
10.1.5 PROPOSED SCHEME AMENDMENT (NO. 12) TO LOCAL PLANNING SCHEME NO.3 - NO.7 AND NO.11 (LOTS 50 & 35) STATION STREET, COTTESLOE

Directorate: Development and Regulatory Services
Author(s): Wayne Zimmermann, Manager of Planning
Authoriser(s): Freya Ayliffe, Director Development and Regulatory Services
File Reference: D21/30643
Applicant(s): Element on behalf of landowners
Author Disclosure of Interest: Nil

Cr Tucak declared an IMPARTIALITY INTEREST in item 10.1.5 by virtue “Members of Element are also known to me.”

SUMMARY

Council resolved in June 2019 to defer consideration of the proposed Scheme Amendment until such time as an Integrated Local Area Plan (now Draft Cottesloe Village Precinct Plan) for the Cottesloe Activity Centre had been suitably progressed. It is anticipated that by August 2022 the draft Precinct Plan will be progressed to a stage that it can be considered by Council for adoption. The applicant has revised the Scheme Amendment documents, attached at Appendix (a), and requests that Council initiate and advertise the proposed Amendment.

OFFICER RECOMMENDATION IN BRIEF

That Council, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve NOT to initiate Scheme Amendment No.12 to Local Planning Scheme No.3 (LPS3) for the reasons provided in the main officer recommendation section of this report.

BACKGROUND

A Scheme Amendment to LPS3 was received from planning consultant ‘Element’ on behalf of the landowner of 7 & 11 (Lots 50 and 35) Station Street, Cottesloe in April 2019. The Scheme Amendment sought an increase in building height of up to ten (10) storeys (35 metres), and to facilitate changes to setbacks and plot ratio controls and other land use, access and built form considerations.

At its Ordinary Council Meeting on 25 June 2019, Council resolved to defer consideration of the proposed Scheme Amendment until such time as an Integrated Local Area Plan (now Cottesloe Village Precinct Plan) for the Cottesloe Activity Centre had been suitably progressed. The Draft Cottesloe Village Precinct Plan was developed with input from a number of specialist consultants and included community and stakeholder engagement via two surveys and two workshops.

The Draft Cottesloe Village Precinct Plan was presented to Council on 26 November 2019 and Council resolved to advertise the Draft Cottesloe Village Precinct Plan for public comment for a period of not less than 90 days which was further extended due to COVID-19. The progression of the Cottesloe Village Precinct Plan has not occurred as quickly as intended due to delays caused by COVID-19, the finalisation of State Planning Policy 7.2 –

Precinct Design and resourcing issues.

Due to the delays to the progress of the Cottesloe Village Precinct Plan, Element has consulted further with the Town and has proposed changes to Scheme Amendment to provide for a parallel process with the Cottesloe Village Precinct Plan. The Town consulted with officers at the Department of Planning, Lands & Heritage (DPLH) about the proposed Scheme Amendment and were advised that it is preferred that Local Planning Schemes and Amendments are responsive to strategic planning documents, ideally prepared at the local level and reflecting higher order strategies.

Element requests Council to reconsider its position to defer the Scheme Amendment and initiate it for public advertising. The revised documentation for proposed Scheme Amendment No.12 is attached at Appendix (a), and includes details of and justification for the proposal.

OFFICER COMMENT

Site Context

Two 'U' shaped ground level commercial/retail buildings and at-grade car parking currently occupy the subject site. Both buildings have limited built frontage to Station Street, with at-grade open car parking taking up the majority of the frontage.

To the south and east side of the site is De Nardi Lane, a gazetted laneway which provides service vehicle access and rubbish collection to properties on the south side of Station Street and northern side of Napoleon Street. The Cottesloe Train Station is located in close vicinity to the west of the subject site, providing a key link to both Fremantle and Perth (refer Figure 1).



Figure 1. Location Plan

Local Planning Scheme No.3 provisions

The land is zoned 'Town Centre' with a Residential Code R100 in Local Planning Scheme No.3 (LPS3). Table 2 in LPS3 contains the following development requirements for the site:

Zone	Maximum Plot Ratio	Maximum Site Cover	Minimum Boundary setbacks	Maximum Height (Refer clause 5.7.)
Town Centre	1:15:1	100%	In accordance with Design Guidelines	2-storey or 3-storey and 11.5m, subject to no undue adverse impact on amenity and to design guidelines.

Cottesloe Town Centre (and neighbouring vacant railway land) has been the subject of a number of studies, strategies and policies, including an Enquiry by Design exercise undertaken in 2009, the Town and Local Centre Design Guidelines Policy adopted by Council in 2014 and the more recent Station Street Cottesloe Place Making Strategy adopted by Council in May 2017. These strategic documents, as well as LPS3, currently limit the redevelopment potential of lots within the Town Centre Zone to a maximum of three (3) storeys (up to 11.5m) and a density of up to R100.

In the Draft Cottesloe Village Precinct Plan the site is located within Sub-Precinct 3 (SP3) which includes lots to the north and south of Station Street. Within SP3 the site is allocated an R-coding 'R'-AC3' and is also identified within a Special Control Area 1 (SCA1). A building height of six (6) storeys is designated within SP3 and maximum building height to ten (10) storeys (33 metres) may be permitted subject to the development satisfying performance-based standards and criteria which are yet to be identified by the Town.

The proposed Scheme Amendment seeks to depart from the ten (10) storey discretionary height limit in the Draft Precinct Plan and instead seeks to control building height through a 'building envelope' approach. The proposal is for an eight (8) storey (28.5 metres) and ten (10) storey (34.5 metres) redevelopment at a density of R-AC0 with levels above eight (8) storeys being setback from the eastern side boundary 56 metres to reduce the overshadowing impact on surrounding premises and public spaces.

It is proposed to insert additional requirements into Schedule 12 - Special Provisions of LPS3 and to introduce a new Schedule 16 titled 'Building Control Diagrams for No.7 & No.11 (Lots 50 & 35) Station Street (refer page 14 of Appendix(a)). The R-ACO coding for the site will refer to LPS3 for height and setback provisions, with other provisions to be addressed in an Local Development Plan (LDP) which will need to be prepared for the subject site.

The proposed Scheme Amendment is considered to be classified as a complex scheme amendment under the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- a. The amendment is inconsistent with the Town of Cottesloe's Local Planning Strategy and related local planning policies subsequently adopted by Council; and
- b. The amendment relates to development that will have a significant impact on the remainder of the Cottesloe Town Centre locality and will set the standard for redevelopment across the precinct.

Additionally, there are a number of planning and development issues and considerations throughout the Cottesloe Town Centre that require careful attention, including pedestrian connectivity throughout, parking and vehicular access and movement, land uses and activation, built form, streetscape improvements, land tenure and infrastructure provision.

Although the justification provided for the proposed Scheme Amendment is considered reasonable, initiation of the proposed Scheme Amendment at this stage is considered to be premature and it should not be supported until the Cottesloe Village Precinct Plan has progressed to the stage where Council has adopted the Precinct Plan. This would provide Council with the strategic framework to guide the comprehensive and coordinated redevelopment of the Precinct and to properly consider the proposed amendment against the findings and recommendations of the Precinct Plan. If the proposed Scheme Amendment is supported now it is highly likely to set a precedent for other sites within the Precinct to be redeveloped ahead of the Draft Precinct Plan being finalised and endorsed by the WAPC (refer Figure 2 below). This would undermine the purpose and function of the Precinct Plan.



Figure 2. Future Redevelopment Potential – Surrounding Sites

State Planning Policy Context

In both the current and Draft State Planning Policy 4.2 - Activity Centres, Cottesloe Town Centre is identified as a District Centre. The policies require a precinct structure plan to be prepared for the Town Centre.

In addition, precinct structure plans should be endorsed by the WAPC prior to a major development being approved to ensure the development of the activity centre is integrated, cohesive and accessible. Major development may be considered in the absence of an endorsed precinct structure plan where exceptional circumstances are fully evidenced and justified. Any major development must satisfy relevant requirements of State Planning Policy 7.2 Precinct Design and Precinct Design Guidelines.

The proposed Scheme Amendment will rezone land to facilitate major redevelopment of the site. This is likely to have an unreasonable impact upon existing surrounding development prior to the progression of the Cottesloe Village Precinct Plan to the stage where Council is provided with the strategic framework to guide the comprehensive and coordinated redevelopment of the Precinct. It is also highly likely to set a precedent for other sites within the Precinct to be redeveloped ahead of the Draft Precinct Plan being finalised and endorsed by the WAPC which will undermine the purpose and function of the Precinct Plan.

Options for consideration of the proposed Scheme Amendment

The options available for Council to consider the proposed Scheme Amendment are summarised in the table below:

Scenario	If supported	If not supported	If deferred
Best case	<ul style="list-style-type: none"> ▪ The Scheme Amendment advertised along with LDP and submissions support the proposed changes. Scheme Amendment and LDP granted final approval. ▪ Development application approved which complies with LPS3 requirements and LDP. ▪ Building permit issued and building constructed with uses that help meet residential density targets, provide employment opportunities in Cottesloe Village Centre, activate Station Street and De Nardi Lane and connect to other development sites in the Precinct. 	<ul style="list-style-type: none"> ▪ The applicant withdraws the proposed Scheme Amendment or agrees to continue deferral of the application until the Precinct Plan is finalised and endorsed by the WAPC. ▪ The applicant continues to consult with Council and the Town in the preparation and finalisation of the Precinct Plan. Also provides input into the process to assist in any modifications to the Scheme Amendment to reflect the requirements of the Precinct Plan once it is finalised and gazetted. 	<ul style="list-style-type: none"> ▪ The applicant agrees to continue deferral of the Proposed Scheme Amendment until the Precinct Plan is finalised and endorsed by the WAPC.
Worst case	<ul style="list-style-type: none"> ▪ The Scheme Amendment advertised along with LDP. Submissions received considered 	<ul style="list-style-type: none"> ▪ In accordance with s76 of the <i>Planning and Development Act 2005</i> the applicant requests the Minister for 	<ul style="list-style-type: none"> ▪ In accordance with s76 of the <i>Planning and Development Act 2005</i> the applicant

	<p>and Scheme Amendment and LDP granted final approval.</p> <ul style="list-style-type: none"> ▪ Development Application submitted which does not satisfy LPS3 and LDP requirements. Development application refused and review lodged SAT. Alternatively a separate application lodged with the Joint Development Assessment Panel (JDAP) or the State Development Assessment Unit (SDAU). Approval granted to development that does not satisfy the development and design principles advocated by the Precinct Plan. 	<p>Transport; Planning, Ports to order Council to submit for the approval of the Minister the proposed Scheme Amendment.</p> <ul style="list-style-type: none"> ▪ The Minister approves the proposed Scheme Amendment subject to such modifications and conditions, if any, as the Minister thinks fit. ▪ The Minister ignores the purpose and content of the Draft Precinct Plan. ▪ Development does not satisfy the development and design principles advocated by the Precinct Plan. ▪ Sets a precedent for other sites within the Precinct to be redeveloped ahead of the finalisation of the Precinct Plan. This undermines the purpose and function of the Precinct Plan. ▪ Development Application submitted does not satisfy LPS3 and LDP requirements. Development application refused and review lodged SAT. Alternatively a separate application lodged with JDAP or the State Development Assessment (SDAU). Approval granted to 	<p>requests the Minister for Transport; Planning, Ports to order Council to submit for the approval of the Minister the proposed Scheme Amendment.</p> <ul style="list-style-type: none"> ▪ The Minister approves the proposed Scheme Amendment subject to such modifications and conditions, if any, as the Minister thinks fit. ▪ The Minister ignores the purpose and content of the Draft Precinct Plan. ▪ Development does not satisfy the development and design principles advocated by the Precinct Plan.
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		<p>development that does not satisfy the development and design principles advocated by the Precinct Plan.</p>	
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If Council supports the initiation of the proposed Scheme Amendment there is also a risk that it could result in development of the land that does not properly integrate and connect with other potential development sites in the Precinct. This would undermine the purpose and function of the Precinct Plan and adversely impact on the vision and objectives for the Cottesloe Town Centre that form part of the Local Planning Strategy and LPS3 reviews.

Although the Draft Cottesloe Village Precinct Plan has not yet progressed to a stage where it can provide an acceptable level of guidance for the redevelopment of this and other strategic sites in the Cottesloe Town Centre, Council may decide to support advertising the amendment and consider issues relating to the Draft Cottesloe Village Precinct Plan when the submissions on the proposed Amendment are assessed. If Council decides to support advertising it is considered that the changes proposed by the amendment may be needed to incorporate in the required LDP, specific provisions for any increase in height including:

- to define preferred land uses within the development;
- to specify grounds for development bonuses to be considered particularly where it will result in beneficial community outcomes. This may include additional building height up to a further four (4) storeys for mixed use development where the development satisfies specific performance criteria and ceding of land for widening of laneways;
- to guide the design and configuration of development of the site including specific amendments to the performance based design standards under the relevant State Planning Policies (SPP 7.0, SPP 7.3, SPP 7.2). Such provisions may include public domain interface, vehicle and pedestrian access to and through the site, car and bicycle parking, visual privacy, and tree canopy and deep soil areas.
- to detail elements that are important in the design of the building on the site (i.e. the built form, layout, functionality, landscape design, environmental performance and residential amenity). Such provisions may include, but are not limited to:
 - private open space and balconies;
 - minimum finished floor to floor heights for the different uses in the building;
 - managing the impact of noise associated with the development;
 - facade design;
 - landscape design; and
 - heritage impacts.

Conclusion

There is a significant amount of major site redevelopment that may occur in the near future in Station Street, as well as across the remainder of the Cottesloe Town Centre. It is important to define a clear direction and controls in regard to built form for this precinct in

general and these lots in particular, to ensure they are well-designed, that pedestrian connectivity is maintained and enhanced, that there is ground floor activation and vibrancy achieved and that the needs of residents and local businesses are met.

Although the justification provided for the proposed Scheme Amendment is considered reasonable, initiation of the proposed Scheme Amendment at this stage is considered to be premature and it should not be supported until the Cottesloe Village Precinct Plan has progressed to the stage where Council has adopted the Precinct Plan. If the proposed Scheme Amendment is supported it is highly likely to set a precedent for other sites within the Precinct to be redeveloped ahead of the Draft Precinct Plan being finalised and endorsed by the WAPC which would seriously undermine the purpose and function of the Precinct Plan.

ATTACHMENTS

10.1.5(a) LPS3 Proposed Amendment No.12 - No.7 & No.11 (Lots 50 & 35) Station Street [under separate cover]

CONSULTATION

Consultation measures have included the following:

- A preliminary meeting between Element and Town officers took place in April 2018;
- Three Councillor Briefings by Element comprising a preliminary briefing in November 2018, another in April 2019 and a third in April 2021;
- An independent public community workshop was hosted by Element in March 2019;
- Proposed Scheme Amendment discussed at the Steering Group Meeting in December 2020 for the Draft Cottesloe Village Precinct Plan and Element advised to provide input into defining the design principles that need to be met within the Sub-Precinct 3 and the performance based standards and additional requirements for SCA1;
- Meeting held with officers of the Department of Planning, Lands and Heritage (DPLH) in May 2021 to consider the preparation of an LDP as part of the proposed Scheme Amendment.
- Virtual meeting with DPLH officers and the Town in July 2021 to discuss various strategic planning matters affecting the future planning and development within the Town of Cottesloe, including the proposed Scheme Amendment.

STATUTORY IMPLICATIONS

Local Government Act 1995

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

State Planning Policy 7.0 - Design of the Built Environment

State Planning Policy 7.2 – Precinct Design

Town of Cottesloe Local Planning Strategy (2008)

Station Street Cottesloe Place Making Strategy (2017)

Town of Cottesloe Town and Local Centre Design Guidelines (2014)

POLICY IMPLICATIONS

Refusal to initiate the proposed Scheme Amendment may lead to:

- The applicant requesting the Minister for Transport; Planning; Ports to order Council to submit for the approval of the Minister the proposed Scheme Amendment. The resultant decision by the Minister may not reflect the purpose and function of the Draft Precinct Plan or other strategic planning policies for the Cottesloe Village Centre.
- Development approval granted to development through separate development process (i.e. JDAP or SDAU) that does not satisfy the development and design principles advocated by the Precinct Plan.

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 4: Managing Development

Major Strategy 6.4: Enhance the Town's ability to embrace and manage change.

RESOURCE IMPLICATIONS

Resource requirements are in accordance with the existing budgetary allocation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

Moved Cr Young

Seconded Cr Barrett

THAT Council in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve NOT to initiate Scheme Amendment No.12 to Local Planning Scheme No.3 (LPS3) - No.7 & No.11 (Lots 50 & 35) Station Street, Cottesloe for the following reasons:

1. The Scheme Amendment is inconsistent with the Town of Cottesloe endorsed Local Planning Strategy 2008 as it would result in a form of development within the Cottesloe Town Centre that conflicts with the aims of the Strategy for the Centre to be a functional and vibrant "main-street" type district commercial centre with a traditional village-style amenity.
2. The Town is currently reviewing its Local Planning Strategy as part of the review of

LPS3 and has prepared and is progressing a Draft Precinct Plan for the Cottesloe Village Centre to provide a strategic framework to guide the comprehensive and coordinated redevelopment of the Centre and to properly consider any proposed amendments to LPS3 in line with the Precinct Plan. In the absence of the Precinct Plan, the proposed Scheme Amendment, if supported, is likely to set a precedent for other sites within the Precinct to be redeveloped which would undermine the purpose and function of the Precinct Plan and adversely impact on the Local Planning Strategy and LPS3 reviews.

3. The Town of Cottesloe and the Shire of Peppermint Grove have jointly prepared a Draft Precinct Plan consistent with State Planning Policy 4.2 – Activity Centres (SPP 4.2) and State Planning Policy 7.2 – Precinct Design (SPP 7.2) to guide the comprehensive and coordinated redevelopment of the Cottesloe Activity Centre and delivery of land use planning and design outcomes in accordance these policies. There are insufficient grounds to support the proposed Scheme Amendment ahead of the progression of the Precinct Plan to a final approval stage as this would result in development of the Cottesloe Activity Centre in a poorly integrated, incohesive and inaccessible manner in conflict with SPP 4.2 and SPP 7.2.

OCM120/2021

COUNCILLOR AMENDMENT

Moved Cr Sadler

Seconded Cr Tucak

Add the following point 2:

2. Advise the Western Australian Planning Commission that the Town will continue to engage with the land owners of No.7 & No.11 Station Street, Cottesloe regarding the progression of the Cottesloe Village Precinct Structure Plan and the desired design quality objectives and outcomes that the Town is aiming to achieve through the Precinct Structure Plan in accordance with State Planning Policy 7.0 Design of the Built Environment and State Planning Policy 7.2 Precinct Design.”

Carried 8/0

OCM121/2021

SUBSTANTIVE MOTION AND COUNCIL RESOLUTION

1. THAT Council in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve NOT to initiate Scheme Amendment No.12 to Local Planning Scheme No.3 (LPS3) - No.7 & No.11 (Lots 50 & 35) Station Street, Cottesloe for the following reasons:
 - a) The Scheme Amendment is inconsistent with the Town of Cottesloe endorsed Local Planning Strategy 2008 as it would result in a form of development within the Cottesloe Town Centre that conflicts with the aims of the Strategy for the Centre to be a functional and vibrant “main-street’ type district commercial centre with a traditional village-style amenity.
 - b) The Town is currently reviewing its Local Planning Strategy as part of the review of LPS3 and has prepared and is progressing a Draft Precinct Plan for the Cottesloe Village Centre to provide a strategic framework to guide the

comprehensive and coordinated redevelopment of the Centre and to properly consider any proposed amendments to LPS3 in line with the Precinct Plan. In the absence of the Precinct Plan, the proposed Scheme Amendment, if supported, is likely to set a precedent for other sites within the Precinct to be redeveloped which would undermine the purpose and function of the Precinct Plan and adversely impact on the Local Planning Strategy and LPS3 reviews.

- c) The Town of Cottesloe and the Shire of Peppermint Grove have jointly prepared a Draft Precinct Plan consistent with State Planning Policy 4.2 – Activity Centres (SPP 4.2) and State Planning Policy 7.2 – Precinct Design (SPP 7.2) to guide the comprehensive and coordinated redevelopment of the Cottesloe Activity Centre and delivery of land use planning and design outcomes in accordance these policies. There are insufficient grounds to support the proposed Scheme Amendment ahead of the progression of the Precinct Plan to a final approval stage as this would result in development of the Cottesloe Activity Centre in a poorly integrated, incohesive and inaccessible manner in conflict with SPP 4.2 and SPP 7.2.
2. Advise the Western Australian Planning Commission that the Town will continue to engage with the land owners of No.7 & No.11 Station Street, Cottesloe regarding the progression of the Cottesloe Village Precinct Structure Plan and the desired design quality objectives and outcomes that the Town is aiming to achieve through the Precinct Structure Plan in accordance with State Planning Policy 7.0 Design of the Built Environment and State Planning Policy 7.2 Precinct Design.”

Carried 8/0

COUNCILLOR RATIONALE:

- a. The officer’s recommendation and rationale is supported as written in point 1.
- b. Additionally informing the WAPC that the Town will continue to engage with the owners of No.7 and No.11 Station ensures that it is aware of the Town’s commitment to good planning and design outcomes while achieving appropriate density at the Cottesloe Town Centre.

Planning and Development Act 2005

Order to Town of Cottesloe under section 76(1) of the Act

1. I, the Hon Rita Saffioti MLA, Minister for Planning, pursuant to section 76 of the *Planning and Development Act 2005*, order the Town of Cottesloe to initiate an amendment to Local Planning Scheme No. 3 outlined in the representation by Station Street Partners Pty. Ltd., dated 17 September 2021 (attached), as considered by the Town's council on the 27 July 2021.
2. The Town of Cottesloe is to comply with this order within 60 days of the date of the order.

Signed this day of 2022



**HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING**

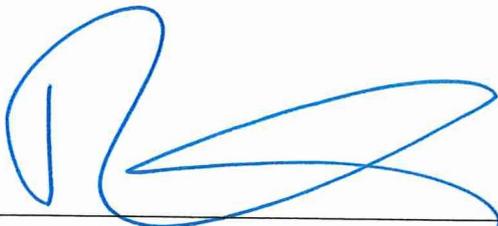
04 MAY 2022

Planning and Development Act 2005
Order to Town of Cottesloe under section 76(1) of the Act
Reasons for Decision

I, the Hon Rita Saffioti MLA, Minister for Planning, am satisfied on representations before me that the Town of Cottesloe has failed to initiate an amendment to its Local Planning Scheme No. 3 proposed by owners of land in a case where such an amendment ought to be initiated, for the following reasons:

1. I consider that the proposal to recode Lots 50 and 35 (No's. 7 and 11) Station Street, Cottesloe, is in keeping with the principle of supporting higher residential densities in and around activity centres consistent with *Perth and Peel @ 3.5 Million* and *State Planning Policy 4.2 Activity Centres for Perth and Peel* and, as such, it is appropriate that the proposal be initiated to allow for the amendment to be advertised for public comment and further detailed assessment to be undertaken through the scheme amendment process.

