

Town of Cottesloe

Local Planning Scheme No. 3

Report of Review

November 2021

Contents

1. Introduction	3
2. Background	3
3. Background	4
4. Strategic Context.....	4
Scheme Amendments	4
5. Development Activity in Local Government Area.....	6
Structure Plans	6
Residential Lots, Dwellings & Other Development Applications	6
Building Applications.....	8
6. Population Change and Composition.....	8
7. Consultation.....	10
8. Officer's Comments	12
Local Planning Scheme No.3	12
Local Planning Strategy	13
9. Recommendation.....	14

1. Introduction

This report of the review of Local Planning Scheme No.3' (LPS No.3) has been prepared in accordance with Part 6 - Review and consolidation of local planning schemes requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). The Regulations require that a local government carry out a review of a local planning scheme in the fifth year after the date the scheme is published in the Government Gazette.

Under the Regulations, a local planning scheme comprises of a scheme map; scheme text; provisions set out in Schedule 2 of the Regulations (Deemed provisions for local planning schemes); and any other supporting plans, maps, diagrams, illustrations and other material. In addition, the Regulations require preparation of a local planning strategy for each local planning scheme that is approved within a local government area.

The Town of Cottesloe's existing Local Planning Strategy was endorsed in 2008 and provides the basis for LPS No.3 which was gazetted on 1 August 2014. The Strategy sets out the long term planning directions for Cottesloe, covering the main aspects and trends influencing the future development of Cottesloe for the 10 to 15 years from the release of the Strategy.

This report has been prepared and approved by Council in accordance with the requirements of the Regulations, and is submitted to the Western Australian Planning Commission (WAPC) for approval.

2. Background

The Town of Cottesloe is a compact municipality, approximately 4.0 square kilometres in area and is situated on the coastal side of a peninsula with the eastern boundary primarily being Stirling Highway and the western boundary the Indian Ocean (refer Figure 1). The Town was named Cottesloe on 21st September 1886 by Sir Frederick Napier Broome (Western Australia's governor from 1883 to 1890).

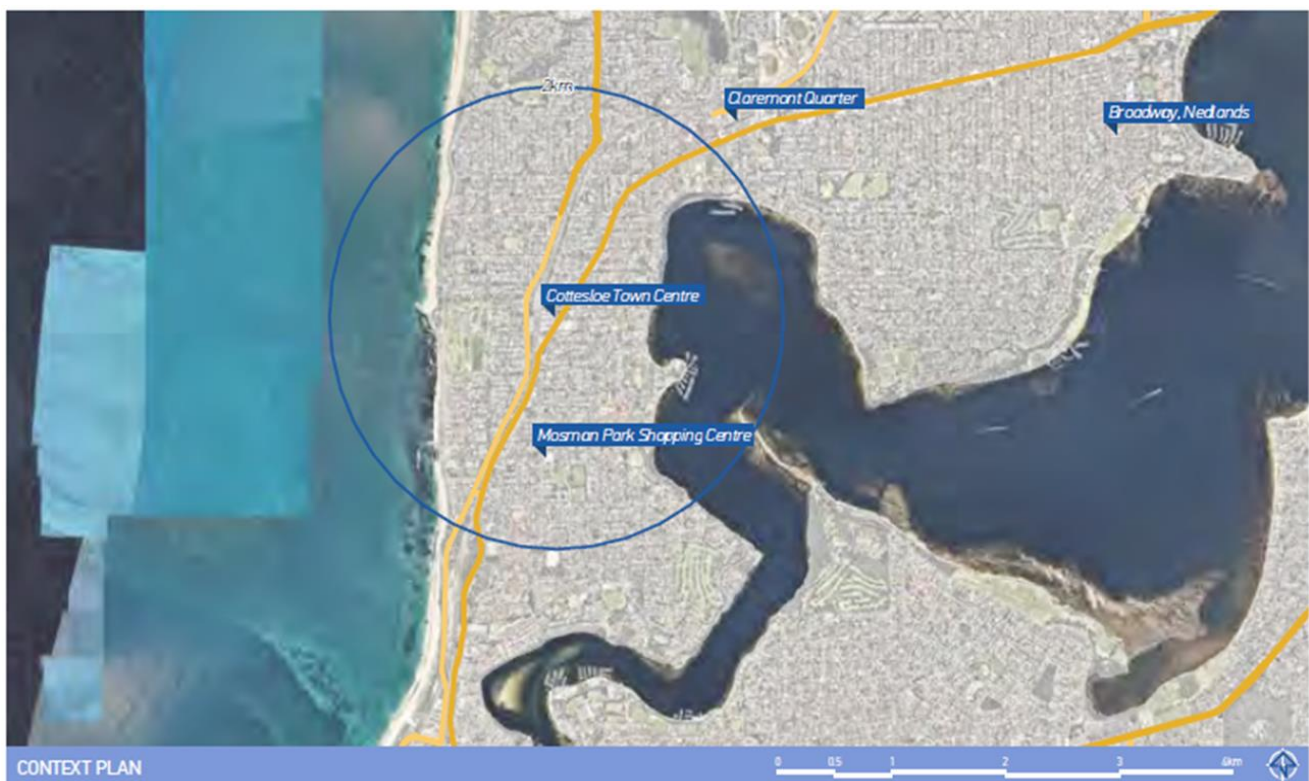


Figure 1: Locality Plan

The Town of Cottesloe in its local and regional context has close proximity to the Strategic Centres of Claremont and Fremantle and a range of other regional employment, educational and recreational facilities in surrounding areas. A relationship with these facilities is significant in the planning of the Town, which is not able to support the full range of services available in larger municipalities.

