

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE

MINUTES

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 21 NOVEMBER 2011**

CARL ASKEW
Chief Executive Officer

25 November 2011

DEVELOPMENT SERVICES COMMITTEE

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
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. 9 WARTON STREET – ALTERATIONS TO GROUND FLOOR, NEW CARPORT AND UPPER FLOOR ADDITION	3
10.1.2	NO. 151 MARINE PARADE - NORTH COTTESLOE SURF LIFE SAVING CLUB – MODIFICATION TO LOWER GROUND FLOOR TO ACCOMMODATE FIRE TANKS AND PUMPIS (INCLUDING NEW CHANGES TO LEASE BOUNDARY)	13
10.1.3	LOTS 285, 501 & 504 CURTIN AVENUE, MOSMAN PARK - MRS AMENDMENT TO ALLOW EXPANSION OF THE BEEHIVE MONTESSORI SCHOOL, MOSMAN PARK – FORMAL CONSULTATION	18
11	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	22

11.1.1 NOTICE OF MOTION – SUGGESTIONS FOR PUBLIC SIGNAGE IMPROVEMENTS AT FORESHORE AND GENERALLY 22

12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING 24

13 MEETING CLOSURE..... 24

1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6:02 pm.

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

Cr Jack Walsh	Presiding Member
Cr Katrina Downes	
Cr Peter Jeanes	
Cr Greg Boland	
Cr Vic Strzina	Arrived 6:04 pm

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 Yvonne Hart

Officer Apologies

Nil

Leave of Absence (previously approved)

Nil

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Mr Peter Hawken, 9 Warton St – Item 10.1.1

Mr Hawken as owner briefly spoke in favour of his application as a modest extension and acknowledged the officer assessment leading to a recommendation of support for the proposal.

6 APPLICATIONS FOR LEAVE OF ABSENCE**Moved Cr Walsh, Seconded Cr Downes**

Cr Jeanes requested Leave of Absence for the 5 December 2011 meeting.

Carried 5/0**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING****Moved Cr Strzina, seconded Cr Boland**[Minutes October 24 2011 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 24 October 2011 be confirmed, with the correction that at the meeting Cr Walsh used his casting vote to support confirmation of the Minutes of the September meeting, given that the new Elected Members at the October meeting were not part of the September meeting so could not confirm those Minutes.

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. 9 WARTON STREET – ALTERATIONS TO GROUND FLOOR, NEW CARPORT AND UPPER FLOOR ADDITION

File No:	2271
Attachments:	9 Warton St.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	21 November 2011
Author Disclosure of Interest	Nil
Property Owner	Peter Hawken & Jennifer Gardiner
Applicant	As above
Date of Application	19 August 2011
Zoning:	Residential
Use:	P - A use that is permitted under this Scheme
Lot Area:	509m²
M.R.S. Reservation:	Not applicable.

SUMMARY

This application is seeking the following variations to Council's Scheme, front setback resolution and the Residential Design Codes (RDC):

- Front setback;
- Setback to western boundary;
- Visual Privacy; and
- Carport on eastern boundary.

Each of these aspects is discussed in this report and refers to plans received on 19 August 2011.

Given the assessment that has been undertaken, the recommendation is to conditionally approve the application.

PROPOSAL

The proposed alterations and additions comprise:

Ground floor

- New single carport (in front of existing carport), driveway and crossover;
- Internal alterations (converting kitchen to study, front living room to bedroom, dining area to new stairway); and
- New timber deck adjoining side entry.

Proposed Upper floor

- Living/dining area, kitchen and powder room; and
- Front balcony.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No 2
- Residential Design Codes

PROPOSED LOCAL PLANNING SCHEME NO.3

No change is proposed to the zoning of this lot.

MUNICIPAL INVENTORY

Not applicable.

APPLICATION ASSESSMENT**AREAS OF NON-COMPLIANCE****Town Planning Scheme Policies/Council Resolutions**

Control	Required	Proposed
Streetscape	6m (Council resolution 28/10/02)	4.35m to upper-floor front balcony (complies with RDC)

Residential Design Codes

Design Element	Acceptable Standards (from western boundary)	Provided	Performance Criteria Clause
6.3 – Boundary setback	1.3m (to stairway enclosure); 2.8m (to balcony); 3m (to living room window)	0.86m 2.2m 2.2m	Clause 6.3.1
6.3 – Boundary setback	Average 3m height (to carport on eastern boundary)	3.5m	Clause 6.3.2
6.8 – Privacy	7.5m	2.2m (from living room window); 2.2m & 4.5m from balcony)	Clause 6.8.1

ADVERTISING

The Application was advertised as per Town of Cottesloe Town Planning Scheme No 2. The advertising consisted of a letter to 3 adjoining owners. Two responses were received (by email) as summarised below:

E F Clements, 7 Warton Street

- Objects to proposed upper-floor west-facing full length window as it will overlook steps and pathway to main entrance and it would be confronting to see people standing there.

