express approval of Council for the outbuilding to have a nil setback to the side boundary.

Height

The proposed outbuilding will have a height of 4.2m 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

Outbuilding – will not be visible from McNeil Street and therefore has no impact on the amenity of the streetscape.

As the outbuilding will have a nil setback from the eastern side common property boundary it is appropriate for the adjoining property owner (25 Bindaring Parade) to

formally acknowledge receipt of the proposed development before approval is granted. It is at the discretion of Council to approved the development.

Note: At the time of reporting, the owner of 25 Bindaring Parade had not formally responded to the notice of development from the Shire.

The Residential Design Codes, Clause 6.3.2 Buildings on boundary, does not contemplate buildings with a nil setback for R12.5 coded lots, however, the applicant has proposed that the nil setback be treated in accordance with Clause 6.3.2 Performance Criteria –

6.3.2

Buildings on boundary

P2 Buildings built up to 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; or*
- *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 adjoining properties is not restricted*

The proposed outbuilding wall is 10.4m long and an average of 2.4m in height. Although the Residential Design Codes does not prescribe Acceptable Development Criteria for R12.5 coded lots, it does state that for R20 and R25 a wall with a nil setback to a boundary other than a front boundary should be not higher than 3.0m and may be up to 9.0m in length. Using these criteria, it would be reasonable to require the proposed wall to be reduced by 1.4m to a maximum length of 9.0m.

Tennis Court Lighting – is specifically designed for illumination of tennis courts. The lighting will comply with the Shire of Peppermint Grove Emission and Reflection of Light Local Laws. The adjoining property owners have made no submissions or objections to the lighting proposal.

Crossovers and Street Trees

Unaffected by the development

Fencing

Not part of this application

Outbuilding Area

The proposed outbuilding will have an area of 35.6m² and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, which prescribes a maximum area of 46.5m² for outbuildings.

Consultation

The relevant neighbouring and adjoining property owners have been formally advised of the proposal and invited to make comment. A summary of the formal comments that have been submitted have been prepared and are presented below with relevant comments in context with the provisions of the Shire of Peppermint Grove Town Planning Scheme No. 3 and the Residential Design Codes –

NEIGHBOUR PROPERTY	COMMENTS AND/OR OBJECTIONS	R-CODE R'QMNTS	TPS3 R'QMNTS	OFFICER'S COMMENTS
27 McNeil St	Sighted plans, no formal comments submitted			
31 McNeil St	No comments received at the time of reporting			
25 Bindaring Pde	No comments received at the time of reporting			

Discretions to be Considered

Council will be required to exercise its discretion in accordance with the Residential Design Codes, Clause 2.5 Exercise of discretion, should approval be granted for the nil setback for the parapet wall of the outbuilding on the eastern side common property boundary of lot 20.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council grant Planning Consent approval for Application 009 – 15 for the demolition of two (2) garden sheds, the construction of a new outbuilding and the installation of tennis court lighting at lot 20 (29) McNeil Street Peppermint Grove in accordance with the plans and specifications submitted on 15 October 2008, subject to the parapet wall of the outbuilding being not more than 9.0m in length.

And further, the proponent is advised that, in accordance with the provisions of the Residential Design Codes, Part 2.5 Exercise of Discretion, the Council has exercised its discretion to approve the parapet wall of the outbuilding to have a nil setback from the eastern side common property boundary of lot 20 McNeil Street.

COUNCIL DECISION - 235/NOV 08

Moved Cr Bacich seconded Cr Vikingur that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

DA4 HEIGHT EXTENSION TO BOUNDARY FENCE – LOT 88 (48) JOHNSTON STREET PEPPERMINT GROVE (PC APPLIC NO. 009 – 19)

File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 6 November 2008

Background

Applicant:	Robert Chambers Architect Pty Ltd
Owner:	M de la Hunty
TPS No 3 Zoning:	R12.5
Land Use:	Single dwelling
Lot Area:	1262m ²

Report

At the Ordinary Meeting of Council held on 15 September 2008 an application was considered for the construction of a fence on the eastern common property boundary of lot 88 (48) Johnston Street.

The original proposal was seeking approval for the construction of a fence with a height of 2.1m.

