

TOWN OF COTTESLOE



DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE
109 BROOME STREET, COTTESLOE
6.00 PM, MONDAY, 16 FEBRUARY 2009

CARL ASKEW
Chief Executive Officer

16 February 2009

DEVELOPMENT SERVICES COMMITTEE

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1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member announced the meeting opened at 6.03pm.

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

Present

Cr Jack Walsh Presiding Member
Cr Jay Birnbrauer
Cr Greg Boland
Cr Jo Dawkins
Cr Ian Woodhill

Cr Patricia Carmichael Observer

Officers Present

Mr Carl Askew Chief Executive Officer
Mr Andrew Jackson Manager Development Services
Mr Ed Drewett Senior Planning Officer
Mr William Schaefer Planning Officer
Ms Pauline Dyer Planning Services Secretary

Apologies

Mayor Kevin Morgan

Leave of Absence (previously approved)

Cr Victor Strzina

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PUBLIC STATEMENT TIME

Craig Smith-Gander and Brett Endersby – North Cottesloe Surf Life Saving Club – Marine Parade, Cottesloe – Item 10.1.1:Proposed Alternations and Additions to North Cottesloe Surf Life Saving Club

The speakers overviewed the club's aspirations to provide adequate facilities for its growing membership as part of the community and the planning that had gone into the proposal. A scaled-down expansion and staged approach are now involved. The proposal was not considered to impact unduly on residents opposite. The club has leasehold and sub-leases the restaurant which

provides income. The speakers also queried the recommended reasons for refusal in relation to the lease area, aspect of views and regional reservation.

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Moved Cr Dawkins, seconded Cr Woodhill

[Minutes December 08 2008 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 8 December 2008 be confirmed.

Carried 5/0

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

The Manager Development Services through the Chair introduced and welcomed the new Planning Officer, William Schaefer.

9 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

REPORTS OF COMMITTEES AND OFFICERS

10.1 PLANNING

10.1.1 NO. 151 MARINE PARADE – PROPOSED ALTERATIONS AND ADDITIONS TO NORTH COTTESLOE SURF LIFE SAVING CLUB

File No:	1622
Author:	Ed Drewett
Attachments:	
Proposed Meeting Date:	16-Feb-2009
Author Disclosure of Interest	Nil
Senior Officer:	Andrew Jackson
Property Owner:	Crown land (Leased to NCSLSC)
Zoning:	N/A
Density:	N/A
Lot Area:	N/A
MRS Reservation:	Parks and Recreation

SUMMARY

This application is for alterations and additions to the North Cottesloe Surf Life Saving Club (NCSLSC).

The proposed development is on land reserved under the Metropolitan Region Scheme (MRS) for Parks and Recreation and therefore the application is to be determined by the Western Australian Planning Commission (WAPC).

The recommendation is to advise the WAPC that Council is supportive of the proposed alterations and additions to the lower ground level; and to the store, kitchen, training room, external stairs and balcony extension at the Marine Parade level within the current lease boundary. However, the proposed location of the new First Aid Training Room and Office in the existing northern courtyard is not supported, for the following reasons:

- a) The proposed addition extends well beyond the walls of the existing building footprint and comprises a further built structure west of Marine Parade, contrary to Council's adopted Beach Policy, Beachfront Development Objectives and Future Plan;
- b) The proposed addition would have a detrimental impact on the visual amenity of nearby residential properties, would detract from their views, and would not contribute to the desired streetscape along Marine Parade; and
- c) The proposed addition would be an ad-hoc addition to the premises contrary to the orderly and proper planning of the land reserved for Parks and Recreation under the MRS.

PROPOSAL

The proposed alterations and additions to the existing Surf Club are summarised as follows:

Lower ground level

- Modification/addition to the northern part of existing gym;
- Removal of existing stairs on western elevation and replacement with new external stairs to access proposed balcony extension above;
- New internal store/alteration & extensions to existing toilets/provision of new showers;
- New double entry door to foyer.

Marine Parade level

- 33m² extension to existing balcony (west elevation);
- Reduction in size of existing storeroom/increase in size of kitchen;
- 54m² addition to create new First Aid Training Room and an Office, with a curved roof to match that existing and to provide covered entry to new addition;
- Existing first aid room and office to be demolished to increase size of training room.

BACKGROUND

A briefing by the NCSLSC to Council took place towards the end of last year at the Club and this was followed up with preliminary discussions with the Town's Officers prior to submission of the planning application.

The applicant advises that the overall intentions for the development of the Club comprises of two phases. Phase 1 being the current development application for the area inside the Club's lease boundary and Phase 2 which involves the extension to the Club's lease area to accommodate a new 'below-ground' storage area. According to the Club these plans have been developed over a two-year period and give it the capacity to further enhance its contribution to the community, particularly in the areas of lifesaving, junior development, education, training and promotion of healthy lifestyles.

Only Phase One is the subject of this planning application and which has been advertised to date. Any proposal for the expansion of the premises requiring the extension of the current lease area would require the submission of a separate planning application and further public consultation as deemed appropriate by Council, in addition to approval of the lease change.

Previous proposals considered by Council for the NCSLSC include internal and external alterations and additions approved in 1997 and the erection a shade sail in the northern courtyard supported by Council in 2004.

CONSULTATION

There is no statutory requirement for this application to be advertised as it is not on land zoned under the Town Planning Scheme (TPS 2). Nevertheless, nine letters were sent out by Council to owners living opposite the site and one letter was sent to SOS Cottesloe notifying them of the application as it was considered that some level of advertising was appropriate.

Six written submissions were received from neighbouring residents and one verbal submission was made from an owner currently overseas. The main points raised in the submissions are summarised as follows:

R.A & S.J Langmead, Units 1, 2 & 3/160 Marine Parade

- Strongly supports Council's policy of no further development west of Marine Parade.
- Considers that the proposal is for minor building additions and all confined within the Surf Club's existing leasehold area and therefore, if supported by Council, has no objection.
- Over 60% of the top deck of the Surf Club's premises was leased in a commercial venture in the late 1980s to secure the Club's viability at the time. This consideration which was granted by the community has proven very successful for both the Club and the Community but should the Club have a long term requirement for additional premises then renegotiation for part of the leased area must be considered.

Mr J. Shulman, 1/158 Marine Parade

- Expresses concern regarding the proposed addition at the Marine Parade level as it will have a permanent roof structure and will obstruct views.

Mr R. Boulden, 3/158 Marine Parade

- The proposed extension in the courtyard area will obstruct my views and that of my neighbours.
- The proposed design, together with the existing appearance of the Blue Duck restaurant and Surf Club, resembles a warehouse from Marine Parade.
- The ocean front of the building is obviously nicely presented which is not in view to the public.
- There has been increased noise and anti-social behaviour with many more events and functions at the Club. Increasing the useable area by relocating the existing office and constructing a further balcony area will enable the Surf Club to increase their numbers and create further noise problems. The decibels from the music are extremely loud and create a disturbance which spills out to the lawn area. There also seems to be no time restriction of some of these events.

M. Shave, 156A Marine Parade

- Objects to further expansion of the Surf Club.
- Purchased and designed own property as intended to live opposite an A-Class reserve with a legally binding footprint.

- The Surf Club made decision to forego their exclusive use of large part of clubrooms in favour of commercial enterprise to which we objected energetically. The “kiosk” which was approved is very different to the busy restaurant that trades at present and has already expanded over the road reserve.
- The proposed extension of the roofline will negatively impact on my right to enjoy my home and its value.
- Where does expansion stop? The argument that the Club supplies important social services is negated by the fact that the more than adequate land/building has been turned over to commercial enterprise. When does the restaurant lease expire? Surely at that time the Club will have adequate opportunity to provide all amenities it needs.

Mrs A. Battley, 1/154 Marine Parade

- Objects to proposed addition as it will totally block views and de-value her property.
- The structure facing Marine Parade is currently an eyesore and not sympathetic to the streetscape. The proposed extension is only extending the eyesore even further.
- A lot of effort has been made to make the front of the building attractive but with no consideration of the streetscape along Marine Parade which is where it is visible to passing traffic and neighbours.

A. Treloar & M. Chester, 2/154 Marine Parade

- Strongly objects to the height of the proposed curved roof over the courtyard extending to the northern courtyard wall.
- The proposed roof is much higher than the ceiling height of the alterations and the normal height needed for the office.
- A flat roof above normal ceiling height or a curved roof starting at the normal kitchen height would be preferable to extending to the height of the existing roof. This may not look as good but it would not interfere with the visual amenity of all the residents on this section of Marine Parade.

Mrs N. Jacoby, 3/154 Marine Parade

- Verbal submission (as overseas) – Objects to further extensions to the Surf Club.

STAFF COMMENT

Strategic Framework

Although the subject land is regional reservation under the MRS, Council has day-to-day responsibility for the management and maintenance of the foreshore and beach areas and a direct strategic planning responsibility in guiding the use and development of the area in the public interest.

It is to these ends that Council has pursued a foreshore vision, addressed most recently via the Enquiry-by-Design which is producing a Concept Plan, and has considered very carefully proposals (both indicative and actual) arising in the

foreshore, such as for the Cottesloe Indiana Tea House, Barchetta and Cottesloe Surf Life Saving Club premises.

Previously, the NCSLSC had produced a concept master plan for its premises, understood to include a suggested additional storey of administration space and a watchtower, however, following liaison the Town advised that the proposal appeared inconsistent with Council's approach to the preferred planning and development directions for the area.

Statutory Framework

As mentioned, the WAPC is the decision-making body for applications on land reserved for Parks and Recreation under the MRS. Council provides advice on the application to the WAPC for determination. The WAPC is reliant on Council for consideration of local planning aspects, amenity impact and community consultation.

Policy Framework

Council has five strategic documents that broadly address development west of Marine Parade. These are:

1. Council's Beach Policy
2. Beachfront Development Objectives
3. Future Plan (2006-2010)
4. Draft Beachfront Policy
5. Foreshore Concept Plan (in progress)

Relevant sections from these documents in respect to the proposed development are as follows:

The Council's Beach Policy (adopted May 2004) states, inter alia, that:

The policy of the Town of Cottesloe shall be to limit the construction of any enclosed and roofed structures west of Marine Parade to replacement only without significant expansion of the footprint, height or mass of the structure.

The Beachfront Development Objectives (adopted December 2004) include:

To encourage the innovative reuse of existing structures on the beachfront while not permitting any further built structures for commercial use (west of Marine Parade).

To ensure new developments are low rise at street frontage onto Marine Parade;

To require that new developments shall respond sympathetically to adjoining existing development and shall limit overshadowing.

The Future Plan 2006-2010 states, inter alia:

Council does not support any new building development west of Marine Parade outside existing footprints;

The two life-saving clubs have historical significance and current importance for the welfare of locals and visitors enjoying an active beachfront. The aspirations of the clubs will need addressing as part of a planned approach for the future of the whole foreshore.

The Draft LPS3 Beachfront Policy states, inter alia:

Development should be designed to contribute positively to streetscapes in terms of scale and form of buildings (including roof shapes), visual integration (cohesiveness and harmony), and the overall beachfront urban appearance;

The interface between buildings and streets should address the public domain and provide for interaction between the sites/buildings and footpaths;

A streetscape presence should be created for outward-looking and welcoming buildings, rather than alienated from the public realm...

