

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE

MINUTES

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 18 APRIL 2011**

CARL ASKEW
Chief Executive Officer

21 April 2011

DEVELOPMENT SERVICES COMMITTEE
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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Deputy Presiding Member announced the meeting opened at 6.03pm.

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

Cr Jay Birnbrauer	Deputy Presiding Member
Cr Jo Dawkins	
Cr Ian Woodhill	
Cr Patricia Carmichael	
Cr Davina Goldthorpe	

Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Andrew Jackson	Manager Development Services
Mr Ed Drewett	Senior Planning Officer
Mr Will Schaefer	Planning Officer
Mrs Julie Ryan	Development Services Secretary

Apologies

Cr Jack Walsh	Presiding Member
Cr Victor Strzina	

Officer Apologies

Mr Will Schaefer	Planning Officer
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Leave of Absence (previously approved)**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

4 PUBLIC QUESTION TIME

Nil.

5 PUBLIC STATEMENT TIME**Marion Ewing re Item 10.1.1 – 13 Rosser Street**

Mrs Ewing who lives next door commented that most of the issues previously raised had been addressed whereby overall the revised design was more satisfactory. She drew attention to the proposed built-in BBQ location and expressed concern that smoke from it could be a potential problem to her neighbouring property.

Brett Endersby re Item 10.1.2 – 151 Marine Parade, NCSLSC

Mr Endersby on behalf of the Club in explaining the context for the revised proposal referred to previous presentations and discussions regarding details to be addressed, and advocated support.

Ian Hocking re Item 10.13 –2 Salvado Road (Le Fanu)

Mr Hocking the consultant outlined the revised design which the HCWA has supported and distributed 3D images of the proposal. He also referred to liaison with the eastern neighbour regarding details of the design and construction.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Moved Cr Goldthorpe, seconded Cr Dawkins

That Cr Ian Woodhill be granted leave of absence for the May DSC meeting.

Carried 5/0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Dawkins, seconded Cr Carmichael

[Minutes February 21 2011 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 21 February 2011 be confirmed.

Carried 5/0

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 NO. 13 ROSSER STREET – TWO-STOREY DWELLING WITH UNDERCROFT AND POOL – FURTHER REPORT – REVISED PLANS**

File No:	1965
Attachments:	Letter from Neighbours.pdf Photo.pdf Reports 13 Rosser Street.pdf Revised plans.pdf Streetscape report.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	18 April 2011
Author Disclosure of Interest:	Nil
Property Owner:	Mr and Mrs WM Elsegood
Applicant:	As above
Date of Application:	27 May 2010 (amended 26/11/10 & 6/4/11)
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Lot Area:	445m²
M.R.S. Reservation:	Not applicable

BACKGROUND

On 28 February 2011 Council resolved:

That the item be deferred for Council's determination next month to address the various concerns raised, including any incorrect dimensions, excessive bulk in the design, impacts on breezes and sunlight to the eastern neighbour, height of boundary walling, overlooking and overshadowing.

Officers have subsequently liaised with the applicant and architect to achieve a revised design that specifically addresses Council's concerns.

This report therefore refers to revised plans received 6 April 2011 that supersede those received 26 November 2010 previously considered by Council.

The latest plans, a covering letter, details of changes, a streetscape report and colour presentation drawings from the architect and a copy of the previous report to Council are attached for additional information, together with copies of the neighbour's objections previously received.

ADDITIONAL COMMENTS FROM APPLICANT

The latest information provided by the applicant is attached in full as he has specifically requested that they are not edited in the report to Council. These should therefore be reviewed by Council to appreciate the applicant's rationale for the changes that have been made.

SUMMARY OF PROPOSED MODIFICATIONS

	Previous Proposal (26/11/10)	Current Proposal (6/4/11)
Height	Roof height – 7m (RL:109)	Wall height – 5.96m (RL:107.96) Ridge height – 6.74m (RL:108.74) <i>Overall height has been reduced 0.26m and is 1.76m below the maximum height (8.5m) permitted for a pitched roof under TPS 2.</i>
Floor Levels	Ground floor – RL: 102.90 Upper floor – RL: 105.90	Ground floor – RL: 102.40 Upper floor – RL: 105.40 <i>Floor levels have been lowered 0.5m (ie: gap between undercroft and ground floor levels has been reduced).</i>
Paved walkway/retaining walls along eastern boundary	Up to 0.5m retaining walls proposed above existing retaining wall	Proposed walkway will be predominantly at or below existing retaining wall along eastern boundary. <i>Proposed level of walkway along eastern boundary has been reduced to minimise visual impact to neighbour.</i>
Paved walkway/retaining along western boundary	Walkway level – RL: 102.80	Walkway level – RL: 102.30 <i>Proposed level of walkway along western boundary has been reduced 0.5m to reduce visual impact to neighbour.</i>
Fencing along east and	Height - 1.8m	Height of fencing

west boundaries (behind front setback)		generally less than 1.8m to reduce visual impact on neighbours <i>Subject to agreement with the owners of the adjoining properties fencing lower than 1.8m is acceptable under Council's fencing local law – generally any dispute arising shall be determined under the Dividing Fences Act.</i>
Setback to upper floor bedroom and living room from eastern boundary.	2.2m	2.4m <i>Complies with RDC.</i>
Setback to undercroft area	Western setback: 0.5m & 1.15m; Eastern setback: 1.72m	Western setback: 0.8m & 1.15m; Eastern setback: 1.6m <i>0.3m increase in setback to western boundary reduces potential impact on neighbouring property during proposed excavation.</i>
Spa and pool equipment	Adjoining proposed pool and western boundary	Spa has been deleted and pool equipment relocated to within undercroft area. <i>Modifications made to reduce noise impact to neighbour.</i>

PLANNING COMMENT

The applicant has addressed the concerns of Council and the main comments raised by the adjoining owners in the submitted revised plans and supporting material.

