

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 7 DECEMBER 2009

DEVELOPMENT SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Officer announced the meeting opened at 6:05pm.

**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 Patricia Carmichael	
Cr Davina Goldthorpe	
Cr Victor Strzina	6:15pm
Cr Greg Boland	Observer

Officers Present

Mr Andrew Jackson	Manager Development Services
Mr Ed Drewett	Senior Planning Officer
Mr Will Schaefer	Planning Officer

Apologies

Nil

Officer Apologies

Mr Carl Askew	Chief Executive Officer
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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

Craig Smith-Gander, 21 Brighton Street, Cottesloe, Item 10.1.1 - 151 Marine Parade - Alterations And Additions To North Cottesloe Surf Life Saving Club

Craig addressed Committee and made reference to specific points in favour of the development proposal and in relation to the Officer recommendation,

Option two for approval with conditions. These points were the reduction of the roof height, which will make it more appealing for residents across the road, the improvement of the streetscape which Mr Smith-Gander said must be done in order for the front to look like a formal entrance as opposed to a back entrance. Also, the dual use path will be removed and repaired according to Australian Standards to allow better public and disabled access, and the dune scape in front of the club will include the introduction of native species. Mr Smith-Gander assured Committee that the development would be of a minimal disruption to the public as most will be done at off season time. Mr Smith-Gander summed up with some final points, including that unlike public thought, the boat shed is at full capacity, the lawn will be replaced with lawn, not concrete, the gym won't be expanded and there will be minimal disruption to the view.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Dawkins, seconded Cr Woodhill

[Minutes October 21 2009 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 21 October 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****10.1.1 151 MARINE PARADE - ALTERATIONS AND ADDITIONS TO NORTH COTTESLOE SURF LIFE SAVING CLUB (INCLUDING EXTENSION TO LEASE BOUNDARY)**

File No: 1825
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 7-Dec-2009

Author Disclosure of Interest: Nil
Property Owner: Crown (leased to NCSLSC)
Zoning: N/A
MRS Reservation: Parks & Recreation

SUMMARY

This application is for alterations and additions to the North Cottesloe Surf Life Saving Club (NCSLSC). It supersedes an application submitted by the Club earlier this year which was approved by Council at its meeting on 23 March 2009.

The proposed development affects land reserved under the Metropolitan Region Scheme (MRS) for Parks and Recreation and therefore the application is to be determined by the Western Australian Planning Commission (WAPC), having due regard to the Council's recommendation.

The proposed variation to the existing lease boundary requires the separate approval of the Crown and this will need to be completed prior to commencement of any new development within this extended area.

Alternative recommendations to the WAPC are provided so that Council may consider its options when reviewing the application.

PROPOSAL

The proposed alterations and additions are summarised as follows:

Marine Parade level:

- 33m² extension to existing balcony on western elevation (within current lease boundary);
 - New stairs to replace existing on western elevation (requires approx. 4m² extension to lease boundary);
-

- Extension to northern end of existing building and fronting Marine Parade to incorporate new public and staff entry, offices, a training room, toilet facilities and a bin enclosure (includes approx. 200m² extension to lease boundary).

Lower ground level:

- Extension to northern end of existing building to incorporate a new storage area (109m²), gymnasium, training facilities and refurbishment of existing toilets (requires approximately 400m² extension to lease boundary);
- Conversion of existing gymnasium to storage for surf life saving equipment (on completion of above works).
- Relocation of dual use path (required to facilitate proposed development).

STATUTORY ENVIRONMENT

- Metropolitan Region Scheme

STRATEGIC IMPLICATIONS

This has been discussed in the two previous reports to Council which describe the approach to the consideration of new development to the NCSLSC (refer attached). It has been further elaborated upon in this report.

REGIONAL PLANNING

Two specific regional planning documents relevant to development along the WA coastline are:

- State Coastal Planning Policy 2.6
- Draft Perth Coastal Planning Strategy

The *State Coastal Planning Policy* was gazetted in 2006. Its objectives include:

- To protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance; and
- Ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.

The document provides various Policy Measures that are broadly applicable to this application. These include the following statements:

- Support vesting of the coastal foreshore reserve to relevant local government for the purpose of foreshore management and recreation;

- Ensure that development located on or adjacent to the coast does not cause discharges of waste and stormwater that would be likely to degrade the coastal environment, including the coastal foreshore reserve, coastal waters and marine ecosystem;
- Ensure that use of the coast, including the marine environment, for recreation, conservation, tourism, commerce, industry, housing, ocean access and other appropriate activities, is sustainable and located in suitable areas;
- Support the use of water sensitive urban design best management practice for adjacent development to avoid discharge of waste and stormwater into the coastal foreshore reserve;
- Ensure that new buildings and foreshore infrastructure on the coast are positioned to avoid risk of damage from coastal processes and, where possible, *avoid* the need for physical structures to protect development from potential damage caused by physical processes on the coast;
- Provide a setback that protects development from coastal processes by:
 - (i) absorbing the impact of a severe storm sequence;
 - (ii) allowing the shoreline movement;
 - (iii) allowing for global sea level rise; and
 - (iv) allowing for the fluctuation of natural coastal processes.

The *Draft Coastal Planning Strategy* was issued in 2008 and released for public comment earlier this year. It has not been completed or adopted by the Minister to date but raises various issues related to the Cottesloe foreshore and makes the following draft recommendations specific to the Town's coastal area:

- Develop as a major tourism and recreation node;
- Active coastal management may be required to prevent loss or damage to infrastructure due to proximity of existing development to the ocean;
- The recommended physical coastal processes setback is medium (between 65 and 120 metres);
- Further investigate the extent of rock below the sandy beaches;
- Development intensity and design issues to be resolved at the local level through the planning process;
- Develop and implement a coastal management plan.

The Council's LPS 3 and proposed Building Design Controls have direct relevance to this draft document and the decision-making process.

PROPOSED LOCAL PLANNING SCHEME NO.3 (LPS 3)

The proposed development is not directly affected by LPS 3 as it is on land reserved under the Metropolitan Region Scheme (MRS), rather than being on land zoned under the proposed Scheme. However, the Draft LPS3 Beachfront Policy and Foreshore Concept Plan have been prepared as part of the Scheme review process to facilitate determination of proposals within the beachfront area and therefore are discussed in this report.

CONSULTATION

Similar to the previous proposal on this site, there is no statutory requirement for this application to be advertised as it is not on land zoned under Town Planning Scheme No. 2. Nevertheless, 26 letters were sent out by Council to owners living opposite (152-160 Marine Parade inclusive) as it was considered that some level of advertising was appropriate. This was more extensive than the previous notification carried out having regard to the additional scale of the current proposal and its potential impact on Marine Parade.

Four submissions have been received (refer attached). The main comments raised are summarised as follows:

M Shave, 156A Marine Parade

- Objects to the proposal;
- The area allocated to the Surf Club was originally large enough for activities and to provide the necessary storage and administration room. The fact that the Club took advantage to develop a commercial opportunity, sub-leasing the main part to a restaurant has compromised this space;
- If the plans are considered, the storage area must be used for that purpose and bins must not be allowed to creep on to the road reserve. The once lovely vista is currently most unpleasant and unsanitary.
- The storage area must service the restaurant as well as the Club and be of sufficient size for both.