The Foreshore Concept Plan being prepared as part of the Enquiry by Design undertaken in relation to LPS3 does not deal specifically with the NCSLSC premises, however, the EbD identified a low-key character, preservation of views, accessibility and dune protection as key objectives to be achieved in planning for the foreshore and beachfront areas.

Due regard should therefore be given to these statements when considering development proposals on the foreshore, which guide Council's decision-making.

Comments on proposed development

The proposed internal alterations, small addition to the gym, and the replacement of the stairs on the western elevation would not have any significant effect on the visual amenity of adjoining residents or the streetscape, and the proposed balcony addition would improve the visual appearance of the existing building when viewed from the beach by providing a more open and active frontage to match the existing balcony areas. As such, there is no planning objection to supporting these changes.

However, the main planning issue is regarding the proposed permanent addition of a new First Aid Training Room and Office within the existing open courtyard area. Although this is to be located within the existing lease boundary of the NCSLSC it does not represent a 'replacement' building as inferred under Council's Beach Policy, but rather it comprises further built structures, albeit of relatively modest proportions.

Furthermore, although the proposed additions would appear sympathetic to the existing development and would not create overshadowing, being on the northern side, it is likely to have a significant impact on the visual amenity currently enjoyed by residents living directly opposite the Club as it could partially inhibit their existing ocean views and be detrimental to their general outlook. This is further reflected in the submissions received during advertising.

The wall height of the proposed addition would be 3.2m above the existing ground level and the proposed curved roof would extend up to a height of 4.6m to match the existing roofline and therefore would appear a prominent addition to the surf club building over the eastern portion of the existing courtyard. As such, comments

received regarding the visual appearance of the proposed extension on Marine Parade appear valid as neither the existing building or the proposed extension appear to contribute to the streetscape, with only two high level windows being proposed in the eastern elevation.

The Town is unaware of past complaints from neighbouring residents in respect to noise and anti-social behaviour emanating from the Surf Club and the matters raised during advertising have been forwarded to the Principal Environmental Health Officer for consideration. It is, however, not necessary to specifically condition hours of use etc for the proposed alterations and additions as the main courtyard area is existing and the Surf Club has advised that its current membership is not proposed to be increased.

The expiry of the current lease arrangement between the Surf Club and the Blue Duck restaurant could also be considered when considering any future significant development proposal for the Surf Club, as that large part of the building could possibly be reverted (partially or wholly) back to use by the Surf Club, in order to alleviate development pressure rather than seeking to expand the lease area.

Conclusion

On balance, the proposed alterations and additions at the lower ground level and Marine Parade level are considered acceptable, with the exception of the proposed First Aid Training Room and Office in the northern courtyard area. The latter additions represent a new built structure which would extend well beyond the walls of the existing main building, albeit within the existing 'walled' lease boundary, and it would have a detrimental impact on the visual amenity of neighbouring residential properties, impact on their existing views and has not been designed so as to have an outward-looking and welcoming street presence along Marine Parade.

Council has previously had to address similar development proposals on the beach reserve and has generally taken a cautious approach towards allowing new built structures west of Marine Parade. Whilst it is understood that this current proposal may be of benefit to the NCSLSC it should be considered in light of these other decisions and Council's policies and objectives for the foreshore.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That with respect to the proposed alterations and additions to the north Cottesloe surf life saving club at 151 Marine Parade, Cottesloe, Council advise the WAPC that:

1. The proposed location of the new first aid training room and office in the northern courtyard is not supported, for the following reasons:
 - (i) The proposed addition extends well beyond the walls of the existing building footprint and comprises a further built structure west of Marine Parade, contrary to Council's adopted Beach Policy, Beachfront Development Objectives and Future Plan;

- (ii) The proposed addition would have a detrimental impact on the visual amenity of nearby residential properties, would detract from their views and would not contribute to the desired streetscape along Marine Parade; and
 - (iii) The proposed addition would represent an ad hoc addition contrary to the orderly and proper planning of the land reserved for Parks and Recreation under the Metropolitan Region Scheme.
2. The proposed alterations and additions to the lower ground level and to the store, kitchen, training room, external stairs and balcony extension at the marine parade level within the current lease boundary be supported, subject to the following conditions:
- (i) All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites;
 - (ii) The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written approval of the Council and the WAPC;
 - (iii) No development shall take place outside the existing lease boundaries;
 - (iv) The Building Licence plans and supporting documentation shall be formulated in consultation with the Town of Cottesloe and to the satisfaction of the Manager Development Services and shall include:
 - a) The deletion of the proposed first aid training room and office within the northern courtyard;
 - b) Compliance with the Health (Public Building) Regulations;
 - c) Where the kitchen is to be used for catering to the public or members it is required to meet the standards for a Class 1 or Class 3 Food Premises in accordance with the Food Hygiene Regulations;
 - d) Access to and within new toilets for those with disabilities to comply with AS 1428.1; and
 - e) No development shall obstruct the existing dual use paths.

COMMITTEE COMMENT

Committee expressed appreciation of the club's activities and needs but also concerns about the issues associated with progressive developments within the

foreshore and the resultant implications, as well as overall planning for the area. Committee also clarified through the Manager Development Services that the WAPC was the decision-maker, subject to a detailed recommendation from the Council on the local planning considerations. Committee agreed that point 1 (iii) of the recommendation should have some rewording (as shown below).

COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Boland

That with respect to the proposed alterations and additions to the north Cottesloe surf life saving club at 151 Marine Parade, Cottesloe, Council advise the WAPC that:

1. **The proposed location of the new first aid training room and office in the northern courtyard is not supported, for the following reasons:**
 - (i) **The proposed addition extends well beyond the walls of the existing building footprint and comprises a further built structure west of Marine Parade, contrary to Council's adopted Beach Policy, Beachfront Development Objectives and Future Plan;**
 - (ii) **The proposed addition would have a detrimental impact on the visual amenity of nearby residential properties, would detract from their views and would not contribute to the desired streetscape along Marine Parade; and**
 - (iii) **The proposed addition would be an undesirable addition contrary to the orderly and proper planning of the land reserved for Parks and Recreation under the Metropolitan Region Scheme.**

2. **The proposed alterations and additions to the lower ground level and to the store, kitchen, training room, external stairs and balcony extension at the marine parade level within the current lease boundary be supported, subject to the following conditions:**
 - (i) **All construction work being carried out in accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 13 - Construction Sites;**
 - (ii) **The external profile of the development as shown on the approved plans not being changed, whether by the addition of any service plant, fitting, fixture or otherwise, except with the written approval of the Council and the WAPC;**
 - (iii) **No development shall take place outside the existing lease boundaries;**
 - (iv) **The Building Licence plans and supporting documentation shall be formulated in consultation with the Town of Cottesloe and to the satisfaction of the Manager Development Services and shall include:**

- a) **The deletion of the proposed first aid training room and office within the northern courtyard;**
- b) **Compliance with the Health (Public Building) Regulations;**
- c) **Where the kitchen is to be used for catering to the public or members it is required to meet the standards for a Class 1 or Class 3 Food Premises in accordance with the Food Hygiene Regulations;**
- d) **Access to and within new toilets for those with disabilities to comply with AS 1428.1; and**
- e) **No development shall obstruct the existing dual use paths.**

Carried 4/1

10.2 GENERAL

10.2.1 WESROC STUDY OF DENSITIES – FEEDBACK FROM COUNCILS

File No: SUB/103
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Delia Negie, Project Planner &
Andrew Jackson, Manager Development
Services
Proposed Meeting Date: 16-Feb-2009
Author Disclosure of Interest Nil

SUMMARY

WESROC resolved to undertake a study to assess the contribution that member councils and town planning schemes and strategies make towards meeting regional planning objectives. A study report was prepared by Chris Antill Planning & Urban Design and WESROC has requested the councils to provide comment *on the scope for coordination of the recommendations on a regional basis.*

The aim of the Study was to *gauge the effectiveness of planning for the sub-region in terms of regional and local objectives for creating concentrated urban activity, employment location, accommodating population growth, and providing housing choice.*

It is recommended that WESROC be advised that Cottesloe Council is supportive of the study findings as it provides each council and WESROC with a valuable information base to assist with regional issues, policies and studies, particularly relating to Network City. The study is also a valuable resource to council to use in reviewing local planning schemes, developing strategies and preparing policies.

BACKGROUND

At its March 2007 meeting, WESROC resolved *that a stocktake of current and anticipated land uses/densities and the implications of population change across the region be given priority.* Town of Cottesloe prepared the study brief and project-managed the study.

WESROC subsequently commissioned Chris Antill Planning & Urban Design to undertake a study of land use and residential densities for the member councils, with the later addition of the City of Fremantle and Town of Cambridge.

At its meeting on 22 September 2008, WESROC considered the final report, entitled *A study of Land Use Patterns and Residential Densities in the Western Suburbs*, and resolved:

The Study... be received by the Board and be referred to all participating councils.

All participating councils be requested to provide comment on the scope for coordination of the recommendations on a regional basis.

The comments received from participating councils be referred back to... WESROC.

CONSULTATION

The Towns of Claremont, Mosman Park and Cambridge, Cities of Nedlands, Subiaco and Fremantle and the Shire of Peppermint Grove were consulted in addition to the Town of Cottesloe.

The Town of Cottesloe has undertaken to coordinate the responses from the other Councils and report back to WESROC. To date a response has been received from all except the City of Fremantle (who have briefed their Council but remain to formalise any response, which they have advised they will consider).

STAFF COMMENT

Study Conclusions

The aim of the Study was to gauge the effectiveness of planning for the sub-region in terms of regional and local objectives for creating concentrated urban activity, employment location, accommodating population growth, and providing housing choice.

The study reviewed regional policies and relevant literature; analysed demographic, housing and employment trends; examined the local schemes, strategies and policies of the councils; and assessed their development patterns. This background enabled the identification of opportunities and constraints which led to the study's conclusions and recommendations.

It was concluded that the population and housing stock of the western suburbs has been steadily increasing since 1981 and the population has an older profile than the Perth region. The older population profile indicates a potential demand for greater housing choice. Overall, however, housing choice in the western suburbs is not broadening sufficiently to accommodate changing demographics and housing needs... All the western suburbs local authorities have adopted policies or objectives supporting the principles of housing diversity and choice, and are using most of the regular planning tools to achieve greater housing quantity and diversity. However, more imagination may be needed to achieve significant results...

With regard to Cottesloe, the study identifies that:

- The population has been steadily increasing over the years matched by an increase in housing stock as per other western suburbs.
- The occupancy rate has, however, decreased, as per the metropolitan area and western suburbs region.
- The population is older than the metropolitan median but also has a substantial child population, with the 0-4 age group proportion not much below the metropolitan average, more-so than other western suburbs.

- Housing choice has decreased over the years with the proportion of single houses increasing at the expense of townhouses or apartments. The proportion of separate dwellings is, however, still less than the Perth average.

