

# TOWN OF COTTESLOE



## DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, MONDAY, 28 APRIL 2014

**CARL ASKEW**  
Chief Executive Officer

30 April 2014

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# DEVELOPMENT SERVICES COMMITTEE

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

The Presiding Member announced the meeting opened at 6:00 PM.

**2 DISCLAIMER**

The Presiding Member drew attention to the Town's disclaimer.

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4.2 PUBLIC QUESTIONS**

Nil.

**5 PUBLIC STATEMENT TIME**Mr Adam Kent, 3A Chamberlain Street, Cottesloe – Re. Item 10.1.1 Proposed Two-Storey Dwelling at 5 Chamberlain Street, Cottesloe

Mr Kent outlined his concerns as expressed in his submission, including the reduced front setbacks and potential overlooking from the southern windows.

Mr John Le Cornu, 90C Abbott Street, Scarborough – Re. Item 10.1.1 Proposed Two-Storey Dwelling at 5 Chamberlain Street, Cottesloe

Mr Le Cornu as the proponent explained the proposal in terms of the lot constraints and design approach and responded to the neighbour's concerns in some detail in relation to the RDC and streetscape considerations. He referred to photos illustrating his comments and also tabled a letter stating that hand-drawn plans were generally acceptable. He would prefer approval as proposed rather than with the conditions as recommended.

Ms Sue Freeth, 1 Florence Street, Cottesloe – Re. Item 10.1.2 Proposed Expansion of Cottesloe Tennis Club

Ms Freeth spoke for Cottesloe Coastcare Association expressing concern over no consultation so far regarding the future of John Black Dune Park in relation to the Foreshore Redevelopment Plan and proposed expansion of the Tennis Club.

Mr Ken Adam, for Cottesloe Tennis Club – Re. Item 10.1.2 Proposed Expansion of Cottesloe Tennis Club

Mr Adam acknowledged Coastcare's contributions and concerns and responded that the Club was about to embark on community consultation given the formal application. He summarised the need for expansion of the Club's facilities and emphasised the intent to integrate with John Black Dune Park. He also tabled two additional plans indicating cross sections and contour levels of the proposed new courts creating a stepped-down effect.

## **6 ATTENDANCE**

### **Present**

Cr Peter Jeanes	Presiding Member
Mayor Jo Dawkins	
Cr Helen Burke	
Cr Jack Walsh	

### **Officers Present**

Mr Andrew Jackson	Manager Development Services
Mr Ed Drewett	Senior Planning Officer
Mrs Liz Yates	Development Services Administration Officer

## **6.1 APOLOGIES**

Cr Philip Angers  
Cr Katrina Downes

### **Officer Apologies**

Mr Carl Askew  
Mr Ronald Boswell

## **6.2 APPROVED LEAVE OF ABSENCE**

Nil.

## **6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

## **7 DECLARATION OF INTERESTS**

Mayor Dawkins declared an impartiality interest in Item 10.1.2 due to being a member of the Cottesloe Tennis Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.

## **8 CONFIRMATION OF MINUTES**

**Moved Cr Walsh, seconded Cr Burke**

[Minutes February 17 2014 Development Services Committee.docx](#)

**The Minutes of the Ordinary meeting of the Development Services Committee, held on 17 February 2014 be confirmed.**

**Carried 4/0**

**9 PRESENTATIONS**

**9.1 PETITIONS**

Nil.

**9.2 PRESENTATIONS**

Nil.

**9.3 DEPUTATIONS**

Nil.

