

TOWN OF COTTESLOE



FULL COUNCIL MEETING MINUTES

**SPECIAL MEETING OF COUNCIL
HELD FOR THE PURPOSES OF DEALING WITH MINUTES OF THE
STRATEGIC PLANNING COMMITTEE HELD 2 AND 19 AUGUST 2004
AND TO DEAL WITH ANY RECOMMENDATIONS ARISING OUT OF THE
MEETING OF THAT COMMITTEE HELD 6 SEPTEMBER 2004.
THIS SPECIAL MEETING OF COUNCIL WILL BE HELD IN THE
COUNCIL CHAMBER, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
9.00 PM, MONDAY, 06 SEPTEMBER, 2004**

STEPHEN TINDALE
CHIEF EXECUTIVE OFFICER

7 September, 2004

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Mayor announced the meeting opened at 9:15pm.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**Elected Members**

Mayor Robert Rowell (Chairperson)
Cr Daniel Cunningham
Cr Arthur Furlong
Cr Peter Jeanes
Cr Bryan Miller
Cr Kevin Morgan
Cr William Robertson
Cr Anthony Sheppard
Cr Victor Strzina
Cr John Utting

Officers

Mr Stephen Tindale	Chief Executive Officer
Mr Stephen Sullivan	Manager Development Services
Ms Ruth Levett	Principal Environmental Health Officer
Mr Daniel Heymans	Planning Officer
Ms Georgina Cooper	Planning Services Secretary

Apologies

Nil.

Leave of Absence (previously approved)

Nil.

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME**Mr Brian Kent, 5C Overton Gardens**

Proposed zoning will accommodate taverns and nightclubs in the area and could have a profound effect on the locals. Requested that Council incorporate a policy to prohibit further development of taverns and nightclubs. The reaction to the application for a tavern at Tropicana's is a good indication that this is not what the community wants.

Mr Michael Huston – PO Box 400

Mr Huston advised that he had a number of questions that he sought answers on and Mayor Rowell stated that they will be taken as Questions on Notice.

Mr Huston asked the following questions:

- (1) How can Council accept the Committee Recommendations in each of the reports in the agenda when many are in direct conflict with each other:
e.g. Item 2.1.2 – recommendation to change from R50 to R60 the lots not fronting onto Marine Parade that are already R50 contradicts the recommendation Item 3.1.5 be changed from Foreshore Centre Zone to Residential which will take away many development rights contrary to what is stated in the top paragraph.
- (2) Item 1.1 page 2, paragraph 3 of agenda:
Was the Draft Town Planning Scheme No. 3 and Design Guidelines mentioned therein released for community comment? If so when? Is the Town Planning Scheme No. 3 and Design Guidelines now available for public release?
- (3) Item 1.1 page 3, paragraph 2 of agenda:
Why does Council consider to undertake precinct based community consultation in November and December as this is the busiest time of the year? Will Council have a follow up community consultation for further changes to the draft Town Planning Scheme No. 3 before submitting it to the Western Australian Planning Commission?
- (4) In preparing the recommendations were the guiding principles that of 'walkable suburb' and of 'work, shop and business at ground floor, play in front, live above or behind'?
- (5) Bearing in mind the above guiding principles has Council given proper consideration to rezoning with higher density coding of selected corner lots and/or those with sufficiently wide rear right of way access?
- (6) Has any study been undertaken of the likely development pressures the proposed Town Planning Scheme No. 3 will have? If not will such an assessment be undertaken and released for public information and comment?
- (7) Request Council not to permit building heights greater than 2 to 3 storey along the side streets of Marine Parade and no height on the site to be above 3 storey measured at the highest point of Gadson Street.

Mayor Rowell stated that the questions would be taken as Questions on Notice.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

7 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

8 REPORTS OF COMMITTEES AND OFFICERS

Cr Sheppard congratulated staff on their hard work.

8.1 TOWN PLANNING SCHEME - OVERVIEW

File No: D 2.5.2
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 25 August, 2004
Senior Officer: Mr Stephen Tindale

SUMMARY

The purpose of this report is to provide an overview of the purpose of a Town Planning Scheme, to briefly outline the review process undertaken to date, and to put some of the matters presented in following reports in some context. No decision is required.

BACKGROUND

The Town of Cottesloe commenced a review of Town Planning Scheme No. 2 in 1994. It was reported that a review of the Town Planning Scheme was required and a consultation process was commenced. As a result of the initial consultation, a consultant was engaged to undertake further community consultation on a precinct basis. Community leaders were elected to assist with the process and the results of the surveys from this period are contained within the current Draft Local Planning Strategy. Consultants, Chaffer Planning Consultants, were later engaged to continue with the review and prepare a Draft Town Planning Scheme.

The process involved assessment of demographics, review of densities and zones, environment, transport, retail and commerce, community facilities and recreation. A Town Planning Review Committee was formed to consider issues as necessary. A Local Planning Strategy was drafted and released for community comment and as a result, Draft Town Planning Scheme No. 3 (TPS3) and Design Guidelines were prepared.

Amendment 31 was also proposed to reduce residential densities in a significant portion of the district and to increase densities in some smaller areas. A draft Local Housing Strategy was prepared as a result of this proposal. Heritage was reviewed by consultants and it was recommended that heritage areas be established.

The review was completed in 2002 and since that time further assessment of the Scheme Text has been undertaken by the Manager, Development Services and Council's legal representative. Costs associated with the Scheme review up to 30 June, 2004 are in the vicinity of \$300,000.00.

The assessment of Draft Town planning Scheme No. 3 has not been completed and Council has since resolved in June, 2004 to implement Draft TPS3 following further assessment of a number of matters. As stated in item 14.1.4 of the August, 2004 Council agenda, details of further assessment and documentation with anticipated costs will be prepared following Council's resolution of Strategic Planning matters.

CONSULTATION

Nil

STAFF COMMENT

The primary objectives of the Draft Town Planning Scheme No. 3 are to:

- a) provide development controls that will deliver the best planning outcomes for the majority of the community;
- b) provide a mechanism for consistent planning decisions based on sound principles;
- c) minimise the potential for decisions to be challenged in the Planning Tribunal and the courts;
- d) reduce the need to obtain legal advice to interpret the scheme provisions;
- e) reduce ambiguity and provide certainty to property owners; and
- f) provide clear direction to builders, architects and developers.

Council has undertaken some initial community consultation when it commenced the TPS review in 1994, again in 1997 and more recently in relation to the Beachfront Objectives and Strategic Planning process in 2004. However, there will be considerable opportunity for the community to provide comments on the first and subsequent drafts of TPS3. Precinct based community consultation is proposed to be undertaken in November and December, 2004. Comments will be assessed and put to Council for consideration. Where necessary, the draft documents will be amended before being adopted by Council and forwarded to the WAPC. The scheme will be assessed by WAPC and if supported, Council will be required to formally advertise the scheme, giving the community further opportunity to comment. Community comment is required to be made available to the WAPC.

The purpose of a Town Planning Scheme is to establish a means of legal control that determines how development will occur, what can be built and the appropriate use of land in the district. Careful consideration of the critical aspects of a scheme during the review phase will ensure that the majority of decisions will achieve the best possible outcomes for the community.

A Town Planning Scheme consists of a Local Planning Strategy, a Scheme Text and a Scheme Map. The Local Planning Strategy is not a statutory document but underpins the Scheme Text. It sets the long term strategic direction and is based on the results of community consultation, demographics of the area, assessment of transport, parking, environment, retail and commerce, community facilities, recreation facilities and any other significant issues. The Local Planning Strategy provides the rationale for zones and reserves and all the statutory provisions contained in a scheme.

The Scheme Text is based on the Model Scheme Text and contains statutory provisions for zones and reserves, development requirements, special control areas, heritage and administrative matters such as the planning application and approval procedures, enforcement and administration. A number of schedules are standard to the scheme and cover matters such as definitions, additional uses, restricted uses, advertisements and forms of application.

The Scheme Map reflects the residential densities, zones or land uses, land reserved for public purposes such as education, recreation, and transport, and area boundaries. The map is required to be prepared in the format set out by the WAPC.

Additional supporting documents can include:

- Planning policies;
- Design guidelines;
- Structure plans; and
- Contribution schemes;

Many of the recommendations made as a result of the past review process have either not been completed or have not been adopted and in most cases are required to be reviewed or reassessed to reflect the Local planning Strategy and policy requirements.

Council recently resolved to implement Draft Town Planning Scheme No. 3 and staff have conducted further assessment of areas identified as incomplete, for consideration and incorporation into the Draft Scheme. These are the matters outlined in the following reports; heritage, densities and zones and reserves.

POLICY IMPLICATIONS

N/A

STRATEGIC IMPLICATIONS

The Strategic Plan 2000 – 2010, District Development, states the following objectives:

- Town Planning Scheme - Finalise new TPS to incorporate all major strategies in relation to heritage, sustainability, densities and redevelopment.
- Strategic Action Plan, Strategy 3.1 of Goal 3:
- Environmental Management – Progress Town Planning Scheme No. 3.

FINANCIAL IMPLICATIONS

N/A

VOTING

Simple Majority

8.1 OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Furlong

That Council receive the information.

Carried 11/0

8.2 EFFECT OF DEVELOPMENT PROPOSALS ON THE AMENITY OF ADJOINING PROPERTIES

File No: D2.4
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 27 July, 2004
Senior Officer: Mr Alan Lamb

SUMMARY

The issue of the impact of development proposals on the amenity of adjoining properties has been raised and how it is to be addressed under the draft Town Planning Scheme.

This matter relates to the framework that Council has to work within and how Council and staff exercise the discretion within that framework. Currently, this is set out in the Town Planning Scheme text and the Residential Design Codes.

The draft Town Planning Scheme is to be reviewed by the community during the formal consultation process. It is expected that any issues or deficiencies will be raised during that process and any other consultation process Council undertakes.

Should it be established following the gazettal of the draft Town Planning Scheme that there are deficiencies, Council can address those problems through amendments to the Town Planning Scheme or the introduction of Local Planning Policies. Therefore, it is recommended that a mini review be carried out 12 months after the gazettal of the draft Town Planning Scheme.

If there are matters that need to be addressed under the existing Town Planning Scheme, then those issues should be identified and either special conditions be formulated or Town Planning Scheme Policies be prepared.

CONSULTATION

N/A.

BACKGROUND

It is important to consider the changes that have occurred relating to the residential development controls that have been established by the State Government, which apply throughout the state.

Previous Framework

The No. 2 Town Planning Scheme text has remained relatively unchanged since the early 1990s. There were a number of amendments carried out within the first three years of the life of that Town Planning Scheme to address certain matters, including building setbacks, errors within the document, etc.

The Scheme text covers certain matters relating to residential development such as zone objectives, building heights, retaining walls, privacy. Clause 5.1.2 of the Town Planning Scheme text, which is headed Amenity, places an obligation on Council to

consider twelve matters when dealing with any development application. It allows Council to consider and impose a higher development standard if the circumstances of the development application warrant that higher standard.

Prior to October 2002, Council was required to use the Residential Planning Codes. The Residential Planning Codes set out the development standards for residential development which Council (and other Local Authorities) were required to use in the assessment of residential development and its impact on the adjoining property/ies). The amenity clause within these Codes covered six areas. The matters to be addressed in this clause were almost identical to the first six parts of clause 5.1.2 of the Town Planning Scheme text.

Existing Framework

The current framework for the decision making process is a combination of the current Town Planning Scheme and the new Residential Design Codes (which were gazetted in October 2002).

As a consequence of the review of the Residential Planning Codes, the Residential Design Codes provided a greater focus on amenity issues. This resulted in the creation of higher development standards with particular emphasis on key issues such as streetscape, privacy, overshadowing, building bulk, etc.

For instance, the Codes introduced a design element relating to privacy, as distinct from building setbacks. An assessment of the impact of a proposed window on the privacy of an adjoining property is now required to be carried out. Further, the privacy setback standards under the current Residential Design Codes for major living rooms (6.0m) and balcony areas (7.5m) are greater than the previous standards contained within the Residential Planning Codes (3m to 6.5m).

Overshadowing of an adjoining site was allowed to be 50% under the previous Residential Planning Codes whereas the new Residential Design Codes only permit a maximum of 25% in areas coded R20 and 35% for those areas coded R30.

The current Residential Design Codes allow the applicant to seek Council approval for a reduced standard if it can be demonstrated that the variation is warranted and will not have a significant adversely impact on the adjoining property. However, Council could require a higher standard based on the provision of Clause 5.1.2 of the Town Planning Scheme text, if it was considered warranted in that particular case.

STAFF COMMENT

The future framework will be the draft No. 3 Town Planning Scheme and the Residential Design Codes.

The Residential Design Codes are currently under review and it is not known at this stage, what changes may be made and the likely impact of those changes on the development assessment and decision making process.

The draft No. 3 Town Planning Scheme is required to be based on the Model Scheme Text provisions.

Section 10.2 of the Model Scheme Text is a similar clause to clause 5.1.2 of the existing No. 2 Town Planning Scheme text. This provision requires Council to have due regard to at least twenty seven matters that relate to the type of development proposed, whereas the current Town Planning Scheme text only has twelve matters.

Some of those matters that Council will be required to have due regard to include the:

- impact of the development on the amenity of the locality;
- relationship of the proposal to the development on the adjoining land or other land and the likely effect, including such matters as height, bulk, scale, orientation and appearance of the proposal;
- any comments or submissions received on the application; and
- any other consideration the local government considers relevant.

Appropriateness of Development Standards

There has to be balance in the development standards between allowing a person to develop their site (with a two storey development) and to a reasonable degree, the protection of the amenity of the adjoining property owner(s).

The Residential Design Codes standards have been described as conservative. The question of whether the development standards contained within the Codes are appropriate will lead to much debate. For instance, is the amenity of the adjoining property owner protected by the privacy provisions of the Codes when a development (balcony) has a complying setback of 7.5m or a 6.0m setback for a habitable room (excluding a bedroom)?

In spite of this, and pending the current review of those codes, these are the standards that have been developed and gazetted for use throughout the state.

One of the benefits of the new Codes is that they require the applicant to take into greater consideration the impact that the proposed development will have on the adjoining property. Should the applicant wish to depart from these conservative standards, then they are required to demonstrate to Council's satisfaction that the variation:

- is warranted; and
- is not likely to impact on the amenity of the adjoining property owner(s).

Council Determination on Applications

Council is required to make a determination on the development application before it. When considering its decision, Council can consider:

- the appropriateness of that development;
- the judicial exercise of discretion when variations to the Scheme or Codes are being sought;
- the appropriateness of the conditions to be imposed on the application; or
- if it is a complying development, whether there is a need to use the amenity provisions of Clause 5.1.2 of the current Town Planning Scheme text to address a specific matter.

This will ultimately influence the impact on the amenity of the adjoining property/ies). It is in these areas that Council has the greatest influence in minimising the adverse impact on the amenity of the adjoining property.

CONCLUSION

Prior to its gazettal, the draft Town Planning Scheme will be the subject of a three month formal consultation process, plus any other consultation Council undertakes. It is anticipated that the community may identify issues that need to be addressed in the draft Town Planning Scheme. Failing this, Council can undertake a mini review, say 12 months after the operation of the draft No. 3 Town Planning Scheme. This may identify other issues that can be addressed by way of a Scheme amendment or the review/introduction of new Local Planning Policies.

It is anticipated that the current review of the Residential Design Codes will be completed prior to the gazettal of the current Town Planning Scheme. This will also allow Council time to adjust the draft Town Planning Scheme if necessary.

If there are specific problems that currently exist, Council could consider adopting special conditions of approval or developing a Town Planning Scheme policy to address these problems. In this regard, Councillors are requested to identify and table any deficiencies that they see with the current Town Planning Scheme or Residential Design Codes. These can be reviewed by staff and a report prepared for further consideration by Council.

POLICY IMPLICATIONS

Council may need to revise or develop new Local Planning Policies to address specific issues once the new Town Planning Scheme has been gazetted and is operational.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

OFFICER & COMMITTEE RECOMMENDATION

That Council, within 12 months of the operation of the new Town Planning Scheme, carry out a mini-review to determine whether there is a need to revise or develop new Local Planning Policies to address any deficiencies identified in the review.

AMENDMENT

Moved Cr Utting, seconded Cr Morgan

- (1) That Council, within 12 months of the operation of the new Town Planning Scheme, carry out a mini-review to determine whether there is a need to revise or develop new Local Planning Policies to address any deficiencies identified in the review.
- (2) The amenity clauses be reviewed in order to afford better protection to neighbours whenever a development proposal is made especially the amenity clauses.

Lost 1/10

AMENDMENT

Moved Cr Cunningham, seconded Cr Robertson

- (1) That Council within 12 months of the operation of the new Town Planning Scheme, carry out a mini-review to determine whether there is a need to revise or develop new Local Planning Policies to address any deficiencies identified in the review.
- (2) The administration provide comment in development services reports on the effect of each application of Draft Town Planning Scheme No. 3 so as to assess how well it will function and to determine if obvious amendments are required.

Lost 3/8

AMENDMENT

Moved Cr Walsh, seconded Cr Morgan

That Council within 12 months of the operation of the new Town Planning Scheme, carry out a mini-review to determine whether there is a need to revise or develop new scheme amendments to address any deficiencies identified in the review.

Carried 7/4

8.2 COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Morgan

That Council within 12 months of the operation of the new Town Planning Scheme, carry out a mini-review to determine whether there is a need to revise or develop new scheme amendments to address any deficiencies identified in the review.

Carried 9/2

Note: That Council felt that scheme amendments (rather than Local Planning Policies) afforded better protection and were less open to challenge in an appeal situation.

8.3 TOWN PLANNING SCHEME NO. 3 – RESIDENTIAL DENSITIES

File No: D3.3
Author: Ms Ruth Levett/Mr Daniel Heymans
Author Disclosure of Interest: Nil
Report Date: 22 July, 2004
Senior Officer: Mr Alan Lamb

SUMMARY

The purpose of this report is to determine the most appropriate residential density codes for Cottesloe for inclusion in Draft Town Planning Scheme No. 3.

It is recommended that Council:

- (1) supports the residential density codes outlined on the attached draft map; and requests staff to:
 - (a) prepare a Draft Town Planning Scheme No. 3 Map based on the residential density codes on the attached map;
 - (b) amend Draft Town Planning Scheme No. 3 text to:
 - (i) reflect the proposed density provisions; and
 - (ii) include recommended Town Planning Scheme provisions.
- (2) supports the inclusion of Precincts to define the unique Neighbourhood, Town Centre and Beach character;
- (3) prepare Residential Design Guidelines as required to provide additional development standards;
- (4) provide a further report on Zonings for inclusion in the Draft Town Planning Scheme No. 3 Map for consideration by the Strategic Planning Committee in August, 2004.

