



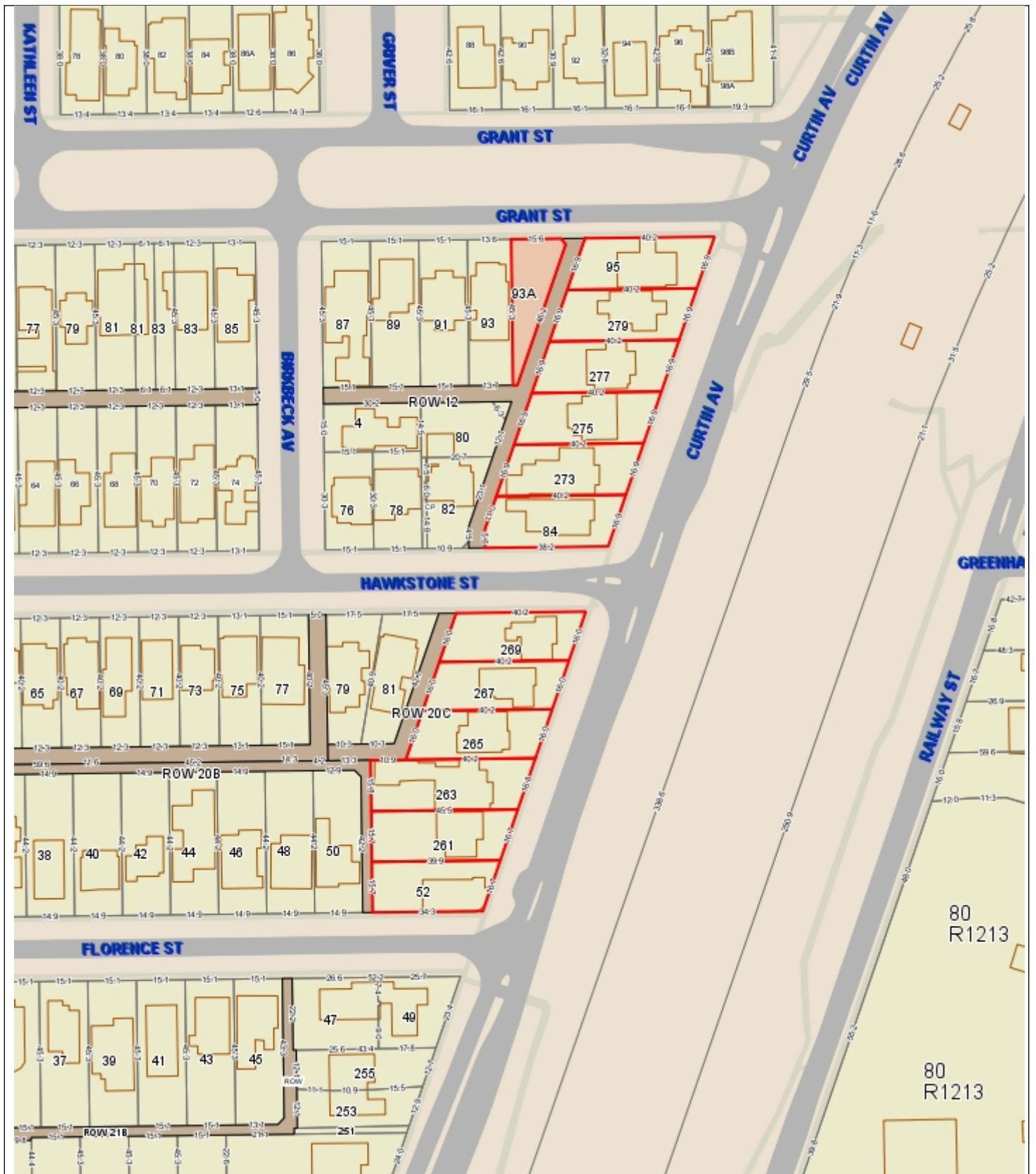
Curtin Avenue Density

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Scale 1:1650

11/05/2016



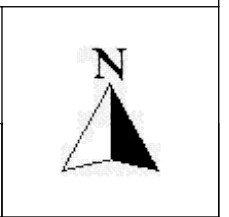


**Curtin Avenue Density**

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Scale 1:1650

11/05/2016





1: Looking south across Grant Street to Right of Way at rear of 95 Curtin Avenue.



2: Looking south, intersection Curtin Avenue and Grant Street.



3: Looking north, intersection Curtin Avenue and Hawkstone Street.



4: Looking south, intersection Curtin Avenue and Hawkstone Street.



5: Looking south from driveway of 84 Hawkstone Street.



6: Looking north, 269 Curtin Avenue to rear 84 Hawkstone Street.



7: Looking north, intersection Florence Street and Curtin Avenue.



8: Looking north from driveway of 49 Florence Street.



9: Looking north, Right of Way rear 52 Florence Street and others.



10: Looking south, Right of Way rear 52 Florence Street and others.



11: Looking north, Right of Way rear 269 Curtin Avenue and others.



12: Looking south, Right of Way rear 269 Curtin Avenue and others.



13: Looking north, Right of Way rear 84 Hawkstone Street and others.



14: Looking south, Right of Way rear 95 Grant Street and others.



**10.3.4 REQUEST FOR RESIDENTIAL DENSITY INCREASE - CURTIN AVENUE - SECOND REPORT**

**File Ref:** SUB/334-02  
**Attachments:** Curtin Density Aerial  
Curtin Density Properties  
**Responsible Officer:** **Mat Humfrey**  
**Chief Executive Officer**  
**Author:** **Andrew Jackson**  
**Manager Development Services**

**Proposed Meeting Date:** 17 August 2015  
**Author Disclosure of Interest:** Nil

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**SUMMARY**

In June 2015 Council considered an initial report on a request that a number of lots along Curtin Avenue in north-east Cottesloe have their residential density code increased from R20 to R30, and resolved:

*THAT Council consider the request from landowners that lots along Curtin Avenue generally between Florence Street and Grant Street, Cottesloe, undergo a residential density increase from R20 to R30 and requests staff to report-back on the matter with detailed information, including the preferred approach to managing subdivision and redevelopment.*

Council discussed whether a Scheme Amendment would include controls over land redevelopment, and was concerned that the proposed density increase would not result in orderly and proper planning and that there would be traffic, parking and amenity impacts; whilst the existing dwellings were in good condition.

