

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 16 AUGUST 2010

CARL ASKEW
Chief Executive Officer

20 August 2010

DEVELOPMENT SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Officer announced the meeting opened at 6:03pm.

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

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

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 Victor Strzina

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

Mrs Yvonne Hart re item 10.1.1 – McNamara Way etc

Mrs Hart referred to the report which she considered covered the situation essentially well, and drew attention to particular aspects including access from the laneways, examining McNamara Way as differing north and south sections

and the suggested solutions, about which she would like to liaise with officers to explore the details.

Cr Rob Rowell re item 10.1.1 – McNamara Way etc

Cr Rowell emphasised what he saw as the scope of the planning and traffic problems in the laneways plus the complexity of solutions. This included the potential for increased subdivision and traffic, and any associated need for laneway widening (which landowners ought to be made aware of). He advocated producing an overall plan for the area, possibly via consultants, taking into account the surrounding local roads and considering the costs of traffic management.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Woodhill, seconded Cr Dawkins

[Minutes July 19 2010 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 19 July 2010 be confirmed.

Carried 6/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

10 REPORTS OF COMMITTEES AND OFFICERS

10.1 PLANNING

10.1.1 MCNAMARA WAY, JOINERY WAY, PENNEFATHER LANE & CLIVE ROAD PRECINCT – PLANNING & TRAFFIC CONTROLS

File No: E17.10.61
Attachments: [McNamara Way.pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 16 August 2010
Author Disclosure of Interest: Nil

1. BACKGROUND

Over recent years particular development proposals within the McNamara Way and associated lanes network have drawn attention to traffic management and other planning matters for review.

The area is bounded by Eric, Mann, Grant and Congdon Streets and Stirling Highway, and accessed internally by McNamara and Joinery Ways, Pennefather Lane and Clive Road. It is characterised generally by flats, townhouses and small lot houses between McNamara Way and the highway, and single dwellings throughout the remainder. Due to restricted access from the highway the lanes have become utilised for vehicular access and circulation, as well as by pedestrian and cyclists.

Council in March 2010, in determining an application for a four-car garage, workshop and studio building at the rear of 115 Grant Street, resolved also to: *Request the Planning and Engineering staff to further consider and report back on traffic management issues and potential improvements for McNamara Way, Joinery Way and Pennefather Lane, including assessing the degree of need, priority areas, optional measures or devices, budget and resource implications, statutory procedures and works programs.*

This echoes an earlier examination in relation to the townhouse development at Clive Road and McNamara Way, when Council resolved that: *In supporting the [scheme] amendment and having regard to ongoing development in this locality and its laneway system, review and improve the traffic calming and management measures provided.* This was taken into account in designing and approving the subsequent townhouse development.

In addition, recently Mann and Grant Streets have been identified as affected by district traffic rat-running to avoid congested main routes, especially at peak times, and Council has considered traffic controls accordingly.

In considering the 115 Grant Street proposal Council had regard to laneway setbacks and streetscape in relation to residential subdivision and development facing the lanes.

This report responds to the matters highlighted by Council for further investigation and advice. Planning matters are discussed first because they define the urban context in relation to traffic generation, behaviour and management.

2. PLANNING MATTERS

Council's concerns relate to the nature of the precinct and extent to which ongoing residential development may increase traffic pressures or create amenity impacts. An analysis of the situation has revealed the following.

Existing pattern of development

The precinct comprises two distinguishable portions. Firstly, the cluster of older flats, newer townhouses and several dwellings east of McNamara Way and south of Joinery Way; which relate to the lanes rather than the highway and is a secluded area. Secondly, the traditional lots fronting the perimeter local roads; which feature predominantly character homes/gardens and tree-lined streets. The built-up inner portion has an urban village atmosphere, whereas the outer surrounds have a typical suburban ambience.

It is the inner portion which takes advantage of the lanes for vehicular access and dwelling frontages, with the outer portion relying on street frontages for access – there are some rear garages, but backyard pools, differences in levels and laneway parking bays are prohibitive. Hence within the lanes there tends to be an open-aspect streetscape to the inner portion and a closed built form (solid, high fences/walls) to the rear boundaries of the peripheral properties.

Planning Schemes

Current TPS2 and proposed LPS3 both reflect this existing pattern and density of development and maintain the status quo – they are not aimed at any significant subdivision or redevelopment of this established area. This is because the area is effectively fully-developed, a mix of well-maintained housing stock is provided and there is limited opportunity for infill.

Only the former Sea View Garage (now Automasters) and Telstra exchange (heritage listed) sites may become available in the future; the former for medium density dwellings and the latter for a single dwelling, compatible with adjacent housing.

Subdivision and development potential

Besides being a well-developed area there are a number of other constraints to the potential for more residential subdivision or development in the precinct. These include density-coding, lot sizes, multiple ownerships, heritage, the highway road widening reservation, and the access/traffic dimension. Approvals processes and redevelopment costs are also factors.

While the rows of larger lots along Grant and Congdon Streets are capable of subdivision in terms of size, the majority of those properties are classified in Council's Municipal Heritage Inventory whereby demolition may not be supported. None of the Mann or Eric Streets lots are sized for subdivision. The few small lots/dwellings

south of Joinery Way are the result of previous subdivision, essentially anomalous and unlikely to proliferate.

This means that little, if any, subdivision is anticipated to occur and that the incidence of new dwellings addressing the lanes would be nil or very low. Conceivably the old service station site could be subdivided for dwellings or developed with townhouses to Clive Road. The Telstra exchange can be expected to stay for many years to come.

It is observed that the 115 Grant Street proposal entailed a problematic intersection of the laneway network and a comparatively large outbuilding, which while technically compliant did raise special considerations that the revised design and approval addressed. Having dealt with that individual site, similar situations may seldom eventuate.