The modifications to the external appearance of the dwelling changes it from that of a contemporary flat roof development proposed at the maximum 7m height permitted under the Town Planning Scheme, to a dwelling with a low-pitched roof that has an overall ridge height of 6.74m, some 1.76m below the maximum height permitted under the Scheme and consequently its building bulk has been significantly reduced, as requested by Council. The height of the dwelling will also now be below the ridge height of the adjoining property on its western side and its visual appearance and large front setback further contributes to the desired streetscape.

The modified design also reduces the proposed wall heights by 1.04m thereby further reducing the visual impact on the street and adjoining properties as well as potentially reducing the amount of morning and evening overshadowing compared with the original proposal. Furthermore, changes to the upper floor setback to the eastern boundary, the lowering of the ground and upper floor levels and the external side walkways, as well as the height of the proposed retaining walls on the boundaries and side fencing, will all assist in reducing any potential loss of amenity to neighbours.

The deletion of the spa and relocation of pool equipment to within the proposed undercroft area further address neighbour concerns.

A coloured picture of the proposed dwelling has been submitted by the applicant which provides a street prospective, and Drawing No. 7 shows the proposed dwelling in the context of the streetscape with the adjoining dwellings. Drawing No. 9 shows the relatively small impact that the proposed dwelling may have on sea breezes to the adjoining property on the eastern side and the submitted Streetscape Report provides approximate heights and setbacks of other dwellings along the south side of Rosser Street for comparison. These supplementary drawings and photos are all attached for Council's consideration.

The extensive use of screening on both side elevations including to the front alfresco and balcony areas will eliminate the majority of potential overlooking of the adjoining properties, albeit the property itself will remain significantly overlooked from the western neighbour's existing raised verandah. The only visual privacy variations sought to the front of the dwelling were discussed in the previous report to Council and are supported under performance criteria of the RDC.

CONCLUSION

The amended plans date-stamped 6 April 2011 and the accompanying information from the applicant shows that the proposed dwelling has been significantly modified to take account of Council and neighbour concerns. Furthermore, the proposed dwelling is compliant with Town Planning Scheme No 2, the Residential Design Codes and Council's Fencing Local Law and as such should now be approved.

COMMITTEE COMMENT

Committee in the main was of the view that the proposed BBQ was not something that the Town ought to be regulating via the planning process.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Dawkins, seconded Cr Goldthorpe

That Council:

GRANT its Approval to Commence Development for the proposed two-storey dwelling with undercroft and pool at No. 13 Rosser Street, Cottesloe, in accordance with the revised plans submitted on 6 April 2011, subject to the following conditions:

- (a) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.
- (b) Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserve, right-of-way or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.
- (c) The external profile of the development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Council.
- (d) The existing redundant crossover being removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
- (e) Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
- (f) The pool pump and filter shall be located so as not to impact on adjoining properties and suitably housed or treated as may be necessary so as to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
- (g) Wastewater or backwash from pool filtration system shall be contained within the boundary of the property and disposed of into adequate soakwells.
- (h) A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum 1.8 metres away from any building or boundary.
- (i) Wastewater or backwash shall not be disposed of into the Council's street drainage system or the Water Corporation's sewer.
- (j) Prior to the issue of a building licence, the landowner shall make a cash contribution towards the upgrade of the adjoining right-of-way, equivalent to 50% of the cost of constructing a portion of a standard right-of-way for an area 4m wide by 20m long, as determined by the Manager Engineering Services.
- (k) Prior to the issue of a demolition licence, the applicant shall submit a comprehensive dilapidation report addressing the adjoining properties to the satisfaction of the Principal Building Surveyor. The applicant shall provide copies of the dilapidation report to the owners of the adjoining properties and any dispute regarding the findings shall be referred to the Manager Development Services to address.

Carried 5/0

10.1.2 NO. 151 MARINE PARADE – NORTH COTTESLOE SURF LIFE SAVING CLUB - PROPOSED LANDSCAPING AND DUAL-USE PATHWAY – FURTHER REPORT FOLLOWING ADVERTISING

File No: 2105
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 18 April 2011

Author Disclosure of Interest: Nil
Property Owner: Crown
Applicant: NCSLSC
Zoning: N/A
M.R.S. Reservation: Parks & Recreation

BACKGROUND

On 28 February 2011 Council resolved to:

Rescind its resolution of 13 December 2010 (Item 11.1.3) which stated:

With respect to the proposed landscaping, dual-use pathway and new beach access adjoining the North Cottesloe Surf Life Saving Club at 151 Marine Parade, Cottesloe, as shown on the plans (Drawing No: DD01-Rev D) and photographs date-stamped received 24 November 2010, advise the applicant that the application shall first be advertised before being further considered by Council for a recommendation to the WAPC, subject to the following matters being addressed to the satisfaction of the Manager Development Services:

- 1. Revised plans shall be submitted showing a boardwalk for a portion of the proposed dual-use path as indicated in 'Option B' of the report submitted by Ecoscape, as that option does not require dune stabilisation measures;*
- 2. The proposed new beach access shown perpendicular to the Clubrooms shall be deleted from the application and all beach access proposal shall be considered as part of Council's Foreshore Concept Plan process; and*
- 3. Confirmation that all the proposed works shown on the submitted plan to be carried-out within the public domain shall be at the applicant's cost, as Council has not budgeted for such works.*

Part 2 replacement:

- 2. Replace the previous resolution with the following:*

That Council:

1. *With respect to the proposed landscaping and concrete dual-use pathway adjoining the North Cottesloe Surf Life Saving Club at 151 Marine Parade, Cottesloe, as shown on the plan (Drawing No: DD01-Rev E) received 1 February 2011 advise the applicant that the application shall be advertised and any submissions received shall be considered by Council prior to a recommendation to the WAPC;*
2. *Reiterate Council's previous advice to the applicant that the proposed works shown on the submitted plan shall be completed entirely at the applicant's cost as Council has not budgeted for such works; and*
3. *Reiterate Council's previous advice to the applicant that any proposed new beach access shall be submitted separately for consideration as part of Council's Foreshore Concept Plan process.*
4. *Advise the WAPC of this interim resolution.*

A copy of the previous report to Council is attached for background information.

CONSULTATION

Two signs were put on site and 6 letters were written to neighbouring owners advertising the proposal for 14 days and 21 days respectively.

Four submissions were received which are summarised below:

Peter Woods, 17 Hawkstone Street

- I was on Council in the 1980s and supported the decision to build the dual-use path to the west of the Surf Club as it was in my view to the east of the erosion line and the low likelihood of it contributing to erosion or being eroded was more than offset by the public benefit;
- I advised Council that the concrete ramp in front of the surf club should be piled to underlying limestone although this took nearly a year to convince the Surf Club to set the ramp on piles but the photos I have submitted showing the ramp approximately one or two years after its completion demonstrate how appropriate that advice and Council's stand was;
- Relocating the pathway 2-3m west is inadvisable given the potential for erosion, especially now that sea level rise is being forecasted;
- It is likely that the path will lead to increased erosion of the dune face which will be steeper. In the 1970s around 10,000 tonnes of sand was placed between the Surf Club and Grant Street to rebuild the beach after a number of storms;
- The dunes can be stabilised with vegetation to minimise loss of sand although this will need to be completed soon after construction. This will hold sand beneath the path under normal conditions but it will not prevent the sand being removed by waves; and

- I support the path being relocated due to the public benefit but only if it was piled to underlying limestone. If not, Council should avoid taking responsibility for repairing the path in the event of erosion.

Michael Ewing, on behalf of Cottesloe Coastcare

- Coastcare previously advised that extreme care must be taken with construction and landscaping works so as to minimise the extent of damage/erosion to the existing sand dunes, which are already relatively unstable;
- Ecoscape previously advised that 2m of excavation would be needed for a boardwalk. However, many timber boardwalks are built with minimal impact on the landscape and vegetation, such as at West End in Rottneest;
- A concrete path probably goes against all the latest coastal planning guidelines for an exposed west-facing primary sand dune and ignores considerable risk factors;
- We understand that the Town's geo-technical information reveals that the depth of the sand dune is 10m before any limestone is reached. Considering our rapidly changing climate, the regular storm events that frequently cause havoc along the foreshore and the geological report, Cottesloe Coastcare is strongly opposed to any cement construction up to approximately 3m westwards on this fragile primary sand dune; and
- If the path must be moved, the original proposal for a timber boardwalk, constructed in an ecologically-sensitive manner, may be the only environmentally appropriate solution on this unstable site.

Jonathan Strauss, 205 Curtin Avenue

- There is no indication of the extent of construction works and how building operations are planned to minimise damage to the dune system west of the pathway or how public access will be maintained during construction;
- The dune topography shown on the sectional drawings on the plan should be kept rather than being allowed to be reduced to the paving level;
- Conservation of the existing complex form of terrain and the remnant, mature vegetation is essential;
- Shade trees, benches or tables should be included on the open space to maximise its use; and
- The developer needs to have the ability to deliver the design as presented, as previous development on the south side of the Club has resulted in the replacement of lawn, trees and park benches with a concrete roof terrace.

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

- Has no comment on the dual-use path re-alignment with the exception that we understood that because of the fall in the ground level to the west the relocated path was to have been in the form of a boardwalk which would protect the dunes and vegetation;
- We are very disappointed in the Club's proposal as it does not fully maintain the grassed area on the reserve but includes concrete paving. It also increases the size of the path that joins the Marine Parade path with the dual-use walkway which is unnecessary bearing in mind the wide footpath that services the Marine Parade verge. The proposal also increases the mass planting area to the east of the dual-use path again decreasing the grassed area;
- Being the only flat grassed area west of Marine Parade between Eric and Grant Streets we are surprised that the Club has not appreciated the importance of this public reserve and fully protected it for the public and future generations;
- Living opposite the park we appreciate its current public use that includes:
 - (i) Exercise groups – early morning;
 - (ii) Family picnic groups;
 - (iii) Boxing exercise groups;
 - (iv) Sight-seeing;
 - (v) Wind surfer rigging;
 - (vi) Schools assembly area; and
 - (vii) Local children recreation – eg: football;
- For all of the above reasons we urge Council to insist that the planning for this reserve adheres to Condition (v) of the Council approval granted in December 2009 so it retains its integrity for the future.

