



Town of Cottesloe



Scheme Amendment 11

Local Planning Scheme No. 3

Lot 400 (No. 24) Jarrad Street, Cottesloe (John Curtin House)

November 2019

Production Details

Edition Details

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Advertising	6/12/19	Revised cover photo, consistency with Council decision	ToC
Adoption	28/4/20	Updated condition 5, following applicant discussions	ToC
Final Approval			
WAPC Endorsed			

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Form 2A

Planning and Development Act 2005 (as amended)

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Town of Cottesloe Local Planning Scheme No. 3 Scheme Amendment 11

1. Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- 1.1 Amend Schedule 2 – Additional uses to include the following;

No.	Description of Land	Additional use	Conditions
A11	Lot 400 (No. 24) Jarrad Street, Cottesloe	<ul style="list-style-type: none"> • Short Stay Accommodation • Community Purpose 	<ol style="list-style-type: none"> 1. The use of the premises shall be carried out in accordance with an approved Management Plan that addresses among other concerns, minimising any impacts on the amenity of the locality, and shall include appropriate preventative measures accordingly. 2. Short Stay Accommodation shall be restricted to a maximum of 4 persons. 3. Up to 2 car parking spaces associated with the Community Purpose use may be accommodated within the verge, subject to the arrangement not causing any adverse impacts on the amenity of the locality and with approval of Council. 4. No additions to the existing premises are permitted, unless otherwise approved by the Town. 5. The permitted uses shall be operated by the National Trust of Australia (WA), unless otherwise approved by the Local Government.

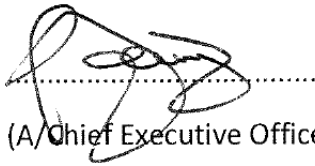
- 1.2 Modifying the Scheme Map by designating Additional Use No.11 over Lot 400 24 Jarrad Street, Cottesloe, in accordance with the Scheme Amendment map.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. Pursuant to Regulation 34(a) of the Regulations, the amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone or reserve;

2. Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
3. Pursuant to Regulation 34(f) of the Regulations, it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on land in the scheme area

Dated this day of 2020



(A/Chief Executive Officer)

1. Introduction

element on behalf of the National Trust of Western Australia, holding the management order for the subject site, is pleased to present the following report in support of a request to amend the Town of Cottesloe Local Planning Scheme No. 3 (LPS3) to apply an additional use class to Lot 400 (No. 24) Jarrad Street, Cottesloe (the subject site).

The subject site is zoned 'Residential' pursuant to LPS3 and is occupied by a Single House. The house is of heritage significance as 'John Curtin's House' (known also as the Curtin Family Home) and is listed on the Heritage Council Register of State Heritage Places, Town of Cottesloe Heritage List and Municipal Inventory, and is also classified by the National Trust.

Due to the current land use permissibility of the Town's 'Residential' zone, a 'Short Stay Accommodation' land use is not currently permitted at the subject site. A 'Community Purpose' land use is an 'A' use within the Residential zone, meaning the use is not permitted unless the local government has exercised its discretion by granting development approval after giving public notice. It is proposed to add the above 'Additional Uses' specific to the site in order to facilitate the use of the premises for these activities. The requested additional uses seek to provide short-term stays at the historically significant 'John Curtin's house' for members of the National Trust and the wider community and offer a range of small scale group activities and events which relate to the heritage aspects of the dwelling. Justification for the requested additional uses are provided in the following report.

2. Background

This amendment request is lodged on behalf of the National Trust and State of Western Australia, as owners of the subject site, after meetings with Council staff in August/September 2019.

2.1 Location and Site Context

The subject site is located within the suburb of Cottesloe within the Town of Cottesloe (the Town). Described as Lot 400 (No. 24) Jarrad Street, Cottesloe, the subject site has a total area of 870m². The particulars of the subject site are detailed in the following table.

2.2 Site area and ownership

Table 1 – Lot details

Lot Number	Address	Plan	Volume/Folio	Area (m ²)
400	24 Jarrad Street, Cottesloe	3639	3128/129	870

2.2 Physical characteristics

The subject site is regular in shape and bound by Jarrad Street to the south, Residential lots to the east and west, and a right-of-way to the north. The site is occupied by a single dwelling and an associated outbuilding to the rear.