R Boulden, 3/158 Marine Parade

- No adverse concerns to the development within the existing lease boundary or with the realignment of the boundary to the east along the footpath to accommodate the ongoing health issues with the rubbish bins and improvements of general aesthetics of the building;
- Strongly objects to extension of the lease boundary northwards. Excavating into the sand dune to accommodate a gymnasium which they already have to make way for further boat storage is questionable seeing the existing boat storage facility is always half empty;

- The northern extension is a 'foot in the door' for future development above ground in years to come;
- The idea of lawn growth on top of the decking may be a 'red herring'. There is likely to be ongoing issues involved (eg. drainage for the lawn to grow, moisture leakage within the building etc). This suggests that it could revert to a public concrete decking as it is now on the south end of the existing boat shed;
- Opposite the Club from Eric Street to Grant Street is solely residential with many families and senior owners. The granting of a sizable lease to the north could be a catalyst for further commercial development or future club function facilities being built. The Club is desperately angling in this direction with their existing entertainment areas being quite inadequate in their view.

R A & S J Langmead, 3/160 Marine Parade (and owners of Units 1 & 2)

- Strongly object to the extension of the lease boundary northwards as although it appears the proposed gymnasium is below ground of the A Class Reserve the granting of the lease must compromise the long term integrity of the reserve and therefore the value of our property and those of our neighbours;
- Urges Council to support our objection.

G Cooper & J Lourie, 14/152 Marine Parade

- The proposed roof extension will block our only view of the beach which is to the north of the Club and this will have a damaging effect on both our enjoyment of the unit and its value.

The comments raised during advertising have been taken into consideration in this Report. However, Council should also be mindful of the issues raised prior to making its recommendation to the WAPC.

BACKGROUND

An application for alterations and additions to the NCSLSC (within the existing lease boundary) was deferred by Council on 23 February 2009 and then subsequently supported on 23 March 2009 following the provision of additional information from the Club. The Council resolution was forwarded to the WAPC and on 14 July 2009 the application was approved.

A new, more extensive, application for alterations and additions (requiring the extension of the existing lease boundary) has now been submitted for consideration.

APPLICANT'S JUSTIFICATION

The applicant has submitted two letters providing details of the current proposal (refer attached). A summary of the applicant's comments are as follows:

The design brief from the Club was to upgrade the eastern façade to Marine Parade without compromising Council's Beachfront Development Objectives, and to increase the facilities required at Marine Parade level for the benefit of the Club and the public.

It is envisaged that the existing 'No Standing' area on Marine Parade outside the Club would be changed to 'Permit Only' bays and the existing loading area would remain as is.

The members do not want the Club to get bigger and lose 'the Club' feel, but have addressed the following in-house problems:

Education & Training:

Currently the Club has no area to carry out this facility. The Club runs a cadet programme teaching lifesaving and first aid skills to sixty Year 11 & 12 Christ Church students but does not have the capacity in terms of space to accommodate this requirement. The current plan envisages placing a dedicated first aid and training room at Marine Parade level, together with a training, lifesaving and fitness area to beach level, accessible to the public.

Storage:

There is at present a chronic shortage of equipment storage. Although storage of skis and surf boats is constant, with the added programmes of Juniors, lifesaving, safety education and training, the facilities requires an enormous amount of space, currently stored in Malaga and Bibra Lake, which is far from ideal. We hope to address this problem in the proposed scheme.

Northern extension under Reserve:

To protect the integrity of both the Club's intent and final design of the reserve, the Club and the Architect would welcome an independent consultant appointed jointly by the Council and Crown to oversee their interests in the upgrading and beautification of this Reserve.

Supplementary Reports:

An Environmental Assessment Report prepared by Ecoscape (Australia) Pty Ltd and a Geotechnical Investigation Report prepared by Structerre Consulting Group has been submitted by the Club to supplement their application. These reports are discussed below:

Geotechnical Investigation Report (refer attached)

The objectives of the report were to:

- Assess the subsoil conditions and identify the extent, density and type of fill across the proposed building area;

- Provide recommendations on Site Classification in accordance with AS 2870:1996;
- Provide recommendations on allowable soil bearing pressures and estimated short and long term settlements for the proposed building;
- Provide recommendations on geotechnical parameters for the design of both permanent and temporary retention systems;
- Assess the groundwater level and permeability coefficient for stormwater drainage;
- Provide recommendation on seismic coefficients in accordance with AS1170.4

The Conclusion and Recommendations in the report are summarised as follows:

Site classification

The site can be classified as Class A in accordance with AS2870:1996 provided that all uncontrolled fill and unsuitable materials are stripped or removed and replaced with engineer-controlled sand fill materials in accordance with earthwork recommendations (Class A = Most sand and rock sites with little or no ground movement from moisture change);

Earthquake design

A site sub-soil Class C is recommended in accordance to S.4 AS 1170.4-2007;

Allowable Soil Bearing Pressures

Pad and strip footings for the proposed development can be designed for allowable soil bearing pressures...

Retaining Wall Parameters

Retaining wall systems will be required to support the new building platform and concrete path. Suitable retaining wall systems include bored pile wall, cantilever soldier piles with timber planks or concrete panels as determined by loading and tolerable wall and backfill movement criteria.

Drainage

The site ground condition is suitable for on-site disposal of stormwater via soakwells...

Ground Stability

Based on the results of field investigations the proposed building site will not be affected by instability and the proposed development is feasible.

Earthworks

All unsuitable materials to average depth of 1000mm should be stripped or removed from the building site and replaced with engineer-controlled sand fill materials...

Limitations of field investigations

The materials and their geotechnical properties presented in the report will probably not represent the full range of materials and strengths that actually existing on site and as such, the recommendations should be regarded as preliminary in nature.

Environmental Assessment Report (refer attached).

At the request of the NCSLSC an Environmental Assessment Report has been carried out by Ecoscape (Australia) Pty Ltd.

The purpose of the report is to examine the potential impacts of the redevelopment of the Clubhouse on the surrounding environment.

Constraints and Opportunities identified in the Report are summarised below:

Pathway Realignment

The extension of the Surf Club will require the adjacent pathway to be realigned. The current concrete pathway is old, cracked and has an inconsistent slope. An opportunity exists to improve the amenity of the section of the pathway adjacent to the NCSLSC building by replacing it with one that is both more enjoyable to the public and more functional for the environment;

Two options for realignment have been identified that may protect the dunal system:

- Option A - Limestone Reinforcement
- Option B – Boardwalk

Option A

Proposes realigning the concrete path around the proposed building whilst minimising the path radius as much as possible to reduce impact on the dune.

Dune stabilisation will be required as the dune slope cannot be increased and the adjacent dune cannot be increased and the adjacent dune cannot be repositioned closer to the ocean.

Limestone rocks are recommended for the dune stabilisation as they naturally occur along the coast and will assist in maintaining coastal character.

Option B

Dune stabilisation will not be required with this option as the boardwalk substructure allows the dune form and slope to be maintained.