Signed this day of 2022



**HON RITA SAFFIOTI MLA
MINISTER FOR PLANNING**

04 MAY 2022

Planning and Development Act 2005 (as amended)

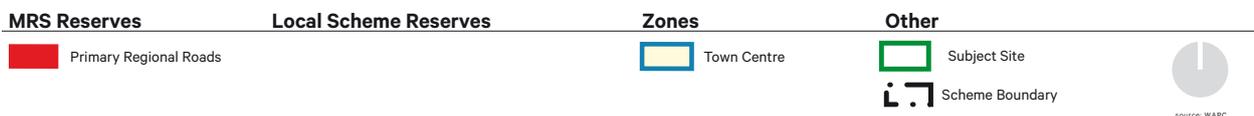
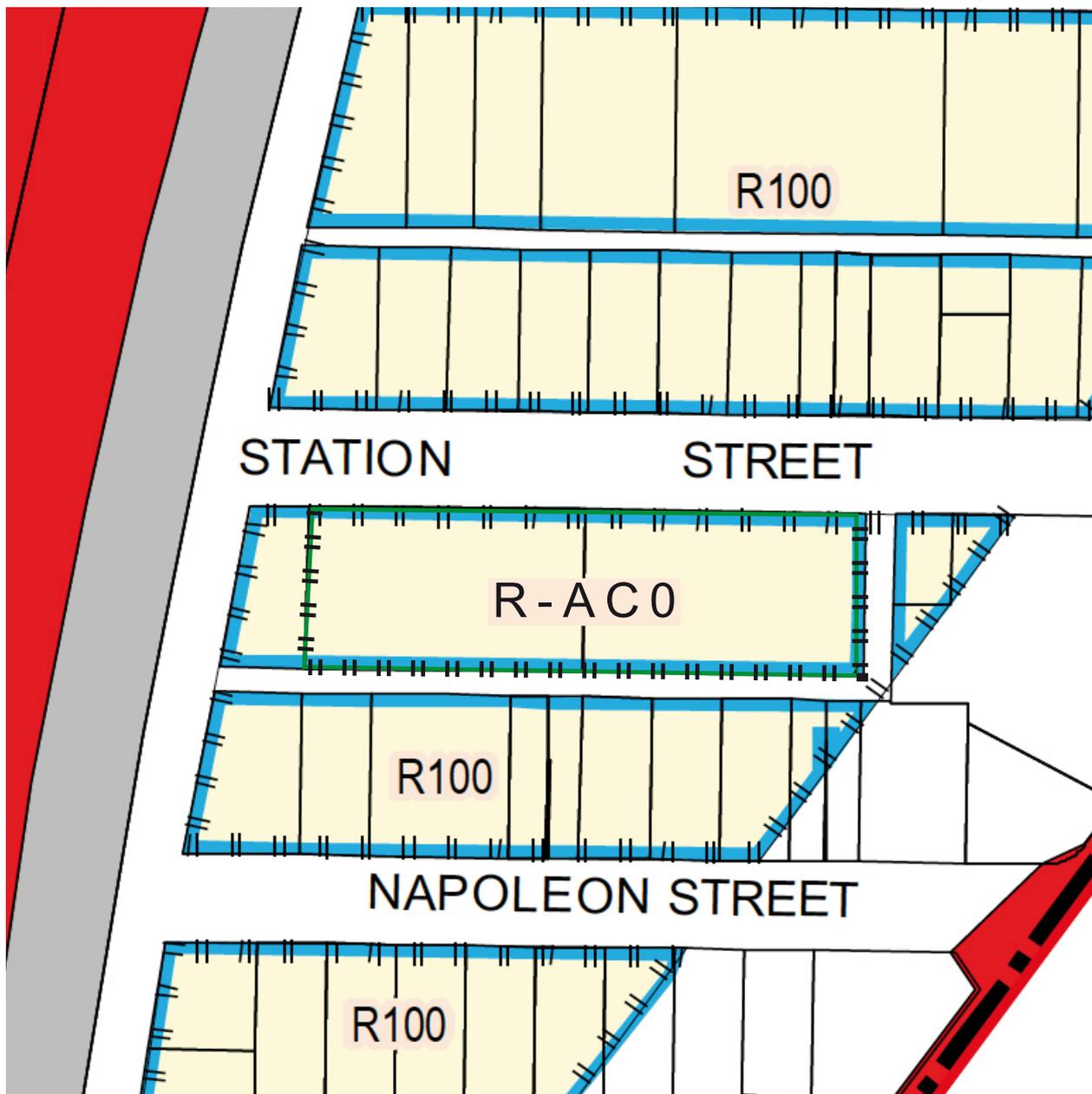
RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Town of Cottesloe Local Planning Scheme No. 3

Amendment No. 12

Resolved that the local government pursuant to Section 75 of the *Planning and Development Act 2005*, and to comply with the Order made by the Minister for Planning pursuant to Section 76(1) of the *Planning and Development Act 2005* on 4 May 2022, amend the above Local Planning Scheme by:

1. Amending the Residential Density Code applicable to No. 7 and 11 (Lots 50 and 35) Station Street on Map 1 from 'R100' to 'R-AC0' in accordance with the updated map below.



2. Amending 'Table 2 – Development Requirements' by adding a new clause c) under the 'Town Centre' zone that reads in accordance with the below table, and renumbering the existing clause c) to d) accordingly.

ZONE	MAXIMUM PLOT RATIO	MAXIMUM SITE COVER	MINIMUM BOUNDARY SETBACKS	MAXIMUM HEIGHT (Refer clause 5.7.)
TOWN CENTRE c) No. 7 and 11 (Lots 50 and 35) Station Street.	Not applicable.	Not applicable.	In accordance with No. 4 in Schedule 12 – Special Provisions and Schedule 16 – Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street.	In accordance with No. 4 in Schedule 12 – Special Provisions and Schedule 16 – Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street.

3. Amending 'Schedule 12 – Special Provisions' to include a new line item No. 4 that reads in accordance with the below table.

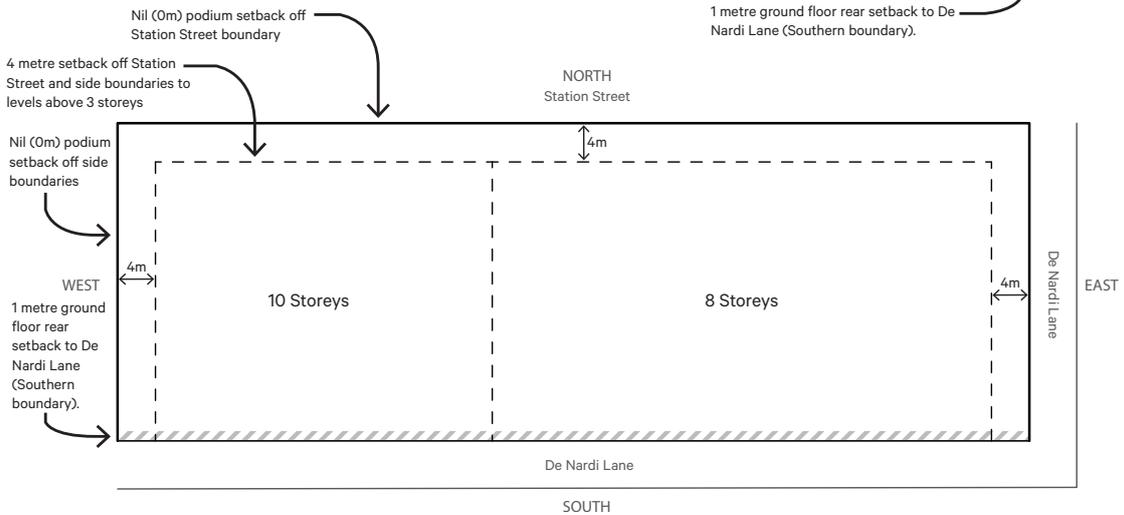
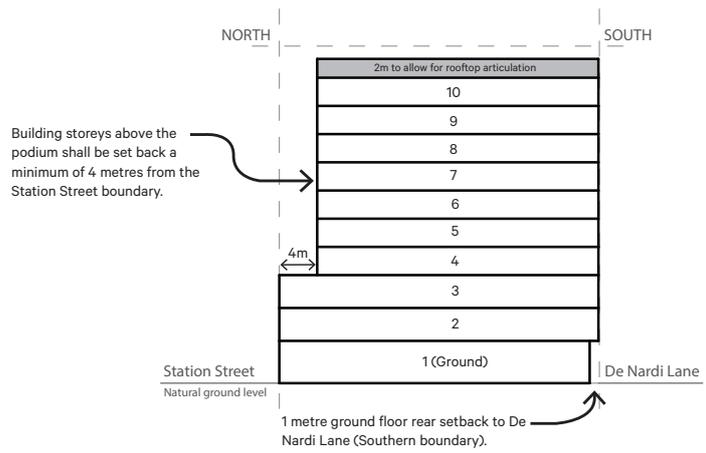
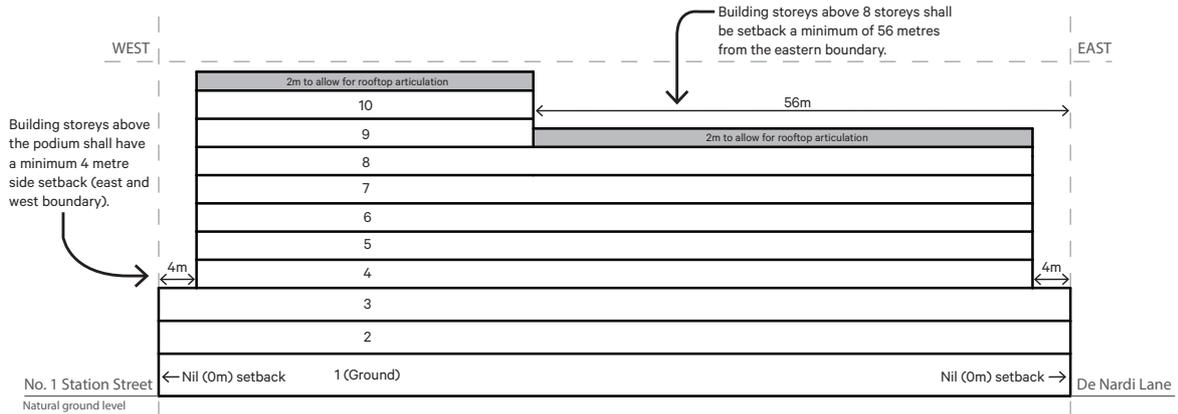
No.	Description of land	Land use	Special Provisions
4	No. 7 and 11 (Lots 50 and 35) Station Street.	Residential; office; shop and other purposes as permissible in the Town Centre zone.	<ol style="list-style-type: none"> 1. Development (including changes of use) applications shall generally comply with the Building Design Control Diagrams located in Schedule 16. 2. State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments shall apply to the residential component of any redevelopment in accordance with the R-ACO coding, except for Parts 2.2, 2.3, 2.4 and 2.5. 3. No residential uses are permitted on the ground floor. 4. A Local Development Plan shall be prepared for the relevant lots prior to redevelopment in accordance with Schedule 2, Part 6 of the Deemed Provisions.

4. Introducing a new Schedule 16 titled 'Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street' that includes the following building control diagrams.

Schedule 16 - Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street

The diagrams below define the maximum building envelope. Building height shall be determined as follows:

- Ground floor (1 storey) - minimum floor to ceiling height of 4.5 metres.
- Podium (3 storeys) - maximum building height of 11.5 metres
- Building height (8 storey portion) - maximum building height of 26.5 metres with an additional 2 metres for rooftop articulation and structures (28.5 metres).
- Building height (10 storey portion) - maximum building height of 32.5 metres with an additional 2 metres for rooftop articulation and structures (34.5 metres).



The Amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

1. The Amendment is being progressed in accordance with an Order made by the Minister for Planning pursuant to Section 76(1) of the *Planning and Development Act 2005*.

Dated this ____ day of _____ 20__

Chief Executive Officer

Town of Cottesloe Local Planning Scheme No.3

Proposed Amendment No. 12

No. 7 & 11 (Lots 50 & 35) Station Street, Cottesloe

June 2022 | 19-604

element.
the art and science of place

We acknowledge the custodians of this land, the Whadjuk Nyoongar and their Elders past, present and emerging. We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Document ID: /Volumes/Graphics/2019/19-604 Cottesloe, Station St Lots 7 and 11 Scheme Amendment/00 InDesign/19-604 Station St Folder/19-604 Station St F2 220613.indd

Issue	Date	Status	Prepared by	Approved by
1	16.05.2019	Draft	Bronwyn Slater	Andrew Howe
2	21.05.2019	Draft	Bronwyn Slater	Andrew Howe
3	28.05.2021	Draft	Bronwyn Slater	Andrew Howe
4	01.06.2022	Final	Bronwyn Slater	Andrew Howe
5	13.06.2022	Final V2	Bronwyn Slater	Andrew Howe

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Planning and Development Act 2005 (as amended)

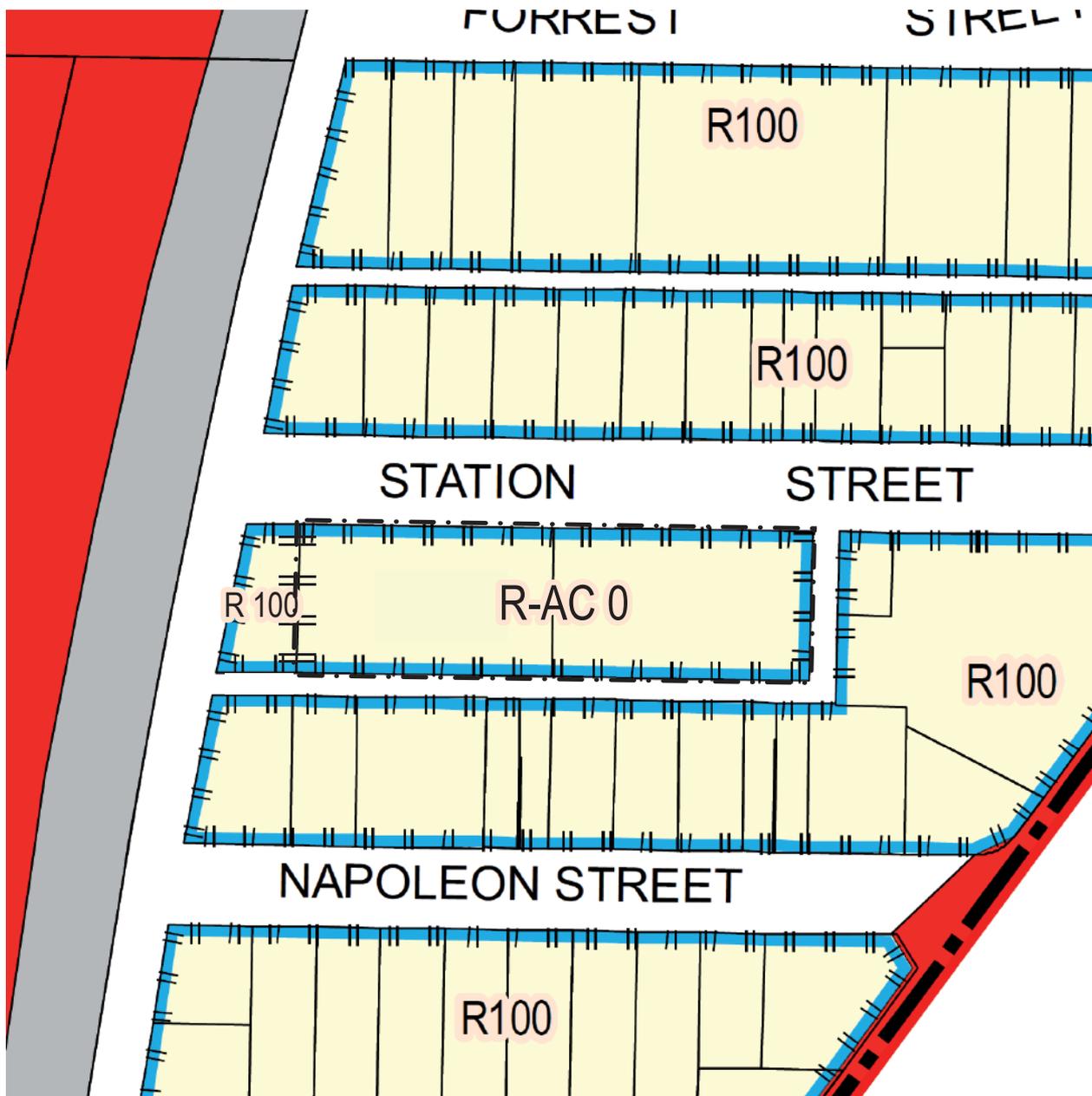
RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Town of Cottesloe Local Planning Scheme No. 3

Amendment No. 12

Resolved that the local government pursuant to Section 75 of the *Planning and Development Act 2005*, and to comply with the Order made by the Minister for Planning pursuant to Section 76(1) of the *Planning and Development Act 2005* on 4 May 2022, amend the above Local Planning Scheme by:

1. Amending the Residential Density Code applicable to No. 7 and 11 (Lots 50 and 35) Station Street on Map 1 from 'R100' to 'R-AC0' in accordance with the updated map below.



source: WAPC

2. Amending 'Table 2 – Development Requirements' by adding a new clause c) under the 'Town Centre' zone that reads in accordance with the below table, and renumbering the existing clause c) to d) accordingly.

ZONE	MAXIMUM PLOT RATIO	MAXIMUM SITE COVER	MINIMUM BOUNDARY SETBACKS	MAXIMUM HEIGHT (Refer clause 5.7.)
TOWN CENTRE c) No. 7 and 11 (Lots 50 and 35) Station Street.	Not applicable.	Not applicable.	In accordance with No. 4 in Schedule 12 – Special Provisions and Schedule 16 – Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street.	In accordance with No. 4 in Schedule 12 – Special Provisions and Schedule 16 – Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street.

3. Amending 'Schedule 12 – Special Provisions' to include a new line item No. 4 that reads in accordance with the below table.

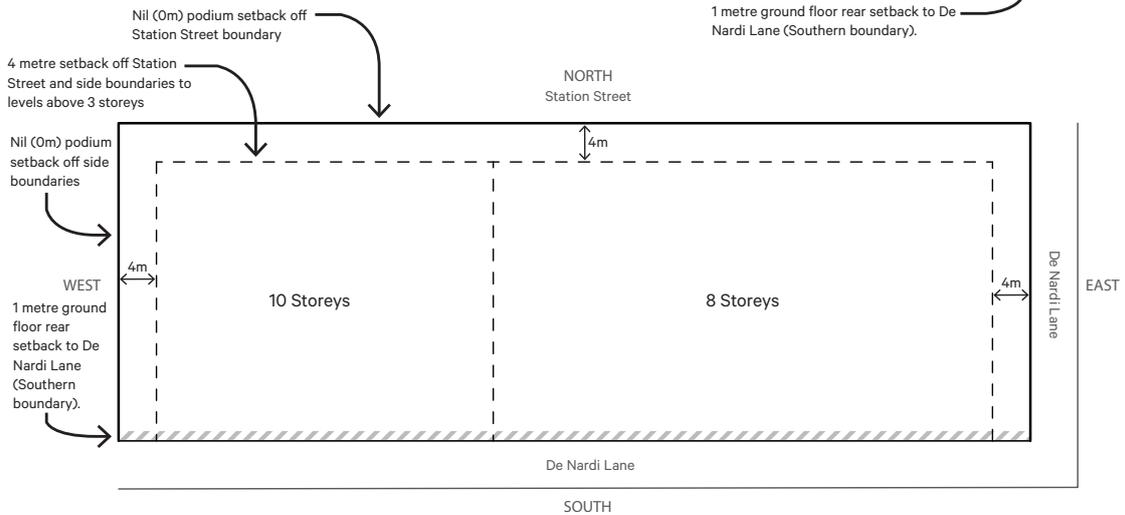
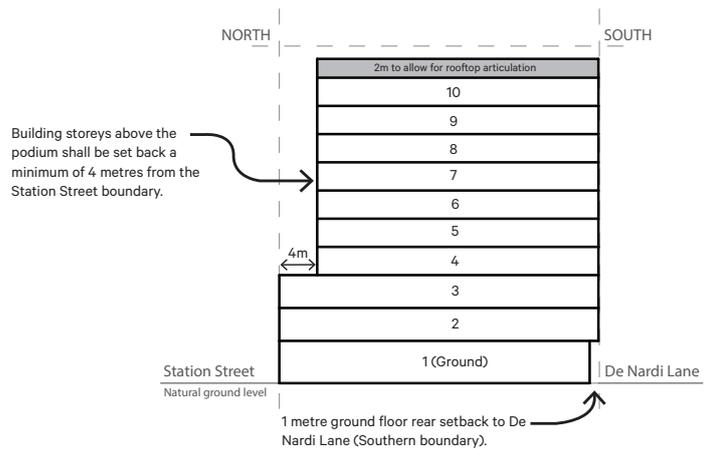
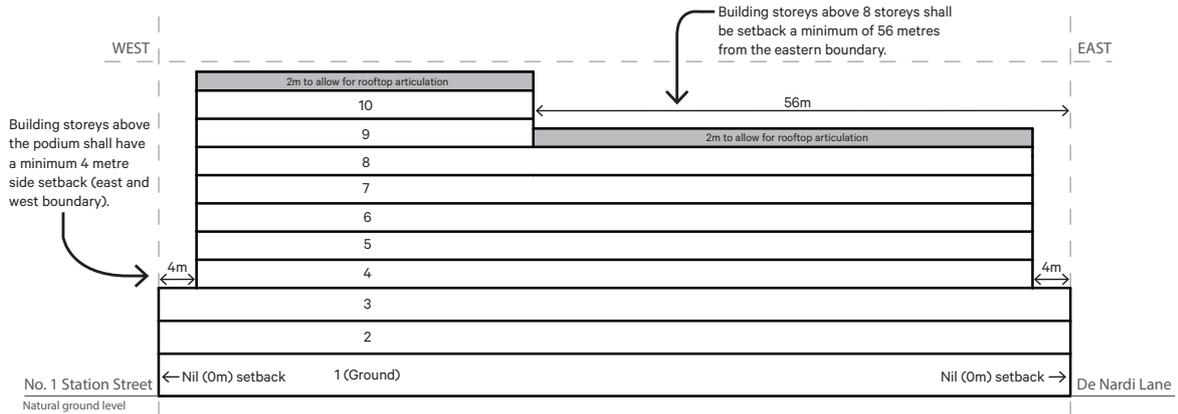
No.	Description of land	Land use	Special Provisions
4	No. 7 and 11 (Lots 50 and 35) Station Street.	Residential; office; shop and other purposes as permissible in the Town Centre zone.	<ol style="list-style-type: none"> 1. Development (including changes of use) applications shall generally comply with the Building Design Control Diagrams located in Schedule 16. 2. State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments shall apply to the residential component of any redevelopment in accordance with the R-ACO coding, except for Parts 2.2, 2.3, 2.4 and 2.5. 3. No residential uses are permitted on the ground floor. 4. A Local Development Plan shall be prepared for the relevant lots prior to redevelopment in accordance with Schedule 2, Part 6 of the Deemed Provisions.

4. Introducing a new Schedule 16 titled 'Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street' that includes the following building control diagrams.

Schedule 16 - Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street

The diagrams below define the maximum building envelope. Building height shall be determined as follows:

- Ground floor (1 storey) - minimum floor to ceiling height of 4.5 metres.
- Podium (3 storeys) - maximum building height of 11.5 metres
- Building height (8 storey portion) - maximum building height of 26.5 metres with an additional 2 metres for rooftop articulation and structures (28.5 metres).
- Building height (10 storey portion) - maximum building height of 32.5 metres with an additional 2 metres for rooftop articulation and structures (34.5 metres).



The Amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

1. The Amendment is being progressed in accordance with an Order made by the Minister for Planning pursuant to Section 76(1) of the *Planning and Development Act 2005*.

Dated this ____ day of _____ 20__

Chief Executive Officer

Scheme Amendment Report

No. 7 & 11 (Lots 50 & 35) Station Street, Cottesloe

1. Introduction

This report has been prepared by **element** on behalf of the landowner (Station Street Partners Pty Ltd) of No. 7 & 11 (Lots 50 & 35) Station Street, Cottesloe (subject site), in support of a request to amend the Town of Cottesloe (Town) Local Planning Scheme No. 3 (LPS3) to introduce site-specific provisions in Schedule 12 - Special Provisions (and a new Schedule 16) to form a building envelope over the subject site and subsequently amend the existing provisions for the site in Table 2 – Development Provisions. The provisions relate to an increase in permissible building height, changes to setbacks and plot ratio controls and other land use and built form matters. This report provides background information, site and proposed Scheme Amendment details, an overview of the planning framework and rationale for progressing the Scheme Amendment.

1.1 Background and Context

Two commercial/retail buildings and at-grade car parking currently occupy the subject site, which have been developed as part of the Cottesloe Town Centre since the 1970's. The eastern site (Lot 35) was developed first as an 'L' shaped retail building with the eastern wing completing the 'U' shape added on in the 1990's. The western portion of the site was developed as a 'U' shaped retail building during the latter part of the 1970's. Both buildings have minimal built frontage to Station Street, with at-grade open car parking taking up majority of the frontage.