A Cornish, 11 Warton Street

- Concerned that proposed front balcony will be imposing.

APPLICANT'S JUSTIFICATION

The applicant has provided detailed written justification for the variations sought (see attached). The main points are summarised as follows:

Proposed balcony

- The proposed upper-floor extension has been designed to sit over the existing dwelling and so the balcony is forward of the front wall;
- In order to provide useable space for a small table and chair on each side the balcony needs to be at least 2m deep.
- To tie in visually with the wall at the front of the house the proposed balcony is the same width;
- To minimise its visual impact the balcony will be an open "floating" design with a lightweight support structure;
- Given that the neighbour to the east at 11 Warton Street has a high front wall of approximately 2.5m we consider our proposed balcony is a minor projection and will not unduly detract from the streetscape. We understand that the balcony does not project further than that permitted under the RDC; and
- Other houses on Warton Street are closer than 5m to the front boundary such as the house under construction on the corner Warton Street/Marine Parade and the house on the corner Warton Street and the Curtin Avenue slip road. A new house four doors to the east has a setback of approximately 4.5m at one point. There is also a 3-storey block of flats two doors to the west at 5 Warton Street.

Reduced setback from upper floor stairs to western boundary

- The small dining nook in the existing house lends itself to accommodating the stairwell to the upper floor as it is approximately 2.8m². To place the stairwell anywhere else would compromise the design and be much more costly. The west wall is designed to sit on the existing wall. The rest of the west side of the upper-floor extension will be setback 2.2m from the western boundary; and
- The upper floor stairwell will be opposite a 5m long windowless wall of No. 7 which is setback 2.4m from the boundary and as such it will have minimal impact on the neighbour in terms of building bulk or affecting prevailing breezes and it will assist in improving privacy as the existing ground floor dining room window will be removed.

Reduced setback from upper-floor balcony and living-room window to the western boundary and overlooking

- A greater setback would compromise the architectural design as the western edge of the balcony and living room would not line up with the existing ground floor;
- The only habitable area of the property to the west (No. 7) that can be seen from the proposed balcony and living room window is the front balcony, front yard and oblique view of the front windows. As these areas are clearly visible to the casual passer-by on the street the proposed reduced setback will not significantly impact on the neighbour. Also as both properties are north-facing and the proposed balcony will be of an open design it will not significantly impact on No. 7 in terms of building bulk, sunlight or ventilation.
- The adjoining property on the eastern side is considerably higher which minimises the overlooking aspect. Also the proposed extension will block some overlooking to the east;
- The primary orientation of anyone using the balcony is to the west to take advantage of the ocean views and to the trees to the north. There is little interest in any easterly aspect towards the high retaining wall; and
- We are prepared to screen the eastern side of the balcony but the adjoining neighbours do not want this as it would potentially reduce their enjoyment of ocean views. This is similar to the situation with our western neighbour where the blinds are left up on the eastern side of the balcony to improve our views.

PLANNING COMMENT

The proposed development complies with Town Planning Scheme No. 2 and the Residential Design Codes with the exception of the following:

Front setback

The proposed upper-floor living area will be situated directly above the existing dwelling and will have a front setback of approximately 6.3m. The remainder of the proposed upper floor will be recessed approximately 7.3m to the new dining area and 10.4m to the enclosed stairway. The majority of the proposed addition is therefore setback well behind the Council's preference for a minimum 6m front setback (Council resolution 28/10/02). However, a (2m deep x 5.5m wide) covered, open-sided balcony with two support columns below is proposed with a front setback of only 4.35m (ie: intrudes 1.65m into 6m setback area).

Under the acceptable development standards of the RDC a 4m minimum front setback is required in a Residential R30 zoned area, although this may be further reduced by up to 50% provided that the area of any building, including a garage or carport, intruding into the street setback area is compensated for by at least an equal area of contiguous open space between the setback line and a line drawn parallel to it at twice the setback distance (ie: a setback averaging).