Approval was granted subject to the front 9.0m length of the side fence being not more than 1.8m above the natural ground level of lot 88, see item DA1 below –

COMMON PROPERTY BOUNDARY FENCE – LOT 88 (48) JOHNSTON
STREET PEPPERMINT GROVE (APPLIC NO. 009 -06)

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 2 September 2008

Background

Applicant: Robert Chambers Architect

Owner: M de la Hunty

TPS No 3 Zoning: R12.5

Land Use: Single dwelling

Lot Area: 1262m²

Report

An application has been received seeking Council approval for the construction of a fence on the common property boundary of lot 88 adjoining lot 89 Johnston Street Peppermint Grove.

The proposed boundary fence will be a rendered and painted brick masonry construction and will have a height of 2.1m.

The fence exceeds the 1.8m fence height prescribed by the Shire of Peppermint Grove Local Laws Relating to Fencing and subsequently it is necessary for Council to grant discretionary approval for the variation to the prescribed fence height.

This report recommends that conditional approval be granted for the common property fence at 48 Johnston Street.

Heritage

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

Plot Ratio

The plot ratio will not be affected by the development.

Open Space

The open space will not be affected by the development

Boundary Setbacks

Unaffected by the development

Amenity

The fence will not affect the streetscape and is designed to provide substantial privacy to both 48 and 50 Johnston Street.

Crossovers and Street Trees

Unaffected by the development

Fencing

The proposed fence will be constructed on the entire length of the common property boundary of lots 88 and 89 Johnston Street and will have an average height of 2.1 m from the rear to the front of the properties.

The additional fence height of 300mm above the prescribed height of 1.8m will provide and improve the privacy to the active outdoor living area at the lot 88 Johnston Street and generally between the two properties. However, it would seem unnecessary for the fence to be higher than 1.8m, as prescribed by the Local Laws, forward of the 9.0m front boundary setback.

The front setback area is generally considered an area that is subject to viewing from the street and neighbouring properties.

It would therefore be reasonable for the boundary fence to be approved subject to the portion of the fence forward of the front boundary building setback being reduced to a maximum height of 1.8m.

Consultation

The adjoining property owner (lot 89 Johnston Street) has formally agreed to the construction of the proposed fence.

Discretions to be Considered

As the fence exceeds a height of 1.8m prescribed by the Shire of Peppermint Grove Local Laws Relating to Fencing it is necessary for Council to exercise its discretion in accordance with clause 8 of the Local Laws to permit the fence to have a height of 2.1m for the portion of the fence from the southern corner of the property to a distance of 9.0m from the northern corner of the lot 88 Johnston Street.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council exercises its discretion in accordance with the Shire of Peppermint Grove Local

Laws Relating to Fencing, clause 8, grant express approval for Application 009 – 06 for the construction of a common property eastern boundary fence at lot 88 (48) Johnston Street Peppermint Grove in accordance with the plans and specifications submitted on 26 August 2008, subject to the fence being reduced to a maximum height of 1.8m for a distance of 9.0m from the front northern corner of the eastern property boundary of lot 88 Johnston Street.

COUNCIL DECISION - 194/SEPT 08

Moved Cr Bacich seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

PROPOSAL

The owners of 50 Johnston Street have received Council approval to re-develop the site which will include the construction of a swimming pool at the front of the residence. Subsequently, the purpose of the proposed fence extension for 48 Johnston Street is to create a solid visual screen between the active outdoor living area (swimming pool area) at 50 Johnston Street and the proponent's conservatory which is located at the front of their property, 48 Johnston Street.

The residence at 48 Johnston Street (currently under construction) has a front setback of 12.5m to the conservatory and 20.0m to the main dwelling, subsequently, there is the potential for some overlooking to the conservatory. The proponent is now seeking approval to extend the height of the front 9.0m section of fence by 310mm to create an aggregate fence height of 1650mm from the finished ground level of the adjoining property at lot 89 (50) Johnston Street and 2100mm high at 48 Johnston Street.

The visual barrier that will be created by the additional fence height is recognized in the Residential Design Codes as an appropriate barrier height to prevent overlooking from habitable rooms and active outdoor living areas.

It would be reasonable to permit the fence to be extended to provide the desired privacy screen between the two properties, however, it would seem unnecessary to continue the screen for the full length of the fence and it is therefore recommended in this report that the fence be reduced to 1.8m for the last 3.5m of the fence, which could occur between the last engaged pier of the fence before connecting to the front north-eastern corner of lot 88.