Regional recreational facilities in the Town include the Cottesloe beach foreshore area, the Seaview Golf Course and the Harvey fields recreation area. In March 2021 the Town endorsed a Master Plan for the Cottesloe beach foreshore area.

3. Background

Land use and development within the Town of Cottesloe is governed by Local Planning Scheme No.3 (LPS No.3). Local Planning Scheme No.3 was gazetted on 1 August 2014 and replaced 'Town of Cottesloe Town Planning Scheme No.2. Since gazettal of LPS No.3, there have been 11 scheme amendments and the details of these amendments are outlined in the table below.

The Town of Cottesloe's existing Local Planning Strategy provides the basis for LPS No.3 and was prepared in 2008 and endorsed by the WAPC in April 2012. The Strategy sets out the long term planning directions for Cottesloe, covering the main aspects and trends influencing the future development of Cottesloe for the 10 to 15 years from the release of the Strategy. There have not been any amendments to the Strategy since its endorsement.

The Town has commenced a review of its Local Planning Strategy which will not only focus on addressing the immediate needs within the existing planning framework, but also address the social environment and business setting. The necessity for ongoing continual improvement calls for a program that isn't finite but ongoing. This is essential to the consistency and coordination of the Town's approach to planning and development.

Local Planning Scheme No.3 consists of:

- a) A 'Preliminary' section that includes the Citation and sets out the definitions used in the Scheme, Scheme area, contents, purposes, aims of the scheme and its relationship to other Schemes and laws;
- b) A section covering the Local Planning Policy Framework;
- c) Sections dealing with land zoned and land reserved in the Town of Cottesloe;
- d) A section that sets out the zones which apply in the Scheme area and the uses which may require approval or may be prohibited;
- e) A general development requirements section;
- f) A Special Control Areas section;
- g) A section covering heritage protection;
- h) Sections dealing with the development of land, procedures for applying for planning approval and enforcement and administration; and
- i) Schedules relating to various aspects of the Scheme.

4. Strategic Context

Scheme Amendments

Details of the current amendments to Local Planning Scheme No.3 are summarised in the following table:

Amendment No.	Amendment summary	Gazettal date
1.	To provide Council with guided discretion for height variations in relation to existing dwellings and heritage buildings as specified in particular provisions.	24 March 2015
2.	To amend the Scheme Map and Schedule 15 in the Building Control Diagrams to correct anomalies in the zoning and development requirements applicable to Lots 101-103 Eileen Street.	29 May 2015
3.	Amend wall height for single storey buildings, so design is not unduly constrained.	14 July 2015
4.	Amend the Scheme Text to exclude roof terraces from being counted as open space in residential developments in certain circumstances.	27 May 2016
5.	To amend the residential density for Lots 24 and 25 corner Railway and Congdon Streets from R20 to R60; and to insert associated provisions for the land in Schedule 2: Additional Uses and Schedule 12: Special Provisions.	27 October 2017
6.	To amend the Scheme Text to introduce some additional discretion in relation to the residential building height controls.	4 November 2016
7.	Amending the Scheme Text to refine a particular provision in relation to residential building height in clause 5.3.5 in its second paragraph.	13 July 2018
8.	To amend the Scheme Text and Map to reflect Amendment 1210/41 to the Metropolitan Region Scheme (MRS) and enable the Stirling Highway Rationalisation and extend zoning to adjacent land.	16 June 2020
9.	Amend the Scheme Text to allow for six storey development and insert a new subclause 3(b) under Schedule 15 for Lot 92 Marine Parade, Cottesloe (Seapines Site).	11 December 2019
10.	Amend the Scheme Text and Map to include an Additional Use of "Medical Centre" for Lot 50 No.36 Eric Street, Cottesloe	29 November 2019
11.	To amend the Scheme Text and Map to include an Additional Use of "Short Stay Accommodation" and "Community Purpose" for Lot 400 No.24 Jarrad Street, Cottesloe ("John Curtin House").	19 January 2021

In addition, at the Ordinary Council Meeting of 25 June 2019 the Town of Cottesloe resolved to defer consideration of a proposed amendment to Local Planning Scheme No. 3 (LPS3) for 7 & 11 Station Street in the Cottesloe Town Centre. The amendment proposed an increase in building height of up to 10 storeys (35 metres) at a density of R-AC0 and changes to setback and plot ratio controls and other land use, access and built form considerations.

The Town in considering the proposed amendment formed the opinion that the proposal for redevelopment is classified as a complex scheme amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015*.

In parallel to this proposed amendment the Town of Cottesloe, in association with the Shire of Peppermint Grove, has developed and advertised a Draft Precinct Plan for the Cottesloe Activity Centre to help provide guidance for the future development of the Centre. Due to delays caused by COVID, the finalisation of State Planning policy 7.2 – Precinct Design Guidelines, and other matters, the progress of the Draft Precinct Plan Village centre has not occurred as quickly as envisaged.