In this case, the proposed balcony will be located behind the minimum 4m setback line and fully complies with the acceptable development standards of the RDC.

Notwithstanding this, Council is also required to have regard to the general provisions of Town Planning Scheme No.2 (Clause 5.1.2), Council's resolution for a preferred 6m front setback, and may have regard to Clause 5.3.7 in proposed Local Planning Scheme No. 3 which states:

Despite anything contained in the Residential Design Codes to the contrary, in the case of areas with a residential density code of R30, the local government may require an R20 front setback of 6m to be applied, for the preservation of streetscapes, view corridors and amenity.

Warton Street has a wide verge and contains a variety of older-style houses, some with traditional front verandahs. There is also a 3-storey block of flats to the west of the subject property, a newer two-storey dwelling at 19 Warton Street and a recent large subdivided lot at the western end adjoining Marine Parade. On the opposite side is Wearne Hostel and the School for the Deaf. Most of the residential properties fronting Warton Street appear to have a 6m front setback.

The proposed balcony at 9 Warton Street will intrude 1.65m into the 6m front setback area and therefore could potentially be visually intrusive on the streetscape and have a detrimental visual impact on the eastern neighbour who currently has a westerly outlook as well as a northerly view from their front verandah and raised front terraced area. On the other hand, the proposed balcony will be open-sided thus allowing visual sightlines and views to largely be retained and this open-design will also assist to minimise its visual impact on the streetscape, especially as the remainder of the proposed additions will all be well in excess of Council's normal 6m front setback requirement and the balcony will fully comply with the RDC. Also at its meeting on 22 June 2009 Council approved a significantly larger, partially enclosed balcony, at 64 Marine Parade which has a 4m front setback in an R30 zone, albeit to Marine Parade where westerly views are not impeded.

It is therefore considered that, on balance, the proposed reduced front setback to the proposed 'open' balcony has merit and can be supported.

Side setbacks to western boundary

The proposed upper floor addition will have a side setback of 0.86m to the proposed stairway and a 2.21m setback to the proposed balcony and living room window from the western boundary, in lieu of 1.3m, 2.8m and 3m setbacks required under the acceptable development standards of the RDC.

These setback concessions can be considered under performance criteria, which state:

Buildings set back from boundaries other than street boundaries so as to:

- provide adequate direct sun and ventilation to the building;*
- ensure adequate direct sun and ventilation being available to adjoining properties;*
- provide adequate direct sun to the building and appurtenant open spaces;*
- assist with protection of access to direct sun for adjoining properties;*
- assist in ameliorating the impacts of building bulk on adjoining properties; and*
- assist in protecting privacy between adjoining properties.*

The proposed reduced setbacks will not significantly impact on direct sun and ventilation to the dwelling or the adjoining property on the western side, as both properties will retain uninterrupted northern winter sunshine, and the prevailing winds from the south-west will not be significantly affected as the majority of the upper floor

addition will be over 5.5m away from the adjoining dwelling and on its eastern side. Furthermore, the neighbouring property has no major openings on its eastern elevation that will be directly affected by the reduced setbacks and it will not be adversely affected by building bulk. The proposed removal of the ground floor dining room window and possible additional screening to the upper floor living room window will also assist in protecting privacy if required.

The adjoining owner has raised no objection to the proposed reduced setbacks.

Visual Privacy

The proposed upper floor living room window and balcony do not comply with the acceptable development standards of the RDC for visual privacy and therefore need to be assessed under performance criteria, which state:

Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.

Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.

Where they are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.

Where opposite windows are offset from the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.

Overlooking from the proposed front balcony will generally be restricted to the front setback area and sides of the raised verandahs on both adjoining properties, which are currently visible from the street. The adjoining eastern neighbour has apparently requested that the eastern side of the proposed balcony not be screened as this may restrict their westerly views.

The overlooking issue that has been raised by the adjoining western neighbour is regarding the proposed location of the upper-floor, full-height, living room window on the western elevation. This is unlikely to result in any direct overlooking of active habitable spaces and outdoor living areas that are not already visible from the street as there are no major openings directly opposite. However, it may be perceived to reduce the adjoining owner's amenity due to additional overlooking of the access to that main entrance, which is located at the rear along the eastern side. In this regard, the applicant has advised that a proposed eave over the existing ground floor windows will provide a horizontal screen that will obstruct looking into the new upper floor window and they propose to reduce the existing overlooking from the ground floor windows that currently overlook the neighbour's property as follows:

- The existing kitchen area will be converted to a study which be less frequently used than at present;
- The windows to the dining room alcove will be filled-in as this becomes the stair way to the upper floor. There will be a bunker window approximately 0.5m high on the upper floor that will only be able to be looked out of from the top of

the stairs and will only provide a view west over the roof of the neighbour's house, not of the ground level; and

- The existing living room to the front will be converted to a bedroom with sheer curtains/blinds to provide privacy.