## 10 REPORTS

### 10.1 PLANNING

#### 10.1.1 NO. 5 (LOT 317) CHAMBERLAIN STREET - TWO-STOREY DWELLING

<b>File Ref:</b>	<b>2852</b>
<b>Attachments:</b>	<a href="#">Aerial</a> <a href="#">Property Photo</a> <a href="#">Objection Letter</a> <a href="#">Response to Objections</a> <a href="#">Plans</a>
<b>Responsible Officer:</b>	<b>Andrew Jackson</b> <b>Manager Development Services</b>
<b>Author:</b>	<b>Ed Drewett</b> <b>Senior Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>28 April 2014</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>
<b>Property Owner:</b>	<b>John &amp; Lindsey Le Cornu</b>
<b>Applicant:</b>	<b>As above</b>
<b>Date of Application:</b>	<b>4 February 2014 (Amended 31/3/14)</b>
<b>Zoning:</b>	<b>Residential R20</b>
<b>Use:</b>	<b>P - a use that is permitted under this Scheme</b>
<b>Lot Area:</b>	<b>364m<sup>2</sup></b>
<b>M.R.S. Reservation:</b>	<b>Not applicable</b>

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## SUMMARY

This application is seeking the following variations to Council's Scheme (TPS 2), Policies, and the Residential Design Codes (RDC):

- Front setback to dwelling
- Fill/retaining walls
- Visual privacy
- Front setback to garage

Each of these aspects is discussed in this report and refers to plans received on 31 March 2014.

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

## PROPOSAL

This application is for a two-storey dwelling on vacant land fronting Chamberlain Street. It has a pitched roof, random stonework to its façades, a double garage, lounge, dining-room, kitchen and laundry with 3 bedrooms, bathrooms, TV room and balcony above.



**STATUTORY ENVIRONMENT**

- Town Planning Scheme No 2
- Residential Design Codes

**POLICY IMPLICATION**

- Garages and Carports in front Setback Area

**PROPOSED LOCAL PLANNING SCHEME NO 3**

No change is proposed to the existing density coding of this lot.

**MUNICIPAL INVENTORY**

Not applicable.

**APPLICATION ASSESSMENT****AREAS OF NON-COMPLIANCE****Residential Design Codes**

Design Element	Deemed-to-comply	Proposed	Design principles
5.3 – Site planning and design	0.5m above NGL within 1m of a lot boundary and behind the street setback.	0.2m – 0.8m	Clause 5.3.7 – P7.1, P7.2 & P8.
5.4 – Building design	7.5m cone of vision.	5.5m cone of vision from balcony.	Clause 5.4.1 – P1.1 & 1.2

**Council Policy/Resolution**

	Permitted	Proposed
Streetscape	6m front setback (Council resolution 28/10/02).	3m to dwelling; 1.5m to porch.
Garages and Carports in Front Setback Area	6m, but may be reduced to 4.5m if satisfies policy criteria.	4.5m.

**ADVERTISING OF PROPOSAL**

The application was advertised to 6 adjoining owners in accordance with TPS 2. One submission was received from the southern neighbour and is summarised below:

**Mr A Kent & Ms J Quin, 3A Chamberlain Street**

- Strongly objects to the proposed 3m front setback to the dwelling above the garage as it will appear like having a block of flats next door; it will block-out light

to our front yard, add to overall overshadowing and will dramatically reduce our streetscape outlook and view northwards. This portion of the dwelling should be setback 4.5m;

- The proposed front porch should be open-sided so as to not block our view of the street; and
- The proposed south-facing, upper floor windows should be high-level or frosted glass to avoid loss of privacy to our back yard and family room.

These concerns are addressed in the officer assessment of the proposal below and by relevant recommended conditions. In addition, the applicants have provided a letter (attached) responding to the neighbours' comments and giving justification for the proposal in relation to the design and RDC applicable standards.

## **PLANNING COMMENT**

The following comments are made with respect to the proposed development:

### Front setback

In 2002 Council resolved to generally require a 6m front setback for residential development (for the preservation of streetscape, view corridors and amenity).

The proposed dwelling has a 3m front setback, 1.5m setback to a porch, and 4.5m setback to a double garage, which is less than Council's preferred setback but has been requested by the applicant due to the limited depth of the site which is only 18.1m.