Refer to Figures 1 to 4 – Aerial Images of Station Street

The subject site represents two substantial landholdings in common ownership within a prominent position of the Cottesloe Town Centre in Station Street. The landholdings have a substantial frontage to Station Street, a significant opportunity for improving the street interface as part of any redevelopment. They also have two frontages to De Nardi Lane which provide separation from the surrounding sites and access opportunities. The site is located on the south of Station Street that mitigates any overshadowing of the Station Street public realm, which is important given its intent to be improved as part of the Town of Cottesloe Station Street Place Making Strategy.

These landholdings present an opportunity to facilitate the first substantial redevelopment in the Cottesloe Town Centre within the last two decades, which this Scheme Amendment request is set to enable. The current planning controls adopted in 2014 (as per the Town of Cottesloe Town Centre Design Guidelines) limit the redevelopment potential of the site in its current and future context, considering its prime location in an activity centre adjacent a railway station and its spatial opportunity to accommodate strategic density, dwelling targets and active land uses within its Town Centre setting.

1.2 Pre-Lodgement Process

1.2.1 Process undertaken since April 2019

In April 2019 **element** submitted a request for a scheme amendment to LPS3 on behalf of the landowner of 7 and 11 (Lots 50 and 35) Station Street, Cottesloe. The purpose of the amendment was to allow for an increase in building height of up to 10 storeys (35 metres) and to facilitate changes to relevant built form controls. At its Ordinary Council Meeting held on 25 June 2019, Council considered the proposed amendment to “*be sound and relevant*”, however the decision to initiate the proposed scheme amendment was deferred by Council for 6 months to allow progress to be made on a local area plan for the Cottesloe Town Centre Precinct.

At its November 2019 Meeting, Council initiated the Cott Village Project – Draft Precinct Plan (Precinct Plan) for public advertising, and it wasn't until February 2021 that the results of this advertising were then considered by Council. Then through discussions at its Ordinary Council Meeting in February 2021, Council confirmed the proposed scheme amendment had been held in abeyance for 19 months pending the release of State Planning Policy 7.2 Precinct Design (SPP7.2) and the finalisation of the Precinct Plan.

Refer to Figure 5 – Pre-lodgement Process Timeline



Figure 1. Aerial of Station Street, 1965



Figure 2. Aerial of Station Street, 1974



Figure 3. Aerial of Station Street, 1985



Figure 4. Aerial of Station Street, 1995

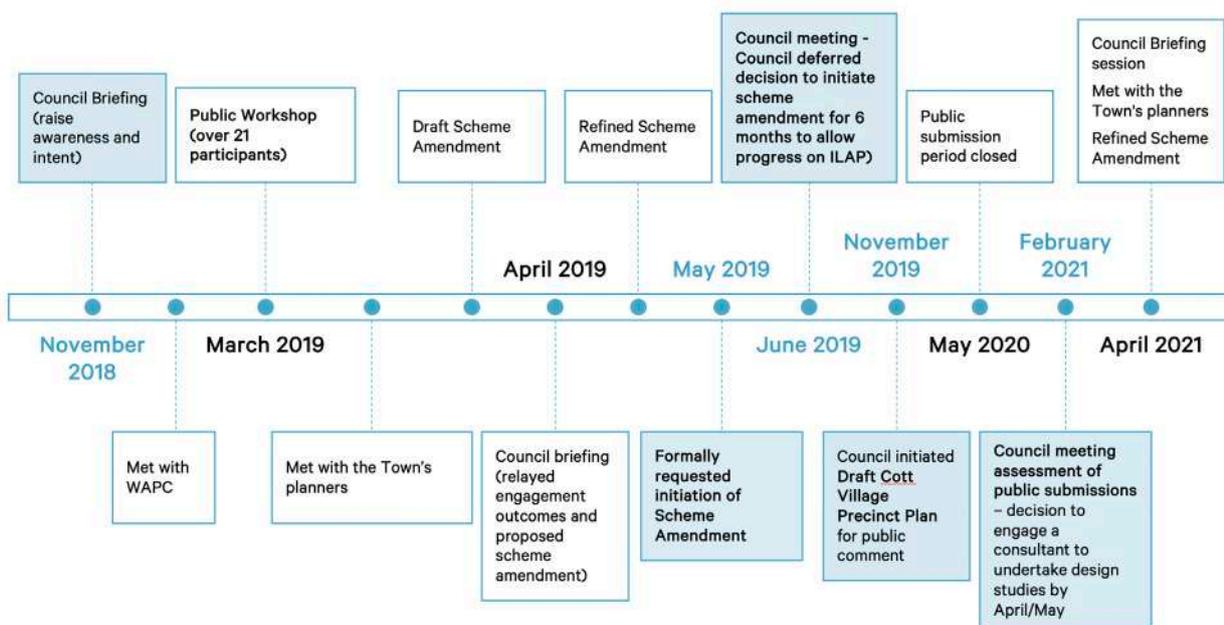


Figure 5. Pre-lodgement Process Timeline

Since the initial scheme amendment proposal in April 2019, **element** has continued to liaise with the Town and revise the Scheme Amendment accordingly. The following summarises the engagement process that has been undertaken by the Town and **element** since April 2019 in regard to the Scheme Amendment and future built form of the Town Centre Precinct.

Town Engagement

In preparation of the draft Precinct Plan, the Town conducted a variety of community engagement processes in October 2019 to understand the community’s expectations and preferences for the future of the town centre. The engagement methods included two survey questionnaires, one focusing on resident and users of the area and another focusing on local businesses. The Town also held two community forum workshops on October 26 and October 29, 2019.

A detailed explanation of the main community engagement findings and how the Scheme Amendment addresses these community concerns and expectations is contained in section 4.9 of this report.

Councillor Briefings

Since the initial Scheme Amendment request in April 2019, **element** has provided two briefings to Council. The first briefing occurred in December 2019 to inform Council of the change of ownership that had occurred on the site, and the willingness and intent of the new owner to continue the scheme amendment process.

The second briefing occurred in April 2021 to inform new Council members of the Scheme Amendment proposal, the process which had been undertaken to date, the intent of redevelopment on the site going forward as well as address any questions or concerns from Councillors before updating the request.

1.2.2 Process undertaken pre-April 2019

Prior to the lodgement of the initial Scheme Amendment request in April 2019, **element** undertook a collaborative engagement process with the broader community and the Town of Cottesloe Councillors, which is summarised below.

Community Workshop

A public workshop was hosted at the Grove Library on Wednesday 6th March 2019 from 6:30pm to 8:30pm inviting the community to attend and participate in a conversation about the revitalisation of the subject site. The workshop was advertised through posters in Station Street tenancies (on the subject site), approximately 200 flyers delivered in the Town Centre and surrounds and an advertisement in The Post newspaper.

The workshop took participants through the following general discussion:

- Context of the Cottesloe Town Centre, now and into the future.
- Planning context at a State and Local level, discussion density and (station) precinct planning.

- Where change could be accommodated in the Town Centre, and how the site fits into this possibility.
- High-level principles and assumptions currently guiding the redevelopment.
- Thinking through examples/precedents, what could work on the site and what is important in its redevelopment.
- Discussing building height, bulk and setback scenarios from 5 through to 12 storeys including any overshadowing implications.

The workshop was attended by over 21 participants including some current Councillors and past mayors. Two activities during the workshop provided the key opportunity for participants to provide feedback that could be used to inform this Scheme Amendment, as well as any future development applications or design. In summary, the key takeaways relevant to this Scheme Amendment from these activities were:

- Curved and 'soft' building edges favoured with upper storeys set back.
- Laneway and pedestrian connections were important and were seen as opportunities for vibrant interesting spaces.
- The favoured building height to suit the character of the area was somewhere between the 5 and 8 storey scenarios, with 12 only supported by a few participants where it was going to be of a high build quality with interesting design outcomes.
- Participants generally accepted the 8-storey scenario given its more interesting form and upper setbacks.
- There was a general view to increase the ground level street setbacks across all scenarios to accommodate street trees, soften the frontage and allow for areas of activation.

This feedback has been taken into consideration when drafting the proposed Scheme Amendment parameters.

Councillor Briefings

Prior to the lodgement of the initial Scheme Amendment request in April 2019, **element** provided two briefings to Council. The first briefing occurred in November 2018 to raise awareness of the project and intent to revitalise the site. Councillors were taken through the proposed approach, including the Community Workshop, with some additional considerations raised and taken on board.

The second briefing occurred in April 2019 to relay to Council the outcomes of the Community Workshop and the initial Scheme Amendment proposal (including building heights, setbacks and other parameters) prior to any formal lodgement.

2. Site Details

2.1 Description of Land subject of this Amendment

The land the subject of this application includes Lot 50 (No. 7) and Lot 35 (No. 11) Station Street, Cottesloe. The following table outlines the particulars of the Certificates of Title.

Lot	Plan	Vol/Folio	Area	Landowner
50 (No. 7)	D050807	1444/760	1,606m ²	Station Street Partners Pty Ltd
35 (No. 11)	D045750	2976/621	1,626m ²	Station Street Partners Pty Ltd

Refer to Figure 6 – Location Plan

Refer to Figure 7 – Aerial Plan

Refer to Figure 8 – Site Plan

2.2 Location and Context

The subject site is located in the heart of the Cottesloe Town Centre, nestled between Stirling Highway and the Fremantle Line railway corridor. It is located on the south side of Station Street, affording it good northern aspect and access to sunlight during the winter months. To the south and east side of the site runs De Nardi Lane, a gazetted laneway primarily allowing service vehicle access and rubbish collection to properties on the South side of Station Street and northern side of Napoleon Street.

Napoleon Street is largely in-tact from its original main-street type building stock built to the street edge, being the centre of pedestrian and retail activity in the Town Centre. Station Street historically through its building stock and development over time has had a more eroded streetscape and wider road reserve that catered for a fair portion of the Town Centre's car parking. Today, with plenty of street parking, parking on private lots and two public car parks in Station Street, many visitors to the Town Centre park in Station Street and walk through to Napoleon Street through the existing mid-block pedestrian connections, two of which run through the subject site from Station Street to De Nardi Lane.

The Cottesloe Train Station is located immediately west of the subject site, providing a key link to both Fremantle and Perth. Although pedestrian access to the station is currently convoluted from the Town Centre, it is part of the Station Street Place Making Strategy to improve access.

The site is uniquely located within the Perth Metropolitan context being within the Cottesloe Town Centre, and in close proximity to areas of high amenity including access to education, medical and day-to-day services, retail, cafes, restaurants, and open spaces as well as areas of natural amenity including both the river and ocean (beachfront).

Refer to Figure 9 – Broader Context Plan



Subject Site



source: nearmaps

Figure 7. Aerial Plan



Figure 8. Site Plan

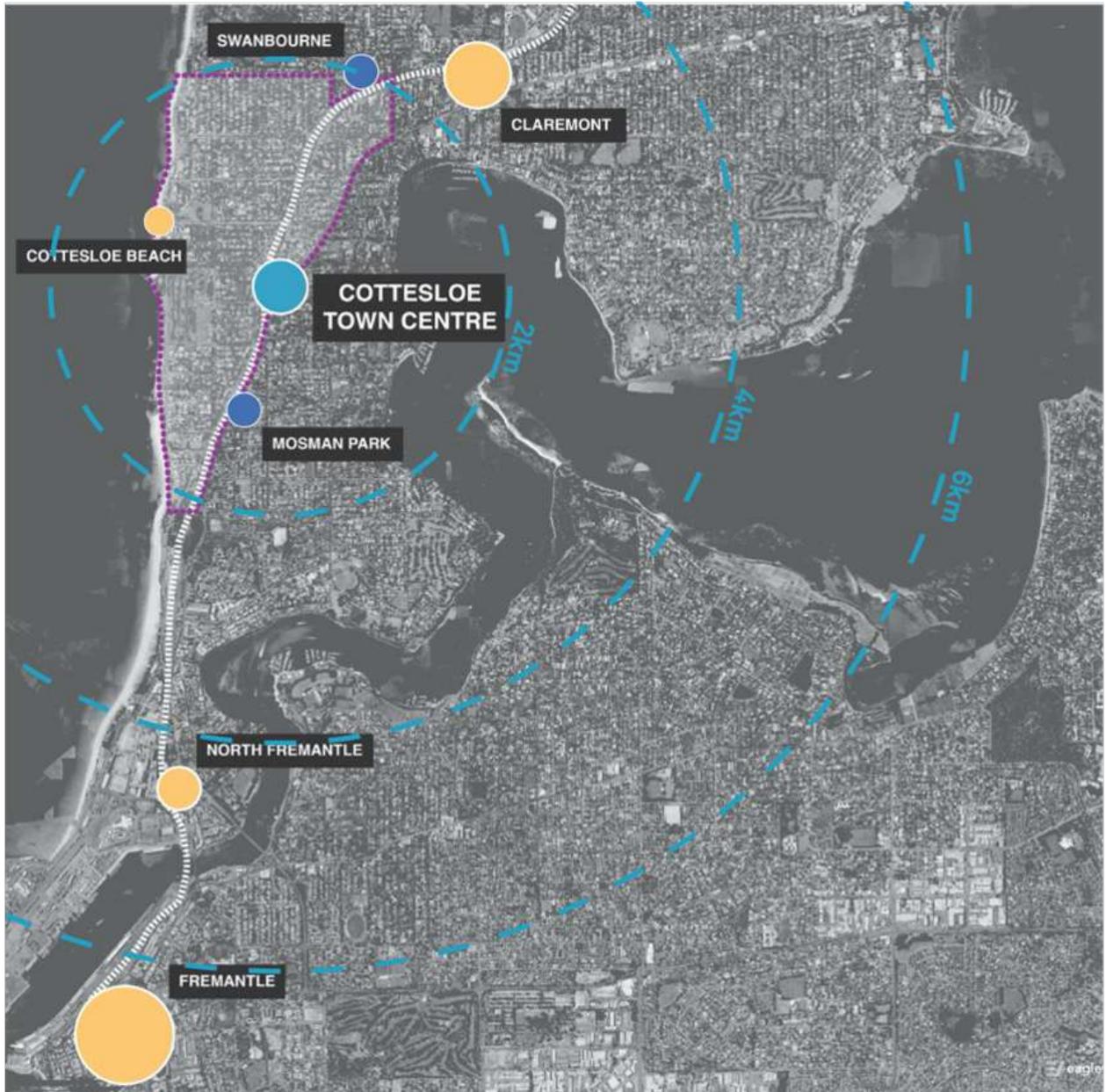


Figure 9. Broader Context Plan

2.3 Site Considerations

2.3.1 Aboriginal Heritage

A desktop search of the State Government's Aboriginal Heritage Inquiry System reveals that the subject site contains no known registered sites.

2.3.2 Other Heritage Considerations

A desktop search of the State Government's InHerit database indicates there are no significant Registered European Heritage Sites on the subject site that affect the proposed Scheme Amendment.

Contextually, a nearby site on the corner of Station Street and Stirling Highway is occupied by the Albion Hotel which is on the Town of Cottesloe's Statutory Heritage List and Municipal Inventory. The Statement of Significance attributed to that place by the Town is:

The hotel has social and historic significance as the place, dating possibly from the 1830s, where travellers stopped on their journey by road between the port of Fremantle and the city of Perth. The current building has significant landmark value on the Stirling Highway. Importance for association with John Briggs in the 1870s who had the original hotel, Robert Napoleon Bullen who developed the grounds in the 1880s and his wife Alice who ran it from 1888.

One of its reasons for inclusion on the Heritage List is noted as: 'The place contributes to the character and amenity of the street, locality and overall district'. Since its original construction in 1912, it has remained an iconic structure in the Cottesloe Town Centre, although the rear portion of the site is currently underutilised as at-grade bitumen car parking.

The subject site's proximity to the Albion Hotel has been considered as part of this Scheme Amendment to the extent of its potential impact on the amenity of the site. The subject site is located to the west of the Albion Hotel, parted by De Nardi Lane and No. 19 Station Street for a portion of the boundary, reducing any potential impact on the Hotel's landmark value by way of separation. This is further reduced given the Albion Hotel fronts Stirling Highway, with the rear portion of the site comprising car parking, storage and secondary entries interfacing with the subject site. The subject site being located to the west of the subject site also reduces implications of overshadowing on the Albion Hotel.

3. Proposed Scheme Amendment

3.1 Overview of Amendment

Pursuant to Section 75 of the *Planning and Development Act 2005*, the proposed Scheme Amendment No.12 seeks to amend LPS 3 by:

1. Resolve, pursuant to Section 75 of the Planning and Development Act 2005, to adopt an amendment to the above Local Planning Scheme by:
 - a. Amending the Residential Design Code applicable to No. 7 & 11 (Lots 50 & 35) Station Street from R100 to 'R-ACO'.
 - b. Amending 'Table 2 – Development Requirements' by adding a new clause c) under the 'Town Centre' zone that reads in accordance with the below table:

Zone	Maximum Plot Ratio	Maximum Site Cover	Minimum Boundary Setbacks	Maximum Height (Refer clause 5.7.)
TOWN CENTRE c) No. 7 & 11 (Lots 50 & 35) Station Street	Not applicable.	Not applicable.	In accordance with No. 4 in Schedule 12 – Special Provisions and Schedule 16 - Building Control Diagrams for No. 7 & 11 (Lots 50 & 35) Station	In accordance with No. 4 in Schedule 12 – Special Provisions and Schedule 16 - Building Control Diagrams for No. 7 & 11 (Lots 50 & 35) Station

And renumbering existing clause c) to d).

- c. Adding in row No. 4 to the table contained within 'Schedule 12 – Special Provisions' that reads in accordance with the below table:

No.	Description of land	Land use	Special Provisions
4	No. 7 & 11 (Lots 50 & 35) Station Street.	Residential; office; shop and other purposes as permissible in the Town Centre zone.	1. Development (including changes of use) applications shall generally comply with the Building Design Control Diagrams located in Schedule 16. 2. State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments shall apply to the residential component of any redevelopment in accordance with the R-ACO coding, except for Parts 2.2, 2.3, 2.4 and 2.5. 3. No residential uses are permitted on the ground floor. 4. A Local Development Plan shall be prepared for the relevant lots prior to redevelopment in accordance with Schedule 2, Part 6 of the Deemed Provisions.

- d) Introducing a new Schedule 16 titled 'Building Control Diagrams for No. 7 & 11 (Lots 50 & 35) Station Street' [Schedule 12] that includes the following building diagrams.

- e) Amend the Scheme Maps to include the 'R-ACO' coding over the subject site.

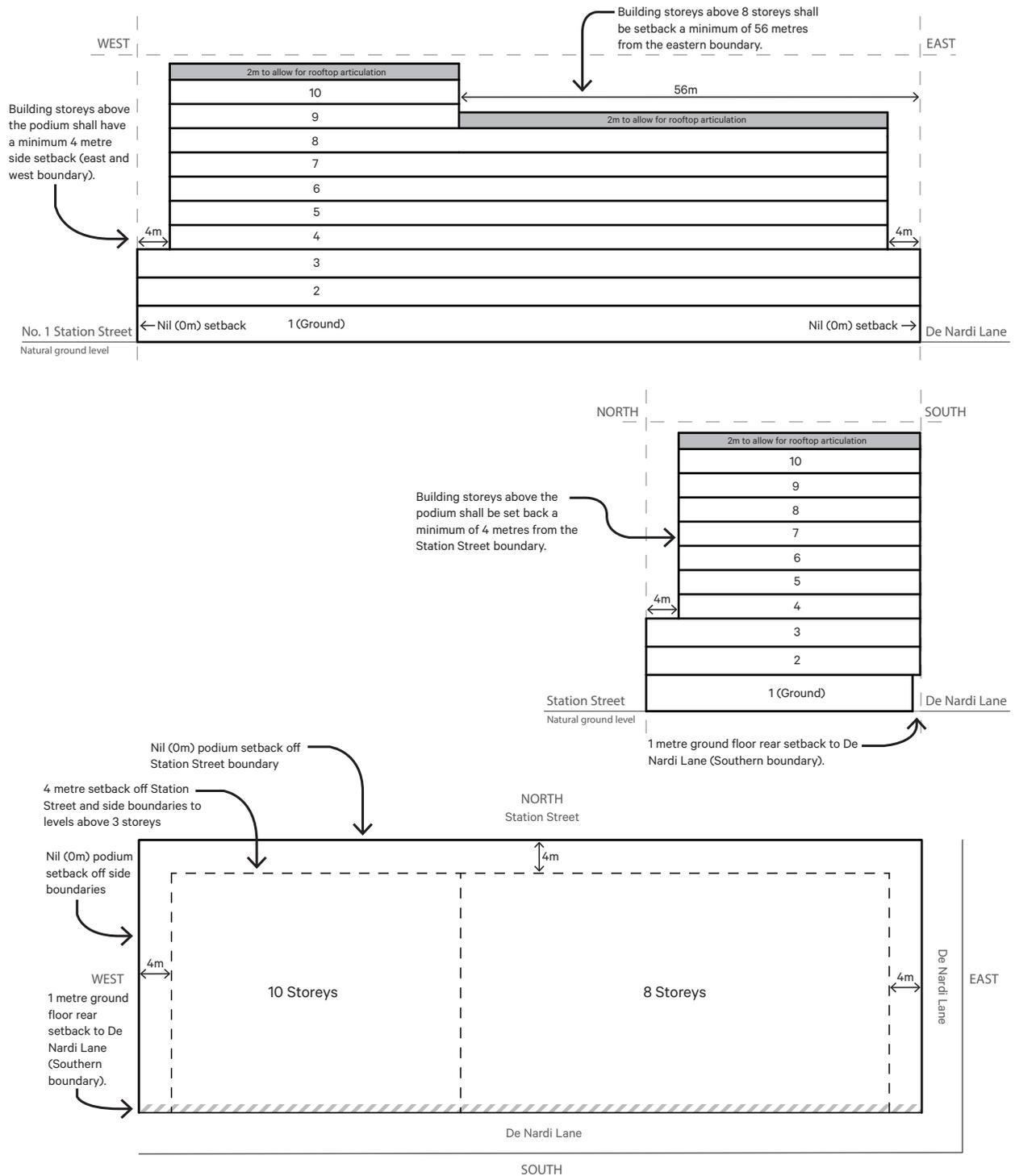
Refer to Figure 10 – Building Control Diagrams for No. 7 & 11 (Lots 50 & 35) Station Street

Refer to Figure 11 – Proposed Scheme Amendment – R-Coding

Schedule 16 - Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street

The diagrams below define the maximum building envelope. Building height shall be determined as follows:

- Ground floor (1 storey) - minimum floor to ceiling height of 4.5 metres.
- Podium (3 storeys) - maximum building height of 11.5 metres
- Building height (8 storey portion) - maximum building height of 26.5 metres with an additional 2 metres for rooftop articulation and structures (28.5 metres).
- Building height (10 storey portion) - maximum building height of 32.5 metres with an additional 2 metres for rooftop articulation and structures (34.5 metres).