The study notes that those *local authorities that have achieved the greatest population and housing stock increases have done this through the development of large areas of vacant or underutilised land, and/or increases in housing density. Some local authorities have been in a better position than others in having access to large areas of developable land for housing.*

In this regard, the Town of Cottesloe railway lands provide an opportunity to provide a choice of additional housing. The Town Centre and the Development Zones provide additional opportunities.

Study Recommendations

The study recommends:

- (a) That priority for achieving increased housing choice could be to encourage *the provision of greater numbers of smaller accommodation types. This could be a combination of one and two bedroom dwellings and more flexible housing forms such as “zone homes”* (homes with two separate self-contained living areas).
- (b) *Planning “tools” such as improvement plans and precinct plans are well suited to achieving change in areas such as town centres and their immediate environs, when the need to accommodate orderly growth, intensification and diversity becomes apparent. The identification of “development zones” is an appropriate action for signalling in advance to the community the development potential of sites which are, or may become in the future, available for comprehensive redevelopment.*
- (c) *Some of the incentive-based tools which should be investigated* (possibly in co-operation with State Government) *to encourage redevelopment of existing developed areas for higher residential density and/or the provision of more diverse and affordable housing could be:*
 - *dual or split codings;*
 - *density bonuses;*
 - *height bonuses;*
 - *relaxation of development standards such as car parking standards;*
 - *relaxation of other statutory requirements;*
 - *tax relief;*
 - *quicker approval processes;*
 - *Government fee waivers.*
- (d) *This study and the evidence provided by DPI mapping has provided information for local authorities which identifies those existing residential areas where planned densities are not being achieved, and therefore reviews should be undertaken to establish whether it may be appropriate to increase R-Codings in those areas.*
- (e) *Focus areas for the provision of new medium-density housing and mixed use development are locations where transport, employment, services and recreation are close by and readily available. However, this must be done in a sustainable*

manner which does not unduly compromise existing local character and amenity, and is mindful of the capacity of existing infrastructure to cope with increased traffic and parking.

- (f) *Ensuring activity centres and transport hubs are destination centres for employment and visitors as well as providing accommodation for new residents will be crucial to the future viability and success of these urban centres, which generally replicate the roles of traditional town and neighbourhood centres of the past.*

- (g) *All the Western Suburbs local authorities must place an increasing emphasis on expanding the roles of their various activity centres. It is acknowledged, however, that some have greater physical capacity for expansion and densification than others. Further achievements are therefore likely to be gradual and incremental. Nevertheless, the development of the remaining brownfield sites (such as railway lands in Cottesloe and Claremont) are the key to achieving new urban development.*

Comments of Other Councils

Other councils have commented on the report support the findings of the study and advise that it will provide sound input to their schemes, strategies or reviews:

- The Shire of Peppermint Grove has noted the report and advised that it has no particular comments to offer.
- The City of Nedlands has advised that *Council will use the findings and recommendations within the report as information when considering the future planning within the City.*
- The Town of Claremont resolved to receive the report as an input to its Local Planning Strategy.
- The Town of Mosman Park advised that *it is already embracing the recommendations of the Study with respect to the objectives of Network City. The Town is prepared to work with its contiguous local government neighbours to ensure a coordinated approach to achieving the recommendations of the Study. Further, in respect of the Stirling Highway Activity Corridor Study being undertaken by the Department for Planning and Infrastructure, the Town is prepared to actively engage with other WESROC Councils to ensure the interests of the individual Councils are maintained.*
- The Town of Cambridge advises that it considers that:
 - (a) *the study will provide an invaluable reference source for the Town in preparing its local planning strategies as part of its Town Planning Scheme Review;*
 - (b) *the study provides a sound basis for responding to State Government policy for increasing housing numbers and housing choice in established areas;*
 - (c) *the study provides a context for demonstrating how local planning strategies of individual councils are contributing towards a collective regional effort.*
- The City of Subiaco provided a detailed resolution supporting and providing comment on specific findings and recommendations of the report. as follows:
 1. *That WESROC be advised the City of Subiaco supports the findings and recommendation of A Study of Land Use Patterns and Residential Densities in the Western Suburbs specifically to:*

- (a) *Encourage the provision of greater numbers of smaller accommodation types;*
 - (b) *Continue to use and further investigate planning tools such as improvements, precinct plans and incentive based tools to achieve change to accommodate orderly growth;*
 - (c) *Identify existing residential areas where planning densities are not being achieved and undertake reviews to establish whether increased densities are justified;*
 - (d) *Focus density and mixed use development in locations where transport, employment, services and recreation are close by and readily available;*
 - (e) *Ensure activity centres and transport hubs are destination centres for employment and visitors as well as providing accommodating for new residents; and*
 - (f) *Placing a greater emphasis on expanding the role of activity centres.*
2. *Acknowledge that in relation to the above recommendations:*
- (a) *Any proposals to introduce blanket increased in residential densities over large areas of established, high quality suburbs would be unrealistic, unmindful of heritage character values and community wishes, disruptive of important social fabric and not expected to be supported or to succeed;*
 - (b) *Wholesale and indiscriminate change to the established patterns and forms of development in the western suburbs cannot be justified no matter how well intentioned the objectives are; and*
 - (c) *Although overall housing choice in the western suburbs is not broadening sufficiently to accommodate changing demographics and housing needs in the western suburbs, the City of Subiaco offers a very broad level of housing choice and density and in this regard is leading the way.*
3. *The study be used as a reference source in preparing its planning strategies regarding housing densities and responding to State Government policy for increasing housing densities.*

Town of Cottesloe Comment

Council's draft LPS3 works towards the recommendations of the study, particularly in regard to:

- Recommendation (b) whereby the Scheme uses different planning tools including development zones and structure planning to flag and facilitate future development sites.
- The railway lands development zone and Town Centre objectives (together with Curtin Avenue realignment objectives) will contribute towards recommendations (e), (f) and (g), as they provide for medium density housing at activity centres and transport hubs.
- Future policies under LPS3 may allow more innovative planning tools to be employed, such as in recommendation (c), to encourage a greater number of *smaller accommodation types* as suggested in recommendation (a).

WESROC has requested Council to provide comment *on the scope for coordination of the (study) recommendations on a regional basis*. This reflects that small councils, when viewed individually, may not appear to be in a position to meet regional

planning objectives as substantially as when approached as part of a sub-regional grouping.

In this respect the DPI is working towards setting housing targets for local authorities as one means of implementing Network City. The targets are based on the potential for additional housing over the next 40 years. Liaison at officer level with councils metropolitan-wide has been occurring for some while and it is expected that formal consultation will be undertaken in the coming months. The Stirling Highway Activity Corridor Study is also being conducted by DPI to further Network City objectives, and includes a consultation phase.

The WESROC study puts councils and the western suburbs sub-region in a good position to provide feedback to the DPI housing targets study and other Network City-based studies or policies. When seen as a geographical and functional sub-region rather than individual districts, the contribution being made by each council to regional planning objectives becomes more clearly apparent. Also, the study has been able to demonstrate the reasons for differences in housing provision between the councils, such as land availability to increase housing provision and diversity. The opportunities and constraints identified indicate the meaningful contributions that may be made to housing supply by the western suburbs councils.

An important assessment made by the study is that any proposals to introduce blanket increases in residential densities over large areas of established, high quality suburbs would be unrealistic, unmindful of heritage and character values and community wishes, disruptive of important social fabric, and not expected to be supported or to succeed.

The Western Suburbs – individually and as a whole – are valued greatly by their residents. The great majority of residents feel a close attachment to their immediate locality and their local commercial and recreational facilities. The established patterns and forms of development that have created this environment have evolved gradually over a long period, resulting in a strong “sense of place” overall, made up of a number of readily identifiable local communities. Wholesale and indiscriminate change to this situation cannot be justified, no matter how well intentioned the objectives are.

POLICY IMPLICATIONS

The WESROC Study will assist Council in developing any relevant policies under LPS3 or in responding to any regional policy initiatives on such matters.

STRATEGIC IMPLICATIONS

The Study is consistent with Council's strategic direction and will assist Council in pursuing the Future Plan and implementing its Action Plan.

Objective 4 of the Future Plan is to manage development pressures. The direction for this objective states that *Council is committed to using a policy-driven approach to manage development pressures that will ensure that the planning framework is in place to protect the characteristics that the community wants preserved and protected and that form part of the ‘vision statement’ for this Future Plan.*

Also Objective 2 *To achieve connectivity between east and west Cottesloe* acknowledges that *the land abutting the railway has development potential and the town centre could benefit from new housing, local open space and general improvements to the overall railway precinct.*

STATUTORY REQUIREMENTS

The Study is not linked to any direct statutory requirement for it.

SUSTAINABILITY IMPLICATIONS

Population distribution and housing density have an interrelationship with sustainability.

FINANCIAL IMPLICATIONS

The Study does not have any immediate financial implications for Council. Application of the study may lead to further work via consultants with associated costs.

VOTING

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Notes the Study and its usefulness as a source of information and direction for a range of planning activities and related initiatives by the Town over time.
2. Supports the Study findings and recommendations as a basis for Council responding to regional planning studies, policies and proposals affecting the Town.
3. Advises WESROC that Council also supports the coordination of the recommendations on a regional basis in order that the councils can collectively address regional planning strategies, policies and programs as appropriate to the geographical, functional and social characteristics of the sub-region.

AMENDMENT

Moved Cr Walsh , seconded Cr Boland

That an additional point be added as point 3 to the recommendation to state:

That Council:

Acknowledge that: (a) any proposals to introduce blanket increases in residential densities over large areas of established, high quality suburbs would be unrealistic, unmindful of heritage character values and community wishes, disruptive of important social fabric and not expected to be supported or to succeed; and (b) wholesale and indiscriminate change to the established patterns and forms of development in the western suburbs cannot be justified no matter how well-intentioned the objectives are.

Carried 3/2

COMMITTEE COMMENT

Committee discussed the thrust of the study generally and supported the aspects contained in the officer recommendation for the purpose of responding to WESROC. After some discussion Committee also agreed to add a new point 3 to the recommendation echoing part of the City of Subiaco resolution in relation to the implications of proposed density changes.

COMMITTEE RECOMMENDATION

Moved Cr Dawkins, seconded Cr Birnbrauer

That Council:

- 1. Notes the Study and its usefulness as a source of information and direction for a range of planning activities and related initiatives by the Town over time.**
- 2. Notes the Study findings and recommendations as a basis for Council responding to regional planning studies, policies and proposals affecting the Town.**
- 3. Acknowledge that: (a) any proposals to introduce blanket increases in residential densities over large areas of established, high quality suburbs would be unrealistic, unmindful of heritage character values and community wishes, disruptive of important social fabric and not expected to be supported or to succeed; and (b) wholesale and indiscriminate change to the established patterns and forms of development in the western suburbs cannot be justified no matter how well-intentioned the objectives are.**
- 4. Advises WESROC that Council supports the coordination of the recommendations on a regional basis in order that the councils can collectively address regional planning strategies, policies and programs as appropriate to the geographical, functional and social characteristics of the sub-region.**

Carried 5/0

10.2.2 PROPOSED LOCAL PLANNING SCHEME No. 3 – ENQUIRY BY DESIGN – OUTCOMES REPORTS & SCHEME PROPOSALS

File No: SUB/719 & SUB/720
Responsible Officer: Carl Askew
Chief Executive Officer
Author: Andrew Jackson
Manager Development Services

Proposed Meeting Date: 16-Feb-2009
Author Disclosure of Interest Nil

SUMMARY

This report presents to Council the findings of the Enquiry by Design (EbD) in order to progress the completion of Local Planning Scheme No. 3 (LPS3) and to give direction on those matters to be addressed outside of the Scheme.