This second report responds to the above for Council to decide whether or how best to proceed with the matter.

**BACKGROUND**

In February 2015 the Town received a request from the owners of twelve residential properties along Curtin Avenue between Florence and Grant Streets for a density increase from R20 to R30. One lot in the middle on the corner of Curtin Avenue and Hawkstone Street has not signed the letter. Another owner has withdrawn unconditional support due to concern about redevelopment consequences and recommends design controls to avoid an arbitrary approach.

The letter offered the following rationale for the request:

- Impacts from Curtin Avenue traffic, especially heavy vehicles, and trains.
  - Proximity to bus and train transport.
  - Ageing dwellings and the cost of upgrading them, including to address road and rail impacts.
  - Increased subdivision potential would encourage redevelopment to take advantage of public transport and provide better residential amenity.
-

- Other areas along Curtin Avenue have R30 or R35 density coding.

In April 2015 Development Services Committee discussed and indicated broad support for the proposal, being cognisant of the amenity impacts of main roads and of regional planning objectives for infill housing. It considered that properties along Curtin Avenue could be included in a proposed density increase, but that this should not extend significantly along side streets into the established and quieter residential area.

In June 2015 a further justification letter was received and commented as follows:

- The density increase would facilitate redevelopment with single or grouped dwellings, orientated to the lanes for frontage and access rather than to Curtin Avenue.
- Similar development has occurred nearby and elsewhere in Cottesloe.
- Such redevelopment would be compatible with the locality.
- Vehicular and pedestrian access would be coordinated and the Curtin Avenue verge could be landscaped.
- There is landowner support for the request and no objection from nearby owners (to date).
- Redevelopment could occur individually or be coordinated between owners, via progressive development applications and owner arrangements.
- The Residential zoning favours that use and the Scheme, policies, etc manage development requirements and standards.
- Advocates up-coding areas of smaller lots with alternative access and close to public transport along Curtin Avenue generally.

### **Preliminary Assessment**

A preliminary assessment outlined the matter as below.

#### Planning context

LPS3 deals with zoning, land use and development throughout the district. The broad aims of the Scheme are linked to regional planning, the Local Planning Strategy, supporting transport, sustaining population, providing housing variety (subject to community identity and amenity), sustaining character and streetscape, and a convenient, pleasant public domain. The objectives of the Residential zone include encouraging residential development only which is compatible with the scale and amenity of the locality and providing the opportunity for a variety and choice in housing in specified residential areas.

#### Development implications

This is a starting point for considering proposals, which may warrant assessment in their particular contexts having regard to detailed planning aspects and methods.

Typical considerations include the degree and extent of up-coding; resultant lot sizes, subdivision pattern, built form and streetscape; access (side streets and rear lanes are available); traffic generation and circulation; infrastructure and services; possible public open space, plus landscaping; special development controls (Local

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Development Plan or Special Control Area) or Policy/Design Guidelines. Heritage or character can also be relevant. Denser development areas usually invite overall plans and controls rather than leaving things to chance.

#### Site areas (lot sizes) and dwelling types

The current lot sizes range from 426sqm to 765sqm, the most common being 606sqm and 640sqm. Under the Residential Design Codes (RDC) density codes lot size requirements are:

|                                | <b>R20</b> | <b>R30</b>  | <b>sqm reduction</b> |
|--------------------------------|------------|---|----------------------|
| <b>Minimum site area (sqm)</b> | 350        | 260   | 90                   |
| <b>Average site area (sqm)</b> | 450        | 300   | 150                  |
| <b>Multiple dwelling</b>       | 450        | Density currently based on design; to be 300sqm under RDC changes from 23 October 2015. | 150                  |

Single or grouped dwellings would be suitable in this locality. Multiple dwellings would be denser, but limited to two-storey. Note that in lieu of subdivision at R20, lots of 450sqm may add ancillary accommodation (a granny flat) subject to meeting development requirements.

#### Planning approach

This is a strategic planning proposal that needs to be carefully considered in relation to LPS3 and ongoing requests for up-coding or rezoning. When LPS3 was prepared Council considered a number of requests for up-coding but did not agree to them all, generally adhering to R20 in north Cottesloe. Council mainly supported density increases to reflect existing lot density rather than to trigger widespread subdivision, demolition and development, or supported selective up-coding in intensive nodes.

An up-coding in this area may prompt further requests. Current density codes along Curtin Avenue on the west are predominantly R20, with some R30 areas (Millers Court, Bird Street and south of Pearse Street).

At R30 density coding the approximate potential lot yield (subject to detailed design) based on the total existing area of 8096 sqm is 23 lots, or almost double the existing number of properties. The ultimate lot and dwelling yield would depend upon the subdivision pattern and form of development.

There are two approaches to land development embracing density increases:

- Increase density coding and leave subdivision and redevelopment to the property owners. This is likely to be a gradual, ad hoc method with mixed results and limited coordination. It applies where owners wish to gain their individual subdivision/redevelopment benefits.

- Prepare a Local Development Plan to guide subdivision layout and control development standards; eg similar to as for the former depot site. This would achieve more coordinated and cohesive subdivision, access and development. The difficulty can be in getting owners to agree to arrangements for joint subdivision and redevelopment. As mentioned, a Scheme Policy or Design Guidelines, or Special Control Area provisions, may be called-for where the circumstances demand detailed governance.

In terms of overall planning the latter would be preferable, albeit more complex.

### Conclusion

Given that transport corridors cause amenity impacts, the notion of increasing density to expose more dwellings and people to them may seem at odds with orderly and proper planning. Whilst the amenity impacts are acknowledged, they could be addressed by other means by each property and within the public domain corridor.

Nevertheless, as urban areas evolve historical layouts and built form can become ripe for improvement, older dwellings can become outmoded and amenity may deteriorate.

The current request has some basic merit, but requires more detailed examination. The justification is fairly superficial and is founded on stage-of-life and property asset realisation aspirations. It assumes that quality outcomes will materialise from market forces and lacks prescriptive controls.

There is a risk in allowing unmanaged subdivision and denser redevelopment should take the opportunity to improve amenity and streetscape, including avoiding impacts on adjoining areas.

### **STRATEGIC IMPLICATIONS**

Relates to residential density, development and types in connection with local and regional planning objectives and mechanisms.