Date: 28 May 2021 Scale: NTS @ A4

Figure 10. Building Control Diagrams for No. 7 & 11 (Lots 50 & 35) Station Street

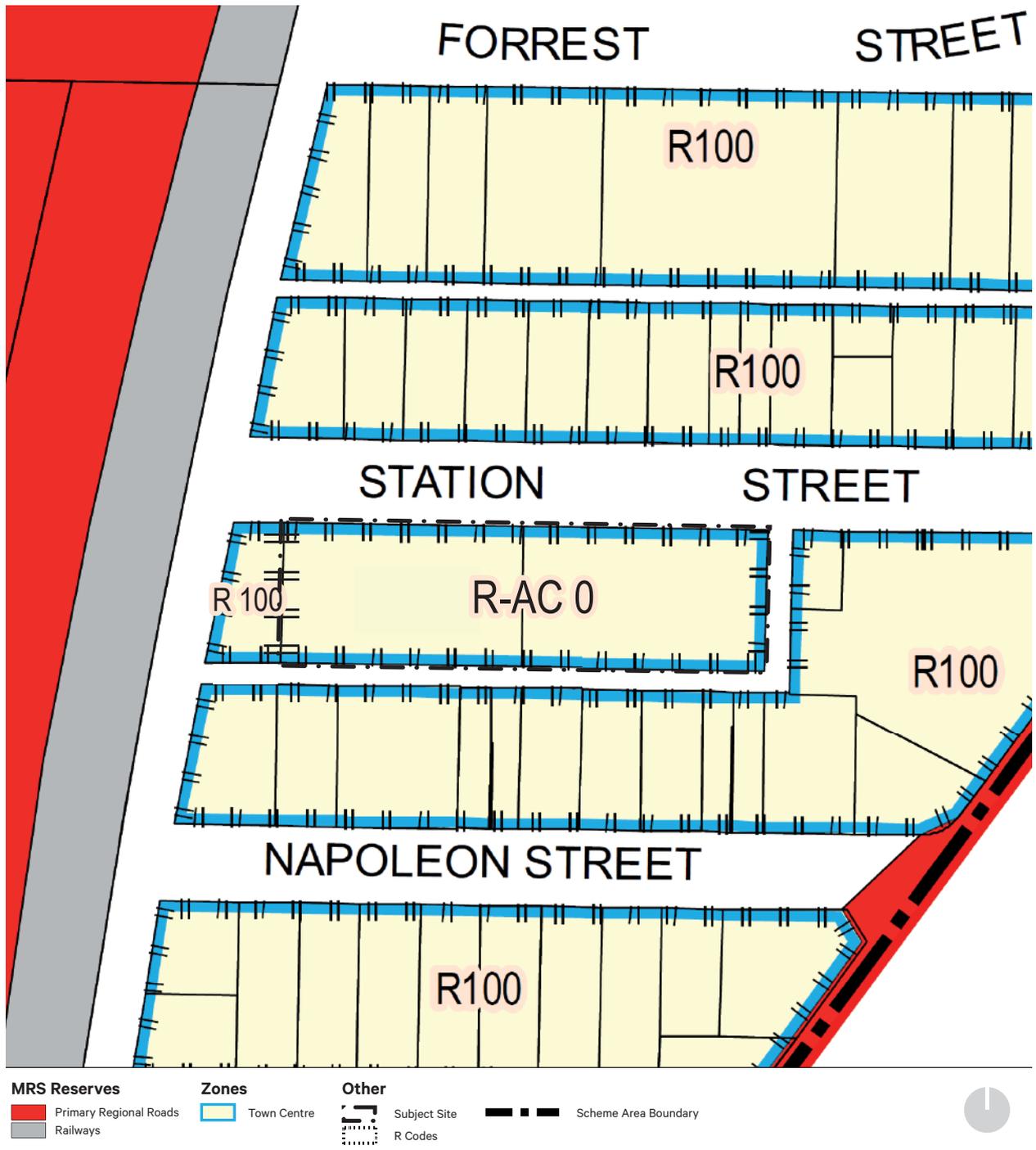


Figure 11. Proposed Scheme Amendment – R-Coding



source: WAPC

3.1.1 Amendment Classification (Complex)

Pursuant to regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Scheme Amendment is considered to be classified as a 'complex amendment' for the following reasons:

- a) Whilst the Scheme Amendment is consistent with the Town of Cottesloe Local Planning Strategy, the Strategy was finalised in 2008, and the Town is in the early stages of preparing a new Local Planning Strategy (and subsequent Scheme). Progressing the Scheme Amendment in the absence of a comprehensive review of the Strategy and Scheme is considered acceptable given the site's strategic location, opportunity for redevelopment as well as the general alignment of the proposal with the Town's draft Cott Village Precinct Plan.
- b) The Scheme Amendment would have some impact on land in the scheme area that is not the subject of the Scheme Amendment by way of enabling redevelopment; however, this impact is largely managed due to the context of the site, within the proposed Scheme Amendment and through the applicable planning framework (specifically, SPP 7.3 – Residential Design Codes Volume 2).

3.2 Rationale Behind Proposed Scheme Amendment

3.2.1 Accommodating density and dwelling targets in strategic locations

- The Scheme Amendment is consistent with the State Government's approach to precinct planning by locating increased density in appropriate, strategic locations of high amenity with high accessibility to public transport.
- The Scheme Amendment can facilitate the redevelopment of the site to accommodate some of the Town's dwelling density target (of 970 additional dwellings by 2050) in an area of high amenity; including access to education, medical and day-to-day services, retail, cafes, restaurants, and open spaces as well as areas of natural amenity including both the river and ocean (beachfront)
- Facilitating the development of multiple dwellings/apartments will help to diversify the housing choice within the Town of Cottesloe, as well as provide for the opportunity to live within the Town Centre.
- Preliminary engagement with the community indicated support for increased building height, most supporting approximately 5-8 storeys and some supporting 8-12 storeys where it is set back from the street and is of quality design. The proposed building envelope at 8 and 10 storeys, with levels above 8 storeys setback from the eastern boundary 56 metres, ensures upper storeys are set back from the street and no additional overshadowing impact to the public realm of Napoleon Street (*refer to Figure 14 – Overshadowing Diagrams*). Matters of vehicle crossovers, pedestrian access and design quality will be managed through a future Local Development Plan (LDP) for the subject site and the application of SPP7.3 – Volume 2. Taking into account the above points and in consideration with the strategic location and infill opportunity for the site, a building height of 8 and 10 storeys is considered acceptable to form part of this Scheme Amendment.
- The Scheme Amendment is consistent with the vision and intent of the draft Precinct Plan for the Cottesloe Town Centre, which seeks to encourage strategic investment within the Town Centre. Future development on the subject site has the potential to increase patronage within the Town Centre and act as a catalyst for future investment and redevelopment. A detailed explanation of how the Scheme Amendment addresses the provisions of the Precinct Plan are contained in section 4.9 of this report.

3.2.2 Consolidated redevelopment opportunity

- The subject site presents a unique opportunity to coordinate redevelopment of two landholdings in consistent ownership, well-located within the Cottesloe Town Centre.
- There is significant opportunity to improve the Station Street streetscape, as it is currently irregular with a mix of building types, ages and styles as well as many breaks in a building edge to accommodate substantial car parking.
- Being located on the south side of Station Street affords the site significant opportunity to capture on the north-facing aspect for residential development.
- The Scheme Amendment is able to accommodate built form on the subject site without adding to the current overshadowing in Napoleon Street (from existing Napoleon Street buildings) (*refer to Figure 14 – Overshadowing Diagrams*).
- Redevelopment of the subject site could encourage increases in investment in the town centre.

3.2.3 Enhancement of Station Street and the Cottesloe Town Centre

- The current street interface of the subject site with Station Street is poor, with active shopfronts set back from the street and car parking the predominant use and driver of the public realm response.
- The Scheme Amendment would facilitate redevelopment of the site with an active street front with allowances for alfresco spaces and any car parking screened from Station Street.
- The Scheme Amendment supports residential development within the town centre, which would increase the number of residents in the town centre, facilitate more activity and help to support local business.

4. Planning Assessment: Discussion and Justification

4.1 Perth and Peel @ 3.5 Million

Perth and Peel @ 3.5 Million (PP@3.5) is the guiding document for the Western Australian Planning Commission (WAPC)'s high level strategic planning for the Perth and Peel Regions. It builds on Directions 2031 and Beyond as well as the State Planning Strategy 2050, responding to challenges with a long-term growth strategy for land use and infrastructure.

PP@3.5 is a suite of documents that have been developed to spatially accommodate a substantially increasing population over several sub-regions. It aims to achieve a more consolidated urban form to meet long-term housing needs and strengthen key activity centres and employment nodes as the Perth and Peel population grows to 3.5 million. The subject site is located in the Central Sub-Region and then is located within a 'Activity Centre' which identifies the potential to accommodate increased mix-use development.

It is noted that sites within Activity Centre nodes should be investigated for their potential for increased residential density, in order to assist the WAPC in achieving the density targets outlined in State Planning Policy 4.2 (SPP4.2). In relation to the Town of Cottesloe, PP@3.5 estimates an additional 970 dwellings will be required throughout the local government area by the year 2050. The proposed Scheme Amendment will help to facilitate the delivery of some of these dwellings, ideally located in the Cottesloe Town Centre with access to existing amenity, activity and transport.

4.1.1 Station Precincts

Although the subject site is identified as being within an Activity Centre, its proximity to Cottesloe Train Station gives the locality potential to become a future 'Station Precinct' or *Transit Oriented Development* (TOD). Section 4.3 of PP@3.5 identifies Station Precincts as areas around train stations with the potential to accommodate increased development whilst leveraging their access to the railway network. This includes a mix of housing, office, retail and/or other amenities integrated into a walkable catchment. The location of the subject site within 50 metres (250 metres on-ground walking) of the railway station makes it a key site for strategic redevelopment within a station precinct.

4.2 Metropolitan Region Scheme

Pursuant to the Metropolitan Region Scheme (MRS) the subject site is zoned 'Urban'. The purposes and function of the 'Urban' zone is to provide for areas in which a range of activities are undertaken, including residential, commercial, recreational and light industry. The commercial and residential land uses proposed on the subject site are consistent with the purpose and intent of the 'Urban' zone under the MRS.

Refer to Figure 13 – Metropolitan Region Scheme

4.3 State Planning Policy 4.2: Activity Centres

State Planning Policy 4.2 (SPP4.2) *Activity centres for Perth and Peel*, is a strategic policy document which specifies broad planning requirements for the planning and development of new Activity Centres and the redevelopment and renewal of existing centres in Perth and Peel. Activity Centres are regarded as community focal points often characterised by commercial, retail and entertainment uses, as well as medium to high density residential. The policy also reflects the WAPC's intent to encourage and consolidate residential and commercial development in these Activity Centres. SPP4.2 identifies a hierarchy of centres based on the future importance of each centre in the Perth and Peel region. In this document the Cottesloe Town Centre is recognised as a 'District Centre' which serves as a focal point for the community, servicing the daily and weekly needs of local residents.

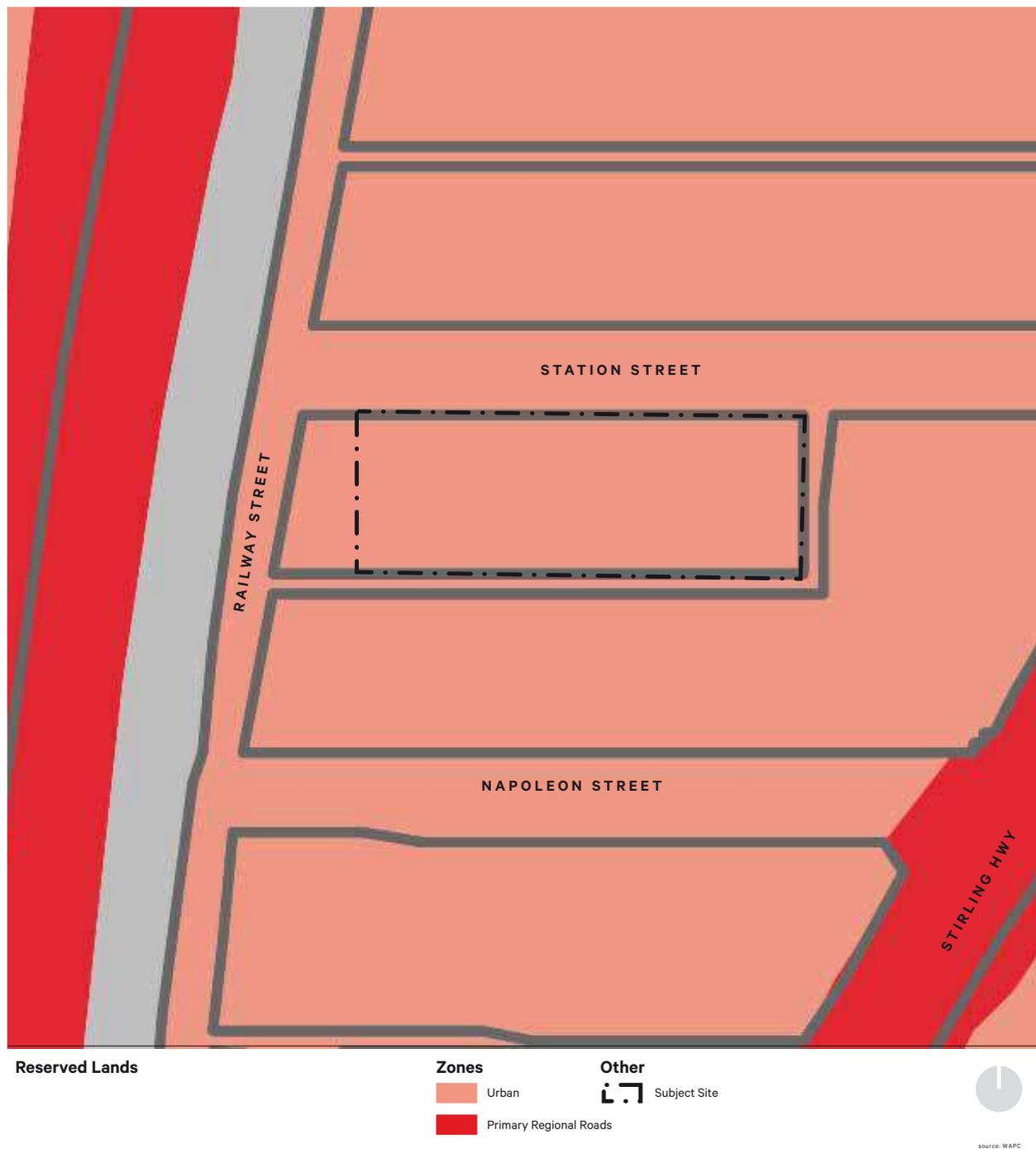


Figure 12. Metropolitan Region Scheme

In regard to urban form, SPP 4.2 identifies considerations for District and higher-order centres, with relevant points listed below:

- A well-formed structure typically consists of small, walkable blocks that improve accessibility within a centre.
- Buildings need to address streets and public spaces to promote vitality and encourage natural surveillance.
- Activity centres should contain a mix of uses along street frontages and arrange key retail and other attractors to maximise pedestrian flows along streets.
- New activity centre development or redevelopment should include 'sleeving' of large-scale retail and car parks, more externally-oriented or 'active' building frontages and fewer blank walls.

The Scheme Amendment adheres to these considerations in its proposed changes to the urban form by providing street front development and potential for activation (including room for alfresco dining or similar in minor setbacks), allowing residential development above ground floor level to provide surveillance of the street, support walkability in the Town Centre and the screening of any car parking from the Station Street frontage.

In August 2020 the Department of Planning, Lands and Heritage advertised a draft of SPP 4.2 through to February 2021. The draft policy aims to ensure planning and development adequately considers the distribution, function and broad land use options for activity centres to meet local community needs, and provide social, economic and environmental benefits to all Western Australians. Within the draft, Cottesloe Town Centre is still recognised as a 'District Centre'.

4.4 State Planning Policy No. 3 – Urban Growth and Settlement

State Planning Policy No. 3 – Urban Growth and Settlement (SPP3) sets out the principles and considerations which apply to planning for urban growth and settlement in Western Australia; specifically, to guide more consolidated development in appropriate locations where consistent with neighbourhood character and where the necessary services are available or can be provided. The proposed Scheme Amendment aligns with the objectives of the policy, specifically:

- To build on existing communities with established local and regional economies, concentrate investment in the improvement of services and infrastructure and enhance the quality of life in those communities.
- To promote the development of a sustainable and liveable neighbourhood form which reduces energy, water and travel demand whilst ensuring safe and convenient access to employment and services by all modes, provides choice and affordability of housing and creates an identifiable sense of place for each community.

It also primarily aligns with the following policy measure elements:

- *5.1 Creating sustainable communities –*
 - Supporting higher residential densities in the most accessible locations, such as, in and around town and neighbourhood centres, high frequency public transport nodes and interchanges, major tertiary institutions and hospitals, and adjacent to high amenity areas such as foreshores and parks.
- *5.3 Managing urban growth in Metropolitan Perth –*
 - 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 in and around the CBD, regional and district centres, activity corridors and higher education campuses, and in selected areas of high amenity on the coast and river foreshore.
- *5.4 Planning for liveable neighbourhoods –*
 - Active street frontages with buildings facing streets to improve personal safety through increased surveillance and activity.
 - New development which supports the efficiency of public transport systems where available, and provides safe, direct access to the system for residents.
 - A variety of lot sizes and housing types to cater for the diverse housing needs of the community at a density that can ultimately support the provision of local services.

4.5 State Planning Policy No. 7.2 – Precinct Design Guidelines

State Planning Policy No. 7 – Design of the Built Environment (Design WA) is a State Government initiative aimed at ensuring good design is at the centre of all development in Western Australia. Design WA is a recently adopted suite of documents that came into effect on 24 May 2019 and is to be given due regard by decision making authorities during the consideration of strategic and statutory planning proposals, subdivisions and development applications. Forming part of that suite of documents, State Planning Policy No. 7.2 (SPP7.2) specifically deals with the planning and design of precincts and the preparation, assessment and review of precinct plans for approval.

To enable the development of high-quality precincts which contribute to the overall social, economic and environmental wellbeing of communities, SPP7.3 adopts a performance-based approach to planning assessment and contains specific requirements for the preparation of Local Development Plans in in-fill and activity centre locations.

A Local Development Plan prepared in accordance with Schedule 2, Part 6 of the Deemed Provisions shall be prepared for the subject site prior to redevelopment. A future Local Development Plan on the subject site will need to respond to components and design elements advocated within SPP7.2.

In regard to precinct type, SPP7.2 outlines the unique role, design focus and critical issues to consider when planning for different precinct types. When considering the Cottesloe Town Centre's proximity to the Cottesloe Train Station, the Cottesloe Town Centre precinct, in which the subject site is located within, can be categorised as a 'Station Precinct' which serves to accommodate transit-oriented development (TOD) surrounding stations and other transport interchanges.

Under section 2.1 of SPP7.3, the planning and design focus for Station Precincts includes:

- *Guiding zoning and subdivision to achieve desired residential density, land use mix and an intensity of activity to support public transport use; and*
- *Designing the movement network, streetscape and public realm to ensure safe and inviting linkages by all modes between the surrounding precinct and public transport infrastructure.*

The Scheme Amendment is consistent with the planning and design focus for Station Precincts by supporting residential development within the town centre and encouraging a diversity of land uses on the ground floor with an active street front and allowances for alfresco spaces. These design considerations will contribute to the future activation of Station Street and increase the use of nearby public transport infrastructure.

4.6 Town of Cottesloe Local Planning Strategy (2008)

The Town's current Local Planning Strategy (Strategy) was prepared in 2008, setting out the long-term planning directions for the local government area, and provided the basis for LPS3. In accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), the Town commenced a review of the current Strategy in March 2018 to begin the process of preparing a new Local Planning Strategy. In November 2019, Council resolved to adopt the draft Local Planning Strategy Discussion Paper for the purposes of advertising. Advertising of the discussion paper concluded in May 2020, and in December 2020 Council resolved to commence the preparation of the Draft Local Planning Strategy in early 2021. Presently, there has been no publicly released timeframe for the preparation of the Town's new Draft Local Planning Strategy. In the absence of a recent Local Planning Strategy, we have evaluated the Scheme Amendment against the current (2008) Strategy and the Town of Cottesloe Local Planning Strategy Review Discussion Paper.

4.6.1 Local Planning Strategy (2008)

The proposed Scheme Amendment adheres to several objectives and sections within the current Strategy despite its adoption over a decade ago. Some examples include:

- *"In considering metropolitan growth strategies a need is seen for Council to investigate provision for increased residential densities on land within close proximity to the train stations and main public transport routes within the Town, having regard to regional planning housing targets, which envisage 550 additional dwellings to be provided in the municipality by 2031." – page 14.*
- *"Town Centre Zone: The Town Centre zone aims for a functional and vibrant 'main-street' type of district commercial centre with a traditional village-style amenity and mixed uses including residential and entertainment. The current zoning for this is continued under LPS 3 as well as the R100 density coding, the encourage ongoing land use, accommodate changes of use and provide for redevelopment. In the longer term, the potential for transit-oriented redevelopment to expand or boost the town centre on a planned bases and build up higher-density housing as part of it would be under this zoning and density approach. In addition, existing government land immediately to the west of Cottesloe train station has potential to be included in any such development." – page 15.*

- *“There are varying degrees of opportunity for further residential development in the district under the density provisions of the existing town planning scheme, which the proposed scheme seeks to augment (LPS 3), as some changes to existing densities and provisions are required if additional housing opportunities are to be made available in Cottesloe. There are a number of potential redevelopment opportunities to accommodate this demand with a diversity of housing types. In particular there is opportunity for greater integration of a residential development in commercial areas, particularly along the Marine Parade beachfront and in the town centre. This has the potential of not only adding to the available housing opportunities within Cottesloe within walkable catchments but also in providing for additional vibrancy within those localities.” Pages 37-38.*

These passages demonstrate that the approach to locating a diversity of housing and increased densities within the Town (since 2008) has identified the Town Centre as an ideal location, close to public transport and existing amenities, and with the ability to accommodate as well as benefit from additional vibrancy.

4.6.2 Local Planning Strategy Review – Discussion Paper (2019)

The Local Planning Strategy Review Discussion Paper (Discussion Paper) sets out the broad intentions for the Town and the recent changes and trends that are to be key considerations for the revision process of the Towns current Local Planning Strategy.

To guide the preparation of the new Strategy, the content of the Discussion Paper is broken down into ten strategic land use and planning themes which align with the content of the Towns Strategic Community Plan 2013 – 2023. The following provides an overview of the land use themes, intended directions and opportunities identified in the Discussion Paper which align with the intent of the Scheme Amendment.

Population and Housing:

- *Facilitate increased density and targeted infill development in appropriate areas such as within the Town Centre, along Stirling Highway and on the residual railway lands; and*
- *To encourage residential mixed-use development in appropriate areas through the creation of a dedicated Mixed-Use Zone in Local Planning Scheme No.4.*

Mixed Use Urban Design:

- *To promote urban design excellence through leadership, collaboration, education and advocacy in both public and private development works and by applying SPP 7.0 Design of the Built Environment where applicable; and*
- *To encourage mixed use development around activity centres and along transit corridors through the creation of a Mixed-Use zone.*

Economy and Employment:

- *To safeguard the existing traditional neighbourhood shops/cafes through effective planning control measures;*
- *To rezone existing Activity Centres to reflect the hierarchy as prescribed in SPP4.2 – Activity Centres for Perth and Peel; and*
- *To aim to address parking issues associated with commercial uses in a comprehensive and holistic manner.*

4.6.3 Consultation outcomes

Community consultation on the discussion paper commenced in November 2019 and concluded in May 2020. The comments and suggestions received during the consultation period will be used to inform the Towns new Strategy and subsequent Local Planning Scheme No.4. During consultation Town received 55 formal responses, with the key takeaways relevant to the above themes and this Scheme Amendment being:

Population and housing:

- *Generally there is support for increased population growth and resulting density to be concentrated along Stirling Highway and near train stations;*
- *There is balance of support for spread out (low density) development and for targeted infill (compact) development to support population growth; and*
- *Generally there is opposition for increased density throughout the remainder of the Town in the traditionally low to medium density areas.*

Mixed use and urban design:

- *The prospect of downsizing to a flat, unit or apartment garnered modest support; and*
- *Respondents demonstrated modest support of pedestrian-orientated activity centres.*

The above community feedback demonstrates there is general community support for targeted infill developments within Activity Centre areas which support population growth and diversity whilst maintaining low density development within the Town's suburban areas. The proposed Scheme Amendment is in-line with the above community responses by supporting the provision of increased density within the Town Centre in close proximity to public transport infrastructure and existing amenities.

4.7 Town of Cottesloe Local Planning Scheme No. 3

The Town's LPS3 is the primary statutory document guiding land use and development within the region. Under LPS3, the subject site is zoned 'Town Centre', with the development requirements under this zone set out in Table 2 of the Scheme, and further explained in the Town's LPS3 Local Planning Policy Design Guidelines – Cottesloe Town Centre (Cottesloe Town Centre Design Guidelines).

Refer to Figure 13 – Town of Cottesloe LPS3

LPS3 was gazetted on 1 August 2014, and as per clause 65(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Town must carry out a review of LPS3 in the 5th year since gazettal, being 2019. The following demonstrates an assessment of the Scheme Amendment against the current provisions in LPS3 and Cottesloe Town Centre Design Guidelines.

4.7.1 Town Centre Zone

Under clause 4.2.2 of LPS3, the objectives of the Town Centre Zone are:

- a) Improve amenity and function of the Cottesloe town centre.
- b) Provide for a wide range of land uses, including shops, offices, entertainment, health, and community facilities and services, consistent with the district-serving role of the centre.
- c) Provide the opportunity for residential uses and development within the town centre.
- d) Give consideration to the maintenance and enhancement of important views to and from public places as a contributor to the character and amenity of the locality and the district overall.