3. Planning Context

3.1 Strategic Planning Framework

3.1.1 Local Planning Strategy

The Town of Cottesloe's Local Planning Strategy (LPS) sets out the following strategic objective for the Residential zone, which the subject site is situated within:

'The broad objective of the Residential zone is to balance the character and amenity of the established suburban localities of Cottesloe with district trends in population growth and demographic change for an adequate supply of housing choice.'

The LPS further comments that short stay accommodation is proposed to be encouraged in beachfront locations and presents for non-private dwelling opportunities. Whilst this proposal is not 'beachfront', being approximately 685m from Cottesloe Beach, the subject site is in close proximity to the Cottesloe train station and local shopping and dining amenities and will provide for short stay accommodation that will allow for the public to experience the heritage values of the subject site over a more extended period of time.

3.2 Statutory Planning Framework

3.2.1 Region Planning Scheme

The Metropolitan Region Scheme (MRS) is the overarching statutory planning mechanism which divides land in the region into zones and reservations, ultimately guiding land use and development. Pursuant to the MRS, the subject site is zoned 'Urban'. The proposed scheme amendment and consequent land uses proposed are in accordance with the objectives of this zone.

3.2.2 Local Planning Scheme

The Town of Cottesloe Local Planning Scheme No. 3 (LPS3) is the primary statutory document guiding land use and development within the municipality. Pursuant to LPS3, the subject site and surrounding lots are zoned 'Residential'. The objectives of the Residential Zone are to:

- a) encourage residential development only which is compatible with the scale and amenity of the locality;*
- b) provide the opportunity for a variety and choice in housing in specified residential areas;*
- c) allow for some non-residential uses where they are compatible with the amenity of residential localities; and*
- d) encourage the retention of local facilities and services within specified residential areas for the convenience of the local.*

The proposed additional uses do not detract from the main objectives of the Residential Zone and is intended to be at a scale that will be complementary to surrounding Residential uses whilst retaining the amenity of the residential area.

Further to the above, the residential zone allows for some non-residential uses where they are compatible with residential amenity. It is considered that the proposed additional uses are compatible with the amenity of locality as they allow for short term residential accommodation, small scale workshops and events for selected visitors only.

Finally, the physical appearance of the dwelling and subject site will not change as part of the proposal. Thus, the appearance of a Single House consistent with the existing streetscape will remain.

4. Proposal

The dwelling 'John Curtin's House' on site is of historic significance and is listed on the Heritage Council Register of State Heritage Places, Town of Cottesloe Heritage List and Municipal Inventory, and is also classified by the National Trust.

The Short Stay Accommodation and Community Purpose land uses proposed by the amendment are considered to contribute to the locality in providing the community with access to a cultural and educational experience at the residence which is respectful of its heritage significance.

The amendment seeks a Short Stay Accommodation Additional Use on the subject site with a condition for the land use to be an 'A' use, meaning the use requires advertising before the local government may exercise discretion in granting a development approval.

It is noted that Short Stay Accommodation has been occurring at the property for a number of years. The amendment seeks to formalise the permissibility of the use on the site, as requested

by the Town, so a following development approval may be sought. The National Trust is not aware of any complaints or issues that have arisen as a result of past short term residential activities, being low scale in nature and in keeping with the amenity of the area. There are two bedrooms within the dwelling and historically a maximum of 4 adults have been accommodated.

Short term accommodation duration and frequency is varied throughout the year, with accommodation generally provided from between one to seven nights. National Trust members, guest lecturers and general community members have been previously accommodated. The National Trust carefully reviews prospective guests to ensure that the residential amenity of the area will not be compromised.

Given there are only two bedrooms within the dwelling no additional car parking bays are required as part of the proposed use. A garage is provided to the rear of the lot and accessed from the right of way which can accommodate 1 vehicle with an additional bay next to the garage accessed by a sliding gate, which is sufficient for the anticipated number of visitors at the dwelling.

The amendment also seeks for a Community Purpose Additional use with a condition for the land use to be a 'P' (permitted) use. The National Trust proposes to run small group artist workshops, small fundraising group events and community open days to display heritage aspects of the dwelling. These events are proposed to be ran at a scale which is respectful of the surrounding residential character and amenity. Due to the physical constraints of the lot and the heritage listing of the dwelling, conditions are proposed to allow for parking associated with the Community Purpose use to be accommodated within the verge. This arrangement would be subject to a development application demonstrating the proposed parking will not have an undue impact on the amenity of the surrounding residential area. It is anticipated 2 car bays in the verge would be required to accommodate visitors of the workshop and fundraising events.