PLANNING COMMENT

The main issues raised during the advertising period regarding the increased risk of exposure to coastal erosion if the pathway was to be moved further westwards from its current position, and whether a boardwalk or concrete dual-use pathway would be best suited on the dunes, were discussed in detail in the report to the Development Services Committee and Council on 20th & 28th February 2011 respectively (refer attached). The Manager Engineering Services has also provided the following additional comment in respect to the submissions received:

- The completed path will need to carry vehicles, including four wheel drives and small Council maintenance trucks, not just walkers and cyclists. Because of that, any timber board walk would require a substantial timber sub-structure to carry those loads. That, in turn, would require an increased depth of excavation in order to install these support timbers. That extra excavation would increase the problem in regards to sea-level rise and the expected increased sand dune erosion.

- Be it timber boardwalk or concrete slab, the horizontal alignment would be the same. That alignment has previously been approved by Council.
- The slopes and need for excavation of the new section of the path will be dominated by the requirement to achieve the Australian Standard for disability access. The slope of such a path must be 9 meters on a 1 to 14 slope, then a 2 m flat section, followed by multiples of the same slopes and flat sections. That requires significant excavation compared to the much steeper slope of the existing path. Add to that the required extra excavation for the support timbers for a timber boardwalk and there would be a significant impact on or close to the sand-dune slope.
- A concrete slab would not require any increased depth of excavation for support members. However, it would require edge walls with those walls needing footings.
- Council's recent geophysical investigations have located no close-to-the-surface underlying rock for this total project. Therefore the total path and building development could face substantial erosion problems if sea levels rise and associated removal of sand dune volumes occurs as is predicted in the next 30+ years. Protection of strategic elements of the Cottesloe foreshore in future years from the impact of sea level rise would have to be included around this important node of building assets.

Matters concerning the extent of the construction area, dune topography, the use of native plants, retention of public access, street furniture, pathways and trees on the reserve are all issues that should be considered at the Building licence stage and it is recommended that this application be conditioned accordingly.

CONCLUSION

Many of the comments received during advertising are similar to the issues previously discussed in the Officer's report to the Development Services Committee and Council in February this year and as such are not further addressed in detail in this report. The previous report should therefore be read for a fuller appreciation of the matters raised.

Based on the comments provided by the Manager Engineering Services before and after advertising, the concrete dual-use path remains the more practical solution as it would more easily accommodate the weight of vehicles accessing the Club and require less dune stabilisation in this area which is potentially vulnerable to coastal erosion.

There is no fundamental objection to the proposed landscaping although full details will be required at the Building Licence stage, including location of pathways and provision of street furniture where considered appropriate to be determined by the Manager Engineering Services, having regard to the submissions received.

COMMITTEE COMMENT

Committee briefly queried the aspect of possible future liabilities. In this respect Mr Drewett confirmed that the decision-maker is the WAPC rather than Council, and Mr

Jackson pointed-out that the proposal involved public infrastructure serving desirable purposes rather than private property assets.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Birnbrauer, seconded Cr Dawkins

THAT Council:

With respect to the proposed landscaping and concrete dual-use pathway adjoining the North Cottesloe Surf Life Saving Club at 151 Marine Parade, Cottesloe, as shown on the plan (Drawing No: DD01-Rev E) received 1 February 2011, advise the WAPC that the application is supported subject to the following conditions and advice notes:

- (i) All of the proposed works shall be undertaken at the applicant's cost and to the satisfaction of the Town;**
- (ii) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites;**
- (iii) The development as shown on the submitted plans shall not be changed, except with the written approval of Council and the WAPC;**
- (iv) The application for alterations and additions to the North Cottesloe Surf Life Saving Club, incorporating an extension to the lease boundary, that was supported by Council on 13 December 2010 and as shown on plans date-stamped 24 November 2010 labelled as Option J, is first required to be approved by the WAPC and those works shall be commenced prior to or at a similar time as works are carried out to the reserve to the north of the Surf Club or to the existing dual-use path the subject of this application;**
- (v) A landscape and revegetation plan is to be prepared to enhance the visual amenity and contribute to the ecological integrity of the area, to the satisfaction of the Town and the WAPC. This is to address the following:**
 - (a) the grassed area to the north of the existing Surf Club being reinstated/planted, reticulated, mulched and enhanced with paving and street furniture as determined appropriate by the Manager Engineering Services in consultation with the Manager Development Services and maintained in good condition thereafter, to the specification of the Town; and**
 - (b) the surrounding dunal system, with weeds being removed and native dunal species being reinstated, and any necessary dune**

reinstatement or rehabilitation being undertaken at the cost of the Surf Club to the specification of the Town;

- (vi) The dual-use path abutting and to the north of the proposed extensions to the Surf Club is to be removed, repaired, upgraded, widened and realigned as required by the Town and the WAPC;
- (vii) Public access to North Cottesloe Beach is not to be prevented during the construction of the dual-use path or due to the alterations and additions to the Surf Club;
- (viii) An urban water management plan is to be prepared for the development site and the surrounding area to ensure water-sensitive urban design best management practices are upheld, to the satisfaction of the Town;
- (ix) A comprehensive Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a building licence. This shall address the impact of construction on the public domain and nearby properties, including but not limited to: public access and safety, the beach (including dunes and vegetation), the footpath, dual-use path, lawn, road reserve, construction vehicle parking, rubbish stockpiling and removal, materials and equipment storage and security, windblown dust/debris, noise and hours/days of construction activity;
- (x) All development must comply with the provisions of the Health Regulations, the Building Code of Australia, Public Building Regulations, and all other relevant Acts, Regulations and Local Laws, as applicable. This includes the provision of access and facilities for people with disabilities in accordance with the Building Code of Australia; and
- (xi) All stormwater drainage arising from the proposed development shall be captured and disposed of on-site to the specification and satisfaction of the Town. Full engineering details shall be submitted as part of the application for a building licence. In addition, the Surf Club shall bear the cost of all changes required to existing drainage, services, infrastructure, street furniture and signage caused by the proposed development, to the specification and satisfaction of the Town and shall consult the Town accordingly.