The applicant is also prepared to screen the lower part of the proposed upper floor living room window if considered necessary. It is therefore recommended that the planning approval be conditioned so that, if in the opinion of the Manager Development Services, the proposed upper floor, lounge room window results in a significant loss of privacy to the neighbour following completion and occupancy of the addition then the lower portion of the window shall be required to be screened.

Carport

The proposed single carport is approximately 3.4m high above NGL on the eastern boundary, which exceeds the acceptable development standard for walls on boundaries to have an average height not exceeding 3m. The carport is therefore required to be assessed under performance criteria, which state:

Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- *make effective use of space; or*
- *enhance privacy; or*
- *otherwise enhance the amenity of the development; and*
- *not have any significant adverse effect on the amenity of the adjoining property; and*
- *ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

The proposed carport will be located behind the front setback area and over an existing driveway making effective use of space in front of the existing single carport. The adjoining property on the eastern side is also significantly higher than the subject property and there is a large solid brick wall along the common boundary, so it is unlikely that the proposed carport will have any significant adverse effect on the amenity of the adjoining property. The neighbour has not objected to the height or location of the proposed carport on the boundary and the height is required to partially support the proposed upper-floor dining/living area above the existing dwelling. On this basis, it is supported under performance criteria.

CONCLUSION

The proposed upper floor addition has been designed to sit above the existing single-storey dwelling to minimise structural alterations and costs. Although this necessitates some variations to the acceptable development standards of the RDC these have been justified by the applicant and are supported under performance criteria.

The proposed front balcony also complies with the RDC and although it intrudes into Council's preferred 6m front setback area it nevertheless has been designed as an open-sided, lightweight structure to minimise visual impact on the streetscape or views from the adjoining properties.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee discussed the approach to the front balcony setback variation, with some preference for adherence to Council's 6m standard but on balance supported the proposal having regard to design, topography and streetscape. Mr Jackson commented that the open-aspect extension to the existing dwelling and the sloping street meant that the subject portion was not unduly obtrusive. In this respect Committee was receptive to a protective condition that the new balcony not be enclosed in any way.

OFFICER RECOMMENDATION**Moved Cr Walsh, seconded Cr Downes**

That Council:

- (1) GRANT its Approval to Commence Development for the proposed alterations to the ground floor, new carport and upper-floor addition at No. 9 Warton Street, Cottesloe, in accordance with the plans submitted on 19 August 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) Gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings submitted 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 Council.
 - d) The lower portion of the proposed upper-floor, living room window on the western elevation shall be screened, if in the opinion of the Manager Development Services, the window results in a significant loss of privacy to the adjoining western neighbour following its installation.
 - e) The applicant shall apply to the Town for approval to construct a new crossover, in accordance with Council's specifications, which shall be approved by an authorised officer. In this regard, it should be noted that a minimum 1.5m shall generally be required to be maintained between the base of the street tree and the crossover.
- (2) Advise the submitters of this decision.

AMENDMENT

Moved Cr Boland, seconded Cr Walsh

That the design be amended to have a minimum 6m front setback in accordance with Council's previous Resolution regarding setbacks.

Lost 2/3

AMENDMENT

Moved Cr Strzina, seconded Cr Walsh

That a condition (f) be added to part 1 as follows: The front balcony structure and space underneath shall remain open-aspect as designed and approved, and shall not be enclosed in any way including any form of screens or blinds.

Carried 4/1

COMMITTEE RECOMMENDATION

Moved Cr Walsh, Seconded Cr Downes

That Council:

- (1) **GRANT** its Approval to Commence Development for the proposed alterations to the ground floor, new carport and upper-floor addition at No. 9 Warton Street, Cottesloe, in accordance with the plans submitted on 19 August 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) Gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings submitted 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 Council.
 - d) The lower portion of the proposed upper-floor, living room window on the western elevation shall be screened, if in the opinion of the Manager Development Services, the window results in a significant loss of privacy to the adjoining western neighbour following its installation.
 - e) The applicant shall apply to the Town for approval to construct a new crossover, in accordance with Council's specifications, which shall be approved by an authorised officer. In this regard, it should be noted that a minimum 1.5m shall generally be required to be maintained between the base of the street tree and the crossover.