Development controls

Given the situation described above, it is apparent that extensive subdivision or development is not envisaged; therefore, no major planning mechanisms are warranted. Nonetheless, it may be useful to devise some design guidelines for development proposals to help manage the laneway streetscapes, interfaces, and amenity and traffic arrangements.

These could be addressed by a Scheme Policy for statutory effect yet flexibility. It would contain the objectives and controls to be had regard to by all parties in formulating and determining applications. Public consultation would be undertaken in preparing the policy, to gather input and gauge expressions of support or objection.

Development aspects to be covered include laneway widening (by subdivision), vehicle manoeuvrability and sightlines, positioning of access, setbacks, built form, fencing/walls and streetscape. The policy could be confined to certain sections of the lanes. It should be noted that such controls would affect a number of ordinary residential properties fronting the main streets – ie increased setbacks, aesthetics of design, tree retention, quality of fencing.

Alternatively, as the demand for extra controls is arguably minimal, the present development control regime of the Scheme and Residential Design Codes (RDC) could be relied upon and proposals dealt with on a case-by-case basis.

3. TRAFFIC MATTERS

In the past the laneway system functioned fairly well with the traffic flow focussed on the southern half of McNamara Way serving the blocks of flats. Otherwise the lanes provided localised rear access to dwellings. There was some non-residential traffic associated with the woodworking business in Joinery Way (a continuing non-conforming use) and the former National Measurement Institute (NMI) in Clive Road. From the mid-1990s the small lots and dwellings created at the junction of McNamara and Joinery Ways contributed additional traffic and access via the lanes.

Townhouse development

From 2005 the rezoning and redevelopment proposals for the NMI site for 14 medium-density townhouses drew attention to traffic concerns, which were assessed in conjunction with those processes.

There were 10 submissions on the rezoning – 6 from Mann Street, 2 from McNamara Way, 1 from Clive Road and 1 from outside the area. They expressed concern about the amount of traffic being increased and resultant safety issues, and made the following specific points:

- Traffic is a problem – need to share access between McNamara Way and Clive Road, as Clive Road access is not such a problem.
- Narrow lanes, blind spots, excessive speed and heavy pedestrian usage create conflict and danger – lack of footpaths in the lanes.
- Calming required to control current and future users, eg bollards, speed humps, etc.
- Traffic study flawed, eg re current worker versus future residential trips – the latter will increase rather than decrease traffic; does not address pedestrian safety; need to deal with McNamara Way difficulties – further assessment required.

In considering the traffic matters officers advised as follows:

- The original traffic consultant (ARRB) has reviewed the initial traffic material and the submissions, as well as revisited the site.
- It is reiterated that the current versus proposed uses will give rise to different traffic effects and that the residential traffic is assessed as being less of an impact or conflict.
- It is observed that some traffic calming devices are in place and that more measures could be implemented to improve the management of vehicular and pedestrian movement, with suggestions made, particularly paving colour treatments and signage.
- McNamara Way is still considered to be the preferred access rather than Clive Road, which has problematic traffic engineering.
- The laneway system in the locality serves to provide access as well as to shape the character of the neighbourhood, in terms of the combination of circulation (including for pedestrians), development opportunities and built form. While the nature of lanes tends to automatically moderate traffic behaviour, it can also invite indiscriminate driving and parking, whereby dedicated traffic calming and management may be called for.
- As to traffic generation, the proposed residential traffic would have a volume and pattern different to the existing worker traffic, however, it is likely to be more spread-out and the amount of replacement traffic would not overload the lanes or be inherently dangerous – the development proposes controlled (limited) access, shared crossovers/driveways and visitor parking.
- The avoidance of access via Clive Road is supported, as that access clearly lacks convenience and safety, yet should visitors use that access the proposal includes three parking bays in the verge (which would be available generally to people visiting other properties in Clive Road).

- The traffic consultant has advocated ways in which the laneway system could be improved, which Council could relatively easily do.
- Traffic is a manageable aspect associated with the proposed Amendment and ultimate development, which the special provisions and design have purposefully addressed.

Submissions on the detailed development application reflected concerns about traffic and parking in the lanes, traffic calming means, visibility at intersections, reversing from rear yards/garages and the condition of the laneway surfaces. Council's assessment considered vehicular and pedestrian access and circulation, and parking both on-site and visitor.

In considering such concerns the developer agreed to widen McNamara Way to 4.8m outside the site as a contribution which allows two cars to pass at a slow speed, to facilitate traffic circulation for the development and the laneways. Also, extra visitor parking bays were provided at the applicant's cost, with improved setbacks from McNamara Way over others existing, and these verge areas were ceded to the Town as part of the lane.

Current circumstances

The townhouse development has since been built and the lanes/Clive Road demonstrably cope with that traffic. For the overall network, however, driver behaviour, visitor misdemeanours, the layout of the lanes and the fact that they are not of a full road standard do trigger ongoing traffic flow and control concerns. For example, in November 2009 further submissions regarding traffic hazard at the intersection of McNamara and Joinery Ways was received from 26 Mann Street. The garage proposal at 115 Grant Street highlighted this concern.

The planning analysis above reveals that intensification of the precinct is not intended and that the potential for further housing with laneway frontages and vehicular access is limited. Outbuildings developments such as rear garages, workshops or studios may occur occasionally, introducing some new access points and traffic arrangements.

As mentioned, traffic management measures recently contemplated by Council at the Mann and Grant Streets intersection may lead to impacts on the lanes.