Firstly, draft planning controls are presented for agreement to be advertised for comments, prior to consideration for incorporation into LPS3. Secondly, ongoing actions are outlined to reach agreement on and implement longer-term strategic planning matters arising from the EbD.

The aim is to finalise LPS3 by September 2009, hence to now proceed to the next step of Council advertising the EbD outcomes during March. After that Council is to consider submissions received then determine its recommendations on the proposals for inclusion in LPS3, for agreement with the Western Australian Planning Commission (WAPC) and Minister for Planning, as well as to decide upon other actions for the strategic matters.

In preparing this officer report liaison has occurred with the main consultants and the Department for Planning & Infrastructure (DPI) to discuss the draft main report on the EbD. This has included agreement in-principle regarding the manner of incorporating proposed measures into LPS3. Note, however, that all of the consultancy reports were still being completed at the time of compiling this officer report, whereby the final products were not entirely available.

BACKGROUND

The EbD stakeholder workshops and community engagement phase was conducted at the end of 2008. Since then the consultant reports have been produced and the joint clients have liaised about the next steps.

The consultant reports on the EbD comprise:

1. The main report by Hames Sharley, the lead urban designers, on the technical content and findings of the EbD workshops, engagement, studies and liaison.
2. The record of the EbD proceedings by Estill, the facilitators.
3. A report of cost estimates, by Rawlinson Quantity Surveyors, on the rail and road options studied – note that this additional work was agreed to as a post-EbD task and the report is not due until 13 February 2009 after which it is to be circulated.

The required outcomes from the EbD comprise the following planning measures:

1. Building Design Controls for the two beachfront hotel sites, to be incorporated into LPS3 via Special Control Area 2.
2. A Foreshore Concept Plan for the public domain foreshore to the central beachfront, as an adjunct to LPS3 that would be implemented via separate means.
3. A Preliminary Structure Plan for the railway lands to address Curtin Avenue, connectivity and development opportunities to the west of the Town Centre, as a precursor to a formalised structure plan via Development Zone E of LPS3.

Accordingly, the purpose of this officer report is to:

1. Provide advice about the above planning measures.
2. Propose advertising arrangements for those planning measures required to be considered for incorporation into LPS3.
3. Suggest ongoing actions to pursue those matters extending beyond the Scheme.

CONSULTATION

The EbD was a major and successful consultation exercise. It was devised whereby the outcomes would undergo wider consultation so as to contribute to the final decisions. In particular, proposals intended to be incorporated into LPS3 are to be advertised for submissions, which Council is to have regard to in determining its recommendations to the WAPC and Minister for Planning. This is consistent with the advertising of LPS3, which left out identified EbD aspects subject to further study and consultation. In addition to that, Council can give consideration to continuing consultation in advancing the more strategic initiatives under the EbD.

It is emphasised that it is the outcomes for LPS3 which are the subject of advertising for submissions, rather than the EbD reports themselves. The reports form the information background to the Scheme proposals and the broader planning matters. While some comment on the EbD reports may be attracted, they are not under review and it is their outcomes, especially those proposed to be incorporated into the Scheme, upon which submissions are sought.

It is important to maintain the momentum of and enthusiasm for the EbD process. In this respect Council is encouraged to concentrate on the recommended Scheme measures and the other outcomes, rather than to dwell on the history of deliberations which led to the EbD. This is because there is a statutory imperative to complete the Scheme and an impetus to define solutions for the other matters being studied.

STATUTORY REQUIREMENTS

Proposed LPS3 when advertised for public submissions contained two requirements for additional study and consultation:

1. Under clause 6.4. Special Control Area 2 (SCA2) – Cottesloe Beach Hotel and Ocean Beach Hotel:

The objectives of this Special Control Area are to —

- (a) ensure that development of these sites is compatible with the beachfront location, surrounding development and amenity of the locality; and*

- (b) ensure that Building Design Controls are formulated to guide and manage built form, bulk and scale, streetscape character, amenity impacts and other relevant considerations accordingly.

In this Special Control Area, the height of all development for any use, at the Marine Parade frontage, shall be a maximum of three-storey in order to avoid –

- (a) adverse building bulk impacts;
- (b) adverse overshadowing impacts; and
- (c) adverse streetscape character impacts;

and shall conform to the requirements for three-storey development as set out in clause 5.7.2.

This Special Control Area is intended to be subject to Building Design Controls. Further consideration of the Building Design Controls is to occur through an Enquiry-by-Design process to be jointly agreed and conducted by the Town of Cottesloe and the Department for Planning and Infrastructure during the advertising period for this scheme.

Following additional public advertising and consideration of submissions, the Building Design Controls formulated from the Enquiry-by-Design process are to be incorporated, with or without modification, into Local Planning Scheme No. 3.

2. Under Schedule 14 Development Zone Provisions; for Development Zone E:

Comprehensive planning for the area shall be undertaken through the preparation and approval of a Structure Plan, in accordance with Clause 6.2, to guide subdivision and development.

Land uses shown on the Structure Plan shall apply in accordance with Clause 6.2.8.

The Structure Plan will apply to the entire site and will provide for additional residential development comprising a range of dwelling types, sizes and densities to take full advantage of the opportunity for more intense urban infill on this site, particularly with regard to its close proximity to regional public transport routes and the potential for integration with the nearby Town Centre zone on the eastern side of the railway line.

The Structure Plan will provide for car parking in accordance with clause 5.8.

The Structure Plan will provide for development in accordance with the Residential Design Codes and any Design Guidelines. The Design Guidelines will be formulated following an Enquiry-by-Design process to be jointly agreed and conducted by the Town of Cottesloe and the Department for Planning and Infrastructure. Guidelines for the height of buildings will have regard to the Town of Cottesloe Town Centre Study (2005) Concept Plan. Following public advertising and consideration of submissions, the Design Guidelines formulated from the Enquiry-by-Design process are to be incorporated, with or without modification, into Local Planning Scheme No. 3.

Hence LPS3 is already constructed with the frameworks for SCA2 and Development Zone E, and requires the incorporation of certain specific measures to fulfil their respective provisions. As these remaining measures were not available to be advertised with the rest of the proposed Scheme, they are required to be advertised at this stage for dissemination of the proposals arrived at.

The Draft Building Design Controls section of this report below elaborates on the substance of BDC, how they would operate and where they are to be incorporated into LPS3.

Schedule 14 lists Development Zone E and prescribes its particular land use and development parameters, which are linked to various main provisions of the Scheme, including a generic structure planning process. Design Guidelines are identified to be created as a level of detailed planning control. Note that the EbD Preliminary Structure Plan does not absolutely have to produce detailed design guidelines at this juncture, as the eventual plan and aspects for design guidelines could be quite different; however, it would be useful for appropriate principles and criteria to be articulated for reference in formulating detailed design guidelines when needed.

It is emphasised that the EbD was required to produce only a *preliminary* structure plan, as a final structure plan cannot be formalised until LPS3 is operative (and because the full structure planning process is more complicated, allowing for greater detailed design). That process would again involve public advertising and agency consultation.

STRATEGIC IMPLICATIONS

The EbD inputs to LPS3, which is Council's core planning instrument guiding and managing land use and development in the district for at least five years. The EbD also deals with regional and local planning matters apart from LPS3, which are to be pursued by a range of other strategic and statutory actions.

POLICY IMPLICATIONS

The EbD does not directly affect Council's policies at this point, but may give rise to new planning policies in time.

SUSTAINABILITY IMPLICATIONS

The EbD relates generally to sustainability in terms of planning mechanisms and proposals which would link to sustainability at the more detailed level of design, approval and development.

FINANCIAL IMPLICATIONS

A scheme review is a statutory necessity and the EbD became a critical component of the process. The EbD has been a lengthy, complex and intensive endeavour and a major expense, as forecast in a report on the cost implications to Council in July 2008. Council expenditure to get to this stage amounts to some \$205,000 (which is considerably more than contributed by the DPI). This has consumed most of Council's current budget for town planning. Remaining costs to Council during 2009 associated with conclusion of the EbD for finalisation of LPS3 are variable subject to the need for any more consultancy inputs, additional study, negotiations and so on, but could account of some tens of thousands of dollars. It can be appreciated that allowing for Council and DPI staff time the total cost of the EbD would be in the order of half a million dollars. Future implementation represents further costs over several years which are yet to be estimated depending on what eventuates.

EBD OUTCOMES & SCHEME PROPOSALS

1. Draft Building Design Controls

Background

- As explained above in the Statutory Requirements section of this report, SCA2 for the two beachfront hotel sites sets out objectives and initial height parameters, then requires the formulation of BDC for further development control.
- The concept of BDC implies specially-tailored provisions with a greater degree of prescription and certainty, although this may include allowance for some guided flexibility. The term connotes that particular attention is required to plan for well-controlled building design for orderly and proper development, so as to ensure appropriate built form and function. BDC mean more comprehensive consideration and depth of detail for a three-dimensional, multi-faceted approach to building design and development control.
- The Model Scheme Text (MST) outlines that scheme provisions for a SCA can typically address its purpose and objectives, the planning aspects for special consideration and any special application or procedural requirements.

Nature of BDC

- LPS3 in clause 6.1.2 provides that SCA provisions apply in addition to any zoning or general provisions of LPS3. This means that the BDC would augment the basic controls of LPS3 applicable to the subject sites, and as a rule the more specific provisions would have precedence (unless this approach is expressly varied).
- At the same time the BDC can be cross-referenced to other provisions of LPS3 where they are to be relied upon.
- LPS3 informs the nature and scope of BDC in several sections as set out below, and the BDC should be framed to be consistent with this direction.
- The aims of LPS3 in clause 1.6 in relation to development:
 - *Encouragement of mixed land use.*
 - *Compatibility with the recreational and residential nature of the beachfront setting.*
 - *Accessibility to and visibility of the beachfront reserves (foreshore area).*
 - *Compatibility with the aesthetic value of heritage places (Cottesloe Beach Hotel and Cottesloe Beach Precinct) and the coastal landscape.*
 - *The integrity, amenity and scenic quality of the coastal landscape.*
 - *Acceptable standards of public amenity and convenience.*
- The SCA2 objectives and provisions in clause 6.4 about aspects to be considered:
 - *Compatibility with beachfront location, surrounding development and amenity of location.*
 - *Built form, bulk and scale, streetscape character, amenity impacts and other relevant aspects.*
 - *A three-storey height limit (as defined by LPS3 clause 5.7.2) at the Marine Parade frontage, to avoid adverse building bulk, overshadowing or streetscape character impacts.*
- The objectives of the subject zones:
Hotel Zone (CBH)

- *Ensure that the built form of any development does not unduly adversely affect the amenity of the adjoining and surrounding properties or locality, including by reason of height, site coverage, bulk, overshadowing or other relevant aspects.*
- *Support the heritage provisions of the Scheme applicable to any land or buildings in the zone.*

Development Zone 'A' (OBH)

- *Provide for detailed planning to guide the use and development of land or buildings that are of a size, location, nature, character or significance warranting a comprehensive, coordinated and integrated approach to planning and design.*
- *Ensure that land use and development within the zone is compatible with the amenity of the surrounding locality.*
- *Ensure that any development does not unduly adversely affect the amenity of the adjoining and surrounding properties or locality, including by reason of height, built form, overshadowing, traffic, parking or other relevant aspects.*
- *Support the heritage provisions of the Scheme applicable to any land or buildings in the zone.*
- *Allow for land use and development to contribute to the provision or enhancement of community facilities and services and to the public domain.*

(Note: LPS3 in clause 6.2 sets out the structure planning process, including provision for detailed area plans, which express in fine detail considerations for the planning and development of such land. This includes a range of planning considerations in addition to actual building design controls.)

