

# TOWN OF COTTESLOE



## DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, MONDAY, 5 DECEMBER 2011

**CARL ASKEW**  
Chief Executive Officer

9 December 2011



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**DEVELOPMENT SERVICES COMMITTEE**
**TABLE OF CONTENTS**

<b>ITEM</b>	<b>SUBJECT</b>	<b>PAGE NO</b>
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	1
2	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	1
3	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	1
4	PUBLIC QUESTION TIME.....	1
5	PUBLIC STATEMENT TIME.....	1
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	2
7	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	2
8	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	2
9	PETITIONS/DEPUTATIONS/PRESENTATIONS.....	2
10	REPORTS OF COMMITTEES AND OFFICERS.....	3
10.1	PLANNING.....	3
10.1.1	NO. 151 MARINE PARADE - NORTH COTTESLOE SURF LIFE SAVING CLUB - MODIFICATION TO LOWER GROUND FLOOR TO ACCOMMODATE FIRE TANKS AND PUMPS - ADDITIONAL INFORMATION	3
10.1.2	NO.104 MARINE PARADE (COTTESLOE BEACH HOTEL) - ALTERATIONS AND ADDITIONS TO BEER GARDEN - MODIFICATION TO PREVIOUS APPROVAL	9
10.1.3	LOCAL PLANNING SCHEME NO. 3 - CONCLUSION OF ADDITIONAL ADVERTISING FOR PROPOSED MAJOR MODIFICATION 24(B)	15
10.1.4	TPS 2 AMENDMENT NO. 44 - MINISTER'S FINAL DECISION	17

10.1.5 DELEGATION OF POWERS FOR DETERMINATION OF PLANNING APPLICATIONS DURING THE 2011-2012 HOLIDAY PERIOD RECESS OF COUNCIL 20

11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN ..... 23

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING ..... 23

13 MEETING CLOSURE..... 23

**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 6:14 PM.

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

Cr Jack Walsh	Presiding Member
Cr Katrina Downes	
Cr Greg Boland	
Cr Yvonne Hart	

**Officers Present**

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 Vic Strzina

**Officer Apologies**

Mr Carl Askew	Chief Executive Officer
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**Leave of Absence (previously approved)**

Cr Peter Jeanes

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME****Mr Danny Jones re item 10.1.2 Cottesloe Beach Hotel**

Mr Jones the architect outlined the revised design approach for an improved layout functionally and appearance aesthetically, including the built form, materials and finishes and the airy, green atmosphere that would be created.

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Moved Cr Walsh, seconded Cr Boland

That Cr Walsh be granted leave of absence for the February 2012 Development Services Committee Meeting.

Carried 4/0

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Walsh, seconded Cr Boland

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

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

Carried 4/0

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Cr Walsh wished all Committee members and staff a Merry Christmas.

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**10 REPORTS OF COMMITTEES AND OFFICERS****10.1 PLANNING****10.1.1 NO. 151 MARINE PARADE - NORTH COTTESLOE SURF LIFE SAVING CLUB - MODIFICATION TO LOWER GROUND FLOOR TO ACCOMMODATE FIRE TANKS AND PUMPS - ADDITIONAL INFORMATION**

<b>File No:</b>	<b>2313</b>
<b>Attachments:</b>	<a href="#">NCSLSC Nov 2011.pdf</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Authors:</b>	<b>Ed Drewett/Andrew Jackson</b>
<b>Proposed Meeting Date:</b>	<b>5 December 2011</b>
<b>Author Disclosure of Interest</b>	<b>Nil</b>
<b>Property Owner</b>	<b>Crown</b>
<b>Applicant</b>	<b>NCSLSC</b>
<b>Date of Application</b>	<b>27 October 2011</b>
<b>Zoning:</b>	<b>N/A</b>
<b>M.R.S. Reservation:</b>	<b>Parks &amp; Recreation</b>

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**SUMMARY**

The application for fire tanks and pumps is required to be determined by the Western Australian Planning Commission (WAPC) as it is proposed on Crown land that is reserved under the Metropolitan Region Scheme for 'Parks and Recreation', rather than on land zoned under Town Planning Scheme No.2. A recommendation from Council is therefore sought which will be forwarded to the Commission for consideration. A change to the previously approved lease boundary for the North Cottesloe Surf Life Saving Club (NCSLSC) is also sought to accommodate the new facilities and this will increase the lease area by 149m<sup>2</sup> thereby bringing the total lease area to 1857m<sup>2</sup> (an overall increase of 748m<sup>2</sup> over and above the existing lease area).