A field inspection has found that the existing traffic controls comprise as follows:

- Signs – for speed humps and their speed standard (20km/h), pedestrian crossings, traffic warnings, traffic direction, vehicle parking/standing control and traffic rules. These are quite comprehensive but some are in disrepair.
- Speed humps – as part of the bitumen surface exist at key entries/exits and intersections within the laneways, as a reminder for caution and deterrent to speed. They are large enough to be effective without making too much noise, but the white markings are worn and those in Pennefather Lane are in poor condition. Additional speed humps midway along each laneway leg may assist, although the narrow mid-section of McNamara Way already positively influences slowing-down.

- Street lights – exist in McNamara Way and Clive Road as the main streets of the network carrying most traffic and with controlled parking. The lights enable the traffic control measures to be seen for convenience and safety at night.
- Traffic mirror – at the intersection Joinery Way and Pennefather Lane, which is narrow, to assist two-way traffic and traversing the corners. Additional mirrors may assist other intersections.
- Parking bays – line-marked public/visitor parking bays in McNamara Way provided this facility and assist traffic movement, yet could be improved. Joinery Way and Clive Road also accommodate parking, but that isn't line-marked so could be improved.

Scope for traffic improvements

The range of suggestions for traffic calming and safety improvements made by residents and consultants includes:

- Larger speed humps along the one-way section of McNamara Way.
- Extra signage, such as Give Way or Stop signs in lieu of the existing Watch for Entering Traffic sign at the intersection of McNamara and Joinery Ways.
- Chicanes or other restrictive devices along the one-way section of McNamara Way.
- Mirrors to assist the owners of 26 Mann Street with egress from their property into McNamara Way.
- Closure of the northern Mann Street entry into McNamara Way.
- Coloured bitumen or paving.

The Manager Engineering Services has advised as follows:

- The lanes are gazetted public roads, whereby any narrowing, widening, partial closure or use of bollards requires a procedure under the Land Administration Act to legalise such, including 35-days advertising to all stakeholders for submissions – objections may prevent a change.
- Care is required so that any change or installation for one development or section does not cause negative impacts elsewhere; eg speed humps necessitate warning signs and lighting (at additional cost) and can attract noise complaints. Solar-powered light poles are fairly affordable but Western Power light poles are costly.
- The notion of one-way traffic movement requires public advertising and agreement by MRWA to line-marking and signposting; and can lead to speeding in the absence of oncoming traffic. MRWA must approve of all traffic-rules signs (eg Stop, Give-Way, No U-turn, etc).
- Pennefather Lane is included in the current 2010/2011 budget for resurfacing, so that improvement can be achieved.

Recommendations for improvements are set out below.

CONCLUSION

In terms of **planning matters**, the view to respect the streetscapes in the lanes can be appreciated, as the interrelationship involving dwellings and outbuildings or fences/walls opposite does have a bearing on amenity. The lanes comprise a mixture of property frontages (in the minority) and rears (in the majority, single and double-storey buildings, reduced setbacks and solid walls as well as open-aspect fences. This constitutes a more compact, closely-knit urban environment than conventional streets.

The traditional planning framework for assessing development proposals in this precinct comprises TPS2 and the RDC, which are considered adequate and appropriate for the purpose. There is only a limited degree of demand for a supplementary policy, if Council still deems it desirable.

In terms of **traffic matters**, it would be beneficial to make improvements throughout the laneways network. The preferred options and priorities identified are as follows:

- Signs – review, repair and enhance all Town of Cottesloe-managed traffic and parking control signage. MRWA road-rule signage is not proposed.
- Speed humps – repair and freshly line-mark all speed humps. Secondly, determine any additional speed hump locations and install them subject to community support and cost. High/noisy rubber speed mats are not proposed. Nor are raised brick-paved plateaus.
- Street lights – check and repair all street lighting. Determine any desirable additional street light locations and install them subject to community support and cost.
- Traffic mirrors – install additional mirrors at the intersections of McNamara Way along its N-S leg with its two E-W legs and with Joinery Way at its western end.
- Parking bays – review, rationalise, augment and freshly line-mark all public/visitor parking bays in the laneways and Clive Road.
- Intersection treatments – progressively apply coloured/textured paving surfaces at all intersections of the laneway network, in order of priority.
- Lane upgrades – upgrade Pennefather lane by bitumen re-sealing and a coloured/textured intersection with Joinery Way as an early priority.

The maintenance works are relatively minor and inexpensive and should be able to be performed as soon as possible under the current budget and works programmes. New signs and bitumen speed humps would also be fairly easy and cost-effective to provide. New mirrors are reasonably inexpensive. Street lights can be costly and may have to be phased-in. Upgrading Pennefather Lane and intersection pavement treatments can occur in the near future.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee commended the report in addressing the situation and in conclusion supported the recommended approach to solutions, as well as encouraged further liaison between interested residents and officers. Committee in passing discussed how to deal with any future widening of the laneways and whether traffic management for the surrounding local streets should be included. Mr Jackson advised that it would better to manage widening on a case-by-case basis depending on what subdivision or development is involved; and recommendation (b) could embrace this anyway. He also advised that the laneways should be managed as a distinct network operating apart from the local road system.

OFFICER RECOMMENDATION

Moved Cr Woodhill, seconded Cr Dawkins

THAT Council:

- a) **Notes the advice contained in this report that appropriate development parameters already exist for this laneways precinct whereby there is limited need for any additional controls.**
- b) **Requests Planning and Engineering staff to prepare and implement a schedule of local traffic management improvements for this laneways precinct, including any necessary further consideration by Council and community consultation, as outlined in the Conclusion section of this report.**

Carried 6/0

10.1.2 NO. 36 (LOT 50) ERIC STREET – REFURBISHMENT OF LOCAL SHOPPING CENTRE

File No:	1994
Attachments:	Photos Eric Street pdf Plans Eric Street pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	16 August 2010
Author Disclosure of Interest:	Nil
Property Owner:	Harman Nominees Pty Ltd
Applicant:	Meyer Shircore & Associates Architects
Date of Application:	9 July 2010
Zoning:	Business
Use:	P - A use that is permitted under this Scheme
Lot Area:	2023m²
MRS Reservation:	Not applicable

SUMMARY

The Eric Street shopping centre on the corner of Chamberlain Street is an established local centre serving the needs of the neighbourhood and greater Cottesloe. While well-used, the centre dates from the 1970s and is ageing and lacking in amenity by today's standards in terms of practicality, aesthetics and serving the community and visitors.