As mentioned, the proposed Scheme Amendment is intended to facilitate the redevelopment of the site in future for a mixed-use development within the town centre. The Scheme Amendment is consistent with the objectives of the Town Centre zone listed above for the following reasons:

- The Scheme Amendment will facilitate the redevelopment of the subject site to enable a mixed use development in character with a district town centre, that will add to the amenity of the town centre and specifically the Station Street streetscape, as well as assist in pedestrian connectivity and movement through the town centre as part of any future redevelopment.
- The Scheme Amendment facilitates active uses on the ground floor in accordance with the Town Centre zone, enhancing activation of the street and pedestrian movement. The proposed minimum nil setback encourages vitality of the street whilst also offering opportunities for portions of set-back built form on the ground floor to enable spaces for activation and additional street interaction. The Scheme Amendment will facilitate significant opportunity for residential development within the Cottesloe Town Centre that offers a diversity of housing choice within a location of high amenity and access to public transport.
- The Scheme Amendment will facilitate redevelopment of the subject site that will be able to be viewed from significant points within the locality given its scale but can act as a landmark without negatively impacting on local amenity. Overshadowing can be managed by the proposed building envelope such that it does not increase the existing level of overshadowing in Napoleon Street that is currently caused by the built form in Napoleon Street (Refer to Figure 14 – *Overshadowing Diagrams*). The overshadowing impact on surrounding premises and public spaces on Napoleon Street during winter months between 9am and 10pm has also been considered in the proposed building envelope (refer to Appendix 2 – Built form morning shadow analysis). Being located on the south of Station Street it does not adversely overshadow the public realm within Station Street.
- The Scheme Amendment will facilitate redevelopment of the subject site that will enhance the amenity of Station Street and enhance the character of the streetscape to that of an emerging, active and liveable district centre.

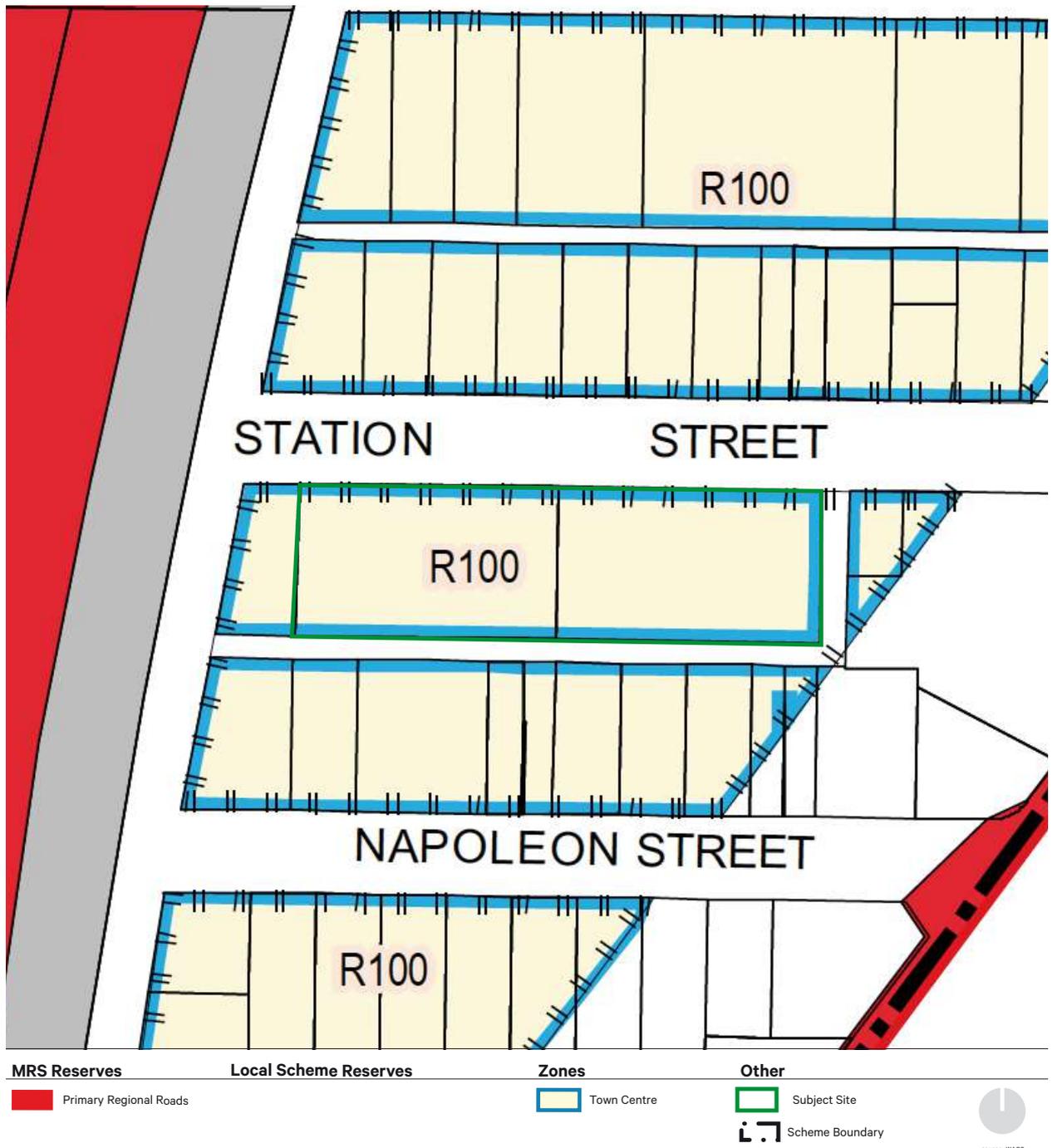


Figure 13. Town of Cottesloe LPS3

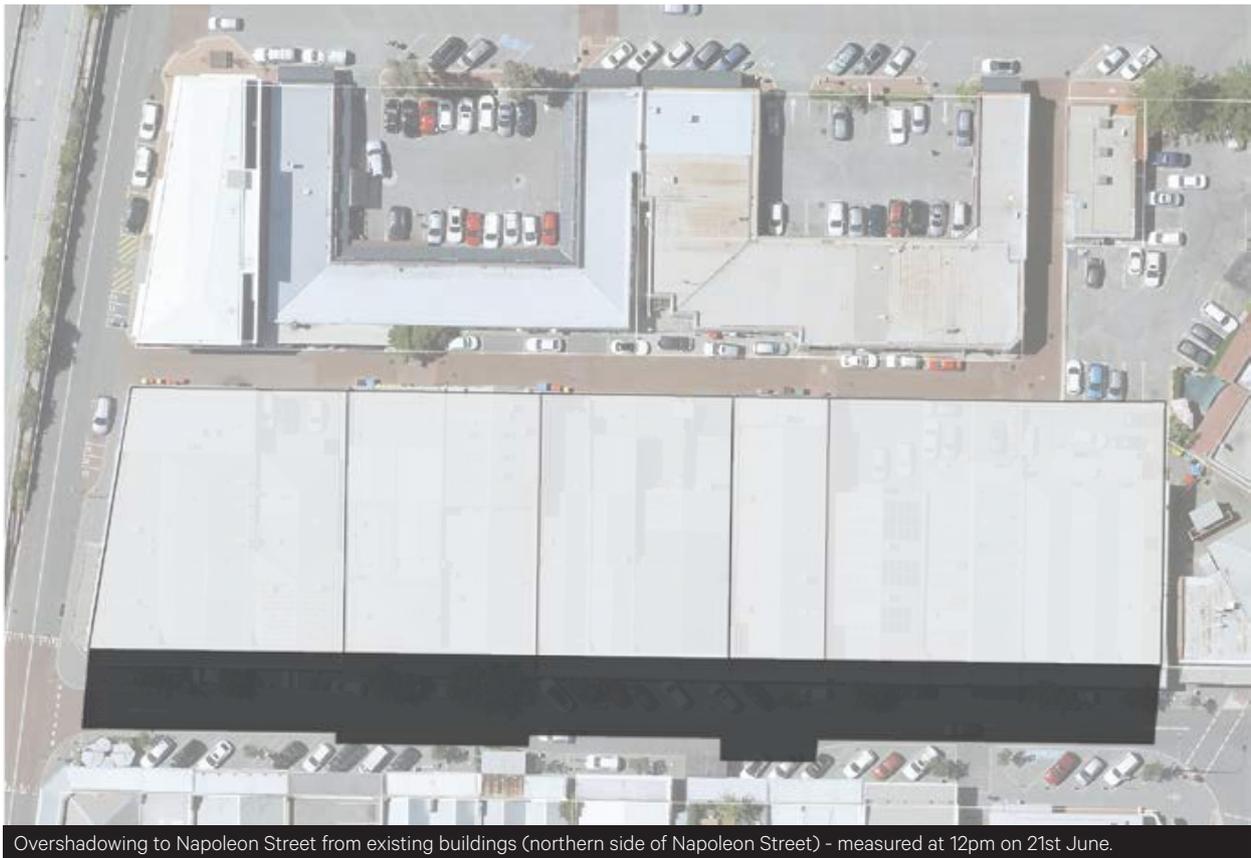


Figure 14. Overshadowing Diagrams

4.7.2 Table 2 – Development Requirements

Table 2 of LPS3 sets out the development requirements specific to each zone, including the Town Centre zone, as well as the land to which each requirement applies. The subject site currently sits within the land described under row c) 'Remaining land'. The provisions for 'c) Remaining Land' are as follows:

Zone	Maximum Plot Ratio	Maximum Site Cover	Minimum Boundary Setbacks	Maximum Height (Refer clause 5.7.)
TOWN CENTRE Remaining Land	1.15:1	100%	In accordance with Design Guidelines	2 storey or 3 storey and 11.5m, subject to no undue adverse impact on amenity and to design guidelines

The proposed Scheme Amendment seeks to depart from these requirements and instead control development of the subject site through a 'building envelope' approach, whereby building height and setbacks are defined, and plot ratio and site cover are removed as controls. This is the approach taken given the recent Gazettal of State Planning Policy 7.3 (SPP7.3) – Residential Design Codes Volume 2 – Apartments, which sets out controls for apartment residential and mixed-use development based on design principles contained in Design WA. The objectives contained within Volume 2 of SPP7.3 have been thoughtfully considered by the State Government and provide robust guidance and control through a performance-based approach.

From a scheme point of view and for consistency with other Schedules in LPS3, to control any future development of the subject site it is preferred to define an ultimate building envelope through controls in Schedule 12 – Special Provisions of LPS3 and allow the objectives of Volume 2 of SPP7.3 to control the ultimate built form within this envelope based on good design. Other built form matters such as vehicle cross overs and pedestrian access will be addressed through a future LDP for the subject site. Therefore, plot ratio and site cover are not necessary to be defined in the scheme but will be determined within the building envelope as part of any future redevelopment.

4.7.3 Cottesloe Town Centre Design Guidelines (2014)

Clause 5.9 of LPS3 reads in the Town of Cottesloe Local Planning Policy – Design Guidelines (Town Centre Design Guidelines) as an instrument to be used by the local government to determine applications for planning approval and any proposed variation. Clause 2.3 of LPS3 makes it clear that in any inconsistency between provisions of a Local Planning Policy and LPS3 provisions, the scheme prevails.

The Town Centre Design Guidelines include a vision for the Town Centre. The 'aims' of the vision are successfully met through the proposed development as demonstrated in the below table.

Town Centre Vision - aims	Scheme Amendment response
<i>Foster the strong presence of cafes and restaurants in the success and attraction of the Town Centre.</i>	The Scheme Amendment allows for and encourages active uses on the ground floor, as well as the built form response to enable cafes and restaurants to successfully maintain alfresco dining spaces through the street setback to the podium.
<i>Replicate the intensive shopfront character of Napoleon Street along the south side of Station Street; intensifying and concentrating the retail, café and restaurant core.</i>	The Scheme Amendment replicates the intensive shopfront character of Napoleon Street through an active building frontage.
<i>Increase and improve active north-south pedestrian links, especially between Napoleon Street and Station Street, but also between Napoleon Street and Clapham Lane, and beyond.</i>	The Scheme Amendment requires an LDP to be prepared for the site prior to redevelopment. A future pedestrian connection between Station Street and De Nardi Lane is suggested to be incorporated in the LDP.
<i>Rationalise public and private car parking, ensuring both convenience and minimal visual intrusion or fragmentation of built form and character, including containing and concealing parking within buildings at basement, undercroft or upper levels.</i>	The Scheme Amendment prohibits car parking to be visible from the street. If any were to be provided in the podium, it would need to be appropriately screened; however, the size of the site would facilitate provision of consolidated basement car parking.
<i>Provide as many opportunities as feasible for residential development within the Town Centre; not at the expense of commercial or social activity but rather to enhance and capitalise on them.</i>	The Scheme Amendment facilitates the development of residential uses above the ground floor within the town centre.

Town Centre Vision - aims	Scheme Amendment response
<i>Create activation of and significant improvements to the function and appearance of the rear laneways, including opportunities for cafes and restaurants, small enterprises and public amenity spaces, also taking into account the narrow pedestrian links between buildings.</i>	The Scheme Amendment facilitates the redevelopment of the subject site, allowing for opportunities to better interface with De Nardi Lane to be considered as part of any development.
<i>Create a high quality residential and commercial office sub-precinct south of Jarrad Street, discouraging concentrated retail development.</i>	Not directly applicable to the Scheme Amendment, however it facilitates concentrated retail development along Station Street, as well as residential uses, that could encourage future residential and commercial redevelopment south of Jarrad Street.
<i>Insist on high quality design in all aspects of the built environment, with full consideration to attractive building form, respect for the public environment, and quality of finish.</i>	The Scheme Amendment has considered the future built form of the subject site to allow for high quality design, particularly through applying a building envelope and allowing SPP 7.3 Volume 2 to encourage performance-based outcomes as part of any future redevelopment.
<i>Address the interrelationship with the car parking area along the railway line, including improving its function, urban design, infrastructure and pedestrian connectivity to the railway station, parking areas west of the railway line and links to the beach.</i>	The Scheme Amendment facilitates redevelopment of the subject site, which could provide further justification for the Town to continue in exploring improving the connectivity of Station Street and the train station through a staircase.

Part 5 of the Town Centre Design Guidelines applies to the Cottesloe Town Centre, and applies to land within the Town Centre zone in sub-precincts. The relevant sub-precinct for the subject site is 'Station Street South'. The vision for this sub-precinct is:

- A lively, intensive sidewalk frontage of shops, cafes/restaurants and personal/professional services, at ground level, taking advantage of the northern orientation. Residential and offices at upper levels, also taking advantage of the northern orientation. Pedestrian access through to De Nardi Lane and Napoleon Street where possible. Closer streetscape relationship with the Albion Hotel.

The proposed Scheme Amendment is in keeping with this vision, given its proposed built form envelope, uses and pedestrian connection as informed by a future LDP.

The Town Centre Design Guidelines set out development requirements for the relevant R-Code, plot ratio, building height, and site cover consistent with Table 2 of LPS 3. Additionally, it also sets out provisions for street and side setbacks, vehicle and service access and the De Nardi Lane frontage as follows:

- **Street setback:** Nil for ground and first floor levels. Second floor may be set back.
- **Side Setbacks:** Nil, except where public pedestrian access to De Nardi Lane is provided.
- **Vehicle and Service Access:** Only from De Nardi Lane.
- **De Nardi Lane Frontage:** All service areas and car parking to be concealed from view; residential or office units encouraged, overlooking De Nardi Lane; nil setback, subject to adequate space for vehicle access.

The proposed Scheme Amendment accords with the principles defined in the setbacks as above where street frontage maintains a nil (0m) setback for ground and lower levels, with upper storeys setback from the active street front. To support surveillance of the street and enhance the local streetscape character, it is proposed a nil street frontage applies to the first three levels, with storeys above the third level setback 4 metres. To create a better shared access environment and encourage the future activation of the laneway, a 1 metre setback to De Nardi lane is proposed. Further detail on the proposed built form and setbacks is detailed in section 4.9 of this report.

The proposed Scheme Amendment departs from the restricted vehicle/service access as above. The current development on the subject site maintains four crossovers to Station Street. The Scheme Amendment proposes that redevelopment of the subject site allows these to be rationalised to only two crossovers to Station Street. This is to ensure that the traffic generated from any new development is not all directed onto De Nardi Lane, as this would detract from any possibility of it being able to accommodate active uses, as per the Town Centre vision above. A future LDP to be prepared for the subject site will inform the location of future vehicle crossovers and access points prior to redevelopment of the site.

4.8 Station Street Place Making Strategy (2017)

The Town of Cottesloe adopted the Station Street Place Making Strategy (SSPMS) in May 2017, which was prepared by TPG Town Planning, Urban Design and Heritage (now **element**) on behalf of the Town. The SSPMS is a strategic document that looks at the role of Station Street in its existing condition and into the future, providing a series of strategies as to how it can service the local community and broader town centre. In preparing the SSPMS engagement occurred with the community in regard to potential future development scenarios, uses and public realm changes to inform the development of the strategy.

The SSPMS provides a place vision for Station Street being:

Station Street will be a place for all; a place where young people are welcomed, and older people feel safe. A place where the local community and visitors alike come to meet and enjoy the urban village atmosphere amongst trees, unique locally owned stores, exciting and vibrant local artworks, with numerous opportunities to dine, drink or just daydream in the public square. The nearby beach culture is celebrated through buildings and artworks, and the street is a pedestrian setting, where upper storeys are set back, and cars are slow. All stakeholders are invested in the place. Station Street is well known for its vitality and is a destination for many.

The Scheme Amendment aligns with the intent of this vision by facilitating the redevelopment of two substantial landholdings in the town centre that will contribute to activation of the street at ground level including spaces for alfresco dining and the like, and upper storeys of any future development are to be set back.

The third long-term strategy listed in the SSPMS refers to the ‘Redevelopment of Major Development Sites’, and specifically includes the subject sites as part of the applicable area. The strategy acknowledges that there is a significant amount of land within Station Street that could be redeveloped in the next 5+ years, which would ultimately change the nature of the street. In the interim, short- and medium-term strategies look to improve the public realm and activation within the street that could ultimately incentivise landowners to invest in their sites, which would ideally be managed through some form of Built Form Controls, Design Guidelines or an Activity Centre Plan (Medium-term strategy #7). This Scheme Amendment represents the first of these major landholdings looking to re-develop as part of shaping the future vision for Station Street.

4.9 Cott Village Project – Draft Precinct Plan (2019)

In 2019 the Town of Cottesloe and Shire of Peppermint Grove (Shire) jointly prepared the Cott Village Project – Draft Precinct Plan (Precinct Plan) for the Town Centre, also referred to as the Cottesloe Activity Centre (Activity Centre). Incorporating the areas of the Town’s ‘Town Centre’ Zone and the Shire’s ‘District Centre’ Zone, as well as the residual (vacant) railway lands surrounding the Cottesloe Station, the Precinct Plan acts as an overarching strategic planning framework for the Cottesloe Town Centre and provides development guidance to facilitate transformative change and improvement in terms of social and economic vigour. As such, the Precinct Plan is intended as an integrated spatial plan used to guide decision making and inform more detailed future amendments to LPS3 within the Town Centre.

In preparation of the draft Precinct Plan, the Town conducted a variety of community engagement processes in October 2019 to understand the community’s expectations and preferences for the town centres future. The engagement methods included two survey questionnaires, one focusing on resident and users of the area and another focusing on local businesses. The Town also held two community forum workshops on October 26 and October 29, 2019. The following table provides a summary of the main community engagement findings and how the Scheme Amendment addresses these community concerns and expectations.

Community Engagement Findings	Scheme Amendment Response
<i>The overriding concerns discouraging people from frequenting the Town Centre are lack of variety of stores/services, and traffic and parking issues.</i>	The Scheme Amendment allows for and encourages active uses on the ground floor and facilitates the provisions of consolidated basement car parking.
<i>The Town Centre is seen to be safe and clean, but found lacking in vibrancy.</i>	The Scheme Amendment allows for and encourages an active building frontage for Station Street comparable to the intensive and vibrant character of Napoleon Street.
<i>Business community is keen to see a boost in local population to increase patronage – favouring walk-up apartments as the urban densification policy.</i>	The Scheme Amendment will facilitate the development of multiple dwellings/apartments which will help diversity the housing choice within the Town and boost local population and patronage within the Town Centre.

Community Engagement Findings	Scheme Amendment Response
<i>In terms of a future urban densification strategy, residents have a strong preference towards restricting high rise to specific locations.</i>	<p>Being located on the south side of Station Street, the Scheme Amendment provides a unique opportunity to increase development intensity within the Town Centre without adding to the current overshadowing of Napoleon Street.</p> <p>The subject site is also unique in its opportunity to coordinate the redevelopment of two significant landholdings with the Town due to its consistent landownership. These unique aspects should afford the subject site to be considered as a 'specific location' for high rise.</p>
<i>Business owners envisage the future Cott Village to have high density, while retaining the 'village' feel and human scale and with community spaces.</i>	<p>The Scheme Amendment proposes setbacks above the podium level to ensure future development on the subject site is at a bulk and scale which retains the 'village' feel and human scale of the Town Centre.</p>
<i>Both residents and the business community desire a greater variety of shops and services to cater for all age groups.</i>	<p>The Scheme Amendment allows for the redevelopment of the subject site which encourages a diversity of land uses on the ground floor and podium levels.</p>

Advertising of the Precinct Plan commenced in December 2019 and closed in May 2020. Forty (40) submissions were received with over 70% of submissions generally in support of the Plan. It is important to note the draft Precinct Plan will be subject to modifications following the review of public submissions and further detailed design studies.

To achieve a coordinated approach within the Town Centre, the following section details how the proposed Scheme Amendment is consistent with the intent, vision and design standards of the draft Precinct Plan.

4.9.1 Vision and objectives:

Section 7 of the Precinct Plan details the vision and objectives for the Town Centre. The vision for the Town Centre is as follows:

"We are seeking to create an active, vibrant, and well-connected urban village which offers a wide variety of services and a great range of experiences, while respecting its sense of history and unique character."

The Relevant objectives for the Town Centre which are considered to be within the context of the subject site are as follows:

- *Achieve high quality outcomes for all, aligning decisions to share benefits and cost;*
- *Focus government and private sector investment to achieve shared goals of prosperity, sustainability and relevance to our lives and the community; and*
- *Attract investment in both redevelopment, renewal and maintenance of buildings, spaces and infrastructure*

The Scheme Amendment allows for and encourages strategic investment within the Town Centre and offers a significant opportunity to improve the Station Street streetscape, as it is currently irregular with a mix of building types, ages and styles. Future redevelopment on the subject site has the potential to increase patronage within the Town Centre and act as a catalyst for future investment. For the above reasons, the Scheme Amendment is consistent with the vision and objectives of the Precinct Plan.

4.9.2 Design standards

Section 8 of the Precinct Plan details building standards, design and appearance requirements with the following considered relevant to the context of the subject site and this Scheme Amendment:

- *All development and/or land uses are to be oriented and designed to address the street and public open space frontages, and are to complement or enhance the local streetscape character and amenity; and*
- *Buildings are to be designed to protect solar access and minimise overshadowing of adjoining premises and/or public open spaces, in order to ensure adequate provision of direct sunlight and ventilation for buildings and to ameliorate the impacts of building bulk, privacy and overshadowing on adjoining properties.*

The Scheme Amendment adheres to these considerations in its proposed changes to the urban form by providing street front development and potential for activation, allowing residential development above ground floor level to provide surveillance of the street, support walkability in the Town Centre and the screening of any car parking from the Station Street frontage.

Additionally, the Scheme Amendment considers the impact of solar access and overshadowing through the proposed orientation and building envelope. The subject site is located on the south side of Station Street, this affords the site good northern aspect and access to sunlight during the winter months optimal for residential development. The proposed building envelope at 8 and 10 storeys, with upper storeys setback from the street and levels above 8 storeys setback from the eastern boundary 56 metres, ensures minimal overshadowing impact on adjoining premises and the public realm of Napoleon Street (refer to Figure 14 – Overshadowing Diagrams).