The dune can remain beneath the boardwalk allowing native vegetation to grow beneath and through the boardwalk surface.

A large area in front of the proposed building is provided in this option allowing for a potentially iconic open space if designed appropriately which could include a wider boardwalk area, seating benches and lookout.

Construction of either pathway will not impact on the existing native vegetation as this section of dune is highly infested with weeds and contains only a few native plants. The pathway should also comply with the Town's Streetscape Policy and Manual.

Stormwater Drain

Construction will need to realign the drainage system around the extension in a manner that will not affect the function and ability of the drain.

Dunal System

The collapsed condition of the dunal system means that:

- (i) It is unable to properly function as a greenway;
- (ii) It is of very poor visual amenity;
- (iii) The vegetation will not be negatively affected by any development.

An opportunity exists to restore the dunal system adjacent to the NCSLSC as part of the redevelopment works, as it will be disturbed by path realignment. Restoration will require two specific management plans: weeds control and revegetation.

Visual Amenity

The owners of Barchetta and Blue Duck Café may contribute by landscaping around their premises with local native species. This will:

- (i) Provide a more uniform character and improve the visual amenity to the North Cottesloe landscape;
- (ii) Increase the visual experience of the beach area for customers and visitors;
- (iii) Reduce water use to public spaces;
- (iv) Have some resemblance of the original native vegetation communities;
- (v) Enhance the connectivity of securing a greenway corridor;
- (vi) Reduce weed introduction.

Conclusion of Report

No unavoidable impacts on the native and social environment were found;

Specific constraints need to be imposed on the proposed redevelopment of the NCSLSC to ensure that the natural and social environment is not disturbed;

The proposed development offers several unique opportunities that may improve these values;

Strong collaboration will be required between the NCSLSC, the Town and other stakeholders to maximise these prospects. Such stakeholders could include:

- (i) Cottesloe Coastcare Association;
- (ii) The owners of the Blue Duck and Barchetta Café;
- (iii) Other members of the public.

PLANNING COMMENT

The following comments are made in respect to this application:

Marine Parade level

The proposed additions at the Marine Parade level have been designed so as to visually improve the existing street frontage, provide a more practical main entry to the Club (rather than having it from the northern side), and make provision for a new bin enclosure for both the Blue Duck restaurant and the Club which is a more satisfactory arrangement than the current situation and should avoid unsightly bins being stored on the road reserve.

The proposed ceiling height of the additions will be 2.49m to match the existing building and the height of the proposed curved roof (at top) will be approximately 3.1m which is lower than the existing 4.6m high roof and therefore less visually intrusive to neighbouring residential properties and the streetscape.

The northern and eastern elevations will be rendered and painted to match the existing building and planter boxes will be located along the Marine Parade frontage to soften its visual impact. The planter boxes are proposed within the road reserve (footpath strip), rather than within the proposed lease boundary so the issue of on-going maintenance and liability will need to be addressed. It would be preferable to locate the planter boxes within the proposed lease area.

The extension towards Marine Parade does necessitate the removal of the existing 3 on-site carbays and the Club has requested that designated 'Permit Only' parking for 5 cars be provided on the street. In principle, this appears a more satisfactory arrangement as it will ensure that vehicles are parked parallel to the street, rather than in a haphazard way as is sometimes the current situation, and it will allow the removal of the existing crossovers which will improve pedestrian safety. However, 3 on-street bays, rather than 5 may be more appropriate to ensure that there is sufficient area outside the proposed bin enclosure for sanitation vehicles. The final design of the parking bays (including the number), the loading area and bin pick-up area should be submitted to the Town for approval by the Manager Engineering Services, and the Club could be required to pay for or lease the bays from Council.

The proposed new bin enclosure appears a more appropriate arrangement than that existing as it will screen the bins from the street and provide a designated area for

pick-up for the Club and Blue Duck restaurant. This would also address some of the main concerns that have been raised by neighbouring residents.

The proposed balcony extension on the western elevation is the same as that previously supported by Council and the reconstruction of the external stairs, whilst necessitating the lease boundary to be adjusted, is a relatively minor change that will not have a significant impact on the beachfront providing there is no encroachment over the existing path or Council supports the realignment/reconstruction of the existing path, if required.

Lower Ground level:

This extension is approximately 350m² and will be constructed entirely below the existing grassed Reserve thereby having no visual impact on Marine Parade, once completed. Although the addition will be visible from the beachside (western elevation) its appearance will be consistent with the existing building and not appear out of keeping for this type of use. The area above is proposed to be grassed and returned to open space as existing.

The applicant has suggested that an independent consultant could be appointed jointly by Council and the Crown to protect the integrity of the Club's intent and final design of the Reserve. Such an arrangement could be supported but it should be at the Club's cost as it would not be necessary were it not for the Club's development plans.

As highlighted in the Environmental Assessment Report submitted by the Club the extension of the building at the lower level will require the realignment of the existing pathway. However, the Club has not indicated that they will fund these works and the detailed design of the new pathway has not been submitted as part of this application so details of levels, gradients and access/openings etc to the building façade remain unclear and would need to be submitted for approval by the Town and WAPC.

It may be preferable that the proposed building, if approved, be redesigned to avoid the necessity for the path realignment as repositioning it further westward may be problematic in terms of its effect on the dunes and the likely impact of climate change and increased wave erosion. If the dual use path was to be replaced then, based on advice from the Manager Engineering Services, it would be preferable to consider an alternative route along Marine Parade which is further from the area most prone to coastal erosion and sea level change.

Ideally a proposal should not affect land or structures outside its area nor have potential environmental (coastal erosion) impacts.

Climate Change

A project to assess *Climate Change Vulnerability for the Cottesloe Foreshore* was an initiative of the Town and completed between August 2007 and June 2008. The Plan provides a preliminary framework for the implementation of an adaptive management approach to climate change for the Town. It also suggests that a priority over the 2

years since the completion of the Plan will be ensuring that this mode of planning is incorporated into Council decision-making.

Council on 22 September 2008 resolved that staff should undertake various actions including:

Modify Council development approval process to incorporate a requirement for geotechnical investigations for developments close to the foreshore, for Council consideration and incorporation into a data base on geotechnical information available to all stakeholders.

A photograph showing predicted shorelines for the locality around the NCSLSC is also of relevance to the proposed development (refer attached) as based on this information it would appear that any proposed building, particularly below the level of Marine Parade, may be at risk to Climate Change.

Both the Geotechnical and the Environmental Assessment Reports provided by the Club do not appear to adequately address the potential risks to the proposed development associated with climate change or take account of State Planning Policy which recommends against the need for physical structures to protect development from potential damage caused by physical processes on the coast, where possible.

Furthermore, a number of errors appear to have been made in the Geotechnical Report such as reference to Site Classification based on *Residential* Slabs and Footings and reference to stormwater drainage for *residential* development even though the proposed development is for a *non-residential* building. These may just be typographical errors but should be corrected.

Policy Considerations

The Town's policy controls affecting new development west of Marine Parade were discussed at length in the two previous reports to Council.