Under new ownership the current proposal is to upgrade and refurbish the existing building and, given the assessment that has been undertaken, the recommendation is to conditionally approve the application.

PROPOSAL

This proposal involves both internal and external alterations as summarised below:

Basement:

- Upgrade existing toilets.
- Provide secure bicycle store.

Ground floor:

- Increase floorspace of existing IGA supermarket from approximately 650m² to 728m² (thereby formalising the existing situation).
- Consolidate four existing tenancies on the northern side to create two new tenancies (77m² & 155m²) and divide the existing video shop tenancy to create two new shops.
- Create new coffee shop (94m²) in south-eastern corner.

- Remove existing ground-floor shopfronts and install new bi-fold doors to all tenancies along internal arcade.

First floor:

- Re-configure and change the use of existing tenancies (mostly vacant) to create a hairdressers (approved separately under delegation), beauticians (53m²) and two offices (65m² & 112m²); Existing gym remains unchanged.

External:

- Install bi-fold doors to proposed coffee shop and replace all remaining external shopfronts with tinted glazing.
- Replace existing balustrade fronting Eric Street with new glass balustrade, stainless steel handrail and fixings.
- Replace balustrade along north elevation.
- Replace upper floor windows with flushline clear anodised aluminium glazing with green tinted vision panels and translucent spandrels fronting Eric Street, tinted glazing fronting Chamberlain Street, and translucent glazing to the upper floor (north elevation - replacing existing).
- Replace existing tiled awnings with new flat awnings at ground and first floor level.
- Compressed fibre-cement sheet cladding painted Dulux 'Flooded Gum' added to roofline along south and east elevations.
- Colorbond 'Surfmist' stainless steel Trimdeck cladding added to north, west and southern elevations.
- Compressed fibre cement signage panels provided in locations shown on drawings. Details subject to separate application.
- Re-configure existing disabled bay/loading bays and provide new landscaping and kerbing in Chamberlain Street.
- Install a scissor lift pit and regrade existing northern access driveway.

STRATEGIC IMPLICATIONS

The proposal is in-keeping with the strategic direction for this local activity centre.

FINANCIAL IMPLICATIONS

The proposed development includes improvements to the public domain such as new landscaping, kerbing and re-configuration of the existing disabled bays and loading bays in Chamberlain Street at no cost to Council.

STATUTORY ENVIRONMENT

- Town of Cottesloe Town Planning Scheme No. 2.
- Council's 'Advertising' Policy TPSP 010.
- Signs, Hoardings & Billposting By-Law No. 33.

PROPOSED LOCAL PLANNING SCHEME NO 3

The proposed refurbishment is consistent with the 'Local Centre & R50' zoning for the lot.

CONSULTATION

The Application was advertised as per Town Planning Scheme No 2. The advertising consisted of letters to 12 adjoining owners. While some viewed the plans, no submissions were received.

BACKGROUND

A summary of recent planning applications considered by Council for this site is as follows:

29 June 2007

Town Planning Scheme No 2 - Amendment 43 gazetted – Amended Scheme to include specific development standards for the Eric Street local centre based on indicative plans for refurbishment including residential apartments on the upper floor.

26 May 2008

Council granted planning approval for the redevelopment of the existing local centre to incorporate shops, a café and residential uses. This application has subsequently expired and the shopping centre has been sold.

PLANNING COMMENT

The following comments are made with respect to the relevant development standards under TPS 2 and Council Policies:

Land use

The proposed mix of uses are all 'permitted' under TPS 2 and LPS3 and are consistent with uses usually associated with a local shopping centre.

Plot ratio

A maximum plot ratio of 0.8 is permitted in a Business zone under TPS 2. However, the existing as-built plot ratio of the shopping centre (which pre-dates TPS2) is 1.0, which will remain unchanged as a result of the proposed refurbishment.

Height

The existing local centre is essentially two-storeys with an undercroft/basement carpark. At this scale it sits comfortably on its sloping site in relation to the two street frontages and surrounding development, which includes three-storey multiple dwellings to the west and two-storey dwellings to the north and in the vicinity.

The proposed refurbishment incorporates a new parapet fascia above the existing tiled rooftop awning (which will be removed) thereby increasing its height by 0.41m and

resulting in an overall building height of 7.26m (RL: 30.410) above the existing ground floor.

Council has discretion to approve this height variation as it is an extension to the existing building and will be below the maximum 9m height limit (RL: 30.9) that is permitted under Amendment 43. The revamped building will present less bulk and scale than the previous approval.

Parking

The existing local centre has 64 undercroft parking bays and 7 on-street bays adjoining Eric Street. A further 8 bays are located in front of the adjacent flats, although these do not strictly belong to the shopping centre.

Under TPS 2 the current parking standard of 1 bay per 12m² gross leasable area (GLA) for shops was introduced well after the shopping centre was built and would require some 169 bays for the existing uses while the proposed refurbishment would require 140 bays, based on a total shop area of 1544m² and a proposed office area (including the existing gym) of 482m².

Notwithstanding this technical shortfall under TPS2, like many local centres this one has been able to provide largely on-site parking by virtue of the basement and on-street parking; and undercover parking is a bonus in a local centre as it is usually only provided in major centres.