The proponent of proposed Scheme Amendment subsequently requested that Council reconsider its position to defer the proposed Amendment and initiate the amendment for public advertising. At its Ordinary Council Meeting of 27 July 2021, the Town of Cottesloe resolved NOT to initiate the Scheme Amendment for the purposes of public advertising to Local Planning Scheme No. 3 (LPS3), pursuant to s.37(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

5. Development Activity in Local Government Area

Structure Plans

Under Clause 6.2 of Local Planning Scheme No.3 a structure plan is to be prepared and approved for land within a Development Zone. The deemed provisions for local planning schemes under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) override this requirement and transfer the decision making for structure plans to the Western Australian Planning Commission.

Two proposals for sites in the Scheme area that would normally have required a structure plan (Wearne Hostel site and the Council former depot site) have since proceeded to be developed without structure plans being prepared. Instead of structure plans being prepared for these sites a Master Plan with an associated local policy was prepared for the Wearne Hostel site, and a Local Development Plan was prepared along with a design guidelines policy for the Depot site.

Residential Lots, Dwellings & Other Development Applications

At the time of the 2016 census 81.8% of private dwellings were occupied Cottesloe of which 1,866 (66%) and were separate houses, 411 (14.6%) were semi-detached, row or terrace house or townhouses, and 527 (18.9%) were flats or apartments (ABS 2016). Over the last few decades Cottesloe has consolidated into a virtually fully developed residential suburb with two thirds of the housing stock consisting of single dwellings. It is expected that aged persons, two person households and single person households will continue to be significant sector of the Cottesloe community which highlights a need for greater housing diversity in the future.

Under the WAPC's Central Sub-Regional Planning Framework the Town of Cottesloe has an urban infill housing target for 2011 and beyond of 970 additional dwellings with 570 of these dwellings expected to be delivered by 2031. Since the gazettal of LPS3 in August 2014, there have been 101 subdivision applications in Cottesloe resulting in the creation of 87 residential lots. These included 33 applications for the amalgamation of lots resulting in a loss of 45 lots.

There have been 446 development applications for residential dwellings since LPS3 was gazetted. A large portion of these applications have been for the replacement of existing single residential development with larger single residential dwellings which has not resulted in a significant increase in additional residential dwellings in the Town. Over the same period there have been 588 building applications for residential purposes, however many of the applications were for the replacement of existing housing stock or extensions to existing dwellings.

Although the total number of development applications from 2016 to YTD 2021 has been gradually declining, the composition of development applications shows an increase in the value of applications in the \$500,000 and above (refer Figure 2 & 3).

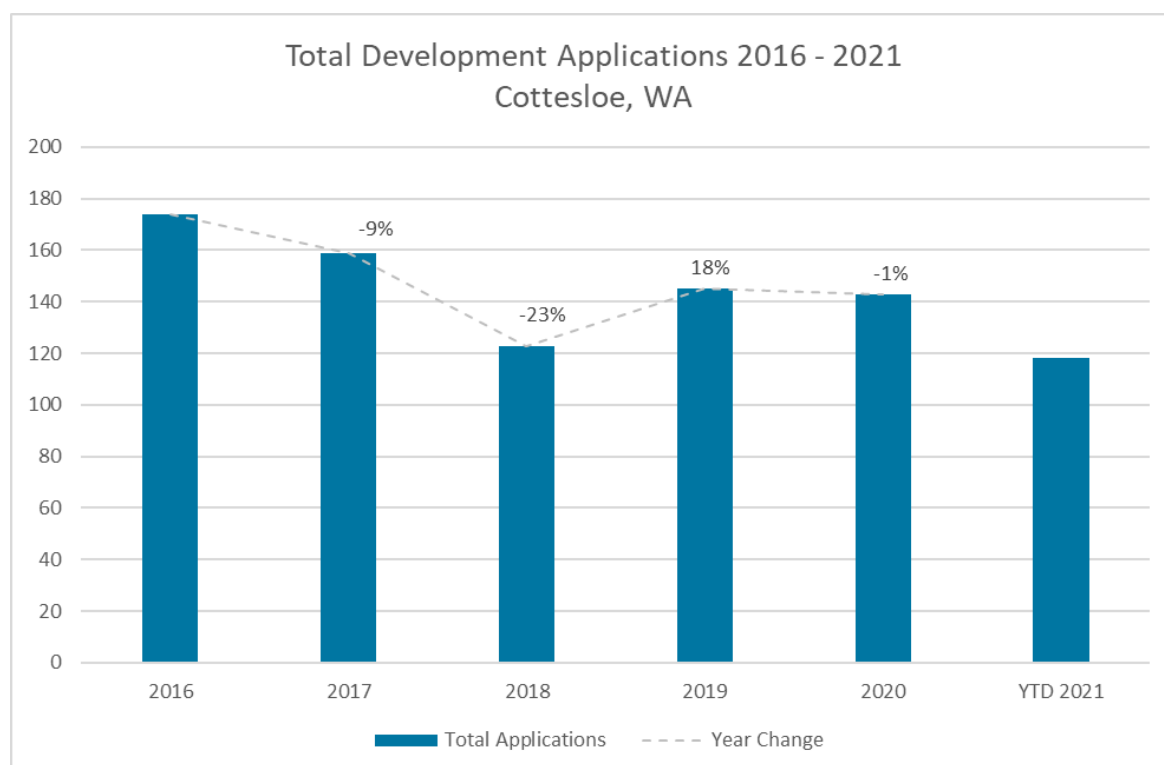


Figure 2: Total development applications 2016 – 2021 Cottesloe, WA (Source: Town of Cottesloe)

