

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE

MINUTES

**MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 19 SEPTEMBER 2011**

CARL ASKEW
Chief Executive Officer

23 September 2011

DEVELOPMENT SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Officer announced the meeting opened at 6:05 PM.

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

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

Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Andrew Jackson	Manager Development Services
Mrs Julie Ryan	Development Services Secretary

Apologies

Cr Victor Strzina

Officer Apologies

Mr Ed Drewett	Senior Planning Officer
Mr Will Schaefer	Planning Officer

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

Nil.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Dawkins, seconded Cr Goldthorpe

[Minutes August 15 2011 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 15 August 2011 be confirmed.

Carried 6/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Presiding Member thanked outgoing Councillors Dawkins, Cr Goldthorpe and Cr Woodhill for their service on Committee.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

10 REPORTS OF COMMITTEES AND OFFICERS**10.1 PLANNING****10.1.1 NO. 459 STIRLING HIGHWAY - RECONSIDERATION OF APPLICATION FOR PROPOSED SECOND-STOREY ADDITION TO EXTEND PROFESSIONAL OFFICE USE**

File No:	1976
Attachments:	Dept Transport Letter.pdf WAPC Letter.doc.pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Carl Askew Chief Executive Officer
Proposed Meeting Date:	19 September 2011
Author Disclosure of Interest	Nil
Property Owner	Lanobelle Corporation
Applicant	Icon Group Management
Date of Application	11 June 2010
M.R.S. Reservation:	Not applicable.

BACKGROUND

On 22 August 2011 Council considered this application and resolved to support the proposal in-principle on the proviso of no objection from the Department of Transport, as follows:

Subject to no objection being received from the Department of Transport and the inclusion of any condition or advice note it requests to the satisfaction of the Manager Development Services, GRANT approval to commence development pursuant to the Metropolitan Region Scheme for the proposed second-storey addition to extend the professional office use at No. 459 (Lot 100) Stirling Highway, Cottesloe, in accordance with the plans submitted on 11 June 2010, subject to the following conditions:

- (a) *The continued Professional Office use shall be for a maximum of 8 staff and 4 clients or other visitors at any time, and shall not operate outside the hours of 8am to 6pm Monday to Friday. Any proposed intensification or expansion of the use, additional use, change of use, or physical change proposed in the future shall require a further application for planning determination.*
- (b) *The parking bays as indicated on the plans shall be marked-up (including the disabled bay) and signage should be erected to ensure parking occurs only in marked bays and not in Right of Ways to the satisfaction of the Town of Cottesloe.*
- (c) *All stormwater runoff from the development shall be contained on-site*

and not discharged externally, to the satisfaction of the Town of Cottesloe and the details shall be shown in the building licence plans.

- (d) No goods or materials shall be stored either temporarily or permanently in the parking area or laneway. Any goods or materials associated with the professional office use are shall be stored within the building.*
- (e) The building licence plans and supporting documentation shall be to the satisfaction of the Town of Cottesloe and shall include:*
 - i. Full details of all proposed external materials, finishes and colours, including glazing, any awnings or screens and the roof cladding, all selected to be of low-reflectivity.*
 - ii. Full details of all screening and glazing to the northern elevation demonstrating adequate protection of privacy for the adjacent dwelling building.*
 - iii. 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.*
 - iv. A comprehensive lighting strategy to manage amenity in relation to the building and surrounds without undue impacts.*
 - v. All disabled access (incorporating universal access design principles), energy efficiency and fire management requirements in accordance with the BCA, Australian Standards and other relevant regulations.*
 - vi. A comprehensive Construction Management Plan. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.*

Council's task was to determine the application under the Metropolitan Region Scheme (MRS) on behalf of the Western Australian Planning Commission (WAPC) under delegation, having regard to the Primary Regional Road (PRR) reservation in the MRS for Stirling Highway.

On 29 July 2011 the application had been referred to the Department of Transport (DoT) for advice to the Town in this connection on behalf of the WAPC, as part of the consultation process required under the delegation procedures for handling MRS matters. As the DoT was unable to respond in time for the Council meeting, the recommendation was qualified accordingly.

MRS REQUIREMENT

At the time of the original approval under the MRS the advice received from the Department for Planning and Infrastructure was to support the application based on the current regional transport perspectives.

Since then the Stirling Highway Activity Corridor Study (SHACS) has progressed and has become an increasing influence on the determination of planning proposals along the highway, affecting a number of local governments. This SHACS has received ongoing press coverage at both local and state levels and the Town in correspondence has brought it to the attention of the applicant's representatives.