Historically, it is understood that this lot, together with its northern neighbour on the corner of Eric Street, were created following a subdivision of east-west orientated quarter-acre lots which produced two new north-south orientated lots fronting Eric Street (Nos 35 & 37). The lot was subsequently used as the rear courtyard to the corner dwelling at 39 Eric Street until it was sold separately following the removal of an old sleep-out that straddled the lot boundary. The proposed development is therefore effectively on a lot that has its frontage to the original secondary street of the corner property and as such the *deemed-to comply* standards of the Residential Design Codes could be applied, which allow a 2.5m front setback to the dwelling and 1.5m to a porch, verandah, balcony or the equivalent (Clause 5.1.2 C2.1 - iv)

The explanatory guidelines of the Codes pertaining to this provision advise:

*In many cases streetscapes are being altered by urban redevelopment and infill, by the subdivision of corner lots, creating new frontages to side streets. Where this happens, similar considerations to those for setbacks to frontage streets will apply although there will be scope for common-sense rationalisation between existing houses which create the character of the street and infill development.*

*The setback area should be open but with reduced setback for practical and streetscape reasons.*

The adjoining dwelling at 39 Eric Street has a secondary street setback of 1.64m to Chamberlain Street, whereas the adjoining dwelling at 3A Chamberlain Street has a primary street setback of 6m to a carport, verandah and front bedroom. A 1m wide pedestrian accessway to a strata lot at the rear of 3A Chamberlain Street separates 3A from 5 Chamberlain Street.

In summary, the proposed reduced setbacks comply with the *deemed-to-comply* requirements of the RDC if it is assumed that the proposed dwelling has its primary frontage to the secondary street. However, if a more strict interpretation of the Codes were taken then it may be argued that this lot was not actually created following subdivision of the corner lot, in which case an average setback could be taken between the two adjoining dwellings, which would require a minimum 3.83m front setback.

Taking into account the adjoining southern neighbour's concerns regarding overshadowing and the potential visual impact of the proposed dwelling in the street, it is suggested that a compromise may be appropriate whereby a minimum 3.8m front setback to the upper floor above the proposed garage is required, thereby creating a staggered frontage to Chamberlain Street which would reduce the building mass and possible overshadowing to the southern adjoining lot.

#### Fill and retaining walls

The existing lot has a 2m fall from its south-east to north-west corners. The applicant has submitted revised plans to minimise the necessity for retaining walls that exceed 0.5m in height where possible, but some retaining and fill up to 0.8m in height are still proposed above its lowest point (north-west corner).

This variation may be considered under the design principles of the RDC, which state:

*Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*

*Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.*

*Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.*

The proposed northern courtyard will slope down approximately 0.5m from the finished floor level of the dwelling (RL: 25.55) towards the lowest point of the lot to respond to natural topography and minimise the need for high retaining walls on the boundaries. The affected adjoining owners have been consulted and no written submissions have been forthcoming although verbally the adjoining western owner has advised the Town that she does not object to the proposal. The proposed levels will assist in providing open space with a northern aspect that can be effectively used by the occupants without significantly impacting on the amenity of adjoining owners.

#### Visual privacy

The proposed side balcony has a 5.5m cone of vision from the northern boundary, in lieu of 7.5m behind the front setback as required under the *deemed-to-comply* standards of the RDC. The relevant design principles in the RDC state:

*Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:*

- *building layout and location;*
- *design of major openings;*
- *landscape screening of outdoor active habitable spaces; and/or*
- *location of screening devices.*

*Maximum visual privacy to side and rear boundaries through measures such as:*

- *offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;*
- *building to the boundary where appropriate;*
- *setting back the first floor from the side boundary;*
- *providing higher or opaque and fixed windows; and/or*
- *screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).*

The proposed balcony will result in some overlooking to a south-facing bedroom window at the rear of the adjoining dwelling at 39 Eric Street. Although it will be at an oblique angle to the proposed balcony it would not maximise visual privacy as required under the Codes and a standard height 1.8m high fence along the common boundary would be insufficient to prevent any loss of privacy. It is therefore recommended that the balcony be screened to a minimum height of 1.6m along its northern side unless the adjoining owner(s) advise that they have no objection to the balcony or agree to a variation to the height of the fence on the common boundary to overcome any privacy concern. This has been conditioned accordingly.