- f) The front balcony structure and space underneath shall remain open-aspect as designed and approved, and shall not be enclosed in any way including any form of screens or blinds.

(2) Advise the submitters of this decision.

THE AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 4/1

10.1.2 NO. 151 MARINE PARADE - NORTH COTTESLOE SURF LIFE SAVING CLUB – MODIFICATION TO LOWER GROUND FLOOR TO ACCOMMODATE FIRE TANKS AND PUMPIS (INCLUDING NEW CHANGES TO LEASE BOUNDARY)

File No: 2313
Attachments: [NCSLSC Nov 2011 pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 21 November 2011

Author Disclosure of Interest Nil
Property Owner Crown
Applicant NCSLSC
Date of Application 27 October 2011
Zoning: N/A
M.R.S. Reservation: Parks & Recreation

SUMMARY

This 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 149m² thereby bringing the total lease area to 1857m² (an overall increase of 748m² over and above the existing lease area).

Given the apparent 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.

PROPOSAL

The NCSLSC is proposing to extend the previously approved lower ground floor area to their Clubrooms and lease area by 149m² 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 queried 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.

OFFICER AND COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Jeanes

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) 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.

Carried 4/1

10.1.3 LOTS 285, 501 & 504 CURTIN AVENUE, MOSMAN PARK - MRS AMENDMENT TO ALLOW EXPANSION OF THE BEEHIVE MONTESSORI SCHOOL, MOSMAN PARK – FORMAL CONSULTATION

File No: SUB/346
Attachments: [MRS AmendmentPt1.pdf](#)
[MRS Pt2.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 21 November 2011
Author Disclosure of Interest Nil

INTRODUCTION

Council has been invited by the Western Australian Planning Commission (WAPC) to make comment on a minor Metropolitan Region Scheme (MRS) Amendment to allow expansion of the Beehive Montessori School in Mosman Park.

The Amendment proposes to rezone approximately 6963m² in Mosman Park from 'Parks and Recreation' Reserve to 'Public Purposes (Special Use)' Reserve. The Amendment also reserves 772m² as 'Public Purposes (water, sewerage and drainage)' for a Water Corporation sewer main which traverses the land.

The Town of Cottesloe has been consulted as the proposed Amendment is on land to the south of the McCall Centre adjoining the Town's boundary.

BACKGROUND

On 27 June 2011 Council considered preliminary correspondence received from the Beehive Montessori School and the Leighton Action Coalition (LAC) in respect to the proposed MRS Amendment and resolved to:

1. *Note the correspondence from the Beehive Montessori School and Leighton Action Coalition in respect of the proposed MRS Amendment affecting Lots 285, 501 and 504 Curtin Avenue, Mosman Park; and*
2. *Advise the Beehive Montessori School and Leighton Action Coalition that Council will make further comment on the proposal during the statutory advertising period having regard to comments from the Town of Mosman Park and the Manager Engineering Services, together with consideration of the advertised amendment justification report.*

A copy of the Officer's report and supplementary report prepared by TPG Town Planning and Urban Design on behalf of the school that were previously considered by Council are attached for background information to this Amendment application.

PLANNING COMMENT

The previous report to Council and TPG report outlined the purpose of this MRS Amendment, which is to allow the expansion of the Beehive Montessori School. The school, founded in 1977, currently provides education for approximately 220 children and adolescents and is seeking to expand its operations. It has prepared a masterplan which provides for a staged approach to the provision of additional buildings and outdoor areas, comprising five new classrooms, a day-care centre and associated outdoor courtyards, playground and landscaped areas. The school has also been negotiating with the Public Transport Authority (PTA) to enable the buildings to be constructed beyond its current lease boundary once the MRS Amendment has been approved by the WAPC.

It is anticipated that the Amendment will enable the school to expand its services and facilities to meet the needs of the local community in an efficient and consolidated manner, ensuring the school can respond to and cater for the future population growth envisaged under the WAPC's Directions 2031, which should also assist in providing additional local jobs.

The previous report to Council inferred that whilst the proposal generally had merit it would be premature to provide comment until the formal advertising period had commenced and the Amendment had been initiated by the WAPC and received preliminary support from the Town of Mosman Park.