Changing density coding requires a Scheme Amendment, a process which is initiated by the local government and involves public advertising, consideration of submissions, evaluation by the Western Australian Planning Commission (WAPC), and determination by the Minister for Planning.

### **POLICY IMPLICATIONS**

A Scheme Policy, Design Guidelines or Local Development Plan may be appropriate.

### **STATUTORY ENVIRONMENT**

- Planning & Development Act 2005
- Local Planning Strategy
- Local Planning Scheme No. 3 (LPS3)
- Residential Design Codes (RDC)

## FINANCIAL IMPLICATIONS

Cost-recovery of Scheme Amendment preparation.

## STAFFING IMPLICATIONS

Sometimes Scheme Amendment requests are made by planning consultants who submit a comprehensive proposal at the proponent's expense. Alternatively, for a request from local landowners, the Town can prepare the Amendment documentation and charge a fee for the service, to cover assessment, reporting and administration.

## SUSTAINABILITY IMPLICATIONS

Increased density has a nexus with sustainability.

## CONSULTATION

To date liaison has occurred with the proponents. A Scheme Amendment process would entail community and agency consultation for information and feedback.

Following initiation and advertising, Council considers any submissions and the proposal and decides whether to adopt the Amendment, adopt a modified version or not proceed. Council then forwards the submissions and its resolution to the WAPC for review and advice to the Minister, who makes the final decision to approve the Amendment or a modified version, or to refuse it.

## FURTHER EXAMINATION

### Information from proponents

The proponents have liaised with officers and provided the following table of their ideas on how future R30 development could be accommodated on their lots, having regard to development considerations discussed at the Development Services Committee.

| Development matter discussed | Risks   | Opportunities  | Potential planning tool to facilitate desired outcome  |
|------------------------------|---|--|--|
| Setbacks                     | The <b>side lot boundary setbacks</b> permitted for the R30 code under the Residential Design Codes 2013 (R Codes) could potentially result in bulky two-storey development that obstruct natural breezeways and inhibits solar passive development on these east-west oriented blocks. | Strategically-located building envelopes and increased second storey side setbacks could provide staggered two-storey built form that will maximise solar access and avoid overshadowing of neighbouring properties.<br><br>Solar access for adjoining sites (i.e. cl 5.4.2 deemed-to-comply C2.1) to remain per R20 standards of the R Codes. | Development to be in accordance with Local Planning Policy Design Guidelines (cl 5.9) that vary R Codes.<br><br>The above LPP mandated through LPS3 Schedule 12 Special Provisions (cl 4.15) or a General Development Requirement similar to cl 5.3.4. |

|                   |  |  |  |
|-------------------|--|--|--|
|                   | <p>There's a potential for a reduction of amenity on neighbouring properties due to bulk of 3.5m high <b>parapet walls</b> and <b>overlooking</b> from second storeys developed at the R30 code.</p>   | <p>Restrictions to parapet walls should remain as per R20 standards of the R Codes (i.e. cl 5.1.3 deemed-to-comply C3.2 (ii)).</p> <p>Major openings (per R Codes) prohibited on southern face of second storeys.</p>  |  |
|                   | <p>Current 6m <b>front setback</b> restrictions under the Town's planning Scheme result in <b>open space</b> being provided in areas at the front of the properties which are the most noise-affected.</p> <p>Outdoor living areas towards rear of properties tend to be protected from the traffic noise.</p> | <p>Generous verge depths compliment a potential reduction of the front setbacks to 2 metres that would enable built form towards the front of the lots which mitigates noise transference from Curtin Avenue to outdoor living areas.</p>  |  |
| <p>Open Space</p> | <p><b>Smaller lots reduce private open space</b> in the locality.</p>  | <p>Potential to reduce (or limit) second storey floor area in exchange for greater building site coverage on the ground floor – this would also prevent sheer-bulky two-storey dwellings and provide greater focus on delivering individual outdoor living areas that are of sizes and configurations that are functional and well-located.</p> <p>Private open space also to be strategically configured to permit solar access and cross-flow ventilation between neighbouring properties.</p> <p>Permeable fencing and landscaping in front setback for new lots fronting the right of way.</p> | <p>LPS3 definition for "green roof" etc.</p> <p>Development to be in accordance with Local Planning Policy Design Guidelines (cl 5.9) that vary R Codes.</p> <p>The above LPP mandated through LPS3 Schedule 12 Special Provisions (cl 4.15) or a General Development Requirement similar to cl 5.3.4.</p> |

|         |   |  |   |
|---------|---|--|---|
| Parking | <p><b>Parking on rights-of-way</b> will lead to congestion.</p> | <p>Rights-of-way provide for limited vehicle movements and naturally provide for slower vehicle speeds.</p> <p>Council by-laws and regulation can prohibit parking in rights-of-way to maintain sight-lines for pedestrian safety and unfettered vehicle access to residences.</p> <p>Construction of right-of-way at expense of developers as condition of subdivision approval will have a flow-on effect of improving access to other surrounding properties.</p> | <p>Development to be in accordance with Local Planning Policy Design Guidelines (cl 5.9) that vary R Codes.</p> <p>The above LPP mandated through LPS3 Schedule 12 Special Provisions (cl 4.15) or a General Development Requirement similar to cl 5.3.4.</p> |
|---------|---|--|---|

Comment

This analysis is useful in identifying some aspects to be addressed in setting development parameters for the subject land and suggesting how the Scheme may apply the controls, with a focus on RDC requirements. It does not consider how subdivision may be managed, which Council also seeks to address.

The suggestion of requiring certain RDC parameters to be at R20 standard for the R30 area seems at odds with allowing increased density and may restrict development on smaller lots. One approach, however, would be to require the deemed-to-comply standards only, to avoid discretion under the design principles allowing concessions with undue impacts.

