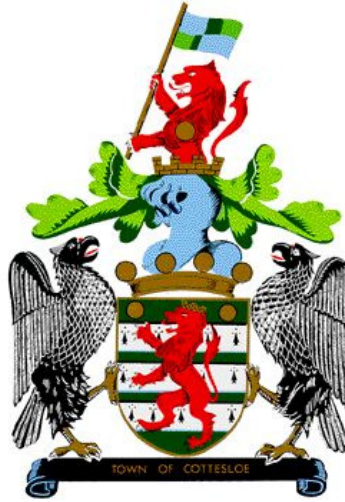


TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE

6.00PM, MONDAY, 17 AUGUST 2009

CARL ASKEW
Chief Executive Officer

15 December 2010

DEVELOPMENT SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Officer announced the meeting opened at 6:07pm.

**2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)****Present**

Cr Jack Walsh	Presiding Member
Cr Jo Dawkins	
Cr Ian Woodhill	
Cr Jay Birnbrauer	
Cr Greg Boland	
Cr Victor Strzina	

Officers Present

Mr Andrew Jackson	Manager Development Services
Ms Pauline Dyer	Development Services Secretary

Apologies

Nil.

Officer Apologies

Mr Carl Askew	Chief Executive Officer
Mr Ed Drewett	Senior Planning Officer
Mr Will Schaefer	Planning Officer

Leave of Absence (previously approved)

Nil.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Nil.

5 PUBLIC STATEMENT TIME

Nil.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Dawkins, seconded Cr Woodhill

That Cr Jo Dawkins' and Cr Victor Strzina's requests for leave of absence from the September round of meetings be granted.

Carried 6/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Dawkins, seconded Cr Woodhill

[Minutes July 20 2009 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee held on 20 July 2009 be confirmed.

Carried 6/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

10 REPORTS OF COMMITTEES AND OFFICERS**10.1 PLANNING****10.1.1 TPS2 PREVIOUS AMENDMENT NO. 34 (MULTIPLE DWELLINGS) – ACTION REQUIRED FOR STATUTORY FINALISATION**

File No: D2.4 (34)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 17-Aug-2009
Author Disclosure of Interest Nil

SUMMARY

The Department of Planning (DoP) is auditing unfinished Town Planning Scheme Amendments and has identified previous TPS2 Amendment No. 34 as one.

The DoP has advised that because this earlier Amendment was advertised (in 2003), under the Town Planning Regulations procedurally it is still required to be finalised by the WAPC and Minister. Hence it is necessary for Council to complete the process and documentation for a recommendation on determination of the Amendment.

It is recommended to formally discontinue the Amendment as no longer required.

BACKGROUND

Council initiated Amendment 34 in September 2002 and the proposal sought to regulate multiple dwellings (ie apartments) in areas density-coded R30 and R35. The rationale was that the former Residential Planning Codes provided for multiple dwellings and associated development standards from only R40 upwards, and at the time it was envisaged that the new Residential Design Codes (RDC) would do so from R35 upwards. However, as the current RDC now provide for multiple dwellings down to R10, with appropriate development standards, the proposal is clearly redundant. Furthermore, LPS3 as adopted by Council and lodged for final approval provides for multiple dwellings as a permissible use (at Council's discretion), which is in accordance with the RDC and with those development standards.

Council on 25 August 2003, following advertising of the Amendment and consideration of a sole submission, resolved to defer adoption of the Amendment pending consideration of guidelines for developing multiple dwellings in R30 areas, and to advise the WAPC accordingly. The WAPC was advised in writing on 2 September 2003 and on 25 November 2003 the WAPC granted until 25 May 2004 for Council to decide upon the submission and the future of the Amendment, then forward its recommendation within 28 days. Council's records indicate that subsequent progress of the Scheme Review and the R-Codes review superseded the need for the Amendment. While officers at the time did draft prospective policy

controls and modification to the Amendment, the matter was not further reported on to Council or pursued any further.