The August report to Council acknowledged that the advice from the DoT was expected to address the latest situation regarding the MRS reservation and SHACS.

On 30 August 2011 the Town received a reply from the DoT advising:

SHACS has progressed the carriageway design and the plans for Stirling Highway were adopted by the WAPC for the purpose of decision-making and referrals on development and subdivision applications.

SHACS has advised that there is a setback requirement of 13.4 metres along the property boundary fronting Stirling Highway.

The DoT is unable to support the Planning Application as submitted as the proposed development encroaches on the land requirement setback for Stirling Highway.

In this respect explanatory correspondence dated 16 August 2011 from the Strategic Urban Projects directorate of the Department of Planning accompanied the DoT advice. This describes more fully the status of the SHACS, as well as the decision by the WAPC on 25 January 2011 to adopt the SHACS carriageway plans for Stirling Highway for the purpose of decision-making and referrals on development and subdivision applications. It includes a definitive land requirement plan for the subject site.

In addition, related correspondence to the Town dated 24 August 2011 from the WAPC outlines the approach now being taken to implement the SHACS via an MRS Amendment to rationalise the PRR reservation. Local Government briefings are proposed and a summary statement was included.

Copies of all of this correspondence are attached for information. The rationale of the SHACS and the intended MRS Amendment are elaborated upon, together with the implications for affected development proposals.

Under the MRS where land is affected by a regional reservation the planning system provides for approval of acceptable development, land acquisition by the WAPC or compensation for land affected. Apart from an appropriate approval, the other options are for applicants and the WAPC to address, as local governments don't administer those processes.

CONCLUSION

Council in acting on behalf of the WAPC under delegation on this MRS application is obliged to determine the proposal having regard to the applicable regional planning requirements.

In this case the PRR reservation has affected the land for decades and more recently the SHACS has served to define a detailed land requirement. The WAPC has adopted such plans and committed to an MRS Amendment. Development applications on the site and others are now definitively constrained and specific advice is being given as a basis for determinations.

In this instance having regard to the advice received Council can only refuse the proposal on regional planning grounds. It is therefore necessary to rescind Council's earlier *subject to* resolution of tentative support and issue a final decision of refusal under the MRS with reasons. Although the advice received does not cite precise reasons, the wording can be devised from that correspondence.

Were Council of a mind to still support the proposal, ie contrary to the advice, then under the delegation it is required to forward the application and advice to the WAPC for determination. In the present circumstances the WAPC would in all likelihood refuse the proposal.

VOTING

Absolute Majority

Council's Standing Orders local law Section (16.20) refers to Revoking of Decision and when this can occur.

COMMITTEE COMMENT

Committee sought clarification as to the status of the SHACS given some negative press coverage. Mr Jackson explained that the WAPC was advancing the study towards an MRS Amendment.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Birnbrauer

That Council:

1. Rescind its resolution of 22 August 2011 (Item 11.1.2) stating:

Subject to no objection being received from the Department of Transport and the inclusion of any condition or advice note it requests to the satisfaction of the Manager Development Services, GRANT approval to commence development pursuant to the Metropolitan Region Scheme for the proposed second-storey addition to extend the professional office use at No. 459 (Lot 100) Stirling Highway, Cottesloe, in accordance with the plans submitted on 11 June 2010, subject to the following conditions:

- (a) The continued Professional Office use shall be for a maximum of 8 staff and 4 clients or other visitors at any time, and shall not operate outside the hours of 8am to 6pm Monday to Friday. Any proposed intensification or expansion of the use, additional use,**

change of use, or physical change proposed in the future shall require a further application for planning determination.

- (b) The parking bays as indicated on the plans shall be marked-up (including the disabled bay) and signage should be erected to ensure parking occurs only in marked bays and not in Right of Ways to the satisfaction of the Town of Cottesloe.
- (c) All stormwater runoff from the development shall be contained on-site and not discharged externally, to the satisfaction of the Town of Cottesloe and the details shall be shown in the building licence plans.
- (d) No goods or materials shall be stored either temporarily or permanently in the parking area or laneway. Any goods or materials associated with the professional office use are shall be stored within the building.
- (e) The building licence plans and supporting documentation shall be to the satisfaction of the Town of Cottesloe and shall include:
 - i. Full details of all proposed external materials, finishes and colours, including glazing, any awnings or screens and the roof cladding, all selected to be of low-reflectivity.
 - ii. Full details of all screening and glazing to the northern elevation demonstrating adequate protection of privacy for the adjacent dwelling building.
 - iii. 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.
 - iv. A comprehensive lighting strategy to manage amenity in relation to the building and surrounds without undue impacts.
 - v. All disabled access (incorporating universal access design principles), energy efficiency and fire management requirements in accordance with the BCA, Australian Standards and other relevant regulations.
 - vi. A comprehensive Construction Management Plan. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.