In this respect, the table below shows the different RDC requirements for single or grouped dwellings at R20 and R30 density. At R30 the setback, open space and outdoor living area reductions compensate for the smaller lots yet result in denser, closer development. Further reductions using discretion could be prevented by special controls.

| Minimum standard:        | R20 single or grouped dwelling              | R30 single or grouped dwelling              |
|--------------------------|---|---|
| Lot frontage width       | 10m   | n/a   |
| Open space proportion    | 50%   | 45%   |
| Outdoor living area size | 30sqm                                       | 24sqm                                       |
| Main setbacks            | 6m primary street;<br>1.5m secondary street | 4m primary street;<br>1.5m secondary street |

**Scheme mechanisms**

Scheme Provisions

The most effective way to control development would be by specific Scheme provisions as part of the Scheme Amendment process necessary to designate the R30 density coding. Scheme provisions have statutory force and effect, whether mandatory or discretionary, with greater bearing than a Scheme Policy or Design Guidelines. A Local Development Plan and/or particular provisions contained in Schedules 12 or 13 or in a new schedule of the Scheme may be appropriate. Variations to the RDC for the subject land or to other Scheme provisions may be appropriate, including for limitations.

#### Special Control Area

Creating a Special Control Area (SCA) for the subject land would allow for objectives and special controls applicable to the area to be set out and highlight that the area is to be treated specially. The SCA may involve variations to the RDC or to other Scheme provisions. This mechanism would entail the Scheme Amendment process, which includes consultation.

#### Local Planning Policy

A Policy and/or Design Guidelines made pursuant to the Scheme is a more discretionary and less mandatory mechanism, which Council is to have due regard to but is not absolutely binding and is open to review. It may contain a Local Development Plan or other tools to manage subdivision and development. This mechanism would entail the policy-making process, which includes consultation.

#### **Subdivision considerations**

Subdivision is a statutory approval process separate from local planning schemes but which may be linked to a scheme for some measure of control. In LPS3 a degree of subdivision control is contained in the structure plan provisions for the Development zones and in the Special Control Area provisions for the beachfront.

For the subject area, the RDC would govern lots sizes at R30 as above. Relevant additional subdivision controls via the Scheme may relate to the orientation and configuration of lots, vehicular and pedestrian access, widening of lanes, positioning/rationalisation of crossovers, public open space or cash-in-lieu thereof, verge treatments, corner truncations, coordinated perimeter fencing, protection of verge trees and preservation of on-site trees, etc.

Right-of-way (ROW) 12 running north-south between Grant and Hawkstone Streets is owned by the Town, is 5m wide and contains a sewer main. ROW 20C running north-south, south of Hawkstone Street, is owned by the Town, is 5m wide and contains a sewer main. ROW 20B running north-south, continuing southward, is owned by the Town and is 3m wide. These ROW feature vehicular access, are trafficable and are partially unmade (sand) and partially upgraded (paved and drained). The subdivision and denser development envisaged would necessitate widening of the lanes to 6m (by the land being ceded free of cost from the lots) and upgrading upon subdivision or development.

In summary, the chief controls influencing subdivision could be:



- Define the R30 area to limit its extent and manage the interface with the R20 area.
- Require the legal widening of the rights-of-way by the ceding of land from the lots free of cost.
- Designate vehicular and pedestrian access points.
- Guide the subdivision pattern and lot parameters, including any public open space and landscaping.
- Define building envelopes.

### **Development considerations**

Development control for dwellings at R30 density on the land would ordinarily be guided broadly by LPS3 and governed in detail by the RDC. As under the Scheme there is some scope for variations and under the RDC there is considerable scope for discretion, it may be appropriate to prescribe specific limitations or requirements for the subject area to manage particular development aspects. Relevant aspects include setbacks (including boundary walls), privacy, solar access, site cover/open space, vehicular access and parking, pedestrian access, streetscape (including fencing and landscaping), building design/appearance, etc.

In summary, the chief controls influencing development could be:

- Exempt multiple dwellings, as they would have more extensive floorspace, balconies and windows on the second storey.
- Designate dwelling orientation, primary and secondary frontages and the positions for open space, outdoor living areas, parking and access.
- Address streetscape aspects including fencing, landscaping and ancillary structures; to Curtin Avenue, the side streets and the lanes.
- Exempt the RDC design principles for particular aspects, ie adhere to the deemed-to-comply standards.
- For the second storey, limit size, specify setbacks and control privacy.
- Maximise solar access and cross-ventilation, and minimise overshadowing.
- Require developer contributions to upgrade the rights-of-way.
- Prohibit parking in the rights-of-way.

### **CONCLUSION**

The proposed density increase from R20 to R30 may be seen as merited given infill housing targets, proximity to the train station and bus routes and the amenity impacts of Curtin Avenue traffic. However, the differences in lot sizes and development requirements between R20 and R30 standards are significant and can create impacts on adjoining properties and streetscapes.

This report has identified subdivision and development considerations and outlined scheme mechanisms to manage such for the proposed R30 area in relation to the surrounding locality, should the request be supported by Council.

If Council wishes to further examine the matter towards a possible Scheme Amendment, detailed work on the appropriate provisions to control subdivision and development would be undertaken, then reported-back with a draft Amendment, for

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Council to decide whether to initiate an Amendment and gauge community reaction to the proposal and continue with that process, or to decline to initiate an Amendment.

**COMMITTEE COMMENT**

Committee supported further work towards a possible Scheme Amendment on the matter.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

Moved Cr Jeanes, seconded Mayor Dawkins

**THAT Council:**

1. Note this second report on the request from landowners "that lots along Curtin Avenue generally between Florence Street and Grant Street, Cottesloe, undergo a residential density increase from R20 to R30", including the preferred approach to managing subdivision and redevelopment.
2. Request staff to prepare and brief Council on a detailed draft for a possible Scheme Amendment for further consideration, incorporating special provisions and an overall plan to control subdivision and development, including consideration of the aspects identified in this report and any other aspects that come to light.

**AMENDMENT**

Moved Cr Walsh, seconded Cr Downes

That a new point 3 be added to read: "That the Town of Cottesloe seek comments from residents on Grant Street, Hawkstone Street and Florence Street, between Curtin Avenue and Marmion Street, before preparing a draft detailed Scheme Amendment".

Lost 3/6

**OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION****THAT Council:**

1. Note this second report on the request from landowners "that lots along Curtin Avenue generally between Florence Street and Grant Street, Cottesloe, undergo a residential density increase from R20 to R30", including the preferred approach to managing subdivision and redevelopment.
2. Request staff to prepare and brief Council on a detailed draft for a possible Scheme Amendment for further consideration, incorporating special provisions and an overall plan to control subdivision and

development, including consideration of the aspects identified in this report and any other aspects that come to light.