Given the necessity for the proposed tanks and pumps to satisfy Fire and Emergency Services Authority (FESA) and BCA requirements, the recommendation is to support the application.

Upon consideration at Development Services Committee and Council last month this item was deferred pending additional information to clarify particular aspects. Council resolved that officers seek more detail regarding elevations and any affect on the dual-use path or public domain. The feedback on these matters appears at the end of this report, to facilitate conditional approval as previously recommended.

**PROPOSAL**

The NCSLSC is proposing to extend the previously approved lower ground floor area to their Clubrooms and lease area by 149m<sup>2</sup> to accommodate two water tanks and a pump room required to satisfy FESA and BCA requirements.

**BACKGROUND**

On 14 December 2009 Council supported an application for ground and lower ground floor alterations and additions (including an extension to the lease boundary) to the NCSLSC. This was subsequently approved by the WAPC on 3 May 2010, subject to conditions and advice notes.

On 13 December 2010 Council supported revised plans for the proposed ground and lower ground floor alterations and additions (including further modification to the lease boundary) for the NCSLSC.

At the December meeting Council also supported an application submitted by the NCSLSC for landscaping and a new dual-use pathway to the north and west of the proposed works and an application for a partial road closure of Marine Parade to facilitate the approved alterations and additions. The latter is currently with the State Lands Department for approval.

On 28 February 2011 Council rescinded its resolution of 13 December 2010 with respect to the proposed landscaping and new dual-use pathway at the request of the NCSLSC and replaced it with a resolution to advertise a revised plan received from the Club on 1 February 2011, which showed landscaping and a concrete dual-use pathway, rather than a proposed boardwalk to the west of the proposed extensions.

On 27 April 2011 Council resolved to support the revised plans for the landscaping and concrete dual-use pathway following advertising and the application was subsequently approved by the WAPC on 7 July 2011.

Building licence applications were received from the NCSLSC in June and July this year for the alterations and additions as well as for the landscaping and dual-use pathway. However, further documentation is required by the Principal Building Surveyor to satisfy the WAPC conditions, Building Regulations and the Town's requirements before they can be issued.

The current application submitted by the NCSLSC on 27 October 2011 is for another modification to the approved additions and lease boundary and is, according to the applicant, necessary to accommodate fire tanks and pumps and satisfy FESA and BCA requirements.

**CONSULTATION**

There is no requirement to advertise this application as it is not on zoned land. Furthermore, as the proposed works are entirely below the Marine Parade road level they will not be visible from neighbouring properties or from Marine Parade.



**PLANNING COMMENT**

The proposed tanks and pump room will be located on the northern side of the previously approved Board and Ski Trailer storage area below the existing reserve.

The western elevation of the trailer storage area will be recessed 1m and an additional panel lift door will replace a previously approved glass block wall to provide increased vehicle access for the Club from the new dual-use pathway.

No documentation has yet been received from the applicant confirming that FESA supports the location of the proposed water tanks and pump room or that it will adequately satisfy BCA requirements, although this was requested by the Town in an email to the applicant on 5 October 2011.

The Club has verbally advised that this proposal is one of a number of options that it is exploring to satisfy fire control requirements and it may not be the final choice the Club proceeds with but they want to keep their options open and keep the application process moving in terms of obtaining necessary approvals.

Prior to issue of a building licence, the Town's Principal Building Surveyor has requested full structural engineering drawings, signed by an engineer, and revised hydraulics drawings confirming that the required flow rate will be achieved from the new tanks.