In brief, Council has five strategic documents affecting the beachfront:

- Council's Beach Policy (adopted 2004);
- Beachfront Development Objectives (adopted 2004);
- Future Plan (2006-2010) & accompanying Action Plan;
- Draft Beachfront Policy & Guidelines; and
- Foreshore Concept Plan

Similar to the previous application, the proposed additions do not represent a *replacement building within existing footprints* as inferred under Council's Beach Policy, Future Plan, Beachfront Development Objectives and the Cottesloe Foreshore Concept Plan but rather represent further built structures, albeit partly below ground.

The Council's Beach Policy states, inter alia, that:

The policy of the Town of Cottesloe shall be to limit the construction of any enclosed and roofed structures west of Marine Parade to replacement only without significant expansion of the footprint, height or mass of the structure.

The Council's Future Plan states, inter alia, that:

Council does not support any new building development west of Marine Parade outside existing footprints;

The Council's Beachfront Development Objectives states, inter alia:

Encourage the innovative reuse of existing structures on the Beachfront while not permitting any further built structures for commercial use (west of Marine Parade);

The Cottesloe Foreshore Plan states, inter alia:

No permanent buildings be located west of Marine Parade, except within existing footprints and where public benefit is demonstrated.

Notwithstanding this, Council previously resolved to support additions to the NCSLSC on the basis that they were essentially infill and an effective use of space designed to be relatively low-key as a sympathetic addition. This same reasoning could broadly be used to describe the current proposed addition at the Marine Parade level although it does significantly extend the existing footprint and lease area and so could not reasonably be considered as 'infill'. Rather, the proposal represents substantial ongoing expansion and the Club may well seek still further expansion outwards or upwards in the future.

The proposal is generally consistent with the Draft LPS3 Beachfront Policy, particularly in terms of conforming to the proposed *design guidelines*, although the policy has no status at this stage and should not actually be applied until it is officially created under the proposed Scheme after the Scheme comes into operation at a future date. The draft Policy *design guidelines* includes the following statements:

Development should be designed to contribute positively to streetscapes in terms of scale and form of buildings (including roof shapes), visual integration (cohesiveness and harmony), and the overall beachfront urban appearance;

The interface between buildings and streets should address the public domain and provide interaction between the sites/buildings and footpaths;

Open spaces accessible by the public should be of high quality design with landscaping where appropriate applied as a softening and unifying element;

Development with no setback from the Marine Parade frontage to create a built-up and interactive edge is preferred at street level;

Developments should contribute to the upgrading of footpaths and verges and associated infrastructure that abut and serve the site, for improved public domain treatments and settings for buildings;

New buildings should be compatible with existing architectural styles to compliment the theme of the beachfront...

Minimise vehicle crossovers on all street frontages, especially Marine Parade promenade, to avoid conflict with pedestrians, and;

A streetscape presence should be created for outward-looking and welcoming buildings, rather than alienated from the public realm;

On this basis, the proposed development (particularly at the Marine Parade level) has merit from a design viewpoint as it would be a positive contribution to the streetscape and improve the existing public and Club facilities. However, Council's Strategic direction is to ensure that the distinct topography and natural landscape should be preserved by ensuring that any new buildings remain within *existing footprints* and building envelopes do not dominate the established scale or character of the area and so the design guidelines should be considered in this context.

CONCLUSION

Should Council be concerned about the proposed expansion of development on the foreshore against the grain of its strategic policy direction (including the most recent Foreshore Concept Plan) and necessitating the realignment of the dual use path and construction of a building in an area potentially vulnerable to coastal erosion and flooding, then the Club could be advised that the proposed additions, including the extension to the lease boundary (particularly to the north of the existing Club boundary), are not supported.

Alternatively, should Council consider that the proposal has merit (either partially or as a whole) and satisfies the Council's objectives and vision for this part of the foreshore, then a recommendation of conditional approval is provided the proposed development incorporating the new lease boundary.

On balance, this proposal appears better than other possible alternatives such as expanding over the northern lawn, expanding above the existing boathouse at the southern end or going higher above the existing building, as all these options would have a greater visual impact on adjoining residents as well as conflict with the Council's strategic direction for foreshore development. Other alternatives may also include the re-use of the Restaurant by the Club when the current sub-lease arrangement expires, although this is likely to be an unpopular decision and create a significant loss of income to the Club, but it is realistic in terms of gaining space, avoiding impacts and minimising cost of development.

Any decision to approve this application should clearly be justified to avoid issues arising in the future with other possible applications submitted for existing developments (including the Cottesloe Surf Club or Indianas) on the foreshore requesting similar extensions, possibly outside their existing lease boundaries.

In view of the complexity of this application from a strategic planning viewpoint and acknowledging the difficulties expressed by the Club in attempting to improve its current facilities for its members and the public, the physical processes that may

effect future development in this locality and the objections raised by neighbouring residents, this report aims to provide the necessary background for Council to make its recommendation to the WAPC.

VOTING

Simple Majority

COMMITTEE COMMENT

The Chair asked each member to express their views on the development of North Cottesloe Surf Life Saving Club and which of the two Officer Recommendation Options they were considering. Committee raised several points that it asked the Manager Development Services to provide further advice on to Council at its 14 December 2009 meeting. These include the Town's liability for the Club's premises and development, the car bays for the exclusive use of the club and any payment in lieu, the dual use path that and consideration of removing the proposed planter boxes and continuing the footpath.

OFFICER RECOMMENDATION - OPTIONS

1. That with respect to the proposed alterations and additions to the North Cottesloe Surf Life Saving Club at 151 Marine Parade, Cottesloe, Council advises the WAPC that the application, incorporating an extension to the lease boundary, is NOT SUPPORTED for the following reasons:
 - (i) The proposal extends beyond the existing building footprint and comprises a further built structure west of Marine Parade contrary to Council's adopted Beach Policy, Beachfront Development Objectives, Future Plan and Foreshore Concept Plan;
 - (ii) The proposed development includes building below Marine Parade and necessitates the relocation of an existing dual use path outside the proposed lease boundary which will result in new structures being located in an area prone to sea level fluctuations, increased dune erosion and storm activity;
 - (iii) The allocation of 5 car bays along Marine Parade for 'exclusive use' of the Club (Permit Holders) may conflict with sanitation vehicles accessing the proposed bin enclosure and be discriminatory against other non-residential uses along Marine Parade which do not benefit from a similar arrangement;
 - (iv) The proposed development appears to conflict with State Planning Policy No. 2.6 and the Draft Perth Coastal Planning Strategy as it does not adequately address the Policy Objectives which include taking account of coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.