Discretions to be Considered

Council will be required to exercise its discretion in accordance with the Shire of Peppermint Grove Local Laws Relating to Fencing to permit the fence height to exceed 1.8m.

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council grant Planning Consent approval for Application 009 – 19 for the extension to the front 9.0m section of the eastern side common property boundary fence at lot 88 (48) Johnston Street Peppermint Grove, subject to the fence being reduced to 1.8m (above natural ground level of lot 88) for the last 3.5m of the fence, which should occur between the last engaged pier of the eastern side common property boundary fence and the north-eastern corner of lot 88 before connecting to the front boundary fence of lot 88 Johnston Street.

COUNCIL DECISION - 236/NOV 08

Moved Cr Bacich seconded Cr Vikingur that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

**DA5 RECONSIDERATION OF PLANNING CONDITIONS – PARTIAL
DEMOLITION OF EXISTING DWELLING AND REFURBISHMENT OF
REMAINING RESIDENCE AND CONSTRUCTION OF TWO STOREY
ADDITION TO RESIDENCE – LOT 131 (30) IRVINE STREET PEPPERMINT
GROVE (PC APPROVAL NO. 008 – 67)**

File Ref: TPL1

Author: T Mayor, Manager of Development Services

Date: 6 November 2008

Background

Applicant: Don Taylor Architect

Owner: R & N Begley

TPS No 3 Zoning: R12.5

Land Use: Single dwelling

Lot Area: 1805m²

Report

A submission has been received from Don Taylor Architects on behalf of the property owners, seeking Council's reconsideration of the conditions placed on Planning Consent 008 – 67, for refurbishments and additions at the abovementioned property, which was approved at the Ordinary Meeting of Council held on 21 July 2008. See copy of Officer's report, below.

The formal request for reconsideration of Conditions of Planning Consent is attached for Council information.

EXTRACT FROM ORDINARY MEETING OF COUNCIL HELD ON 21 JULY 2008

ITEM DA6 PARTIAL DEMOLITION OF EXISTING DWELLING AND REFURBISHMENT OF REMAINING RESIDENCE AND CONSTRUCTION OF TWO STOREY ADDITION TO RESIDENCE – LOT 131 (30) IRVINE STREET PEPPERMINT GROVE (PC APPLIC NO. 008 – 67)

*File Ref: TPL1
Author: T Mayor, Manager of Development Services
Date: 30 June 2008*

Background

*Applicant: Don Taylor Design Associates
Owner: R & N Begley
TPS No 3 Zoning: R12.5
Land Use: Single dwelling
Lot Area: 1805m²*

Report

An application has been submitted seeking Council approval for the partial demolition of the existing residence and construction of a two-storey addition at the above property.

The proposed works will include the partial demolition of the dwelling and the development of basement garaging, a two-storey addition to the residence and the construction of a pavilion to the rear of the property.

The development will consist of expanded living areas and additional bedrooms to meet the needs of the owners' family.

The basement garage will require the construction of substantial retaining walls along the northern portion of the western side common property boundary.

The original heritage portion of the dwelling is to be retained, restored and refurbished. The two-storey portion of the dwelling located behind the heritage

building, which was constructed in 1987, will be demolished and a new two-storey addition will be constructed and will again be located at the rear of the heritage dwelling.

This report recommends that Council grant conditional approval for the proposed two-storey addition to the residence at 30 Irvine Street.

Heritage

This property is listed in the Shire of Peppermint Grove Municipal Heritage Inventory as Category 1.

“Category 1

Buildings, which due to their character create the atmosphere of Peppermint Grove, therefore should be retained, but may be altered and extended in a manner which is both discrete and sympathetic to the original fabric and character so that a significant proportion of the original building is retained and from the street the additions are seen to be a continuation of the same fabric and character.”

The two-storey addition will be located at the rear of the original heritage building which is being retained. The proposed development is contemporary modular design and has been created to meet the owners’ family requirements. A contemporary design does not necessarily satisfy the objectives of the Heritage Inventory Category 1. Clearly, the original single storey dwelling will not fully conceal the two additions from the street view. It is however, the officer’s opinion that although the development may not be in keeping with the intent of Category 1, the building is visually discrete and will not adversely affect or detract from the architectural features of the heritage dwelling.

Plot Ratio

The plot ratio will be 0.4, which complies with the Shire of Peppermint Grove Town Planning Scheme No 3, Clause 4.9.5.