STATUTORY ENVIRONMENT

- Town Planning and Development Act 1928
- Town Planning Amendment Regulations 1999 (Model Scheme Text)
- Town Planning Scheme No. 2
- Residential Design Codes (statutory and Statement of Planning Policy)

POLICY IMPLICATIONS

Western Australian Planning Commission policies and guidelines:

- Liveable Neighbourhoods Edition 2, 2000.
- State Planning Strategy
- DC 1.6 Planning to Enhance Public Transport Use
- DC 2.2 Residential Subdivision
- SPP No. 8 State Planning Framework Policy
- PB No. 17 Battleaxe Subdivisions and Pedestrian Accessways
- PB No. 55 Residential Design Codes and Amendment to Residential Subdivision Policy.
- Regional Residential Density Guidelines for the Perth Metropolitan Region

STRATEGIC IMPLICATIONS

The Strategic Plan 2000 – 2010, District Development, states the following objectives:

- Town Planning The Town Planning Scheme provides for
 - the retention of the village character of the district through the use of Heritage and other Precincts
 - the maintenance of open space and appropriate setbacks
 - the integration of complementary and compatible redevelopment
- Precincts Define, enhance and preserve the following precincts: Marine Parade (commercial and residential); Napoleon St and Town Centre; Heritage; Recreational and Residential.
- Town Planning Scheme - Finalise new TPS to incorporate all major strategies in relation to Heritage, sustainability, densities and redevelopment.
- Strategic Action Plan, Strategy 3.1 of Goal 3:
Environmental Management - Progress Town Planning Scheme No. 3:
This strategy will be amended to reflect the Council resolution of June, 2004 to note the timeframe for the implementation of Town Planning Scheme No. 3.

FINANCIAL IMPLICATIONS

It is estimated that the cost of engaging a contractor to complete the report and maps will be in the vicinity of \$1,000. Sufficient funds are available in the current Development Services budget.

BACKGROUND

The draft timeframe for the adoption of Town Planning Scheme No. 3 lists densities as an item that is to be addressed in the first stage of the process. It was resolved to note the draft timeframe at the June, 2004 meeting of Council and to authorise the Chief Executive officer to expend funds to narrow the timeframes.

Town Planning Scheme No. 2 (TPS 2) is the current operative Scheme. In July, 2001, Council resolved to adopt Scheme Amendment No. 31 for the purpose of reducing the residential density for much of the district and increasing the density for two areas. The Scheme Amendment was referred to the Western Australian Planning Commission for consent to advertise. The Commission advised that consent to advertise was withheld as the Amendment was contrary to some of the Commission's policies and that it was more appropriate to be considered at the time of the scheme review.

Draft Town Planning Scheme No. 3 Map currently shows residential densities in accordance with Scheme Amendment No. 31, which was not supported by the Commission, and therefore the current review of densities is based on Town Planning Scheme No. 2.

As part of the review of Town Planning Scheme No. 2, a Draft Local Planning Strategy was finalised in 2002. This entailed research and analysis of community demographics transport and heritage and other matters. This information is still current and will be used as a basis for the proposed residential densities in Cottesloe.

CONSULTATION

Community consultation was undertaken on a precinct basis at the commencement of the review of Town Planning Scheme No. 2. Refer to Attachment 1 for an analysis of the precinct workshops. More recent community consultation has been conducted in the form of community workshops. A summary of submissions resulting from the most recent Strategic Planning Workshops is included in the report and where feedback from consultation impacts on residential densities, further reference is made. Further community consultation will be undertaken as and when required in the process of adopting a new Town Planning Scheme.

STAFF COMMENT

Overview

Being an older established district, parts of Cottesloe were developed prior to the introduction of any planning laws or when Town Planning Schemes were not as sophisticated and the emphasis was not necessarily on the strategic vision. Whilst the early development has provided the character that is unique to Cottesloe, it has also allowed some ad hoc and inconsistent planning to occur and perhaps some development that is not altogether desirable.

As property in the area becomes increasingly valuable and sought after, there will be pressure to develop to achieve maximum returns. Such development is not always in the best interest of the local community and the character of the district and it is important to seek a balance that will not prohibit development potential but where development will enhance the character of the area and provide a benefit to the community. To ensure that future planning decisions are appropriate and in keeping with community expectations, the residential densities that are proposed along with the amendments to the scheme text, are designed to achieve this aim.

Residential density is principally the responsibility of local government and is implemented through the town planning scheme and the subdivisional approval process controlled by the Western Australian Planning Commission (WAPC).

In considering residential densities, the following objectives should be used as a guide to what those densities will achieve:

- preserve the residential character of the area;
- are consistent with the objectives of the Local Planning Strategy;
- ensure that new housing development caters for future housing demand; and
- have regard for the amenity of an area.

Consideration should also be given to the effect on the character of an area that a change in residential density is likely to have. Where increased densities are

proposed, additional scheme provisions and design guidelines are proposed to be prepared in order to retain the existing character.

A review of residential densities requires comprehensive research and analysis of community demographics such as population growth, household composition, age, infrastructure, service provision and consideration of how the amenity of an area will be protected. As stated, this research has been undertaken at the time the Local Planning Strategy was prepared. The following sections have been used in the consideration of proposed residential densities in Cottesloe and the recommended strategies and actions are shown in Attachment 2:

- Population and Housing
- Economy and Employment
- Retail and Commerce
- Transport
- Heritage

A number of documents have been examined and policies and statutes referred to. Refer to Attachment 3 for extracts and summaries of the following documents used in determining the proposed residential densities:

- Housing Density in the Western Suburbs (Ken Adam, 1991)
- Draft Local planning Strategy 1998 (Sheryl Chaffer, 1998)
- Current Density Codes (Sheryl Chaffer, 1998/2002)
- Statutory Framework (Ruth Levett, 2004)
- State Planning Policies and Strategies (Sheryl Chaffer, 1998)

Residential density is one of the most critical issues to consider in the review of a town planning scheme and it is important to understand the basis of decisions to vary existing densities.

For example an R-Code of R20 applied to a residential lot generally indicates that a site area of 500m² is required per dwelling, that is, the density indicates there are 20 dwelling units permitted per hectare (10,000m²). This and other codes are a guide and not to be used to calculate lot size in isolation of other requirements. Other factors such as setbacks, frontages and open space, outlined in the Residential Density Codes, must also be applied as part of the development control. Higher density codes are subject to plot ratio or floor area control which is a means of controlling building bulk.

The R-Codes are not applied to sites zoned solely for commercial purposes, however they are applied for mixed use sites where residential development is permitted.

A higher density R-Code does not necessarily represent an increase in height of a building. Whilst it can require an additional storey being added to achieve the density, a proposed development is not permitted to exceed a height restriction imposed in the Town Planning Scheme. It is not proposed to amend the existing height restrictions, however additional height restrictions may be required for areas that currently do not have height restrictions.

The following Table provides a more detailed explanation of the R-Codes, and is a summary of the residential codes:

Table 1: R-Code Site Area Requirements

Density Level	R Code	Single house or grouped dwelling Minimum Site Area (m2)	Average Site Area (m2)	Multiple dwelling Minimum site area (m2)	Minimum Frontage (m)	Minimum Setbacks Primary Street (m)
Low	15	580	666	N/A	12	6
	17.5	500	571		12	6
	20	440	500		10	6
	25	320	350		8	6
Medium	30	270	300		-	4
	35	235	260	285	-	4
	40	200	220	250	-	4
	50	160	180	200	-	4
	60	160	180	166	-	4
High	80	160	180	125	-	*
	100	160	180	100	-	*
	160	160	180	62.5	-	*
	I-C	110		125	-	*

* Additional Reference to other tables required
Source: WAPC Residential Design Codes

A number of sites and areas require a more critical evaluation and it is recommended that these be included in the report on zonings for consideration of the Strategic Planning Committee in August, 2004 or, in the case of the Town Centre, as a separate study as already agreed by Council. They include:

- Marine Parade Beachfront, from Forrest Street to Grant Street;
- Ocean Beach Hotel Site;
- Deaf School Site;
- Wearne Site;
- Council Depot;
- Swanbourne Village;
- Eric Street Shopping Centre.

The current draft of Town Planning Scheme No.3 permits existing multiple dwellings that exceed the density code on the Scheme Map to be redeveloped at a density higher than the Scheme Map. Whilst this may enable redevelopment of some older buildings where currently refurbishment is the only option to retain the development density, it does not adequately restrict the height or redevelopment to the existing configuration of units. It is recommended that this clause be reviewed to provide definitive development control over these properties.

The areas where it was proposed to reduce density codes in Amendment 31 included those areas previously identified as Heritage Areas. Council resolved in July, 2004 to carry out further work in assessing and developing heritage/character areas. It is recommended that this work include additional assessment of lot sizes and density codes to determine if a reduction in density is required in order to provide development control that will protect the character of the areas.

The variety of housing types and character of areas within Cottesloe lends itself to Precinct planning where each area can be considered according to its demographics and its individual focus. Initial community consultation was conducted on a precinct basis and the objectives of the Strategic Plan are to enhance and preserve precincts. It is therefore recommended that precincts be supported as a means of preserving the individual character of each area and developing objectives and development standards that are relevant to the individual areas.

Public Submissions

The Town of Cottesloe engaged two consultants to undertake two Strategic Planning Workshops in early 2004. The first workshop was broken into a number of exercises as outlined below:

- Visioning exercise which sought to identify Cottesloe in the future;
- Identifying external pressures;
- Identifying urban components that contribute to the ongoing development of Cottesloe;
- Identifying places and areas that contributed to the character of Cottesloe;
- Identifying place based opportunities;
- Exploring Options for future development;

Once the workshop was completed the consultants then developed a number of diagrams and maps highlighting the outcomes of workshop 1.

Workshop 2 built upon the outcomes of workshop 1. This included the following:

- Reviewing the original outcomes;
- Interpretation of the outcomes;
- Further development of the urban components through the use of photos; and
- Development of a Concept Structure Plan for public comment.

This concept plan together with a background on the findings of the workshops and a questionnaire was mailed to all ratepayers and residents.

Responses to Questionnaire

Council received a total of 475 responses to the questionnaire. The questionnaire was structured in a way that it did not provide any specific answers or guidance in relation to density. The questions were all open questions and many asked very broad questions. Therefore the responses received have varied widely and it is difficult to draw any strong conclusions from these. In addition the community had also recently participated in two other major consultation processes, namely the Multiplex draft proposal and the Beachfront objectives.

All of these consultation processes had somewhat confused the community and a large percentage of submissions on this structure plan were still commenting on the Multiplex and Beachfront proposals, even though these were not directly a part of this process.

Notwithstanding this, it is possible to draw broad conclusions in relation to densities, from the submissions Council received from 2 of the questions.

Question No. 3

What types of buildings, activities and lifestyles are currently missing or under-represented in Cottesloe at present?

The following table identifies the results from these questions

Question 3				
Category of responses	More Apt's	Smaller blocks	Mixed Use	
No. of Respondents	20	23	10	
% of Respondents	4%	5%	2%	

**Note: Other answers to this question did not relate to densities.*

Question 6

Which areas in Cottesloe do you feel are either capable of supporting more development, or should be granted development concessions to achieve a more desirable form of building?

Question 6					
Category of responses	Rail Land	No Areas	Others	Town Centre	Beach Front Area
No. of Respondents	132	113	113	89	80
% of Respondents	28%	24%	23%	19%	17%

**Note: Many respondents gave multiple answers including people who answered no areas and some did not provide any comments.*

The results from question 3 highlighted above are inconclusive as the question did not relate directly to densities and only 11% of the responses received had any relevance to densities.

However question 6 related more to densities and as a result the answers provide more insight into the feelings of those that responded.

The category with the highest response was the 28% in favour of some form of development on the railway land. Many of the responses were conditional to either low-rise development, having open space and or a height limit ranging between 2 storeys and 4 storeys.

24% of the respondents were opposed to any development within the Town, however a number of people who stated "none" to this question also stated that the railway land should be developed to some extent.

Further development of the Town Centre was supported by 19% of respondents that generally wanted a continuation of the style, character and scale of Napoleon Street with the possibility of two storey additions to existing shops for residential purposes.

Development along Marine Parade, particularly between Forrest Street and Eric Street, was supported by 17% of respondents. This was generally on the condition that the scale and height of development conform to the current regulations relating to height, namely a 12m height limit. Many respondents expressed the feeling that the area looked drab and tacky and was in some need of a face lift without high rise development.

A total of 20% of respondents provided varying responses to development in other areas. The most common of these areas were the Deaf School, Curtin Avenue, Stirling Highway, Sea View Golf Club, South Cottesloe and varying individual streets.

In conclusion the submissions received found that a significant number of respondents did not want any further development within the Town of Cottesloe. However the vast majority of respondents felt that some form of further development

within the Town was warranted, with varying conditions placed on future development, including; comply with existing height limits; do not detract from the character of Cottesloe; no Subi-centro style development.

RESIDENTIAL DENSITY ASSESSMENT

R-100 Areas

The Town Centre is the only area within the Town of Cottesloe with a coding of R-100. No change to this coding is proposed at this stage as Council is in the process of tendering out for a Town Centre Study to be conducted, which would ultimately recommend a suitable coding for this area.

No change to this coding is recommended at this stage.

R-60 Areas

There are two areas located along Stirling Highway with a coding of R60. Parts of these lots are also reserved "Important Regional Road" under the Metropolitan Region Scheme. Zonings and densities do not apply to areas reserved under the MRS and therefore no development provisions exist for parts of these lots.

An assessment of the density has shown that:

- The density ranges from R160 to R60;
- These two areas contain existing Multiple Dwellings; and
- The majority of sites are developed to the maximum permissible level taking into consideration existing development standards such as building heights, parking and open space.



As a result of this assessment it is recommended not to alter the densities in these areas.

R-50 Areas

There are three areas coded R-50:

- The Foreshore Centre Zone area;
- The Business Zone area around the Swanbourne Station; and
- OBH Site.

Foreshore Centre Zone

The foreshore centre zone can be broken into two sub groups:

- Those lots fronting onto Marine Parade; and
- Those lots not fronting onto Marine Parade.

Lots Fronting onto Marine Parade

The density of this area will be reviewed in further detail after the Beachfront Objectives are finalised by staff.

It is therefore recommended that no change occur to these areas at this stage.

Lots not Fronting onto Marine Parade

An assessment of lots not fronting onto Marine Parade has revealed that:

- The existing built densities range between R160 and R20;
- The average density coding is around R60; and
- There is an equal mix of single residential and multiple dwelling buildings in this area.

As a result of the assessment it is considered that the density coding for this area should be varied from R50 to R60 for the following reasons:

- A coding of R60 would reflect the existing built density of the majority of lots in this area;
- Changing the coding from R50 to R60 does not change the lot sizes for single houses;
- The Local Planning Strategy recommends that selected areas of Marine Parade, particularly near Cottesloe Beach should have higher densities to accommodate small households and single person households;
- It would provide a consistent density for all lots on these streets, which currently have between 2 and 4 different densities; and
- Draft TPS No. 3 proposes to introduce a new clause which would enable existing multiple dwelling developments to be redeveloped to the same density that currently exists.

This would result in the following changes to development control provisions:

- Multiple Dwelling lot sizes would change from 200m² to 166m²;

- Residential plot ratio would change from 0.60 to 0.65; and
- Subdivision on a typical lot of 559m² would result in 3 units instead of 2 units as permitted under the current scheme.

The majority of development control provisions would not change including open space, setbacks, privacy, overshadowing, building heights and lot sizes for single houses and grouped dwellings.

Comprehensive Design Guidelines for the beach area should be developed to ensure that the character and amenity is maintained.

It is therefore recommended that the density coding in this area be changed from R50 to R60 and that development guidelines be developed for the beach front area.

Business Zone

The 3 areas zoned "Business" are:

- Area around the Swanbourne Station shops;
- Eric Street shops;
- Garden Centre opposite Swanbourne shops.

These areas will be reviewed when the beachfront objectives have been finalised by staff and when the zones are reviewed in August, 2004.

It is therefore recommended that no change occur to these areas at this stage.

R - 40 Areas

There are two areas coded R-40:

- The Residential & Office Zone between Forrest Street and Vera Street; and
- Lots between Overton Gardens and Warnham Road.

Residential & Office Zone

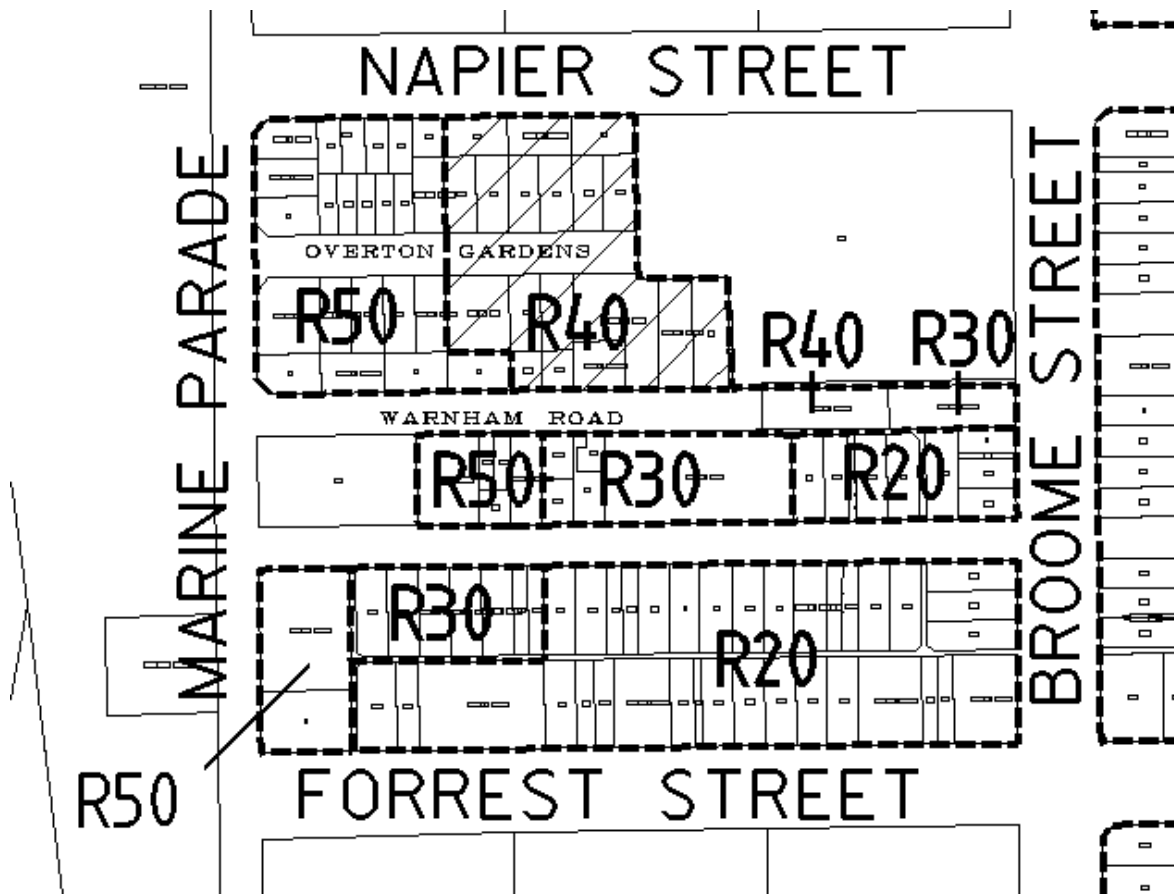
The density coding of the Residential & Office Zone is not recommended to be changed at this stage as the future Town Centre Study will look at this in more detail.

It is therefore recommended that no change occur to these areas at this stage.