OR

2. That with respect to the proposed alterations and additions to the North Cottesloe Surf Life Saving Club at 151 Marine Parade, Cottesloe, Council advises the WAPC that the application, incorporating an extension to the lease

boundary, is SUPPORTED (*either in its entirety or at the Marine Parade level only*), subject to the following conditions:

- (i) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites;
- (ii) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written approval of Council and the WAPC;
- (iii) The proposed amendment to the existing lease boundary is required to be approved by the Crown prior to commencement of development within the affected area;
- (iv) The proposed planter boxes along the proposed eastern façade of the new development being located within the Club's lease boundary, unless otherwise approved by the Manager Engineering Services;
- (v) All landscaped areas shown on the approved plans, including the grassed area to the north of the existing Club above the proposed addition, being reinstated/planted, reticulated and mulched as required and maintained in good condition thereafter, to the specification and satisfaction of the Town;
- (vi) All bins shall be kept within the proposed bin enclosure, its design and location being to the satisfaction of the Town and of sufficient size to service both the Club and Blue Duck restaurant;
- (vii) The design and marking-out of the proposed on-street parking bays for the exclusive use of the Club being to the satisfaction of the Manager Engineering Services, taking account of suitable access required to the proposed bin enclosure, and being provided at the applicant's cost prior to commencement of the proposed development;
- (viii) Details of the design, relocation/reconstruction of the dual-use path being submitted for approval to the Town and WAPC and all associated works being completed at the applicant's cost prior to occupancy of the proposed development, or alternatively the proposed development being redesigned to the specification and satisfaction of the Manager Development Services to avoid the necessity to relocate the existing path;
- (ix) Details of stormwater drainage being submitted for approval to the Town and completed at the applicant's cost;
- (x) A Hydraulic Consultants Report (if required) and revised Geotechnical Report being submitted for approval by the Town and WAPC, taking account the issues raised in this Report and State Planning Policy;
- (xi) The external materials and finishes of the alterations and additions matching the existing building;
- (xii) The Crown Reserve land at the Marine Parade level to the north of the existing Club premises and above the proposed extended lease area at the lower level (ie underground) is to remain as Crown Reserve land

vested in the Town for the purpose of foreshore management and recreation;

- (xiii) There being no increase in Club membership or social activities following completion of the proposed development, without the written approval of the Town.

Advice notes:

- (i) The proposed development is to comply with the Health (Public Building) Regulations;
- (ii) Access to and within new toilets for those with disabilities is to comply with AS 1428.1; and
- (iii) The Club is advised that the Town takes no responsibility for the Club premises development contained within the extended lease area at the lower level should in the future it be affected by coastal processes including erosion, accretion, storm surge, tides, wave conditions or sea level change.

Cr Strzina entered into the meeting at 6:15PM

AMENDMENT

Moved Cr Birnbrauer, seconded Cr Dawkins

To delete from the Officer Recommendation Option two, point (xiii).

Carried 7/0

COMMITTEE RECOMMENDATION

Moved Cr Dawkins, seconded Cr Woodhill

That Council with respect to the proposed alterations and additions to the North Cottesloe Surf Life Saving Club at 151 Marine Parade, Cottesloe, Council advises the WAPC that the application, incorporating an extension to the lease boundary, is SUPPORTED (either in its entirety or at the Marine Parade level only), subject to the following conditions:

- (i) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites;**
- (ii) **The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written approval of Council and the WAPC;**
- (iii) **The proposed amendment to the existing lease boundary is required to be approved by the Crown prior to commencement of development within the affected area;**
- (iv) **The proposed planter boxes along the proposed eastern façade of the new development being located within the Club's lease**

boundary, unless otherwise approved by the Manager Engineering Services;

- (v) All landscaped areas shown on the approved plans, including the grassed area to the north of the existing Club above the proposed addition, being reinstated/planted, reticulated and mulched as required and maintained in good condition thereafter, to the specification and satisfaction of the Town;
- (vi) All bins shall be kept within the proposed bin enclosure, its design and location being to the satisfaction of the Town and of sufficient size to service both the Club and Blue Duck restaurant;
- (vii) The design and marking-out of the proposed on-street parking bays for the exclusive use of the Club being to the satisfaction of the Manager Engineering Services, taking account of suitable access required to the proposed bin enclosure, and being provided at the applicant's cost prior to commencement of the proposed development;
- (viii) Details of the design, relocation/reconstruction of the dual-use path being submitted for approval to the Town and WAPC and all associated works being completed at the applicant's cost prior to occupancy of the proposed development, or alternatively the proposed development being redesigned to the specification and satisfaction of the Manager Development Services to avoid the necessity to relocate the existing path;
- (ix) Details of stormwater drainage being submitted for approval to the Town and completed at the applicant's cost;
- (x) A Hydraulic Consultants Report (if required) and revised Geotechnical Report being submitted for approval by the Town and WAPC, taking account the issues raised in this Report and State Planning Policy;
- (xi) The external materials and finishes of the alterations and additions matching the existing building;
- (xii) The Crown Reserve land at the Marine Parade level to the north of the existing Club premises and above the proposed extended lease area at the lower level (ie underground) is to remain as Crown Reserve land vested in the Town for the purpose of foreshore management and recreation;

THE SUBSTANTIVE WAS PUT

Carried 7/0

10.1.2 FINAL ADOPTION OF MINOR MODIFICATION TO PLANNING POLICY ON REFLECTIVE METAL ROOFING MATERIAL

File No: D09/2551
Responsible Officer: Carl Askew
Chief Executive Officer
Author: William Schaefer
Planning Officer
Proposed Meeting Date: 7-Dec-2009
Author Disclosure of Interest Nil

SUMMARY

This report recommends the final adoption of two minor corrections to the Town's *Reflective Metal Roofing Material Policy* (TPSP 009) which were endorsed by Council at its meeting on 24 August 2009.

BACKGROUND

The present policy incorrectly states that:

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

The above statement is inconsistent with Regulation 10 (1) of the *Building Regulations 1989 (reprinted March 2001)*, which reads as follows:

Every builder intending to construct a building or alter, add to, repair ...an existing building shall before commencing ... that construction, alteration [or] repair ... make written application to the local government for a licence to commence that work.

At its meeting in August 2009, Council resolved to amend TSP 009 to read:

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.

It was also brought to Council's attention that the policy reference to a Building Licence condition regarding glare is misleading as such a condition is unnecessary if part of a planning approval and in any event is not enforceable under building legislation.

The current policy states:

(c) The following condition to be imposed on any planning application and/or building licence for developments utilising reflective roofing materials: ...

Council resolved to amend the above statement to read:

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

STRATEGIC IMPLICATIONS

None.

POLICY IMPLICATIONS

Necessary improvement of TPSP 009 *Reflective Metal Roofing Material*.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2

FINANCIAL IMPLICATIONS

No financial resource impact.

SUSTAINABILITY IMPLICATIONS

None

CONSULTATION

As per Clause 7.7.3 of TPS2, which stipulates the procedures for Scheme policy amendment, a statement regarding the proposed changes was advertised in the Post Newspaper between 30 October 2009 and 20 November 2009. During this time a copy of the proposed amendments was made available to the public at Council's Offices.

No written submissions were received.

STAFF COMMENT

As no submissions have been received, Council is able to finally adopt the amended policy as initially proposed, which will significantly reduce the likelihood of confusion or dispute regarding re-roofing. A notice of final adoption shall be published in accordance with the Scheme.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Goldthorpe

That Council adopt amended TPSP 009 – *Reflective Roofing Material* 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 utilizing reflective roofing material: ...”