Open Space

The open space will be 76.26%, which complies with the Residential Planning Codes, Table No 1.

Front Setback

Remains unchanged by the development.

Rear Setback

The existing dwelling has a setback of 48.8m, whilst the new dwelling addition will have a rear setback of 30.4 m, and continues to comply with the Residential Design Codes. It is noted that lot 131 has a boundary length of 90.53m.

Western Side Setback

The upper level additions comply with overlooking provisions and the setback requirements, Tables 2a & 2b of the Residential Design Codes.

A proposed pergola is to be located at ground level and adjacent to the western side boundary of lot 131 and has been designed to include a parapet wall with a nil setback to the boundary. The wall will have a length of 8.35m and a height of 2.8m. The adjoining property owner at lot 130 Irvine Street has objected to the height of the parapet wall and requested that the wall be located away from the boundary.

Eastern Side Setback

The northern portion of the development presenting to the eastern boundary of lot 131 containing the lift, stairs, robe and ensuite has a proposed minimum setback of 1.05m, although approximately 50% of the wall length has a setback of 2.37m. The Residential Design Codes prescribes a setback of 2.1m for the aggregated wall length and therefore the setback does not satisfy the Acceptable Development criteria of the Residential Design Codes.

Height

Lot 131 has a Mean Natural Ground Level (MNGL) RL 16.61. The proposed two storey dwelling addition will have a maximum building height RL 23.9, resulting in a building height of 7.29m and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, which prescribes a maximum building height of 10.0m.

Amenity

The two-storey addition will be located at the rear of the original heritage building which is being retained. The proposed development is contemporary modular design and has been created to meet the owners' family needs. Although the original single storey dwelling will not conceal the addition from the street view, it is the officer's opinion that the development is visually discrete and will not adversely affect the streetscape or the amenity of the locality.

Overshadowing

The overshadowing from the addition will not affect adjoining property owners and complies with the Acceptable Development criteria of the Residential Design Codes.

Crossovers and Street Trees

The existing crossover is to be retained and will remain the primary access to lot 131 and subsequently the crossover will be up-graded during the course of the development but will not be widened and therefore will have no impact upon the street trees or street drainage requirements.

Fencing

A separate application is required for boundary fencing. From the assessment of the plans submitted it is apparent that there may be some alterations to the boundary fences.

Outbuilding Area

The proposed tennis pavilion at the rear of the property will have a height of 2.8m and a floor area of 25.6m² and complies with the Shire of Peppermint Grove Town Planning Scheme No. 3, Policy on Outbuildings.

Consultation

The relevant neighbouring and adjoining property owners have been formally advised of the proposal and invited to make comment. 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.

Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council grant Planning Consent approval for Application 008 – 67 for the partial demolition of the dwelling (rear portion) and the construction of a two storey dwelling addition including basement garage and pavilion at lot 131 (30) Irvine Street Peppermint Grove in accordance with the plans and specifications submitted on 27 May 2008 subject to –

- 1 the side boundary building setback for the upper level addition being minimum of 2.1m from the eastern side common property boundary in accordance with the Residential Design Codes, Table 2a.*
- 2 the trees adjacent to the western side boundary being retained to provide additional visual screening between the two properties*
- 3 the parapet wall for the pergola on the western side of the dwelling being setback 1.0m from the western side common property boundary*
- 4 the existing established vegetation (hedging) along the northern section of the western side boundary being retained to provide visual screening and relief between the two properties*
- 5 the boundary fence along the western side common property boundary being retained*

- 6 the filtration equipment for the future proposed swimming pool being located at the southern end of the pool pavilion to ensure that there is no noise nuisance created by the operations of equipment*
- 7 air-conditioning equipment (not illustrated on plans) is to be positioned at ground level and in a position that will not affect the amenity of the adjoining property owners i.e. ensure that there is no noise nuisance created by the operations of the equipment*
- 8 Future proposed gates and fences at the front boundary of the property must be visually permeable and any dado fence sections adjacent to the vehicle entry on the front boundary must not exceed 900mm in height to ensure good line of sight for vehicle drivers exiting from the property.*

COUNCIL DECISION - 144/July 08

Moved Cr Bacich seconded Cr Vikingur that

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

PROPOSAL

Variation – Condition 1

Officer's comment: Where a development does not satisfy the Acceptable Development Criteria i.e. setbacks prescribed by the Residential Design Codes, Council may assess variations under the provisions of the Performance Criteria of the Codes. It is the responsibility of the proponent to provide adequate rationale to support a proposed variation.