5. Planning Justification

The proposed amendment is considered consistent with the orderly and proper planning for the site as follows:

- The scheme amendment will provide for community benefit in providing cultural and educational experiences at the historically significant site;
- The short stay accommodation use has demonstrated the ability to occur on site whilst respecting the amenity of the surrounding area; and
- The proposal is unique for the reasons listed in this report and warrants consideration of the additional uses and respective conditions.
- There is no physical modification to the appearance of the Single House and thus there will be no change to the streetscape or amenity of the locality.

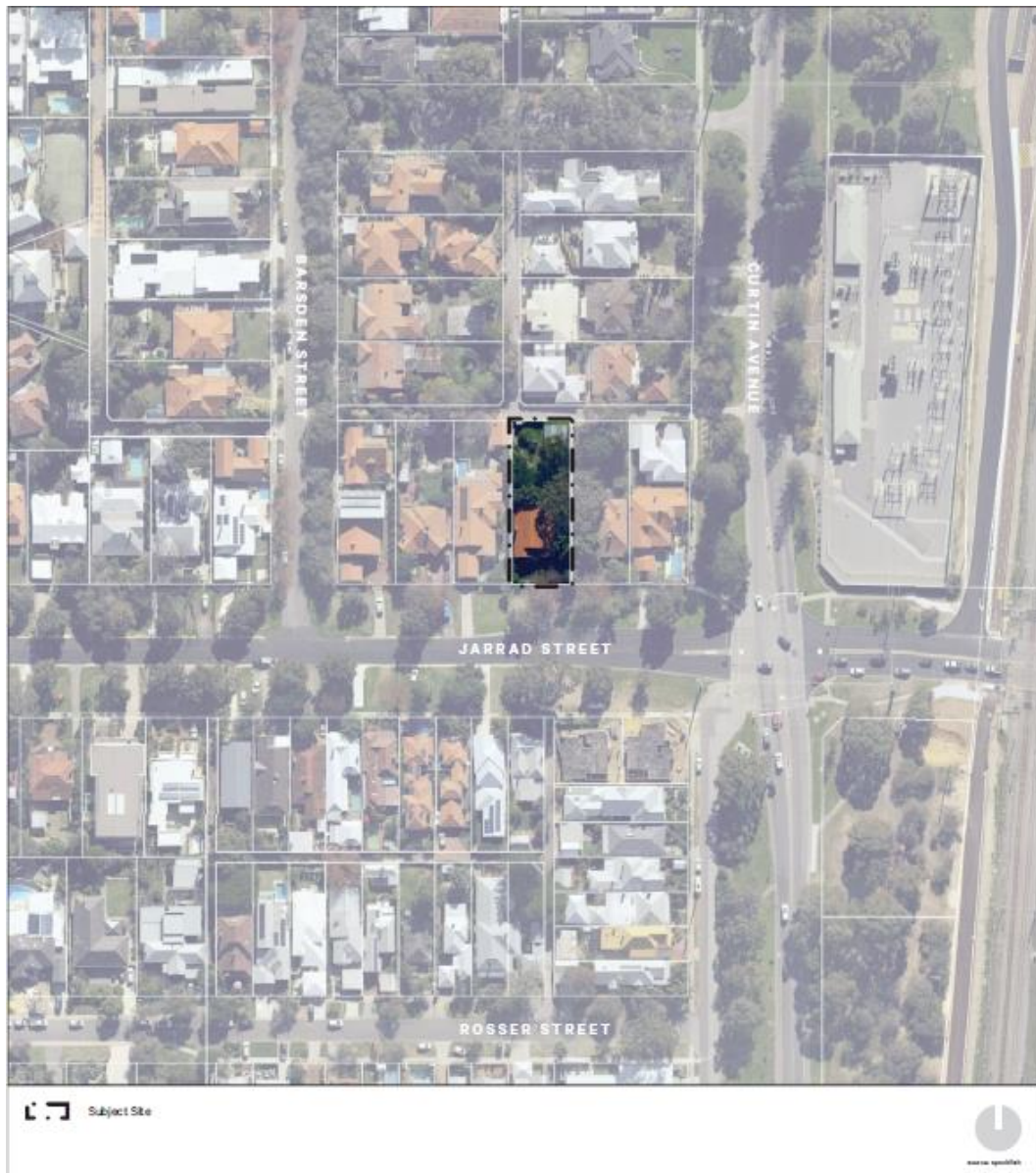
6. Conclusion

This Scheme Amendment proposes to add additional uses on Lot 400 (No. 24) Jarrad Street, Cottesloe. The requested additional uses seek to provide short-term stays at the historically significant 'John Curtin's house' and a range of small scale group activities and events which relate to the heritage aspects of the dwelling for the educational and cultural enjoyment of the community.

The proposed Scheme Amendment is considered to be consistent with orderly and proper planning and is considered to enhance the amenity of the site and surrounding area.