Carried 7/0

10.1.3 PROPOSED AMENDMENT TO THE RESIDENTIAL DESIGN CODES TO INCORPORATE A MULTI UNIT HOUSING CODE

File No: D09/12246
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 7-Dec-2009
Author Disclosure of Interest Nil

SUMMARY

To advise Council of proposed changes to the Residential Design Codes by the Western Australian Planning Commission (WAPC) and the Department of Planning (DOP) to establish separate development provisions for multiple dwellings and the residential component of mixed use developments.

BACKGROUND

The Town has received the following advice from the DOP:

On 11 November 2009 the Minister for Planning approved a two month public consultation period for the consideration of the proposed amendment to State Planning Policy 3.1 – Residential Design Codes (Variation 1) to include a new Multi Unit Housing Code.

The Multi Unit Housing Code proposes to enhance the existing R-Codes by providing additional built form provisions for multiple dwellings and the residential component of mixed use developments.

A Discussion Paper and Explanatory Guidelines for the Multi Unit Housing Code outlines the key considerations in the development of the draft code and the rationale for the proposed provisions.

Submissions are invited and should be lodged with the DOP by Friday 22 January 2010.

WALGA has also requested comments on the proposed changes for inclusion in a submission to the WAPC.

OUTLINE OF PROPOSED CHANGES

- The separation of the multiple dwelling and mixed use controls from the single and grouped dwelling types;
- The creation of new performance criteria for multiple dwellings and mixed use developments;

- The creation of new acceptable development provisions for multiple dwelling developments;
- The removal of minimum site area requirements for multiple dwellings;
- Amendments to and simplification of boundary setbacks; and
- The retention of the maximum plot ratio as an acceptable development provision.

OBJECTIVES OF THE MULTI UNIT HOUSING CODE

- To expand the permissible range of housing within residential codings, so as to more effectively meet the housing needs of the community;
- To facilitate the development and redevelopment of existing housing sites;
- To reduce the disincentive for smaller dwellings in favour of increased density of housing within a framework of form-based design guidance;
- To improve the standard of design for multi unit housing, and encourage the development of housing with performance standards appropriate to form; and
- To build the capacity of local government to interpret and apply new methods for assessment and promotion of multi-unit housing and mixed-use development.

DISCUSSION PAPER

The main issues raised in the Discussion Paper are summarised as follows:

The existing R-Codes control all forms of residential development from a house to high rise multi-unit development. However, it has been identified that some issues need to be dealt with differently for the different residential typology as the objectives and expectations change significantly with the different building form.

This proposed change to the R-Codes only affects multiple dwellings and the residential component of mixed-use developments.

Definition of multiple dwelling:

A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but:

- *does not include a grouped dwelling; and*
- *includes any dwelling above the ground floor in a mixed-use development.*

Analysis of the existing controls has revealed that there is no real impetus to implement multiple dwellings rather than grouped dwellings in the R30-R60 zones, as

the number of dwellings allowed per site area limits the ability to maximise the land development by using multiple dwellings. If multiple dwellings were implemented under existing controls, the built form outcomes would be very similar to grouped dwellings, although multiple dwellings are subject to plot ratio control whereas grouped dwellings are not, which consequently encourages the grouped housing form.

In higher density zones (R80-R160) multiple dwellings possess a greater developable yield than grouped dwellings, as grouped dwellings are limited to the R60 controls and the practicality of applying grouped housing typology over more than 2-3 storeys.

Minimum site area

In order to provide a diversity of unit sizes within a multiple dwelling development, it is considered that the minimum site area requirements should be removed.

Minimum frontage

Minimum frontage requirements currently apply to land contained within the R2 to R30 R-Code density control areas and is applied concurrently with the minimum site area per dwelling requirement. However, it is considered to be overly complex and overly prescriptive in densities above R30, particularly when compared with the controls as they apply to grouped dwellings.

Plot ratio

Plot ratio controls are presently applied in tandem with minimum lot size requirements to land contained within all areas with an R-Coding above R30. However, this is considered unnecessary as plot ratio will work concurrently with setbacks, height, car parking and other controls in defining the built form that is appropriate for any given allotment, without the need for minimum lot size requirements as well.

A maximum plot ratio will be added for multiple dwelling developments in the R30 zone as this does not currently exist.

Maximum site cover

This is a new provision that is proposed in zones coded R30 and above and will only affect multiple dwelling developments. The existing requirement for a minimum open space will be removed from these zones, thereby also removing the requirement for communal open space, as it is considered that this space was an onerous constraint and often under-utilised. However, the provision of communal open space will still be encouraged.

Boundary setbacks

The street boundary setback will be retained but the requirement for secondary street setback requirements has been removed, as in many situations the secondary street can be of equal importance and the development form of multiple dwellings have an

increased ability to address both street frontages when compared to single or grouped dwellings.

Side boundary setbacks have been removed in an attempt to simplify this design element and ensure a more realistic setback requirement for taller buildings. These are dealt with in a separate table (2b) in the new Codes but do not supersede any controls that are defined in planning strategies or Scheme.

Height

Height has been included in the new code to more appropriately tie in with development intensity. However, the new proposed maximum height provisions do not supersede any height controls which are defined in planning strategies or Schemes.

Activity Centre coding

This replaces the current inner city coding and only affects areas in or close to activity centres. As such it does not affect land with the Town of Cottesloe.

Application of Multi Unit Housing Code

The new code will apply to multiple dwellings in areas coded R30 and above. All single houses and grouped dwellings will continue to be guided by the existing R-Codes.

Multiple dwellings in areas less than R30 will still be allowed, however as they are likely to take on a form closer to grouped dwellings, they will be assessed under the provisions of a grouped dwelling.

In the R30-R60 zones there will be a mixture of grouped dwellings and multiple dwellings. The new code has been careful to ensure that there are no particular limitations in the building form that would favour one housing type over the other, whilst being cognisant of the need to protect the amenity and suburban context that is generally present in areas with these codings.

Performance based assessment

The new code seeks to encourage the use of performance based assessment, by promoting the greater willingness to use the Performance Criteria from both the applicant and local government perspective. Explanatory Guidelines provide guidance as to the rationale behind the performance criteria, as well as examples of good design outcomes.

Explanatory guidelines

These illustrate the rationale behind the performance criteria and will be used by applicants and decision-makers in determining whether compliance with performance criteria can be demonstrated. These are separate to the existing explanatory

guidelines in the Codes which will remain unchanged for single houses and grouped dwelling developments.