The wall of the lift and stairs (located adjacent to the eastern side boundary and the subject of this variation request) is a two storey wall with a length of 8.5m and height of approximately 6.0m. The proposed variation will require the side boundary building setback to be reduced from the prescribed distance of 2.1m to 1.2m, a 42% variation to the setback requirement.

It is the Officer's opinion that the proponent has not provided sufficient evidence or rationale to support the variation for the boundary setback and further, although the Residential Design Codes provide at least two options for considering side boundary setbacks it would not be reasonable for Council to support the variation.

Therefore, it is recommended that Council reiterates its original Condition of Planning Consent, that -

- 1 *the side boundary building setback for the upper level addition being minimum of 2.1m from the eastern side common property boundary in accordance with the Residential Design Codes, Table 2a.*

Variation – Condition 2

Officer's comment: It is desirable where practicable, to retain remnant vegetation, which is also the aim of the owners, however, if retaining the trees creates an engineering problem then it would be reasonable for the trees to be removed. Further, the trees are not significant in terms of size or history.

Request for removal of the trees is supported should the preservation of the trees prove to be impractical.

Variation – Condition 4

Officer's comment: The adjoining property owner (28 Irvine Street) indicated that it was desirable for the hedging to be partially retained where the hedging is on the boundary or growing on the western side of the boundary. The purpose was to retain some vegetation screening between the properties.

The proponent has indicated that the development will require removal of some of the hedging for the development of the basement access. It is their intention to preserve the hedging where practical.

The advice is noted and supported.

Variation – Condition 5

Officer's comment: The retention of the boundary fence was considered to be reasonable as the adjoining property owner felt that the fence and vegetation growing on the fence provided a good visual screen between the two properties.

The comment that the fence may require repair or replacement in the future is noted.

The matter can be dealt with at a later date and as a separate application.

No further action is required for this condition.

Amenity

Not affected by the proposed variations.

Discretions to be Considered

Nil

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

Council approves the variations to Conditions 2, 4 and 5 but does *not* approve variation to Condition 1 of Planning Approval 008 – 67 granted for the partial demolition of the dwelling (rear portion) and the construction of a two storey dwelling addition including basement garage and pavilion at lot 131 (30) Irvine Street Peppermint Grove in accordance with the plans and specifications submitted on 27 May 2008.

Note: The proposed variation to Condition 1 is *not* supported on the basis that the proponent has not provided sufficient evidence or rationale to support the variation for the boundary setback. Further, although the Residential Design Codes provide Performance Criteria-based options for considering side boundary setbacks it would not be reasonable for Council to support the variation as the variation to the prescribed setback would be excessive and have the potential to create an unreasonable precedent.

Therefore Council reiterates its original Condition of Planning Consent, that -

- 1 the side boundary building setback for the upper level addition being a minimum of 2.1m from the eastern side common property boundary in accordance with the Residential Design Codes, Table 2a.

COUNCIL DECISION - 237/NOV 08

Moved Cr Grice seconded Cr Lynn that:

- 1 The Committee Recommendation be amended by adding a second condition -
“vegetation is to be reinstated if it is removed in the process of construction.”

CARRIED UNANIMOUSLY

Moved Cr Bacich seconded Cr Ward that:

- 2 The amended Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

CONSTRUCTION OF NEW DWELLINGS

No reports this month

CONSTRUCTION OF FENCES

No reports for this month

CONSTRUCTION OF OUTBUILDINGS

No reports for this month

COMMERCIAL PREMISES

No reports for this month

DEMOLITIONS

No reports for this month

OTHER

No reports for this month

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: 5 November 2008

Purpose

The purpose of this report is to inform Council of the Building Licences and Demolition Licences approved during the reporting period.

Background

Council Policy delegates authority to the Building Surveyor to approve licenses for the construction and demolition of buildings provided the following requirements are met: -

1. The use of any discretionary power by Council has previously been addressed by the Council.
2. Development approval has been granted in accordance with the requirements of the Shire of Peppermint Grove Town Planning Scheme No.3.
3. Development approval conditions being complied with.
4. Compliance with the Building Code of Australia.
5. Compliance with any conditions previously stated by Council.