Advice to applicant:

- (i) The proposed development may be affected by coastal processes, including erosion, accretion, storm surge, tides, wave conditions and sea-level changes, due to its close proximity to the shoreline, and the Town takes no responsibility for any such impacts on the Surf Club premises.
- (ii) Any proposed new beach access shall be submitted separately for consideration as part of Council's Foreshore Concept Plan process in the first instance, and has not been included in this application.

Carried 5/0

10.1.3 NO.2 SALVADO STREET – ALTERATIONS AND ADDITIONS TO 'LE FANU' WHICH IS LISTED ON THE STATE REGISTER OF HERITAGE PLACES – REVISED PLANNING APPLICATION (INCLUDING DEMOLITION LICENCE FOR APPROVED WORKS)

File No: 2151
Responsible Officer: Carl Askew
 Chief Executive Officer
Author: Ed Drewett
 Senior Planning Officer

Proposed Meeting Date: 18 April 2011

Author Disclosure of Interest: Nil
Property Owner: S Wyatt and S Gibson
Applicant: Hocking Planning and Architecture
Date of Application: 18 February 2011 (Partially amended 8/4/11)
Zoning: Residential R30
Use: P - A use that is permitted under this Scheme
Lot Area: 1492m²
M.R.S. Reservation: Not applicable.

BACKGROUND

On 28 September 2010 Council resolved:

That Council GRANT its Written Consent and Approval to Commence Development for the alterations and additions and associated conservation works to Le Fanu at No. 2 (Lot 121) Salvado Street, Cottesloe, in accordance with the documentation (Heritage Impact Statement, draft Conservation Management Plan and Planning Impact Statement) received 20 August 2010 and revised plans received 1 and 6 September 2010, subject to conditions...

This report refers to an application and supporting documentation received 18 February, with plans received on 18 February and 8 April 2011 that supersede the previously approved application. A copy of the previous report to Council is attached for further background information.

COMPARISON WITH PREVIOUS APPROVAL

	Previous approval (28/9/10)	Current Proposal (18/2/11 & 8/4/11)
Height	<u>Lower roof section</u> Wall height – 7.82m (RL:19.82) Ridge height – 8.64m (RL: 20.64) <u>Upper roof section</u> Wall height – 9.34m (RL: 21.34)	No change

	Ridge height – 10.74m (RL: 22.74)	
Length of roof	<u>Lower roof section</u> 23.5m <u>Upper roof section</u> 14.2m	<u>Lower roof section</u> 24.5m <u>Upper roof section</u> 16.6m <i>Lower and upper roof has increased in length by approximately 1m & 2m respectively.</i>
Northern elevation	<u>Upper floor balcony adjoining bedrooms</u> Length – 6.1m Setback – 0.95m	<u>Upper floor balcony adjoining bedrooms/kitchenette</u> Length – 15.5m Setback – 0.815m <i>Length of this balcony has increased 9.4m (total length – 23.3m); Setback remains similar to previous approval.</i>
	<u>Bedroom1 – kitchenette & bar</u> Wall length – 16.9m Setback – 1.95m	<u>Bedroom1 – kitchenette</u> Wall length – 15m Setback – 1.95m <i>Length of wall to upper floor has been reduced by 1.9m. Setback remains unchanged.</i>
	<u>Front balcony return</u> North side (length) - 5.3m South side (length) – 7.9m	<u>Front balcony return</u> North side (length) – 7.8m South side (length) – 6.7m <i>Balcony return has been increased by 2.5m on northern side and decreased 1.2m on southern side; Overall width of balcony is unchanged.</i>
Eastern elevation	<u>Length of protruding ground floor wall, including (lattice) terrace</u> Length – 15.1m Setback – 4.24m	<u>Length of protruding ground floor wall, including terrace, solid wall with openings and chimney</u> Length - 12.3m Setback – 3.1m

		<i>Length and setback decreased by 2.8m & 1.14m respectively.</i>
	<u>Length of protruding upper floor</u> Length - 8.05m Setback – 3.245m	<u>Length of protruding upper floor, including balcony</u> Length - 12.2m Setback – 3.1m <i>Length increased by 4.15m & setback reduced by 0.1m. Complies with RDC.</i>
Undercroft	<u>Garage with roller door, store, lift, laundry, mud room and cellar</u> FFL – 9.330	<u>Garage with roller door, store, lift, laundry, mud room and cellar</u> FFL – 9.235 <i>Includes minor modifications to undercroft area; Pergola structure also added over lower portion of driveway with two columns and beams extending to eastern boundary.</i>
Frontage	<u>Front verandah balustrade</u> 1m high timber cross-bracing	<u>Front verandah balustrade</u> No change, except NW section will have additional timber infill to satisfy BCA requirements where veranda exceeds 0.9m above NGL; Portion of front landscaped area is to be re-shaped to reduce need for remaining verandah to have the timber infill (ie: keep it mostly open).
Driveway	<u>Gradient</u> 1:19 to 1:5 <i>Passing bay in southern verge</i>	<u>Gradient</u> 0 to 1:4.8 <i>Slight variation in gradients to reduce impact on verge. Street trees to be retained and passing bay has been deleted (Engineering details to be submitted to the satisfaction of the Manager Engineering Services).</i>

