

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 18 FEBRUARY 2013

CARL ASKEW
Chief Executive Officer

22 February 2013

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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 6:07 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

Nil

4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.2 PUBLIC QUESTIONS

Nil

5 PUBLIC STATEMENT TIME

Colin Svanberg, 71 John Street

Mr Svanberg expressed objection to the development application for a home occupation at 217 Marmion Street and raised several queries regarding the matter, including why it wasn't an item in the Agenda.

David Simenson, 14 Princes Street

Mr Simenson commented that the development application for a home occupation at 217 Marmion Street should be considered by Council rather than under Delegated Authority. He voiced concern about the details and requirements of the proposal and referred to having liaised with the Town on the matter.

Craig Smith-Gander re item 10.1.2 No. 65 Eric Street

Mr Smith-Gander outlined the community-based project involving Scouts, the NCSLSC and Play Group. He clarified that Surf Club could operate within the restrictions on access to the storage facility. He also commented on the approach to parking which could be augmented if necessary, and looked forward to Council's support for the proposal.

Peter Walton re item 10.1.2 No. 65 Eric Street

Mr Walton explained that Scouts is an educational and character-building program for young people aged 6-26, and that the hall had existed for over 50 years. He welcomed the partnership with the other groups and described the proposal as a positive facility and quality development.

Len Westerlund re item 10.1.1 No. 45 Napier Street

Mr Westerlund reiterated his observations regarding the height and setback variations of the proposal in relation to his property.

6 ATTENDANCE**Present**

Cr Jack Walsh	Presiding Member
Cr Greg Boland	
Cr Katrina Downes	
Cr Peter Jeanes	
Cr Yvonne Hart	
Cr Rob Rowell	Deputy

Officers Present

Mr Carl Askew	Chief Executive Officer
Mr Andrew Jackson	Manager Development Services
Mr Ed Drewett	Senior Planning Officer
Mr Ronald Boswell	Planning Officer
Ms Orla Traynor	Development Services Administration Officer

6.1 APOLOGIES

Nil

Officer Apologies

Nil

6.2 APPROVED LEAVE OF ABSENCE

Cr Strzina

6.3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 DECLARATION OF INTERESTS

Cr Downes declared an impartiality interest in item 10.1.1 No. 45 Napier Street due to being an acquaintance to the owner, Ms Dodds, 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.

Cr Hart declared a proximity interest in item 10.1.3 No. 115 Grant Street due to owning and residing in a dwelling behind the subject site, and left the meeting at 6:58 PM for the duration of the item.

8 CONFIRMATION OF MINUTES

Moved Cr Hart, seconded Cr Boland

[Minutes December 03 2012 Development Services Committee.docx](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 3 December 2012 be confirmed.

Carried 6/0

9 PRESENTATIONS

Nil

9.1 PETITIONS

Nil

9.2 PRESENTATIONS

Nil

9.3 DEPUTATIONS

Nil

10 REPORTS**10.1 PLANNING**

Cr Downes declared an impartiality interest in item 10.1.1 No. 45 Napier Street due to being an acquaintance to the owner, Ms Dodds, 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.

10.1.1 45 NAPIER STREET - ALTERATIONS AND ADDITIONS, INCLUDING AN UPPER FLOOR ADDITION, CARPORT, POOL-HOUSE, POOL & FRONT FENCING

File Ref:	2466
Attachments:	45 Napier Street Applicant Letter pdf 45 Napier Street Aerial Photograph1 pdf 45 Napier Street Photographs pdf 45 Napier Street Plans pdf 45 Napier Street Plans 2 pdf 45 Napier Street Elevations pdf 45 Napier Street Neighbour Submission pdf
Responsible Officer:	Carl Askew Chief Executive Officer
Author:	Ed Drewett Senior Planning Officer
Proposed Meeting Date:	18 February 2013
Author Disclosure of Interest	Nil
Property Owner:	Belinda Dodds & Paul DeNardi
Applicant:	Nori-Lynn Munoz
Date of Application:	21 December 2012
Zoning:	Residential R20
Lot Area:	666m²
MRS Reservation:	Not applicable

SUMMARY

This application is seeking the following variations to Council's Town Planning Scheme No. 2 (TPS 2) and the Residential Design Codes (RDC):

- Building height;
- Setback to east and west boundaries;
- Visual privacy.

These aspects are discussed in this report and refer to plans received on 21 December 2012 and 17 January 2013. The proposal otherwise complies with TPS 2, the RDC and Council's Fencing Local Law and retains the existing dwelling which is included in the Town's Municipal Inventory (Category 3).

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

PROPOSAL

The application is for:

- An upper-floor addition accommodating 3 bedrooms, bathroom, WC and small sitting area;
- A carport addition on the eastern boundary;
- A pool-house and pool at the rear of the dwelling;
- A new “open-aspect” front fence;
- Awnings over east-facing ground-floor windows;
- Retaining wall and steps to eastern side of front courtyard;
- Restoration/alteration of front verandah; and
- Widening of existing crossover.

BACKGROUND

Following discussions with the applicant revised plans were received on 21 December 2012 and 17 January 2013 which incorporate improvements to the visual appearance of the development, ensure that the integrity of the frontage of the existing dwelling is retained by recessing the proposed upper floor and keeping the existing front verandah, as well as modifying the roofline, wall heights and setback to the western boundary to reduce the visual impact of the development on the street and adjoining properties.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes
- Fencing Local Law

PROPOSED LOCAL PLANNING SCHEME NO. 3

No changes are proposed to the zoning of this lot.

HERITAGE LISTING

Municipal Inventory - Category 3

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme No. 2/Policy

	Permitted	Proposed
Building height	Max. wall height: 6m	Wall height: 7.52m (6.45m above existing floor level);
	Max. ridge height: 8.5m	Ridge height: 9.5m

		(8.4m above existing floor level)
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Residential Design Codes

Design Element	Permitted	Proposed	Performance Criteria
6.3 – Boundary setbacks	1.5m first floor to western boundary.	0.905m	Clause 6.3.1 – P1
	Walls not higher than 3m, with an average of 2.7m, up to 9m in length up to one side boundary.	3.048m high steel columns on eastern boundary, 17.1m in length (inclusive of existing carport/garages on boundary).	Clause 6.3.2 – P2
6.8 – Visual Privacy	4.5m cone of vision to bedrooms; 6m cone of vision from habitable rooms other than bedrooms and studies.	1.5m cone of vision from 1 st floor bedroom 3 window to western boundary. 1.4m cone of vision from 1 st floor sitting room window to western boundary.	Clause 6.8.1 – P1

ADVERTISING OF PROPOSAL

The application was advertised in accordance with TPS 2 and consisted of a letter to four adjoining property owners. One submission was received from the western neighbour. The neighbour on the eastern side signed plans stating no objection to the development.