2. Replace the previous resolution with the following:

That Council:

1. **Acting under delegation on behalf of the Western Australian Planning Commission (WAPC), REFUSE the application made under the Metropolitan Region Scheme (MRS) for a proposed second-storey addition to extend the professional office use at No. 459 (Lot 100) Stirling Highway, Cottesloe, as shown on the plans submitted on 11 June 2010, having regard to the advice received from the Department of Transport (DoT) and the WAPC on the matter, for the following reasons:**
 - (i) **under the MRS the land is reserved as Primary Regional Road (PRR) for Stirling Highway, and the WAPC has defined the land requirement from the PRR reservation for future upgrading of the highway, with which the proposal conflicts;**
 - (ii) **the WAPC has adopted the road carriageway plans resulting from the Stirling Highway Activity Corridor Study (SHACS), for the purpose of decision-making and referrals on development applications under the MRS;**
 - (iii) **The WAPC has resolved to initiate an Amendment to the MRS to redefine the PRR reservation and hence the land requirements for Stirling Highway, based on the road carriageway plans resulting from the SHACS;**
 - (iv) **the DoT has advised that the application cannot be supported as the proposed development encroaches on the defined land requirement referred to above; and**
 - (v) **the Department of Planning under direction of the WAPC has advised that the proposed development should be refused as it does not satisfy the required setback and land requirement referred to above; that is, because approval would prejudice upgrading Stirling Highway in accordance the SHACS carriageway plans and intended MRS Amendment.**
2. **Provide the applicant with copies of the correspondence received from the DoT dated 24 August 2011 and the WAPC dated 16 August 2011.**
3. **Advise submitters of Council's decision.**

Carried 6/0

10.1.2 TOWN CENTRE PUBLIC DOMAIN INFRASTRUCTURE IMPROVEMENT PLAN

File No: SUB/935
Attachments: [Town Centre Public Domain Infrastructure rpt Cncl Sept 11 \(2\).doc](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services
Proposed Meeting Date: 19 September 2011
Author Disclosure of Interest

SUMMARY

This report presents the completed *Town Centre Public Domain Infrastructure Improvement Plan* (TCIP in brief) to Council for ratification as a reference in considering planning, development and works proposals affecting the Town Centre and environs.

BACKGROUND

Over recent year Council has undertaken several studies in relation to the Town Centre area, including the Town Centre Study, Station Street Sites Study and Design Guidelines, and Enquiry by Design preliminary structure plan for the railway lands (including options for Curtin Avenue, the railway line and east-west connectivity). These studies produced indicative development concepts.

The TCIP focused in greater detail on the public domain. The study report has to date been considered informally by the Station Street Working Group (SSWG) within its purview. At the August 2011 Strategic Planning Committee and Council meetings it was agreed to progress the TCIP with a view to implementation programs and future budgets to deliver outcomes in the Town Centre. An officer report was requested for September.

In conceiving the TCIP study Council originally resolved to:

1. *...move forward on an integrated plan to improve all aspects of the infrastructure of the Town Centre which is funded by the Town of Cottesloe.*
2. *Ensure that all planned works and infrastructure for the Town Centre be designed to meet the needs of people with disabilities to the fullest extent possible.*

And in endorsing the project Council resolved to:

...support the outline brief subject to adding appropriate reference to public toilets, consultation and reporting....

This scope and content was contained in the study brief, copy attached, which entailed having regard to the other studies for a coordinated approach.

IMPROVEMENT PLAN STUDY

The TCIP study was undertaken and documented by Blackwell & Associates Pty Ltd, landscape architects and urban designers, copy attached. The process included liaison with the Town's planning, engineering and works staff, consultation with Procott (which submitted comments), and presentations to the SSWG in conjunction with those studies by Coda architects. This included:

- A progress presentation on the scope and initial findings of the study, for early feedback.
- A joint review forum of the SSWG studies and TCIP study for information and integration. This helped to align the strategic outlooks of these activities as well as to consider practical solutions.

The study was thorough and detailed, drawing on the experience and skills of the landscape consultants. The report is a succinct statement of the condition and potential of the urban design of the Town Centre. The method was to:

- Define the context and vision.
- Examine strengths, weaknesses, opportunities and constraints.
- Understand the functioning and form of the precinct.
- Demonstrate how each street could be improved, including the lanes.
- Address particular needs such as public toilets.
- Indicate desirable infrastructure and finishes, and promote public art.
- Identify priorities and staging.