#### Setback to garage

The proposed double garage has a 4.5m front setback which complies with the *deemed-to-comply* standards of the RDC. However, Council's Policy for Garages and Carports in the Front Setback Area (Policy TPSP 003) generally requires garages (and carports) to be behind the 6m front setback line, although the Policy does allow garages to be constructed with a reduced setback of 4.5m providing the following criteria have been considered:

- *materials, design and appearance being in character with the dwelling and surrounding streetscape;*
- *consideration of view lines from adjoining properties;*
- *provision of adequate manoeuvring space;*
- *relevant objectives of the RDC;*
- *the effect of such variation on the amenity of any adjoining lot;*
- *the existing and potential future use and development of any adjoining lots; and*
- *existing setbacks from the street alignment in the immediate locality, in the case of setbacks from the principle street.*

The proposed garage will be integrated into the proposed dwelling with the upper floor of the new dwelling being partially cantilevered over the garage door, which will assist in reducing its visual impact on the street. The garage will also be located on the southern boundary adjoining an existing pedestrian accessway which services a rear strata lot, rather than directly abutting the adjoining dwelling on the southern lot. In any event, there is an existing carport on the adjoining southern lot which separates the existing dwelling from the proposed garage and, although the new garage will project 1.5m in front of the carport, it will be partially hidden by an existing high boundary fence. It is also compliant with the RDC for a wall on the boundary (assuming its location fronting the secondary street) and will have minimal impact on view lines from the adjoining property. A parking sign will need to be relocated to allow for the new crossover and a newly-planted Peppermint tree will need to be replaced with a minimum 100lt Agonis Flexuosa. This has been conditioned accordingly.

### **CONCLUSION**

The proposed dwelling complies with TPS 2, Council's Policy relating to garages and the RDC (including the location of proposed upper floor windows and building height) with the exception of the points discussed in this report. Although the overall design is supported, it is considered appropriate to require the portion of upper floor located over the proposed garage to have a minimum 3.8m front setback, which would represent an averaging between the adjoining dwellings on the northern and southern sides and provide a staggered front setback which would reduce the overall mass and bulk of the proposed dwelling on the streetscape and in relation to neighbouring properties.

### **COMMITTEE COMMENT**

Committee discussed the aspects of the proposal raised and had regard to the nature of the lot. Officers elaborated on the recommended front setback arrangement as a reasonable solution and clarified that the subject windows were deemed satisfactory in terms of privacy, whilst the balcony had a condition to improve privacy. It was explained that through the design revisions and recommended conditions the proposal would sufficiently comply with the RDC and Council policy such as to merit approval in the context of the site and streetscape.

### **VOTING**

Simple Majority

### **OFFICER RECOMMENDATION**

#### **Moved Mayor Dawkins, seconded Cr Jeanes**

That Council GRANT its approval to commence development for a two-storey dwelling at 5 (Lot 317) Chamberlain Street, Cottesloe, in accordance with the plans received 31 March 2014 subject to the following conditions:

1. Revised plans being submitted at Building Permit stage for approval by the Manager Development Services showing the portion of the upper floor above the proposed garage having a minimum 3.8m front setback, and the proposed upper floor balcony having a minimum 1.6m high fixed and opaque screen along its northern side, unless otherwise agreed by the adjoining owner.

2. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.
3. The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.
4. Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.
5. The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.
6. Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.
7. The finish and colour of the boundary wall facing the southern neighbour shall be to the satisfaction of the Manager Development Services.
8. In accordance with Council's Fencing Local Law, any proposed fencing in the front setback area may be solid to a maximum height of 900mm and the infill panels shall have an "open aspect" in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level.
9. The applicant applying to the Town of Cottesloe for approval to construct a crossover, in accordance with Council specifications, as approved by the Manager Engineering Services or an authorised officer.
10. The existing redundant crossover in Chamberlain Street shall be removed, the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Manager Engineering Services.
11. The existing street tree on the south side of the proposed crossover is permitted to be removed provided it is replaced with a minimum 100lt *Agonis Flexuosa* at the applicant's cost, to the satisfaction of the Works Supervisor.
12. The proposed front porch shall be open-sided to the satisfaction of the Manager Development Services. Details to be submitted at Building Permit stage.