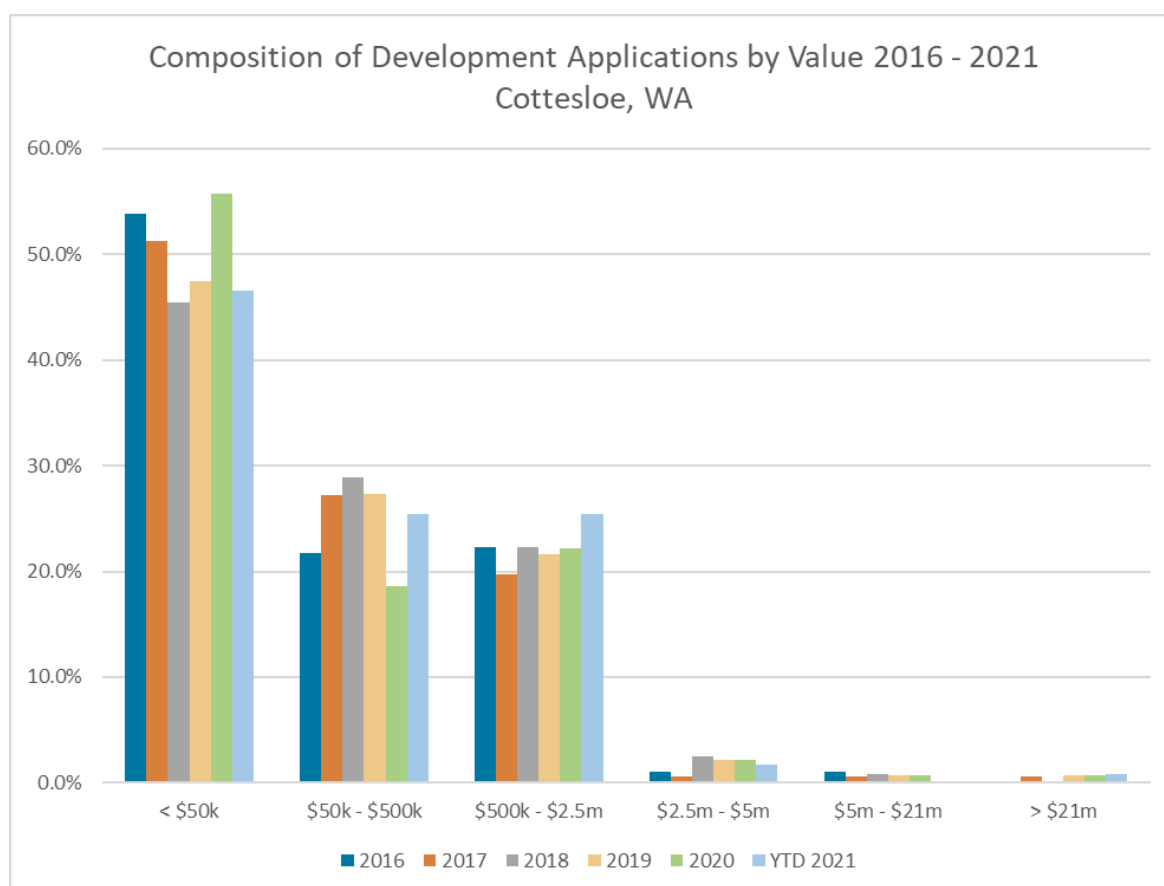


Figure 3: Composition of Development Applications by Value 2016 – 2021 (Source: Town of Cottesloe)

Building Applications

There were 655 building applications lodged and approved by Town of Cottesloe from 2014 – 2021. These included certified commercial, certified residential, uncertified commercial and uncertified residential applications for Class 1A to Class 9 buildings. Not included in these figures were smaller applications for Class 1A structures, pools and retaining walls.

Commercial building applications have fluctuated since 2016 due to the changing broader economic market conditions (refer Figure 4). This has also been influenced, to some degree at least, by the expectation of greater development potential that may be available under a reviewed or new planning framework. It is considered that this is likely the case with land in close proximity to the railway station and along portion of the Cottesloe coastal foreshore, where the current scheme provides limited development potential relative to what is contemplated by the various state government planning frameworks and documents.