THE SUBSTANTIVE MOTION WAS PUT

Carried 7/2

For: Mayor Dawkins, Crs Pyvis, Rowell, Downes, Angers, Burke, and Jeanes  
Against: Crs Walsh and Birnbrauer

## Andrew Jackson

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**From:**  
**Sent:** Monday, 24 August 2015 10:47 AM  
**To:** Mayor Jo Dawkins; Katrina Downes; Peter Jeanes; Philip Angers; Jack Walsh; Sally Pyvis; Helen Burke; Jav Birnbrauer; Robert Rowell; Andrew Jackson; Peter Wood;  
**Subject:** proposed up-coding Curtin Ave

Dear Mayor Dawkins and Councillors

We are writing to support the council investigating the merits of up-coding the properties along Curtin Ave between Eric and Grant Street from R20 to R30.

Further, we concur with the commentary forwarded to council via email from Peter Wood and Diane Wainwright and look forward to supporting council in this review process.

Regards,

Bill and Lee Hazell

## Andrew Jackson

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**From:** Diane Wainwright  
**Sent:** Sunday, 23 August 2015 8:49 PM  
**To:** Mayor Jo Dawkins  
**Cc:** Katrina Downes; Peter Jeanes; Philip Angers; Jack Walsh; Sally Pyvis; Helen Burke; Jay Birnbrauer; Robert Rowell; Andrew Jackson; Peter Wood; Peter Wood;  
**Subject:** proposed up-coding. Curtin Avenue

Dear Mayor Dawkins and Councillors,

I am writing to offer conditional support of my neighbours proposal to have an up-coding of density from R20 to R30 for all sites along Curtin Avenue between Hawkstone Street and Grant street including my own at

My support is conditional as I am concerned that a simple change to R30 will offer future developers carte blanche when it comes to building large, cheaply built and unattractive homes on relatively small blocks. I understand we are talking about Curtin Avenue but it is still Cottesloe and the land is still relatively valuable. It would be great to see orderly planning with good design outcomes achieved for this area.

I think that all owners should be able to develop their own properties at will but with special development regulations to which they must adhere.

If council were to develop and implement strict Deemed-to-comply rules which do not allow for variations based on design principles I think the rezoning will have a positive impact on this part of Cottesloe.

I am not referring to all elements of the codes but mainly those controlling bulk and scale. For example, an important design element to be considered should be site cover/open space requirements. One idea might be to increase site cover to say 60 or 65% for the ground floor area only, while restricting the upper floor area to a maximum of 25 or 30% of the total site area. This would result in a maximum dwelling size of approximately 270m<sup>2</sup> on a 300m<sup>2</sup> building site. The upper floor would be restricted to under 90m<sup>2</sup> significantly reducing the bulk and scale which will ameliorate adverse amenity issues such as overshadowing.

This is only one idea but there are other areas which should be looked at such as height and length of walls on the boundary (especially on southern boundaries) front and rear setbacks etc..

Peter Wood of \_\_\_\_\_ put forward a table of possibilities before the Development Services Committee meeting (last week) which offered some very good ideas. This was not a proposal for the design guidelines but ideas brainstormed at a group meeting of owners.

Thank you for taking the time to read my correspondence. I have attached my original correspondence to Andrew Jackson below FYI so you may further understand my personal situation. As I have already invested financially by extending and renovating my home it is unlikely I will consider redevelopment of my property in the near future but do believe this proposal ( if considered carefully) holds merit for area improvement and should be considered by Council.

Yours sincerely

Diane Wainwright.

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**From:** Diane Wainwright  
**Sent:** Thursday, 21 May 2015 10:33 PM  
**To:** Andrew Jackson  
**Subject:** Att. Andrew Jackson -Rezoning proposal, Curtin Avenue

Dear Andrew,

Further to our telephone conversation earlier this week I am writing to inform you that I wish to be involved in any discussion regarding the proposal put forward by my immediate neighbours- Which is that council consider a zoning change from the current R 20 to R 30 for all properties on Curtin Avenue between Florence Street and Grant Street.

As you are aware I am the owner of [redacted]. It is my family's principal place of residence and over the past 10 years I have extended and improved the original single storey post war bungalow which existed on the site when I bought the property in 2002. Our home is a modest but comfortable family residence in which we currently enjoy plenty of natural light and ventilation. I have installed extensive solar panels on the north face of the roof which are totally exposed to direct sunlight all year round.

I have a good relationship with my neighbours and wish to maintain this mutually respectful consideration of each other's needs. When I was approached by Peter Wood [redacted] and Lee and Bill Hazel [redacted] I sighted and signed a letter to council supporting their idea for the change of zoning. On reflection I realise a simple change of zoning from R 20 to R 30 will have a direct and adverse impact on those of us who have renovated and extended their homes based on the current R 20 zoning and therefore withdraw my unconditional support.

Although I now withdraw unconditional support I am not completely opposed to the idea of the re zoning. I ask, if this zoning change is considered, that the Town of Cottesloe do not take a 'blanket' approach. If this change gains momentum I ask council to research and consider implementing design controls on all affected properties to protect residents who have invested financially in their current homes and therefore are likely to be adversely affected by possible future infill development.

Thank you Andrew. Please inform me immediately regarding any developments around this proposal and I look forward to being involved in all future discussions.

Your sincerely

Diane Wainwright

Regards,

## Andrew Jackson

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**From:** Peter Wood  
**Sent:** Sunday, 16 August 2015 10:27 PM  
**To:** Mayor Jo Dawkins; Katrina Downes; Peter Jeanes; Philip Angers; Jack Walsh; Sally Pyvis; Helen Burke; Jay Birnbrauer; Robert Rowell  
**Cc:** Andrew Jackson:

**Subject:** RE: Agenda Item 10.1.4 - Development Services Committee 17 August 2015 (File Ref: SUB/334-02)  
**Attachments:** Proposed Re-coding Curtin Avenue Lots

Dear Lord Mayor, Deputy Lord Mayor and Councillors,

I write to you as the owner of one of the Curtin Avenue properties affected by the residential upcoding contemplated by Item 10.1.4 from the Agenda that is to be tabled at the Development Services Committee meeting, on Monday 17 August 2015.