Amendment 43 also takes account of the actual likely demand for parking and permits a reduced parking provision of 1 bay per 30m² GLA for retail uses on this lot. If used as a basis for considering the proposed refurbishment, it reduces the overall requirement of parking bays to 64 bays which is the same as that proposed to be retained in the basement parking area.

Parking is not considered to be a problem at this local centre.

Northern access driveway

The applicant has advised that the existing northern access driveway will require regrading to provide level planes necessary for the safe loading and unloading of goods.

The submitted drawings show that the existing driveway will be lowered up to 0.7m as it transgresses the rear of the shopping centre. A new pit is also proposed in the driveway to allow for a mounted scissor lift to assist with deliveries.

The Manager Engineering Services has no objection to the proposed regrading or the scissor lift pit location subject to consideration of the structural impact on the adjoining masonry wall on the northern side of the driveway. This is a matter that will be considered at building licence stage with the provision of a dilapidation report.

The driveway is privately owned by the shopping centre (ie: is not a right-of-way) and has always been used primarily to service the rear of the centre. The proposed alterations (and overall refurbishment) are unlikely to have any significant impact on

the adjoining residential property to the north as it is well-screened by a high parapet wall and has co-existed with the driveway and shopping centre in this location for many years. Furthermore, no objections have been received from the adjoining owner to the present proposal.

Colours and Finishes

Whilst the proposed external colours and finishes are considered generally acceptable for the local centre, it is nevertheless important to ensure that the proposed refurbishment both enhances the visual appearance of the existing building and is in harmony with its surroundings. In this regard, alternative external materials to the proposed Colorbond Trimdeck cladding on the south, west and north elevations should be explored to improve overall aesthetics and reduce the likelihood of reflectivity and other problems, once completed. The amenity provisions of TPS2 make it clear that this is a legitimate planning consideration as follows:

5.1.2 General

... in considering a proposed development Council shall have regard to and may impose conditions relating to the following - ... (c) the choice of building materials and finishes where these relate to the preservation of local character and the amenity of the area generally;

5.1.5 Appearance of Buildings

All buildings and land shall be maintained to preserve the amenity of the surrounding area. No building shall be so designed or constructed or finished or left unfinished that its external appearance would disfigure the locality, lack harmony with the exterior design of neighbouring buildings or tend to depreciate the value of the surrounding properties.

Officers have raised this concern with the Architects, who have advised that the project is cost-sensitive and that high-end claddings are too expensive. Officers still consider that sheet-metal cladding is undesirable for a number of reasons:

- An industrial look is inconsistent with the surrounding residential development.
- It overemphasises the bulky end and these visible facades of the building by drawing attention to that
- Glare impact, rust over time and potential for storm damage.
- A tendency to become dented by commercial vehicles/activities, especially in the case of undercrofts and loading areas.
- Difficulties in detecting faults in and maintaining the masonry underneath, in mounting signs and in connecting services.
- Future maintenance and cost requires complete re-cladding or painting of the weathered powder-coating.

It is concluded that the sheet-metal cladding would be out of context and less attractive. The obvious alternative would be to paint, or render and paint, the existing masonry – and this is supported. It is less expensive and more flexible for the above reasons, being easy to maintain and to up-date in the future. A condition refers accordingly.

Signage

Under TPS 2 Council is required to consider signage applications in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is displayed.

The main proposed signage comprises a 25m² (5m x 5m) horizontal wall sign that projects 0.5m above the roofline for the existing IGA and pharmacy and will be located above the basement carpark entrance fronting Eric Street.

Four additional smaller signage panels are also proposed fronting both Eric Street and Chamberlain Street, in addition to building signage which names the local centre as 'Cottesloe Mews'.

Although the existing signage on the building is relatively large, the proposed 25m² sign well-exceeds the maximum 10m² permitted in a Business zone under Council's 'Advertising' Policy – TPSP010. It will also appear excessively large and over-bearing and generally out-of-keeping with the character of the predominantly residential area. It is therefore concluded that this signage should be reduced to a maximum 10m² to comply with Council Policy and be situated below the existing roofline.

Furthermore, although the applicant has advised that tenant signage shall be subject to a separate application, it is assessed that any additional signage (including individual window naming signage) should be significantly restricted unless a revised overall signage strategy is submitted and approved by Council. This should avoid the unnecessary clutter that currently exists, particularly on the ground floor.

Additional Comment:

In response to the abovementioned concerns regarding the scale of the main signage panel, the applicant submitted revised plans on 11 August 2010 which show the proposed 25m² signage panel being replaced by three separate signage panels of 8m² each, two on the south elevation above the basement carpark entrance and one facing west.

These revised signage panels are of a preferred scale and will be positioned below the roofline and are aligned with the upper floor windows so as to appear more in-character with the existing building and its surrounds. This pattern of signs would be less dominant and serve to break-up the bulkiness of the box-shaped building sitting above the undercroft. The signs are also compliant with TPS 2 and Council's 'Advertising' Policy so can be supported.

CONCLUSION

The proposed development complies with TPS 2, with the exception of the proposed external cladding which should be more in-harmony with the surrounding character of the area. Notwithstanding this, the proposal will provide both visual and practical improvements to the shopping centre and allow opportunities for new tenants, including a café, without having a significant impact on existing car-parking arrangements or the amenity of the area.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee sought some clarification regarding signage, loading areas and cycle parking. Officers advised that the overall signage regime had been improved to manage signage panels; that adequate loading areas would continue in their current locations; and that existing cycle racks will remain and may be augmented over time. A minor amendment was made to condition (b) to elaborate on signage control. Committee was satisfied accordingly and also supported the condition to disallow the partial Trimdek cladding in favour of a more aesthetic finish.