The Manager Engineering Services (MES) has advised that the new water tanks will require existing pollution traps to be moved further to the north, which will complicate drainage pipe connections to those tanks and so a full detailed design will need to be submitted at building licence stage. The MES has also requested clarification of the emergency power source for the pumps if the power goes off due to a fire, plus has raised concern regarding possible changes required to the pathway gradient due to the access requirements to the proposed additional access doors to the pump room and trailer storage area.

With respect to the access and pathway, the previously approved concrete paving on the western side of the proposed trailer storage area and male toilets was approved at a level of RL: 7.50 (flat) which matched the level of the pathway. The pathway has to be designed to satisfy access and facilities for people for disabilities in accordance with the BCA and therefore will have a 1:14 rise northwards from this flat level paving. As the new pump room requires the flat concrete paving to be extended an additional 3m northwards, it is important to ensure that this can still be achieved without necessitating further relocation of the pathway westwards. This again may require further details to be submitted at building licence stage to ensure vehicle access and FESA requirements are satisfied and the necessary pathway gradient is achieved in the existing approved location.

**CONCLUSION**

Council has consistently supported the proposed expansion of the NCSLSC, including the realignment of the dual-use pathway, the extension to the existing lease area and partial closure of Marine Parade, having due regard to its strategic policies (Beach Policy, Future Plan, Beachfront Objectives) and weighing up the risks of supporting the construction of a new building and pathway in an area potentially

vulnerable to coastal erosion and flooding. The WAPC has subsequently approved each of the development proposals.

The applicant has now advised that to enable the proposed extensions to satisfy FESA requirements and BCA Regulations the fire tanks and pumps and changes to lease area are necessary.

The proposed new development will be entirely below the level of the existing reserve to the north of the Club and will not have any visual impact to nearby residences, being only partly visible from the new dual-use path to the west of the proposed additions. As such, although it represents a further expansion of new development outside the existing footprint of the Club it is not of a scale that was previously supported by Council and is necessary to enable the development to go ahead, unless an alternative is later considered possible by the applicant and FESA. On this basis, it is recommended that it be supported.

## **VOTING**

Simple Majority

## **COMMITTEE COMMENT**

Committee expressed some concern that the background information has highlighted a number of requests to expand the development and occupy public foreshore land, but overall was supportive of the proposal given the need for fire control facilities and the community purpose of the surf life-saving club. Officers elaborated that while there are optional ways to satisfy FESA requirements, the Club had identified the proposal as feasible and additional details would be addressed at building licence stage.

## **ADDITIONAL INFORMATION**

Officers have liaised with the Club regarding the points raised by Council and it is now advised as follows.

In terms of elevations, because the proposed extension is predominantly underground the main new elevation would be facing west to the dual-use path, setback in line with the previously-approved extension and comprising louvred wall and door panels in-keeping with the remainder. A section of structural wall on the northern elevation would be substantially concealed by landscaping. This design outcome is supported.

The fire hydrants are to be located on the Marine Parade frontage of the existing building, whereby there will be no such infrastructure affecting the landscaped public open space at that level, and no need for fire-fighting vehicles to use the dual use path to access hydrants. It is also considered unlikely that fire-fighting vehicles would use the dual-use path in the event of a fire due to the risk of being trapped in that confined space.

The Club has provided a supplementary landscape plan to show the approximate location of the proposed hydrants.

**COMMITTEE COMMENT**

Committee sought clarification regarding the plans and expressed some concern still about extending the premises. The Manager Development Services advised it is understood FESA has guided the proposal so far and would consider the detail for endorsement at building licence stage. He also emphasised that with the proposed hydrants being installed to become part of the existing building at the Marine Parade road level it was not intended to nor necessary for fire-fighting vehicles to access the dual-use path.