The main comments received are summarised below:

O.L. Westerlund, 43 Napier Street

- Objects to any setback concession from the proposed first floor extension to the western boundary - the western elevation should be setback no less than 1.5m from the boundary;
- Objects to any concession for wall and ridge heights;
- Objects to the south-facing upper floor bedroom 3 window overlooking adjoining backyard. It should be 1.6m above floor level, obscured or screened; and
- Most concerned that proposed 0.905m dimension shown on plans is incorrect and has good reason to believe it should be more like 0.8m, or possibly less.

APPLICANT'S JUSTIFICATION

A summary of the applicant's comments regarding the amended plans are as follows:

Height

- It is not possible to construct an upper floor without a height concession being necessary as the existing dwelling has a ceiling height of 3.59m;
- The height variation is more evident on the eastern side and so support was sought and has been received from these affected adjoining owners; and
- The proposal is not an exceptional case and the variation sought does not compromise the amenity of neighbouring areas.

Front setback

- The upper floor has been redesigned following discussion with the Town's Officers. It now retains the full front/northern elevation of the existing house inclusive of the porch, keeps existing rooflines to maintain the heritage significance of the dwelling and support the existing streetscape and amenity of the neighbouring properties. The upper floor is setback 8.736m from the front boundary; and
- The ceiling height of the upper floor addition has been reduced to 2.5m to reduce the height variation. A ceiling height of 2.4m is considered to be too low given the minimum height at ground level is 3.59m and the architectural aspects of the overall building would be compromised.

Setback to carport

- The proposed columns to the carport on the eastern boundary will be adjoining an existing 1.8m high boundary fence;
- The proposed roof to the carport will be setback 0.75m from the boundary; and
- No new boundary walls are proposed and the adjoining owners have no objection.

Location of pool pump

- The proposed pool pump will be fully enclosed to reduce noise;
- The pump itself will be 2.87m from the southern boundary; and
- The property at the rear has a pool at the rear which would imply that their pool pump is located in the same area.

Height of retaining walls

- Retaining walls have been amended to approximately 0.3m from the existing ground levels and the adjoining owner on the eastern side has agreed to replace the boundary fence with a brick fence.

Visual privacy

- The cone of vision from the sitting area overlooks the adjoining property's carport roof; and
- Bedroom 3 has no direct overlooking of active habitable space and outdoor living areas of the adjoining property and complies with the Performance Criteria of the RDC.

Setback to western boundary

- Drawings are being prepared to show the setback to bedroom 3 and the stairs and sitting area increased to 1.5m and 1.2m respectively from the western boundary, and it is also proposed to increase the floor areas by 0.5m towards the south to compensate for these new setbacks.

Survey plan

- The surveyor, Robert Tudor Owen, has confirmed that based on the features on site (specifically the new retaining walls built along the west boundary) the representation of the west boundary is correct; and
- A new survey to peg the boundary is advisable prior to construction and the builders will be organising this subject to building permit.

STAFF COMMENT

The following technical assessment is made with respect to this development application:

Building height

The calculation of building height stems from Council's determination of the natural ground level (NGL). Clause 5.5.1 of the Council's Town Planning Scheme expresses policy in relation to building height and paragraph (c) provides a basic formula in relation to measurement of such height. Variations may be permitted in the case of extensions to existing buildings, recognising the need or desire to match existing levels and built form.

The NGL in this case has been determined to be RL: 24.195 which has been derived from a site survey plan by Paterson Tudor Owen and Parker, Consulting Surveyors.

The wall and ridge heights for the proposed upper-floor addition exceed the normal permitted height by 1.528m and 1m respectively above the NGL at the centre of the lot (refer to table above). This increased height is due to the floor level of the existing dwelling being up to 1.7m above the calculated NGL at the centre of the lot. The majority of the existing ground floor is 1m above the NGL.

The height of the proposed upper floor has been kept to a low 2.5m which is only 0.1m above the minimum ceiling height permitted under the BCA. This will be above a 0.365m high floor frame which is necessary to support the upper level.

The proposed upper floor will have a significant 8.736m setback from the front boundary (ie: setback well-behind the existing front verandah) and will have both eastern and southern setbacks that are much greater than required under the RDC. These increased setbacks will assist in reducing the visual impact of the height on the adjoining eastern property in particular, which has its floor level approximately 2.3m lower than the existing dwelling.

Napier Street generally comprises single and two-storey dwellings, several of which have been added to. There are also three-storey multiple dwellings located on the

corner of Napier and Broome Streets and a variation in topography between the northern and southern side in this section of street

The rear part of the existing dwelling contains a study, kitchen, bathroom and living room at ground floor level with a small cellar below. This reduces the area available for further ground floor additions without compromising the size of the outdoor entertaining/pool area. As such, the applicant has requested that an upper floor addition be approved.

As a supplement to the discretion under TPS2, the height variation may be considered under the Performance Criterion of the RDC, which states:

Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- *adequate direct sun to buildings and appurtenant open spaces;*
- *adequate daylight to major openings to habitable rooms; and*
- *access to views of significance.*

The proposed 8.7m front setback, retention of the existing frontage, roofline, front verandah and generous setback to the eastern boundary all assist in keeping the appearance of the dwelling generally in accordance with the desired height of buildings in the area. It also retains the Category 3 heritage-listed building, albeit in a modified form.

However, there is concern regarding the proposed western setback and it is considered that this should be amended to comply with the Acceptable Development standard of the RDC to afford amenity to the adjoining owner (see below).

Side setback to western boundary

The proposed setback to the first floor (bedroom 3/WC/stairs/sitting area) is currently 0.905m, in lieu of 1.5m required under the Acceptable Development standard of the RDC.

The applicant requested that this setback be considered under the Performance Criterion, which states:

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

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

Following an assessment of the proposal the Town advised the applicant it was not satisfied that the proposed reduced setback would assist in ameliorating the impacts of building bulk on the neighbour's property or assist in protecting privacy, due to the proposed location of windows on the upper floor. This was reaffirmed by the objection received from the adjoining owner.

The applicant has responded that the plans will be further amended to provide a 1.5m setback from Bedroom 3 and a 1.2m setback from the stairs and sitting area to the western boundary, to comply with the Acceptable Development standard of the RDC (subject to the total length of the upper floor not exceeding 11m). These plans will be tabled if received prior to Committee and the setbacks are conditioned accordingly.

Setback to eastern boundary

A carport is proposed on the eastern boundary which will be setback 7.624m from the street boundary and located in front of two existing garages.