OFFICER RECOMMENDATION

Moved Cr Birnbrauer, Seconded Cr Woodhill

That Council GRANT its Approval to Commence Development for the refurbishment of the local shopping centre at No. 36 Eric Street (Lot 50), Cottesloe in accordance with the revised plans submitted on 11 August 2010, subject to the following conditions:

- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction sites;
- (b) No additional external signage shall be permitted without the submission and approval of an overall signage strategy, signage applications and sign licences as required.
- (c) No additional use or change-of-use shall be permitted without the approval of a separate planning application and any associated building licence or health applications.
- (d) No goods or materials shall be stored in the parking areas, driveway or laneway. All goods and materials are to be stored elsewhere within the building.
- (e) Any requirement for supplementary delivery vehicle parking shall be included in the detailed plans submitted for a building licence and to the satisfaction of the Manager Development Services.
- (f) No verge trees adjoining the site are to be removed and the trees shall be protected at all times during construction, to the satisfaction of the Manager Engineering Services.
- (g) Prior to making any changes to the existing crossovers, the applicant shall apply 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.
- (h) The applicant shall be responsible for the costs of all changes to the public domain outside the site required by the development, including (but not limited to) any alteration to existing vehicle bays (including disabled bays and loading bays), upgrading of verge pavements, landscaping and any alterations of

services and infrastructure. All such works shall be to the specification and satisfaction of the Manager Engineering Services.

- (i) The proposed Colorbond Trimdek sheet-metal wall cladding to the south, west and north elevations is excluded from this approval. Alternative appropriate cladding may be considered acceptable, in liaison with the Town. Painting or rendering/painting the existing masonry is recommended.
- (j) The building licence plans and supporting documentation shall be formulated to the satisfaction of the Manager Development Services and include:
 - a. Full details of all proposed external materials, finishes and colours, including glazing, awnings or screens and the roof cladding, ideally selected to be of low-reflectivity. This shall include any agreed alternative cladding or painting/rendering as referred to in condition (i).
 - b. Full details of all plant and equipment and how it is to be located, designed, housed, screened, treated or otherwise managed to ensure amenity and compliance with the relevant environmental regulations.
 - c. If required, full details of new on-site and off-site drainage management, including any necessary arrangements to utilise land outside the site and link into the public drainage system.
 - d. All disabled access shall comply with AS1428.1 and energy efficiency and fire management requirements shall be in accordance with the BCA, Australian Standards and other relevant regulations.
 - e. A dilapidation report addressing the adjoining properties, with particular regard to the existing wall to the northern property along the service driveway, shall be submitted, to the satisfaction of the Principal Building Surveyor.
 - f. Full details showing adequate mechanical ventilation and satisfying all other relevant Environmental Health requirements for the proposed uses, including the café, shall be submitted for approval, to the satisfaction of the Principal Environmental Health Officer.

AMENDMENT

Moved Cr Dawkins, seconded Cr Woodhill

That condition (b) is amended to read: *No additional external signage shall be permitted without the submission and approval of an overall signage strategy (which includes provision for all tenancy requirements), signage applications and sign licences as required.*

Carried 6/0

COMMITTEE RECOMMENDATION

That Council GRANT its Approval to Commence Development for the refurbishment of the local shopping centre at No. 36 Eric Street (Lot 50), Cottesloe in accordance with the revised plans submitted on 11 August 2010, subject to the following conditions:

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- (a) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction sites;
 - (b) No additional external signage shall be permitted without the submission and approval of an overall signage strategy (which includes provision for all tenancy requirements), signage applications and sign licences as required.
 - (c) No additional use or change-of-use shall be permitted without the approval of a separate planning application and any associated building licence or health applications.
 - (d) No goods or materials shall be stored in the parking areas, driveway or laneway. All goods and materials are to be stored elsewhere within the building.
 - (e) Any requirement for supplementary delivery vehicle parking shall be included in the detailed plans submitted for a building licence and to the satisfaction of the Manager Development Services.
 - (f) No verge trees adjoining the site are to be removed and the trees shall be protected at all times during construction, to the satisfaction of the Manager Engineering Services.
 - (g) Prior to making any changes to the existing crossovers, the applicant shall apply 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.
 - (h) The applicant shall be responsible for the costs of all changes to the public domain outside the site required by the development, including (but not limited to) any alteration to existing vehicle bays (including disabled bays and loading bays), upgrading of verge pavements, landscaping and any alterations of services and infrastructure. All such works shall be to the specification and satisfaction of the Manager Engineering Services.
 - (i) The proposed Colorbond Trimdek sheet-metal wall cladding to the south, west and north elevations is excluded from this approval. Alternative appropriate cladding may be considered acceptable, in liaison with the Town. Painting or rendering/painting the existing masonry is recommended.
 - (j) The building licence plans and supporting documentation shall be formulated to the satisfaction of the Manager Development Services and include:
 - a. Full details of all proposed external materials, finishes and colours, including glazing, awnings or screens and the roof cladding, ideally selected to be of low-reflectivity. This shall include any agreed alternative cladding or painting/rendering as referred to in condition (i).
 - b. Full details of all plant and equipment and how it is to be located, designed, housed, screened, treated or otherwise managed to
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ensure amenity and compliance with the relevant environmental regulations.

- c. If required, full details of new on-site and off-site drainage management, including any necessary arrangements to utilise land outside the site and link into the public drainage system.
- d. All disabled access shall comply with AS1428.1 and energy efficiency and fire management requirements shall be in accordance with the BCA, Australian Standards and other relevant regulations.
- e. A dilapidation report addressing the adjoining properties, with particular regard to the existing wall to the northern property along the service driveway, shall be submitted, to the satisfaction of the Principal Building Surveyor.
- f. Full details showing adequate mechanical ventilation and satisfying all other relevant Environmental Health requirements for the proposed uses, including the café, shall be submitted for approval, to the satisfaction of the Principal Environmental Health Officer.