4.9.3 Building height:

Within the Precinct Plan, the subject site is located within Sub Precinct 3 (SP3) which includes lots to the north and south of Station Street from Railway Street across to the intersection at Stirling Highway. In SP3, the subject site is allocated an R-coding 'R'-AC3' and is also identified as Special Control Area 1 (SPC1).

Within SP3, the subject site is allowed a maximum building height of 6 storeys, however, being identified as SCA1, allows the maximum building height to increase to 10 storeys (33 metres), subject to satisfying a set of performance-based standards and additional criteria which are yet to be identified by the Town. When considering maximum building height, the following minimum finished floor to floor heights apply:

- 4.5m for residential and non-residential ground floor;
- 3.5m for non-residential upper floors; and
- 3m for residential upper floors.

The proposed Scheme Amendment seeks to depart from the 10-storey discretionary height limit suggested in the Precinct Plan and instead seeks to control building height through a 'building envelope' approach.

The Scheme Amendment proposes a maximum building height of 8 and 10 storeys, where levels above 8 storeys are setback from the eastern side boundary 56 metres. When compared to a 10-storey building which may be regarded under the Precinct Plan, the Scheme Amendment proposes building height limits which consider the overshadowing impact on surrounding premises and public spaces. This is demonstrated in Appendix 2 – Built form morning shadow analysis, which demonstrates the 9am to 10am overshadowing impact of a 10 storey building against the proposed building envelope of 8 and 10 storeys.

The floor to floor heights used in the overshadowing analysis diagrams are consistent with the minimum floor to floor heights outlined in the Precinct Plan. The Scheme Amendment does not specify floor to floor height limits, only the overall building height limit in metres.

4.9.4 R-Coding:

In SP3, the subject site is allocated an R-coding 'R'-AC3'. The Scheme Amendment maintains the current zoning of the subject site as 'Town Centre' and applies a new R-coding of R-ACO. This R-coding varies from the R-AC3 coding suggested in the Precinct Plan. The R-ACO coding is considered to be a more appropriate R-coding for the subject site as the density code under SPP7.3 formally refers to a planning instrument that contains specific built form provisions. In this case, the R-ACO coding for this site will formally refer to LPS3 for height and setback provisions, with other provisions to be addressed in an LDP for the subject site.

4.9.5 Setbacks:

The Precinct Plan sets out provisions for front, side and rear setbacks for the subject site. The following table details how the proposed setbacks align with the setback provisions of the Precinct Plan.

Setback provisions draft Precinct Plan		Scheme Amendment proposed setbacks	Scheme Amendment Response
Front setbacks			
Podium Level	Mixed use and Non-residential development	Maximum nil (0m) up to 3 storeys	<p>Station Street should aim to achieve active street frontages through ground floor commercial uses with residential and/or commercial development above the ground floor. A nil podium setback up to 3 storeys, which includes ancillary structures (i.e., balcony's) will support an active street interface, promote vitality, encourage natural surveillance and enhance the village character of Station Street.</p> <p>Additionally, providing a nil street setback for the podium level will provide the opportunity for awnings to easily be provided over the adjacent pedestrian realm. Awnings will help provide a human scale at ground level and assist in creating a 'sense of enclosure' or containment within the streetscape, and hide higher density development beyond the human scale.</p>
	Residential development	Minimum 2m (in accordance with R-codes)	
Upper floors	Up to 24m (6 storeys)	Minimum 3m above first 3 storeys	<p>Minimum 4m above first 3 storeys</p> <p>The Scheme Amendment proposes to increase the draft Precinct Plan 3 metre setback to 4 metres. This setback provision considers human scale development and aims to enhance pedestrian amenity. Given the depth of the subject site, street setbacks greater than 4 metres will ultimately limit the functionality of the floorplate design. In order to allow for a functional building envelope on the subject site across the height of the building, a minimum setback of 4 metres should apply to all levels above 3 storeys.</p>
	Above 24m (6 storeys +)	Minimum 6m	

Setback provisions draft Precinct Plan		Scheme Amendment proposed setbacks	Scheme Amendment Response	
Side and rear setbacks				
Mixed use and Non-residential development	Maximum nil (0m) up to 3 storeys	Side setbacks	<p>Nil (0m) up to 3 storeys</p> <p>Minimum 4m above first 3 storeys</p> <p>56m eastern side setback for levels above 8 storeys</p>	<p>The nil (0m) side setbacks for the podium level proposed in the Scheme Amendment is consistent with the setbacks suggested in the draft Precinct Plan. Similar to the front setbacks, it is proposed the side setbacks remain the same for residential and non-residential uses at the podium level to provide flexibility in the built form and floorplate design.</p> <p>For levels above 8 storeys, it is proposed an eastern side setback of 56 metres is applied. This additional setback provides further access to sunlight on Napoleon Street during winter months between 9am and 10am and ensures the overshadowing impact on surrounding premises and public spaces is minimal (Refer to Appendix 2 – Built form morning shadow analysis).</p>
Residential development	Minimum nil (0m) (in accordance with R-codes)	Rear setbacks (No rear setbacks for the subject site are defined in the draft Precinct Plan as Di Nardi Lane was considered as a primary street frontage).	1m ground floor setback to Di Nardi Lane	<p>To create a better shared access environment and encourage the future activation of the laneway, a 1 metre ground floor rear setback to Di Nardi Lane is proposed. This setback is proposed to only apply to the ground floor level due to the height of the ground floor (4.5m) exceeding the maximum height of any service vehicle which may access Di Nardi Lane.</p> <p>To maximise the activation potential and retain the 'laneway' character, no upper storey setbacks have been applied to Di Nardi Lane. As evident in Melbourne's iconic CBD laneways, overshadowing, enclosure and the sheer-wall built form is part of the iconic laneway character. By applying a nil upper storey setback to the rear of the subject site, a significant opportunity to enhance the urban laneway character of De Nardi lane presents itself to future redevelopment.</p>

5. Conclusion

This Scheme Amendment proposes to introduce site-specific provisions in Schedule 12 - Special Provisions (and a new Schedule 16) of LPS3 to form a building envelope over No. 7 & 11 (Lots 50 & 35) Station Street, Cottesloe and subsequently amend the existing provisions for the site in Table 2 – Development Provisions. The provisions relate to an increase in permissible building height and changes to setbacks and plot ratio controls. Included as a provision is the need to prepare an LDP prior to redevelopment to address other land use, access and built form matters for the subject site. The Scheme Amendment is to facilitate redevelopment of the subject site that will improve its interface with the street, provide the opportunity to contribute to meeting the Town of Cottesloe dwelling targets within a location of high amenity and access, and align with broader State Government strategies for locating infill and density within precincts, particularly station precincts.

In the absence of suitable local planning instruments introduced in a timely manner to facilitate the redevelopment of the subject site, a strategic consolidated landholding in a town centre context, this Scheme Amendment aims to facilitate its redevelopment through the current LPS 3 whilst considering the context of the surrounding area so as not to prejudice future redevelopment within the Town Centre precinct. It is therefore respectfully requested that the Town of Cottesloe and Western Australian Planning Commission support the Scheme Amendment and the Minister for Planning approve Amendment No. 10 to the Town of Cottesloe Local Planning Scheme No. 3.

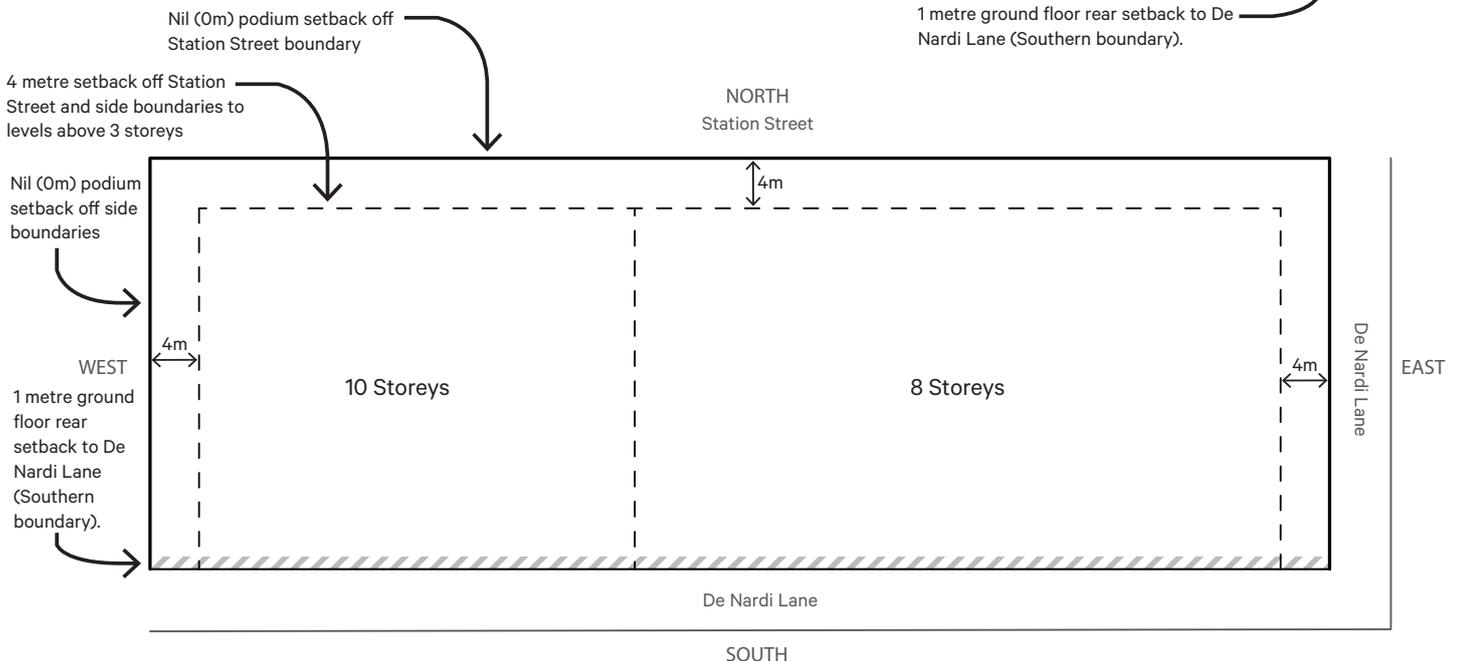
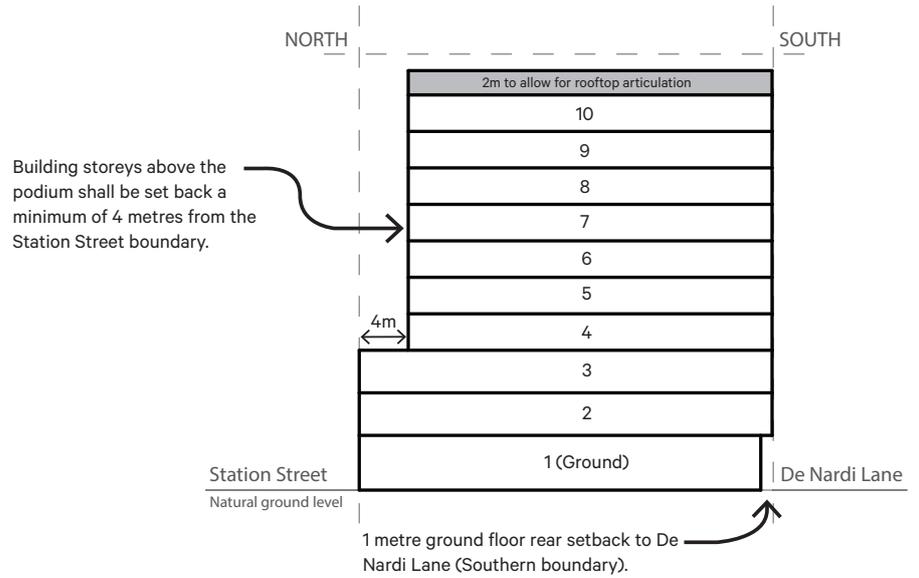
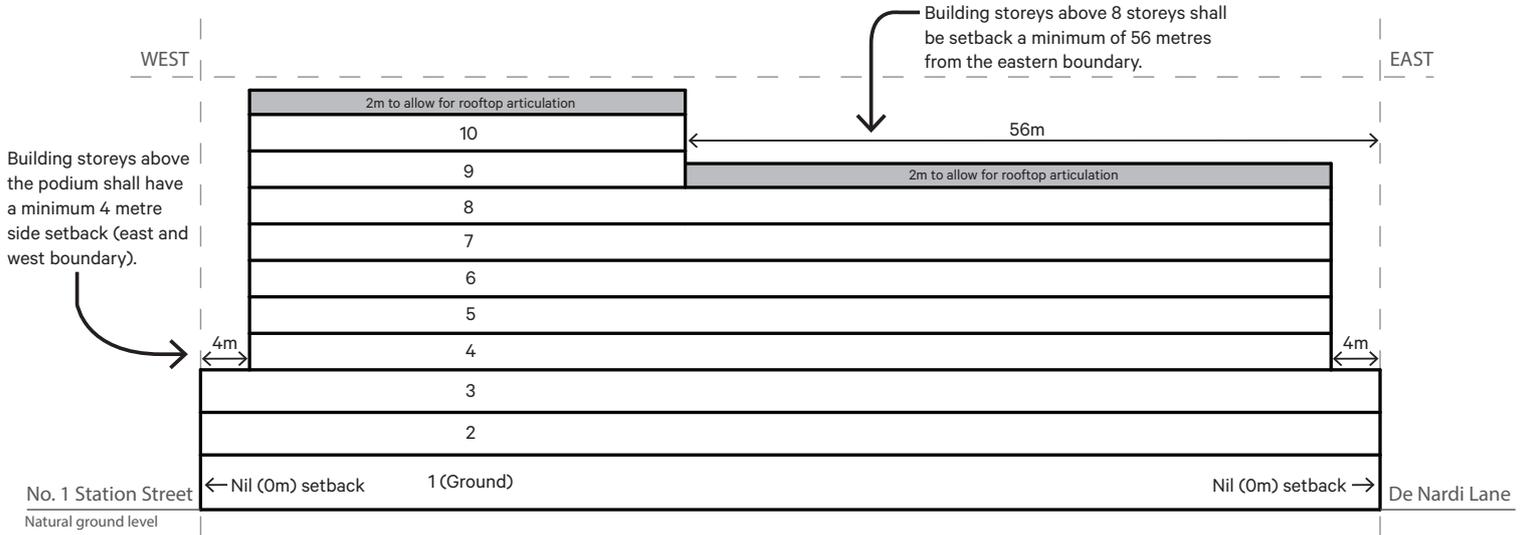
Appendix 1

Building Control Diagrams for No. 8 & 11 (Lots 50 & 35) Station Street

Schedule 16 - Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street

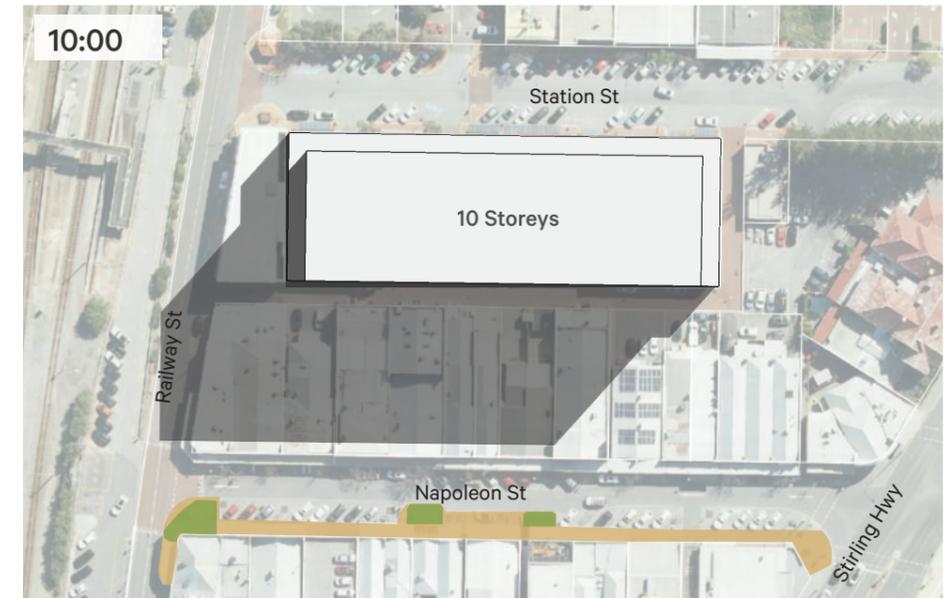
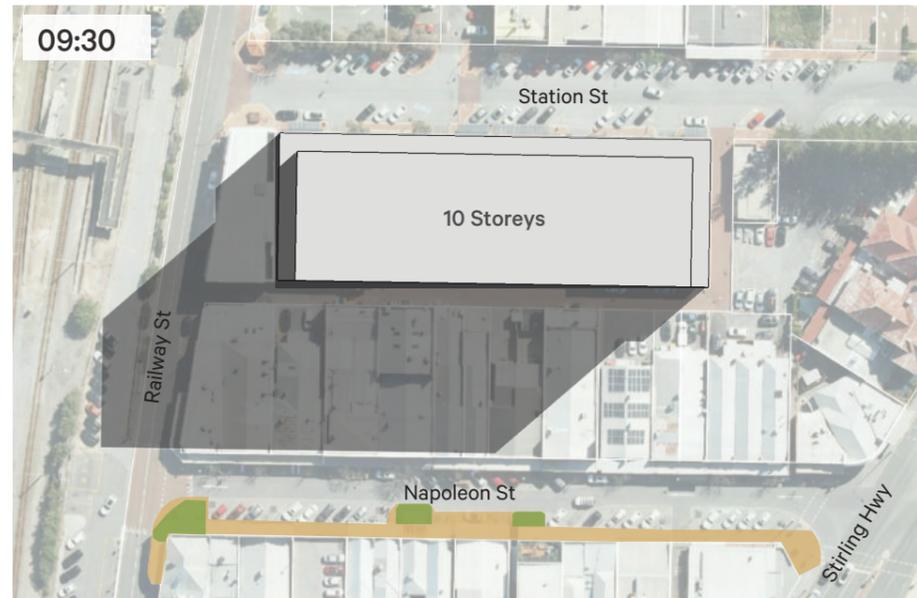
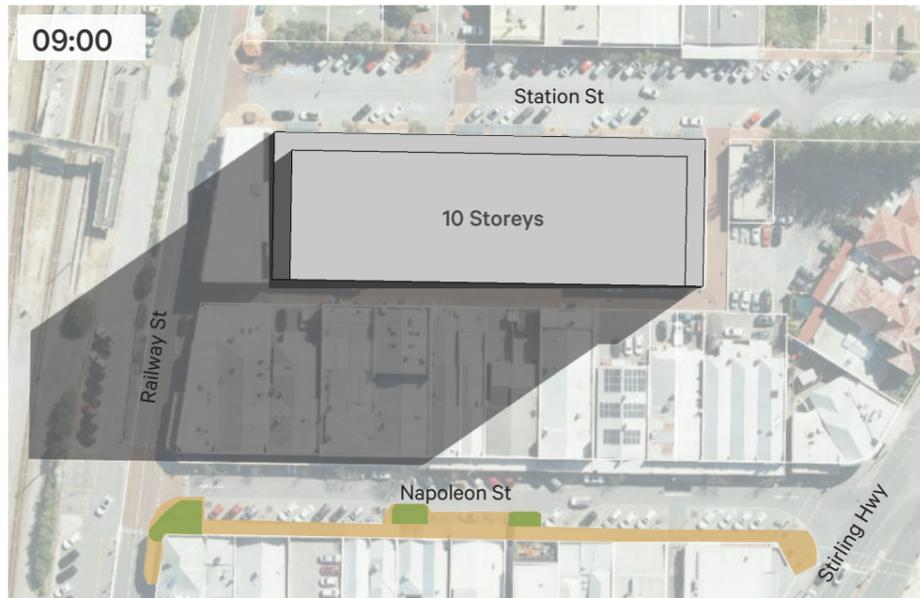
The diagrams below define the maximum building envelope. Building height shall be determined as follows:

- Ground floor (1 storey) - minimum floor to ceiling height of 4.5 metres.
- Podium (3 storeys) - maximum building height of 11.5 metres
- Building height (8 storey portion) - maximum building height of 26.5 metres with an additional 2 metres for rooftop articulation and structures (28.5 metres).
- Building height (10 storey portion) - maximum building height of 32.5 metres with an additional 2 metres for rooftop articulation and structures (34.5 metres).



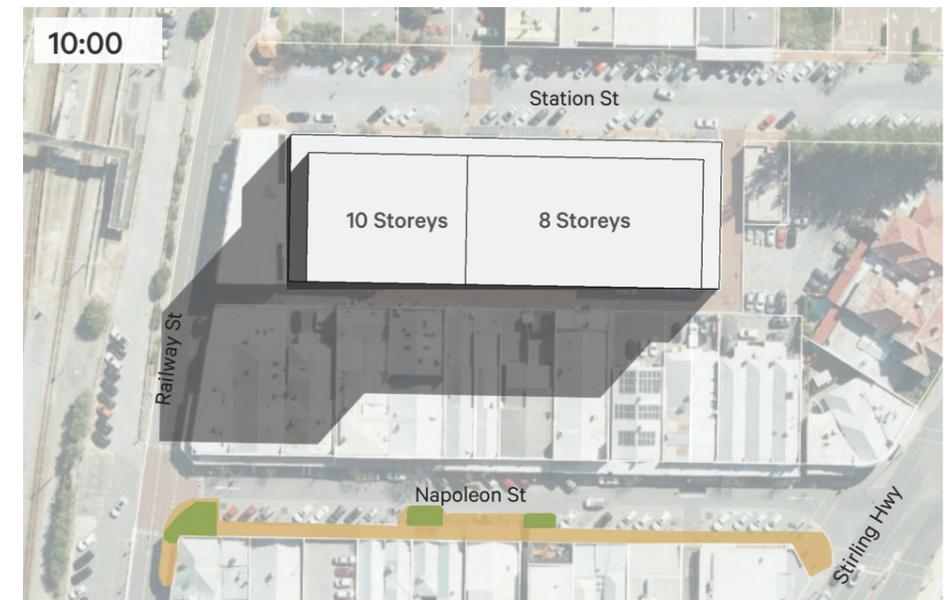
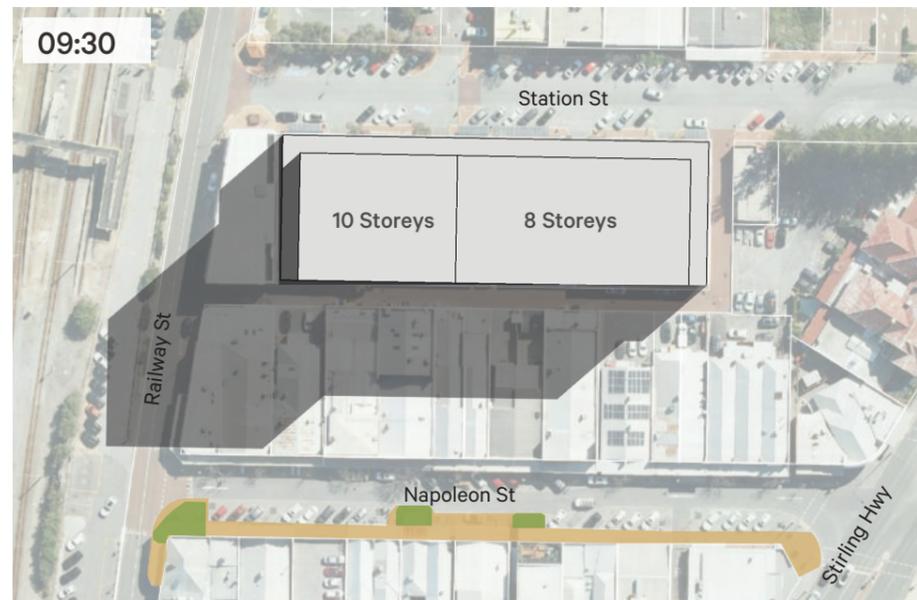
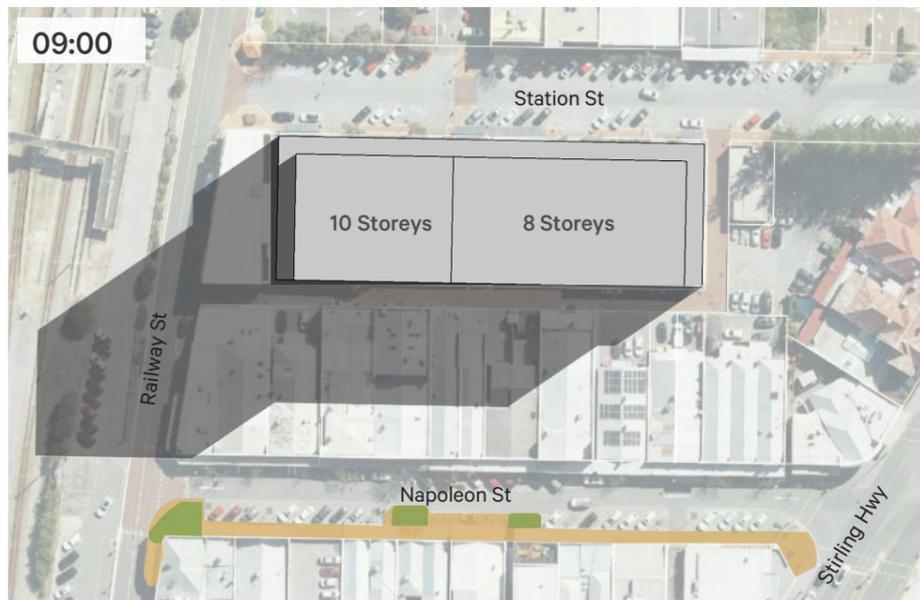
Appendix 2