- The objectives of the adjacent zones:
Foreshore Centre and Restricted Foreshore Centre Zones
 - *Ensure that the urban character, aesthetics and amenity of the locality are not compromised by inappropriate land use or development.*
- Matters for consideration:
 - LPS3 in clause 10.2 requires Council in considering development to have due regard to a range of matters, which reinforce the above considerations.

From the above framework and direction a range of planning aspects are required to be addressed by the BDC, including:

- *Building height, bulk and site coverage.*
- *Overshadowing.*
- *Built form character in streetscape context (urban design).*
- *Aesthetic and scenic qualities of development in context of locality, including respect for views.*
- *Respect for heritage.*
- *Traffic and parking implications.*
- *Attention to public domain.*

In formulating the BDC associated development and design parameters which may be expected to be taken into account would include:

- *Plot ratio.*
- *Setbacks.*

- *Site works (undercrofts, retaining, cut and fill).*
- *Open space, public areas and landscaping.*
- *Overlooking / privacy.*
- *Wind effects.*
- *Street-level presentation.*
- *Interfaces.*
- *Materials and finishes.*
- *Design for climate and sustainability.*
- *Plant and equipment, service areas.*
- *(Any other relevant aspects.)*

The EbD addressed such matters as reflected in the Hames Sharley report and the proposed BDC herein.

Format of BDC

- As discussed, LPS3 already contains SCA2 for the two beachfront hotel sites, which is the starting point for the incorporation of BDC into the Scheme.
- As advertised, LPS3 in clauses 6.4.3 and 6.4.4 described the intent to create BDC and those clauses can now be replaced with direct identification of the BDC, as set out below.
- The table contains the provisions for SCA2 and shows the existing text to be retained, the text to be deleted and the text to be added. The new wording is essentially operational in referring to the BDC and guiding how they are to be applied.

<u><i>Text to be retained:</i></u>	
6.4.	Special Control Area 2 – Cottesloe Beach Hotel and Ocean Beach Hotel
6.4.1	The objectives of this Special Control Area are to — <ul style="list-style-type: none"> (a) ensure that development of these sites is compatible with the beachfront location, surrounding development and amenity of the locality; and (b) ensure that Building Design Controls are formulated to guide and manage built form, bulk and scale, streetscape character, amenity impacts and other relevant considerations accordingly.
6.4.2	In this Special Control Area, the height of all development for any use, at the Marine Parade frontage, shall be a maximum of three-storey in order to avoid - <ul style="list-style-type: none"> (a) adverse building bulk impacts; (b) adverse overshadowing impacts; and (c) adverse streetscape character impacts; <p>and shall conform to the requirements for three-storey development as set out in clause 5.7.2.</p>

Text to be deleted:

~~6.4.3 This Special Control Area is intended to be subject to Building Design Controls. Further consideration of the Building Design Controls is to occur through an Enquiry by Design process to be jointly agreed and conducted by the Town of Cottesloe and the Department for Planning and Infrastructure during the advertising period for this scheme.~~

~~6.4.4 Following additional public advertising and consideration of submissions, the Building Design Controls formulated from the Enquiry by Design process are to be incorporated, with or without modification, into Local Planning Scheme No. 3.~~

Text to be added:

6.4.3 This Special Control Area is subject to Building Design Controls as set out in Schedule 15 – Building Design Controls for Special Control Area 2: Cottesloe Beach Hotel and Ocean Beach Hotel.

6.4.4 The Building Design Controls comprise of specific controls that apply in addition to any other applicable planning provision or development requirement under the Scheme. Where there is any inconsistency between a specific Building Design Control and any more general provision or development requirement of the Scheme, the Building Design Control shall prevail.

6.4.5 All applications for planning approval in Special Control Area 2 shall address the Building Design Controls applicable to the site, to the satisfaction of the Council.

6.4.6 The Council in determining applications for planning approval shall have regard to the aims of the Scheme, the objectives of Special Control Area 2, the objectives and provisions of the zone applicable to the subject site, the objectives of the adjacent zones and the matters to be considered under clause 10.2.

- A new Schedule (number 15) can be created to set out the detail, as indicated below – this is a sample of how the schedule would be structured.
- The intended detailed content of the Schedule is from the consultant's report is presented further below as an appendix to this officer report.

**Schedule 15 – Building Design Controls for Special Control Area 2:
Cottesloe Beach Hotel and Ocean Beach Hotel**

[clause 6.4]

Pursuant to clause 6.4 of the Scheme, the Building Design Controls for Special Control Area 2 – Cottesloe Beach Hotel and Ocean Beach Hotel, are contained in this Schedule.

1. Cottesloe Beach Hotel

Development proposals (including changes of use) for the Cottesloe Beach Hotel site (defined by a Hotel Zone on the Scheme Map) or buildings are to be formulated and

determined having regard to the following Building Design Controls (as applicable to a particular proposal).

Text of BDC goes here – refer to appendix of this report for intended detail.

2. Ocean Beach Hotel

Development proposals (including changes of use) for the Ocean Beach Hotel site (defined by Development Zone ‘A’ on the Scheme Map) or buildings are to be formulated and determined having regard to the following Building Design Controls (as applicable to a particular proposal).

Text of BDC here – refer to appendix of this report for intended detail.

EbD Outcome for BDC

- The outcome of the EbD for BDC recommended to be included in LPS3 is contained in an appendix to this report.
- It has been taken virtually directly from the Hames Sharley report (with only some minor editing and clarification at this stage).
- The BDC comprise a combination of explanatory statements, design principles and development controls, which can be reflected in the Scheme in order to manage development in terms of both direction and prescription.
- The advantage of this comprehensive and descriptive approach is that the statements of intent provide the context for the principles and prescriptions, which may be given weight in decision-making.
- Where for particular controls less discretion and greater certainty is sought, more mandatory language may be required and the provisions of the Scheme dealing with variations may require modification. This would require closer consideration in response to Council’s approach to the matter.

Next Steps

- The draft BDC are to be advertised for submissions, which Council must consider then determine in recommending upon BDC proposed for inclusion in LPS3.
- It is advocated that the BDC as indicated in the appendix to this report be advertised, as this represents the findings of the EBD from the consultant’s report, rather than making any changes of substance at this stage and pending the consideration of submissions. Only some minor editing is to be done for accuracy and consistency, and what is to be advertised is the finished version from the consultant’s report, with the figures etc as indicated.
- This is also important to satisfy the DPI as joint client, as the DPI at the time of writing this officer report is yet to comment on the draft BDC and would not want them to be altered by Council alone at this stage. Further liaison with the DPI can occur in considering the submissions.
- A distinct advertising period is intended for three weeks during March. This will allow a short period of time for staff to attend to the advertising arrangements after Council’s agreement on 23rd February. It will also allow a

short space of time for staff to report on the submissions to the Council meeting on 23rd March. This timeline is anticipated for correlation with the program for finalisation of LPS3. If resources or the volume of submissions render this infeasible, or if Council desires a longer advertising period, or alternatively if Council debates/defers the matter or wishes to further formulate/negotiate the draft BDC, then the overall program will be affected.

- The advertising is intended to comprise as follows:
 1. *A letter to all landowners/residents in Cottesloe, together with a summary of the EbD including the proposed BDC.*
 2. *A letter to all stakeholders and agencies involved in the EbD, with the same (excepting the clients and consultants involved).*
 3. *Publication of the full reports from the consultants on the website.*
 4. *Copies of those full reports available for perusal at the Civic Centre and Library.*
 5. *Notices of the above in the Council notice boards at the Civic Centre and Napoleon Street.*
 6. *Coverage in the The Post local newspaper by way of an article and the Civic Centre News page (if available).*

2. Foreshore Concept Plan

Background

- The idea of a Foreshore Concept Plan originated from Council's consideration of the earlier Foreshore Vision Masterplan, which was a private initiative that Council supported in principle to stimulate exploration of opportunities to improve the public domain foreshore, especially in the vicinity of the main Cottesloe beach.
- Community comment on the Vision plan was sought in association with previous consultation undertaken on draft LPS3. Council then looked at ways to approach the matter and a working group recommended an enquiry-by-design process. This became included in the overall EbD for LPS3, with a view to examining the foreshore area in relation to how the central beachfront containing the two hotel sites may develop.
- As Marine Parade and the public foreshore west of it are classified Parks & Recreation (P&R) Reserve under the Metropolitan Region Scheme (MRS), town planning control for this land is governed by that rather than the local planning scheme. Council is, however, the custodian of the foreshore regarding its day-to-day use and maintenance, as well as planning for the provision and management of infrastructure.
- Therefore, consideration of how the foreshore could be enhanced and how beachfront development may affect it was seen as a worthwhile component of the EbD, so as to gain a better appreciation of the interrelationship between the two areas.

EbD Outcome for Foreshore Concept Plan

- The EbD process has enabled a vision for the foreshore to be studied in greater depth, with the benefit of stakeholder participation and a focus on tangible outcomes.

- As set out in the Hames Sharley report, this has considered the historical context, issues and opportunities, desired future character, and key principles and elements for design and development.
- The Foreshore Concept Plan formulated by the EbD is contained in an attachment to this report.

Next Steps

- The Foreshore Concept Plan is a basis for Council to give further consideration to the preferred improvement of the area. As the Plan does not form part of LPS3 and is not required to finalise the Scheme, Council is free to decide how to progress the Plan.
- Once a preferred Concept Plan is adopted, implementation would occur over time, subject to detailed planning, funding and works programs, and following the various approvals involved (eg Council, WAPC, HCWA).
- Nonetheless, given the EbD exercise it is desirable to advertise the Plan as part of the findings at this point, in order to convey the concept to date, to provide the context of the beachfront precinct, and to obtain comments; all of which will assist Council on this matter and in finalising LPS3.