Report

The following building licenses have been approved during the reporting period, in accordance with Council's Policy:

Building Lic. No.	Owner	Address	Description	Amount \$
3114	SA PAGANIN	53 IRVINE	swimming pool	62,000
3115	ALLAN	12 IRVINE	Front fence	3,500
3116	PUZEY	29 McNEIL	Patio addition	4,950

There were no Demolition Licences issued during the reporting period:

Policy Implications

Nil

Budget Implications

Nil

Committee Recommendation

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

The information be received.

COUNCIL DECISION - 238/NOV 08

Moved Cr Bacich seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

BLD4 BUILDING INSPECTIONS

File Ref: BUI10
Author: T Mayor, Manager of Development Services
Date: 5 November 2008

Purpose

The purpose of this report is to inform Council of the routine building inspections carried out by the Officer during the reporting period.

Background

The Building Surveyor carries out routine inspections of buildings under construction and when necessary conducts final inspections of completed buildings to ensure that the building complies with Council development approval (planning) and requirements of the Building Code of Australia (building) and other statutory requirements (health and sanitation).

Where non-compliance is identified the Officer will initiate appropriate action to remedy deviations to approvals or statutory requirements.

Report

Inspections of the following building licences were carried out during the reporting period -

Building Lic. No.	Building type	Address	Inspection type and Outcome
3109	Addition to dwelling (carport)	19 Irvine St	Final – completed
3082	Boundary fence	54 Irvine St	Final – completed
3023	Swimming pool	137 Forrest St	Final – completed
3063	Swimming pool	129 Forrest St	Final – completed
2970	Boundary fence	129 Forrest St	Final – completed
3094	Alterations and additions to dwelling	35A Johnston St	Progress inspection
3091	Alterations and additions to commercial building	1 Johnston St	Progress inspection
3053	New dwelling	23 Johnston St	Progress inspection
3093	Refurbishments and restoration to St Columba church hall	16A Keane St	Progress inspection

3009	Additions, alterations and refurbishments to residence	25 McNeil St	Progress inspection
3066	Group dwellings	113 Forrest St	Progress inspection

Committee Recommendation

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

The information be received.

COUNCIL DECISION - 239/NOV 08

Moved Cr Bacich seconded Cr Ward that:

The Committee Recommendation be adopted.

CARRIED UNANIMOUSLY

BLD5 SIGNS & HOARDINGS

No reports for this month

HOP OPERATIONAL ISSUES

HOP1 RECORDING OF MEETINGS POLICY – PROPOSED POLICY A6.2

File Ref: MEE0

Author: G K Simpson

Date: 6 November 2008

Purpose

The purpose of this report is to bring the issue of recording of Council and Committee meetings by the use of electronic, visual or vocal recording devices to Council for a decision as to whether Council is prepared to permit the practice and to introduce controls or to move to prevent the practice.

Background

Concern was raised during the October Health, Building and Town Planning Committee Meeting when it came to notice that a member of the public (journalist) was seen using a voice recording device during general debate on a matter on the

meeting agenda. Some Councillors strongly expressed their opposition to the action and requested the issue be referred to Council, which did occur but Council resolved no recordings of meetings will be permitted until Council has determined its policy position.

Subsequent investigation has revealed that it is not contrary to law for people to record comments made at a meeting open to the public unless the controlling body, in this case the Shire, has a local law which controls or prevents the action.

Report

There has only been one occurrence of a person failing to seek permission from the Presiding Member of the meeting in the last 11 years and only one or two occasions when it was done.

It is suggested that as it is permitted to record at public meetings Council introduce controls because :-

- Some people are intimidated by recording devices and as Council encourages members of the public to present to Council and Committee meetings it may be necessary to accommodate those persons who are not happy with the recording.
- Recording may stifle debate
- Recording devices come in varying qualities and may record comments made in private which are not part of the public debate.
- Whilst recording may force some members to limit any inappropriate comment it is unlikely to enhance the quality of decision making, therefore be of little benefit to Council.

Policy Implication

Will create new policy.

Budget Implication

No specific funds have been allocated for compilation of a formal policy or local law.

Committee Recommendation

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

In keeping with the recommendation submitted by the Works and Finance Committee, Council resolve to include a protocol statement on the front of the meeting agendas requesting that people who intend to record meetings open to the public be requested to inform the Presiding Member of the intention to do so.