Lots between Napier Street & Warnham Road

An assessment of the existing built density on lots between Napier Street and Warnham Road has shown that:

- The density ranges from R160 to R20;
- The majority of lots within this area are developed to a density of over R80; and
- The area predominantly contains multiple dwellings;



As a result of this assessment it is considered that the density coding in this area should be varied from R40 to R60 for the following reasons:

- The area should reflect the R60 density proposed in TPS No.3 for the remainder of the those streets;
- A coding of R60 would reflect the density of the majority of lots in this area;
- Previous precinct community consultation supported increasing densities back from Marine Parade except in areas which were predominantly single residential;
- Demographics analysis highlights that 34% of all households are lone person households and that this is expected to increase in the future with 44% of all population growth in the 65 years and over age group;
- The Local Planning Strategy recommends that a wide range and distribution of residential densities be provided to accommodate a variety of housing types.

A density coding of R60 would result in the following changes to development control provisions:

- Multiple Dwelling Lot sizes would change from 250m² to 166m²;
- Average single house lot sizes would change from 200m² to 160m²;
- Residential plot ratio would change from 0.60 to 0.70;
- Minimum communal open space would change from 20m² to 16m²;
- Typical subdivision on lots of 559m² would result in 3 units instead of 2 units as permitted under the current scheme.

It is considered that these changes will have a minimal impact as most of the lots are already developed at or above this coding.

Design guidelines for this area should be developed to control the design of buildings to ensure that the existing character is maintained.

It is therefore recommended to change the coding in this area from R40 to R60 and prepare design guidelines for the beach area.

R-35 Areas

The R35 coding applies to lots located between Vera Street and Albion Street. The coding for this area was increased to allow development on to Vera Street, as the majority of development faced Albion Street.

An assessment of the area has revealed the following:

- 55% of lots have been subdivided to the R35 coding;
- The remainder of lots have not been subdivided;
- The area is located within 400m walkable catchment of the rail station; and
- The lots on the other side of Vera Street have a density coding of R40.

As a result of this assessment it is believed that the coding for this area not be changed for the following reasons:

- Without a coding of above R60 there would only be a minimal change in lot size which would not result in any new lots being created;
- A coding of R60 would not be appropriate in this locality due to the existing character of the area which is predominantly single houses with lot sizes between 220m² and 500m²;
- A density coding of R60 would resulting lot sizes of 180m² which would be considerably smaller than the existing lots sizes;
- A density coding of R60 would also allow further subdivision along Albion Street which would have a negative impact as the northern side of Albion Street which has a density coding of R20; and
- The current coding provides a transition between the R100 density coding of the Town Centre and the areas with a density coding of R20 north of Albion Street.

Therefore no change to the coding is recommended.

R30/60 Areas

This dual coding only applies to certain lots fronting Stirling Highway between Albion Street and Eric Street. Most of the lots along Stirling Highway are reserved as "Primary Roads" under the Metropolitan Region Scheme.

An assessment of these areas has revealed that:

- The majority of these sites still contain single residential development;
- There are a number of professional offices along Stirling Highway;
- Most of these sites are reserved under the MRS for an important Regional Road; and

- Road widening up to 5.0m is proposed through this area;

It is considered that the density coding for this area is appropriate for the following reasons:

- A density coding of R60 provides sufficient incentives for redevelopment of these areas with lot sizes as small as 111m² for aged persons developments;
- Aged persons developments may also seek a density bonus of up to a 1/3; and
- Densities above R60 will increase the gap density gap between areas along the highway and the surrounding residential areas which predominantly have density codings of R20;

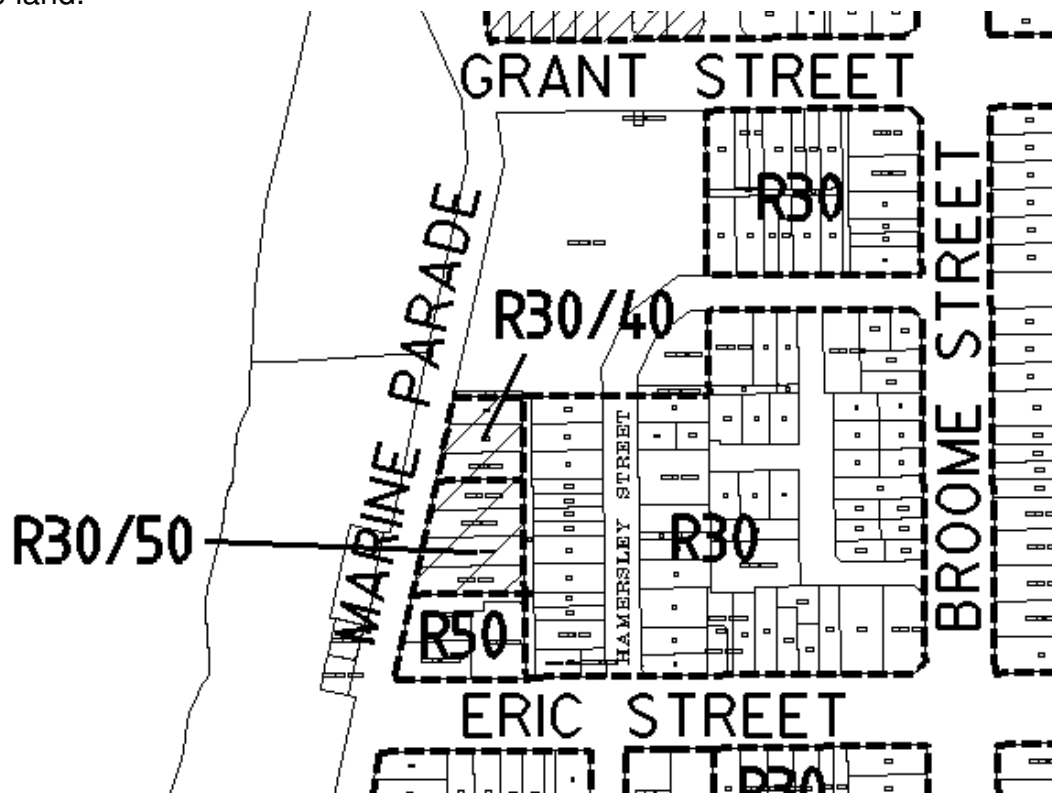
It is therefore recommended that there be no change to the existing density coding. However design guidelines for the residential areas should be developed with as section for development along the highway.

R30/50 & R30/40 Areas

This coding applies to the 7 lots on Marine Parade south of Grant and Marine Park. Currently to obtain the higher density coding all development must be single storey development.

An assessment of the existing built density in this area has revealed the following:

- Existing built densities range from R20 to R80;
- Average density is around R40;
- 85% of buildings are either multiple dwellings or grouped dwellings; and
- Majority of buildings are single storey and have been stepped up the slope of the land.



As a result of this assessment it is considered that the density coding in this area should be changed from R30/50 & R30/40 to R60 for the following reasons:

- That the existing development has an average built density of around R40;
- The WAPC's Regional Residential Density Guidelines state that sites overlooking public open space should have medium residential densities;
- The boundaries of the foreshore area, along Marine Parade, are well defined by the Golf Course to the south and Grant & Marine Park to the north;
- The density coding proposed would allow for future redevelopment of this area to a higher density in keeping with the majority of development in the foreshore area;
- The Local Planning Strategy recommends that higher densities be provided along selected areas of Marine Parade particularly within or near Cottesloe Beach precinct to accommodate small households, singles, tourists and other visitors; and
- Demographics analysis highlights that 34% of all households are lone person households and that this is expected to increase in the future with 44% of all population growth in the 65 years and over age group; and
- Draft TPS No. 3 proposes to introduce a new clause which would enable existing multiple dwelling developments to be redeveloped to the same density that currently exists.

A change in coding from R30/50 & R30/40 to R60 would result in the following changes to development control provisions:

- The average lot size for single residential development would change from between 220m² and 180m² to 180m²;
- The lot size for multiple dwellings would change from between 250m² and 200m² to 166m²;
- Plot ratio would change from 0.60 to 0.70; and
- Communal Open Space would change from 20m² to 16m²;

However Council should be aware that the previous zoning allowed a density bonus as long as the building was constructed as a single storey building. This has happened on the majority of lots, which has resulted in 3 units on one site all with views of the ocean. This has also protected the views of the properties at the rear fronting Hamersley Street.

Notwithstanding there is an existing 3 storey multiple dwelling in the middle of these developments that has been built to a similar height to the highest of the single storey dwellings.

In addition other development control provisions such as setbacks, open space, overshadowing, privacy and building heights would not alter. It would be necessary to conduct an individual lot assessment to determine the centre of the site of each lot and the affect of a new two storey multiple dwelling on these sites to determine that there would be no detrimental affect on adjoining properties. It maybe necessary to impose specific height restrictions on individual sites.

It is therefore considered that, providing the above height assessments are carried out and appropriate height restrictions are imposed, there would be no detrimental impact on the amenity or character of the area as any new development would be of a similar size and scale to the existing multiple dwellings in this area.

In addition comprehensive design guidelines should be prepared for beachfront area.

It is therefore recommended that the density coding for this area be changed from R30/40 & R30/50 to R60 subject to a further assessment of the possible heights that could be developed and the provisions of a clause in the scheme to limit heights if required, and that design guidelines be prepared for the beachfront area.

R-30 Areas

The R30 areas are all located west of Broome Street. These areas have generally been developed to higher densities to those areas east of Broome Street. This area has a variety of dwelling types including multiple dwellings, single houses and grouped dwellings on a variety of lot sizes and shapes.

No changes to the density coding for these areas are proposed as the existing density coding will allow for the development of different lot sizes and housing types in the future which is in accordance with the Local Planning Strategy and meets the key principles of the WAPC's Regional Residential Density Guidelines.

However it should be noted that the Local Planning Strategy sought to minimise the adverse affects of residential infill development. In order to achieve this Council proposed to reduce the density coding to R20 to alleviate the subdivision potential of most of the lots that have subdivision potential.

The adverse impacts of residential infill include:

- Narrow lot subdivisions;
- Garaging dominating the streetscape;
- Wall to wall development;
- Reduction in open space;
- Loss of vegetation; and
- Loss of privacy.

However it is considered that there are other means to reduce the adverse affects of residential infill development by inserting clauses in TPS No. 3 to alleviate these.

Assessment of the areas coded R30 has revealed that the following development provisions would reduce the negative impact of infill development:

- A minimum lot frontage of 8.0m; and
- Vehicle access from a right of way where available;

It is considered that a reduction in the minimum lot frontage would not impact on the development potential of lots but would eliminate very narrow lot frontages of around 6.0m to 7.0m wide, which result in poor residential designs due the loss of access to

sunlight and reduce the negative impact on the streetscape where you get garaging dominating the streetscape.

A clause dealing with vehicle access would also eliminate unsightly garaging, which can take up to 75% of the frontage if the lot frontage is 8.0m.

It is therefore recommended that clauses be inserted into TPS No. 3 dealing with:

- **minimum lot frontage for areas coded R30; and**
- **Require vehicle access to access from a right of way where available.**

In addition residential design guidelines should also address development from right of ways.

R-20 Areas

The majority of areas with a density code of R20 within the Town of Cottesloe are located east of Broome Street, including those east of the railway line, except for:

- Those lots bounded by Grant Street, Marine Parade, Broome Street and North Street;
- Those lots fronting Geraldine Street; and
- Lots fronting onto John Street and Forrest Street.

These areas contain a diverse variety of lots sizes and housing types spread throughout the Town.

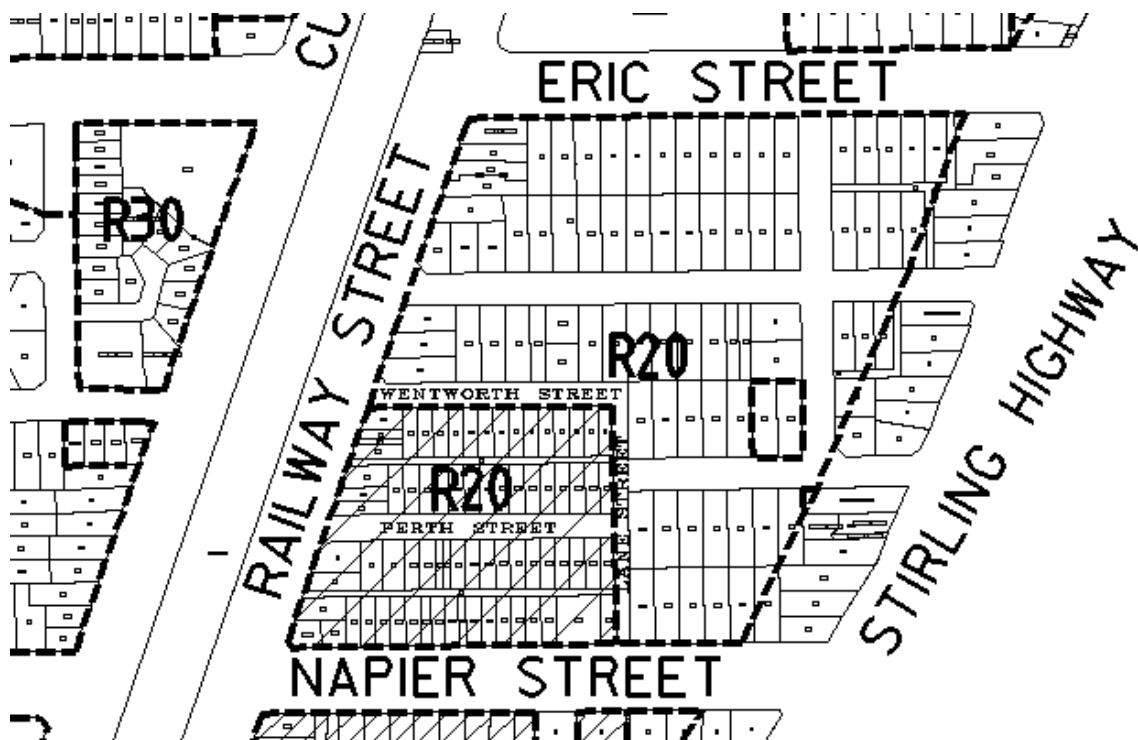
Within the R20 areas there are 3 areas that have considerably smaller lot sizes than permitted in the R20 zone. These sites were originally subdivided for workers cottages associated with the construction of the railway. These areas are outlined below:

- Lots bounded by Wentworth Street, Lane Street, Napier Street and Railway Street;
- Lots bounded by Jarrad Street, Curtin Avenue, Pearse Street and along the right of way that dissects this block into two areas;
- Lots bounded by Pearse Street, Curtin Avenue and Broome Street; and
- Lots bounded by Vera View, Marine Parade, Margaret Street and North Street

Lots bounded by Wentworth Street, Lane Street, Napier Street and Railway Street;

An assessment of these areas has highlighted that:

- The majority of lots are 278m² in area, equating to a density of approximately R35;
- The majority of houses are set back less than the required 6.0m, under the R20 coding; and
- New development applications are required to meet standards developed for lots nearly double the size;
- There are two properties located on the Municipal Inventory, one a category 2 building and the other a category 3 building.



As a result of this assessment it is believed that the density coding be changed from R20 to R35 for the following reasons:

- New developments will not have to comply with development provisions set for lots double the size;
- The character of the street can be enhanced by having consistent development provisions in the area, such as front setbacks;
- It may result in the creation of 2 additional lots without any amalgamations;
- Density would be closer to medium densities in accordance with the WAPC Policy DC 1.6; and
- The change in density coding would not impact on buildings listed on the Municipal Inventory as subdivision of these lots would not be possible.

The changing of the density may cause some concern from adjoining property owners who may think that this means more development and a loss of amenity, however there will be no visible change to the existing character of the area as no new lots will be created without significant numbers of amalgamation..

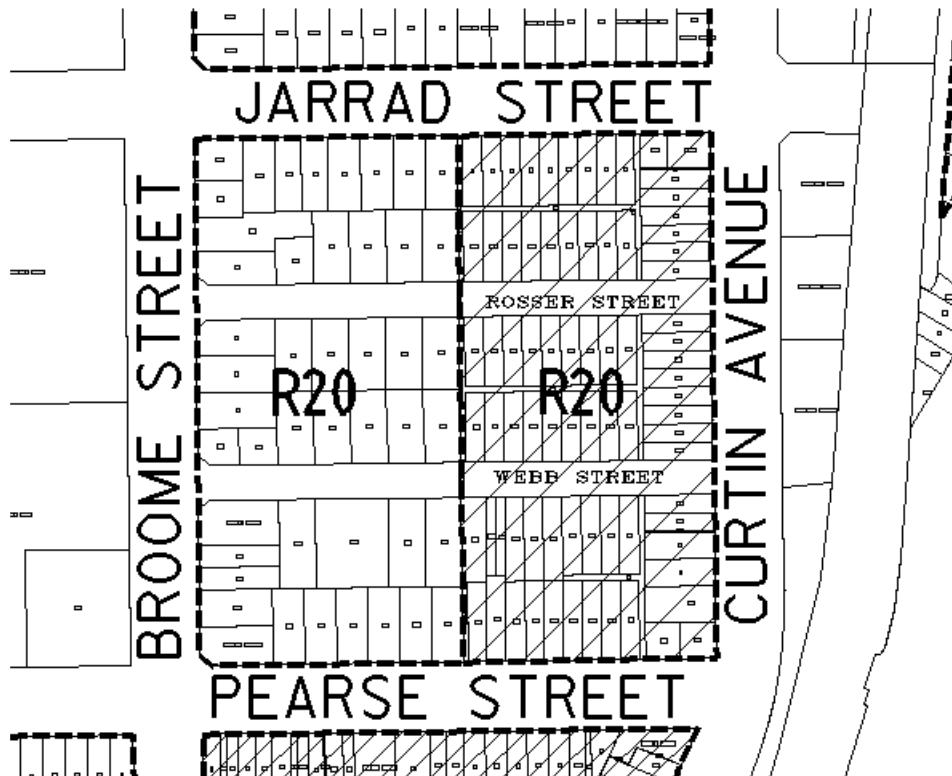
It is therefore recommended that the density coding for this area be changed from R20 to R35 and that design guidelines for this area be incorporated into the proposed Residential Design Guidelines for the town.

Lots bounded by Jarrad Street, Curtin Avenue and Pearse Street

An assessment of these areas has highlighted that:

- The majority of lots within this area are 445m², this equates to a density of approximately R25;

- There are 12 buildings listed on the Municipal Inventory in this area ranging from category 2 to category 5.
- There is a variety of front setbacks ranging from 7.5m to 3.0m; and
- New development applications are required to meet standards developed for lots 500m² in size.



As a result of this assessment it is believed that the density coding be changed from R20 to R30 for the following reasons:

- That new developments won't have to comply with development provisions set for lots 500m² in size;
- The character of the street can be enhanced by having consistent development provisions in the area, such as front setbacks;
- Change in density coding will only result in 5 new lots, without amalgamating the lots;
- The R30 coding would limit the introduction of a new coding into the scheme;
- Density would be closer to medium densities in accordance with the WAPC Policy DC 1.6; and
- The change in density coding would not impact on buildings listed on the Municipal Inventory as subdivision of these lots would not be possible.

However the changing of the density may cause some concern from adjoining property owners who may think that this means more development and a loss of amenity. In the longer term it may result in amalgamation of lots, however with the introduction of a clause limiting the minimum lot frontage, for areas coded R30, it will only allow development at the rear of lots from the right of way.

It is therefore recommended that the density coding for this area be changed from R20 to R30 and that design guidelines for this area be incorporated into the proposed Residential Design Guidelines for the residential development within the town.

Note: the Officer Recommendation was amended at the meeting to read as follows:

It is therefore recommended that the density coding for this area be changed from R20 to R25 and that design guidelines for this area be incorporated into the proposed Residential Design Guidelines for the residential development within the town.