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Walsh, seconded Cr Downes**

**That Council:**

**With respect to the proposed modification to the lower ground floor to accommodate two fire tanks and a pump room for the North Cottesloe Surf Life Saving Club at 151 Marine Parade, Cottesloe, as shown on plans date stamped 27 October 2011 (drawing No. A14 - Rev A) and 2 December 2011 (drawing No. DD01 - Rev G) advise the WAPC that the application, incorporating an extension to the lease boundary, is SUPPORTED, subject to the following conditions:**

- (i) All construction work shall be 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 shall not be 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 grassed area to the north of the existing Club above the proposed additions shall be reinstated/planted, reticulated and mulched as required, and maintained in good condition thereafter, to the specification and satisfaction of the Town.**
- (v) Any works affecting the dual-use path shall be done to the specification and satisfaction of the Town, and completed prior to occupancy of the new development, at the cost of the Club, including any repair or upgrading of the dual-use path generally as a result of the proposed development. In addition, any necessary dune reinstatement or rehabilitation shall be undertaken at the cost of the Club to the specification and satisfaction of the Town.**

- (vi) All stormwater drainage arising from the proposed development shall be captured and disposed of on-site to the specification and satisfaction of the Town of Cottesloe. Details to be submitted for approval prior to issue of a building licence.
- (vii) The 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. Details to be submitted for approval prior to issue of a building licence.
- (viii) A revised structural engineer's report and hydraulic consultant's report addressing the flow rate from the new tanks shall be submitted for approval by the Town prior to issue of a building licence.
- (ix) 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 below-ground level shall remain as Crown Reserve land vested in the Town for the purpose of foreshore management and recreation.
- (x) The applicant shall submit a comprehensive Construction Management Plan to the satisfaction of the Manager Development Services prior to the issue of a building licence by the Town. 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), 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.

**Advice note:**

The Club is informed that 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 that the Town takes no responsibility for any such impacts on the Club premises.

Tied 2/2

The Presiding Member used his casting vote in order for the item to proceed to Council.

Carried 3/2

**10.1.2 NO.104 MARINE PARADE (COTTESLOE BEACH HOTEL) - ALTERATIONS AND ADDITIONS TO BEER GARDEN - MODIFICATION TO PREVIOUS APPROVAL**

**File No:** 2337  
**Attachments:** [Cottesloe Beach Hotel.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Ed Drewett  
Senior Planning Officer

**Proposed Meeting Date:** 05 December 2011

**Author Disclosure of Interest:** Nil  
**Property Owner:** Garrett Hotels 2010 Pty Ltd ATF Cottesloe Hotel Trust & Richmond Equity Fund

**Applicant:** Prendiville Group  
**Date of Application:** 29 November 2011  
**Zoning:** Hotel  
**Use:** P - A use that is permitted under this Scheme  
**Lot Area:** 3337.9m<sup>2</sup>  
**M.R.S. Reservation:** Not applicable.

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**SUMMARY**

This is a preliminary report to advise Council of a new application that has been received for alterations and additions to the beer garden area of the Cottesloe Beach Hotel. It supersedes a similar application that was approved by Council on 22 August 2011.

The new owners are currently completing repainting of the heritage-listed existing hotel building as a first stage upgrade. The beer garden has been demolished and is being prepared for redevelopment, with the aim of completion towards the end of this summer (ideally coinciding with Sculpture by the Sea). The owners and architects have devised an improved concept for the beer garden to provide a superior and more durable design and facility. It is important to the site and precinct that this upgrade can proceed as soon as possible, rather than be deferred, hence the revised proposal is being reported to the December round of meetings in order to facilitate the project while following the previous consultation process and applying the requisite approval conditions.

The application has been referred to the Heritage Council of WA (HCWA) and is currently being advertised to adjoining landowners.

Given the requirement for Council to obtain approval from the HCWA prior to determining the application, and for consideration of any submissions received during the public consultation period, the recommendation is for Council's *in-principle* support at this stage. Subject to subsequent support from the HCWA and assessing any submissions, it is anticipated that the Manager Development Services shall issue formal approval of the application during the holiday period recess of Council, with Council's and the HCWA's conditions imposed as required.