Amended Substantive Motion was Put

Carried 6/0

10.2 GENERAL

10.2.1 INDIANA LICENSED RESTAURANT - PROPOSED EXTENDED TRADING PERMIT VARIATION FOR LIQUOR SERVICE WITHOUT A MEAL - PRELIMINARY REQUEST

File No: 91 Marine Pde
Attachments: [Indiana Extended Trading pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 16 August 2010
Author Disclosure of Interest: Nil

INTRODUCTION

This report presents a preliminary proposal from Indiana to reconfigure its liquor licence in relation to serving drinks without a meal. Indiana operates under a Restaurant Licence, together with an Extended Trading Permit (ETP) which allocates 20% of its patron area where liquor may be consumed without having to order food. Currently this is internal in the north-east portion of the premises.

The proposal is to allocate 100% of the patron area as available for where drinking without food may occur, including both the internal and al fresco floorspace. This does *not* mean that all of the patron area can be used at once just for drinking with no food. Rather, it means that the proportion of drinking-only allowed may take place anywhere in the patron area, instead of being confined to a dedicated area and the supervision of such. A 100% area ETP would be managed by a number of standard conditions and any special ones. No physical development or other change to the Restaurant Licence is involved.

Liquor licensing is governed by the Liquor Control Act (LCA), determined by the Director of Liquor Licensing (DLL) and administered by the Department of Racing, Gaming and Liquor (DRGL). At this stage Indiana has liaised with and written to the Town about the proposal seeking in-principle support, upon which it intends to formally apply to vary the ETP. In that event the Local Government (LG) is consulted by the DRGL for its position, plus the LG has a role to process any corresponding Section 39 (Heath) and Section 40 (Planning) Certificates. In the case of Indiana, the Town is also the lessor, so has a right to agree or disagree in that capacity.

Public advertising is part of the DRGL ETP application procedure, and Council may reinforce the need for consultation in its response. Alternatively Council as landlord, and other parties, may officially object to an ETP proposal.

BACKGROUND

Indiana is fundamentally a restaurant and has essentially functioned well as that for many years. Indiana has kept abreast of evolving social trends in the food and beverage sector and availed itself to the ETP provisions of the LCA. This reflects the

overall diversification of liquor establishments in WA, most recently small bars, and is in keeping with the recreational/tourism focus of the Cottesloe beachfront.

With regard to other restaurants in the vicinity, Il Lido has opened as an all-day tapas-menu licensed restaurant with an ETP and Blue Waters is a licensed restaurant with an ETP, neither of which have raised concerns, while the Cottesloe Beach Hotel under new ownership is anticipated to become more food-orientated and family-friendly.

A 20% area ETP is quite common in restaurants today and was first granted to Indiana in 2003. It was renewed in July 2010 for five years – copy attached. The Town supported the continuation given that there have been no complaints about this aspect of the restaurant's operation. The 20% ETP is limited to the prescribed area, with several conditions, which are summarised as follows:

1. A maximum of 48 persons, served and seated at dining tables.
2. No liquor-only service or consumption outside that area.
3. Trading hours equivalent to a hotel licence (this is standard pursuant to the LCA, covering the wide range of times that restaurants may be open).
4. The restaurant operating as the primary and predominant purpose under that licence with non-meal drinking being subordinate and incidental.

Given this mode of operation, as well as changing restaurant and drinking venue genres generally and in the district, Council in 2009 approved renovations at Indiana to create both casual and traditional dining areas, which includes al fresco. The proposed 100% area ETP is conceived to provide greater flexibility accordingly.

ETPs are guided by the DRGL policy on the matter and Council also has a policy regarding licensed premises. Assessment under the DRGL policy considers the public interest, taking into account:

- Harm and ill health minimisation.
- Amenity of the locality.
- Nuisance minimisation.
- Nature of business and clientele, including at different hours.
- Management plans.

Council's policy echoes this framework, with an emphasis on amenity, safety, operational implications and where relevant parking requirements. The report to Council on the initial 20% area ETP considered as follows:

The Indiana Teahouse is an exclusive style dining venue attracting more sophisticated and mature patrons. No complaints have been received in relation to the behaviour of patrons of the restaurant. The proprietors of the restaurant have displayed a responsible attitude to alcohol consumption within the premises. Through their active involvement in the Western Accord, they are assisting to reduce the impact of alcohol consumption on the community. It is unlikely that problems associated with consumption of excessive alcohol will be experienced as a result of the proposed ETP.

ASSESSMENT OF PROPOSAL

The LCA provides that a restaurant may supply liquor without a meal to 100 per cent of its customers, subject to an ETP. In practice, to avoid restaurants becoming de facto bars, restrictions on the percentage area and/or number of patrons and related operational aspects are applied to ensure that the licensed premises trades as a bona fide restaurant with drinking-only as an ancillary activity.

Indiana's 100% area ETP proposal is explained in the attached letter and supported by its existing Harm Minimisation Plan and established management practices. The proposal is to spread the table service/seating arrangements for drinking without food throughout the restaurant. This is apparently for ease of operations, customer choice/convenience and flexibility when changing layouts/décor occasionally. It is understood the DRGL indicated to Indiana that this approach may be more practical for the future.

The proposed 100% area ETP would be for the entire licensed area, which includes the al fresco. The proportion of patrons permitted to drink-only could be distributed-around, in several allocated areas or at random. This would offer freedom to be seated in a quiet area or to get a better view, for example; especially when the restaurant is not busy or patrons may wish to drink-only outside core meal times. A further example is when patrons desire liquor with just a snack, which is not classed as a substantial meal so they are required to sit in the non-dining area.