A copy of the initial report, Amendment text and the submission received are attached for information.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

TPS2 and Town Planning Regulations.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONCLUSION

It is apparent that the original proposal has been overtaken by events, whereby the Amendment is now outmoded and redundant. Moreover, in recent years Council has supported numerous multiple dwelling developments and the new R-Codes and LPS3 have been purposefully formulated to provide for them in R30 and R20 density areas as found in Cottesloe. On this basis the Amendment is defunct and Council can resolve to recommend its discontinuance.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Dawkins, seconded Cr Strzina

That Council:

- 1. Note and dismiss the single submission received on earlier proposed Amendment No. 34 as advertised in 2003, and resolves that it does not wish to proceed with the Amendment given that the subject matter has been superseded by the Residential Design Codes and Local Planning Scheme No. 3 as lodged for final approval, which provide for multiple dwellings in the normal manner.**
- 2. Advise the WAPC and the Minister for Planning and complete the relevant documentation accordingly.**

Carried 6/0

10.1.2 MINOR MODIFICATION TO PLANNING POLICY ON REFLECTIVE METAL ROOFING MATERIAL

File No: D09/2551
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 17-Aug-2009
Author Disclosure of Interest Nil

SUMMARY

This report presents two minor yet necessary technical corrections to Council's Reflective Metal Roofing Material Policy (TPSP 009) which have become apparent and are recommended in order to avoid misguiding applicants.

PROPOSAL

The proposal is to amend the Policy to correctly advise that a building licence is definitely required for re-cladding a roof, even if there is no structural change to the roof frame; which is in addition to the requirement to obtain planning approval.

The Policy (copy attached) currently states:

... A Building Application is not required for re-cladding of existing buildings if there is no structural change to the roofing frame.

However, the Building Regulations 1989 (reprinted 2 March 2001) clearly state:

Every builder intending to construct a building or alter, add to, repair... an existing building shall before commencing: a) That construction, alteration, addition, repair... make written application to the local government for a license to commence that work.

Hence the Policy should be amended to read as follows (replacing the existing two paragraphs under the heading with one):

APPLICATION

An application for new building work or the re-cladding of the roof of an existing building shall be in the form of an Application to Commence Development and a Building Licence Application.

Again to be accurate, the Policy should also be amended to remove reference to a condition governing glare on a Building Licence, as that is not required under the BCA and is not actually enforceable under the Building legislation; whereby the planning approval condition will apply. Hence the Policy should be amended to read as follows:

PROCEDURES

... (c) *The following condition to be imposed on any planning application for development utilising reflective roofing material: ...*

A draft of the complete amended Policy is also attached.

CONSULTATION

Under TPS2 a Scheme Policy may only be amended by the policy-making procedure of advertising and consideration of any submissions, even if essentially administrative such as this.

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Desirable improvement.

STATUTORY ENVIRONMENT

TPS2.

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

CONCLUSION

These two corrections go together to clarify the situation regarding planning and building regulation of reflective roofing. They will be statutorily correct and avoid any confusion or dispute.

It is not proposed to review the Policy in any fundamental or other way at this time (ie for the remaining life of TPS2), although under LPS3 it may be further considered.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council amend Policy TPSP 009 Reflective Metal Roofing Material, in accordance with the procedure provided under TPS2, by:

1. Under the heading APPLICATION replacing the existing two paragraphs with:
“An application for new building work or the re-cladding of the roof of an existing building shall be in the form of an Application to Commence Development and a Building Licence Application.”; and

2. Under the heading PROCEDURES replacing point (c) with: “The following condition to be imposed on any planning application for development utilising reflective roofing material: ...”

COMMITTEE COMMENT

Committee agreed that to avoid any confusion “re-cladding” should read “re-roofing.”

COMMITTEE RECOMMENDATION

Moved Cr Dawkins, seconded Cr Birnbrauer

That Council amend Policy TPSP 009 Reflective Metal Roofing Material, in accordance with the procedure provided under TPS2, by:

1. **Under the heading APPLICATION replacing the existing two paragraphs with: “An application for new building work or the re-roofing of the roof of an existing building shall be in the form of an Application to Commence Development and a Building Licence Application.”; and**
2. **Under the heading PROCEDURES replacing point (c) with: “The following condition to be imposed on any planning application for development utilising reflective roofing material: ...”**

Carried 6/0

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING

Nil.

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6:14pm.

CONFIRMED: PRESIDING MEMBER _____ *DATE: .../.../...*