APPLICANT'S COMMENTS

The applicant has provided a detailed written submission and has responded to queries raised by Officers following a preliminary assessment of the application (see attached). He has also advised the following:

In providing these answers it should be realised that the owners over the past two years of ownership have demonstrated goodwill and made considerable progress towards saving and retaining Le Fanu. Nonetheless, it is now 13 months since the approval process started and the owners are becoming concerned and frustrated that their efforts of the past two years are not appreciated. Further delay in granting a demolition and deconstruction licence first submitted in December 2010, and delay in consideration of the revised application for planning approval could result in reconsideration of the commitment to proceed with the approved works.

CONSULTATION

The application received 18 February 2011 was referred to the Heritage Council of WA on 22 February 2011 and letters were written to the owners of 4A, 4B & 4C Salvado Street in accordance with Town Planning Scheme No 2.

The applicant was requested by the Town to liaise separately with the owner of the deceased estate on the northern side due to the number of concessions being sought to this boundary. In addition, the applicant wrote to the adjoining owners on the eastern side inviting comment and has met with the owners of 4B & 4C.

One written submission was received, submitted by the applicant:

Mr & Mrs M Bahen, 4C Salvado Street, Cottesloe

- We have received a clear explanation of the proposed renovations from Ian Hocking and John Nickinson and are happy with what is proposed.

The owner of 4B Salvado Street verbally advised that he had no specific objection to the revised plans subject to the setback to the eastern boundary complying with the RDC. He also expressed some concern to the Town regarding the overall height of the proposed development. However, he was advised by Officers that the overall height of the development was unchanged since the previous Council approval.

HERITAGE COUNCIL OF WA (HCWA)

On 11 March 2011 the HCWA considered the revised application and resolved:

To advise the Town of Cottesloe that the revised proposal will be recommended to the Minister for authorisation due to the Conservation Order that is in place over the lot. The authorisation will be subject to conditions and that the Building Licence Application is to be referred to the Heritage Council for review and advice prior to works being undertaken on site.

This advice was received on 24 March 2011.

ADVICE OF THE MINISTER FOR HERITAGE

On 28 March 2011 the Minister issued a Section 64 Permit for the following works:

- *Demolition of rooms to the north-east of the two internal corridors;*
- *Introduction of basement car parking;*
- *Addition of a second storey that will sit on the ridge line of the existing building, with a deep terrace and in a style that mimics the stylistics of the existing house; and*
- *Addition of a formal entertainment hall, two kitchens and guest accommodation on the ground floor, and family accommodation on the second floor.*

The Permit is granted subject to any required planning approvals or building licences and the conditions of support adopted by the HCWA.

The conditions of support from the HCWA recommended to the Minister, and subsequently approved, are as follows:

- *A Heritage Agreement shall be entered into prior to the undertaking of the works associated with the proposed development;*
- *Physical interpretation of the progressive development of the place from a seaside cottage to a place as it stands shall be incorporated into detailing of the interior spaces and finishes;*
- *A Standard Archival Record shall be prepared for the place prior to any demolition or soft strip out works being undertaken;*
- *A material palette and colour scheme shall be submitted for review and advice prior to the issue of a building licence; and*
- *The building licence application drawings are to be referred to the Office of Heritage for review and advice prior to any works being undertaken on site.*

PLANNING COMMENT

The applicant's comments regarding frustrations with the planning process appear to allude that Council has taken an excessive period of time to consider the applications for Le Fanu.

Firstly, a planning application for major alterations and additions to a heritage building that has the highest possible heritage listing at both local and State level is complex and requires liaison with neighbouring owners and separate approvals from the HCWA and the Minister for Heritage, the latter which is outside Council's control in terms of meeting dates etc. Furthermore, the applicant was and still is seeking substantial variations to the normal Town Planning Scheme requirements, particularly in regards to permitted heights, and substantial concessions are sought to the

Residential Design Codes as well to the level of the existing street verge in Salvado Street, all of which needed careful consideration by Officers, the Manager Engineering Services and the Design Advisory Panel (DAP) prior to consideration by Council.

A brief chronology was provided in the previous report to Council which outlined the various stages that had taken place since the application was lodged (see attached). The biggest delay was due to the fact that the original submitted plans were not supported by the Town, the Design Advisory Panel or the HCWA and were required to be revised prior to being further considered by the HCWA. Once suitable revised plans and documentation had been received by the Town on 1 & 6 September 2010, with support of the HCWA, the application was determined by Council at its meeting on 28 September 2010 which was the next available meeting.

A Demolition Licence was received by the Town on 22 December 2010 and was referred to the HCWA on 24 December 2010 for their review and advice in accordance with the conditions of Council's approval. The applicant was subsequently requested to amend annotation on plans by the HCWA and revised demolition plans were later received on 18 February 2011. These were referred by the Town to the HCWA on 22 February 2011 for further review and advice. The recommendation of the HCWA was then forwarded to the Minister for Heritage for a S. 64 Permit to be granted to allow the works to be carried out. This was issued on 28 March 2011. The revised demolition licence plans are now held pending Council's approval of the revised planning application the subject of this report to ensure that the approvals are consistent with one another.