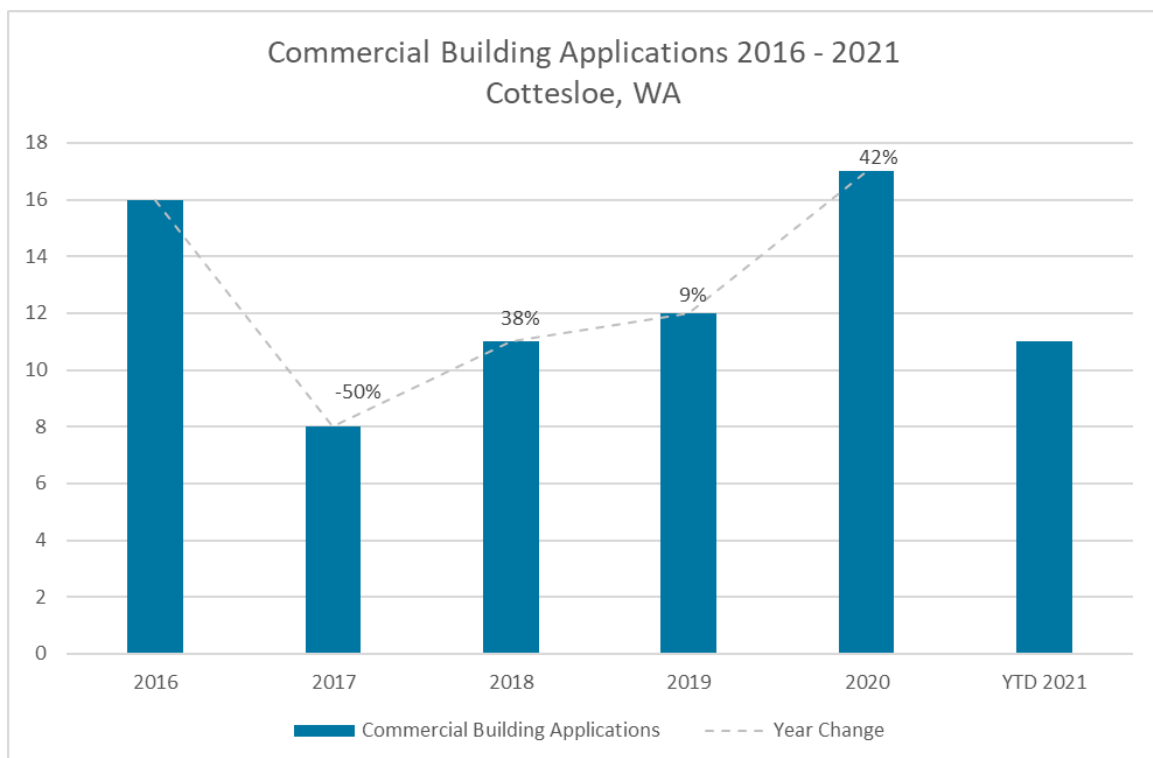


Figure 4: Commercial Building Applications 2016 -2021 (Source: Town of Cottesloe)

6. Population Change and Composition

In 2016 the Town had a resident population of 7,597 (ABS 2016). This represents a population density of 1,899.25 people per square kilometre. For context with some other western suburbs Local Government Areas, the City of Subiaco has a population density of 2,765.57 people per square kilometre and the Shire of Peppermint Grove has a population density of 1,487.28 people per square kilometre.

From 1991 to 2001, Cottesloe's population contracted 3.93% (ABS 2016), followed by a period of population growth in 2001 to 2011, of 8.66%. From 2011 to 2016 the population dropped marginally by 0.11%, from 7,605 people to 7,597 people. This coincided with the downturn in the State's economy at the time.

The population for Western Australia is forecast to only gradually increase of 1.61 per cent by 2031 due in part to overseas migration being below average (WA Tomorrow Report No.11). The Town of Cottesloe's population is forecast to increase by 605 people (8%) by 2031 (refer Figure 5).

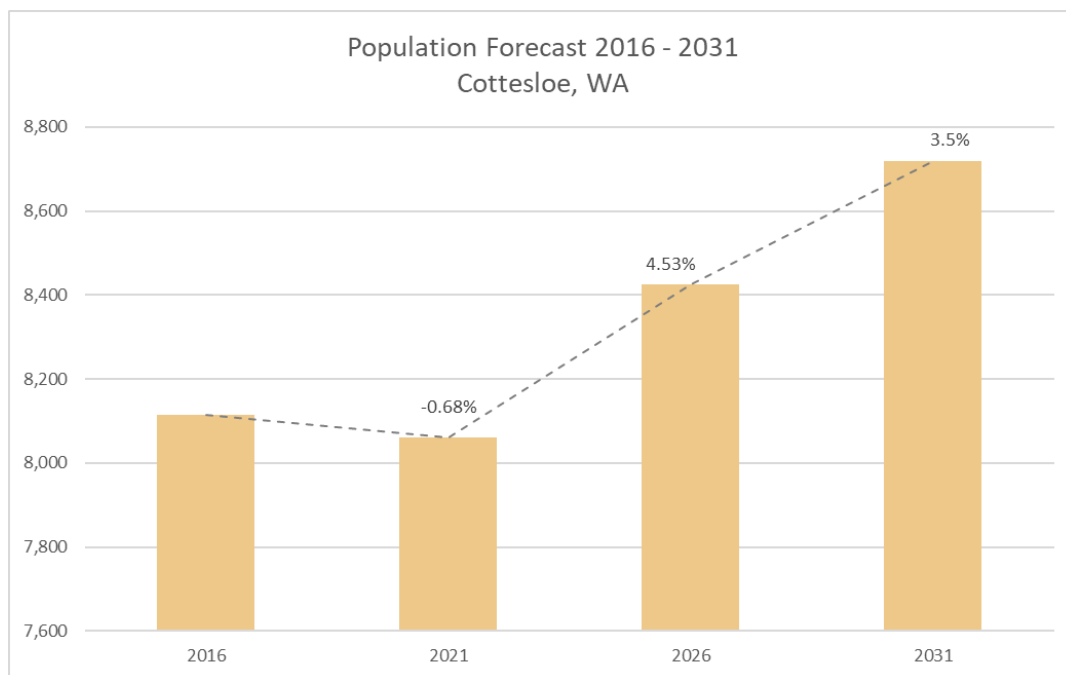


Figure 5: Population Forecast (Source: WA Tomorrow)

Cottesloe's population change since 2006 has seen growth in the 5-14, 45-54 and 65-74-year-old age categories (refer Figure 6). The median age increased slightly inline with this, from 40 in 2011 to 42 in 2016 which is high compared to the median age of the Greater Perth area 36 years. There is an equitable split of women (50.8%) to men (49.2%).