The Town of Mosman Park and WAPC have raised no objection to the Amendment and advertising has now commenced, closing on 20 January 2012.

The concerns previously raised by the Leighton Action Coalition (LAC) and reported to Council in June 2011 have been considered by the Manager Engineering Services (MES). In response, the MES has referred to the 'Leighton Oceanside Parklands' Masterplan that was prepared by the WAPC in September 2006. The Masterplan acknowledged the concerns of the community stakeholder reference group which suggested that Port Beach Road should be re-routed around the rear of the McCall Centre and between the McCall Centre and the Montessori School. However, upon further investigation by the Masterplan consultants, Blackwell & Associates, the report advised:

The land had been identified for public purposes under a special uses reservation and there were a quite a number of constraints known to exist in achieving this option. These constraints include the limited space available, the steep topography and limestone geology, as well as planning and heritage issues, both indigenous and western. However, the most important issue relate to the potential of creating a dangerous space in front of the McCall Centre by removing the main source of passive surveillance, the passing traffic, and the Beehive School's proposal to expand and build a middle school building to the north of its current site.

A summary of the issues discussed by the community stakeholder reference group relating to the northern node were shown in Appendix 3 of the report (see attached).

The 'Leighton Oceanside Parklands' report produced in July 2007, following the consultation period, still proposed the new Port Beach Road to be on the western

side of the McCall Centre and Beehive Montessori School and for it to be designated as a Traffic Calmed Beach Access Road (effectively on the same alignment as the existing Curtin Avenue). This is supported by the MES as it separates the access road from the proposed Curtin Avenue realigned route and provides a continuous low speed access road along the coast south of Marine Parade with improved access to new car parks and recreational sites in the area.

CONCLUSION

The proposed MRS Amendment and expansion of the Beehive Montessori School require approval by the WAPC involving land reserved under the MRS.

The affected area is entirely situated within the Town of Mosman Park and is unlikely to have any significant impact on Cottesloe, albeit that there could be a modest increase in traffic movements along Curtin Avenue as a result of expansion of the school.

The Amendment and school expansion are consistent with the objectives of Directions 2031 and will not adversely affect the amenity of surrounding land uses in accordance with the 'Leighton Oceanside Parklands' Masterplan.

The LAC's preference to relocate the proposed foreshore access road to the east of the McCall Centre building to free-up additional parkland in front of the building has largely been dismissed by the Leighton Masterplan consultants and is not supported by the MES. It is considered preferable to provide a continuous low speed access road along the coast south of Marine Parade that is separate from the realigned Curtin Avenue, continues to provide passive surveillance to the front of the Montessori School (and McCall Centre), and allows improved access to new car parks and recreational sites in the area.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee raised whether the proposal was an opportunity to make comment about future road planning for the locality as considered under previous studies over the years. Officers advised that the MRS Amendment proposal in itself dealt only with the school expansion and did not appear to prejudice road considerations, which needed further separate review and could involve another MRS Amendment. Officers undertook to recap on the situation in this regard for additional information to the full Council meeting, as provided below:

- *The small 720sqm portion of land in the present MRS Amendment being rezoned from 'Parks & Recreation' to 'Public Purposes (SU)' is unlikely to significantly affect any future realignment of Port Beach Road.*
- *Although the LAC previously liaised with the School about possibly modifying the lease areas that has not occurred and the School has long-term leases in place.*

- *Also, the existing reserve east of the McCall Centre may not be sufficiently wide for a second road, hence would require another MRS rezoning.*
- *Therefore, the wish of the LAC is beyond the scope of the subject MRS Amendment, and would require the Town of Mosman Park and WAPC to initiate another MRS Amendment, to alter part of Lot 225 from 'Public Purpose (SU)' to 'Road Reservation' or 'Parks & Recreation' to allow Port Beach Road to pass between the McCall Centre and School.*
- *However, it is considered that Port Beach Road and Curtin Avenue should be separate to distinguish between low and high activity areas – as mentioned the MES supports Port Beach Road west of the McCall Centre and School to function free of Curtin Avenue.*
- *In addition, the Leighton Masterplan report concluded that this northern node should involve further public consultation; which entails more than the current MRS Amendment and has no set timeframe.*
- *Overall, the MRS Amendment for the School is confined to itself and can proceed without prejudice to the road options being addressed in accordance with sub-regional planning for the locality at a later date.*

OFFICER AND COMMITTEE RECOMMENDATION

Moved Cr Strzina, seconded Cr Walsh

That Council resolve that staff complete the WAPC's submission form to advise that it has no objection to the proposed MRS Amendment to allow the proposed expansion of the Beehive Montessori School in Mosman Park.