The current application was received on 18 February 2011 and following an initial assessment the applicant was requested to address the Town's comments of 23 & 28 February 2011. The applicant's response to the matters raised is considered satisfactory and a copy is attached for information. The application was also advertised and forwarded to the HCWA for review and advice which culminated in letters of support and approval being received on 23 & 31 March 2011. Amended elevations were received on 6 April 2011 which provided additional clarification of details proposed, particularly in regard to the adjoining properties.

The revised application is similar to the previous proposal for substantial alterations and additions that was approved by Council on 28 September 2010. Fundamentally, no changes have been made to overall height of the proposed second floor additions.

The northern and eastern elevations have changed but the modifications satisfy the requirements of the RDC, albeit that the concessions sought to the northern boundary are required to be supported under performance criteria. These were addressed in detail in the previous report to Council and so have not been repeated here (see attached).

A condition of the previous approval required the applicant to liaise with the northern neighbour to address privacy screening for (i) the dividing boundary and (ii) the upper-floor rear balcony, with full details of the solutions to be included in plans submitted for a Building Licence, all to the satisfaction of the Manager Development Services and the HCWA. As the Town has not been advised of the adjoining owner's

comments regarding the current application it is recommended that this condition be maintained.

CONCLUSION

Since Council's previous decision to approve alterations and additions to Le Fanu the applicant has made various modifications to the proposal and has submitted a new application for planning approval for Council's consideration. A Demolition Licence has also been submitted to allow the demolition works that are necessary for the renovations to occur.

No written objections were received during advertising of this planning application and the new works, including the demolition, have been conditionally approved by the Minister for Heritage and the HCWA. The concessions sought are similar to those previously supported by Council and, subject to appropriate liaison with the northern neighbour with respect to privacy screening for the dividing boundary and upper-floor balcony, it is recommended that Council grant its written consent and approve the planning application accordingly. It is also recommended that the receipt of the Demolition Licence application be noted and it be referred to the Principal Building Surveyor for approval.

COMMITTEE COMMENT

Committee passed some comments that the heritage values of the original dwelling were dominated by the proposed new extensions, but also recognised that this is a precious opportunity to save and restore/reconstruct the heritage building.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Dawkins, Seconded Cr Goldthorpe

That Council:

1. **GRANT its Written Consent and Approval to Commence Development for the alterations and additions and associated conservation works to Le Fanu at No. 2 (Lot 121) Salvado Street, Cottesloe, in accordance with the submitted documentation and the Conservation Management Plan (dated November 2010) received 18 February 2011, and also to the plans received on 18 February and drawing's No. A106, A107 & A112 received on 8 April 2011, subject to the following conditions:**
 - (1) **The proposed works to Le Fanu are authorised subject to the following detailed requirements:**
 - a) **A Heritage Agreement with the Heritage Council of Western Australia (HCWA) shall be entered into prior to the undertaking of the works associated with the proposed development;**

- b) **Physical interpretation of the progressive development of the place from a seaside cottage to a place as it stands shall be incorporated into the detailing of the interior spaces and finishes, to the satisfaction of the HCWA;**
 - c) **A Standard Archival Record of the Place shall be prepared and submitted to the HCWA prior to any demolition or soft strip-out works being undertaken;**
 - d) **A detailed landscape plan shall be submitted to the HCWA and the Town for review and advice prior to landscaping works being undertaken;**
 - e) **A materials palette and colour scheme shall be submitted to the HCWA and the Town for review and advice prior to the issue of a Building Licence; and**
 - f) **The Building Licence application drawings are to be referred to the Office of Heritage for review and advice prior to any works being undertaken on site.**
- (2) **The external profile of the proposed development as shown on the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Council and any approvals as required under the relevant heritage classifications.**
- (3) **Adequate storage disposal on-site shall be provided to contain site stormwater in accordance with Council's Local Law. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged onto the street reserve or adjoining properties, and the gutters, downpipes and soakwells used for the disposal of the stormwater runoff from roofed areas shall be included within the working drawings for a Building Licence.**
- (4) **All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 –Construction sites.**
- (5) **Prior to the granting of a Building Licence, a comprehensive Dilapidation Report addressing the adjoining properties, together with a Demolition and Construction Management Plan (which shall include dealing with any asbestos or other hazardous materials) shall be submitted to the satisfaction of the Town.**
- (6) **The verge trees adjoining the site shall be protected at all times during the demolition and construction works, to the satisfaction of the Town.**

- (7) All works affecting the verges shall be to the specification and satisfaction of the Town and prior-approved as required. Any damage within the road reserve occasioned by the demolition and construction activities shall be rehabilitated to the specification and satisfaction of the Town at the applicant's cost.
- (8) The applicant shall apply to the Town for approval to construct a crossover in accordance with Council specifications and to the satisfaction of the Manager Engineering Services.
- (9) The applicant shall liaise further with the northern neighbour to address privacy screening for (i) the dividing boundary and (ii) the upper-floor rear balcony; and full details of the solutions shall be included in the plans submitted for a Building Licence, all to the satisfaction of the Manager Development Services and the HCWA.

Advice note:

The applicant / owner is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development occurs entirely within the owner's property.

- 2. AGREE that the Demolition Licence application received 22 December 2010, as amended 18 February 2011, now be issued by the Principal Building Surveyor pursuant to the Written Consent and Approval to Commence Development.