The carport will have four 3m high steel columns on the boundary and its roof will be setback 0.75m.

Due to the total height and length of the existing and proposed structures on the boundary exceeding an average height of 2.7m and length of 9m, the carport may be considered under Performance Criterion, which states:

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

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

The proposed carport will be located over an existing driveway, makes effective use of space and will enhance the amenity of the proposed dwelling by providing an additional covered parking area for the occupants. It is also unlikely to have any significant adverse effect on the amenity of the adjoining neighbour as it will be partially adjoining a garage rather than habitable areas and the neighbour has no objection to the proposal.

Visual Privacy

The proposed upper-floor south-facing window to bedroom 3 and north-facing window to the sitting-area have a 1.5m and 1.4m cone of vision to the western boundary respectively, in lieu of a 4.5m and 6m cone of vision required under the Acceptable Development standard of the RDC.

The applicant requested that these setbacks be considered under the Performance Criteria, which state:

- *Direct overlooking of active habitable spaces and outdoor living areas of other dwellings is minimised by building layout, location and design of major openings and outdoor active habitable spaces, screening devices and landscape, or remoteness.*
- *Effective location of major openings and outdoor active habitable spaces to avoid overlooking is preferred to the use of screening devices or obscured glass.*

- *Where they are used, they should be integrated with the building design and have minimal impact on residents' or neighbours' amenity.*
- *Where opposite windows are offset from the edge of another, the distance of the offset should be sufficient to limit views into adjacent windows.*

Following an assessment of the proposal the Town advised the applicant it was not satisfied that the proposed Bedroom 3 window would minimise direct overlooking of outdoor living areas through building layout or location and design of major openings and therefore it would not satisfy Performance Criteria. Even if the setback from the western boundary is increased to 1.5m the proposed bedroom window could still create overlooking and therefore it has been conditioned to be either high-level, obscure-glazed to a minimum 1.6m above its floor level, or relocated to achieve a 4.5m cone of vision to the western boundary.

Overlooking of the western property from the proposed north-facing sitting area window is supportable under Performance Criteria as its cone of vision will be restricted to the roof of the adjoining carport and front setback area and avoids direct overlooking of active habitable spaces and main outdoor living areas.

Pool pump location

The Town generally requires the location of pool pump and filter equipment to be located closer to the existing dwelling than adjoining dwellings to reduce the likelihood of noise and vibrations creating an environmental nuisance.

The proposed development has the pool equipment located in an enclosed store 1.2m from the rear of the lot behind the proposed pool house which will position it approximately 8.5m from the rear dwelling and 17m from the existing dwelling.

No submission has been received from the southern neighbours following their viewing of the plans at the Town's offices and provided the pool pump and filter is adequately housed to satisfy Environmental Protection (Noise) Regulations it can be supported in this location. A modified condition is included.

Survey Plan

The adjoining western neighbour has raised concern regarding the lot boundary shown on the survey plan by Paterson Tudor Owen and Parker as submitted by the applicant.

The Town requested the applicant to contact the surveyors to clarify the situation and the advice received is that the survey plan was based on features on the site (specifically the retaining walls on the western boundary) and that a new survey to peg the boundary is advisable prior to construction.

The location of the retaining wall is disputed by the adjoining owner and although it is normal practice to survey/re-peg the lot prior to commencement of works it is appropriate to condition the planning approval in this case.

CONCLUSION

The design of the proposed alterations and additions has been carefully articulated to ensure that the character of the existing heritage-listed dwelling is largely preserved, including its high ground floor ceilings which are an important feature. The height variation sought has been kept to a minimum and ensures that the existing dwelling can be retained rather than demolished.

The side setback to the western boundary and the design/location of the south-facing window to bedroom 3 should be modified to comply with the Acceptable Development Standards of the RDC to ameliorate the effects of building bulk and on privacy.

The carport on the eastern boundary is considered acceptable as it will have minimal impact on the adjoining property and has that owner's support.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee sought clarification of the tabled amended recommendation based on the revised plans, which resulted in some design improvements hence modified conditions. Committee considered that the overall proposal suited the heritage dwelling and street.

OFFICER RECOMMENDATION

THAT Council GRANT its approval to Commence Development for the proposed alterations and additions, including an upper floor addition, carport, pool-house, pool and front fencing, at 45 Napier Street, Cottesloe in accordance with the plans received 21 December 2012 and 17 January 2013, subject to the following conditions:

1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
2. The external profile of the development as shown of the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged into the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building permit.
4. Air-conditioning plant and equipment shall be located closer to the existing dwelling than the adjoining dwellings, and housed or treated to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.
5. The applicant applying to the Town for approval to modify the crossover in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.

6. The crossover shall be located to ensure retention of the existing street tree, with the Works Supervisor determining the distance that the crossover shall be located away from the base of the tree.
7. The pool pump and filter shall be suitably housed or treated to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.
8. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.
9. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
10. Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.
11. The setback from the upper-floor to the western boundary shall be amended to comply with the Acceptable Development standard of the Residential Design Codes to the satisfaction of the Manager Development Services, with the details to be submitted at building permit stage.
12. The finish and colour of the columns on the boundary facing the eastern neighbour shall be to the satisfaction of the Manager Development Services.
13. The proposed south-facing, upper-floor window to Bedroom 3 closest to the western boundary shall be high-level, or fixed and obscure-glazed to a minimum height of 1.6m above its floor level, or relocated to provide a minimum 4.5m cone of vision from the western boundary, to the satisfaction of the Manager Development Services, with the details to be submitted at building permit stage.
14. All lot boundaries shall be confirmed by a Licensed Surveyor prior to commencement of works, to the satisfaction of the Manager Development Services.
15. In accordance with Council's Fencing Local Law, 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.

Advice Note:

The applicant/owner 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.

AMENDMENT

Moved Cr Rowell, seconded Cr Downes

That the amended recommendation tabled by staff based on revised plans, which show the setback from the western boundary adjusted to comply with the RDC and the rear window obscure-glazed, be adopted.

Carried 6/0

COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Downes

THAT Council GRANT its approval to Commence Development for the proposed alterations and additions, including an upper floor addition, carport, pool-house, pool and front fencing, at 45 Napier Street, Cottesloe in accordance with the plans received 18 February 2013, subject to the following conditions:

1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.
2. The external profile of the development as shown of the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged into the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building permit.
4. Air-conditioning plant and equipment shall be located closer to the existing dwelling than the adjoining dwellings, and housed or treated to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.
5. The applicant applying to the Town for approval to modify the crossover in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.
6. The crossover shall be located to ensure retention of the existing street tree, with the Works Supervisor determining the distance that the crossover shall be located away from the base of the tree.
7. The pool pump and filter shall be suitably housed or treated to ensure that environmental nuisance due to noise or vibration from mechanical equipment is satisfactorily minimised to within permissible levels outlined in the Environmental Protection (Noise) Regulations 1997.