Lots bounded by Pearse Street, Curtin Avenue and Broome Street.

An assessment of these areas has highlighted that:

- The majority of lots within this area are 405m², this equates to a density of approximately R25;
- There are 26 buildings listed on the Municipal Inventory in this area ranging from category 2 to category 5 and with 4 that have been demolished;
- The original Municipal Inventory report highlighted this area as a possible character / heritage area;
- There is a variety of front setbacks ranging from 7.5m to 3.0m; and
- New development applications are required to meet standards developed for lots 500m² in size.



As a result of this assessment it is believed that the density coding be changed from R20 to R25 for the following reasons:

- That new developments will not have to comply with development provisions set for lots 500m² in size;
- The character of the street can be enhanced by having consistent development provisions in the area, such as front setbacks;
- Change in density coding will result in approximately 18 new lots, without amalgamating the existing lots;
- The change in density coding would not impact on buildings listed on the Municipal Inventory as subdivision of these lots would not be possible, except for one category 3 building which could be subdivided with the change in density coding; and
- Density would be closer to medium densities in accordance with the WAPC Policy DC 1.6.

The changing of the density may cause some concern from adjoining property owners who may think that this means more development and a loss of amenity. In the longer term it may result in amalgamation of lots, it will only allow development at the rear of lots from the right of way where available.

This area should also be assessed as a possible character area with appropriate design guidelines.

It is therefore recommended that the density coding for this area be changed from R20 to R25 and that design guidelines for this area be incorporated into the proposed Residential Design Guidelines. In addition the area should be assessed as a possible character area.

Areas Highlighted for discussion

Two areas have been highlighted for discussion for possible increase in densities. These areas are outlined below:

- Lots located between Marine Parade, Grant Street, Broome Street and North Street; and
- Lots fronting Salisbury Street, Balfour Street and Curtin Avenue.

Lots located between Marine Parade, Grant Street, Broome Street and North Street

An assessment of these areas has highlighted that:

- The majority of lots within this area are 364m², this equates to a density of approximately R25;
- South of Vera View Parade lots average around 450m;
- There are 2 buildings listed on the Municipal Inventory, one a category 3 and the other a category 6;
- There is a variety of front setbacks ranging from 9.0m to 3.0m; and
- New development applications are required to meet standards developed for lots 500m² in size.

It is considered that the changing of the density in this area would not result in a lot of new lots in the short term, without amalgamations. However the area is not close to railway stations and therefore pressure for increasing densities is considerably less.

Any change in density needs to take into account the affect on the streetscapes and the amenity of the area generally.

Lots fronting Salisbury Street, Balfour Street and Curtin Avenue

An assessment of these areas has highlighted that:

- The majority of lots within this area range between 900m² and 1000m², this equates to a density of approximately R10;
- The area has 8 existing strata units;
- The area is within 400m walking distance of a railway station; and
- There is one building listed on the Municipal Inventory a category 3building.

Any consideration in changing the density in this area needs to take into account the affect on the streetscape and the affect on the amenity of the area. Consideration should be also given to the style of development that Council would like to see in this area. The Local Planning strategy has highlighted this area for possible increases in densities.

Conclusion

The proposed residential densities reflect the recommended strategies in the Draft Local Planning Strategy and they are consistent with the Western Australian Planning Commission Policies with the exception of those areas that are of heritage / character significance.

Where an increase in density has been proposed, it is recommended that clauses be inserted into the Town Planning Scheme to further control development and, in most cases, that Design Guidelines be prepared. Generally, where increased density is proposed, it is not to enable subdivision and development of different types of housing but to impose the relevant density code according to the existing lot sizes. This will allow development of existing dwellings to meet development standards for the particular code rather than a different code which requires a variation to setbacks and can result in poor streetscapes.

The areas where some further development has been supported by the community are the town centre and adjacent railway land, and possibly the Foreshore Zone and these will be the subject of further investigation.

It is also recommended that additional assessment of lot sizes and density codes be carried out at the time of the review of heritage/character areas to determine if a reduction in density is required in order to protect the character of these areas.

VOTING

Simple Majority

COMMITTEE COMMENT

The Committee generally agreed that the density coding for the lots bounded by Jarrad Street, Curtin Avenue and Pearse Street be changed from R20 to R25 (not R30 as recommended in the Agenda report).

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Support the residential density provisions outlined on the attached draft map and requests staff to:
 - (a) prepare a Draft Town Planning Scheme No. 3 Map based on the residential density codes on the attached map; and
 - (b) amend Draft Town Planning Scheme No. 3 text to:
 - (i) reflect the proposed density provisions;
 - (ii) include recommended Town Planning Scheme provisions.
- (2) Support the inclusion of Precincts to define the unique Neighbourhood, Town Centre and Beach character;
- (3) Prepare Residential Design Guidelines as required to provide additional development standards; and
- (4) Provide a further report on Zonings for inclusion in the Draft Town Planning Scheme No. 3 Map for consideration by the Strategic Planning Committee in August, 2004.

At the request of the meeting, the Mayor sought amendments from the meeting relating to specific areas.

AMENDMENTS**Lots not Fronting onto Marine Parade****AMENDMENT**

Moved Cr Cunningham, seconded Cr Utting

That the density coding for the lots within the foreshore centre zone and not fronting onto Marine Parade be retained at R50 and that development guidelines be developed for the beachfront area.

Lost 3/8

Lots between Napier Street & Warnham Road**AMENDMENT**

Moved Cr Miller, seconded Cr Walsh

There be no change to the density coding for the lots between Napier Street and Warnham Road.

Lost 5/6

AMENDMENT

Moved Mayor Rowell, seconded Cr Furlong

That the density coding for the lots between Napier Street & Warnham Road be changed from R40 to R60 and that design guidelines be prepared for the beach area.

Carried 6/5

COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Furlong

That the density coding for the lots between Napier Street & Warnham Road be changed from R40 to R60 and that design guidelines be prepared for the beach area.

Carried 6/5

For: Cr Furling, Cr Sheppard, Cr Robertson, Cr Jeanes, Cr Cunningham, Mayor Rowell

Against: Cr Miller, Cr Morgan, Cr Walsh, Cr Utting, Cr Strzina

R30/50 & R30/40 Areas

AMENDMENT

Moved Cr Miller, seconded Cr Walsh

That the density coding for lots on Marine Parade south of Grant and Marine Park not be changed from R30/40 & R30/50 to R60.

Carried 7/4

COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Walsh

That the density coding for lots on Marine Parade south of Grant and Marine Park not be changed from R30/40 & R30/50 to R60.

Carried 7/4

For: Cr Walsh, Cr Utting, Cr Miller, Cr Cunningham, Cr Strzina, Cr Morgan, Cr Robertson.

Against: Mayor Rowell, Cr Sheppard, Cr Jeanes, Cr Furlong.

Lots bounded by Jarrad Street, Curtin Avenue and Pearse Street

Cr Jeanes declared an interest in the following and left the room.

AMENDMENT

Moved Cr Miller, seconded Cr Walsh

That the density coding for the lots bounded by Jarrad Street, Curtin Avenue and Pearse Street to remain at R20.

Carried 6/4

COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Walsh

That the density coding for the lots bounded by Jarrad Street, Curtin Avenue and Pearse Street to remain at R20.

Carried 6/4

For: Cr Miller, Cr Walsh, Cr Utting, Cr Robertson, Cr Strzina, Cr Morgan

Against: Mayor Rowell, Cr Sheppard, Cr Cunningham, Cr Furlong

Cr Jeanes returned to the meeting.

Lots bounded by Pearse Street, Curtin Avenue and Broome Street

Cr Sheppard and Cr Robertson declared an interest in the following and left the room.

AMENDMENT

Moved Cr Miller, seconded Cr Walsh

The density coding for the lots bounded by Pearse Street, Curtin Avenue and Broome Street to remain at R20.

Carried 6/3

COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Walsh

The density coding for the lots bounded by Pearse Street, Curtin Avenue and Broome Street to remain at R20.

Carried 6/3

For: Cr Miller, Cr Walsh, Cr Utting, Cr Cunningham, Cr Morgan, Cr Strzina

Against: Mayor Rowell, Cr Furlong, Cr Jeanes

Cr Sheppard and Cr Robertson returned to the meeting.

(4) – Officer and Committee Recommendation

AMENDMENT

Moved Cr Cunningham, seconded Cr Morgan

That part (4) of the Officer and Committee Recommendation be deleted.

Carried 8/3

COUNCIL RESOLUTION

Moved Cr Cunningham, seconded Cr Morgan

That part (4) of the Officer and Committee Recommendation be deleted.

Carried 8/3

For Cr Cunningham, Cr Morgan, Mayor Rowell, Cr Sheppard, Cr Furlong, Cr Jeanes, Cr Robertson, Cr Strzina.

Against: Cr Utting, Cr Walsh, Cr Miller.

8.3 COUNCIL RESOLUTION

Moved: Cr Cunningham, seconded Cr Morgan

That Council:

- (1) Support the residential density provisions outlined on the attached draft map as amended by the Council resolutions shown individually above and Request staff to accordingly:**
 - (a) prepare a revised Draft Town Planning Scheme No. 3 Map; and**
 - (b) amend Draft Town Planning Scheme No. 3 text to:**
 - (i) reflect the proposed density provisions;**
 - (ii) include recommended Town Planning Scheme provisions.**
- (2) Support the inclusion of Precincts to define the unique Neighbourhood, Town Centre and Beach character;**
- (3) Prepare Residential Design Guidelines as required to provide additional development standards.**

Carried 8/3

8.4 REPORT ON SUBMISSIONS RECEIVED ON STRATEGIC PLANNING PROCESS

File No: X12.4
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 4 August, 2004
Senior Officer: Mr Alan Lamb
Attachments:

SUMMARY

The results of the request for community feedback on the Strategic Planning Process that Council undertook in April 2004 relating to this report have been analysed.

From the feedback provided, there were a wide range of issues raised in the consultation process. The major issues raised were identified in the report.

The results will provide Council with an understanding of issues raised by residents that responded to the community consultation process. The findings on the Beachfront Objectives process will also provide Council with further information on that locality.

It is recommended that Council note the responses that have been received as a means of understanding the major issues for those persons that responded to the questions in the handouts.

Further, the draft Local Planning Strategy should identify the potential to develop the Town Centre and railway land holdings as being more than an opportunity to future business growth.

The option for connecting the two sections of Forrest Street as part of the proposals in the draft Strategic plan should be removed so that the Town Centre study can properly consider the most appropriate method of developing the Town Centre/Cottesloe Train Station railway land holdings whilst still addressing regional traffic implications and the connection of the Town Centre with the rest of the District.

In addition, the Engineer should be requested to prepare a brief to undertake a study of the current and future demand for parking along the beachfront. The study should also develop and cost options to address the future demand for parking in order to address the potential adverse impact of parking and traffic movements along the beachfront and surrounding residential areas.

Finally, the responses, due to the wide range of issues and concerns raised, should be forwarded to the various Council departments for further consideration.

BACKGROUND

The need to undertake the consultation process was a consequence of the Cottesloe Strategic Planning workshops that were undertaken by council early in 2004. The Summary and conclusions are attached as part of the attachment to this report.

CONSULTATION

The process involved Councillors attending the two workshops to develop a draft Strategic Plan. The background information and plan were circulated to the community and two community information sessions were held on during the early part of the year. Following the last information session, a six week submission period occurred. During that time, there were 475 submissions received, with a separate submission from SOS. These submissions will be tabled at the Strategic Planning Committee meeting.

The brochure that was developed sought Community response on specific points.

STAFF COMMENT

The purpose of this report is to consider those matters that may be able to be addressed in the Local Planning Strategy that will guide the Council decision making over the next 15 years. It seeks to inform other groups of Council's intent such as the community, developers, staff and bodies such as the Town Planning Appeal Tribunal and the Western Australian Planning Commission.

The format of the questions have resulted in a wide ranging response from those persons that made a submission. Those responses varied from one or two words that identified a topic to more detailed explanations of the concerns. The responses have been included in groups rather than trying to categorise every aspect of the submission.

The following comments are made in relation to the comments made by the respondents:

1. What do you see as the biggest threats to the quality of life for you and future generations in Cottesloe in the Future

The following is a summary of the categories and number of responses that have been received on this question:

Matter	Number	%
Increased building heights or high rise	150	17.34%
Traffic (increased/problems/congestion)	109	12.60%
Infill development	106	12.25%
Increased or high density development	94	10.87%
Excessive development on the beachfront	85	9.83%
Population increase (including visitors)	69	7.98%
Council	54	6.24%
Anti-social behaviour	51	5.90%
Forrest Street connection	49	5.66%
Loss of private open space	32	3.70%
Land values	28	3.24%
Golf Club/Jarrad street	16	1.85%
Railway Line development	14	1.62%

Lack of facilities (teenagers)	11	1.27%
Change to residential character or residential use	10	1.16%
More licensed premises	6	0.69%
Development of Napier Street reserve	6	0.69%
Lack of cycle ways	5	0.58%
More cafes	5	0.58%
Town centre	5	0.58%
Development in South Cottesloe	2	0.23%
Lack of Planning	2	0.23%
TOTAL	909	100.00%

The primary issues are discussed below:

Increased height or high rise

This particular issue resulted in the highest response (approximately 17%).

Since the time of this consultation process, Council has resolved as follows in relation to the matter of building heights raised at the 2004 Special Electors meeting:

- “(1) That Council leave Town Planning Scheme No. 2 as it is and not seek to amend the height provisions within the scheme.*
- (2) That the issue of an absolute height limit for the entire district be revisited when considering draft Town Planning Scheme No. 3.”*

In relation to the Beachfront Objectives, Council resolved as follows:

“That Council:

- (1) Revise the Draft Beachfront Objectives Report by:*
 - (a) deleting the sections relating to increased heights above 12m;”*

The Beachfront Objectives are being modified in accordance with that resolution.

In relation to the remaining areas within the District outside of the beachfront area, the results of this consultation process should be taken into account (refer to item**) when considering building heights.

It should be noted that the heights under the Town Planning Scheme are controlled on zoned land whereas development on land reserved in the Town Planning Scheme or under the Metropolitan Region Scheme (such as the railway land) would not be subject to the Town Planning Scheme height controls. The results of the study relating to the re-development of the Cottesloe train station and Town Centre (now called the Town Centre Study) would include potential heights for development on this land and the mechanism for facilitating this development, if it is to occur.

Traffic

This category received the second highest number of responses (13%) and it related to a range of traffic issues which included additional traffic vehicular trips generated by visitors, parking congestion, traffic noise and through traffic.

With the increasing size of Perth, there will be continued pressure on areas such as Cottesloe to meet the demands of Metropolitan Perth, whether it is the beach, the facilities that are developed in conjunction with the beachfront or within the District. Further, the volume of traffic along Curtin Avenue (as the only coastal road between Fremantle and the northern suburbs) is expected to continue to increase as Perth grows.

The close proximity of the rail line and good public transport assist in reducing these vehicular trips. However, problems still exist at present during different times of the year in the Town Centre or at the beachfront.

The Town Centre study may address the matter of regional traffic.

The development of other areas such as Leighton with good facilities and access to the beach from the rail could help alleviate some of the pressure on Cottesloe. Therefore, Council should continue to support the opening up of the Leighton Train station or improved facilities along the coast in this area.

In terms of the beachfront, it is considered that a parking/transportation plan be developed to provide Council with a long term strategy for the beachfront. As re-development occurs further pressure is going to be placed on Council to provide concessions to new developments on parking to facilitate the change on the beachfront. Council currently has a proposal before it for a reduction of approximately 45-55 car parking spaces for a development site. The proposal for the Cottesloe Hotel had a shortfall of approximately 100 spaces. It is unknown at this stage whether any parking concessions are to be sought for the re-development of the Ocean Beach hotel site.

Apart from the pressure of new development and residents wanting reasonable access to the beach, there will be the future demand for parking as a consequence of the natural growth of Perth.

A long term strategy for the management of the beachfront can provide Council with a sound direction in terms of:

- assessment of existing demand for parking;
- identification of current problems/conflicts between beach, commercial and residential areas;
- identification of existing and future car parking areas;
- capacities of those areas;
- rationale for considering car parking concessions based on a long term strategy developed for the area rather than relying on ad hoc decisions and trying to address the problems created in the future; and
- development of public transport options.

The development of such a strategy may provide the necessary evidence to support paid parking on say the Napier Street Reserve car parking area so as to offset the cost of addressing regional demand for beach parking, beach access and facilities for the beach.

The results of this study could result in future changes to the Local Planning Strategy of the Town Planning Scheme or development standards within the text.

Infill/density increase

These matters received 12% and 11% of the responses received in response to this question.

Council will be considering densities at its August 2004 meeting based on the recommendations of the Strategic Planning Committee, which met on Wednesday 21 July, 2004.

Excessive beachfront development

Ten percent (10%) of the responses on this question identified that excessive development on the beachfront was a threat. Of those that went into more detail, this threat related to over-development of commercial or other forms of development. This contrasts with those that saw a demand for more commercial facilities on the beachfront - 7% of those that responded to that question.

This matter will be dealt with in more detail when Council considers the development standards to be applied to the area that will be subject to the Beachfront Objectives outcomes.

Population increase

Concerns were expressed in relation to population increase. It was generally perceived in some submissions that increased population was a threat as a consequence of increased densities/over-development commercialisation or more visitors to the area.

As stated above, there is expected to be a natural increase in visitors to the beach as Perth's population increases. The issue for Council is how to manage this in the years to come.

Anti-social behaviour

The responses varied across a range of areas including problems with the hotels taverns and commercial outlets, security around the suburb, attraction for troublemakers, noise, crime, graffiti, vandalism and lack of police presence.

Council could apply pressure in relation to police matters or seek to provide security patrols, however, most of these matters are beyond Council's control as they relate more to behaviour of people.

Forrest Street connection

There was 5 responses received in relation to the concept of connecting the two sections of Forrest Street. One of those submissions was signed by 45 residents primarily from Forrest Street, as well as Barsden Street and Broome Street.

The submission questioned the basis for change, request for detailed information in relation to this matter and a request that no further action be undertaken until Council has obtained a mandate to undertake any such development.

The submitters have requested detailed information be provided in relation to this proposal.

This concept was developed at the Cottesloe Strategic Planning Workshop and was part of the plan distributed to the community as part of the consultation process. Since then, the proposal to undertake a study of the Town Centre area has been proposed. The study will need to consider design options for traffic movement. Previous consideration included the removal of the Jarrad street crossing and extension of Napoleon Street through to Curtin Avenue, amongst other options.

At this stage, the proposal of connecting the two sections of Forrest Street should not be included in the Local Planning Strategy as the Town Centre study will consider all options for the replacement of the Jarrad Street rail crossing if it is to be removed.

2. What types of buildings, activities and lifestyles are currently missing or under represented in Cottesloe at present

The following is a breakdown of the comments grouped under different topics.