**ADVICE NOTES:**

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.

Please note that proper and accurate scaled, dimensioned and annotated construction plans are required for that purpose, not hand-drawn plans.

### **AMENDMENT**

**Moved Mayor Dawkins, seconded \_\_\_\_\_**

To add a condition that the upper-level south-facing windows have opaque glass for neighbour privacy.

**The motion lapsed for want of a seconder.**

### **OFFICER & COMMITTEE RECOMMENDATION**

**That Council GRANT its approval to commence development for a two-storey dwelling at 5 (Lot 317) Chamberlain Street, Cottesloe, in accordance with the plans received 31 March 2014 subject to the following conditions:**

- 1. Revised plans being submitted at Building Permit stage for approval by the Manager Development Services showing the portion of the upper floor above the proposed garage having a minimum 3.8m front setback, and the proposed upper floor balcony having a minimum 1.6m high fixed and opaque screen along its northern side, unless otherwise agreed by the adjoining owner.**
- 2. All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13. - Construction sites.**
- 3. The external profile of the development as shown on the approved plans, not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of Council.**
- 4. Stormwater runoff from the driveway or any other paved portion of the site not being discharged onto the street reserve or adjoining properties and the gutters and downpipes used for the disposal of the stormwater runoff from roofed areas being included within the working drawings.**
- 5. The roof surface being treated to reduce glare if Council considers that the glare adversely affects the amenity of adjoining or nearby neighbours following completion of the development.**
- 6. Air-conditioning plant and equipment shall be located closer to the proposed dwelling than the adjoining dwellings, and suitably housed or treated as may be necessary, so as to ensure that sound levels emitted shall not exceed those outlined in the Environmental Protection (Noise) Regulations 1997.**
- 7. The finish and colour of the boundary wall facing the southern neighbour shall be to the satisfaction of the Manager Development Services.**
- 8. In accordance with Council's Fencing Local Law, any proposed fencing in the front setback area may be solid to a maximum height of 900mm and the infill panels shall have an "open aspect" in that the palings shall be spaced to ensure the width between each paling is at least equal to the width of the paling, with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel, and the piers shall not exceed 2.1m in height from Natural Ground Level.**

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12. The proposed front porch shall be open-sided to the satisfaction of the Manager Development Services. Details to be submitted at Building Permit stage.

**ADVICE NOTES:**

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible to apply to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development. Please note that proper and accurate scaled, dimensioned and annotated construction plans are required for that purpose, not hand-drawn plans.

**THE SUBSTANTIVE MOTION WAS PUT****Carried 4/0**



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*Mayor Dawkins declared an impartiality interest in Item 10.1.2 due to being a member of the Cottesloe Tennis Club, and stated that as a consequence there may be a perception that her impartiality may be affected and declared that she would consider the matter on its merits and vote accordingly.*

### **10.1.2 PROPOSED EXPANSION OF COTTESLOE TENNIS CLUB**

**File Ref:** PR52857/PR54480  
**Attachments:** [Council Report Nov 2013](#)  
[Tennis Club Application Report](#)  
[Tennis Club Application Plans](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 28 April 2014  
**Author Disclosure of Interest** Nil

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### **SUMMARY**

Council on 4 November 2013 considered a preliminary report on a proposal to expand the Cottesloe Tennis Club (CTC) and resolved to:

- 1. Support in-principle the proposal for expansion of the Cottesloe Tennis Club site as outlined in this report, subject to suitable community consultation and the necessary planning approval, lease boundary adjustment and building permit.*
- 2. Reaffirm its commitment to maintain as much of John Black Dune Park as possible as a reserve for community use, as expressed in the Natural Areas Management Plan.*

A copy of the previous report is attached and provides an overview of the proposal, need, planning context, process involved and Council's consideration.

Subsequently the CTC has liaised with the Town, refined its proposal and submitted a report and plans (refer attached) to initiate the formal procedures. This is the basis for making a development application to the Western Australian Planning Commission (WAPC) for determination and for adjusting the lease area through the Town and Department of Lands.