8. Wastewater or backwash water from swimming pool filtration systems shall be contained within the boundary of the property on which the swimming pool is located and disposed of into adequate soakwells.
9. A soakwell system shall be installed to the satisfaction of the Environmental Health Officer, having a minimum capacity of 763 litres and located a minimum of 1.8 metres away from any building or boundary.
10. Wastewater or backwash water shall not be disposed of into the Town's street drainage system or the Water Corporation's sewer.
11. The finish and colour of the columns on the boundary facing the eastern neighbour shall be to the satisfaction of the Manager Development Services.
12. The proposed south-facing upper floor awning window (closest to the western boundary) and west-facing window to Bedroom 3 shall be obscure-glazed and non-opening beyond 0.3m, to the satisfaction of the Manager Development Services, with the details to be submitted at building permit stage.
13. All lot boundaries shall be confirmed by a Licensed Surveyor prior to commencement of works, to the satisfaction of the Manager Development Services
14. In accordance with Council's Fencing Local Law, 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.

Advice Note:

The applicant/owner 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.

AMENDED SUBSTANTIVE MOTION WAS PUT

Carried 6/0

**10.1.2 NO. 65 (LOT 311) ERIC STREET - SCOUT HALL/COMMUNITY CENTRE
FOR COTTESLOE PLAYGROUP AND STORAGE FACILITY**

File Ref: 2562
Attachments: [Plans pdf](#)
[Photographs.pdf](#)
[Aerial Photograph pdf](#)
[Letter from Architect pdf](#)
[Submissions pdf](#)

Responsible Officer: Carl Askew
Chief Executive Officer

Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 18 February 2013

Author Disclosure of Interest: Nil

Property Owner: Boy Scouts Association WA (registered proprietor)

Date of Application: 23 November 2012

Zoning: Place of Public Assembly

Use: *Scout Hall/Playgroup: P* – Uses that are permitted under this Scheme;
Storage Facility – A use not listed that may be approved by Council following advertising;

Lot Area: 2126m²

MRS Reservation: Not applicable

SUMMARY

This application is submitted on behalf of Scouts WA for a Scout Hall/Community Centre for the Cottesloe Playgroup and separate Storage Facility.

The proposed buildings will be single-storey and used on a regular basis by the following groups:

- Cottesloe Scout Group;
- North Cottesloe Surf Life Saving Club (NCSLSC); and
- Cottesloe Playgroup.

Cubs and Scouts (max. 36 per session) will meet most days, Monday and Friday, generally between 5pm to 9pm and on some weekends.

The *NCSLSC* will share the proposed hall to run training courses for its members and local community groups with sessions held approximately once every 3 weeks, involving activities such as First Aid & CPR training, attended by between 15 to 30 students with 1 to 2 instructors.

The *Cottesloe Playgroup* proposes to share the new hall between Monday and Friday, typically between 9.30am to noon and 2.30pm to 5pm with a maximum 16 persons in either session, including between 6 to 8 parents.

The proposed storage facility is intended for long-term storage of NCSLSC equipment that is not used on a daily basis by the Club and also for the storage of camping and excursion equipment used by the Scouts.

Two on-site parking bays and one drop-off bay are proposed as the applicant advises that attendees will be encouraged to walk or ride to meetings.

Given the assessment that has been undertaken, the recommendation is to conditionally approve the application based on the revised drawings received 22 January 2013.

BACKGROUND

Officers have had a range of preliminary discussions with the architects and others for the proposal during the past year leading to the application.

The Town granted planning approval for the demolition of the existing Scout Hall facilities under delegation on 16 January 2013. A Demolition Permit was subsequently issued thereby allowing the existing buildings to be removed prior to commencement of the proposed development.

Following discussions with representatives for the application revised plans were received on 22 January 2013 which incorporate improvements to the visual appearance of the development on both street frontages, provides better protection for street trees in Charles Street by reducing the width of proposed crossovers to the new storage facility, and removes 12 carbays that were proposed on the Eric Street verge/median strip and 2 drop-off bays on the southern side of the adjoining slip road.

The verge carbays and drop-off bays on the northern side of the lot were not supported by the Manager Engineering Services (MES) for the following reasons:

- The proposed western drop-off bay would obstruct the adjoining residential property; and
- The proposed verge/median strip parking bays are not the normal expectation and should be replaced by on-site parking.

The originally-proposed verge parking bays would also conflict with the intent of Council's 'Maintenance of Road Reserve Verge Parking Areas' Policy, which states:

Restricted use private parking areas on verges are a last resort and will only be considered for approval by Council if it has been demonstrated to Council's satisfaction that no viable alternative exist.

As the lot is large and will be vacant following the demolition of the existing buildings adequate on-site parking would be available.

A 22m long x 3m wide drop-off area is now proposed on the Eric Street verge/median strip which the applicant has advised would actually be of more benefit to the occupants than having fixed carbays in this location. This is also supported by the

MES and is considered a better outcome with less visual impact than having permanent car-bays.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2 (TPS 2)

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

The application was advertised by the Town in accordance with TPS 2. The advertising consisted of a letter to 26 surrounding property owners (including opposite in Eric Street).

Four submissions were received. The main comments received are summarised below:

Brian Lynn & Jo Lazberger, 1B Charles Street

- Supportive of the proposal. Thinks it will be a positive addition to the Community;
- Concerned about lack of on-site parking as this may result in increased traffic and on-street parking in Charles Street and surrounds. Existing scout hall has created access issues when in use;
- Manoeuvring boats and trailers to proposed storage units may impact on access along Charles Street due to narrowness of street and could damage street trees; and
- Request time restrictions on access to storage sheds and hours of use for scout hall to limit noise/disruption to neighbours.

Cathie Marshall, 1C Charles Street

- Plans appear reasonably feasible;
- Additional on-site parking is required for parents attending the playgroup and for parents picking-up students;
- The proposed drop-off zone will not be adequate to accommodate vehicles arriving early at end of sessions;
- Angled parking on the Eric Street verge would work best with vehicles exiting to the west;
- If parking is allowed on the NE corner of the site then it should be aesthetically pleasing to residents – not a huge expanse of bitumen;
- When vehicle were previously allowed to be parked on-site there was not an issue. However, when this changed it has given a headache to local residents

as visitors to the Scout Hall have obstructed driveways to residential properties and parked in the street creating an obstruction;

- The proposed storage shed facing Charles Street is not aesthetically appealing to residents opposite; however, will be better than that existing; and
- Concerned about removal of asbestos during demolition of existing building.