Overall, the study was comprehensive, well-considered and good value for money in exceeding the expectations of the brief. In treating the Town Centre as a whole, it provides a template for achieving an attractive and cohesive standard of public domain urban design and infrastructure improvements.

It serves as a consolidated reference about the existing situation and the aspects for enhancement. Even if the specific suggestions are not adopted, the principles, objectives and criteria are a framework to guide the consideration of options and choices of solutions, keeping a universal theme in mind.

Capitalising on the lanes and walkways, which are an established characteristic of the Town Centre, is advocated. This is a popular trend in modern cities and has been pursued by Claremont and Perth CBC, for example. The idea of a piazza in Clapham Lane has been mooted for several years and the Station Street studies by Coda also recognised that opportunity. Activation of lanes calls for a collaborative approach with abutting properties and the many users of lanes, noting that there can often be conflicts between competing purposes.

Graphically the study report is quite inspirational in illustrating how the Town Centre and its elements could be revamped to an improved level of functionality, amenity

and sophistication, without losing the traditional village scale and ambience of the precinct.

IMPLEMENTATION & FUNDING

The street-by-street analysis describes the existing condition/character of each street (and lane) and its potential for enhancement. The improvement concepts are thorough and innovative. Detailed design, cost estimates and works approvals would be required in each case.

Consultation with the community, especially Town Centre property owners and business operators, plus Procott, would be important in refining improvement proposals and managing construction programs. Timing of works would be essential to minimise disruption to premises, customers and traffic.

Movement patterns and facilities in all modes are an important component. Vehicular circulation, parking, deliveries, cycling, walking and the disabled all require careful consideration and would be key aspects for engagement with stakeholders. Changes to road systems or treatments tend to be costlier infrastructure items.

At present there are no dedicated implementation or budget arrangements to achieve the improvement plan, whether in its current form or as it may be evolved. Realistically it would not occur all at once, which would be a major cost, and funding/works would most likely be spread over a number of years. Developer contributions as a condition of approvals are desirable where buildings impact on or require upgrading of adjacent footpaths, crossovers, etc.

The study report makes suggestions for staged improvements (see pages 10 and 34), noting that sometimes relatively simple features such as trees/landscaping and street furniture can create significantly enhanced amenity and aesthetics yet be fairly affordable.

As the next phase it would be appropriate to ask the SSWG to have due regard for the study and that staff draft an implementation program for Council direction of actions and expenditure.

CONCLUSION

The benefit of the TCIP has been to examine holistically ways to improve the standard of the public domain for the Town Centre in order to:

- Enhance its operation and image.
- Foster the economic and social wellbeing of the precinct.
- Respond to structural changes and development proposals as they arise.
- Instruct the Town's works programs and budget-setting.
- Provide a wider context in pursuing options for the two Station Street sites under the SSWG.

The study report addresses the many aspects and variables involved, documenting them in a useful manner as a basis for more detailed planning, design and ultimately

construction. It has also had regard to interrelationships with other studies and prospective developments in the locality.

OFFICER RECOMMENDATION

Moved Cr Carmichael, Cr Birnbrauer

That Council:

1. Endorses the *Cottesloe Town Centre Public Domain Infrastructure Improvement Plan* urban design report in-principle as an ongoing guide in considering planning, development and works proposals relating to the Town Centre and environs.
2. Requests the Station Street Working Group to progress its tasks and future reporting having regard to the Plan.
3. Requests that staff further report to Council on recommended preferences and priorities, as well as consultation steps, estimated costs and forecast works programs, towards implementation of the study findings.

AMENDMENT

Moved Cr Dawkins, seconded Cr Birnbrauer

That point 2 of the recommendation refers specifically to the studies by Coda for the Working Group.

AMENDMENT

Moved Cr Carmichael, seconded Cr Woodhill

That point 3 of the recommendation refers to liaison with Procott.

COMMITTEE RECOMMENDATION

That Council:

1. Endorses the *Cottesloe Town Centre Public Domain Infrastructure Improvement Plan* urban design report in-principle as an ongoing guide in considering planning, development and works proposals relating to the Town Centre and environs.
2. Requests the Station Street Working Group to progress the Station Street sites study and design guidelines prepared by Coda architects and its future reporting having regard to the Plan.
3. Requests that staff further report to Council on recommended preferences and priorities, as well as consultation steps, estimated costs and forecast works programs, towards implementation of the study findings, including liaison with Procott.

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

Mr Jackson thanked exiting members Cr Dawkins, Cr Goldthorpe and Cr Woodhill for their contribution to the Development Services Committee.

13 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 6.30 PM.

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