STAFF COMMENT

The following comments are made in respect to the proposed Multi Unit Housing Code in R30 zones and above:

- The removal of minimum lot areas is supported on the basis that it provides more flexibility for developers to submit innovative design for multi unit developments. However, it may also reduce certainty to developers regarding the possible maximum density for multiple dwellings on a lot as currently it can be calculated using the minimum site area requirements;
- Proposed changes to plot ratio are minimal and potentially only affect multiple dwellings in an R30 zone and therefore are supported;
- The introduction of maximum site cover will have minimal effect as it will be 50% of the lot area which is the same as the existing open space requirement under the Codes. The only difference will be the removal of the requirement for communal open space but this is often under-utilised and therefore not always necessary, especially where units are provided with courtyards or balconies of reasonable size;
- Proposed height provisions will not be applicable to the Town as the Planning Scheme height provisions will prevail over the new Code;
- Proposed setbacks and boundary wall provisions are supported as they more suitably address this type of development than the current provisions and, in any event, the comments of adjoining neighbours will still be taken into consideration under the current (and proposed) Scheme provisions;
- Reference is made in the proposed Codes for permanent vertical screening of 1.7m to be provided as a means of satisfying Visual Privacy requirements, where required. However, this is inconsistent with the current R-Code provision which refers to the acceptable development standards for visual privacy being calculated from major openings which therefore does not include windows with a minimum sill height of 1.6m above floor level based on the definition of a Major Opening in the Codes. It is suggested that the two requirements should be the same;
- The proposed Explanatory Guidelines are a good illustrated means of clearly demonstrating how performance criteria can be satisfied for multi unit developments and are supported.

CONCLUSION

The proposed Multi Unit Housing Code and Explanatory Guidelines are a descriptive and useful set of statutory provisions that will replace reference to multiple dwellings and mixed use developments in the current R-Codes.

They will only be relevant to Council in residential zoned land coded R30 and above, but may also may provide greater flexibility to development on Council-owned land should multi unit development be proposed in the future.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the need to incorporate disabled bays into the recommendation in order for attention to be drawn to this issue, therefore an amendment was proposed to address it.

OFFICER RECOMMENDATION

Moved Cr Birnbrauer, seconded Cr Strzina

That Council:

1. Advise the Department of Planning and WALGA that it notes and supports the proposed Multi Unit Housing Code and Explanatory Guidelines; and
2. Requests that the technical comments made in this Report be taken into consideration before the new Code is approved by the Minister for Planning.

AMENDMENT

Moved Cr Carmichael, seconded Cr Goldthorpe

Under point two of the Officer Recommendation that additional wording be added after the word "*Report*" to state: "*, and in addition all off-street parking spaces, including the provision of disabled bays, are to be designed in accordance with AS2890.1*"

Carried 7/0

COMMITTEE RECOMMENDATION

That Council:

1. Advise the Department of Planning and WALGA that it notes and supports the proposed Multi Unit Housing Code and Explanatory Guidelines; and
2. Requests that the technical comments made in this Report, and in addition all off-street parking spaces, including the provision of disabled bays, are to be designed in accordance with AS2890.1, be taken into consideration before the new Code is approved by the Minister for Planning.

THE SUBSTANTIVE MOTION WAS PUT

Carried 7/0

10.1.4 DELEGATION OF POWERS FOR DETERMINATION OF PLANNING APPLICATIONS DURING THE 2009-2010 HOLIDAY PERIOD RECESS OF COUNCIL AND TO SENIOR PLANNING OFFICER GENERALLY

File No: Sub/39
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 7-Dec-2009
Author Disclosure of Interest Nil.

SUMMARY

A recommendation is made to delegate authority to the Manager Development Services (or the Senior Planning Officer in his absence) and Chief Executive Officer to make determinations on those applications for planning consent that are assessed during the period from Tuesday 15 December 2009 to Friday 12 February 2010 while the Council is in recess.

It is also recommended that the Senior Planning Officer be delegated the same authority as the MDS to determine or recommend upon development and subdivisional applications generally, in order to be a back-up in the event of leave or other absences from time to time (ie not just annually but in perpetuity).

STRATEGIC IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Residential Design Codes
- Fencing and Signage Local Law

FINANCIAL IMPLICATIONS

Nil.

SUSTAINABILITY IMPLICATIONS

Nil.

BACKGROUND

The following resolution was passed by Council at its December 2008 meeting:

That Council:

1. In addition to the existing delegated authority for determination of Applications for Planning Consent and subject to (2) below, hereby further delegates to the Manager Development Services and the Chief Executive Officer under Clause 7.10.1 of Town Planning Scheme No. 2, authority to determine those applications for Planning Consent that are beyond their current delegated powers, for the period from Tuesday 16 December 2008 to Friday 30 January 2009.
2. The exercise of those powers referred to in (1) is granted subject to:
 - (a) The relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the applications; and
 - (b) A list of items to be dealt with under this delegation being identified and included in the weekly list of Delegated Authority items that is:
 - (i) circulated on a weekly basis to all Councillors; and
 - (ii) subject to the current call in arrangements for Delegated Authority Items.

STAFF COMMENT

It is requested that the Manager Development Services and the Chief Executive Officer be granted additional delegated authority to determine applications beyond their current delegation powers in consultation with the Development Services Chairperson or the Deputy during the Christmas and New Year recess (ie until the cycle for referral to the February round of meetings commences).

In practice this arrangement works well and ensures that the processing of applications is not unduly delayed (as there is a right of appeal after 60 days). Also, during the holiday period there are usually fewer applications and any significant or problematic ones can be identified for referral to Council from February onwards – the trend is that usually due to the industry also being in recess the delegation is either not called upon or if so for no more than a few applications.

This special delegation is only useful if the Chair and/or Deputy are available during the holiday period.

In addition, it is proposed that the delegation be extended to include the Senior Planning Officer as a back-up to the MDS in the event of leave of absence on an ongoing basis. This is also in accordance with the provision under TPS2 for Council to delegate to any nominated officer, and it is only in recent years that the Town has

enjoyed the benefit of a SPO. Ideally this delegation should cover not only the summer recess of Council but be continuous throughout successive years.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Dawkins

That Council:

- (1) In addition to the existing delegated authority for determination of applications for Planning Consent and subject to (2) below, hereby further delegates to the Manager Development Services, the Senior Planning Officer in the absence of the Manager Development Services and the Chief Executive Officer, under Clause 7.10.1 of Town Planning Scheme No. 2, authority to determine those applications for Planning Consent that are beyond their current delegated powers, for the period from Tuesday 15 December 2009 to Friday 12 February 2010.**
- (2) The exercise of those powers referred to in (1) is granted subject to:**
 - (a) The relevant officer discussing those applications that fall within the extended powers of delegated authority with the Chairperson of the Development Services Committee or the Deputy, prior to a decision being made on the applications; and**
 - (b) A list of items to be dealt with under this delegation being identified and included in the weekly list of Delegated Authority Items that is:**
 - (i) circulated on a weekly basis to all Councillors; and**
 - (ii) subject to the current call in arrangements for Delegated Authority Items.**
- (3) Delegate to the Senior Planning Officer on an ongoing basis those ordinary development and subdivisional authorities already delegated to the Manager Development Services in order to provide a back-up to the MDS in the event of leave or other absences.**

Carried 7/0

**10.1.5 DEVELOPMENT ZONE 'E' – CURTIN AVE & RAILWAY PLANNING
UPDATE**

File No: SUB/934
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 7-Dec-2009
Author Disclosure of Interest Nil

SUMMARY

This report updates Council about the approach to planning and consultation for the railway lands west of the Town Centre, designated as Development Zone 'E' (DZE) under proposed Local Planning Scheme No. 3 (LPS3), which includes Curtin Avenue and the railway line/station.