Built form morning shadow analysis



Concept A - 10 Storeys

- 1 metre rear setback to De-Nardi Lane
- 4 metre front and side tower setbacks



Concept B - 8 Storeys with additional 2 storeys setback from the east

- 1 metre rear setback to De-Nardi Lane
- 4 metre front and side tower setbacks
- 56 metre eastern side setback for levels above 8 storeys

Perth weather averages by month - April

- Avg. temperature 9am: 19°C
- Avg no. rainy days: 4.7

Source: Bureau of Meteorology.gov.au

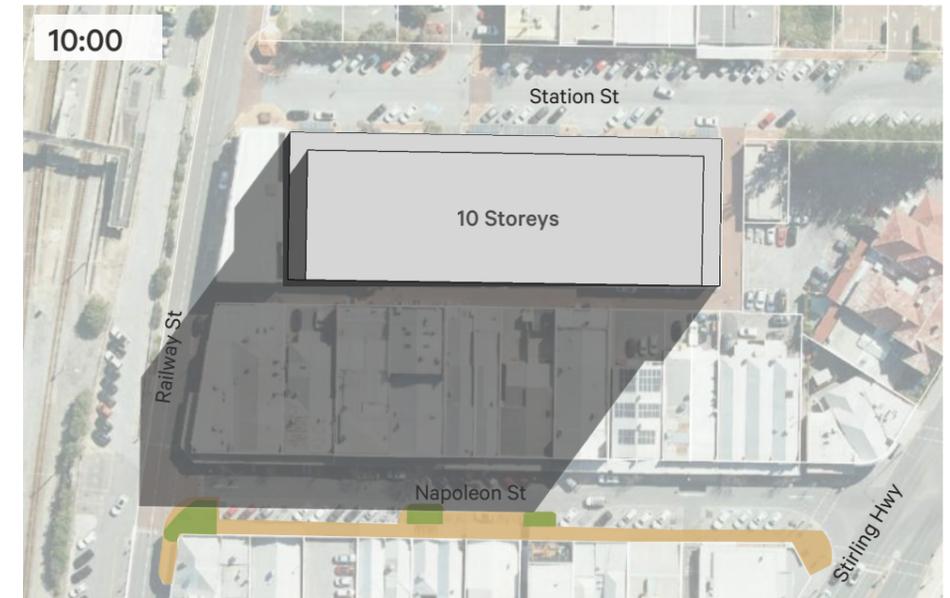
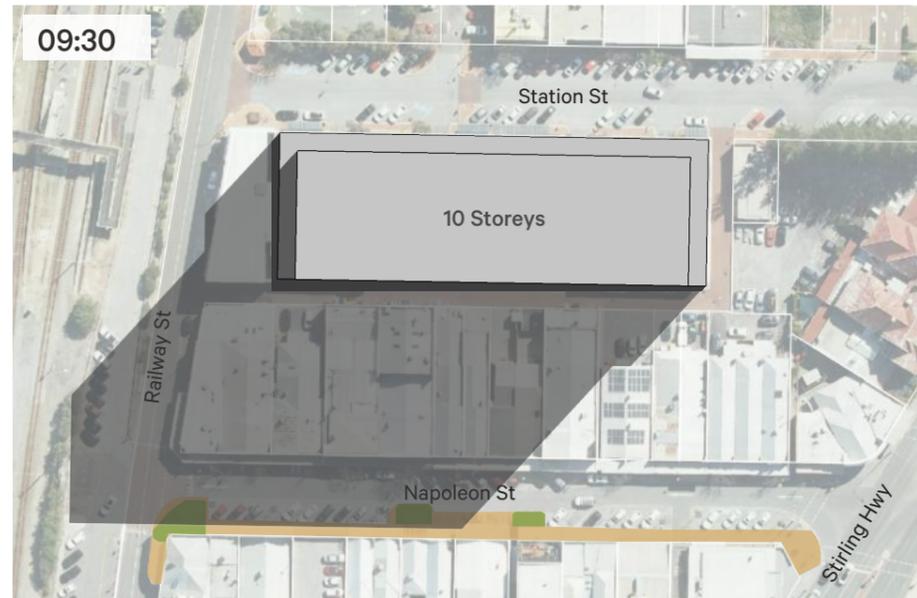
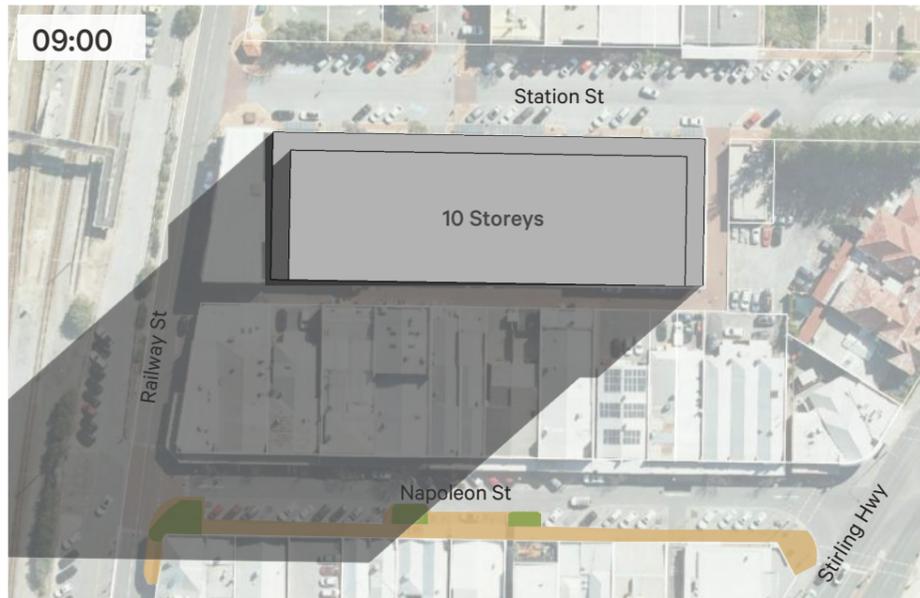
Legend

- Footpath
- Existing parklet
- Overshadowing

Shadow Analysis - April 21

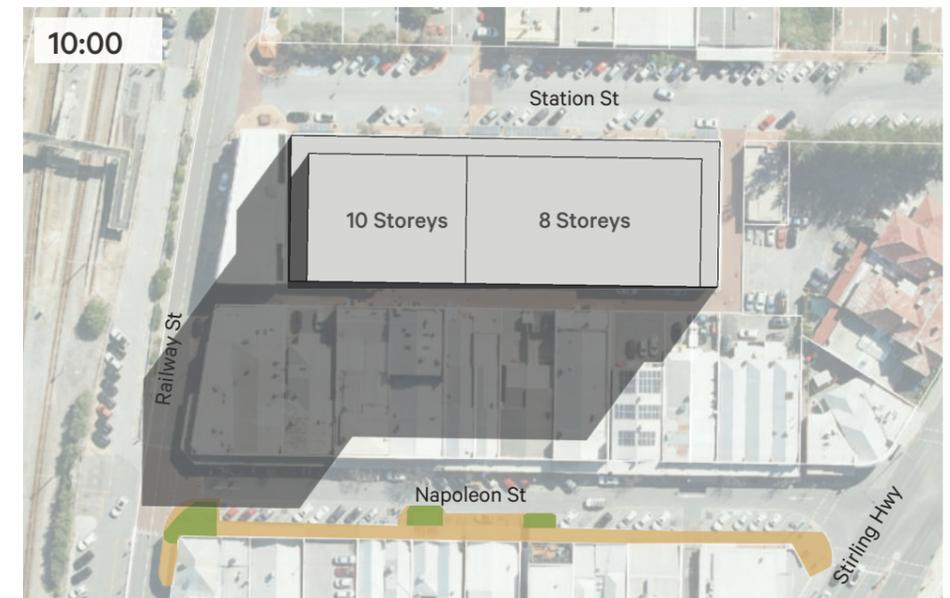
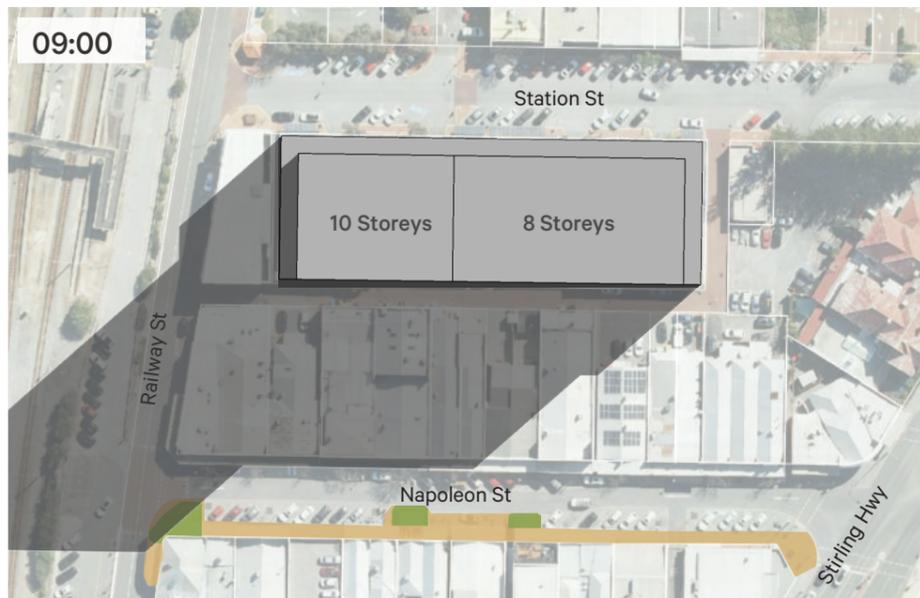
Station Street, Cottesloe





Concept A - 10 Storeys

- 1 metre rear setback to De-Nardi Lane
- 4 metre front and side tower setbacks



Concept B - 8 Storeys with additional 2 storeys setback from the east

- 1 metre rear setback to De-Nardi Lane
- 4 metre front and side tower setbacks
- 56 metre eastern side setback for levels above 8 storeys

Perth weather averages by month - May

- Avg. temperature 9am: 15.8 °C
- Avg no. rainy days: 8.7

Source: Bureau of Meteorology.gov.au

Legend

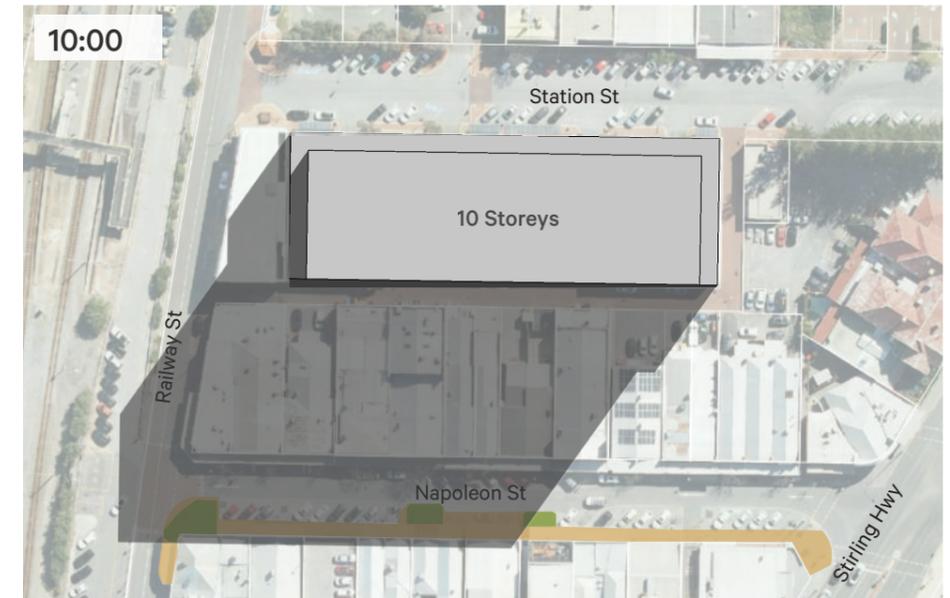
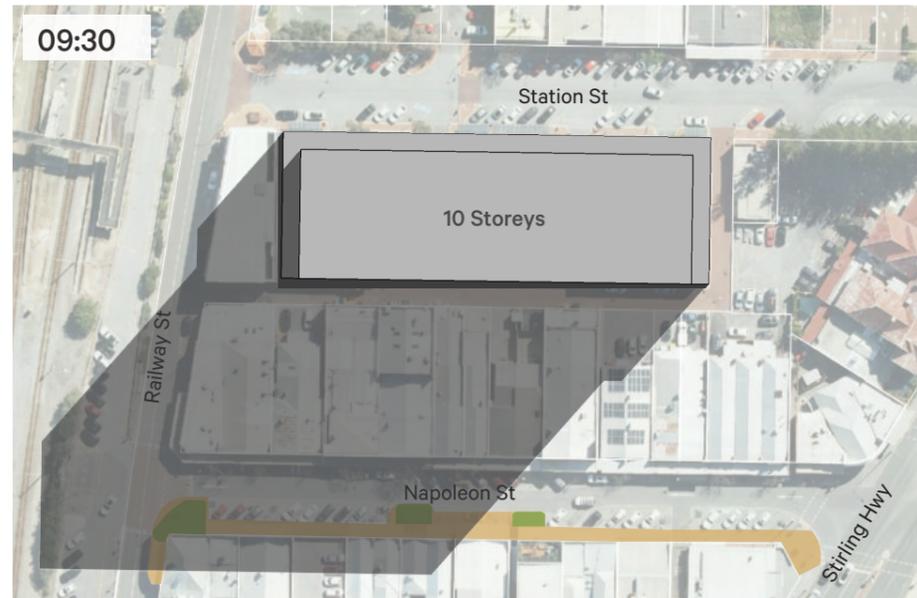
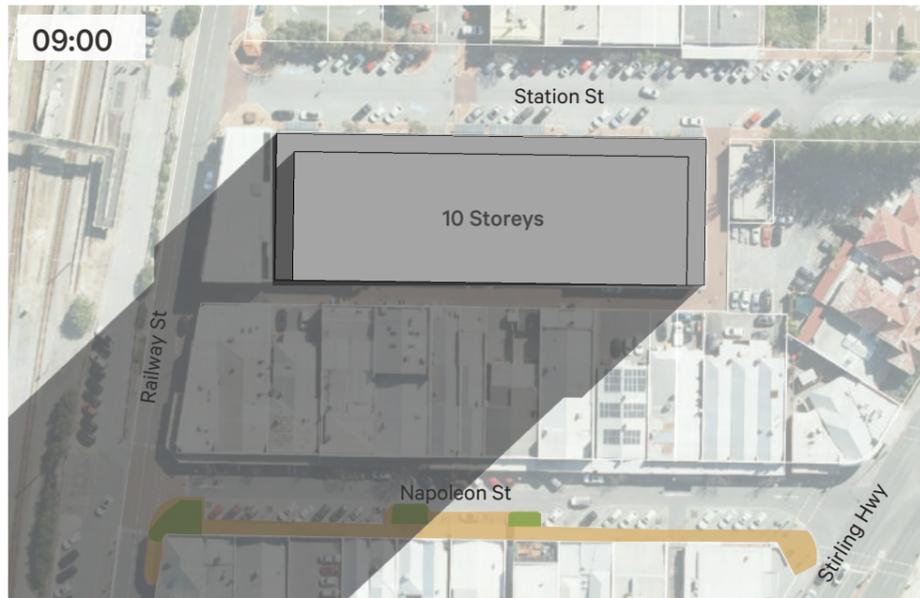
- Footpath
- Existing parklet
- Overshadowing

Shadow Analysis - May 21

Station Street, Cottesloe

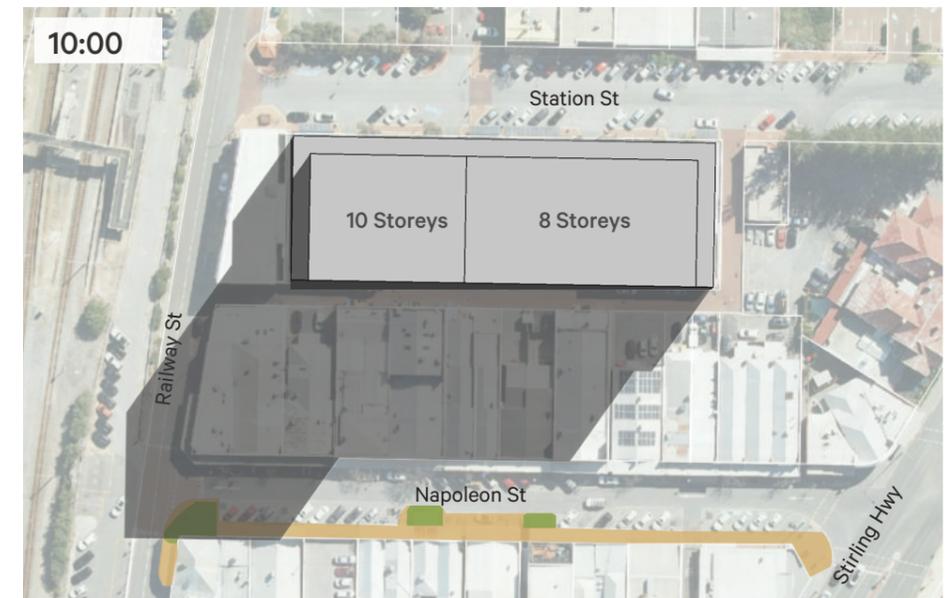
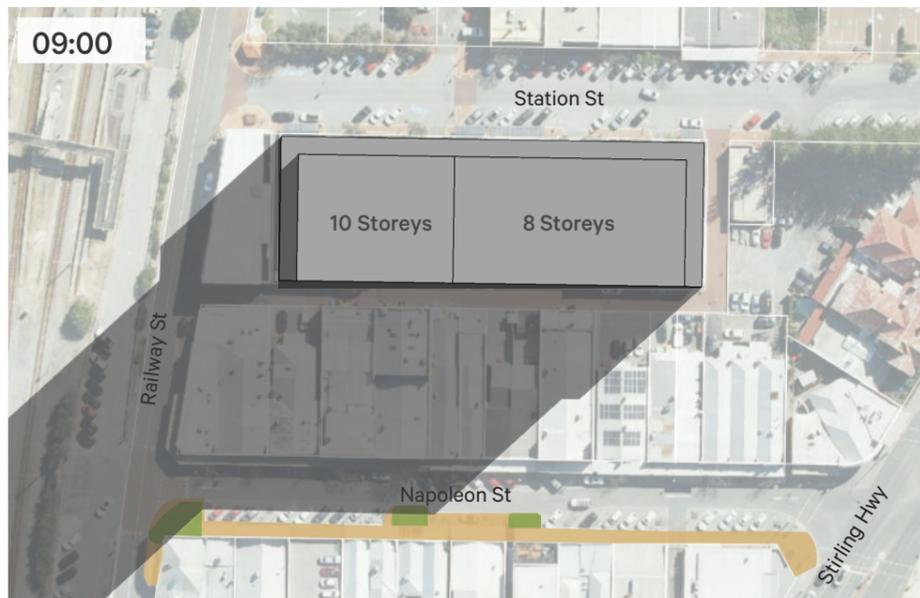


element.