The proposal does not entail any change to the total number of patrons, hours of opening or other operational details under the main Restaurant Licence. All patrons must still have table service and be seated, in a typical restaurant format, not a bar environment. Parking demand would not be increased and the patterns of patronage would not be expected to alter to any significant degree.

Number of patrons

Indiana has not yet clarified the number of patrons intended to be allowed to drink without a meal under the 100% area ETP. The existing 20% area ETP has a corresponding limit of 48 patrons. This equates to 20% of the overall maximum number of seated patrons (240) permitted by the original planning approval to create the teahouse, including the restaurant, kiosk and outdoor areas. The lease from the Town limits the restaurant portion to 170 patrons. In comparison, 48 patrons represents 28% of the lease limit.

Under the 100% area ETP, the same, another (less or more) or even no limit on the number of drinking-only patrons could be considered. There would have to be a rationale for the number, which would be stipulated in and controlled by the ETP, as in the current situation.

A numerical limit is the simplest method. A more complex method, as suggested by the DRGL policy, is the split between food and liquor sales, eg in a 60/40% ratio. Indiana has stated it currently trades at a 70/30% breakdown. This would have to be measured, recorded and monitored. Because the total amount of liquor sales would include that sold with a meal, the actual percentage of liquor-only sales would be less than the limit specified.

In this respect Indiana has advised that it usually attracts typically ten or so drinking-only patrons as a maximum at any one time and that once the restaurant gets busy staff are preoccupied with that service instead of concentrating on non-meal customers.

Indiana is known to trade at the up-market end of the restaurant spectrum, embracing both casual and formal dining with a high quality fit-out, high-calibre staff and a strong management presence. Indiana caters to local, regional and tourist clientele and experiences seasonal patronage patterns.

Therefore, the preliminary request appears acceptable whereby a 100% area ETP would be unlikely to be detrimental to the public interest or the amenity of the locality. Community consultation by the Town additional to the DRGL liquor licensing advertising procedure is not considered necessary.

The lease between the Town and Indiana is a related consideration and ought to be consistent with any liquor licence controls. This remains to be examined and any modification required as a result of the amended ETP would be at the cost of Indiana.

ETP conditions

As a guide, ETP conditions derived from the DRGL Policy normally include as follows:

1. *Pursuant to section 50 of the Act, the purpose of the business carried on at the licensed premises must consist primarily and predominantly of the regular supply of meals (as defined by section 3 of the Act) to customers. For the purposes of establishing the primary purpose of the business under the licence, the licensee shall, if required to do so, provide to the Director of Liquor Licensing a record of all transactions entered into by or on behalf of the licensee involving the sale or other disposal of liquor and food.*
2. *The kitchen situated on the licensed premises, together with kitchen and food service staff, must be open and operating with the restaurant's regular full menu being available at all times liquor is sold and supplied to patrons.*
3. *Liquor may only be consumed by patrons while seated at a table, or a fixed structure used as a table for the eating of food, and not elsewhere. Therefore, the sale and supply of liquor to patrons is restricted to table service by staff of the licensee.*
4. *The premises must always be set up and presented for dining and tables cannot be removed or shifted in order to create dance floors or function areas.*
5. *The permit does not apply to any bar/servery area identified in the approved plans.*
6. *The licensee is prohibited from promoting and/or advertising the licensed premises as anything other than a restaurant.*
7. *The maximum permitted trading hours in respect of the permit are:*
 - a. *Monday to Saturday between the hours of 6am and 12 midnight;*
 - b. *Sunday from 10am to 10pm; and*
 - c. *No trading under the permit is authorised on Christmas Day, Good Friday or before noon on Anzac Day.*

This illustrates that suitable and enforceable controls would regulate any ETP.

CONCLUSION

It is concluded that Council can be satisfied as follows:

- The proposal for a 100% area ETP is reasonable on the basis of operational and customer convenience and contemporary licensed premises.
- The style of the restaurant and operation of the 100% area ETP in terms of a credible food/liquor balance would not cause detrimental impacts.
- The associated liquor management measures in place are effective.
- The number of drinking-only patrons should be limited and would be managed by conditions of the 100% area ETP.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee was satisfied that a more flexible ETP would be sensible and practical subject to appropriate conditions on the intended permit to manage and monitor the number of patrons drinking without a meal.

OFFICER RECOMMENDATION

Moved Cr Goldthorpe, Seconded Cr Dawkins

That Council advises Indiana that it is supportive in-principle of a 100% licensed area Extended Trading Permit (ETP) to sell and supply liquor without a meal to patrons seated at tables anywhere in the internal and external dining areas of the restaurant, subject to:

- 1. Consideration by Council of a formal ETP application referral.**
- 2. The ETP application process including adequate public consultation in accordance with the Liquor Control Act.**
- 3. Clarification of the intended number of and limit on drinking-only patrons proposed to be permitted, and the rationale for that, together with the associated management methods and liquor controls.**
- 4. Appropriate conditions being imposed on the ETP in accordance with the Policy of the Department of Racing, Gaming and Liquor on Extended Trading Permits for Restaurants to Sell and Supply Liquor Without a Meal. The conditions should include a limit on the number of patrons allowed to be served liquor without a meal, a ratio of food/liquor sales not less than 60/40% respectively, the methods required to record and monitor these patron and sales measures, the liquor management strategies for the operation of the ETP and any other relevant aspect.**
- 5. Any consequential amendments to the Lease between the Town and Indiana being made to the satisfaction of the Town and the full cost being paid by Indiana, within an agreed timeframe.**

Carried 6/0

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 6.55 pm.