This further report to Council presents the more detailed proposal, with a recommendation of support and related actions.

### **BACKGROUND**

The CTC occupies Crown land reserved for recreation which is vested in the Town, who leases the site to the Club (for a 21 year period, with six years elapsed). In planning terms the land is Metropolitan Region Scheme (MRS) Parks & Recreation

Reservation (ie *Regional Open Space*), together with John Black Dune Park (JBDP) and Car Park No. 2 (CP2), linking to the foreshore.

The previous report explained that a range of planning measures relate to the locality, including the Town's Foreshore Redevelopment Plan (FRP), Natural Areas Management Plan (NAMP), proposed Local Planning Scheme No. 3 (LPS3) and parking provision.

### STRATEGIC IMPLICATIONS

- Relates to planning for open space and fostering community facilities serving the district.

### POLICY IMPLICATIONS

- Relates to managing assets and providing infrastructure.

### STATUTORY ENVIRONMENT

- Local Government Act
- Land Administration Act
- Metropolitan Region Scheme

### FINANCIAL IMPLICATIONS

- The CTC has indicated approaching the Town for funding assistance.

### SUSTAINABILITY IMPLICATIONS

- Implementation should be conscious of sustainability measures.

### CONSULTATION & TIMEFRAME

The MRS development application is required to be forwarded to the WAPC for determination and Council is required to provide its recommendation on the proposal within 42 days or such longer period as agreed.

The MRS is not prescriptive as to consultation, so Council can consult having regard to its Community Consultation Policy. In this respect the proposal is essentially site-specific, as well as has bearing on the locality and strategically. On this basis a combination of letters to nearby properties and wider community advertising is appropriate, including interest groups such as Cottesloe Coastcare.

Subject to Council endorsing the application proceeding, the timeline for consultation and reporting on submissions for a recommendation to the WAPC is:

<b>Date</b>	<b>Step</b>
Mon 5 May	Council supports application proceeding.
Tues 6 May	Application forwarded to WAPC – as 42 days is Tuesday 17 June, seek extension to after June Council meeting to advise.
Tues 6 May - Tues 3 June	Consultation phase – preparation & implementation – minimum 4-week span.
Wed 4 - Wed 11 June	Collate & analyse comments received. Prepare report for DSC Agenda.

Mon 16 June	Report back via DSC.
Mon 24 June	Council consideration.
Tues 25 June	Send Council's recommendation to WAPC.

The WAPC decision should occur about July 2014 and approval would be conditional on the lease boundary change, which the Town would attend to through the Department of Lands. The Town would also attend to amendment of the lease document with the CTC. After that the Building Permit and construction phase would take place, subject to funding and programming, aiming for works in April-May 2015.

## PROPOSAL

The proposal report outlines the CTC's operation and vision, describes the intended development, and discusses community response, cost/funding and timing/staging.

The accompanying plans show the existing CTC site, proposed extension of the western portion, layout of the new courts and indicative earthworks (cut and fill) based on a land survey.

Key points are:

- Following the CTC's Strategic Plan Review, the Club proposes physical expansion of the site for additional courts, to increase capacity, rationalise the supply of hard versus grass courts and enhance amenity.
- There is a clear need to expand given the Club's activities serving the sub-region, increasing popularity of tennis and desire for competition-standard facilities.
- Specifically, to extend the lease boundary some 18m west partially into JBDDP, to accommodate additional courts in a better format and provide a landscape interface. This includes the existing 10m wide buffer within the existing lease area.
- Amenity to residences along Bryan Way would be enhanced by creating grass courts with less noise and lighting impacts.
- The attached plans demonstrate the extent of expansion to "square-off" the distribution of courts, terracing of the courts to step down the slope towards the ocean and for landscape integration with JBDDP.
- The precise form of the extension (ie level of courts, degree of retaining, landscape treatments, fencing, etc) remains to be designed and will be contained in the application for a Building Permit, although supplementary information would be beneficial for consultation and reporting to Council for its recommendation to the WAPC, which can include conditions for an approval.