Topic	Numbers
Recreational/leisure	164
No change	91
More commercial (general)	72
Residential	71
Beachfront	59
No comment	40
Town Centre	28
More tourist facilities	18
Cultural	16
South Cottesloe	12
Public transport around Cottesloe	8
	579

The following table highlights more specific issues raised in response to the question:

	Type of Buildings, Activities Lifestyles currently missing or underrepresented	Number	%
1	No change	91	15.72%
2	More restaurants taverns, cafes and shops around Cottesloe	72	12.44%
3	More parks and playgrounds	51	8.81%
4	More community and recreational centres	45	7.77%
5	More cafes/restaurants/shops/alfresco/pubs (beachfront)	42	7.25%
6	No comments made	40	6.91%
7	Swimming pool and ocean pool	25	4.32%
8	Smaller blocks	23	3.97%
9	More apartments	20	3.45%
10	More facilities for tourists	18	3.11%
11	Aged persons units/retirement village	18	3.11%
12	More beachfront parking	17	2.94%
13	More cycleways	17	2.94%
14	Cultural/historical centre	16	2.76%
15	Upgrade Town Centre	16	2.76%
16	Cinema	16	2.76%
17	More amenities (shop/amenities) in Sth Cottesloe	12	2.07%
18	Residential/commercial mix	10	1.73%
19	Preserve golf course	8	1.38%
20	Public transport around Cottesloe	8	1.38%
21	More shops (Town Centre)	6	1.04%
22	More parking (Town Centre)	6	1.04%
	Total Number of Comments	579	100.00%

Recreational/leisure

The principal concerns relate to the lack of recreational facilities such as parks, playgrounds, cycleways, swimming/ocean pool. This also included the provision of a recreation centre and cinema.

The development of the railway land around the Cottesloe train station has the potential to address a lot of the issues raised in this group as well as a number of the other groups of responses received in relation to this question.

Other matters such as the ocean pool are currently being considered and if necessary, the Local Planning Strategy could be amended at a later stage

The responses to this question will be referred to the other Departments for further consideration in relation to the issues raised.

More Commercial/Commercial on the Beachfront/Commercial in the Town centre

Comments were received relating to more commercial development in general throughout Cottesloe, or specifically relating to the beachfront or the Town Centre.

Similar to the comments made above, the potential of the Cottesloe train station re-development to provide further commercial uses, linking western and eastern Cottesloe and new life into the Town Centre. This Town Centre area should be identified in the Local Planning Strategy as an objective for the integration of the transport corridors with the potential for a transit orientated development subject to further work/studies to be carried out.

The potential for increased commercial along the beachfront is limited due to the limited private land holdings and the reserved land.

The current Town Planning Scheme had the Foreshore Centre Zone which provided for commercial development to occur back along such streets as John, Warnham, Overton, Eileen and north along Marine Parade. However, this option has not been taken up and the land within this zone has not been developed or developed primarily for residential purposes. This is probably attributable to the high value for residential development, small lot sizes in the area, existing intensity of development, restricted plot ratios, demand for on-site parking requirement and height controls.

The development of the Ocean Beach Hotel site has the greatest potential to increase the commercial component along Marine Parade. Any development of this site would need to be carefully considered to ensure that Council's objectives for this area are achieved. Traffic movement, parking on the development site and additional demand for street parking and its impact on the demand for beach parking are going to be critical areas for consideration of any proposal of this size.

To a lesser extent, the Cottesloe Hotel re-development (based on the withdrawn application) has limited potential to introduce new commercial along the beachfront.

Development of the non-contributing type of developments such as the residential accommodation that occupies the Marine Parade street frontage should not be encouraged.

It is considered that that the objectives and standards for the beachfront should encourage or require interaction at the Marine Parade frontage and protection of the spaces on the southern side of the east-west streets to encourage and protect any future alfresco areas.

These matters should be embodied in the objectives of the beachfront

The non-conforming uses under the draft Town Planning Scheme have been provided with an added use to protect the current use. Whilst the added use will support the continued use of the site for commercial purposes, the viability of these sites will ultimately determine whether the current use will be able to survive.

Residential

This category was almost split evenly with reference to the need for smaller blocks, apartments or aged or dependent persons units/retirement village and mixed/use development. The number of responses rated low in terms of this issue, with each representing about 3% of the total responses made.

Town Centre

These comments related to the upgrading of the area and the need for additional parking. Again, the Town Centre Study will likely to impact on this area.

Important in those considerations is to ensure that any parking lost as a consequence of the re-development, is re-located in a reasonable and accessible location with adequate numbers of car parking. The previous proposal for the re-location of the Cottesloe Train Station westwards envisaged the reduction of the car parking west of Railway Street and it being replaced with new commercial development.

More Tourist facilities

These submissions related to the development of tourist accommodation and facilities to support these types of accommodation. It included reference to boutique hotels, sort term accommodation and quality Bed and Breakfast places.

The current tourist centres are the two existing hotel sites along the beach front. It is considered important that the focus of the zonings and development controls along the beachfront and the objectives for those zones support the development of tourist accommodation and facilities rather than permanent residential accommodation.

Cultural

A small number of submissions saw the need to develop cultural facilities such as art galleries, theatre, music centre, etc and a historical centre.

An option that was suggested was the Hearing Impaired School. Other alternatives may include the use of the McCall Centre and development within the Town Centre.

More Amenities in South Cottesloe

These responses identified a need to provide either a deli/shop use in this area and the development of more amenities (café/toilet facilities).

Council has previously considered a toilet facility on the western side of Marine Parade, near the intersection of Marine Parade. Local opposition to the facility saw no further action being taken.

The Vlamingh Parklands report of 1998 identified the McCall Centre as possibly being the site for a interpretation centre and café/restaurant. This will be dependent upon the future use to be made of this site by the State Government. The site is heritage listed.

As reported to Council at its July meeting, the Town of Mosman Park are considering the development of a café/kiosk/toilet facilities near Mosman Beach. If developed, this will provide some amenities for those persons between Cottesloe Beach and the Fremantle Surf Club building and associated facilities near Walter Place.

In relation to the development of a newsagent/deli, further work is required to determine whether there is a need for this facility in south Cottesloe, whether the use can be sustained and the most appropriate location for such a use. Especially with the closure of shops that were located at the intersection Avonmore Terrace/Rosendo Street and Curtin Avenue/Florence Street.

Based on the number of responses received, it would not be a high priority and could be considered in any study carried out in looking at alternative uses for the Hearing Impaired School in Gibney street.

More Public Transport around Cottesloe

This matter relate to Council deciding whether to extend the Cottesloe Cat service used during summertime at other times or whether the bus services could be modified to improve the level of service. There was a very small response on this matter.

What streets do you believe look good and function well

An assessment of this response has not occurred. This information is useful and will be used in the development of a streetscape policy which has been identified by Council as a project within the next 12 months.

What other areas in Cottesloe do you feel are either capable of supporting more development or should be granted development concessions to achieve a more desirable form of building.

This matter was addressed in the report to the Strategic Planning Committee when it considered densities at the meeting held on the 2 August, 2004.

If development over the railway line is required to fund the sinking of the railway line, what scale of development would render it unacceptable to you.

This matter is still being assessed and information should be ready before the Strategic Planning Committee meeting.

Would you as a ratepayer endorse Council contributing to the sinking of the railway as a means of reducing the scale of the development.

Of those persons that responded, 131 supported contributing to the sinking of the railway and 162 did not support contributing to the sinking of the railway.

A further 134 persons were undecided and many sought further information before committing to a position.

Submission from SOS

A submission was received from SOS Cottesloe on various matters following a workshop of the SOS Committee –copy attached to the report.

The submission covered six areas and a summary of those points are outlined below:

Development

Believe Cottesloe is unique as the only coastal village in Perth. Concern that developers will bring about undesirable changes. The Town Plan should have water tight controls to reduce the risk of appeal. Supports the principles listed on the second page of the workshop notes and Liveable Neighbourhoods. Supports Malcolm MacKay's observations that Cottesloe is already a fine example of those principles.

Area and neighbouring Council considerations

Considered that the workshop failed to consider regional implications and the objectives of the State Planning Authorities. It was felt that the Council should communicate to the Community the State, Regional and neighbouring Council implications for planning purposes.

Community consultation

Recommended Council to develop a formal process and consultation procedure for any changes to the Town Plan. This was addressed by Council at its May 2004 meeting.

Building height

Based on community responses, the maximum building height throughout the District should be 12m.

Traffic (Curtin Avenue and local traffic/parking)

Considered that both the railway and a re-aligned Curtin Avenue should be placed into a tunnel and sinking of both.

The subsequent impact of these changes must be considered in conjunction with the local parking and traffic issues as part of a long term plan.

Response to Questionnaire

The comments related to this are included in the attachments to this report.

Conclusion

The Local Planning Strategy seeks to provide direction for matters under the control of a Town Planning Scheme. The responses received through this consultation process varied quite considerable on a large range of issues, including some issues not relevant to the Town Planning Scheme.

However, the information may be useful to other areas of the Council. In this regard, the findings of this report will be circulated to the other Council departments so that the relevant manager can consider the responses under their area of control.

Most of the key planning issues raised as being a threat are matters that Council has considered (beachfront building heights) or is currently considering such as density, zonings, building heights (generally), etc. These are matters that can be translated directly into development standards that form part of the draft Town Planning Scheme.

There are some areas that can't specifically be addressed by the Town Planning Scheme and these include traffic problems, population increase (particularly visitors to the District) or anti-social behaviour.

The current draft Local Planning Strategy objective identifies that the redevelopment of the land around the Cottesloe Train Station should accommodate further business growth and to improve access and parking in the town Centre. It is recommended that the Local Planning Strategy be amended so that the Cottesloe Train Station land holdings and the Town Centre area are subject of a future study to strengthen this centre as a mixed use area based on transit orientated development standards and the need to ensure that integration of the District, the railway land holds and the Town centre occurs.

The option for the connection of the two section so Forrest Street should not be included in the Local Planning Strategy and this should be considered as part of the Town Centre Study.

In relation to the Beachfront, there is still work to be carried out to finalise Council's position in relation to this area. Whilst the height has been determined, other issues such as objectives for the beachfront, zoning, densities, parking (private and public) have yet to be finalised.

However, having regard to the submissions and the pressures for development (current and future) on the beachfront, it is considered that a parking study be undertaken so that council can develop a long term parking strategy for the beachfront as a first stage. Having assessed current and future parking demands and options to address the demand for parking at the beachfront, Council can then:

- plan for the future to minimise any potential adverse impacts on the beachfront and surrounding residential areas as a consequence of increased demand for access to the limited Cottesloe/North Cottesloe beachfront;
- budget for future works in the public domain to address the recommendations from the study;
- utilise the findings to properly address any requests for reduced parking rather than the current taking an ad hoc approach;
- amend the draft Town Planning Scheme if necessary, to ease off the on-site parking standards (if appropriate) based on the study findings;

The second stage would then be an urban design exercise on how best to integrate the agreed proposals into the fabric of the existing beachfront.

It should be noted that as a result of the Cottesloe Beachfront Development Objectives, there is further work that is required to be carried out to address a number of issues raised within that document. This will require a more holistic approach to the beachfront.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The consultation process has raised a number of issues that are considered to be of importance to those persons that responded to the consultation process. It can help Council in the current process of identifying those issues that are currently important to the community.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Notes the submissions received during the Strategic Planning process;
- (2) Include in the draft Local Planning Strategy, the identification of Cottesloe Town centre and train Station as a "Possible Transit Orientated Development area (subject to further work/study);
- (3) Exclude the option of connecting the two sections of Forrest Street as a proposal in the Local Planning Strategy;
- (4) Request the Engineer to prepare a brief to carry out study of current and future demand for parking along the beachfront, with options to address those findings.
- (5) Refer the submissions to the various Departments for consideration in relation to the issues raised in the consultation process.

AMENDMENT

Moved Cr Miller, seconded Cr Strzina

Condition (3) be deleted from the officer and committee recommendation.

Carried 6/5

8.4 COUNCIL RESOLUTION

Moved Cr Miller, seconded Cr Strzina

That Council:

- (1) Notes the submissions received during the Strategic Planning process;**
- (2) Include in the draft Local Planning Strategy, the identification of Cottesloe Town centre and train Station as a "Possible Transit Orientated Development area (subject to further work/study);**
- (3) Request the Engineer to prepare a brief to carry out study of current and future demand for parking along the beachfront, with options to address those findings.**
- (4) Refer the submissions to the various Departments for consideration in relation to the issues raised in the consultation process.**

Carried 6/5

REASON FOR CHANGE:

The majority of the Councillors believed that Part 3 of the Committee recommendation should be retained as an option.

8.5 REPORT ON BEACHFRONT OBJECTIVES SUBMISSIONS

File No: D2.5
Author: Mr Stephen Sullivan
Author Disclosure of Interest: Nil
Report Date: 10 August, 2004
Senior Officer: Mr Alan Lamb
Attachments: Map of Beachfront Locality
Draft Beachfront Objectives

SUMMARY

Further work was required in relation to the submissions on the Beachfront Objectives. This report relates to the zoning proposals for the beachfront. Further work will be required later to establish the development controls for the beachfront.

BACKGROUND

Council carried out five workshops to formulate recommendations that provide a direction for development of the public domain and the private land that fronts onto the public domain along the beachfront. The boundaries of the study area included the area that encompassed the beachfront between Forrest Street/Cottesloe groyne through to the south side of Grant Street, and those properties fronting onto Marine Parade.

The recommendations covered various matters including objectives for this space, standards and future work/studies.

At its December 2003 meeting Council resolved as follows:

"That Council place the recommendations from the beachfront workshops on display to the community at the Library, Council offices, on Cottnet and the newsletter in the Post for their information and comment."

At its February 2004 meeting Council resolved to carry out a consultation process including two information sessions and a six week submission period.

At its June 2004 meeting, Council resolved as follows:

That Council:

- (1) Revise the Draft Beachfront Objectives Report by:
 - (a) deleting the sections relating to increased heights above 12m;*
 - (b) request the Manager, Development Services to:
 - i. consider in further detail, the submissions received relating to the draft Beachfront Objectives; and*
 - ii. develop a revised draft Beachfront Objectives Report for consideration by Council;***
- (2) Following adoption of the report referred to in (1)(b)(ii);
 - (a) incorporate those proposals into the draft No. 3 Town Planning Scheme; and**

(b) *release the adopted report for public information.*

(3) *Advise the community of Council's decision.*

CONSULTATION

There were two stages in the consultation process on the draft Beachfront Objectives.

Firstly, Council released the Draft Beachfront Objectives in December 2003 for the "...information and comment." of the public". There was no closing date for submissions.

The consultation process also involved displaying the document at the Council offices, Council's website and the public library.

The second stage was the holding of two community information sessions on the draft Strategic Plan and the draft Beachfront Objectives. This was then followed by a six week submission period after the last information session. The closing date for submissions on both documents was the 17 May, 2004.

A total of 659 submissions were received during that process.

STAFF COMMENT

The following comments are made:

A. Beachfront Objectives Boundaries

The boundaries of the study area included the area that encompassed the beachfront between Forrest Street/Cottesloe groyne through to the south side of the Grant Street, and those properties fronting onto Marine Parade - refer to attached map 1.

The map has been produced for information purposes. The southern boundary has been drawn arbitrarily as there been no real definition of the boundary from Forest Street to the beach.

Council needs to determine the extent of the boundary for the area to be subject to the Beachfront Objectives.

It is recommended that the border shown on the map 2 be accepted as the boundaries for the Cottesloe Beachfront Development Objectives. The northern boundary becomes the northern end of Reserve No. 13718 which aligns closely with the southern side of the Grant Marine Parade Reserve. The southern boundary is proposed to be an extension of the southern side of the reserve that has the Cottesloe Surf Club building.

B. Planning Control

The workshops carried out in relation to the beachfront was a place based exercise. The next step is to determine how those objectives can be developed further when the study area is under the separate control of two decision making bodies.

The proposed Town of Cottesloe Town Planning Scheme No. 3, similar to the existing No. 2 Town Planning Scheme, controls land that is either zoned or reserved under the Town Planning Scheme. It cannot control land that is reserved under the Metropolitan Region Scheme. The Western Australian Planning Commission is the determining authority for land that is reserved under the Metropolitan Region Scheme.

Therefore, the beachfront areas that are reserved under the Metropolitan Region Scheme and which Council cannot control under its Town Planning Scheme, are identified (refer to attached map) as follows:

- Marine Parade;
- reserves that encompass the land west of Marine Parade;
- Napier Street Reserve; and
- Sea View Golf Club.

Due to the situation of there being two decision makers in relation to the beachfront and private property, advice has been sought from the Department for Planning and Infrastructure staff as to whether the Special Planning Control Area provisions or the Local Planning Strategy of the draft Town Planning Scheme can encompass the beachfront.

It may be possible that the Beachfront Development Objectives may be able to be included in the Local Planning Strategy. References to matters in the Local Planning Strategy provide Council's direction for guiding its actions over the next 10-15 years.

The Western Australian Planning Commission is required to endorse the Local Planning Strategy and is required to have regard to the Local Planning Strategy when considering development applications in the District.

Further comments will be made to the Committee once that advice has been received.

C Beachfront Development Objectives

The Beachfront Development Objectives contains three parts and these are outlined below:

1. Draft objectives for the Cottesloe Beachfront
2. Draft Objectives for the Public Domain
3. Draft Objectives for Private Development
 - 3.1 Draft Criteria for Increased Height
 - 3.2 Height Limits and Setbacks
 - 3.3 Density

Based on Councils June 2004 resolution, the following changes are recommended to the Beachfront Objectives:

- (a) In Part 1 under Built Form, delete dot point 3 as this sought to indicate that there was potential for increased height above the built edge to Marine Parade;
- (b) Amend the heading for 3.1 to "Objectives for Private Development";
- (c) Retain the dot points as these are considered good objectives for the development of the Marine Parade properties as they abut Marine Parade;
- (d) Part 3.1 – dot point 4 - the Beachfront Objectives indicated that along Marine Parade the principle of work on the ground floor was encouraged. The issue is whether this would apply from Forrest Street to south side of Eric Street or it includes Eric Street northwards to the south side of the Grant Street Marine Parade Reserve.

It is considered that with the recent development that has occurred on the corner site and abutting sites and the design of the corner site building, these sites should be allocated a residential zone rather than the existing Foreshore Centre Zone. Should re-development of these sites be proposed, then those applications can be considered on their merits at that time and the Scheme amended accordingly.

- (e) Delete points 3.2 and 3.3 as these related to development controls for development above the 12m height limit; and

Once Council has approved the Beachfront Development Objectives in a final form, further work is required to either:

- carry out further studies to meet the objectives of the Beachfront Development Objectives; or
- create the necessary development standards to achieve the Beachfront Development Objectives for private land under the proposed Town Planning Scheme.

D Additional Studies for Beachfront

The Beachfront Development Objectives sets out various objectives which include Council having to carry out additional studies to address these objectives. It has been recommended in item ** of this agenda that Council carry out a parking study in order to develop a strategy as to how it addresses the demand for parking in the future along the beachfront.

The Draft Objectives for the Public Domain identify other areas that need to be addressed, including the following:

- establishment of an "urban promenade" along the eastern side of Marine Parade (which may include widening of footpaths, reduction or modification to Marine Parade road pavement, street trees, etc;
- improving the beachfront promenade;
- improving pedestrian links to the beachfront;

- changing of road conditions to provide for an improved pedestrian access
- improvements to the beach car park;
- consider changes to the car parking arrangements;
- activation of the Napier Street Reserve with Commercial uses and car parking behind these uses; and
- investigate the possibility of a sea pool south of the Cottesloe Beach groyne.

If these and the other relevant objectives are adopted, Council will need to determine the importance of these works and whether they are addressed in one study or a number of studies.