Martin Welsh, 10 Haining Avenue

- Suggests the proposed Scout Hall should be moved to the NE corner of the site to avoid earthworks damaging the central group of trees.

Gabrielle Gill, 63 Eric Street

- Welcomes changes to the site as it should improve security/nuisance issues of the past;
- Appreciates removal of western drop-off zone and verge parking bays as these would have been excessive in this narrow street and could have conflicted with other road users;
- Nice to see walking and cycling to meetings being encouraged;
- Concerned about proximity of proposed building/toilets to western boundary due to possible smell and number of people coming and going to the toilet from outside during activities which could create security issues. Also the proposed gates when closed could provide a foothold for people to gain access to our backyard and this may affect insurance premiums; and
- The development would look better in the streetscape with a greater separation to the western boundary and this would ensure that the proposed toilets/fences are not so close to the boundary.

STAFF COMMENT

The following technical assessment is made in respect to this development application:

Building Height

The proposed buildings are single-storey with low-pitched skillion (Colorbond) roofs ranging in height from 4m (northern side) to 5.5m (southern side) for the Scout Hall and from 3.7m (western side) to 4.5m (eastern side) for the Storage Facility.

This satisfies the 6m wall/roof height standard under TPS 2 for single-storey development.

TPS 2 (Clause 3.4.8) also requires development in this zone to be guided by the height of buildings in adjoining areas. In this case, the surrounding residential area comprises single-storey and two-storey dwellings and the low-profile of the proposed development has been designed to visually compliment its surrounds.

Parking

Parking is to be determined by Council having regard to the nature of the use, the known volume or likely volume of goods and materials, or the number of people

moving to or from the site and the likelihood of congestion or traffic on any road or in other public places in the vicinity.

The applicant has advised that the following ratio of adults to children is proposed:

- *Scout Hall* – 1 adult per 7 youth members (max. 5 adults);
- *NCSLSC* – 1-2 instructors for up to 30 students; and
- *Playgroup* – Up to 8 parents for max. 16 persons.

The Scouts and Playgroup will occupy the premises at different times and the NCSLSC will run courses approximately once every 3 weeks, so generally it is anticipated that up to 8 on-site car-bays could be required in addition to a suitable pick-up/drop off area. Only two bays are proposed but additional, non-formalised parking, can be made available on the north-east corner of the lot and this has been conditioned accordingly.

Setbacks

The Scout Hall will be predominantly setback 2.5m from the northern boundary to Eric Street, with an open-sided, pre-cast concrete pergola wrapping around the north-eastern portion of the building and projecting to the front boundary. The proposed entry and western store will be recessed to 3.3m, which together with the pergola, will assist in providing good visual articulation to the façade.

The remainder of the hall will be setback 3m from the western boundary, 18.5m from the eastern boundary (16m to pergola), and between 17.4m and 27m from the southern boundary.

The storage building will be setback between 1.5m and 2.5m from Charles Street and 1m from the southern boundary.

There are no specific setback requirements for the proposed development under TPS 2, however, Council shall be guided by boundary setbacks of buildings in adjoining areas.

Most dwellings in the area are setback 6m or more from the street. However, to achieve a greater street setback to the Scout Hall would require removal of a significant cluster of trees located near the centre of the site, or result in changes being necessary to the design which would make it less functional for the users.

Some trees at the front of the site will need to be removed but these are considered to be less significant than the central cluster. The wide verge along Eric Street provides a significant distance from the street to the development (approx. 20m) and this, together with the choice of good materials and finishes, will assist the visual presentation of the development.

The proposed 3m setback from the western boundary is considered acceptable as the floor level of the main building will be approximately 1m below the existing ground level at the boundary, which will assist in reducing visual impact on the adjoining property. Two storage areas, a toilet/baby change area, entry door and enclosed

electrical room are proposed along this side, with high-level fixed and electronically-powered louvers rather than full size openings to reduce issues of amenity/noise.

No major openings are proposed along this elevation and the closest major opening on the adjoining dwelling is over 7m from the common boundary. Security along this boundary is not a direct planning consideration; however, the combined height of the proposed retaining wall and fence above will be greater than that existing so serve as a deterrent.

The proposed setbacks to the storage facility appear acceptable and are unlikely to have any significant visual impact on the amenity of neighbouring properties, especially as three large Norfolk Island Pines are located on the verge directly in front of the proposed structure.

Plot Ratio

A plot ratio of 0.5 is permitted under TPS 2. The proposed development has a plot ratio of 0.22 which satisfies the Scheme requirement.

Fencing

The proposed fencing has been reduced in height from that originally proposed to satisfy Council's Fencing Local Law. It will now typically comprise a black chain-mesh fence along the street frontages not exceeding 1.8m in height.

Trees

All street trees will be retained outside the site on the verges, along with the main cluster of trees at the rear of the proposed hall. The design recognises the importance of protecting the trees and the proposed building has been designed to ensure that removal is avoided where possible. The gum tree and some smaller trees within the Eric Street frontage of the site will, however, need to be removed to make way for the main building.

The crossovers to the proposed storage facility have been modified from the original proposal to ensure adequate clearance is maintained from the street trees.

Asbestos Removal

Asbestos in existing buildings on the site is required to be removed by authorised persons to ensure that environmental health regulations are adhered too. This was a condition included in the Demolition Permit and does not form part of this development proposal.

Hours of operation

The applicant has advised the following times:

- *Scouts*: 5pm to 9pm, Monday to Friday and occasionally on weekends;
- *NCSLSC*: Training courses held approximately once every 3 weeks; Possible weekly access required to storage sheds in summer; and

- *Playgroup:* Up to two sessions: 9.30am to noon and 2.30pm to 5pm, Monday to Friday.

Hours of use for the proposed storage facility has been conditioned to minimise the likelihood of noise disturbance to adjoining residents.

Land tenure

The Town has sought advice from the Department of Regional Development and Lands (RDL) with regard to the proposed uses on the site.

RDL has advised that the land is held as a Crown Grant in Trust in favour of the Boy Scouts of Western Australia Branch Inc., and the Boy Scouts Association is the registered proprietor of the land so the Crown does not need to be a signatory on the application. However, RDL has been approached by the Scout's solicitors requesting that the Crown Grant be amended to allow Scouts WA to enter into licencing arrangements with the NCSLSC and Play Group. This proposal has been submitted to the Minister for Lands to approve the surrender of the current Crown Grant and to agree to the issuing of a new conditional tenure title for the purpose of "Scouts, Community and Childcare Facility".