Carried 5/0

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

11.1.1 NOTICE OF MOTION – SUGGESTIONS FOR PUBLIC SIGNAGE IMPROVEMENTS AT FORESHORE AND GENERALLY

The Notice of Motion below was received from Cr Jeanes in accordance with Standing Order 10 and included in the Development Services Committee agenda. The explanation provided was as follows:

Councillor comment:

- A proliferation of signs, particularly on the beach foreshore, is impacting on the ambience of the suburb. This visual pollution is diminishing the natural beauty and tranquillity of the beach.
- In a number of places warning signs are doubled-up and in some places, such as the bicycle-walk path at North Cottesloe beach, tripled-up. At North Cottesloe the three free-standing warning signs are combined with markings on the path.
- There are a number of signs on the beachfront constructed of wooden logs painted in mission brown with yellow or white writing that obstruct ocean views and would look more at home in a national park.
- Many are unnecessary and give messages that are obvious. Where a dune is fenced from the path there is no need for a "Keep off dune" sign.
- It is almost as though free-standing signs at the beach are breeding, although that is not the case and Council has acted with the best of intentions but over the years the good intentions have created an eyesore.
- Each pathway to the beach has a coded free-standing sign that is visually polluting and meaningless to the public.
- At the beaches signs tell you there is water ahead, just in case you don't know.
- Wherever possible markings on the road, curb or pathway are preferable to free-standing signs. It would be better at the Eric-Railway Street roundabout to have criss-cross yellow marking on the road rather than big signs telling motorists not to stand on the roundabout.
- Coded lines on curbs could indicate parking requirements instead of a preponderance of free-standing signs.
- Wherever possible signs should be fixed to existing structures such as walls, light poles and fences (including the log fence at the top of the fore-dune) rather than on free-standing poles.
- A drive down North Street, which is the boundary between Cottesloe and Nedlands, demonstrates the different approach to signage. There are far fewer signs on the Nedlands side, some signs are attached to light poles and free-standing signs use less invasive green poles as opposed to Cottesloe's yellow.
- Council has received a submission for local architect Robin Kornweibel on the proliferation of signs. This should be used as a reference to the motion and a copy given to every Councillor.

Officer comment:

- Over time public signage at the foreshore/beachfront and elsewhere in the district has built-up and this infrastructure also deteriorates.
- The Foreshore Working Group and various studies for the Town Centre have previously identified the desirability of rationalising and improving signage generally.
- While signage can become excessive, it is often a regulatory requirement in terms of public information, safety and Local Government liability.
- Urban design guidance already exists in some Town documents and the foreshore consultant is available to assist.
- It is feasible for staff to respond to Council in February 2012 with initial observations and scope a course of action including the timelines, personnel, costs and procedures involved to address the matter.
- It is considered that full reviews of signage for each locality would, however, take additional time subject to priorities, funding and staging; while quality replacement signage is dependent upon detailed design and manufacture, which is likely to require an ongoing program for the supply and installation of such infrastructure. The officer feedback will advise on these aspects.

COMMITTEE COMMENT

Committee agreed that signage warranted review for improvement and broadly discussed the topic, noting that the Foreshore Working Group has also identified the need. Mr Jackson mentioned the use of style guides / urban design manuals and outlined a staged process of reviewing, rationalising and replacing signage.

NOTICE OF MOTION

Moved Cr Jeanes, seconded Cr Strzina

That:

- 1. Council conduct an audit of signs, particularly on the beach foreshore, with the object of reducing the number to a minimum, particularly where there are two or three signs warning of the same hazard.**
- 2. The aim is to replace free-standing signs with appropriate markings on road, paths or curbs.**
- 3. The aim is to replace free-standing signs to existing structures such as wall, fences and light poles.**
- 4. Investigate using lines on roads in front of curbs to indicate parking restrictions.**
- 5. Investigate a uniform design and lay-out for signs that produce solutions that are elegant, restrained and appropriate for ocean-side location.**
- 6. Report back to Council in February 2010 with findings and reduction proposals.**

Carried 5/0

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

13 MEETING CLOSURE

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

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