Cottesloe, like the Perth Metropolitan Area as a whole, continues to have a relatively large proportion of ageing population (refer Figure 7). Analysis of the age groups in 2016 for Cottesloe compared to Greater Perth area reveals a higher proportion of people in the older age groups of 60+ years (25.1% versus 18.98%) (ABS 2016).

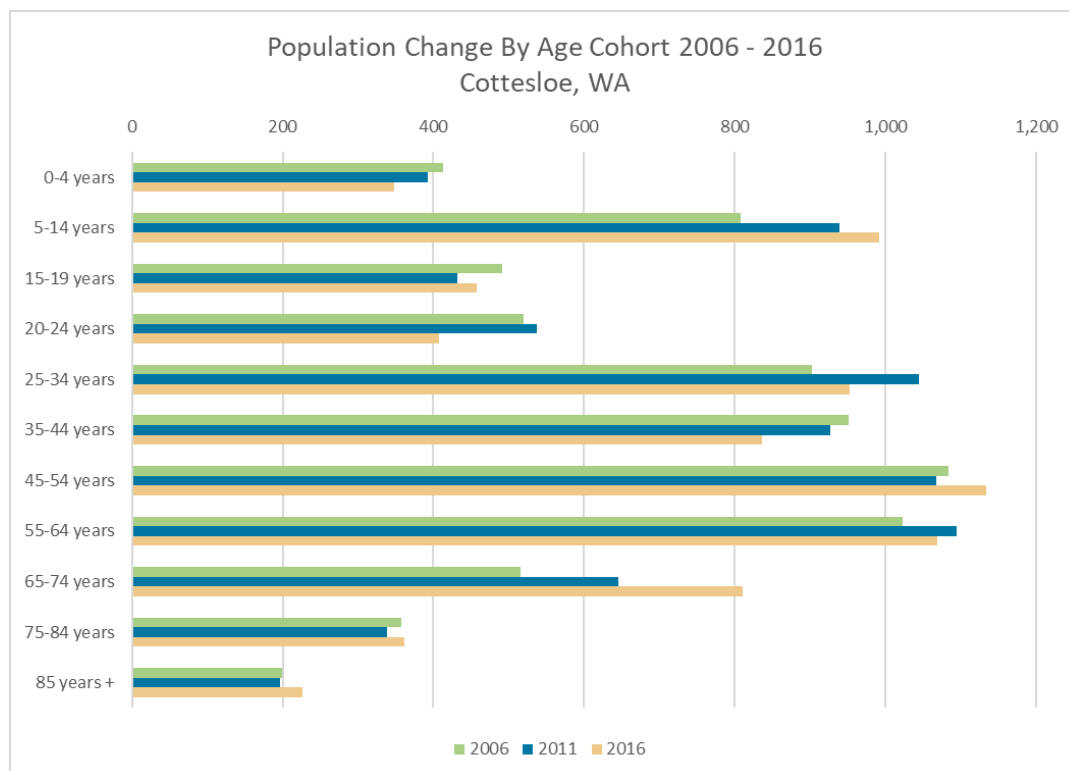


Figure 6: Population Change 2006 -2016 for Cottesloe (Source: ABS, 2016)