Carried 5/0

10.2 GENERAL

10.2.1 DEVELOPMENT ASSESSMENT PANELS – UPDATE & LOCAL GOVERNMENT MEMBER NOMINATIONS

File No: SUB/843
Attachments:
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 18 April 2011
Author Disclosure of Interest Nil

INTRODUCTION

This report updates Council on implementation by the State Government of Development Assessment Panels (DAPs) as a new part of the planning process. It includes the need for each Local Government to nominate elected member representatives for the DAP covering their area – Cottesloe will come under a Joint DAP involving seven western suburbs.

BACKGROUND

The State Government's planning reforms legislation has been passed and is being progressively implemented.

In May 2010 Council received an officer report *Planning Reforms Update*, which included an outline of the Policy Statement introduced to guide the implementation of DAPs, as previously circulated to Council in April 2010. This summarised the evolution of the DAPs system from the 2009 Discussion Paper and the intended operations.

From January to March 2011 the Department of Planning (DoP) called for expressions of interest for specialist members (ie technical experts) of the DAPs, to commence that selection task.

By letter dated 16 February 2011 (attached) the DoP updated the Town on the implementation arrangements for DAPs, especially the administrative role of local governments and the fee structure.

By letter dated 23 March 2011 (attached) the DoP has provided the latest update with more specific details of the implementation steps and program. This addresses the legislation and regulations involved; Planning Bulletin 106 accompanying the letter (attached) and other material; and the appointment and training of panel members. In particular, it advises that Local Government member nominations are required by 13 June 2011, with training commencing from 13 May 2011.

COUNCIL NOMINEES

This report now informs Council about nominating two of its members to sit on the DAP, plus two alternate members (deputies), for the Minister to choose from. Although nominations aren't required until mid-June, the DoP has urged early responses and Council might wish to consider nominations over its April and May meetings so that elected members have time to study the details before the representatives are decided.

The procedure for nominations is governed by the Regulations for DAPs and entails:

- The Minister for Planning writing to Council requesting nominations.
- Two Council members and two alternate Council members (deputies) are required.
- The Minister must then appoint those nominated (ie accept Council's choice).
- He must also create a register of all such local government members.
- The term of appointment is up to two years, with provision for reappointment.

Council is free to nominate from its elected members whoever is willing and able to be a DAP member and is considered well-suited for the purpose. It is suggested that elected members with considerable experience on Council's Development Services Committee or with a leading role in the affairs of the Town would be the most appropriate.

Those with an outlook to be elected members over coming years would offer continuity and consistency to the representation. Local Government elections may result in change of DAP members if councillors who are DAP members are not re-elected. If that occurs, the deputy local DAP members will take the place of the former local DAP members. If both local and deputy local members are not re-elected, the Local Government will need to renominate and the Minister to reappoint local DAP members.

ROLE OF MEMBERS

DAPs will deal with a limited number of significant development applications on an ad hoc basis and each Local Government's members will only sit when proposals for their district are being heard. For Cottesloe the frequency of such proposals is not expected to be great, however, such proposals will be of considerable significance and warrant sound assessment and decision-making.

Members are required to be trained and to abide by the Regulatory and operational arrangements for DAPs. Keeping abreast of local and regional planning matters will be important in fulfilling this intermittent function.

Council's membership and active participation will be vital to the way in which DAPs operate and perform in managing major development proposals in accordance with the established planning framework.

DETAILED INFORMATION

The attachments to this report give the current details in order to consider nominations. For absolute detail the full Regulations may also be consulted via the websites advised in the DoP letter of 23 March 2011 (first page).

The background documents to the DAPs may also be consulted via the DAP website. These include the original Discussion Paper and the Questions & Answers (both September 2009), and the Report on Submissions and the Policy Statement (both April 2010). Note that the finalised DAP arrangements are refinements of the earlier working documents and are reflected in the Planning Act, Regulations and Planning Bulletin 106.

VOTING

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Dawkins, seconded Cr Birnbrauer

THAT Council:

1. Notes this update report regarding the introduction of Development Assessment Panels, including that the Town and other Local Governments will be involved in detailed operational arrangements to conduct the DAP.
2. Seeks nominations from Elected Members to represent Council on the Joint Development Assessment Panel that includes Cottesloe, and nominates two main members and two alternate (deputy) members, then advises to the Department of Planning of such pursuant to the forthcoming request from the Minister for Planning for nominations.

AMENDMENT

Moved Cr Goldthorpe, Seconded Cr Woodhill

That a point 3 be added as follows: Select the nominations by secret ballot in accordance with an appropriate procedure as advised by staff, by not later than its May 2011 meeting.

Carried 5/0

COMMITTEE RECOMMENDATION

Moved Cr Goldthorpe, Seconded Cr Woodhill

THAT Council:

1. **Notes this update report regarding the introduction of Development Assessment Panels, including that the Town and other Local Governments will be involved in detailed operational arrangements to conduct the DAP.**
2. **Seeks nominations from Elected Members to represent Council on the Joint Development Assessment Panel that includes Cottesloe, and nominates two main members and two alternate (deputy) members, then advises to the Department of Planning of such pursuant to the forthcoming request from the Minister for Planning for nominations.**

3. Select the nominations by secret ballot in accordance with an appropriate procedure as advised by staff, by no later than its May 2011 meeting.

Carried 5/0

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

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

13 **MEETING CLOSURE**

The Deputy Presiding Member announced the closure of the meeting at 6.56pm.

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