As this arrangement does not directly involve the Town other than in consideration of the proposed uses, this has been conditioned accordingly.

CONCLUSION

The proposed buildings and uses are relatively modest in scale and unlikely to significantly affect the amenity of neighbours, who are generally supportive. It will improve the current run-down appearance and condition of the site.

The significant cluster of trees near the centre of the lot will be retained and the use and positioning of new crossovers have been modified to ensure adequate protection of street trees.

Parking has been kept to a minimal but there is adequate room on-site to provide additional car-bays if required and a single proposed drop-off zone on the verge/median strip adjoining Eric Street is considered workable and supported by the MES.

Vehicle access to the storage facility from Charles Street will be required infrequently and is unlikely to create a nuisance to neighbours. However, it has been conditioned to ensure vehicle access is avoided early mornings or late-evenings.

The proposal will provide an important facility for Scouts WA, the Cottesloe Playgroup and NCSLSC as well as for the local community and it is recommended for conditional approval.

VOTING

- (i) Simple Majority (for approval of Scout Hall/Playgroup – 'P' uses); and
- (ii) Absolute Majority (for approval of Storage Facility – A 'use not listed').

COMMITTEE COMMENT

Committee saw the project as good for Cottesloe and an improvement of the site to accommodate the community groups involved. Committee also discussed the layout and look of the proposal, including utilisation of the grounds, parking, boundaries and fencing. Officers and the representatives responded to these aspects, explaining the objective to keep open the NE corner of the site for visual relief from Eric Street and how materials and landscaping would be compatible with the Cottesloe locality. Overall Committee was supportive of the proposal.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Downes

That Council GRANT its Approval to Commence Development for the proposed Scout Hall/Community Centre for the Cottesloe Playgroup and Storage Facility at 65 Eric Street, Cottesloe, as per the plans dated 22 January 2013, subject to the following conditions:

- 1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 – Construction Sites.**
- 2. The external profile of the development as shown of the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. Stormwater runoff from the driveway or any other paved portion of the site shall not be discharged into the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building licence.**
- 4. Air-conditioning plant and equipment shall be located at ground level and not on the roof, and closer to the proposed buildings than the adjoining buildings, and housed or treated to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.**
- 5. Any future proposed change of use for the site requires a separate planning application for approval by the Town.**
- 6. Signage does not form part of this approval and any proposed signage requires a separate planning application for approval by the Town.**
- 7. The applicant applying to the Town for approval to construct the crossovers in accordance with the Town's specifications, as approved by the Manager Engineering Services or an authorised officer.**
- 8. All crossovers shall be located to ensure retention of existing street trees, with the Works Supervisor determining the distance that the crossovers shall be located away from the base of the trees.**
- 9. A detailed landscaping plan shall be submitted to the satisfaction of the Manager Development Services prior to commencement of building works.**

10. Provision of six additional on-site parking bays shall be included in the detailed plans submitted for a building permit, to the satisfaction of the Manager Development Services.
11. 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.
12. 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) the proposed drop-off bays, upgrading of verges, landscaping and any alterations to services or infrastructure. All such works shall be to the specification and satisfaction of the Manager Engineering Services.
13. The building permit 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, and the roof cladding selected to be of low-reflectivity.
 - b. 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. 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.
 - d. Compliance with all relevant Health regulations.
14. Prior to occupation of the completed development the applicant shall obtain a new Certificate of Title to include the proposed uses to the satisfaction of the Department of Regional Development and Lands, and a copy shall be provided to the Town.
15. Access to the storage facility shall be limited to between 7am and 7pm on any day, unless otherwise prior-approved in writing by the Town.

Carried 6/0

Cr Hart declared a proximity interest in Item 10.1.3 No. 115 Grant Street due to owning and residing in a dwelling behind the subject site, and left the meeting for the duration of the item.

10.1.3 NO. 115 (LOT 8) GRANT STREET - TWO STOREY EXTENSION

File Ref: 2585
Attachments: [115 Grant Street Aerial Photograph pdf](#)
[115 Grant Street Photographs pdf](#)
[115 Grant Street Plans pdf](#)
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer
Proposed Meeting Date: 18 February 2013
Author Disclosure of Interest: Nil
Property Owner: Mr and Mrs Bentley
Applicant: National Estate Builders (WA) Pty Ltd
Date of Application: 20 December 2012
Zoning: Residential R20
Lot Area: 1442m²
MRS Reservation: Not applicable

SUMMARY

This application is seeking a wall height variation to Council's Town Planning Scheme No. 2 (TPS 2) and refers to amended plans received 23 January 2013.

The proposal otherwise complies with TPS 2 and the RDC and retains the existing dwelling which is included in the Town's Municipal Inventory (Category 3).

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

PROPOSAL

The application is for a two-storey extension to replace an existing two-storey extension at the rear of the dwelling. The proposed extension shall comprise:

Ground floor:

Laundry, stairs, powder room, porch/entry, dining/kitchen/scullery/family room, alfresco areas and rear verandah.

Upper floor:

3 bedrooms, activity room, WIR, bathroom and rear balcony.

BACKGROUND

The following planning approvals have previously been issued for this property:

- Two-storey rear addition – approved by Council 27 June 2005.
- Swimming pool and workshop/store/4-car garage at rear – approved by Council 22 March 2010.
- Fencing to front setback area – approved under delegation 14 March 2011.

Following discussion with the applicant revised plans were received on 23 January 2013 that address height, retaining walls and visual privacy whereby only wall height remains a variation.

STATUTORY ENVIRONMENT

- Town Planning Scheme No. 2
- Residential Design Codes

PROPOSED LOCAL PLANNING SCHEME NO. 3

No changes are proposed to the zoning of this lot.

HERITAGE LISTING

Municipal Inventory – Category 3

APPLICATION ASSESSMENT

AREAS OF NON-COMPLIANCE

Town Planning Scheme No. 2 / Policy

Permitted	Proposed
Max. wall height 6m	Wall height 6.3m (6.72m to dormers)

ADVERTISING OF PROPOSAL

The application was advertised in accordance with TPS 2 and consisted of a letter to six adjoining property owners. No submissions were received.

STAFF COMMENT

The following technical assessment is made with respect to this development application.

Building height

The calculation of building height stems from Council's determination of the natural ground level (NGL). Clause 5.5.1 of the Council's Town Planning Scheme expresses policy in relation to building height and paragraph (c) provides a basic formula in relation to measurement of such height. Variations may be permitted in the case of

extensions to existing buildings, recognising the need or desire to match existing levels and built form.

The NGL in this case has been determined to be RL: 9.015, derived from a site survey plan by Carlton Surveys.