E Beachfront Objectives Submissions

It was previously reported at the May Strategic Planning Committee meeting that the majority of submissions did not support any development above 12m in height. Council resolved at the June meeting to remove the reference to the 12m.

The second area of concern related to the proposals for the Napier Street Reserve. The great majority of submissions relating to this matter expressed objection to the development of this reserve with buildings and the loss of the open space. Other concerns included related to the proposed height of development on this reserve being up to 12m or 20m and the loss of the natural vegetation.

There was a couple of submissions that supported the document in its entirety, including support for increased building height and development of the Napier street Reserve.

Only a couple of submissions addressed each of the parts of the draft objectives.

Those submissions that supported development on the Napier Street Reserve saw commercial development as an option or sought to restrict development over the existing car parking area.

Other minor issues raised related to:

- (i) lack of reference to cyclists in the document;
- (ii) problems associated with the weather and having alfresco on Marine Parade;
- (iii) support for al fresco;
- (iv) ugly appearance of the beach car parking area;
- (v) replacement of the beach car parking area with open space;
- (vi) boundary of the commercial area being restricted to south of Eric Street;
- (vii) supporting accommodation for hotels, short term or bed and breakfasts rather than permanent residential development;
- (viii) licensed restaurants rather than more pubs/taverns

Apart from those that objected to the height and development of the Napier Street Reserve, the numbers of people that responded on these other matters was extremely low to the point that some of the points identified only had one or two comments on them.

From these minor matters, the objectives could be amended to refer to cyclists where necessary in response to point (i). Points (ii) -(v) are matter that will need further investigation as part of meeting the identified objectives. For instance, the focus has been on Marine Parade for al fresco. However, to protect land on the southern verges of the east-west streets for alfresco dining, Council may need to implement some form of protection to those areas from overshadowing caused by new buildings. Part (vi) has been identified in Part A of the Staff Comments. Part (vii) will be addressed in terms of the allocation of zonings for the beachfront and the Land Use Table of the proposed Town Planning Scheme text. Point (viii) only had a couple of submitters refer to this point.

Based on the responses, it is considered that the current structure of zonings along the beachfront be retained, that is:

- the Cottesloe Hotel remain as a Hotel zoning;
- those properties from Eileen street to Forrest Street be retained in the Foreshore Centre Zone;
- the Ocean Beach Hotel site remain in the Special Development Zone; and
- the land north of Eric Street be included in the Residential Zone.

The objectives for these zones should be based on the revised Beachfront Development Objectives. The facilitation of development within these zones to meet the objectives will be dependant upon the development standards that are formulated for these zones. This requires further work to be carried out.

F Recommended Action

Subject to further advice from the Department for Planning and Infrastructure on the matter of including the Beachfront Development Objectives into the Local Planning Strategy, it is recommended that:

- the Beachfront Development Objectives be incorporated into the Local Planning Strategy;
- the boundary of the area subject to the Beachfront Development Objectives and the changes recommended to the Beachfront Development Objectives outlined in Parts (A) and (C) of the staff comments be agreed to;
- the objectives be amended to refer to cyclists where appropriate.

A copy of the revised Cottesloe Beachfront Development Objectives based on this item, is attached to this report.

A parking study should be carried out to assess future demands for parking and strategies to address the findings of that study (refer to Item 1.1 of this agenda). This in turn may result in modification to the parking standards for the draft Town Planning Scheme and Council's direction in relation to the objectives for the beachfront.

Further refinement of the objectives may occur following the studies and the creation of the development standards for the various zones along the beachfront.

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

OFFICER RECOMMENDATION

That Council, subject to further advice from the Department for Planning and Infrastructure;

- (1) Include the Cottesloe Beachfront Development Objectives in the Local Planning Strategy;
- (2) Adopt the modified Cottesloe Beachfront Development Objectives that was attached to the agenda;
- (3) Retain the four different zones along Marine Parade covering the private land holdings, subject to the land north of Eric Street being included within the Residential Zone;
- (4) Use the objectives for the private domain as part of the objectives for the zones under the proposed No. 3 Town Planning Scheme where applicable; and
- (5) Review the development standards in the draft No. 3 Town Planning Scheme to reflect the objectives for those zones referred to in point 4.

The above recommendation presented by the Manager, Development Services contains an inconsistency with the report addressing Zones and Reserves. With regard to Recommendation (3), the assessment of zones is based on Town Planning Scheme No. 2 and the boundaries of the beachfront objectives area where there are currently four zones extending from Forrest Street to the lots south of the Grant Street Marine Parade Reserve.

It is proposed to:

- (a) exclude those residential properties north of No. 152 Marine Parade from being included in the area subject to the Cottesloe Beachfront Development Objectives;
- (b) include Nos 150 and 152 Marine Parade and No. 6 Eric Street in the area subject to the Cottesloe Beachfront Development Objectives;
- (c) retain the Foreshore Centre Zone on the sites identified in (b) above; and
- (d) retain the three zones along Marine Parade; Hotel zone, Foreshore Centre Zone and Special Development Zone;

Recommendations (4) and (5) refer to the Beachfront Objectives for the Private domain. It is understood that these objectives were based on the proposed height

maximum of 20.5 metres. The height limits being proposed for the Foreshore Centre zone are 12 metres. Therefore, the following dot points 6 and 7 are not necessarily applicable to this scale of development:

- To break down the scale and bulk of new development through articulation to establish a scale commensurate with the existing fabric in the area.
- To minimise impacts on existing views and provide view corridors.

It is considered that articulation in the form of street corner treatments may be appropriate where additional height may be permitted to give prominence to new buildings. The Draft Beachfront Objectives have been amended accordingly. A height limit of 12 metres will not impact on existing views and view corridors will be maintained down the streets and this dot point has been removed from the Draft Beachfront Objectives.

The recommendation has therefore been amended as follows:

COMMITTEE RECOMMENDATION

That Council, subject to further advice from the Department for Planning and Infrastructure;

- (1) Include the Cottesloe Beachfront Development Objectives in the Local Planning Strategy;
- (2) Adopt the modified Cottesloe Beachfront Development Objectives that are attached to the agenda;
- (3) Exclude those residential properties north of No. 152 Marine Parade from being included in the area subject to the Cottesloe Beachfront Development Objectives;
- (4) Include Nos 150 and 152 Marine Parade and No. 6 Eric Street in the area subject to the Cottesloe Beachfront Development Objectives;
- (5) Retain Foreshore Centre Zone and Special Development Zone, currently identified on Town Planning Scheme No. 2 map, covering the private land holdings along Marine Parade, including the area from Forrest Street to the lots immediately north of Eric Street as identified in (4) above and request administration to review Hotel Zone;
- (6) Use the objectives for the private domain, as outlined in the Draft Beachfront Objectives, as part of the objectives for the zones under the proposed No. 3 Town Planning Scheme where applicable; and
- (7) Review the development standards in the draft No. 3 Town Planning Scheme to reflect the objectives for those zones referred to in point (6) above.

AMENDMENT

Cr Furlong declared an interest and left the room.

Moved Cr Walsh, seconded Cr Utting

- (6) Remove reference to commercial redevelopment on Napier Street Reserve in the Beachfront Development Objectives.

Lost 4/6

For: Cr Walsh, Cr Utting, Cr Miller, Cr Robertson.

Against: Mayor Rowell, Cr Cunningham, Cr Jeanes, Cr Morgan, Cr Sheppard, Cr Strzina.

Moved Cr Morgan, seconded Cr Utting

Add the following point under Built Form in the Objectives:

- New developments to be low rise at street frontage onto Marine Parade.

Carried 7/3

Cr Furlong returned to the meeting.

8.5 COUNCIL RESOLUTION

That Council, subject to further advice from the Department for Planning and Infrastructure;

- (1) Include the Cottesloe Beachfront Development Objectives in the Local Planning Strategy;**
- (2) Adopt the modified Cottesloe Beachfront Development Objectives that are attached to the agenda with the following amendment:**
 - (a) additional dot point to Built Form:**
 - new developments to be low rise at street frontage onto Marine Parade.
- (3) Exclude those residential properties north of No. 152 Marine Parade from being included in the area subject to the Cottesloe Beachfront Development Objectives;**
- (4) Include Nos 150 and 152 Marine Parade and No. 6 Eric Street in the area subject to the Cottesloe Beachfront Development Objectives;**
- (5) Retain Foreshore Centre Zone and Special Development Zone, currently identified on Town Planning Scheme No. 2 map, covering the private land holdings along Marine Parade, including the area from Forrest Street to the lots immediately north of Eric Street as identified in (4) above and request administration to review Hotel Zone;**
- (6) Use the objectives for the private domain, as outlined in the Draft Beachfront Objectives, as part of the objectives for the zones under the proposed No. 3 Town Planning Scheme where applicable; and**

- (7) Review the development standards in the draft No. 3 Town Planning Scheme to reflect the objectives for those zones referred to in point (6) above.**

Carried 7/4

For: Cr Sheppard, Cr Utting Cr Walsh, Cr Cunningham, Cr Robertson,
Cr Strzina, Cr Morgan.

Against: Mayor Rowell, Cr Jeanes, Cr Furlong, Cr Miller.

8.6 TOWN PLANNING SCHEME NO. 3 - MANAGEMENT AND CONSERVATION OF HERITAGE PLACES IN COTTESLOE

File No: D3.3
Author: Ms Ruth Levett
Author Disclosure of Interest: Nil
Report Date: 9 August, 2004
Senior Officer: Mr Alan Lamb

SUMMARY

The purpose of this report is to present a Draft Schedule of Heritage Places and a Draft Heritage List for consideration. It is recommended that Council:

- (1) supports the following Draft lists, as attached, for inclusion in Draft Town Planning Scheme No. 3:
 - a) Draft Schedule of Heritage Places
 - b) Heritage List; and
- (2) requires that community consultation to be undertaken in accordance with the provisions of the Model Scheme Text.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 2
Heritage of Western Australia Act 1990
Town Planning and Development Act 1928
Town Planning Amendment Regulations 1999 (Model Scheme Text)

POLICY IMPLICATIONS

Town Planning Scheme Policy No. 12

STRATEGIC IMPLICATIONS

The Strategic Plan 2000 – 2010, District Development, states the following objectives:

- Heritage - Preservation of nominated properties on the Municipal Inventory, verges, trees and the foreshore and dune system.
- Town Planning Scheme - Finalise new TPS to incorporate all major strategies in relation to Heritage, sustainability, densities and redevelopment.

Strategic Action Plan, Strategy 3.2 of Goal 3: Environmental Management, to preserve our built environment states:

Item 2 Council to determine strategic direction in relation to heritage.

FINANCIAL IMPLICATIONS

Nil

BACKGROUND

At the July, 2004 meeting of Council it was resolved that Council request the Administration to:

(1) *Prepare for further consideration by Council, the following:*

- (i) *A Schedule of important buildings that are considered of cultural heritage significance for inclusion in the draft No.3 Town Planning Scheme; and*
- (ii) *A Heritage List for those building that are considered to be of lesser importance, but important to the District, as a Local Planning Policy in the draft Town Planning Scheme.*

The proposed Schedule and Heritage List is to be based on the draft Heritage list tabled at the special meeting of the Strategic Planning Committee held on the 21 July, 2004.

(5) Provide a report on Item 1 for consideration by the Strategic Planning Committee in August, 2004.

CONSULTATION

Nil

STAFF COMMENT

The Draft Heritage List provided for information at the meeting of the Strategic Planning Committee held on 21 July, 2004 was compiled from the Municipal Inventory and consisted mostly of places also listed on the State Heritage Register, on Schedule 1 of Town Planning Scheme No. 2 (TPS2) or on TPS2 Policy No. 12.

Places listed on the Municipal Inventory were generally those places listed as Categories 1 and 2. Some places listed as Category 2 on the Municipal Inventory were also on the lists for the proposed Heritage Areas. As Council did not support the adoption of the proposed Heritage Areas, these Category 2 places have been added to the Draft Heritage List for consideration. Should Council wish to remove these places from the proposed Heritage List, they will remain on the Municipal Inventory.

Places of heritage significance that are listed on the Schedule or the Heritage List will be protected either as a Schedule to the Town Planning Scheme or by a Policy under the Scheme in the following manner:

Schedule

This is the highest level of protection available to Council to protect a place from demolition or inappropriate development that would affect the significance of a place. Demolition of a place on the Schedule may only occur through an amendment to the Scheme. This approach is appropriate for places that are listed on the State Heritage Register and those that are of a high level of local significance.

It may be a list of those places identified as Category 1 and Category 2 places on the Municipal Inventory but it is not intended that a Schedule would apply to lesser categories.

Policy

A Policy under the Town Planning Scheme may be used to manage and conserve places where greater flexibility is desirable for places of a high level of local significance. It may also provide guidance to property owners, the general public and Council, however, policies are not statutory and if tested, may not prevent demolition or inappropriate development. Policies are more appropriate for places identified as Category 2 on the Municipal Inventory or places within Heritage Areas. These places may be added or removed from the list by following the process outlined in the Scheme Text. A Scheme amendment is not required.

In this case, as Council has resolved to prepare a Schedule and a Heritage List, the Heritage List is that which Council is required to prepare under the provisions of the Model Scheme Text.

Places that are listed on the Municipal Inventory only (places that do not appear on any other list) are not protected from demolition or inappropriate development by Council or any other authority. The Municipal Inventory does not provide any form of development control. It is merely a list of places of local significance identified by Council in consultation with the community.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

OFFICER RECOMMENDATION

That Council:

- (1) Support the attached Draft Schedule of Heritage Places and Draft Heritage List for inclusion in Draft Town Planning Scheme No. 3; and
- (2) Require community consultation to be undertaken in accordance with the provisions of the Model Scheme Text.

COMMITTEE RECOMMENDATION

Moved Mayor Rowell, seconded Cr Furlong

That Council:

- (1) Support the attached Draft Schedule of Heritage Places and Draft Heritage List for inclusion in Draft Town Planning Scheme No. 3;
- (2) Require that owners and occupiers of listed properties be notified in writing with a description of the proposed listing, a detailed explanation for the reasons for the listing and any implications as a result;
- (3) Invite submissions on the proposal from the owners and occupiers of the properties; and

- (4) Request that staff present a report on the submissions from owners and occupiers for consideration of Council.

Lost 4/7

For: Mayor Rowell, Cr Furlong, Cr Cunningham, Cr Sheppard.

Against: Cr Walsh, Cr Miller, Cr Utting, Cr Jeanes, Cr Robertson, Cr Strzina, Cr Morgan.

REASON FOR DEFEAT OF THE COMMITTEE RECOMMENDATION:

Councillors voted against the recommendation on the basis that a review of the 27 Category 2 properties on the Municipal Inventory needed to be confirmed in terms of their listing, before a decision could be made.

8.7 TIMEFRAME FOR DRAFT TOWN PLANNING SCHEME NO. 3

File No:	D2.5.2
Author:	Ms Ruth Levett
Author Disclosure of Interest:	Nil
Attachments:	Revised Time Frame for Adoption of TPS No. 3
Report Date:	11 August, 2004
Senior Officer:	Mr Alan Lamb

SUMMARY

The timeframe for adoption of Draft Town Planning Scheme No. 3, as noted at the June, 2004 meeting of Council, has been reviewed and it is recommended that the attached revised timeframe be supported.

STATUTORY ENVIRONMENT

Town Planning and Development Act

POLICY IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

The Strategic Plan 2000 – 2010, District Development, states the following objectives:

- Town Planning Scheme - Finalise new TPS to incorporate all major strategies in relation to Heritage, sustainability, densities and redevelopment.

Strategic Action Plan, Strategy 3.1 of Goal 3:

Environmental Management - Progress Town Planning Scheme No. 3:

FINANCIAL IMPLICATIONS

The process adopted by Council to achieve adoption of the Draft Town Planning Scheme No. 3 will incur additional costs. Detail of these costs will be determined following consideration of the recommendations of the Strategic Planning Committee by Council in August, 2004, when an assessment of additional documentation and strategies will be completed.

BACKGROUND

At the June, 2004 meeting of Council the draft timeframe for adoption of Draft Town Planning Scheme No. 3 was considered and it was resolved as follows:

That Council:

- (1) Notes the timeframe for the adoption of the draft Town Planning Scheme; and*
- (2) Authorises the Chief Executive Officer to expend funds to help resource the work to narrow the time frame.*

A number of reports addressing matters that had not been finalised in the preparation of Draft Town Planning Scheme No. 3, or required further assessment, have been

prepared for consideration of the Strategic Planning Committee. Recommendations of the Committee will be presented to Council for consideration in August, 2004.

STAFF COMMENT

Whilst the timeframe for the adoption of Town Planning Scheme No. 3 can be reduced, a number of issues raised in reports have identified areas where further assessment and preparation of documents is required. As indicated, details of these and associated costs will be prepared following the August, 2004 meeting of Council.

It must be noted that the proposed revised timeframe is achievable only if there is support by Council for the recommendations of the Strategic Planning Committee. Minor amendments to the recommendations can be accommodated, however, changes to the proposed recommendations that require further investigation and reports, will require the support of Council before proceeding with the detailed amendments to Draft Town Planning Scheme No. 3. Continuing support for additional funds to complete assessments and documentation will also be required for the finalisation of the Draft Town Planning Scheme.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

OFFICER & COMMITTEE RECOMMENDATION

That Council support the attached Revised Timeframe for adoption of Town Planning Scheme No. 3.

AMENDMENT

Moved Mayor Rowell, Seconded Cr Furlong

That Council defer the adoption of the Revised Timeframe of Town Planning Scheme No. 3 until the next meeting of Council.

Carried 7/4

8.7 COUNCIL RESOLUTION

Moved Mayor Rowell, Seconded Cr Furlong

That Council defer the adoption of the Revised Timeframe of Town Planning Scheme No. 3 until the next meeting of Council.

Carried 8/3

8.8 TOWN PLANNING SCHEME NO. 3 - REPORT ON ZONES AND RESERVES

File No: D2.4
Author: Ms Ruth Levett/Daniel Heymans
Author Disclosure of Interest: Nil
Report Date: 6 August, 2004
Senior Officer: Mr Alan Lamb

SUMMARY

The purpose of this report is to determine the most appropriate zones and reserves for Cottesloe for inclusion in Draft Town Planning Scheme No. 3.

It is recommended that Council:

- (1) supports the proposed zones and reserves outlined on the attached draft map; and requests staff to:
 - (a) prepare a Draft Town Planning Scheme No. 3 Map based on the proposed zones and reserves outlined on the attached map;
 - (b) amend Draft Town Planning Scheme No. 3 text to:
 - (i) reflect the proposed zones and reserves; and
 - (ii) include recommended Town Planning Scheme provisions;

STATUTORY ENVIRONMENT

- Town Planning and Development Act 1928
- Town Planning Amendment Regulations 1999 (Model Scheme Text)
- Town Planning Scheme No. 2
- Residential Design Codes (statutory and Statement of Planning Policy)

POLICY IMPLICATIONS

Western Australian Planning Commission Policies:
Metropolitan Centres Policy Statement for the Perth Metropolitan Region

STRATEGIC IMPLICATIONS

The Strategic Plan 2000 – 2010, District Development, states the following objectives:

- Town Planning
 - The Town Planning Scheme provide for
 - the retention of the village character of the district through the use of Heritage and other Precincts
 - the maintenance of open space and appropriate setbacks
 - the integration of complementary and compatible redevelopment
- Precincts
 - Define, enhance and preserve the following precincts: Marine Parade (commercial and residential); Napoleon St and Town Centre; Heritage; Recreational and Residential.