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**PROPOSAL**

The applicant has detailed the proposed changes to the previous approval in a covering letter dated 25 November 2011 (see attached). This is summarised as follows:

- The sail-shade roof to the north and function area is replaced with a standard roof and ceiling to accommodate services, and a painted timber 'ventilated' fascia has been included;
- The toilet/bar has been turned 90 degrees with its back facing the building to the east. This will reduce noise to the east, open up the existing trees on Warnham Road and give a large, soft landscaped area internally (see landscaping plan);
- The bar kiosk (previously to remain) is to be replaced with a new building. The re-planned area integrates with the existing kitchen acting as the 'central hub' for food delivery Stage 1 and future Stage 2;
- The new bar, food servery and toilet building have been designed as an 'outbuilding' with painted weatherboard cladding to give a more permanent feel to the courtyard;
- The existing trees, new landscaping and umbrellas would be dispersed within the upgraded courtyard to provide a soft edge to the buildings;
- All paving shall be replaced with a mixture of materials including timber decking, exposed aggregate concrete and smaller brick paved panels all in accordance with the landscape plan;
- The existing higher rear level will be reduced by up to 0.8m to allow better integration with the food and service area; and
- All other aspects of the previous application relating to deliveries, street parking, servicing etc will remain as previously approved.

**FINANCIAL IMPLICATIONS**

No financial resource impact.

**STATUTORY ENVIRONMENT**

- Town Planning Scheme No. 2.
- Proposed Local Planning Scheme No. 3.
- Heritage Act of WA.

**PROPOSED LOCAL PLANNING SCHEME NO. 3**

This lot is proposed as a 'Special Control Area'. The objectives of this area are to:

- (a) ensure that development is compatible with the beachfront location, surrounding development and amenity of the locality; and

- (b) ensure that Building Design Controls are formulated to guide and manage built form, bulk and scale, streetscape character, amenity impacts and other considerations accordingly.

The proposed upgrade of the existing beer garden will facilitate Council's proposed objectives being satisfactorily addressed for the rear of this site.

### **HERITAGE LISTING**

- State Register of Heritage Places.
- TPS 2 - Schedule 1.
- Municipal Inventory (façade only) - Category 1.

### **ADVERTISING**

The application is currently being advertised to adjoining landowners, as before. This is considered important in view of the changes proposed to the original application. As no submissions were received previously it is anticipated the new proposal is unlikely to attract any adverse comment, given that the proposal will improve the amenity of the locality.

### **PLANNING COMMENT**

A copy of the report relating to the original proposal for the beer garden area at the Cottesloe Beach Hotel that was submitted to Council on 22 August 2011 is attached for background information. The planning considerations previously addressed in respect to Council's strategic planning documents and the Town Planning Scheme remain relevant considerations and therefore are not repeated at length in this report. However, the following additional comments are made which are specific to the new proposal (which is essentially a variation on a theme):

- The current application for alterations and additions to the beer garden has been assessed with regard to Council's strategic documents and is considered to satisfy the intent of these policies. The changes made since the previous submission represent a more sophisticated, permanent and attractive upgrade to the beer garden area which should provide a visually-enhanced interface with the side streets as well as give an enhanced leisure facility as part of the beachfront precinct;
- The existing bar in the courtyard (previously to be extended) is now proposed to be demolished and replaced with a single-storey, rectangular-shaped, open-sided structure of approximately 155m<sup>2</sup> comprising a bar, kitchen, servery and coolroom. This will be centrally located and setback at the rear of the hotel and should provide for better access to patrons accessing the rear dining area from the existing front bar. It will also appear visually more attractive than the previous proposal which kept the original bar;
- The proposed covered function area adjoining John Street will be approximately 180m<sup>2</sup> and is of similar dimension and in a similar location to the previous proposal. However, its height will be approximately 5.56m above the existing ground level which is about 0.76m higher than the top of the skillion roof previously approved and it will therefore be more visible from John

Street, but still within the 6m single-storey roof height standard. Notwithstanding this, it will have a modern, contemporary appearance comprising of a painted upper weatherboard fascia with a mixture of white and dark-grey horizontal aluminium louvres below, in contrast with the heritage hotel. A part-covered pergola structure is also proposed on the northern side of the function area (not visible from the street);