## Parking

The CTC relies on public domain parking mainly along Napier Street, comprising the grass verge and constructed bays. The Broome Street verge, Civic Centre front parking areas and Car Park No. 2 provide additional nearby parking. The spread of club patronage usually means that there is sufficient parking, although at times there can be competing demand for parking from other activities in the locality.

## Cost & Funding

The estimated construction cost is approximately \$900,000, depending on detailed design. The CTC has suggested equal cost sharing between the Club, Town and

Department of Sport and Recreation. In 2005 the Town provided a low-interest ten year loan to the CTC for improvements, due to be paid out in October this year. The Town has likewise given and resolved to extend a loan to the Sea View Golf Club.

A cash contribution of \$300,000 or more would be a substantial allocation of Council funds, but another loan for that amount over the remaining 15 years of the lease would appear feasible. However, Council should not commit to any funding until planning approval, accurate costs and an agreed arrangement with the Club have been satisfied.

## **CONCLUSION**

The proposal to expand the CTC site has merit as a key recreational facility and as part of the Napier Street Regional Open Space. Approval by the WAPC and the Department of Lands may be anticipated, in a similar fashion to their support for expansion of the North Cottesloe Surf Life Saving Club premises and lease area also in Regional Open Space.

Community consultation and more detailed engineering design will be important inputs to Council's final recommendation to the WAPC and to the Building Permit plans.

## **COMMITTEE COMMENT**

Committee discussed the proposal at length having regard to the background of broad planning for the locality over recent years and how best to move towards dealing with individual proposals to ensure overall coordination and integration, including consultation, more detailed design concepts and implementation considerations (eg funding, timing, staging, etc).

Despite the desire of the Tennis Club to progress its project and Council's initial in-principle support, on balance Committee felt that there was a need for more information and advice before committing to a course of action or proceeding with the formal application.

The Manager Development Services suggested that the item be deferred for officers to provide full Council with additional material to assist its deliberations accordingly.

## **VOTING**

Simple Majority

## **OFFICER RECOMMENDATION**

**Moved Cr Walsh, seconded Cr Jeanes**

THAT Council:

1. Support the formal proposal for expansion of the Cottesloe Tennis Club site, including making a development application to the Western Australian Planning Commission and amending the lease boundary and lease document.
2. Request the Club liaise with the Town and prepare more detailed information for consultation, further consideration by Council and submission to the Commission, such as: photos of the existing site and surrounds; drawings of

the northern, southern and western elevations; likely retaining walls, bunds and landscape treatments; likely materials, finishes and colours.

3. Request staff undertake appropriate community consultation on the proposal and to report back to Council for its recommendation to the Commission.
4. Request staff advise the Club of its decision, including that Council cannot commit to any funding until planning approval, accurate costs and an agreed arrangement with the Cottesloe Tennis Club have been satisfied.

#### **AMENDMENT**

**Moved Mayor Dawkins, seconded Cr Burke**

**THAT the item be deferred to full Council on Monday 5 May 2014 for further information and advice, to enable Council to determine a preferred course of action to deal with the Tennis Club proposal in relation to the future of John Black Dune Park (including consultation with Coastcare) and planning for the foreshore locality.**

**Carried 3/1**

#### **COMMITTEE RECOMMENDATION**

**Moved Mayor Dawkins, seconded Cr Burke**

**THAT the item be deferred to full Council on Monday 5 May 2014 for further information and advice, to enable Council to determine a preferred course of action to deal with the Tennis Club proposal in relation to the future of John Black Dune Park (including consultation with Coastcare) and planning for the foreshore locality.**

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

**Carried 3/1**

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

Nil.

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**

**12.1 ELECTED MEMBERS**

Nil.

**12.2 OFFICERS**

Nil.

**13 MEETING CLOSED TO PUBLIC**

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC**

Nil.

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 7:15 PM.

CONFIRMED MINUTES OF 28 April 2014 PAGES 1 – 20 INCLUSIVE.

PRESIDING MEMBER:  
POSITION:

.....

DATE: ..... / ..... / .....