- Town Planning Scheme - Finalise new TPS to incorporate all major strategies in relation to Heritage, sustainability, densities and redevelopment.
- Strategic Action Plan, Strategy 3.1 of Goal 3:
Environmental Management - Progress Town Planning Scheme No. 3:
This strategy will be amended to reflect the Council resolution of June, 2004 to note the timeframe for the implementation of Town Planning Scheme No. 3.

FINANCIAL IMPLICATIONS

It is estimated that the cost of engaging a contractor to complete the report and maps will be in the vicinity of \$1,000. Sufficient funds are available in the current Development Services budget.

BACKGROUND

The Town Planning Scheme uses a zoning system to classify the different use classes of land. The controls that apply to a particular development are largely determined by the classification of the land in the zoning table. The zoning table forms part of the Scheme text. Where a use is permitted in the zoning table, it will generally not require a decision of Council except in relation to other matters concerning the particular development.

The Town Planning Scheme may also include “reserved land”, that is, land which has been set aside for parks and recreation, a community or other beneficial public purpose. Approval is generally required to undertake any form of development on reserved land, depending on the provisions of the Town Planning Scheme.

Consultants, Chaffer Planning Consultants, developed Draft Town Planning Scheme No. 3 based on the outcomes of the community consultation process, the Local Planning Strategy and discussions with the Manager, Development Services. The Draft Town Planning Scheme No. 3 was then reviewed by the Town Planning Scheme Review Committee which ultimately signed off on the Draft. Further work was required to be carried out on the document with the input of Council's solicitors.

It was agreed between the Consultant, the Manager, Development Services and subsequently the Town Planning Scheme Review Committee that there be a reduction in the number of zones between the existing Town Planning Schemes No. 2 and the proposed Town Planning Scheme. There were ten (10) zones under the existing Town Planning Scheme and this was reduced down to seven (7) zones.

CONSULTATION

Community consultation will be undertaken as and when required in the process of adopting a new Town Planning Scheme.

STAFF COMMENT

This scope of this report is to review the following:

- the boundaries of zones;
- the name of zones;

- the deletion of existing zones;
- the creation of new zones; and
- height controls throughout all the zones.

Assessment of zones is based on existing zones in Town Planning Scheme No. 2.

SPECIAL INDUSTRIAL ZONE

This zoning applied to the Cottesloe Flour Mill holdings, which was bound by Eric Street / Curtin Ave / Charles Street / Athelstan Street. As this use is no longer operating and as the land is being used for residential purposes, the Special Industrial Zoning and controls are no longer relevant. The zoning of the site is proposed to be changed to Residential with a density coding of R30, which is the current residential density coding.

It is recommended that the zoning of this area be changed from “*Special Industrial Zone*” to “*Residential Zone*” and that the “*Special Industrial Zone*” be deleted from the Scheme Map and the Scheme Text.

PLACES OF PUBLIC ASSEMBLY ZONES

It was felt that the “*Public Assembly Zone*” could be deleted and the surrounding “*Residential Zone*” be applied to those sites. Each of these sites would then be provided with an “*Additional Use*” with site specific controls.

The existing Public Assembly zones are:

Corner Eric and Charles St (Scout hall)
Corner Napier and Broome Sts (St Phillips Church)
Corner Napier and Dalgety Sts (Seventh Day Adventist Church)
Corner Gordon and Edward Sts (Cottesloe Christian Church)

It is recommended that the “*Public Assembly Zone*” be changed to “*Residential*” with an additional use of “*Place of Worship*” and that the “*Public Assembly Zone*” be deleted from the Scheme Map and the Scheme Text.

SERVICE STATION ZONE

One of the three service station sites (corner Eric Street and Curtin Avenue) is in the process of being closed down. This site and the three adjacent sites in Eric Street have been purchased by the Western Australian Planning Commission. It is proposed to use this land later for a temporary road for the re-construction of the Eric Street Bridge/Western Suburbs Highway.

It is considered that the Eric Street service station site be rezoned from “*Service Station Zone*” to “*Residential Zone*” as the service station will be closed and in the meantime the use will be considered a non-conforming use.

The other service stations which are located on Stirling Highway, on the corner of Clive Road and the corner of Forrest St, are included in the Primary Road Reservation under the Metropolitan Region Scheme. The Metropolitan Region Scheme reservation over-rides Council's Town Planning Scheme provisions.

It is the officers recommendation that the Eric Street service station site be rezoned from “*Service Station Zone*” to “*Residential Zone*” and that the “*Service Station Zone*” be deleted from the Scheme Map and the Scheme Text.

It is the Committees recommendation that the Eric Street service station site not be rezoned from “*Service Station Zone*” to “*Residential Zone*”.

BUSINESS ZONE

It is proposed to change the name of the zone from : “*Business Zone*” to “*Local Centre Zone*” so that the wording is more consistent with the terminology used in the Metropolitan Centres Policy Statement for the Perth Metropolitan Region, relating to commercial centres

The following diagrams highlight the changes that are proposed to the “*Business Zone*” around the Swanbourne Railway Station, including boundary and density changes these are discussed below.

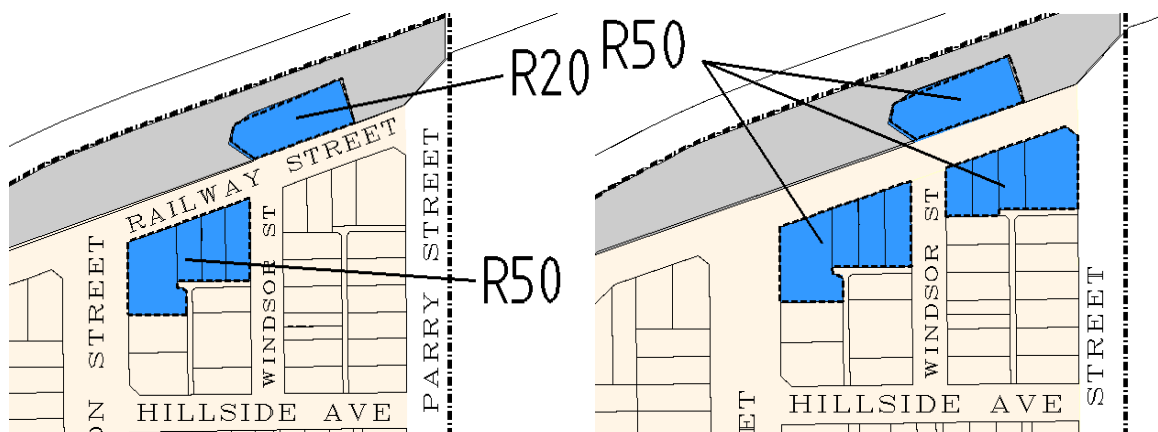


Figure 1-Current Zonings, Swanbourne Shops

Figure 2-Proposed Zonings, Swanbourne Shops

It is proposed to include an additional 4 lots within the “*Business Zone*”, these are located on Railway Street, between Parry Street and Windsor Street, opposite the Swanbourne Railway Station

An assessment of these lots has revealed the following:

- There are no heritage listed buildings on these lots;
- There is a right of way at the rear of two of the lots which enable access from the rear;
- The lots are located within 800m of a railway station; and
- The lots directly to the west on Railway Street are zoned “*Business*”.

As a result of this assessment it is considered that the zoning of these lots should be changed from “*Residential R20*” to “*Business*” for the following reasons:

- They are located directly opposite the railway station;
- They are located right next to other lots zoned business;

- Mixed use development on these sites can be developed in a way that it will not adversely affect the amenity of the adjoining residential areas, as has occurred on the other lots zoned “*Business*”;
- The Western Australian Planning Commission’s Policy D.C. 1.6 encourages mixed use development in close proximity to railway stations; and
- Design Guidelines can be developed for these sites to ensure that the amenity of adjoining residential lots is not adversely affected.

The changes highlighted above will result in the following changes to development standards:

- Mixed Use development will be permitted including retail and office uses;
- Zero lot setbacks permitted to Railway Street;
- Parking to be provided off the right of way, where available;

It is the officers recommendation to change the “*Business Zone*” to “*Local Centre Zone*”, and to include the 4 lots on Railway Street, between Parry Street and Windsor Street in the “*Local Centre Zone*” and that Design guidelines for this area be developed.

It is the committees recommendation to change the “*Business Zone*” to “*Local Centre Zone*” and that the 4 lots on Railway Street, between Parry Street and Windsor Street not be included in the “*Local Centre Zone*”.

Business Zone Height Limits

Currently under Town Planning Scheme No.2 there is no specific height limit for areas zoned “*Business*”. There are two areas that have a “*Business Zone*” the area around the Swanbourne shops and the Eric Street Shopping Centre.

Clause 3.4.3 of the current scheme states:

“Council will be guided by the height of buildings in the adjoining areas and the amenity and parking provisions of Part V General Provisions of the Scheme.”

It is considered that an upper height limit be imposed for these sites to control the maximum height of development, however it is felt that different height limits for the two sites be developed for the reasons outlined below.

An assessment of the areas surrounding the Swanbourne shops has revealed that the all existing development is 2 storeys in height or less.

Therefore it is considered that the following height limits be supported for the areas zoned “*Business*” located around Swanbourne Station:

- 8.5m to the top of the ridge;
- 7.0m to parapet height; and
- 6.0m to plate height.

An assessment of the area surrounding the Eric Street shopping centre has revealed the following:

- That some development along Chamberlain Street is 2 storeys or 8.5m in height;
- That the existing shopping centre is 3 storeys in height (approx 11.5m) on the western boundary;
- That the existing shopping centre is 2 storeys (approx 7.0m) along Chamberlain Street; and
- That the adjacent block of flats to the west are 3 storeys in height.

As a result of this assessment the following height limits for the site are proposed:

- A maximum height limit of 9.0m* be imposed for the site, as measured from the centre of the site; and
- A height limit envelope of 12.0m*, as measured from the centre of the site, and setback approximately 10.0m* from all boundaries, subject to an overshadowing assessment being undertaken to limit the negative impact on adjoining properties.

* These heights are to be determined once a site survey has been undertaken.

It is recommended that the height limit for the “Business Zone” area on Eric Street be:

- **9.0m, as measured from the centre of the site; and**
- **12.0m, as measured from the centre of the site, and setback approximately 10.0m from any boundary, subject to an overshadowing assessment being undertaken and subject to a site survey being undertaken.**

It is recommended that the height limit for the “Business Zone” area around the Swanbourne Station be:

- **8.5m to the top of the ridge;**
- **7.0m to parapet height; and**
- **6.0m to plate height.**

Carried

Business Zone Density

Two changes to the density coding are proposed, one for the garden centre and the other for the Eric Street Shops.

It is proposed to change the coding of the Garden Centre, opposite the Swanbourne Railway Station, from “*Business Zone – R20*” to “*Business Zone – R50*” in line with the existing coding for other sites zoned business on the opposite side of the street.

An assessment of the Eric Street shops has revealed the following:

- The site is currently coded R20;
- All surrounding sites are coded R20;

- The commercial floor space in the building is underutilised;
- Other areas zoned "Business" have a density coding of R50 even though they are surrounded by R20 coded areas; and
- The adjacent multiple dwellings to the west are developed to a coding of R160.

As a result of this assessment it is considered that the density coding should be varied from R20 to R50 for the following reasons:

- Would allow for the conversion of part of the building for residential purposes or for a new mixed use development;
- The lot directly to the west of the shops is developed to a coding of R160;
- The Local Planning Strategy recommends that higher densities should be encouraged in areas close to transport, community facilities and employment facilities; and

The change in density coding would alter the following development control provisions:

- Average lot sizes for single residential dwellings would change from 500m² to 180m²;
- Open space required would change from 50% to 45%; and
- Up to 11 dwellings would be permitted on the site.

It is recommended that the density coding for the Eric Street shops be changed from "R20" to "R50" and increase the density coding of the garden centre from "R20" to "R50"

FORESHORE CENTRE ZONE

The existing "Foreshore Centre Zone" area stretches from Forrest Street to north of Eric Street and also runs down John Street, Warnham Street, Overton Gardens and Eileen Street, refer Figure 3 and Figure 5.

It is proposed to change some areas zoned "*Foreshore Centre Zone*" to "*Residential Zone*" and introduce a new zone "*Restricted Foreshore Centre Zone*" to prohibit unwanted uses in predominantly residential areas and keep the majority of lots along Marine Parade as "*Foreshore Centre Zone*" as outlined in Figure 4 and Figure 6.

Figures 3 to 6 highlight the existing zonings and the proposed changes in the "*Foreshore Centre Zone*", and highlight the changes to the density codings for mixed use zoned areas. Refer to legend on the attached map to delineate between the different colours.

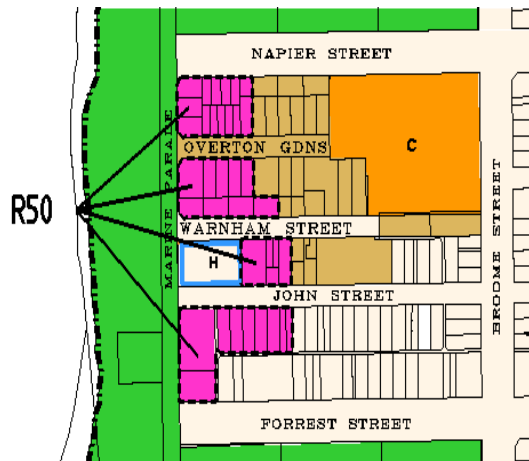


Figure 3 - Current Zoning, John St Area

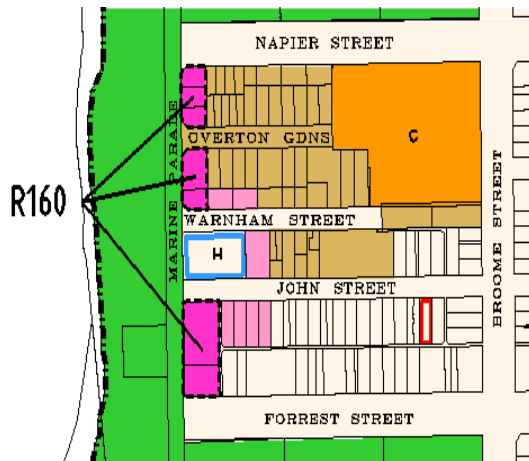


Figure 4 - Proposed Zoning, John St Area

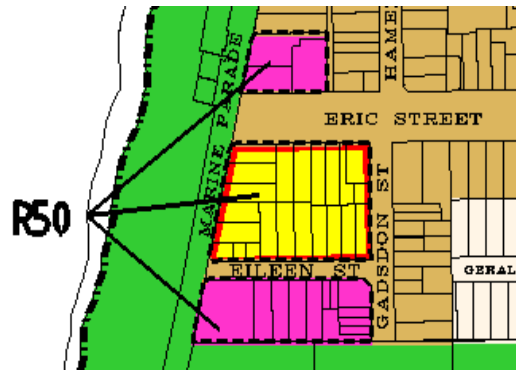


Figure 5 - Current Zoning, Eric St Area

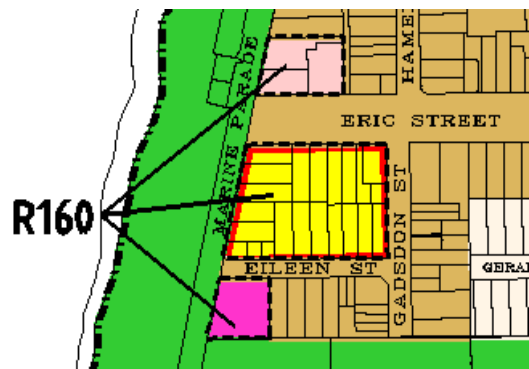


Figure 6 - Proposed Zoning, Eric St Area

Lots Changing to “Residential” from “Foreshore Centre Zone”

An assessment of the lots, not fronting onto Marine Parade, within the “*Foreshore Centre Zone*” has revealed the following:

- That lots fronting onto Napier Street and Overton Gardens have all been recently redeveloped into new residential development;
- There is no further opportunity in the foreseeable future for these lots to be developed into mixed use sites;

As a result of this assessment It is considered that the following lots be changed from “*Foreshore Centre Zone*” to “*Residential Zone*”:

- lots fronting onto Napier Street & Overton Gardens
 - the two lots located between Warnham Road and John Street and next to the Cottesloe Beach Chalets;
 - the two lots fronting onto John Street; and
- lots fronting onto Eileen Street. The proposed changes highlighted above will result in the following changes to development standards:

- The height limit will reduce from 3 storeys to 2 storeys;
- The number of permitted land uses will be reduced, allowing only single residential dwellings, grouped dwellings and multiple dwellings;
- Front setbacks will increase from a nil setback to a 6.0m setback.

It is recommended that the sites listed above be changed from “*Foreshore Centre Zone*” to “*Residential Zone*”.

Lots changing to Restricted Foreshore Centre Zone

An assessment of the area revealed that:

- That lots fronting onto Warnham Road and John Street still have the potential for restricted mixed use development, in keeping with existing zoning but not permitting uses such as taverns; and
- They are located next to existing mixed use development sites.

It is considered that the following lots be changed from “*Foreshore Centre Zone*” to “*Restricted Foreshore Centre Zone*”:

- The Cottesloe Beach Chalets site;
- The 4 lots fronting onto John St to the east of Sea Pines;
- The two lots fronting onto Warnham Road east of the Blue Waters Café; and
- The three lots on the corner of Eric Street and Marine Parade.

The proposed changes will result in the following changes to development standards:

- Land uses such as taverns, night clubs, fast food outlets and amusement parlours would not be permitted in this zone.

It is the officers and committees recommendation that the above sites are changed from “*Foreshore Centre Zone*” to “*Restricted Foreshore Centre Zone*”.

Restricted Foreshore Centre Zone Height Limit

It is considered that the following height limits be imposed for the areas zoned “Restricted Foreshore Centre Zone”:

- A height limit of 9.0 metres to plate height;
- A height limit of 10.m to the top of the parapet;
- A height limit of 11.5m to the top of the ridge;
- A maximum of 3 stories.

These height limits are in keeping with the responses to the Beachfront Objectives consultation process.

It is recommended that the following height limits be imposed for areas zoned “*Restricted Foreshore Centre*”:

- **A height limit of 9.0 metres to plate height;**
- **A height limit of 10.m to the top of the parapet;**
- **A height limit of 11.5m to the top of the ridge; and**
- **A limit of 3 storeys.**

Lots to remain “*Foreshore Centre Zone*”

It is proposed that the majority of lots along Marine Parade will remain zoned as “*Foreshore Centre Zone*”, except for the above mentioned lots.

Foreshore Centre Zone Density

An assessment of lots fronting onto Marine Parade has revealed that:

- The majority of lots are developed to a coding of R160;
- The remaining lots are developed to an average coding of around R80;
- The vast majority of lots contain multiple dwellings;

Figure 7 illustrates the existing built densities of lots zoned “*Foreshore Centre Zone*” which front onto Marine Parade.