3. Preliminary Structure Plan

Background

- The notion of formulating a preliminary structure plan for the railway lands area grew out of Council's efforts to achieve a solution for Curtin Avenue, facilitate east-west connectivity and foster the Town Centre, all priority strategic aims for the planning of the district.
- In producing proposed LPS3 Council carried out studies of the Town Centre and Curtin Avenue to narrow-down potential options and preferences, and these studies included community and government agency involvement. This laid a foundation for more extensive investigation for an integrated plan for the area. The designation of the railway lands in LPS3 as a Development Zone ('E') introduced standardised structure plan provisions for that area. This means that once LPS3 is in place, whenever the area is intended to be planned for an actual development project, the full statutory process of first creating a structure plan would be invoked.
- LPS3 contains a framework for the operation of Development Zones, comprising: objectives; the structure planning provisions of Cl. 6.2 (which is located in Part 6 – Special Control Areas, to which they also pertain); and Schedule 14 – Development Zone Provisions (which sets out express development parameters for each one (there are five, 'A' to 'E'). Those for the railway lands are quoted below. They cover subdivision, development, land uses (with an emphasis on more diverse and denser housing in relation to the railway station and town centre), parking, the Residential Design Codes (RDC) and any Design Guidelines (in which the height of buildings will have regard to Council's Town Centre Study).
- Development Zones contain the following objectives, with which Development Zone E should be consistent:

- (a) *provide for detailed planning to guide the use and development of land or buildings that are of a size, location, nature, character or significance warranting a comprehensive, coordinated and integrated approach to planning and design;*
 - (b) *ensure that land use and development within the zone is compatible with the amenity of the surrounding locality;*
 - (c) *ensure that any development does not unduly adversely affect the amenity of the adjoining and surrounding properties or locality, including by reason of height, built form, overshadowing, traffic, parking or other relevant aspects;*
 - (d) *support the heritage provisions of the Scheme applicable to any land or buildings in the zone; and*
 - (e) *allow for land use and development to contribute to the provision or enhancement of community facilities and services and to the public domain.*
- As LPS3 is not yet operative, and as there is no intention to develop the railway lands at present, the task of the EbD was to generate a preliminary structure plan as a precursor to LPS3 and possible development. The value of this is to tackle the issues in advance (particularly Curtin Avenue which is the main structural element affecting the area), to foreshadow a likely structure plan, to test the efficacy of the plan and to identify aspects for further investigation.

EbD Outcome for Preliminary Structure Plan

- The Preliminary Structure Plan as the preferred option arising from the EbD is contained in an attachment to this report.

Next Steps

- The Preliminary Structure Plan is a basis for Council to give further consideration to the preferred road and rail solutions for and the future development of the area. As the Plan does not yet form part of LPS3 and is not required to finalise the Scheme, Council is free to decide how to progress the Plan.
- As Council is committed to addressing Curtin Avenue and connectivity irrespective of LPS3, it would wish to pursue structure planning in any case.
- A structure plan itself still requires planning implementation through a range of statutory processes, such as subdivision and development approvals, possible scheme amendments or policies, and where MRS reservations apply (ie for Curtin Avenue and the Railway) the MRS amendment process is the initial step required.
- Once a preferred plan is adopted, physical construction would occur over time, subject to detailed planning, funding and works programs.
- Nonetheless, given the EbD exercise it is desirable to advertise the Plan as part of the findings at this point, in order to convey the indicative structure to date, to provide the context of the railway lands usage and transport infrastructure, and to obtain comments; all of which will assist Council on this matter and in finalising LPS3.

APPENDIX: DRAFT BUILDING DESIGN CONTROLS TO BE ADVERTISED

Note: the advertised BDC will include the graphics as shown in the Hames Sharley report, and any minor editing improvements which may be apparent will also be done.

DRAFT BUILDING DESIGN CONTROLS

SPECIAL CONTROL AREA 2 being for the Cottesloe Beach Hotel and Ocean Beach Hotel

These draft building design controls have been prepared following the Cottesloe EbD workshops. They will be used by the Town of Cottesloe to assist in its decision-making and can be incorporated (subject to advertising, consideration of submissions and possible modification) into Local Planning Scheme 3.

There is also a requirement under draft LPS3 for a structure plan for the OBH site as Development Zone A. This will guide any subdivision of the OBH site into logical parcels and cover issues such as pedestrian and vehicle access and building locations.

A building envelope is defined for each hotel site which has been established during the EbD process by defining desired character and form of buildings. Qualitative guidelines are then given for development within these envelopes. The envelope requirement provides maximum limits to development and therefore maximum residential density or plot ratio limits are not considered to be required.

DESIRED CHARACTER

Cottesloe foreshore and beachfront character - Cottesloe foreshore is a regional beach within an established and historic seaside suburb. It is internationally recognised for its long sandy beach, Norfolk Island pine trees, shady lawns and grassed terraces close to the water as well as the beachfront strip along Marine Parade including Indiana Teahouse, the Cottesloe Beach Hotel and the Ocean Beach Hotel. The foreshore offers a range of public and recreational activities while remaining a tranquil place with a sense of spaciousness and ease. The Foreshore Concept Plan addresses ways to enhance this unique character and improve the amenity.

Natural environment, topography and landscape - The coastline, landform and vegetation of Cottesloe provide a distinctive natural landscape setting, which underpins its identity as a seaside suburb. The topography falls towards the coast down from the ridgeline. Marine Parade and the beachfront buildings are set some way above the beach itself. This provides ocean views from vantage points along the ridge and also limits the impact of built form from the beach. The 'chocolate box' motel accommodation at the Ocean Beach Hotel and the Indiana Teahouse at Cottesloe can be seen from the beach.

The Norfolk Island pine trees are the defining landscape element in Cottesloe, offering a backdrop to the buildings and a unifying scale to the district as well as shade and distinctive visual character. Limestone, natural timber and metal finishes are used in public areas along the foreshore. The colours and textures of

the foreshore landscape suggest a palette for future built elements.

Built character - Built form in the surrounding area is predominantly two to three storey, residential, highly articulated and predominantly horizontal in form. It is human in scale, somewhat eclectic in character and set in a grid of predominantly wide streets with open verges. This has been referred to as a 'villa landscape' or as the 'Cottesloe grain'. Buildings on the beachfront are similarly varied in character and form.

The separate identities of the two principal beaches, North Cottesloe beach at Eric Street and Cottesloe main beach at Forrest Street are recognised by some local community members and could continue to be expressed. In addition to the natural foreshore character differences, an important part of the identity of the two beaches is the distinctive character of each of the two hotels. Both hotels were established in the early part of the last century. They are substantial buildings with a presence on Marine Parade. They have their main bar areas fronting Marine Parade to respond to the views and both originally had verandas for outdoor drinking looking out to the ocean.

FIG Foreshore Concept Plan

Building Design Controls: Desired Character

- The existing built and landscape character of the foreshore and beachfront should be respected and enhanced by future development.
- Buildings should be delicate, judicious and well planned.
- Development should respond to the themes and design intent of the Foreshore Concept Plan.
- Development should be located and designed to respond to the effects of coastal processes.
- The legible and distinct topography and natural landscape at Cottesloe should be preserved by ensuring new buildings do not dominate in scale or character.
- Buildings should be stepped relative to topography and not introduce artificial ground levels that detract from the natural landform.
- Materials and details should reflect the Cottesloe character through use of a variety of natural materials and colours that naturally weather and age in the coastal environment.
- Building character, scale and setting should complement and add visual value to the surroundings and buildings should be contemporary in design.
- Buildings should have a variety of character to avoid homogenous, large scale development.
- The two hotels should continue as landmarks for the two beaches with distinctive character and public activity overlooking the ocean.
- Development on the Cottesloe Beach Hotel site should respond to the narrower streetscape and building scale of John Street and Warnham Road.
- Development on the Ocean Beach Hotel site should respond to both the Eric Street corner location and the residential grain around the site.

VIEWS AND VISTAS

There are many views and vistas that help to give the Cottesloe foreshore area its

distinct and attractive sense of place. Important views from public places are recognised as:

- The ocean panorama from the ridge particularly on the wide streets of Eric Street, Napier Street and Forrest Street.
- Ocean views from the terraces at the Cottesloe Civic Centre.
- Narrower streetscape views down streets such as John Street and Warnham Road where the building edge is important in the view.
- Views generally along the foreshore and Marine Parade and views up and down the streets approaching the foreshore.
- Views from the beach, along it and inland.

Building Design Controls: Views and Vistas

- Important public views of the coast and views from the beach should be respected, retained and enhanced.
- Any changes to these public views proposed through redevelopment should be investigated to establish whether the effect may be offset by potential overall community benefit.
- Buildings should not dominate views to, along and from the foreshore and beach.

HERITAGE

The Cottesloe Beach Hotel is listed as a State registered site by the Heritage Council of WA and is heritage-listed in Schedule 1 of the Town of Cottesloe Town Planning Scheme No. 2. The building has elements from both the 1900s and the 1930s and has continuously operated as a viable hotel that acts as an important community meeting place. The art deco character of the 1938 remodelling, diminished in post World War Two renovations and additions was reinstated in a major refurbishment in 1985-86. The hotel is one of the few significant historical buildings on the Perth metropolitan beachfront and is a noteworthy art deco design. The beer garden, while currently associated with social problems also has some heritage value.

Reference should be made to the Heritage Council of WA requirements File no 0597 and National Trust of Australia (WA) File no 2/41 for assessment of heritage significance for Cottesloe Beach Hotel (formerly Hotel Cottesloe) located at 104 Marine Parade Cottesloe and being Lot 39 of suburban lot 50. The hotel is also referred to in the Town of Cottesloe Municipal Inventory 1995.

While the Ocean Beach Hotel, built in 1907, is not a State heritage listed building, it has occupied the corner site on Marine Parade and Eric Street since the beginning of the last century. Originally it was a federation building with two storey verandas but has since been modified several times. Its presence and prominent corner location remains significant in the Cottesloe beachfront context.

Building Design Controls: Heritage

- The Cottesloe Beach Hotel building should be retained and restored as a historic landmark and a viable and important community meeting place.

- The building should be retained in line with its eastern extent along Warnham Road and including the existing internal staircase.
- The significant fabric from the two eras of the hotel and the original entrance on John Street should be expressed in restoration.
- New buildings on the site should be of contemporary architecture that is respectful of the character of the hotel
- New built form should not dominate the heritage building.
- A clearly expressed separation of form should be made between the original hotel building and any new residential development.
- The Ocean Beach Hotel should remain in its current prominent corner location at North Cottesloe and address both Marine Parade and Eric Street frontages.

The Cottesloe Beach Hotel site is currently zoned Hotel under TPS2. This zoning does not permit permanent residential uses. As an incentive to restore the heritage hotel building and provide short- stay accommodation (minimum 50 rooms), permanent residential could be permitted to the residual part of the site.

ACTIVITY AND USES

Tourist Destination

Cottesloe beachfront is recognised as a major tourist destination with attractions, activity, amenity and access but lacking in accommodation. The two hotel sites are recognised as valuable community meeting places and focal points on the Cottesloe beachfront for both locals and tourists. The size and character of the current hotel establishments that attract large crowds of drinking patrons has caused some social and behavioural issues, and the range of eating and drinking venues is limited. Eric Street and Warnham Road offer a northerly aspect with some shelter from the westerly winds which suits active and alfresco uses.