Council is to be commended for its preliminary investigation of whether limited development of additional housing options can be accommodated on the twelve subject properties, which are well serviced by public transport and in close proximity to various services and amenities, educational and employment opportunities, and within walking distance to several areas of public open space.

Further, I respectfully request that you **fully support the Council officer's recommendation:**

*"THAT Council... 2. Request staff to prepare and brief Council on a detailed draft for a possible Scheme Amendment for further consideration, incorporating special provisions and an overall plan to control subdivision and development, including consideration of the aspects identified in this report and any other aspects that come to light."*

The general development and planning matters raised in the Officer's report are all considerations that would be properly addressed in the detailed investigation of the proposal and it is appropriate that the officer recommendation be supported to allow this further detailed assessment to be undertaken for Council's further consideration later in 2015.

The officer's report outlines previous comments and suggestions that I and other affected residents have provided to Council (see attached), so I won't repeat those in this email. However, as the owner of one of the affected properties, and a lifetime resident of Cottesloe, I provide the following additional observations for your consideration:

### **Description of the Scheme Amendment Proposal**

The Amendment would seek to increase the residential density of the Amendment area to provide incentives to future redevelopment of the subject lots with a contemporary built form that

- facilitates a greater use of local public transport facilities;
- is appropriate for residential development abutting a regional transport corridor; and
- is consistent with the present form of residential development which is characteristic across the Town.

The central context of the Amendment area, including proximity to Swanbourne Village, Cottesloe town centre, the Perth and Fremantle city centres, and excellent regional public transport linkages via public bus and passenger train provides an excellent opportunity to 'up code' the Amendment area and enable more efficient use of the subject land, based on transit oriented design principles in accordance with Western Australian Planning Commission's Development Control Policy I.6 - Planning to Support Transit Use and Transit Oriented Development.

## **Amendment Location and Servicing**

The application of a R30 density code would immediately result in completion of the existing medium density residential lot sizes associated with Curtin Avenue and the passenger train line which is predominantly apportioned according to an 'R30' or 'R35' density. There is negligible difference in the present scale of built form between the 'R20' and 'R30' coded areas in Cottesloe.

The Amendment area would apply to all 'Residential' zoned lots abutting the Curtin Avenue road reserve comprising a distinct residential section between Eric Street and the north-eastern boundary of the local government area. Such an Amendment area provides a consolidated group of landholdings and a logical boundary to the proposed R30 density code.

The characteristics of the subject lots are unique due their relationship with Curtin Avenue, dedicated right-of-ways, and the Grant Street passenger train station, support for the upcoding proposal would not result in a precedent being set for the upcoding of nearby properties.

Consideration to up-code a larger area may have merit due to close proximity of train stations, existing medium density areas and various community facilities. However, this Amendment is intended to complete an existing pattern of residential built form and medium density along Cottesloe's major district transport corridor, rather than propose broad scale increases in residential densities through the suburb. It is more appropriate to properly assess proposals for increasing the density of a larger area through such overarching processes like Local Planning Strategy.

## **Future Development**

The primary objective of the proposed Amendment is to facilitate redevelopment of older dwellings to a scale and form that is appropriate for their close proximity to public transport services and location abutting a major regional transport corridor.

The application of Detailed Area Plans and the use of policy criteria to develop at the R30 coding is an appropriate mechanism to achieve medium density residential development while achieving certain outcomes such as ensuring the development positively contributes to the existing character and amenity of the surrounding area.

It is envisaged that the introduction of an R30 density coding would primarily encourage future proposals for two single houses or grouped dwellings in a 'rear loaded' configuration over each property, as permitted uses within the 'Residential' (1A) zone.

The subject properties present opportunities for coordinated vehicular access for the street block via other permitted roads and right-of-ways. Where properties currently have vehicular access solely via Curtin Avenue, existing crossovers may be used or rationalised. The provision of vehicle access from rear right-of-ways promotes better streetscapes through reducing the number vehicle crossovers from the street and therefore allowing a greater area for landscaping. In addition, lots which take their vehicle access from a right-of-way are required to provide pedestrian access to the street for postal, visitor, rubbish collection and public utilities (eg. water gas, electricity and telephone). This provision is in accordance with Western Australian Planning Commission Planning Bulletin No.33.

The 'Residential' zoning of the subject lots provides for a narrow range of permissible land uses confined solely to a residential environment. Given the aforementioned strategic and local advantages afforded to the Amendment area, it is considered that a change to a medium density coding of R30 is appropriate, and would enable the introduction of an appropriate range of residential dwelling types in the locality.

It is acknowledged that such developments could potentially have certain design implications on smaller lots. It is also acknowledged that Cottesloe is primarily low density suburban and such medium density developments may warrant tighter controls in these suburban areas. For these reasons, a requirement for Detailed Area Plan is proposed to ensure residential developments at the R30 density code are integrated into the surrounding area, and on a lot large enough to ensure that adequate car parking for residents, as well as visitors, is provided on site and therefore minimising the impact of the development on the surrounding properties.



Good design of residences on lots smaller than the surrounding historical lot sizes can accomplish a built form outcome that complements and blends with the local neighbourhood character. This includes finding an appropriate scale in terms of bulk and height that is responsive to the street and surrounding areas. It is anticipated that within the 'Curtin Avenue North' precinct, the high land values would facilitate the construction of high quality and well-designed dwellings.

The Amendment's proposed requirement for Detailed Area Plans will ensure future subdivision of the proposed subdividable lots would not create the need for additional vehicle crossovers to Curtin Avenue, particularly as the subject lots are mostly provided with vehicle access opportunities from local roads, slip-roads, or right of ways. Most vehicle trips will be from the subject properties towards Curtin Avenue via the rear laneways, and I'm sure vehicle movements from the eventual development of a maximum of twelve additional homes developed under the R30 coding can be easily accommodated across the four local roads associated within the subject lots.

Rear laneways would certainly be upgraded, widened and sealed to the Town's standards at the developers' expense through conditions set by the WAPC at subdivision approval.

With respect to the eventual built form outcomes, future development proposals would be subject to the provisions of the Town's LPS 3 and local planning policies which aim to enhance/maintain streetscape and promote environmentally responsible design at the development application stage of the process.

## LAND USE PLANNING CONSIDERATIONS

### **Metropolitan Region Scheme**

The Amendment areas are zoned 'Urban' under the provisions of the Metropolitan Region Scheme (MRS).