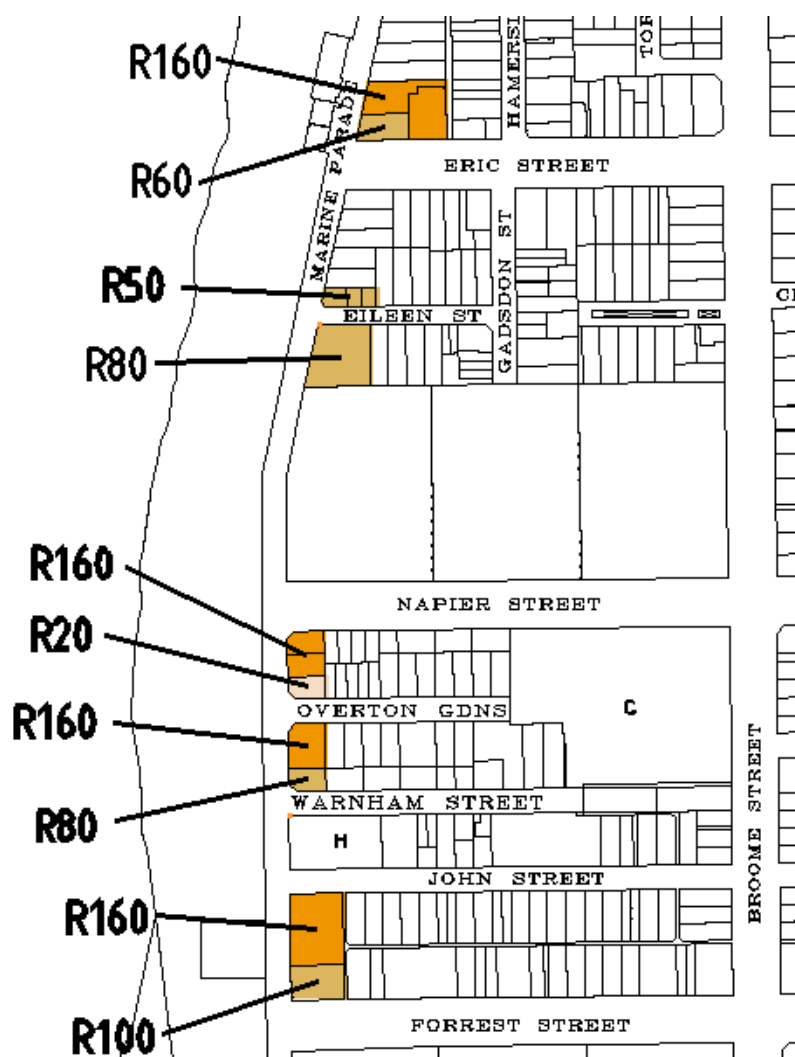


Figure 7 – Existing Built Densities Map of Lots Zoned Foreshore Centre Zone.

As a result of this assessment it is considered that the density coding in this area should be varied from R50 to R160 for the following reasons:

- Under Draft TPS 3 existing multiple dwelling developments may be redeveloped to the same density that currently exists;
- There are only 5 sites that are not developed to a density coding of R160;
- The Local Planning Strategy highlights that the present density coding does not allow redevelopment;
- New development would be in keeping with the majority of existing development so long as new development conforms with the existing height of development, i.e. 3 storeys; and
- The Local Planning Strategy recommends that selected areas of Marine Parade, particularly near Cottesloe Beach, have higher densities to accommodate small households and singles.

A coding of R160 would result in the following changes to development control provisions:

- Multiple dwelling lot sizes will change from 200m² to 62.5m²;
- Residential Plot ratio would change from 0.60 to 2.00;
- Minimum Open Space would change from 50% to 60%;

It is considered that these changes would not result in a detrimental impact on the amenity of the area or the character of the area as the majority of lots are already developed to R160 and that heights will have to conform to the existing heights of development in the area, i.e. 3 - 4 storeys. Furthermore design guidelines for this area should be developed to control the design of buildings to ensure that the existing character and amenity of the area is maintained and which require commercial development on the ground floor.

It is recommended to undertake further investigation of the density coding of the “*Foreshore Centre Zone*”, subject to further assessment by architects.

Foreshore Centre Zone Height Limits

It is considered that a height limit of 12.0m be imposed for the “Foreshore Centre Zone”. However the overall development standards will be reviewed for draft TPS No.3 which will reflect the draft beachfront objectives.

It is recommended that a height limit of 12.0m be imposed for the areas zoned “*Foreshore Centre*”.

PUBLIC PURPOSES RESERVE – COMMONWEALTH GOVERNMENT

This reserve covers two lots located on Clive Road. These sites have been sold to a private company that is currently investigating the possibility of residential development over these sites.

An assessment of the area has revealed the following:

- That lots to the east and south are coded R60;
- That lots to the east and south are built to densities ranging from R160 to R60;
- That lots to the north are coded R30; and
- That lots located on the opposite side of McNamara Way are coded R20;

Outlined below is a comparison of the development potential of the lots with an R40 coding and an R60 coding:

- A coding of R60 would allow the development of 16 Single Residential Dwellings compared to 15 Residential Dwellings with a coding of R40; and
- A coding of R60 would allow the development of 18 Multiple Dwellings compared to 11 Multiple Dwellings with a coding of R40.

Given that there is no significant difference in the amount of single residential dwellings permitted between R40 and R60 and that an additional 7 multiple dwellings would be permitted on a coding of R60 compared to R40 it is believed that the R60 coding should be supported for the following reasons::

- The sites are located in close proximity to public transport;
- 34% of all households in the town are single households;

- That the proportion of people aged 65 and over is increasing; and
- There is a need for further single household dwellings in the area.

It is recommended to change this site from “*Public Purpose – Commonwealth Government*” to “*Residential – R60*”.

TOWN CENTRE ZONE

The Town Centre Area will be reviewed when the Town Centre Urban Design Study is undertaken in 2004.

The lots located between Brixton Street, Jarrad Street and Stirling Hwy were previously reserved as “*Primary Road Reserve*” under the Metropolitan Region Scheme (MRS), however an amendment to the MRS resulted in the reserve being deleted over these lots, which has resulted in these lots having no zone to control development. The local authority is required under the MRS to amend its scheme to reflect the MRS.

It is recommended to extend the “*Town Centre Zone*” over those lots between Brixton Street, Jarrad Street and Stirling Highway.

RESIDENTIAL OFFICE ZONE

No change to the boundaries of the “*Residential Office Zone*” is recommended.

Maximum height limit of 8.5m to the top of the ridge, 7.0m to the top of the parapet and 6.0m to plate height to remain.

RESIDENTIAL ZONE

The boundary of the Residential zone is going to be extended to cover those areas identified in the report above including:

- Foreshore Centre Zone; and
- Special Industrial Zone.

Non conforming Uses in a Residential Zone

The existing non-conforming use sites are proposed to be covered by an additional use classification which will give legitimacy to those existing uses.

These sites include:

- John Street Café;
- North Street Deli;
- Curtin Avenue Deli;
- 2 shops on the corner of Marmion Street and Grant Street;
- Florist Shop on the corner of Forrest Street and Marmion Street
- Liquor Store on Railway Street; and

It is considered that a relevant additional use for each of these sites be included on the proposed Scheme Map and Scheme text taking into consideration the existing uses on each site.

This will result in these uses not being classed as non-conforming uses anymore. The proposed scheme will include a schedule detailing each of these sites with relevant development provisions controlling issues like hours of operation, number of seats, and parking.

It is recommended to introduce a restricted use for those sites outlined above which is in keeping with the existing use.

Tukurua & Le Fanu

These two sites are located along Marine Parade between Rosendo Street and Salvado Street. Both buildings on these sites are contained within Schedule 1 of the current scheme and are also listed on the State Heritage List.

These two buildings have been in disrepair for a long period of time, however recently Tukurua has been substantially renovated.

Council currently has an application for a change of use for Tukurua to allow professional offices to be permitted in the existing heritage building.

This application has not yet been dealt with by Council and Council has not yet received a response from the Heritage Council.

It is considered that these sites will be reviewed when the report detailing Heritage / Character areas is undertaken.

CIVIC ZONE

No change to the boundaries of the "*Civic Zone*" is proposed.

Height limits will be guided by the general heights for the district, which is low rise and generally two storeys.

HOTEL ZONE

No change to the boundaries of the "*Hotel Zone*" are proposed.

Maximum height limit of 12.0m to remain.

It is recommended that a further review of the "*Hotel Zone*" be undertaken.

SPECIAL DEVELOPMENT ZONE

No change to the boundaries of the "*Special Development Zone*" are proposed.

The Name of the zone needs to be changed from "*Special Development Zone*" to "*Special Development Zone A*" as a result of additional sites being zoned "*Special Development Zone B*".

An assessment of the heights on the site and in the surrounding area has revealed the following:

- The 6 storey high tower block on the OBH site (chocolate box) is approximately 22.81m above footpath level on Marine Parade;

- The highest point of the existing hotel roof is approximately 14.4m above footpath level on Marine Parade;
- The highest point of the existing hotel is approximately 10.3m above footpath level on Eric Street;
- The development on the northern side of Eric Street (Century Cove) is approximately 14.5m above footpath level on Eric Street;
- The development on the northern corner of Marine Parade and Eric Street is approximately 12.0m above footpath level on Marine Parade; and
- The development on the corner of Gadsdon and Eric Street is approximately 11.5m above footpath level on the corner of Eric Street and Gadsdon Street.

As a result of this assessment it is considered that the indicative heights illustrated on Figure 8 be supported. The boundary of these heights is only indicative and should not be seen as set, until an overshadowing assessment has been carried out to determine the affect on adjoining properties and the beach.

The heights have been established to provide articulation in the facades of any new development and to move away from box style development. It is also encouraged to allow additional height at the corners, through the use of tower elements, parapets or similar features to help give prominence to any new buildings.

It is important to understand that there is a 12.0m difference in levels from the rear of the property, along Gadsdon Street, to the front of the property, along Marine Parade. The difference in levels will also ensure that there is considerable break up of building height over the site.

The heights of adjoining developments have been taken into consideration when setting the indicative heights. For example most development along Gadsdon Street is 2 storeys in height and therefore the proposed indicative heights, along Gadsdon Street, have been set at 2 storeys in height to reflect this.

Similarly the Century Cove development on the northern side of Eric Street is 5 storeys in height and it is considered that a similar height, directly opposite, be permitted on the OBH site to reflect this.

The indicative heights nominated along Marine Parade have been developed by taking into consideration the height of the development on the northern corner of Eric Street and Marine Parade, which is 12.0m in height, and the existing 6 storey (22.81m) tower on the OBH site, whilst enabling the construction of an articulated façade with additional heights at the corners.

The 6 to 7 storey height limit, located approximately in the centre of the site, has been proposed taking into consideration the natural ground levels of the site. A building of 7 storeys in this location would only read as a 3 storey building along Gadsdon Street given the difference in levels. The final setback of this height limit and the actual height needs to be established through an overshadowing assessment.

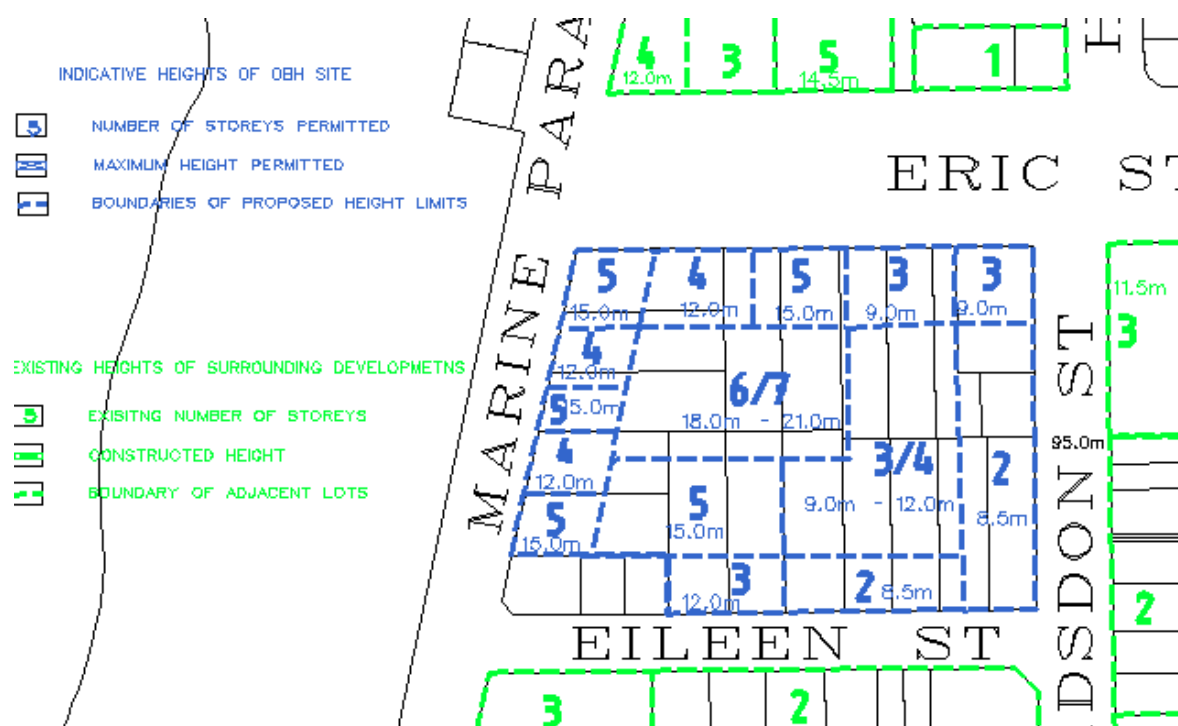


Figure 8 – Indicative Heights of OBH Site & Existing Heights of Surrounding Lots

It is recommended that the indicative heights highlighted in Figure 8 be supported subject to an overshadowing assessment being undertaken to finalise the exact boundaries and heights.

SITES RESERVED FOR PUBLIC PURPOSES

There are three sites reserved for “Public Purposes” that are under review, these are:

- Wearne Hostel;
- School for Hearing Impaired;
- McCall Centre.

An assessment of these sites has revealed that they all possess large amounts of vacant land suitable for further development at some stage.

It is considered essential that any development that occurs on these sites is controlled and guided by the Town Planning Scheme.

Currently no development standards exist for these sites as they are classified as local reserves. Clause 2.3 of the current scheme states that:

“In giving its approval, the Council shall have regard to the ultimate purpose intended for the reserve, and shall in the case of land reserved for the purpose of a Public Authority confer with that Authority before giving its approval.”

Discussions with the Western Australian Planning Commission have revealed that the Commission believes that if Council wishes to have some form of control over future development of these sites then it is necessary for these sites to have their own zoning.

The Model Scheme Text does not provide the ability to include development provisions in the scheme text for land reserved for “*Public Purposes*”.

A development application or a subdivision application may be lodged on reserved land, and Council is obliged to make a determination on such applications.

However if Council refuses or places unreasonable development conditions on the approval, in the opinion of the applicant, then these may be appealed and Council may also be liable for compensation, as outlined in clause 2.5 below:

“Where the Council refuses approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval, subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.”

There are numerous examples of public authorities subdividing or developing reserved land.

The commission has recently been involved in an appeal on a subdivision application on reserved land. The appeal was upheld, and one of the reasons was that there were no development provisions for land reserved as “*Public Purposes*”.

As a result of discussion with the Commission it is considered that the three sites be zoned to “*Special Development Zone B*” for the following reasons:

- Enable Council to control and guide major development;
- Require structure plans to be adopted prior to any major development;
- Reduce the likelihood of litigation or compensation claims against Council for refusing or imposing development conditions on development applications / subdivision applications.

Notwithstanding, further discussions with the relevant agencies for each site are required to be carried out prior to the finalisation of the scheme text.

It is recommended that the above sites be zoned “*Special Development Zone B*” and that further discussions are held with the relevant agencies before the finalisation of the Scheme text.

VOTING

Simple Majority

COMMITTEE COMMENT

Nil.

OFFICER & COMMITTEE RECOMMENDATION

That Council:

- (1) Support the proposed zones and reserves outlined on the attached draft map (as amended); and
- (2) Request staff to:
 - (a) prepare a Draft Town Planning Scheme No. 3 Map based on the proposed zones and reserves outlined on the attached map;
 - (b) amend Draft Town Planning Scheme No. 3 text to:
 - (i) reflect the proposed zones and reserves; and
 - (ii) include recommended Town Planning Scheme provisions.

AMENDMENTS**Places of Public Assembly Zones****AMENDMENT**

Moved Cr Sheppard, seconded Cr Walsh

That the Public Assembly Zone to be unchanged.

Carried 8/3

COUNCIL RESOLUTION

Moved Cr Sheppard, seconded Cr Walsh

That the Public Assembly Zone to be unchanged.

Carried 11/0

Business Zone Height Limits**AMENDMENT**

Moved Cr Walsh, seconded Cr Utting

That the following point be removed:

- 12.0m, as measured from the centre of the site, and setback approximately 10.0m from any boundary, subject to an overshadowing assessment being undertaken and subject to a site survey being undertaken.

Carried 7/4

COUNCIL RESOLUTION

Moved Cr Walsh, seconded Cr Utting

That the following point be removed:

- **12.0m, as measured from the centre of the site, and setback approximately 10.0m from any boundary, subject to an overshadowing assessment being undertaken and subject to a site survey being undertaken.**

Carried 7/4

For: Cr Walsh, Cr Utting, Cr Miller, Cr Cunningham, Cr Strzina, Cr Sheppard, Cr Morgan.

Against: Mayor Rowell, Cr Furlong, Cr Robertson, Cr Jeanes.

Business Zone Density

AMENDMENT

Moved Cr Morgan, seconded Cr Walsh

Include the words “requirement for the ground floor to remain commercial (shops and offices)”.

Carried 9/2

COUNCIL RESOLUTION

Moved Cr Morgan, seconded Cr Walsh

Include the words “requirement for the ground floor to remain commercial (shops and offices)”.

Carried 10/1

Public Purposes Reserve – Commonwealth Government

AMENDMENT

Moved Cr Walsh, seconded Cr Utting

That the zoning of this site be R30.

Lost 4/7

For: Cr Walsh, Cr Utting, Cr Morgan, Cr Strzina.

Against: Mayor Rowell, Cr Furlong, Cr Sheppard, Cr Jeanes, Cr Cunningham, Cr Miller, Cr Robertson.

Special Development Zone**AMENDMENT**

Moved Cr Walsh, seconded Cr Utting

That the indicative heights for the site highlighted in Figure 8 be no more than 12m.

Lost 3/8

AMENDMENT

Moved Cr Morgan, Cr Utting

That the matter be deferred.

Lost 4/7

COUNCIL RESOLUTION

That the indicative heights in Figure 7 be supported subject to an overshadowing assessment being undertaken to finalise the exact boundaries and heights.

Lost 5/6

Note: It was felt that while a mixture of heights was supported the actual height limits need further examination.

8.8 COUNCIL RESOLUTION

Moved Mayor Rowell, seconded Cr Furlong

That Council:

- (1) Support the proposed zones and reserves outlined on the attached draft map (as amended by the Council resolutions immediately above):**
- (2) Request staff to:**
 - (a) prepare a Draft Town Planning Scheme No. 3 Map based on the proposed zones and reserves outlined on the attached map and as amended above;**
 - (b) amend Draft Town Planning Scheme No. 3 text to:**
 - (i) reflect the proposed zones and reserves; and**
 - (ii) include recommended Town Planning Scheme provisions.**

Carried 9/2

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

Nil.

10 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY ELECTED MEMBERS/OFFICERS BY DECISION OF MEETING

Nil.

11 MEETING CLOSURE

The Mayor announced the closure of the meeting at 11:45 pm.

CONFIRMED: MAYOR..... DATE:...../...../.....