- A similar, contemporary-designed, structure is proposed adjoining Warnham Road at the rear of the hotel for the main outdoor covered dining area. The maximum overall height of this structure is approximately 6m above the raised ground level - RL: 13.5 (7m above pavement level) and this is approximately 1.2m higher than that previously proposed. However, it will be setback approximately 4m from the northern boundary which is further than the original proposal, while a retractable awning is proposed to extend to within 1m of the boundary. A portion of the existing boundary wall will be removed and replaced with a lower solid wall up to 1.1m in height above the pavement level with a balustrade above which will provide a visually more open and attractive streetscape than that existing;
- A 180m<sup>2</sup> single-storey, partially enclosed and painted structure is proposed at the rear of the beer garden on the eastern side which will be for the main outdoor bar area, toilets and coolroom. This was originally proposed adjoining Warnham Road but has been reorientated to provide better accessibility to the green landscaped central courtyard area. The existing northern boundary wall adjoining this section will be retained and rendered; and
- The existing boundary wall adjoining John Street will be rendered and painted (to match the hotel) and it will have windows inserted to provide better surveillance into the premises.

## CONCLUSION

The proposed revised design from the previous approval for the redevelopment of the former beer garden area at the rear of the hotel have merit and will appear as a modern, contemporary design that should visually enhance the adjoining streetscapes. The proposal should also assist in addressing noise and amenity issues that have been associated with hotel use in the past.

Subject to approval from the HCWA and no concerns from adjoining owners, the latest proposal is supported from a planning viewpoint and the recommended conditions are similar to those previously proposed. With the previous design HCWA had no particular concern or requirement, whereby support for the current design is anticipated.

## VOTING

Simple Majority

## COMMITTEE COMMENT

Committee touched-on the new design and the development parameters in discussing desirable improvements to the premises and supported moving forward to facilitate approval of the revised proposal. The Manager Development Services



elaborated on how the design was appropriate to the site, heritage context and surrounds.

### **OFFICER AND COMMITTEE RECOMMENDATION**

**Moved Cr Downes, seconded Cr Walsh**

**THAT Council:**

**NOTE and support in-principle the revised application for alterations and additions to the former beer garden of the Cottesloe Beach Hotel at No. 104 (Lot 39) Marine Parade, Cottesloe, as shown on the plans received on 29 November 2011, and AUTHORISE the Manager Development Services to issue formal approval of the application during the holiday period recess of Council following receipt of written approval from the HCWA and consideration of any submissions upon the completion of advertising; with the inclusion of the following conditions:**

- (1) 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 classification.**
- (2) The Building Licence plans and supporting documentation shall be formulated to the satisfaction of the Manager Development Services and referred by the Town to the HCWA, if required, for review and advice prior to issue, in order to ensure that all works proposed are in accordance with the heritage requirements.**
- (3) At building licence stage full details of all proposed external materials, finishes and colours shall be formulated to the satisfaction of the Manager Development Services, and the HCWA if required.**
- (4) Any works affecting the public domain, including the proposed new crossover, shall be to the specification and satisfaction of the Town and prior-approved as required, and provided at the applicant's cost.**
- (5) All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction sites.**

**Advice Notes:**

- (1) 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) The applicant/owner is reminded of their obligation under the Liquor Licensing Act to have a current Liquor Licence for the premises, including the rear courtyard, and to adhere to all conditions thereto. This is separate from the planning approval process.**

**Carried 4/0**

**10.1.3 LOCAL PLANNING SCHEME NO. 3 - CONCLUSION OF ADDITIONAL ADVERTISING FOR PROPOSED MAJOR MODIFICATION 24(B)**

**File No:** SUB443  
**Attachments:** [LPS3.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services

**Proposed Meeting Date:** 05 December 2011  
**Author Disclosure of Interest** Nil

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**INTRODUCTION**

Council in previously considering submissions on the major modifications proposed by the Minister for Planning to Local Planning Scheme No. 3 identified that item 24(b) lacked information. The Minister subsequently required additional advertising of that modification for public inspection and submissions. In summary, the proposed modification is:

*"24(b). Insert details for remaining development zones 'B' to 'E' including modifications as detailed below:"*

*That is, in Schedule 14 modify the provisions for Development Zones 'B' to 'E', being the Depot, Wearne Hostel, WAIDE and railway lands (west of the Town Centre) sites, by deleting the prescribed height limits and some other development requirements, including:*

- *Development Zone 'B' - Delete the 4th, 5th and 6th dot-points.*
- *Development Zone 'C' - the 3<sup>rd</sup> dot-point is to be modified by the addition of the following words at the end of the paragraph - "The structure plan may also provide for additional aged care dwellings and any associated ancillary buildings that may be required.". The 5th, 6th and 7th dot-points are to be deleted.*
- *Development Zone 'D' - Delete the 5th, 6th and 7th dot-points.*
- *Development Zone 'E' - Delete the 4th and 5th dot-points.*

The additional advertising occurred for six weeks from 17 October to 28 November 2011 and comprised a Public Notice and promotion in the Post newspaper, documents available for inspection at the Civic Centre, The Grove Library and on the Town's website.

**PURPOSE**

The purpose of the additional advertising was to clarify this particular proposed major modification, to overcome a degree of deficiency in the initial advertising. The Minister required that both the content and intent of modification 24(b) be advertised, which was conveyed by the guide document prepared (Attachment).

This report to Council completes the process for advice back to the Western Australian Planning Commission (WAPC) and in turn the Minister.

### **SUBMISSIONS & COUNCIL COMMENT**

As required the further advertising specified that only submissions directly relating to this modification would be considered. Upon the close of advertising no submissions have been received, hence there is no public comment for Council to consider and respond to – Council's Resolution of 21 September 2011 on the overall Scheme modifications/submissions reserved the right to make final recommendations to the Minister on any further submissions.

Council's adopted position regarding proposed modification 24(b) was to seek reconsideration to retain Council's provisions as part of its preferred Scheme, so this still stands and should be reiterated. Feedback to the WAPC can now be formalised.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee acknowledged that the additional advertising had not drawn any public comment, which reinforced Council's position regarding the Scheme provisions.

### **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Walsh, seconded Cr Boland**

#### **THAT COUNCIL:**

- 1. Note the close of the additional advertising for proposed major modification 24(b) to Local Planning Scheme No. 3 and that no submissions have been received.**
- 2. Request staff to write to the Western Australian Planning Commission accordingly and advise that Council reiterates its previous resolution to seek reconsideration to retain Council's provisions in this respect as part of its preferred Scheme, rather than supporting major modification 24(b) as proposed by the Minister for Planning.**

**Carried 4/0**

**10.1.4 TPS 2 AMENDMENT NO. 44 - MINISTER'S FINAL DECISION**

**File No:** SUB/653  
**Attachments:** [TPS2Zoning Amendment.pdf](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** William Schaefer/Andrew Jackson  
Planning Officer/Manager Development Services  
**Proposed Meeting Date:** 05 December 2011  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

This report informs Council of the Minister for Planning's decision on TPS2 Amendment No. 44, which was lodged for final approval in August 2009.

Council's task is to note the Minister's determination and complete the documentation accordingly.

**BACKGROUND**

Historically, removal of the Metropolitan Region Scheme Primary Regional Road reservation for Stirling Highway south of Jarrad Street left land in the area partially un-zoned. It is a statutory requirement that the land be zoned under TPS2, notwithstanding proposed LPS3.

Council therefore initiated Amendment No. 44 to zone the land Town Centre R100 consistent with the zoning/density coding for the locality. Given progress of proposed LPS3 and the Stirling Highway Activity Corridor Study the Minister directed that the original amendment be modified and further advertised.

Following readvertising and consideration of submissions Council responded seeking additional modifications. Advice of the Minister's decision requiring revised modifications has recently been received, enabling the amendment process to be completed.