### **Directions 2031 and Beyond**

*Directions 2031 and Beyond* provides strategic growth directives for the future growth of metropolitan Perth. Specifically, a higher emphasis has been placed on infill development and urban consolidation as a means of achieving additional residential dwellings, housing diversity, and increased employment choice in Perth.

Directions 2031 identifies the need for an additional 121,000 dwellings in the central metropolitan sub-region to accommodate predicted population growth, and establishes a target of an additional 200 dwellings for the Town of Cottesloe by 2015, primarily associated with train stations at Grant Street and Cottesloe, and the Cottesloe town centre. Redevelopment of the amendment area will assist in meeting identified residential infill targets.

*Directions 2031* states that the connected city growth scenario is the preferred scenario which includes the consideration of more intensive forms of urban development along important urban corridors and areas around train stations and other major public transit infrastructure.

The proposed scheme amendment is entirely consistent with the strategic growth aims and objectives identified in Directions 2031 as it will facilitate infill redevelopment of the sites which are well serviced by public transport and is located close to various Activity Centre services and amenities and employment opportunities. The proposed amendment will facilitate provision of additional housing options in the area which will facilitate more efficient use of public transport facilities.

### **The Perth and Peel @ 3.5 million Central Sub-regional Planning Framework**

The *Perth and Peel @ 3.5 million* draft Central Sub-regional Planning Framework forms part of a suite of draft strategic planning documents that was released by the Western Australian Planning Commission for public comment in May 2015. The sub-regional planning frameworks, when finalised as sub-regional structure plans, will be recognised within the Western Australian planning framework under State Planning Policy 1 State Planning Framework (Variation No. 2) and taken into account when strategies, policies and plans that apply to the sub-region are prepared or reviewed.

The properties subject to this Amendment are designated by the draft Central Sub-regional Planning Framework as being within a "Station Precinct" served by quality, high frequency public transport with the potential to accommodate transit oriented development.

The draft Framework also sets a principle to ensure that existing and planned high-quality, high-frequency public transport routes are supported by quality higher-density residential land uses and identify where new public transport services will be needed to meet long-term growth.

The proposed Amendment is aligned with the spatial and contextual objectives of the draft Central Sub-regional Planning Framework.

### **Town of Cottesloe Local Planning Scheme No. 3 and Enquiry by Design**

The Town of Cottesloe Local Planning Scheme No. 3 (LPS 3) was Gazetted in August 2014 following an Enquiry by Design (EbD) process that took place in 2008.

The EbD and LPS 3 recognise the suitability of 'up-coding' of residential lots where they are already developed at the higher density. Considering the objectives for residential land provided by LPS 3, it is appropriate that this pattern of higher residential densities to be provided in a contiguous fashion by 'up-coding' surrounding areas containing older dwellings and having multiple access opportunities via right of ways or secondary streets, particularly those areas immediately west of Curtin Avenue within close proximity to the train stations serving Cottesloe.

It is envisaged that each lot within the Amendment area could be redeveloped individually, or in a coordinated manner, through a series of future development application proposals, depending upon the level of coordination of landowners within the Amendment area.

LPS 3 provides a range of development standards, including building height, setbacks, parking, landscaping and crossovers that will ensure that development proposals in the future are harmonious in nature, and compatible with the existing residential dwellings surrounding the Amendment area. In any event, it is considered that future development proposals will be in accordance with the scale of development located on the west side of Curtin Avenue, and will be appropriate to the setting generally.

Based on the above, it is considered that the introduction of the 'R30' density residential built form outcome that is consistent with the existing residential land use would be an appropriate outcome for the sites included within the Amendment area.

### **State Planning Policies**

Key elements of the WAPC's State Planning Policy No.3 - Urban Growth and Settlement (SPP 3):

- *consolidating residential development in existing areas and directing urban expansion into the designated growth areas which are, or will be, well serviced by employment and public transport;*
- *giving priority to infill development in established urban areas, particularly through urban regeneration and intensification of development of under-utilised urban land, whilst respecting neighbourhood character;*
- *locating higher residential densities in locations accessible to transport and services, such as around the CBD, regional and district centres, activity corridors .... etc".*

The Amendment is consistent with the principles outlined in SPP 3, as it will facilitate development of additional medium density housing choices in an established inner-urban area, close to existing services and facilities. Future development within the amendment area will be subject to assessment in accordance with the R-Codes, LPS 3 and applicable local planning policies which will ensure that existing neighbourhood character in the locality is protected.

Taking into consideration the Town's inner suburban location and the availability of public transport - in the form of bus routes and the Perth to Fremantle railway - the Amendment provides an opportunity exists for LPS 3 to better recognise regional residential density aims by increasing residential densities near public transport routes and nodes and near activity areas generally.

The WAPC's Development Control Policy 1.6 (DC 1.6 - Planning to Support Transit Use and Transit Oriented Development) refers to the need to increase residential densities in 'transit oriented precincts', which comprise areas within 10-15 minutes walking time (about 800 metres) of train stations, and 5-7 minutes (about 400 metres) of bus stops. The density suggested in the policy equates to about R40.

There is potential for LPS 3 to be more consistent with current government planning aims in terms of making more efficient use of residential land and urban infrastructure, by increasing residential densities close to transport nodes and routes. Bearing in mind the limited area and elongated shape of the Town, it would be inappropriate to expect increased densities to the extent referred to in Policy DC 1.6 (eg. 400 - 800 metres from train stations), as this would take in a considerable proportion of the area of the Town.

## CONCLUSION

The Amendment as above will facilitate future development of additional housing options in the locality, which is well serviced by public transport and is in close proximity to various services and amenities, educational and employment opportunities.

Council is respectfully requested to authorise Council staff to prepare and brief Council on a detailed draft for a possible Scheme Amendment for further consideration, incorporating special provisions and an overall plan to control subdivision and development.

Regards  
Peter Wood

## Andrew Jackson

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**From:** Natalie Mulvey  
**Sent:** Monday, 24 August 2015 12:07 PM  
**To:** Mayor Jo Dawkins; Katrina Downes; Peter Jeanes; Philip Angers; Jack Walsh; Sally Pyvis; Helen Burke; Jay Birnbrauer; Robert Rowell; Andrew Jackson;

**Subject:** Curtin Avenue Scheme Amendment. File Ref: 334-02. Development Services Committee Meeting

Major, Councillors, Committee Members and Neighbours,

We have just become aware of the proposal being put forward for a re-zoning of certain properties on Curtin Avenue in Cottesloe. We are the owners of:

We do not live at the property and this it seems is why we have been out of the loop on the amendment proposal. However, we do intend to live at this property at some time in the future and are naturally interested in this zoning issue.