The wall height for the two-storey rear extension exceeds the basic 6m height standard by 0.3m (0.72m to dormers) above the NGL at the centre of the lot. This is due to the floor level at the rear of the existing dwelling being up to 0.35m above the calculated NGL at the centre of the lot and the original front section of the dwelling being up to 1.35m above the calculated NGL, as it is constructed on the higher portion of the lot.

The proposed roof ridge height is 0.3m below the maximum height of 8.5m allowable under TPS 2 and is below the height of the existing two-storey extension to be demolished. The height of the upper floor has also been kept to a minimum 2.4m (2m to bedroom 4 dormer) above a 0.2 high floor frame which is necessary to support the upper level.

The ground floor ceiling height in the extension is to be between 0.52m and 0.9m below the ceiling height of the front section of the existing dwelling and has been kept as low as possible to keep it aligned with the existing ridgeline and minimise the height variation.

The extension will be well-setback from the front boundary and have side and rear setbacks that are much greater than required under the RDC, which will reduce the visual impact of the wall height variation.

The wall height variation is considered under the Performance Criterion of the RDC that states:

Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate:

- *adequate direct sun to buildings and appurtenant open spaces;*
- *adequate daylight to major openings to habitable rooms; and*
- *access to views of significance.*

The large setback from the street, retention of the existing frontage, roofline, front verandah and generous setback to the side and rear boundaries all assist in keeping the appearance of the proposed extended dwelling consistent with the desired height of buildings in the area and adequately protecting the amenity of adjoining properties. The Category 3 heritage-listed building is retained, albeit in a modified form.

On 27 June 2005 Council considered a similar proposal for a two-storey rear extension to the dwelling and approved wall and ridge height variations of 0.5m above the NGL at the centre of the lot. The present proposal requires less height variation than previously approved.

CONCLUSION

The design of the proposed extension is in-keeping with the existing dwelling, in harmony with the existing ridgeline and the use of dormers assist in reducing building bulk to adjoining dwellings and the streetscape.

The proposed east-facing awning windows in the dormers are proposed to be obscure glazed and are conditioned to not open more than 0.3m to maintain adequate privacy to the adjoining property.

The wall height concession sought is considered relatively minor and is supported.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee was supportive of the proposal given the previous approval and justification for reasonable variations. An effective construction management plan was advocated given the lanes.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Jeanes

THAT Council GRANT its approval to Commence Development for the proposed two-storey rear extension at 115 Grant Street, Cottesloe, in accordance with the plans received 23 January 2013, subject to the following conditions:

- 1. All construction work shall be carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites.**
- 2. The external profile of the development as shown of the approved plans shall not be changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.**
- 3. Stormwater runoff from any paved portion of the site shall not be discharged into the street reserve or adjoining properties, and the gutters and downpipes used for the disposal of stormwater runoff from roofed areas shall be included within the working drawings for a building permit.**
- 4. Air-conditioning plant and equipment shall be located closer to the existing dwelling or the extension hereby approved than the adjoining buildings, and housed or treated to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.**
- 5. The proposed east-facing, upper-floor awning windows to Bedroom 2 and the activity room shall be obscure-glazed and non-opening beyond 0.3m, to the satisfaction of the Manager Development Services.**

Advice Note:

The applicant/owner 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.

Carried 5/0

Cr Hart returned to the meeting at 7:03 PM.

**10.1.4 DEVELOPMENT ASSESSMENT PANELS - LOCAL GOVERNMENT
MEMBER NOMINATIONS (SECOND ROUND)**

File Ref: SUB/843
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 18 February 2013
Author Disclosure of Interest Nil

INTRODUCTION

This report relates to Development Assessment Panels (DAPs) and the need for each Local Government to again nominate elected member representatives for the DAP covering their area – Cottesloe comes under a Joint DAP involving seven western suburbs.

The report informs Council about the second round of nominating two of its members to sit on the DAP, plus two alternate members (deputies), for the Minister to choose from. Nominations are required by 28 February 2013.

On 27 April 2011, Council nominated Cr Walsh and Cr Boland as its primary members to represent Council on the Joint DAP; and also nominated Cr Rowell and Cr Birnbrauer as its deputy members.

BACKGROUND

The appointment of all current local government DAP members expires on 26 April 2013. Members whose term expires are eligible for re-nomination.

Under the DAP regulations each local government is requested to nominate four elected members of the Council, comprising two local members and two alternate deputy local members to sit on the local DAP as required.

Following receipt of all local government nominations, the Minister for Planning will consider and appoint all nominees for up to a two-year term, expiring on 26 April 2015. All appointed local members will be placed on the local government member register and advised of DAP training dates and times. It is a mandatory requirement that all DAP members attend training before they can sit on a DAP and determine applications. Local government representatives who have previously been appointed to a DAP and received training are not required to attend further training.

Local DAP members are entitled to be paid for their attendance at DAP training and at DAP meetings, unless they fall within a class of persons excluded from payment.

(Note: Members who are not entitled to payment of sitting, training and State Administrative Tribunal attendance fees include Federal, State and local government employees, active or retired judicial officers and employees of public institutions. These DAP members are not entitled to be paid without the Minister's

consent, and such consent can only be given with the prior approval of Cabinet. This position is in accordance with *Premier's circular. State Government Boards and Committees Circular (2010/02).*)

COUNCIL NOMINEES

The procedure for nominations is governed by the regulations for DAPs and entails:

- The Minister for Planning writing to Council requesting nominations.
- Two Council members and two alternate Council members (deputies) are required.
- The Minister must then appoint those nominated (ie accept Council's choice).
- He must also create a register of all such local government members.
- The term of appointment is up to two years, with provision for reappointment.

Council is free to nominate from its elected members whoever is willing and able to be a DAP member and is considered well-suited for the purpose. It is suggested that elected members with considerable experience on Council's Development Services Committee or with a leading role in the affairs of the Town would be the most appropriate.

Those with an outlook to be elected members over coming years would offer continuity and consistency to the representation. Local Government elections may result in change of DAP members if councillors who are DAP members are not re-elected. If that occurs, the deputy local DAP members will take the place of the former local DAP members. If both local and deputy local members are not re-elected, the Local Government will need to renominate and the Minister to reappoint local DAP members.

Council should consider the above matters in selecting nominees as local DAP members.

ROLE OF MEMBERS

DAPs will deal with a limited number of significant development applications on an ad hoc basis and each Local Government's members will only sit when proposals for their district are being heard. For Cottesloe the frequency of such proposals is not expected to be great; however, such proposals will be of considerable significance and warrant sound assessment and decision-making.