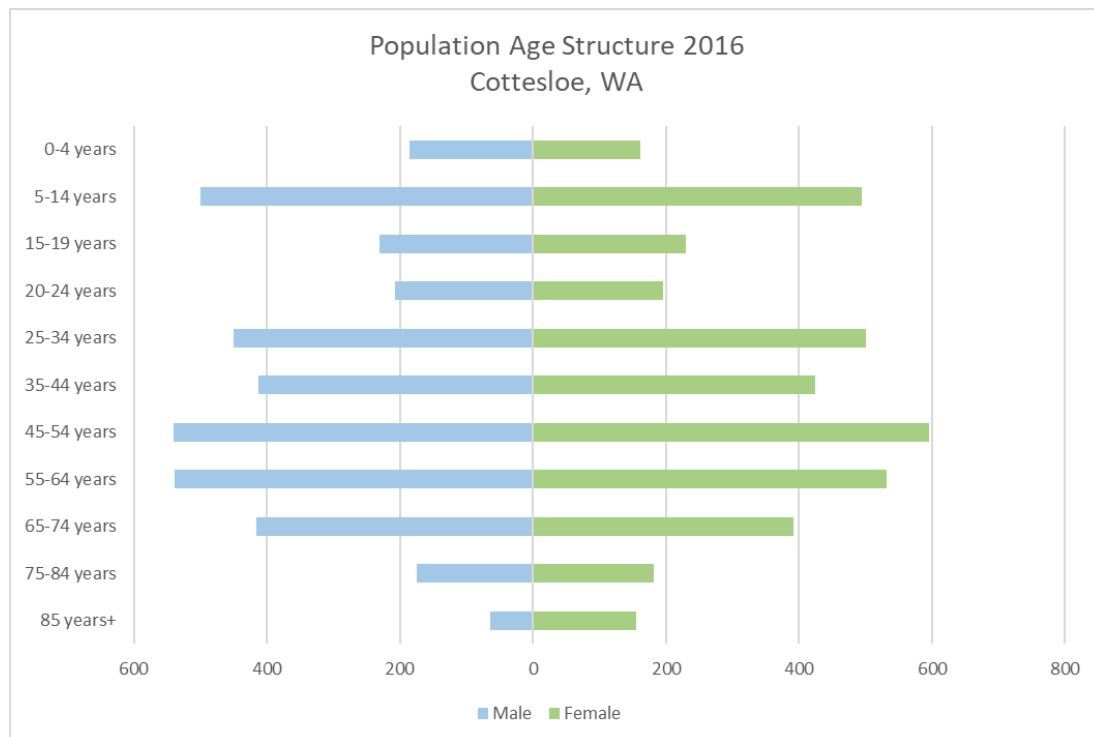


Figure 7: Town of Cottesloe Population Age Structure 2016 (Source: ABS, 2016)

In respect of birthplace and ancestry 73.13% of Cottesloe's population in 2016 were born in Australia and 26.87% were born elsewhere. Of those born elsewhere, 10.2% were born in United Kingdom, Channel Islands and Isle of Man, 1.88% were born in South Africa and 1.68% were born in New Zealand.

The composition of families in Cottesloe slightly varies with the Western Australian average, with more couple families. In Cottesloe, there is a greater percentage of couple families without children (41.7%) and couple families with children (46.2%) and a lower percentage of one parent families (10.8%).

7. Consultation

The Town commenced a review of its Local Planning Strategy in January 2019 as part of reviewing LPS No.3 and released a Discussion Paper in November 2019 as part of this process. The aim is to prepare a revised Local Planning Strategy and, ultimately, a new Local Planning Scheme No.4 for the Town of Cottesloe.

The Local Planning Strategy Discussion Paper was prepared to establish a dialogue with the community regarding the challenges and opportunities that reviewing the current Local Planning Strategy presents, and to ascertain the values of Cottesloe residents and desired outcomes for the Town of Cottesloe. The Discussion Paper was advertised for an extended period due to COVID19 to invite community input into this process and inform the review of the Local Planning Strategy. Community feedback covered a range of issues including:

- Increased population growth and limiting higher density development to Stirling Highway and around Cottesloe and Swanbourne train stations.
- Opposition to increased building heights along and near the Cottesloe Beach foreshore.
- The need for new development to have a design and sustainability focus.
- Uncertainty about the definition and role of activity centres.
- The need to enhance and activate the Cottesloe Town Centre.

- The gradual loss of heritage places locally and the need to balance new development with the retention of existing heritage.
- Improved provision of and connectivity with the various public transport modes, including trains, buses, cycling and walking.
- Concern over the noise and safety impacts arising from increasing vehicle traffic to and through the area.
- Concerns about the future growth and development of the Cottesloe Town Centre, particularly building heights and design.
- The retention of 'corner stores' in existing residential areas and the management of noise and traffic arising from these uses.
- General support for regulated and licensed short stay accommodation.
- A high level of support for 'ageing in place' in addition to the provision of aged care facilities.
- A need for additional community facilities such as a local tourism or visitor centre and a local history museum.
- Demand for improved facilities in public parks (e.g. barbeques, toilets, play equipment and facilities for youth).
- General support for public art in Cottesloe.
- Strong support for measures to retain trees and increase tree canopy.
- Strong support for responding to climate change and improving sustainability including the development a CHRMAP for Cottesloe.

The public comments received during the advertising of the LPS Discussion Paper were considered and noted by Council at its Ordinary Meeting on 15 December 2020 and will ultimately inform a revised Town of Cottesloe Local Planning Strategy and thereafter a new Local Planning Scheme.

A revised LPS will not only focus on tackling the immediate needs within the existing planning framework, but also address the social, environmental and business setting. In attempting to manage development and population growth in a sustainable manner, without compromising the character of the beach-side lifestyle, the LPS must also translate the desired land use and infrastructure planning outcomes of the Town's Strategic Community Plan 2013 – 2023 (SCP) in the context of increasing complexity of legislation, planning practice and community expectations.

The existing SCP recognises the following six Priority Areas on which Council is concentrating in the short to medium term that have the potential to impact on how the municipality develops:

- Protecting and enhancing the wellbeing of residents and visitors.
- Achieving connectivity between east and west Cottesloe.
- Enhancing beach access and the foreshore.
- Managing development.
- Providing sustainable infrastructure and community amenities.
- Providing open and accountable local government.

From a government perspective, discussions have been held with the Department of Planning, Lands and Heritage regarding the need to review of the existing planning framework and prepare a new or amended Local Planning Scheme. The discussions have been positive and will continue for the life of the project.

8. Officer's Comments

The preliminary work undertaken for the review of the Local Planning Strategy identifies existing challenges and shortfalls present within the Local Planning Scheme that require addressing in order to achieve the desired planning framework for the local government. This demonstrates that development potential provided by the current Local Planning Scheme is not delivering residential development in the Town at a level or at a density to meet the required density infill housing targets.

From the community feedback there is a desire by some within the community for a review of the framework to be undertaken as quickly as possible so as to enable landowners to maximise the development yield and/or value of their respective properties.