**MODIFICATION OF AMENDMENT**

In lodging the Amendment for final approval Council proposed to modify clause 3.4.2 of the Scheme Text regarding the Town Centre Zone with a sub-clause (d) prescribing specific planning controls for land development and referring to a minimum 5m setback from Stirling Highway.

The previous report and resolution is attached for the details. The Minister has paid attention to the following Council-proposed text:

*All development shall be setback a minimum of 5m from the front boundary to Stirling Highway, pending the precise road widening requirements being determined by the Stirling Highway Activity Corridor Study, and a subsequent Metropolitan Region*

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*Scheme Amendment process to reserve the land for acquisition (ie purchase or resumption and compensation) by the Crown in the normal manner.*

The Stirling Highway study has since advanced considerably whereby the Minister has seen fit to replace this point as follows:

*All development shall be setback from the proposed road widening on Stirling Highway as indicated in the proposed Metropolitan Scheme Amendment 1210/41 plan or as in a finalised MRS amendment and the land to be level with the existing verge, which will be required as a condition of development approval.*

The modification required by the Minister is consistent with the intent of the Amendment and provides a more definitive road widening control.

A second modification required by the Minister is to delete from 3.4.2(d) the text referring to a Detailed Area Plan and to leave that to the Town to consider as a separate planning measure. This is supported as it simplifies the Scheme provisions whilst still allowing for an overall guide plan depending on evolving circumstances.

### **STATUTORY PROCESS**

Under the Town Planning Regulations Council is now required to modify the Amendment documents, endorse them and return them for the Minister's final approval then publication in the Government Gazette, whereupon the Amendment becomes effective.

### **CONCLUSION**

Amendment No. 44 has taken some time to complete and it is desirable to reinstate a zoning with associated planning controls for the land. The Minister's required modifications for final approval preserve the purpose of the Amendment, updating and streamlining the provisions. It is appropriate that Council complete the documentation in this respect.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee endorsed finally creating a zoning and development controls for the land.

### **OFFICER AND COMMITTEE RECOMMENDATION**

**Moved Cr Walsh, seconded Cr Downes**

**THAT Council:**

- 1. Note the Minister's decision on final approval of TPS2 Amendment No. 44.**
- 2. Request staff to modify the documents as required by the Minister, arrange for their endorsement and resubmit them for ratification and gazettal of the Amendment.**

**Carried 4/0**

**10.1.5 DELEGATION OF POWERS FOR DETERMINATION OF PLANNING APPLICATIONS DURING THE 2011-2012 HOLIDAY PERIOD RECESS OF COUNCIL**

**File No:** SUB/39  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Ed Drewett  
Senior Planning Officer  
**Proposed Meeting Date:** 05 December 2011  
**Author Disclosure of Interest** Nil

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**SUMMARY**

A recommendation is made to delegate authority to the Manager Development Services (MDS), or the Senior Planning Officer in his absence, and the Chief Executive Officer to make determinations on those applications for planning consent that are assessed during the period from Tuesday 13 December 2011 to Friday 17 February 2012 while the Council is in recess. This arrangement is presented in a report to Council each December for ratification.

**BACKGROUND**

The following resolution was passed by Council at its December 2010 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, 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 14 December 2010 to Friday 18 February 2011.*
- (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, Senior Planning Officer and Chief Executive Officer be granted additional delegated authority to determine applications beyond their current delegation powers in consultation with the Development Services Chairperson or Deputy during the 2011-2012 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.

**VOTING**

Simple Majority

**OFFICER AND COMMITTEE RECOMMENDATION**

**Moved Cr Walsh, seconded Cr Hart**

**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 13 December 2011 to Friday 17 February 2012.**
- (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 that is:**
    - (i) circulated on a weekly basis to all Councillors; and**
    - (ii) subject to the current call-in arrangements for Delegated Authority Items.**

**Carried 4/0**

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

Nil

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

Nil

**13 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 6:50 PM.

*CONFIRMED: PRESIDING MEMBER* \_\_\_\_\_ *DATE: .../.../...*