Short Stay Accommodation

There is a deficit of short stay accommodation along the Perth beachfront, particularly at Cottesloe, which is a very popular tourist destination. There is an estimated need for about 300 rooms per year to be provided in Perth in the next ten years and currently 362 rooms are planned. The two hotel sites are recognised as the most appropriate locations in Cottesloe for short stay accommodation and about 50 rooms are seen as a viable minimum provision.

Retail and Commercial

There is limited existing retail and commercial use at the beachfront. It is important to note that patronage of retail uses are affected by the seasonal nature of the beachfront activity.

Residential

Provision of more dwellings in established urban areas makes better use of existing infrastructure and services (including public transport). It eases pressure on the Perth urban fringe by reducing land clearing (including biodiversity impacts) and demand for new infrastructure (water, sewer, power, roads) and service

(medical, education, community) provision including unsustainable transport networks. Increased residential intensity is encouraged by the state government in areas of high amenity like Cottesloe. Smaller dwellings to suit one to two person households of all abilities particularly need to be planned for with changing demographics in the Perth urban area.

Draft LPS3 limits the size of dwellings in the Foreshore Centre and Restricted Foreshore Centre zones to 125sqm maximum. While it was agreed that there is benefit in providing smaller dwellings, this maximum size was considered by some workshop participants to be too restrictive for permanent resident apartments. According to advice received from Colliers International subsequent to the workshop, typical luxury unit sizes in recent developments in the Perth metropolitan area range widely from 50sqm to 450sqm. With the aim to achieve an increased number of one to two person apartments, an average size of 100sqm is therefore considered more appropriate.

There are issues of amenity where residential dwellings are located close to other activities such as entertainment, recreation, eating and drinking that should be addressed through building and site design guidelines.

Building Design Controls: Activity and Uses

- Cottesloe beachfront should continue to offer a range of recreational and low key tourism experiences. The tourism experience should support the recreational experience but not overtake it.
- Short stay accommodation options should be increased with an increased number and range of rooms.
- Retail activity at the beachfront should be limited to tourist oriented retail outlets that do not replicate the local shopping function of the Town Centre or the Eric Street shops.
- The two hotels should continue to function for their original purpose, however, hotel patronage numbers should be reduced to a sustainable level and more, but smaller bars and eating places provided with greater capacity for alfresco dining.
- Development at Cottesloe beachfront should provide a high density of dwellings, preferable small in floor area, with an average size of 100sqm and designed for universal access.
- Residential parts of the development should be distinguished from the more public areas.
- Permanent residential should be adequately separated from the noise and activity of short stay and hotel activities.
- Hotel service areas should be located away from public and residential areas.
- The Cottesloe Beach Hotel site is currently zoned Hotel under TPS2 which does not permit residential uses. As an incentive to restore the heritage hotel building and provide short-stay accommodation (minimum 50 rooms), permanent residential could be permitted to the residual part of the site.
- Active uses associated with the Cottesloe Beach Hotel should be located on the ground floor along Marine Parade, Warnham Road and John Street for the extent of the existing hotel building.
- Residential could be permitted at ground level along Warnham Road and John Street east of the existing hotel and short stay accommodation.

- The Ocean Beach Hotel should continue to be located as a prominent landmark at the corner of Eric Street and Marine Parade. The hotel should provide (minimum 40 to 50 beds/rooms) short stay accommodation.
- Active uses on the Ocean Beach Hotel site should be located on the ground floor along Marine Parade and part of Eric Street, with residential located to Gadsdon and Eileen Streets.

FIG Insert plan showing location of uses

SITE PLANNING AND STREETScape

Site Grain

The Ocean Beach Hotel site is currently made up of a large number of lots forming a large development site. The Cottesloe Beach Hotel is also a large lot. This may lead to development solutions that are out of scale and character with the surrounding built form and street grain.

Landmark Locations

The Ocean Beach Hotel sits prominently on the corner of Eric Street and Marine Parade. Both these streets are wide and spacious and the existing built form is predominantly three storeys. There are fewer Norfolk Island Pines or other mature trees at North Cottesloe adding to the openness of the streetscape. The Eric Street frontage offers a retail and alfresco location that has the advantage of being out of the wind, facing north and having exposure to traffic arriving at the beachfront. The corner hotel building is a significant landmark, as is the more recent and taller motel accommodation building known as the 'Chocolate Box' for its original appearance in dark brown clinker brick.

The Cottesloe Beach Hotel sits, fronting Marine Parade, as one of the defining landmarks within the historical precinct of the main beach at Cottesloe. It is two storeys high with a pitched tile roof and located between John Street and Warnham Road, which are both narrow streets with a residential scale.

Site Edge and Amenity of Adjoining Public Spaces

The Cottesloe foreshore offers magnificent ocean panoramas and vistas, which, along with the theatre of passers by and beach goers can be enjoyed from beachfront development that is oriented to the foreshore setting particularly for alfresco eating and drinking. The amenity, comfort and safety of the public foreshore spaces are important to its success as a place for tourists and locals. The foreshore generally has good amenity which is to be improved by the proposed widened promenade along the east side of Marine Parade. There is little overshadowing from beachfront buildings, however, some areas of the beachfront are dark and windy at night especially in winter and there is a need for more shade and shelter from the wind to enjoy the foreshore year round. Behind Marine Parade, the intersecting streets offer good residential amenity away from the activity of the beachfront.

Building Arrangement and Orientation

This should be based on site analysis taking account of topography, climate, obtaining and sharing of views, access and circulation (vehicles pedestrian, cycle and universal), servicing, the relationship with neighbouring properties and provision of a streetscape presence.

Building Design Controls: Site Planning

Generally

- Development should not dominate the public realm.
- New development should respond to the new promenade proposed along Marine Parade with alfresco areas at promenade level.
- Fine grained and segmented street frontages should be provided with pedestrian openings and access ways into and through the development.
- Buildings should have clear delineation and separation of public and private entrances.
- The finished ground floor level should be within 1.2 metres of the adjacent footpath level.
- A high quality, active commercial and retail street edge should include verandas or colonnades with shopfront openings, terraces and other design elements that provide pedestrian comfort (shade and shelter) and a good interface with the street (height above street).
- A hospitable residential interface should be provided by avoiding solid courtyard walls and including screening, small level changes above the street boundary, varied building setbacks and landscape.
- New development should be designed to improve night time amenity and usability and increase the sense of safety and security.
- Courtyards, walkways and other openings and entrances into the sites should be provided offering views through the site and a built grain that responds to climate and surrounding context.
- Overshadowing of the public realm should be minimised.
- Landscape should be used to soften the effects of parking, roadways and coastal microclimate.

Cottesloe Beach Hotel

- The Cottesloe Beach Hotel should be developed to respond to the grain of the side streets.
- Any new development behind the Cottesloe Beach Hotel should be respectful of the existing building and respond to the narrower side streets in scale, character and edge treatment.

Ocean Beach Hotel

- The Ocean Beach Hotel site should be developed as a series of gridded site components that provide permeability and public access through the site responding to the surrounding grain of development.
- Built form at the corner of Marine Parade and Eric Street should reflect its landmark location.
- The incongruous form and positioning of the 'chocolate box' should be

replaced by a more appropriate response to landscape, topography, and context.

- At the Ocean Beach Hotel, the north facing Eric Street frontage should continue to be used at ground level for interactive public uses such as retail, alfresco eating and drinking.
- At the Ocean Beach Hotel increase the street set back from Marine Parade to provide a wider footpath and alfresco edge.

Insert plans of CBH and OBH

BUILDING HEIGHT AND ENVELOPE

Building Height

The Cottesloe townscape and sense of place identified during the workshop provide a clear basis for the establishment of building height and envelope for future development that respond to the built form, topography and landscape character of the surrounding area.

It is recognised that Cottesloe is a major tourist and recreational activity node. Its international recognition as a renowned beachfront is due to its unique character of horizontally expressed beachfront buildings dominated, particularly at Cottesloe beach, by Norfolk Island Pines. This creates a relaxed landscape ambience that is valued by both the local community and tourists. While there is a need for additional tourist accommodation with views of the ocean this should not be at the expense of the very character that defines Cottesloe and attracts local and international visitors. New development should fit unobtrusively into the existing townscape and foreshore landscape.

Building height and form should be respectful of views and vistas of the beach and ocean valued by the community from streets and public places. There are many such views down streets leading to the beach and from the Cottesloe Civic Centre among other public places. The Cottesloe Civic Centre is regarded as a valued community venue, and has significant historic value. The grassed terraces are open to the public and used regularly for both formal and informal public gatherings to enjoy the ocean views and coastal ambience and climate. With improved access to the Civic Centre these views could be enjoyed by tourists as part of their Cottesloe experience.

The defined building envelopes take account of these views and also of overshadowing of the public foreshore area, which may impact on continued enjoyment of the public spaces of the beachfront and foreshore in all seasons.

During the workshop the impact of building height and form was tested using 3D modelling of potential building envelopes on the two hotel sites. These sites, due to their size and landmark qualities require special consideration with regard to building height, which has been set at a three storey (12metre) limit by draft LPS3 for other beachfront development. The impact on views and vistas from public places including the beach and the Cottesloe Civic Centre, overshadowing of the foreshore and other public areas, and streetscape activity, scale and character were also considered along with criteria for appropriate building form for climate

and the Cottesloe context.

Principles set out in draft LPS3 and State Planning Policy SPP2.6 section 5.3 were used as a basis for establishing the building envelopes. Draft LPS3 proposes a three storey height limit on the two hotel sites at the Marine Parade frontage (clause 6.4). Any variation to this would otherwise be covered by building design controls considered and formulated as part of this EbD process.

SPP2.6 applies to all development within 300 metres of the horizontal setback datum. The policy limits the height of buildings to a maximum of five storeys (and not exceeding 21 metres) in height. Town planning schemes may specify lower maximum heights in particular localities in order to achieve outcomes which respond to the desired character, built form and amenity of the locality. SPP2.6 also provides for higher structures up to eight storeys (and not exceeding 32metres) in height that may be permitted where:

- There is broad community support for the higher buildings following a process of full consultation.
- The proposed development is suitable for the location taking into account the built form, topography and landscape character of the surrounding area.
- The location is part of a major tourist or activity node.
- The amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore.
- There is visual permeability of the foreshore and the ocean from nearby residential areas, roads and public spaces.

The Cottesloe Beach and Ocean Beach Hotel sites are the only sites, under LPS3, where additional height can be considered beyond the three storey limit for development on the Cottesloe foreshore. This additional height can only be achieved by careful planning of the sites to achieve a development of desired character.

Building Design Controls: Building Height and Envelope

- Maximum development height along Marine Parade frontage should be up to three storeys (and not exceeding 12 metres) in height; Additional height is not supported except for on the two hotel sites where any variation is confined to designated building envelopes.
- Development on the two hotel sites is controlled by the designated building envelopes. The building envelope diagram controls the height and setback of built form. The envelope controls the maximum extent of building. It is not anticipated that buildings will extend to the building envelope in all parts and no part of the building (or attachment to the building) shall project beyond the building envelope.