For the record we would like to indicate that we neither oppose nor support a change in the current zoning for our Curtin Avenue property. However, we do support the matter being considered further by Council provided this is not at a cost to us.

This may not be the most appropriate place to raise the issue, however, we would like to indicate that our potential to support a re-zoning to R30 (or any other coding) will be diminished by each of the following:

- any ceding of land to widen the right-of-way adjoining our property;
- the diversion of vehicle entries and exits on to the Curtin Avenue properties away from Curtin Avenue and on to the right-of-way running parallel to Curtin Avenue (being a corner lot this would be quite disturbing as we already have quite enough traffic on two sides of the house as things are);
- any restrictions, beyond those which would normally accommodate a R30 zoning, in respect of buiding heights and alike being placed on the southern boundary of our property for any development. This is due to the fact that with the property also facing on to Hawkstone Street the logical placement of any future building would probably be close up against the southern boundary.

We look forward to receiving future correspondance and discussing this matter with our neighbours over the coming months.

Kind regards  
Vincent and Natalie Mulvey

## Andrew Jackson

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**From:** Natalie Mulvey  
**Sent:** Wednesday, 20 January 2016 11:47 AM  
**To:** Andrew Jackson  
**Subject:** Curtin Avenue Scheme Amendment. File Ref: 334-02.

Hello Andrew

Thanks for meeting with me briefly when I popped in to see you early last week regarding the above reference. Natalie (my wife) and I are the owners of

I have had some initial correspondence regarding the proposed scheme amendment which I directed to Mayor Dawkins. I believe you were copied in on the Mayor's response to me. In that correspondence I set out several factors which would give us cause to oppose the proposal being put forward to change the current zoning. I set these out again here for completeness:

- any ceding of land to widen the right-of-way adjoining our property;
- the diversion of vehicle entries and exits on to the Curtin Avenue properties away from Curtin Avenue and on to the right-of-way running parallel to Curtin Avenue (being a corner lot this would be quite disturbing as we already have quite enough traffic on two sides of the house as things are);
- any restrictions, beyond those which would normally accommodate a R30 zoning, in respect of building heights and alike being placed on the southern boundary of our property for any development. This is due to the fact that with the property also facing on to Hawkstone Street the logical placement of any future building would probably be close up against the southern boundary.

Having had some opportunity to consider the proposal further we would now like to indicate that our opposition to the proposed scheme amendment is now more resolute.

Our main concern is with the possible widening of the right-of-way. If we were required to cede a metre of land from the rear of our property for the widening that would result in a loss of over 16 sqm of land (almost 2.5% of our land area). This would be significantly detrimental to us in terms of the current use of the land. It also may significantly diminish the value of our land as it may jeopardise the possibility of having a higher zoning applied to our block in the future to allow for say 3 titles over the block as the total land area would not allow for 3 x 200 sqm lots.

There are solutions that would allay this concern. Obviously, if there is no need to widen the right-of-way at the back of our block then there's no issue. It seems to me that this may be possible as I understand the right-of-way is wider at the back of our block than it is further down the way. Alternatively, if the scheme amendment was to provide for our block to be subdivided in to three titles that may also satisfy us. I suspect that this would be unlikely to happen, and I should mention that we have no current intention to develop our block, but I put it out there for your consideration.

As a general comment, we like things as they are but do understand that some of our neighbours wish to try and capitalise on the location of their land and the tendency to increase housing density. However, we see an increase to an R30 zoning as being a false economy particularly if that included building restrictions beyond the norm for R30 zoning. In short, with having to carry out a major renovation/rebuild of the existing house to accommodate the building of a new house of the newly created lot and the loss of the use of a back yard for the existing house, the figures don't add up. We would simply be ceding 16 sqm of land and having the extra traffic in the right-of-way and, possibly, prejudicing a higher density rezoning in the future for nothing.

So, unless the scheme amendment takes into account the points set out above or some other alternatives that appeal to us, we oppose the change to the current zoning.

Thanking for your consideration and time on this.

Kind regards  
Vincent Mulvey

## Andrew Jackson

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**From:** Richard Schroeder  
**Sent:** Monday, 14 September 2015 12:40 AM  
**Subject:** Rezoning R20 to R30

I note with some concern that there is a request from some "...landowners along Curtin Avenue – generally between Florence and Grant Streets – to undergo a residential density increase from R20 to R30..."

My first question would be, are these "landowners" residents in the area of concern, are they landlords renting these land parcels to others, or are the landowners "developers"? If either of the latter two cases is true, why would landowners want to decrease the size of their R20 zoning land parcels (minimum 450sq metres lot size) to R30 (300sq metres lot size)? I assume it is because, if the land parcel is over 600sq metres (and there are quite a few) the landowner would be able to subdivide into two land lots – increasing the value significantly.

However, decreasing the total area of the lot size to a minimum 300 square metres also decreases the size of the dwelling "footprint" – hence two story dwellings are required and vehicle parking space on the lot is a problem. Therefore vehicles are parked on the street and can become a traffic impediment.

I am a resident on Lillian Street and most of the lot sizes are R20 – in recent years parking on the street has become common practice – both sides – as now most dwellings have two and often times three or more vehicles per dwelling (grown working children are still living at home as they are unable or unwilling to move out and rent/purchase their own dwelling) – travelling on Lillian Street is now restricted to one lane as there are cars parked on both sides.

Increasing the residential density on Lillian Street from R20 to R30 would seriously compound this street parking problem as it will in the Curtin Avenue, Florence Street, Grant Street area should the rezoning issue be passed.

I think it is time the Council look seriously at lot sizes and subsequent parking issues which affect the ambience of the community as a whole (loss of vegetation, trees, etc on smaller lots) and accept the possible loss of some revenue due to maintaining present residential lot sizes.

Please consider these issues when deciding on the request by landowners in the area in question.

Thank you

RJ Schroeder



Curtin Avenue Re-coding — Draft Scheme Map