BACKGROUND

Council in October 2009 considered a status report on planning for the Town Centre and environs. This included an update regarding Curtin Avenue which cited Council's previous resolution to pursue a Preliminary Structure Plan for DZE, plus to seek additional costings advice from Rawlinsons based on a modified construction concept for Option 2.

The report scoped actions to undertake an initial structure planning process and future reporting was forecast. A supporting memo outlined the approach to structure planning, presented the feedback from Rawlinsons as well as MRWA's comments and indicated that this would all be input to the structure planning. It is emphasised that this amounted to the substance of the costings advice received from Rawlinsons.

In considering the matter Council resolved to: *Receive as soon as possible the supplementary report from Rawlinsons to address all of Cr Cunningham's concerns, as per Council's resolution of 9 March 2009, with a view to finalising the EbD Report and putting it out for community consultation.* This follow-up report now provides a response to that resolution.

STRATEGIC IMPLICATIONS

Settling a solution for Curtin Avenue and the railway in relation to DZE, the Town Centre and east-west connectivity is vital to successfully executed urban infrastructure, movement systems, land development and public domain place-making for this precinct of Cottesloe which serves the district and nearby suburbs.

POLICY IMPLICATIONS

New local planning policies may evolve for the particular needs of DZE.

STATUTORY ENVIRONMENT

Local and regional planning strategies, schemes, and policies.

FINANCIAL IMPLICATIONS

Preliminary structure planning and associated technical advice or studies such as engineering or economic feasibilities are inherently costly and have not been specifically budgeted for.

SUSTAINABILITY IMPLICATIONS

Structure planning typically embraces sustainability in urban design and development.

CONSULTATION

The following consultation has since occurred to progress consideration of this matter:

Letter to MRWA

The Town has formally advised MRWA of Council's series of resolutions involving DZE, Curtin Avenue and the Railway Lands for ongoing liaison and participation, as well as asked what funding MRWA might be able to make to the structure/transport planning activities. MRWA remains to reply although there has been some officer discussion with the Town.

Meeting between ToC, MRWA and Rawlinsons

This was held in mid-November with the MDS, MES, Cr Cunningham, MRWA and Rawlinsons in attendance. Discussion overviewed the EbD findings, Council's consideration so far, Cr Cunningham's observations, Rawlinsons' costings, MRWA's comments and the outlook to preliminary structure planning and reporting back. The key points were:

- i. It was recognised that the form of the transport infrastructure would have a major impact, either positive or negative, on the urban environment.
- ii. The trench and subway options would have similar layouts for structure planning purposes but significantly different urban design and development implications.
- iii. Meaningful structure planning cannot occur until the preferred alignment and form of the main road and rail networks is selected. Briefly, the EbD report found a common trench to be ideal but most expensive, a subway to be good for grade-separation but not for urban design, and a question as to whether Curtin Avenue if not sunk should have regional-local traffic connections.
- iv. According to the PTA the train service must continue operating during any construction phase and Cottesloe station is now a higher priority for upgrade and possible transit-orientated development.
- v. A solution to the way in which Jarrad Street provides for rail-free traffic connectivity is fundamental to structure planning and urban design.
- vi. In addition to the basic functional and form aspects, traffic modelling of the likely regional and local traffic patterns using the new road arrangement or

- affecting other roads as a consequence should be undertaken as part of the structure planning phase.
- vii. In terms of costings, while the broad estimates provided to date by Rawlinsons and Cr Cunningham may be compared and debated (depending on alternative engineering techniques, for example) the costings of the rough conceptual options have provided a useful order of magnitudes and identified variables involved.
 - viii. It was agreed that for accurate costings of infrastructure or urban development, the normal method is to prepare thorough concept designs that can be costed as a prelude to detailed construction drawings; which is what should be done in determining the solution in this case, with cost as one dimension.
 - ix. Therefore, in the absence of more detailed structure planning and engineering design, Rawlinsons is not really in a position to provide further costings advice and has not been requested by the Town or MRWA to perform any further work at this stage.

Commencement of Town Centre Public Domain Infrastructure Improvement Plan study

Blackwell & Associates (landscape architects and urban designers) have been appointed for this study and have held initial discussions with the Town and Procott. The inception site inspection and discussion has included integration of the Town Centre with DZE and the influence of the transport corridor. While this study won't be able to address the undetermined transport infrastructure in detail, the consultant has quickly flagged that raising the railway and creating a subway would, in terms of urban design and amenity, have a greater impact physically, visually and acoustically than the existing situation, albeit grade-separated for improved transport/traffic functioning (which remains an imperative).

Continuation of Station Street Working Group

The reconvened Working Group while concentrating on the two Station Street sites is mindful of the overall Town Centre and DZE planning exercises, again especially the interface with the transport corridor and train station.

OFFICER COMMENT

Council's October resolution refers to the costings information and contemplates community consultation on the EbD report, however, it is respectfully advised that there are considered to be some difficulties with this direction for several reasons:

- i. As mentioned, there is not yet available detailed structure planning and engineering design for quantity surveyors to cost.
- ii. The EbD Report has effectively been finalised and endorsed by Council and the Department of Planning as the statement of the study outcomes.
- iii. The EbD was a managed community consultation process and the Preliminary Structure Plan (and future formal structure planning) are to be consultative processes.
- iv. Council's resolution suggests a process of doing more detailed design and costings, if accepted factoring that into the EbD findings, advertising it all,

- assessing submissions, then moving into preliminary structure planning. This approach would open-up the whole of the EbD for the DZE/Town Centre area to review, rather than advance to the next level of planning and consultation.
- v. Council will recall that the Building Design Controls component of the EbD report has already been advertised in relation to LPS.
 - vi. It would appear more efficient to further explore the desirable options, decide whether or not to include them in the preliminary structure planning, carry that out and cover consultation in the process.
 - vii. Other considerations are that advertising over the holiday season is not the best and the timeline for structure planning – Council would consider submissions on the EBD report in early 2010, then settle upon a preferred option with the Government agencies, so not be poised to engage consultants for the preliminary structure planning and any engineering, traffic or other studies required until around mid-2010.

Given the above, it is suggested that Council return to the first part of its previous resolution of 9 March 2009, which is that Council: *Agrees to pursue the Preliminary Structure Plan for Development Zone 'E' of proposed Local Planning Scheme No. 3, including a preferred solution for future Curtin Avenue, overall improved connectivity and indicative future development of the railway lands, through further liaison with relevant agencies towards an agreed structure plan to be formalised under the Scheme after it becomes operative.*

The recommended focus is to, using the EbD findings as the starting point, progress the structure planning and associated studies before undertaking any further costings or public consultation, in order to firm-up the planning solution and its multi-faceted justification beforehand. This would afford Council a clearer appreciation of everything involved in reaching a preferred solution, as a foundation for gauging community and Government agency attitudes, and negotiating for formal planning implementation and sources of funding over time.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Dawkins

That Council notes the update advice contained in this report and resolves to pursue preliminary structure planning for Development Zone E in accordance with the first part of its 9 March 2009 resolution, without the need for any additional costings at this juncture.

Carried 7/0

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 7:01PM.

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