For these reasons it is respectfully requested that the scheme amendment request is initiated by the Town of Cottesloe.

Location Plan



Location Plan

24 Jarrad Street, Cottesloe

DATE: 8 OCT 2024 | DESIGN: PTH @ AA | CHECK: JED @ | CIRCULATE: JED | FILE: 24-000 PTH 24 JARRAD ST

This drawing does not constitute an invitation, agreement or contract for any part thereof of any kind whatsoever. All parties associated with the proposed property development disclaim all responsibility for any errors or omissions. The right is reserved to change the plan at any time. Liability is expressly disclaimed by Element Advisory WA Pty Ltd for any loss or damage which may be sustained by any person acting on any visual impression gained from this drawing. • element

element.

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Amending Page

Planning and Development Act 2005 (as amended)

Amendment 11 to Town of Cottesloe Local Planning Scheme No. 3

The Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme by:

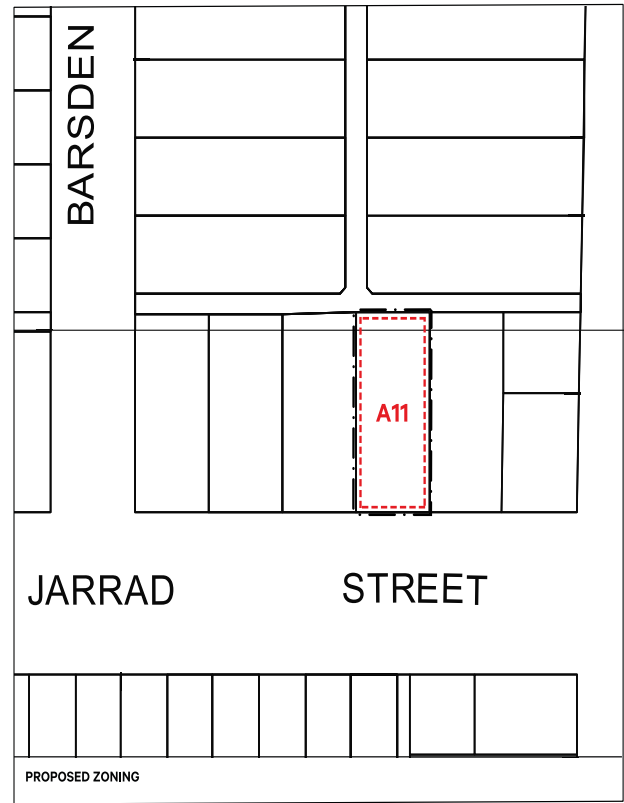
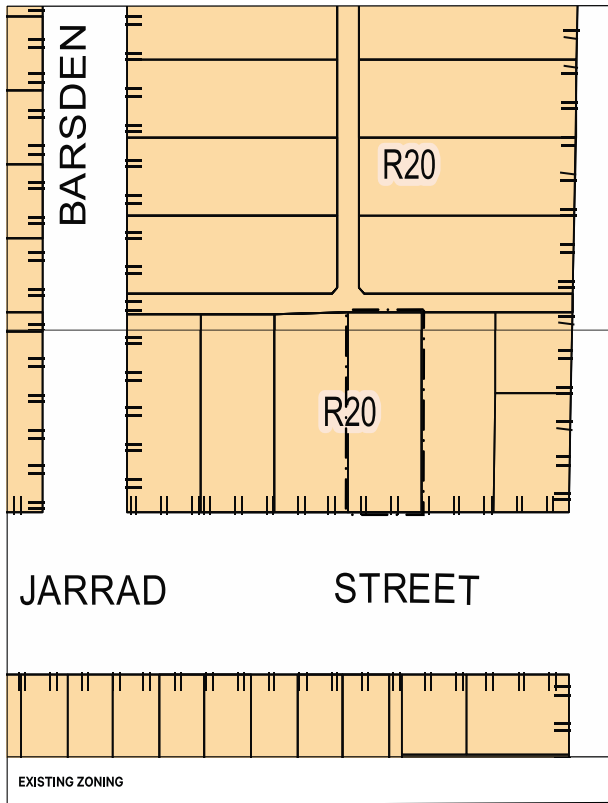
- Amending Schedule 2 – Additional uses to include the following;