Cottesloe Beach Hotel site

The Cottesloe Beach Hotel site building envelope is to be based on the following key criteria:

- The full extent of the existing hotel including the roof is to be retained and

cannot be built over.

- Development behind the existing hotel is to be generally three storey and up to four storey where overshadowing and impact on views from the Cottesloe Civic Centre terrace are minimal.
- Solar access on surrounding streets and the foreshore shall be achieved during winter.
- Views from the terraces at the Cottesloe Civic Centre must be respected.
- Built form that complements the heritage hotel.
- Streetscape character along Marine Parade, John Street and Warnham Road is to reflect human scale and be in keeping with the character of surrounding buildings.

Diagram of CBH envelope

Buildings within the Cottesloe Beach Hotel site shall have:

- Clear separation (visual, acoustic and building character) between hotel uses (including short stay accommodation) and any permanent residential dwellings.
- Scale and articulation that respond to that of surrounding built form and open space (the 'Cottesloe grain')
- A street edge that is articulated and varied rather than a continuous urban wall.
- A balance of buildings and open spaces such as courtyards and balconies that provide for good design for climate.
- Street frontage that offers passive surveillance with living spaces and balconies overlooking the street but not neighbouring private residential areas.
- Provision for alfresco dining and bar areas to the north (Warnham Road) and west (Marine Parade) frontages of the hotel.
- No projections of lift shafts, masts, service pipes, air conditioning equipment or similar above the roof except for solar and PV panels designed to suit the roofscape.
- Floor to floor heights suitable for each use and for appropriate connection into the existing hotel building.
- Ground floor residential setback along John Street and Warnham Road shall be minimum 1.8 metres to allow for a small private outdoor space in front of each dwelling.
- Setback along John Street and Warnham Road shall be setback minimum 3.6 metres above the second storey to respond to the residential streetscape scale.
- Ground floor finished floor levels shall be maximum 1.2 metres above the adjacent footpath level (This can be modified to allow for natural basement ventilation subject to acceptable design).
- Balconies on the first floor may project to the street boundary and balconies on the second floor may project to the 1.8 metre setback.
- Solar, wind and privacy screens designed as integral elements of the building character.
- Roof form that is flat or pitched to match or compliment the heritage hotel.

Ocean Beach Hotel

The Ocean Beach Hotel site building envelope is to be based on the following key criteria:

- Generally three storey development with the potential for up to five storey buildings set within the site away from street frontages and two storeys along Gadsdon Street.
- Solar access on surrounding streets and the foreshore shall be achieved during winter.
- Views from the ridge on Eric Street to the western horizon are to be considered.
- Views from the foreshore and the beach should not be dominated by buildings.
- Streetscape character and vistas along Marine Parade, Eric Street, Gadsdon Street and Eileen Street is to reflect human scale and be in keeping with the character of surrounding residential context.

Fig Diagram of OBH envelope

Buildings within the Ocean Beach Hotel site shall have:

- Clear separation (visual, acoustic and building character) between hotel uses (including short stay accommodation) and any permanent residential dwellings.
- Scale and articulation that respond to that of surrounding built form and open space (the ‘Cottesloe grain’).
- A street edge that is articulated and varied rather than a continuous urban wall.
- A balance of buildings and open spaces such as courtyards and balconies that provide for good design for climate.
- Provision for public pedestrian access through the site through or between buildings.
- Street frontage that offers passive surveillance with living spaces and balconies overlooking the street but not neighbouring private residential areas.
- Provision for alfresco dining and bar areas to the north (Eric Street) and west (Marine Parade) frontages of the hotel.
- No projections of masts, service pipes, air conditioning equipment or similar above the roof except for solar and PV panels designed to suit the roofscape.
- Floor to floor heights suitable for each use and for appropriate connection into the existing hotel building
- Ground floor residential along Gadsdon and Eileen Streets shall be setback a minimum of 3.0 metres to allow for a small private outdoor space in front of each dwelling.
- Ground floor finished floor levels shall be maximum 1.2 metres above the adjacent footpath level.
- Balconies on the first floor may project to the street boundary and balconies on the second floor may project to the 3.0 metre setback.
- Solar, wind and privacy screens designed as integral elements of the building character.
- Roof form that are flat or pitched in sympathy with surrounding buildings.

Plot ratios under draft LPS3 are too low to achieve optimum development within the proposed envelopes. The building envelope will set a maximum development capacity on these sites. Therefore plot ratio as a means of development control is not considered necessary.

ACCESS AND PARKING

Beachfront parking is a significant issue and the two hotels do not currently provide adequate car parking on site. Provision of parking for redevelopment on the hotel sites, apart from secure residential parking in basements and limited parking for short stay accommodation and commercial servicing and operations, would significantly restrict development and not provide a good built form outcome. Parking demand on the beachfront has a number of peaks such as evening entertainment sessions and summer day beach use. There is, therefore an opportunity for some efficiency and reciprocal arrangements if a combined common public parking area is established. Cash in lieu parking provisions for hotel and commercial patrons could be directed towards managed public parking in a central location at Car Park No. 2 and/or to public transport.

To limit the total provision of parking on the beachfront and encourage other modes of transport the LPS parking provisions should be varied for the two hotel sites.

Building Design Controls: Access and Parking

- Car parking should not dominate development. The intrusive impact of car parking should be minimised through design and configuration of parking areas and basements.
- No vehicular access will be allowed from Marine Parade.
- Service access will be allowed only in the locations designated.
- Limited vehicle parking should be provided on the site as follows:
- One bay per 100sqm floor area of residential dwelling, a maximum of 2.0 bays per dwelling, all provided below ground.
- 0.5 bays per hotel/motel room (maximum and provided below ground).
- Limited parking for hotel and commercial uses based on a maximum of 10% provision on site and the balance as cash in lieu provision.
- No parking for visitors to residential.
- Secure cycle parking bay for each dwelling and short stay room.

DESIGN FOR CLIMATE

Building Design Controls: Design for Climate

Buildings should be designed to provide comfortable living conditions, both indoor and outdoors, for residents throughout the year. All buildings should provide:

- Natural light to living areas.
- Natural cross flow ventilation to living areas and wet areas.
- Solar access to indoor and outdoor living areas.
- Sun shading with seasonal flexibility.
- Preserved solar access to neighbouring properties.
- Useable outdoor areas for public and private use, including courtyards.
- Facility for drying clothes outdoors and out of public view.

Building Design Controls: Low Energy and Water Use

LOW ENERGY AND WATER USE

All new development should be designed to current best practice sustainable standards for low energy and water use including:

- Use materials with low embodied energy.
- Use efficient electrical fixtures and fittings.
- Use low water usage appliances.
- Re-use water where possible.
- Collect rainwater where practical.
- Use solar energy and water heating.
- Reduce and recycle (minimum 50%) construction waste.

SECURITY AND PRIVACY

The amenity of the Cottesloe foreshore and beachfront as a living environment as well as a tourist destination is important. There are always conflicts of amenity within a mixed use precinct which need to be addressed through careful design. Visual and acoustic privacy is important for residents as is safety, perceived, through passive surveillance and actual security.

Building Design Controls: Security and Privacy

- Design buildings to overlook public places to provide casual surveillance at all times.
- Clearly define ownership and the public/private interface with building elements or landscape.
- Building entries should be clearly visible from public places, be well lit and identifiable by visitors and provide a sense of security for users.
- Light all pathways between public and shared communal areas and building entries.
- Use robust materials in public areas and avoid materials that are vulnerable to graffiti and vandalism.
- Landscape and building design should allow clear sight lines to all public areas and avoid reveals and hidden corners.
- Limit overlooking of neighbouring living areas through the placement of windows and balconies rather than through use of devices such as screens and high sills.
- Site layout should separate service areas and entertainment areas from residential areas both visually and acoustically.
- Minimise transmission of solid and airborne sound through the development, adjacent properties and public spaces.

OPEN SPACE AND LANDSCAPE

Open space and landscape contribute to the character of development. The foreshore is an open coastal landscape with broad views and large spaces. The open space is a combination of revegetated coastal dunes and grassed terraces, lawns and verges. The Norfolk Island pine trees are the dominant tree species particularly in the vicinity of the Cottesloe Beach near Forrest Street. Some contrast to the openness of the foreshore could be provided in both residential and commercial development with courtyards protected from the wind and sun and

offering some privacy for users. The Cottesloe foreshore offers an excellent amenity and good recreational facilities limiting the need for communal open space to be included in development. However, the nature of the foreshore as a tourist destination as well a residential living environment requires that there is opportunity for respite for residents from the activity of the foreshore.

Building Design Controls: Open Space and Landscape

- Communal open spaces should be designed to provide privacy and respite from the coastal environment and foreshore activity.
- Private open space should be clearly defined for exclusive use of the residence and located adjacent to living areas. Outlook, privacy, security, overshadowing and microclimate should be considered.
- The landscape palette should respond to the foreshore landscape and also offer some contrast.
- Norfolk Island Pines should be preserved as a priority and retention of other vegetation and trees is encouraged.
- Water wise planting should be used, predominantly of native species with drip irrigation.
- Cottesloe Beach Hotel signage should be appropriate to the heritage character of the hotel.
- Public art should be integrated into the design of the hotel sites.

VOTING

Simple Majority

COMMITTEE COMMENT

Through the Chair, the Manager Development Services overviewed the situation regarding progress of the EbD and LPS3, as well as the requirement to continue to liaise with the DPI towards completion of the consultant reports and undertaking advertising of the intended BDC. Members discussed various details of the aspects addressed at the EbD workshops and emphasised the importance of reflecting them in the reporting and advertising, as well as the need to be agreed with the DPI on the preferred BDC in order to streamline the process to complete LPS3. Given the variables involved, Committee, rather than revisiting the recommendation at this stage, agreed that following further liaison with the DPI additional advice and a possible alternative recommendation could be presented to the Council meeting, which the MDS undertook to attend to. In this respect the Chair invited Councillors to provide the MDS with any comments or concerns about the consultant's draft report or the draft BDC, for input to the discussion with the DPI.

OFFICER & COMMITTEE RECOMMENDATION

Moved Cr Woodhill, seconded Cr Boland

That Council:

1. **Agrees to advertise the draft Building Design Controls for Special Control Area 2 of Local Planning Scheme No. 3, as set out in the appendix of this report, for three weeks during March 2009 as indicated in this report.**

2. **Agrees to pursue the Preliminary Structure Plan for Development Zone 'E' of proposed Local Planning Scheme No. 3, including a preferred solution for future Curtin Avenue, overall improved connectivity and indicative future development of the railway lands, through further liaison with relevant agencies towards an agreed structure plan to be formalised under the Scheme after it becomes operative.**
3. **Agrees to pursue realisation of the Foreshore Concept Plan on an ongoing basis, through further examination of the indicative proposals for the preparation and approval of detailed plans and implementation programs.**

Carried 5/0

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

Nil

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

Nil

12 MEETING CLOSURE

The Presiding Member announced the closure of the meeting at 7:45pm.

CONFIRMED: PRESIDING MEMBER _____ *DATE: .../.../...*
The meeting closed at 7.45pm