Local Planning Scheme No.3

In considering the functionality of the Scheme the following is relevant:

- It was gazetted in 2014.
- The structure of the text, and land uses contained in the text are inconsistent with the model scheme text.
- A number of local reserves, including the 'Local Parks and Recreation', 'Civic' and 'Public Purposes – Fire Station' are inconsistent with the Model Provisions.
- The text and maps contain zones that are inconsistent with the model scheme text including 'Town Centre', 'Foreshore Centre', 'Restricted Foreshore Centre', 'Local Centre', 'Development', 'Hotel', 'Residential Office' and 'Place of Public Assembly' zones.
- Various land use classifications and definitions, including 'Warehouse', 'Showroom', 'Serviced Apartment' and 'Shop', are inconsistent with the Model Provisions.
- The Building Control Diagrams (Schedule 15) in the Scheme require review to determine their effectiveness and relevance under the current Planning Framework.
- The Scheme incorporates 9 different density codes, between R20 and R100, with one of these being a split density code.
- Development within a number of the 'Development Zones' is complete or is nearing completion (e.g. Wearne Hostel site and the Council former depot site). It is therefore considered necessary for a review to be undertaken to determine whether these areas still need to be zoned 'Development' or whether the zoning of these areas can be 'normalised' with a standard zoning under the local planning scheme.
- The residential densities prescribed by the scheme map provide limited development potential in key locations compared to what is contemplated by the various state government planning frameworks and documents (i.e. in close proximity to railway stations and commercial nodes).
- The planning provisions in the scheme text for the beachfront precinct that provide for higher residential densities to accommodate smaller households and also to cater for short-stay accommodation for visitors has failed to deliver the intended outcome due to changing economic circumstances and market demand for this form of accommodation.
- The provisions in the scheme text relating to the control and provision of short stay accommodation need review as they are not delivering the intended outcome and there may be a need to prepare a local planning policy for short stay accommodation to address emerging forms of accommodation such as Airbnb.
- The scheme map includes some zoning anomalies that require correction.

In light of the above, it is considered necessary for the existing zones, reserves, land use classifications and definitions to be reviewed, with an aim of better aligning these with the Model Provisions contained within the Regulations, where possible, as well as addressing community expectations. Although it may be possible to amend the existing scheme to address the above issues, given the number and scale of the potential changes, it is considered more appropriate to prepare a new scheme to replace LPS 3.

Local Planning Strategy

In considering the applicability and usefulness of the existing Strategy, the following is relevant:

- It was prepared by the Town in 2008 and endorsed by the WAPC in April 2012.
- It has not been reviewed since and therefore does not reference the updated State Planning Framework (including Perth and Peel @ 3.5m and State Planning Policy 7.0 - Design of the Built Environment).
- It provides for a broad scale application of R20 residential density coding over a large part of the Town and R30 density coding primarily in the southern part of the district
- It promotes higher density development within the Cottesloe Town Centre and on the western side of the Cottesloe railway station to facilitate transit orientated development, which is broadly consistent with the above documents.
- In the beachfront precinct it provides for higher residential densities to accommodate smaller households and also to cater for short-stay accommodation for visitors, through dwelling size restrictions.
- It identifies a Development zone over State government reserves on the western side of Cottesloe train station to facilitate future housing as part of transit-orientated development. This has not eventuated as it is inconsistent with the purposes of the reserves and difficulty in gaining support from the respective State Government agencies responsible for the reserves.
- In 2019 Council approved the preparation of a draft Precinct Plan (now Precinct Structure Plan) for the Cottesloe Town Centre including Cottesloe Central shopping centre in Peppermint Grove. The study area for the proposed Precinct Structure Plan includes the Cottesloe railway station and the reserved land west of the station and the Plan is to consider ways forward for future development of the land and improved connectivity with the Town Centre.
- Sites identified in the Strategy for additional housing (including higher residential densities) such as the Wearne Hostel site and the Council Depot site have been or are being developed, which reduces the amount land available and suitable for increasing residential densities in the Town to meet the State Government's infill targets.

Based on the above, it is considered that the existing Local Planning Strategy doesn't reflect community aspirations and a new Strategy should be prepared. Due to the age of the existing Strategy it is now required to be reviewed and a new Strategy should be prepared due to:

- The changing planning framework, including issues impacting the operation and implementation of LPS No.3;
- The revised Strategic Community Plan which has outlined a number of key priority areas;
- An evolving social and demographic environment and changing community needs and expectations; and
- The requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* including model provisions for Local Planning Schemes and new zones and additional use classes.

Taking into consideration the feedback from the community and the draft Local Planning Strategy Guidelines prepared by the WAPC, the review of the Local Planning Strategy is to address the following themes:

1. Population and Housing Density;

2. Mixed Use Development and Urban Design;
3. Heritage and Character;
4. Integrated Transport;
5. Recreation and Open Space;
6. Environment and Biodiversity;
7. Tourism (new);
8. Economy and Employment (consolidated);
9. Community Facilities; and
10. Emergency Management

From a government perspective, discussions have been held with the Department of Planning, Lands and Heritage regarding the need to review of the existing planning framework and prepare a new or amended Local Planning Scheme. Those discussions have been positive and will continue for the life of the project.

9. Recommendation

That Council:

1. pursuant to Regulation 66(3)(a)(iii) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that a new Local Planning Scheme should be prepared and the Town of Cottesloe Local Planning Scheme No. 3 should be repealed upon the approval of the new scheme.
2. pursuant to Regulation 66(3)(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that:
 - the current Town of Cottesloe Local Planning Strategy should be reviewed and revoked once a new Local Planning Strategy is prepared and approved.