Concept A - 10 Storeys

- 1 metre rear setback to De-Nardi Lane
- 4 metre front and side tower setbacks



Concept B - 8 Storeys with additional 2 storeys setback from the east

- 1 metre rear setback to De-Nardi Lane
- 4 metre front and side tower setbacks
- 56 metre eastern side setback for levels above 8 storeys

Perth weather averages by month - June

- Avg. temperature 9am: 12.8 °C
- Avg no. rainy days: 11.8

Source: Bureau of Meteorology.gov.au

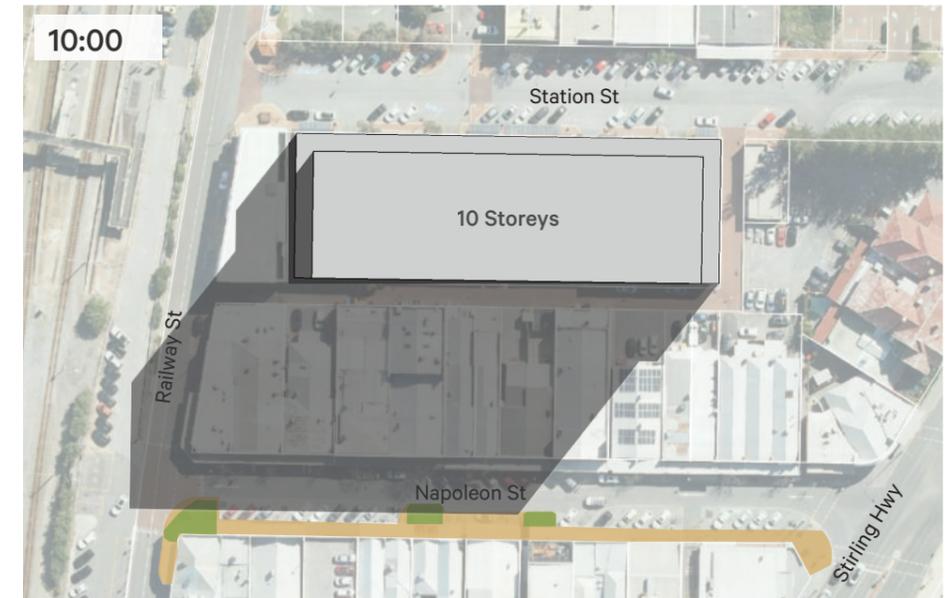
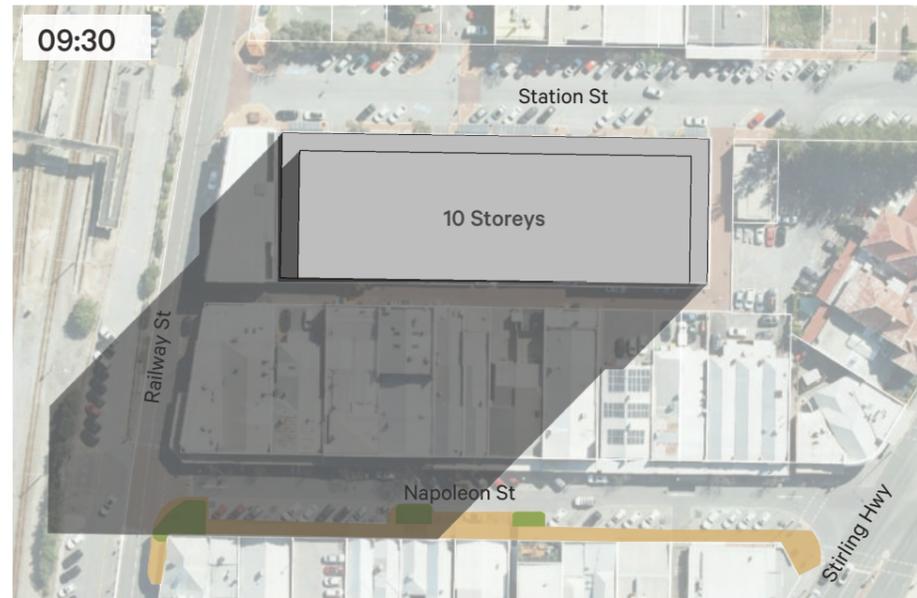
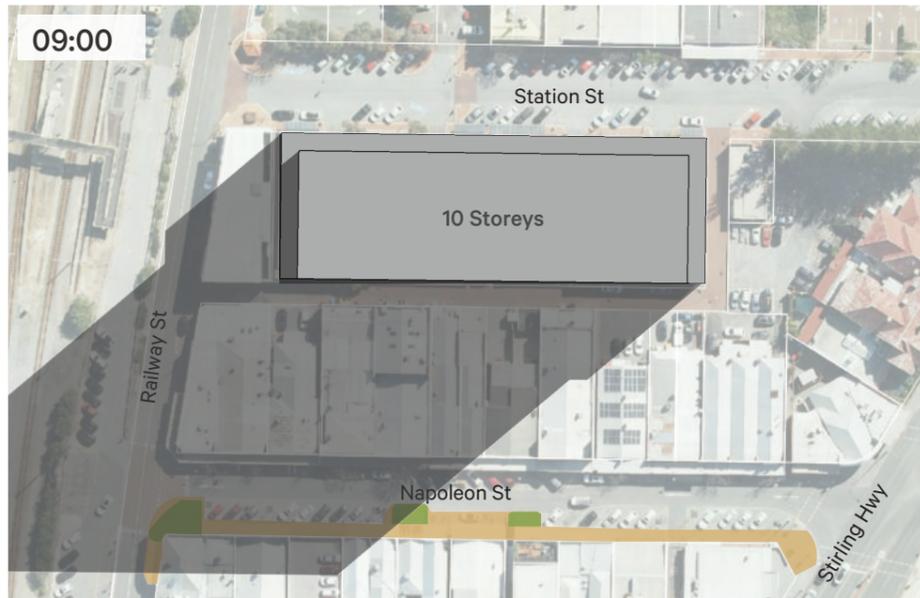
Legend

- Footpath
- Existing parklet
- Overshadowing

Shadow Analysis - June 21

Station Street, Cottesloe





Concept A - 10 Storeys

- 1 metre rear setback to De-Nardi Lane
- 4 metre front and side tower setbacks



Concept B - 8 Storeys with additional 2 storeys setback from the east

- 1 metre rear setback to De-Nardi Lane
- 4 metre front and side tower setbacks
- 56 metre eastern side setback for levels above 8 storeys

Perth weather averages by month - July

- Avg. temperature 9am: 11.9 °C
- Avg no. rainy days: 14.4

Source: Bureau of Meteorology.gov.au

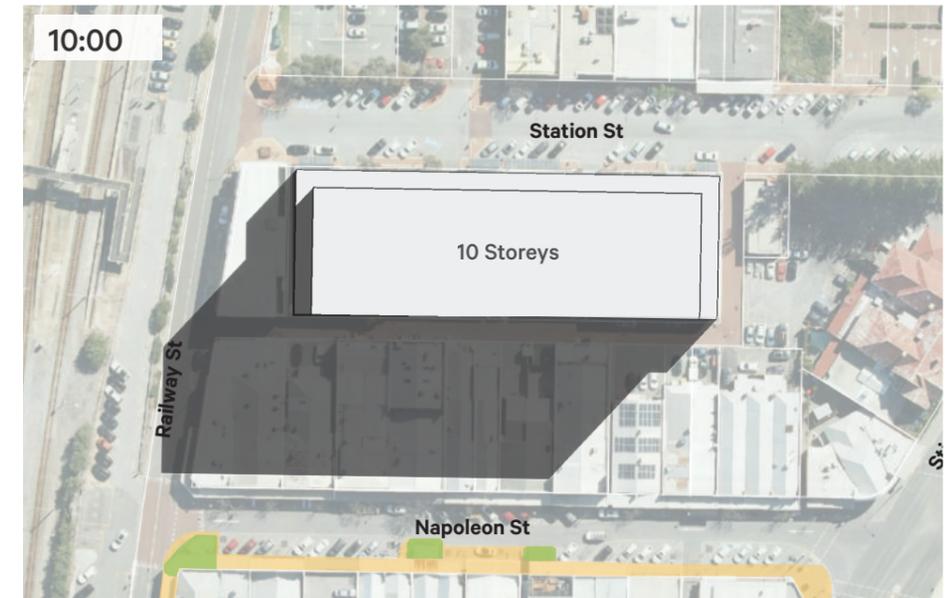
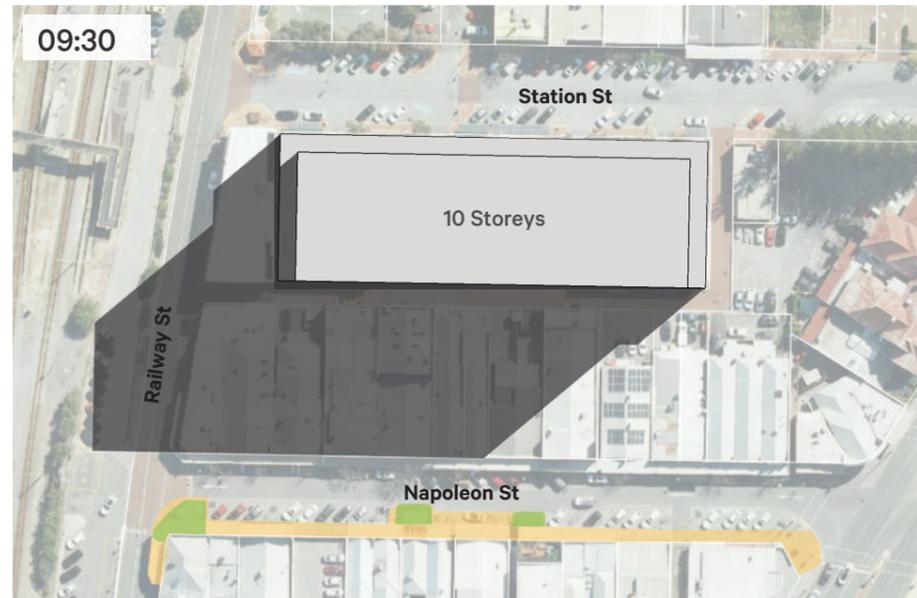
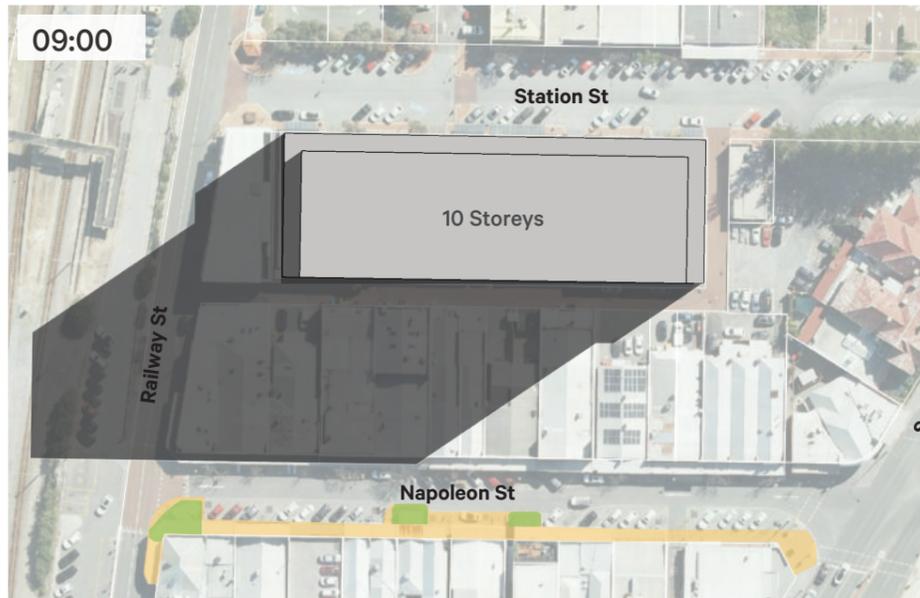
Legend

- Footpath
- Existing parklet
- Overshadowing

Shadow Analysis - July 21

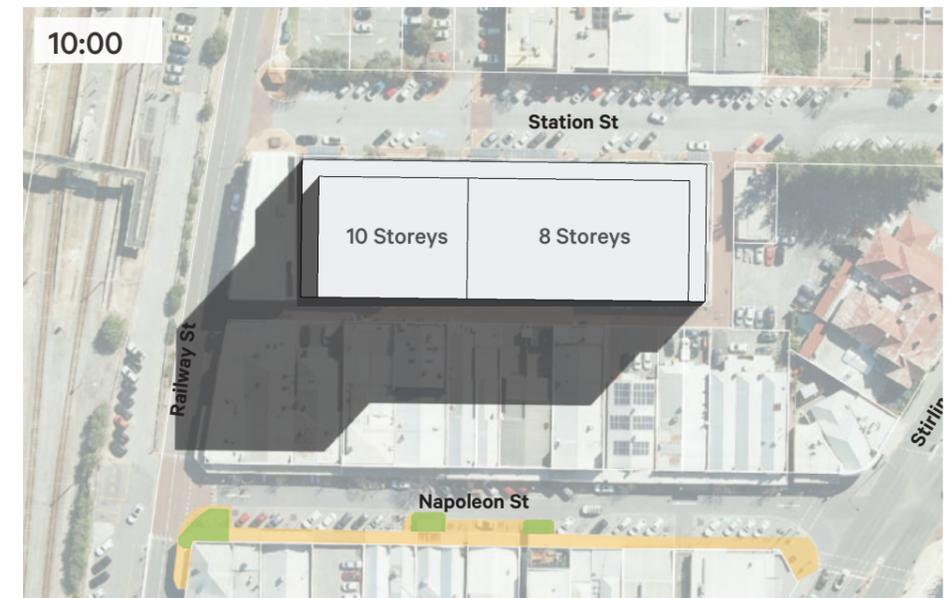
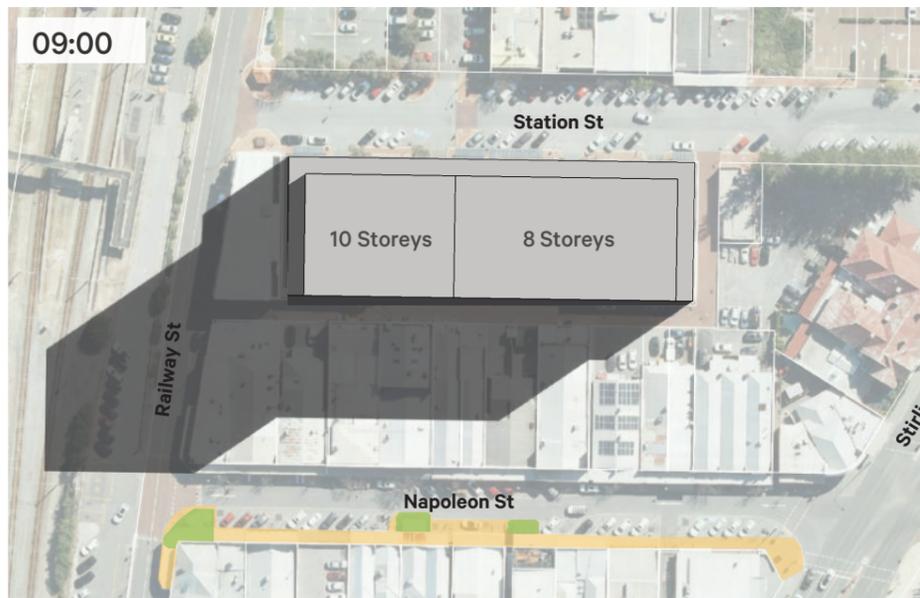
Station Street, Cottesloe





Concept A - 10 Storeys

- 1 metre rear setback to De-Nardi Lane
- 4 metre front and side tower setbacks



Concept B - 8 Storeys with additional 2 storeys setback from the east

- 1 metre rear setback to De-Nardi Lane
- 4 metre front and side tower setbacks
- 56 metre eastern side setback for levels above 8 storeys

Perth weather averages by month - August

- Avg. temperature 9am: 17.7°C
- Avg no. rainy days: 13

Source: Bureau of Meteorology.gov.au

Legend

- Footpath
- Existing parklet
- Overshadowing

Shadow Analysis - August 21

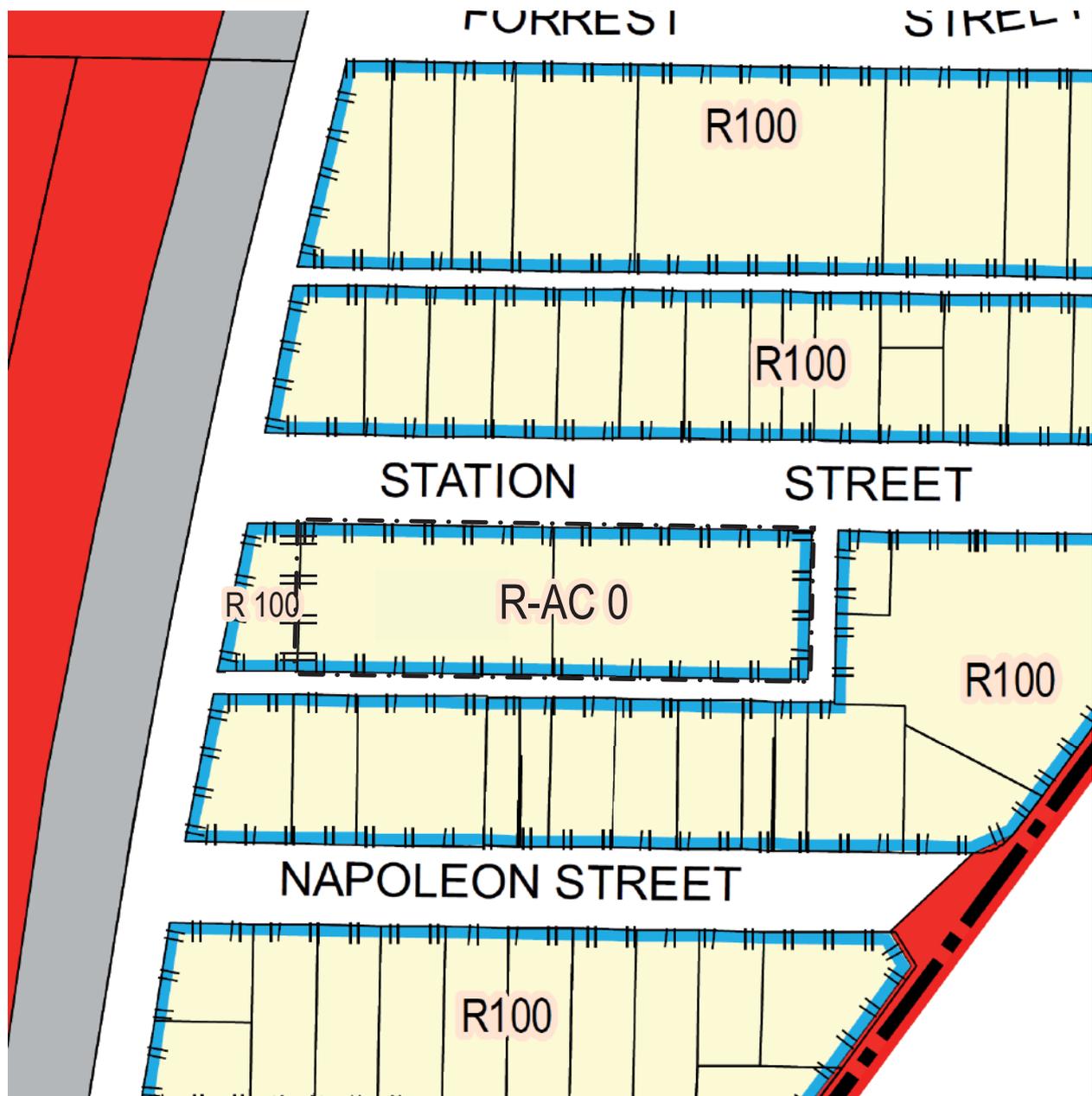
Station Street, Cottesloe



Planning and Development Act 2005 (as amended)
RESOLUTION TO AMEND LOCAL PLANNING SCHEME
 Town of Cottesloe Local Planning Scheme No. 3
 Amendment No. 12

The Town of Cottesloe under and by virtue of the powers conferred upon it by the *Planning and Development Act 2005* hereby amends the above local planning scheme by:

1. Amending the Residential Density Code applicable to No. 7 and 11 (Lots 50 and 35) Station Street on Map 1 from 'R100' to 'R-ACO' in accordance with the updated map below.



source: WAPC

2. Amending 'Table 2 – Development Requirements' by adding a new clause c) under the 'Town Centre' zone that reads in accordance with the below table, and renumbering the existing clause c) to d) accordingly.

ZONE	MAXIMUM PLOT RATIO	MAXIMUM SITE COVER	MINIMUM BOUNDARY SETBACKS	MAXIMUM HEIGHT (Refer clause 5.7.)
TOWN CENTRE c) No. 7 and 11 (Lots 50 and 35) Station Street.	Not applicable.	Not applicable.	In accordance with No. 4 in Schedule 12 – Special Provisions and Schedule 16 – Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street.	In accordance with No. 4 in Schedule 12 – Special Provisions and Schedule 16 – Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street.

3. Amending 'Schedule 12 – Special Provisions' to include a new line item No. 4 that reads in accordance with the below table.

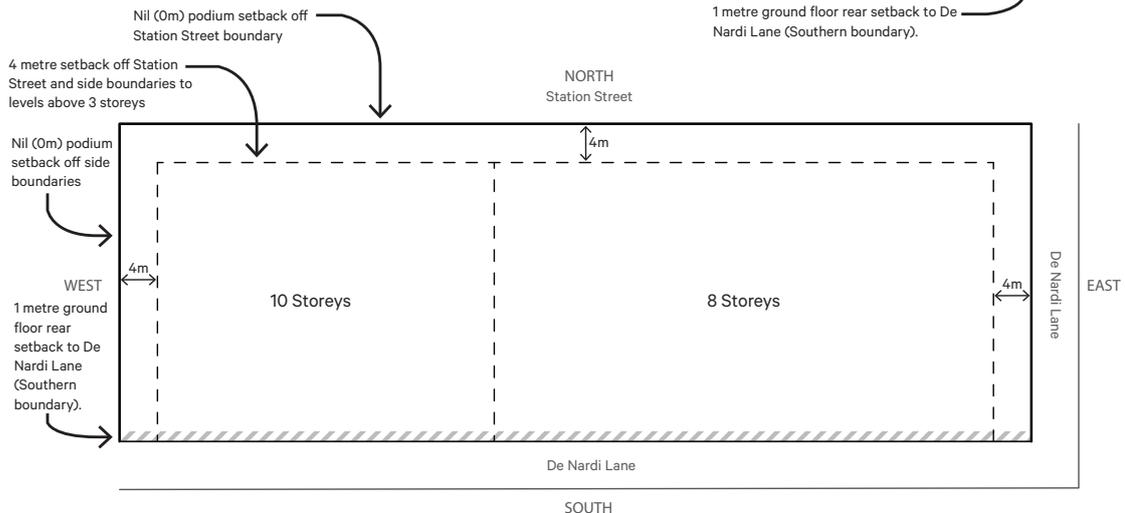
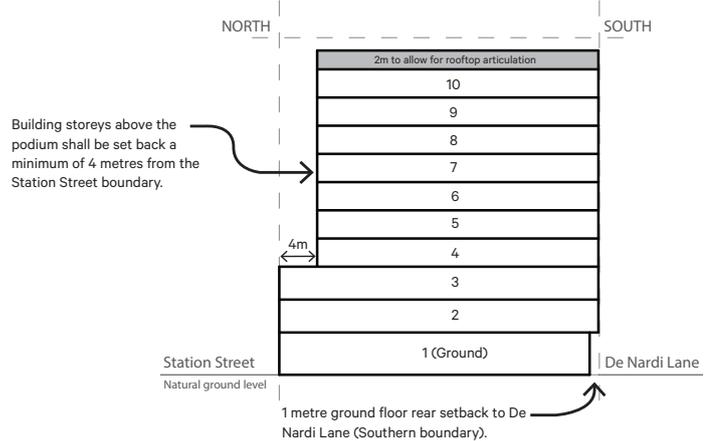
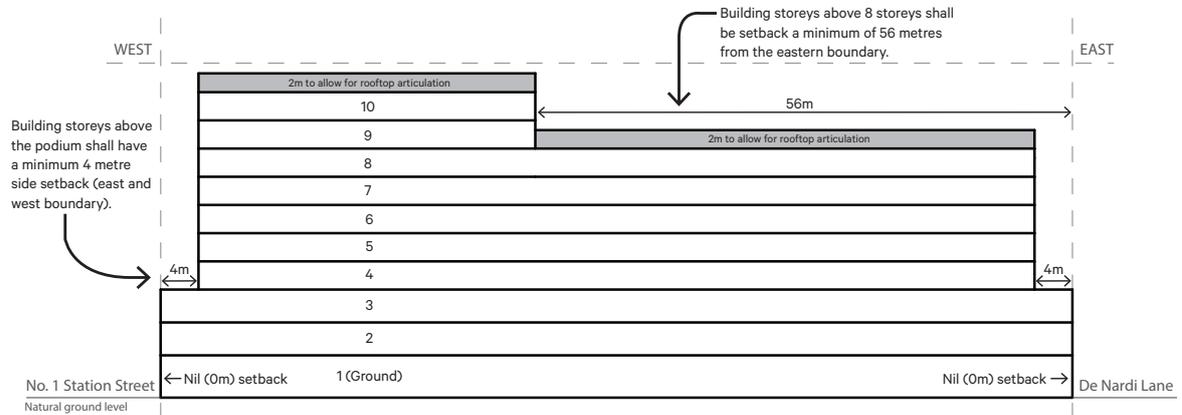
No.	Description of land	Land use	Special Provisions
4	No. 7 and 11 (Lots 50 and 35) Station Street.	Residential; office; shop and other purposes as permissible in the Town Centre zone.	<ol style="list-style-type: none"> 1. Development (including changes of use) applications shall generally comply with the Building Design Control Diagrams located in Schedule 16. 2. State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments shall apply to the residential component of any redevelopment in accordance with the R-ACO coding, except for Parts 2.2, 2.3, 2.4 and 2.5. 3. No residential uses are permitted on the ground floor. 4. A Local Development Plan shall be prepared for the relevant lots prior to redevelopment in accordance with Schedule 2, Part 6 of the Deemed Provisions.

4. Introducing a new Schedule 16 titled 'Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street' that includes the following building control diagrams.

Schedule 16 - Building Control Diagrams for No. 7 and 11 (Lots 50 and 35) Station Street

The diagrams below define the maximum building envelope. Building height shall be determined as follows:

- Ground floor (1 storey) - minimum floor to ceiling height of 4.5 metres.
- Podium (3 storeys) - maximum building height of 11.5 metres
- Building height (8 storey portion) - maximum building height of 26.5 metres with an additional 2 metres for rooftop articulation and structures (28.5 metres).
- Building height (10 storey portion) - maximum building height of 32.5 metres with an additional 2 metres for rooftop articulation and structures (34.5 metres).



Dated this ____ day of _____ 20__

Chief Executive Officer

ADOPTION PAGE

Town of Cottesloe Local Planning Scheme No. 3 Amendment No. 12

Adopted for Advertising

Adopted for advertising of Amendment No. 12 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 _____ day of _____ 20_____.

Mayor

Chief Executive Officer

Adopted for Final Approval

Adopted for final approval by resolution of the Town of Cottesloe at its Ordinary Meeting of the Council held on the _____ day of _____ 20____; and the Common Seal of the Town of Cottesloe was here unto affixed by the authority of a resolution of the Council in the presence of:

Mayor

Chief Executive Officer

Submitted for Final Approval



----- date: -----
Delegated under Section 16 of the
Planning and Development Act 2005

Final Approval Granted

----- date: -----
Minister for Planning

element.

the art and science of place

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elementwa.com.au