Members are required to be trained and to abide by the regulatory and operational arrangements for DAPs. Keeping abreast of local and regional planning matters will be important in fulfilling this intermittent function.

Council's membership and active participation will be vital to the way in which DAPs operate and perform in managing major development proposals in accordance with the established planning framework.

DETAILED INFORMATION

For absolute detail the full Regulations may also be consulted via the website <http://daps.planning.wa.gov.au>.

VOTING

Simple Majority

COMMITTEE COMMENT

Committee identified potential nominees, which resulted in two (Cr Walsh, Cr Boland) as main DAP members and three (Cr Rowell, Cr Jeanes and Cr Pyvis) as deputy DAP members. Therefore, committee decided to recommend the two main members and to recommend a ballot at full Council to select the deputy members.

OFFICER RECOMMENDATION

THAT Council:

Nominate Cr _____ and Cr _____ to represent Council on the Joint Development Assessment Panel that includes Cottesloe, and Cr _____ and Cr _____ as deputy members, with the Administration to advise the Department of Planning of the details.

AMENDMENT

Moved Cr Walsh, seconded Cr Rowell

THAT Council:

Nominate Crs Walsh and Boland to represent Council on the Joint Development Assessment Panel that includes Cottesloe, and that the deputy nominees be chosen by a ballot conducted at the forthcoming full Council meeting.

Carried 6/0

COMMITTEE RECOMMENDATION

Moved Cr Walsh, seconded Cr Boland

Nominate Crs Walsh and Boland to represent Council on the Joint Development Assessment Panel that includes Cottesloe, and that the deputy nominees be chosen by a ballot conducted at the forthcoming full Council meeting.

Carried 6/0

**10.1.5 PLANNING INSTITUTE OF AUSTRALIA 2013 NATIONAL CONGRESS -
CELEBRATE THE VALUE OF PLANNING: PAST, PRESENT, FUTURE**

File Ref: SUB/38
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Ed Drewett
Senior Planning Officer

Proposed Meeting Date: 18 February 2013
Author Disclosure of Interest Nil

SUMMARY

Every year a major national congress is arranged by the Planning Institute of Australia (PIA). For this year's congress, delegates will hear from national and international leaders talking about innovative solutions to the challenges facing planners.

The conference will be held in Canberra from 24-27 March 2013.

This report recommends Council approval for the Senior Planning Officer to attend.

STATUTORY ENVIRONMENT

Relates to the global town planning system.

POLICY IMPLICATIONS

Council's *Conferences Policy* applies.

POLICY EXTRACT

Employees who wish to attend a conference/seminar/training shall complete a Request for Training application form and submit it to the Chief Executive Officer through their Supervisor.

The Chief Executive Officer is authorised to approve attendance by Officers at intrastate conferences, seminars and training that forms part of the normal training and professional development of those Officers.

In determining attendance, the Chief Executive Officer shall take into account identified priorities and funding availability.

When funding for a conference/seminar/training is not provided in the budget, authorisation must be sought through the Works and Corporate Services Committee.

Attendance at any interstate or international conference must be the subject of an application to be considered by the Chief Executive Officer and referred to the Works & Corporate Services Committee for recommendation to Council.

In this instance, given that costs are covered by the Planning budget and the large Works and Corporate Services Committee agenda, for convenience the report is put to the Development Services Committee as occurred last year.

The following expenses for approved conferences/seminars/training will be met by Council:

- (a) Registration fees;
- (b) Return fares and other necessary transport expenses; and
- (c) Reasonable accommodation and living expenses.

Where possible expenses are to be prepaid.

All expenditure is to be accounted for prior to reimbursement.

STRATEGIC IMPLICATIONS

Fosters strategic planning knowledge and skills, plus keeps up-to-date with planning practice and topics.

FINANCIAL IMPLICATIONS

The estimated cost of registration, accommodation, meals and travel for the congress is \$3400 and can be met by the current budget for training and conferences for Planning staff.

BACKGROUND

The PIA is recognised nationally and internationally as the peak professional body representing town planners in Australia.

This conference is *the* major annual local government planners' event and attracts a variety of overseas representatives and speakers.

The program, over four days at the National Convention Centre, includes such topics as:

- New approaches to development assessment;
- Delivering successful Transport Orientated Development;
- Achieving sustainable communities;
- Community participation and engagement;
- Climate change and sustainable city design;
- Sustainable urban transport corridors;
- Delivering successful urban outcomes for light rail in Perth;
- National and world heritage perspectives;
- Comparing metropolitan planning strategies for creating healthy cities;
- Successful place-making; and
- Challenges of urbanization and climate change.

There are a number of additional papers being delivered and several concurrent sessions with a range of themes and speakers. Virtually all the topics listed cover a worthwhile combination of practical and strategic aspects.

STAFF COMMENT

One of the most important sources of current information and training for experienced local government planners is conferences and seminars, particularly if delivered by high quality, practicing experts working in the industry, both here and overseas.

In addition, new ideas are acquired from these presentations, as trends occurring become obvious and new ways of thinking or techniques are presented.

The opportunity to attend an international-standard conference targeted at planners is an excellent form of professional development.

For staff from small local governments such as Cottesloe it is also a welcome way to avoid becoming too isolated or insular by gaining exposure to the bigger picture both internationally and nationally.

Another advantage for Cottesloe is that the development areas and projects in the district will be assisted by broader exposure to industry knowledge. This includes environmental considerations such as design-for-climate, sustainability and coastal factors.

Professional fraternity is equally valuable to swap notes, make contacts and develop a network of colleagues and resources.

The Senior Planning Officer is committed to the role and is motivated to maintain and enhance his professional knowledge and experience. Both he and the Town would gain from attendance at the conference. For these reasons the request for approval is supported.

COMMITTEE COMMENT

Committee supported this peak professional training and development opportunity for the staff member.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Rowell, seconded Cr Walsh

THAT Council APPROVE the attendance of the Senior Planning Officer at the Planning Institute of Australia 2013 National Congress in Canberra from 24-27 March 2013, and request that a report on the congress be provided within two months of attending the event.

Carried 6/0

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

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

12.1 ELECTED MEMBERS

Cr Boland proposed a motion in relation to the home occupation at 217 Marmion St and recommended that the matter be dealt with at full Council on Monday 25 February 2013 as opposed to by delegated authority. There was some comment from other elected members in relation to this matter including reference to previously circulated material from Administration.

Moved Cr Boland, seconded Cr _____

That the above matter be considered as Urgent Business.

The motion lapsed for want of a seconder.

12.2 OFFICERS

13 MEETING CLOSED TO PUBLIC

13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC

14 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:23 PM.

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PRESIDING MEMBER:
POSITION:

.....

DATE: / /