COUNCIL DECISION - 240/NOV 08

Moved Cr Ward seconded Cr Lynn that:

The Works and Finance Committee Recommendation FOP1 and the Health, Building and Town Planning Recommendation at HOP1 be adopted.

CARRIED UNANIMOUSLY

The President and CEO reported that the Works and Finance Committee has recommended to Council that:

HOP2 OTHER

HOP2.1 REVIEW OF LEGAL FEES

Members requested that the administration report on the legal fees paid and the methodology of engaging legal practitioners.

HOP2.2 INTERSECTION OF MCNEIL ST & STIRLING HIGHWAY

Members requested that information be sought on the possibility of truncating the corners of the intersection to assist vehicles negotiating the acute corner on the northern side of McNeil Street.

HOP2.3 SHIRE PROJECTS REPORT

Members requested that the report be listed at the front of future meeting agendas.

HOP2.4 MEETING WITH WALGA/BARRINGTON GROUP

Cr Kavanagh requested that the Presiding Members of the two Standing Committees be requested to join the proposed meeting with Ms Ricky Burgess of WALGA and Mr John Barrington of Barrington Consulting Group.

HOP2.5 WATER CORPORATION – SINKING OF THE PUMPING STATION

Members requested that the administration make contact with the project managers and check that their programme is running on schedule and will not be delayed through the Swan River Trust's consultation process. The programme should include the physical demolition of the existing sewerage pumping station in the consultation process.

COUNCIL DECISION - 241/NOV 08

Moved Cr Grice seconded Cr Ward that:

The Information be received.

CARRIED UNANIMOUSLY

DEL DELEGATES REPORT

No delegates reports this month.

CEO CHIEF EXECUTIVE OFFICER'S REPORT

File Ref: HER3
Author: G K Simpson, Chief Executive Officer
Date: 13 November 2008

Purpose

The purpose of this report is to establish a Committee of Council that will investigate and report on the feasibility and options available to preserve the heritage property known as The Cliffe.

Background

The State Government recently removed The Cliffe from the State Heritage Register and Council approved an application by the owner and granted planning approval for demolition of the buildings. The Planning Consent issued on 20 October 2008 will expire in twelve months, namely 19 October 2009 unless it is acted upon.

An Application for a demolition permit under the Local Government (Miscellaneous Provisions) Act has not been lodged.

A demolition permit, once issued has a limited life of three months unless acted upon.

Report

Arrangements were made with Mr Creasy for Councillors, Chief Executive Officer and Mr Tom Perrigo of the National Trust to inspect the building on Saturday morning 8 November.

Further discussions held after the Committee meetings indicated a general consensus of opinion that Council needs to further investigate the feasibility of preserving The Cliffe.

Shire President, Brian Kavanagh has suggested a small Council Committee be established and a project officer be engaged to investigate and report on the options.

Councillors Bacich and Ward have indicated their willingness to sit on the Committee and at least one other member is needed to make the minimum of three members.

Council is also empowered under the Local Government Act to add members to the Committee and they may be members of the community.

Policy Implication

Nil

Budget Implication

Funds were allocated in the budget to employ a person or persons to look after various projects as needed.

COUNCIL DECISION - 242/NOV 08

Moved Cr Lynn seconded Cr Ward that:

- 1 A Committee of Council be formed for the purpose of investigating the feasibility and options open to the Shire to preserve the historical building known as The Cliff.
- 2 The Committee consists of four members including President, Presiding Member, Works and Finance Committee & Presiding Member of Health, Building and Town Planning Committee -
 - a) Cr Kavanagh, Cr Bacich and Cr Ward
 - b) Cr Grice and Cr Lynn as delegate and deputy.
- 3 Three members of the public be appointed to the Committee in the future.
- 4 The Committee report be presented to Council at its May 2009 meeting.

CARRIED UNANIMOUSLY

NBUS NEW BUSINESS OF AN URGENT NATURE

There were no items of new business.

OP OPERATIONAL ISSUES

OP1 Stirling Highway Maintenance Work

Manager of Development Services advised that Main Roads WA would be resurfacing Stirling Highway between Albion Street and Victoria Streets from 24th November to the 30th November 2008.

CIB CONFIDENTIAL ITEMS OF BUSINESS

There were no items of confidential business.

CLOSURE

There being no further business the meeting was declared closed at 8.06.

These minutes were confirmed as a true and accurate record of proceedings at the Ordinary Meeting of Council held on 15 December 2008.

President

Date