No.	Description of Land	Additional use	Conditions
A11	Lot 400 (No. 24) Jarrad Street, Cottesloe	<ul style="list-style-type: none"> Short Stay Accommodation Community Purpose 	<ol style="list-style-type: none"> The use of the premises shall be carried out in accordance with an approved Management Plan that addresses among other concerns, minimising any impacts on the amenity of the locality, and shall include appropriate preventative measures accordingly. Short Stay Accommodation shall be restricted to a maximum of 4 persons. Up to 2 car parking spaces associated with the Community Purpose use may be accommodated within the verge, subject to the arrangement not causing any adverse impacts on the amenity of the locality and with approval of Council. No additions to the existing premises are permitted, unless otherwise approved by the Town. The permitted uses shall operate with the current owners, unless otherwise approved by the Town.

- Modifying the Scheme Map by designating Additional Use No.11 over Lot 400 24 Jarrad Street, Cottesloe, in accordance with the Scheme Amendment map.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- Pursuant to Regulation 34(a) of the Regulations, the amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone or reserve;
- Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- Pursuant to Regulation 34(f) of the Regulations, it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on land in the scheme area.



PLANNING AND DEVELOPMENT ACT 2005



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Adoption Page

Adopted for Advertising

Adopted for advertising of Scheme Amendment 11 to the Town of Cottesloe Local Planning Scheme No. 3, in accordance with the *Planning and Development Act 2005*, by resolution of the Council of the Town of Cottesloe at its Ordinary meeting of the Council held on the 26th day of November 2019.

Mayor

Phil Angers

Signed: _____



A/Chief Executive Officer

Neil Hartley

Signed: _____



Final Approval

Adopted for final approval by resolution of the Town of Cottesloe at its Ordinary Meeting of the Council held on the 28th day of April, 2020; and the Common Seal of the Town of Cottesloe was hereunto affixed by the authority of a resolution of the Council in the presence of:

Mayor

Phil Angers

Signed: _____

A/Chief Executive Officer

Neil Hartley

Signed: _____

Common
Seal

Recommended/Submitted for Final Approval

Delegated under Section 16 of the
Planning and Development Act 2005

Signed: _____

Final Approval Granted

Minister for Planning

SCHEDULE OF SUBMISSIONS – Scheme Amendment No.11 – John Curtin House (Lot 400 No.24 Jarrad Street, Cottesloe) – SUB/3042

No.	Date Received	HPRM Ref No.	Name / Address / Contact Details	How Affected? (e.g. owner, occupier, etc.)	Summary of Submission (e.g. support / oppose)	Officer Response
1	14/2/20	D20/5207	Annabel Wills Director Heritage Development Department of Planning, Lands & Heritage	John Curtin House is included on the State Register of Heritage Places.	Advised of their support of the proposal as it is considered that the proposed amendment will facilitate more public access to the place and will allow more people to appreciate the heritage significance of the site.	Noted.
2	26/3/20	D20/11348	Jessica Birbeck Senior Consultant Element Advisory Pty Ltd	Applicant	Requests that the Town amend condition 5 of the Scheme Amendment as follows: <i>5. The permitted uses shall operate with the current owners shall be operated by the National Trust of Australia (WA), unless otherwise approved by the Town Local Government.</i>	No objection to the condition amendment, as this is consistent with the Town's discussions with the applicant before and after the initiation.