

# TOWN OF COTTESLOE



## DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, MONDAY, 19 MARCH 2012

**CARL ASKEW**  
Chief Executive Officer

23 March 2012



## DEVELOPMENT SERVICES COMMITTEE

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**1 DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS**

The Presiding Member announced the meeting opened at 6.00 PM.

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

Cr Jack Walsh	Presiding Member
Cr Katrina Downes	
Cr Greg Boland	
Cr Yvonne Hart	
Cr Peter Jeanes	
Cr Vic Strzina	

**Officers Present**

Mr Carl Askew	Chief Executive Officer
Mr Andrew Jackson	Manager Development Services
Mr Ed Drewett	Senior Planning Officer
Mr Will Schaefer	Planning Officer
Mrs Julie Ryan	Development Services Secretary

**Apologies**

Nil

**Officer Apologies**

Nil

**Leave of Absence (previously approved)**

Nil

**3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 PUBLIC STATEMENT TIME**

Nil

**6 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Moved Cr Strzina, seconded Cr Downes

[Minutes February 20 2012 Development Services Committee.doc](#)

The Minutes of the Ordinary meeting of the Development Services Committee, held on 20 February 2012 be confirmed.

Carried 6/0

**8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Cr Walsh referred to the officer report on foreshore signs and specifically the officer comment that 80% of the summer beachgoers are from outside Cottesloe. He requested that the CEO provide this information together with the current costs to the Town of maintaining the beachfront, when the Mayor and CEO next meet with the Premier/Member to Cottesloe, given this recent comment in the media about Cottesloe beach.

**9 PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil

**10 REPORTS OF COMMITTEES AND OFFICERS****10.1 PLANNING****10.1.1 COTTESLOE FORESHORE/MARINE PARADE SIGNS AUDIT FURTHER REPORT**

**File No:** SUB/346  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Will Schaefer/Andrew Jackson  
Manager Development Services  
**Proposed Meeting Date:** 19 March 2012

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**SUMMARY**

In November 2011, Council requested staff to conduct an audit of signage within the Town, with special attention to be paid to the foreshore. A report was presented in February 2012.

Council then requested staff to further report on parking signs, the use of green poles instead of yellow for parking signs, kerb markings and markings on roundabouts.

This report attends to the above request, which relates both to the foreshore/beachfront locality as well as to the district generally.

**BACKGROUND**

Further to Notice of Motion 11.1.4 – *Suggestions for Public Signage Improvements at Foreshore and Generally*, an audit of signage along the foreshore and Marine Parade was presented to Council in February 2012. At the meeting Council resolved, in part, to:

3. *Request staff to further report on parking signs, colour of poles, kerb markings and markings on roundabouts.*

These subjects were covered to some degree in the February report and are now presented in more detail.

**STAFF COMMENT****Parking Signs**

It is recommended that the current parking signage regime remain.

As discussed in the February report, the Australian Standards caution that a lack of clear signage will understandably result in drivers assuming that no restrictions apply. In Cottesloe at present, numerous parking fine appeals are already made on the basis of inadequate signage – notwithstanding the yellow poles, Australian Standard compliant spacing and sign-size, and generally broad-daylight

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circumstances of infringement. A reliance on road markings is likely to significantly increase the volume and potential success of the appeals. Further detail regarding road markings is provided in the section below.

Comparatively, parking signage along other beachfronts such as Swanbourne, Mosman Park and Leighton appears less intensive. The simplicity of other-district signage is due to differing traffic patterns and parking demand rather than better practice in the management of aesthetics. For example, at Leighton there is no obvious parking time limit the bays are grouped together in areas with controlled points of ingress and egress. In contrast, parking along Marine Parade is regulated, linear in nature and unsuited to controlled points of ingress and egress. The parking arrangement is also frequently interrupted by bus zones, taxi zones, 15 minute bays, ACROD bays and so on. Every one of these features is required under Australian Standards to be clearly marked, hence the extent of signage.

In addition, the presence of hotels, cafes, retail outlets, restaurants and accommodation along the Cottesloe beachfront generates significant parking pressure, especially during summer. The beachfronts immediately north and south of Cottesloe are almost devoid of commercial activity and parking spaces are much less intensely used as a result.

Beyond the requirements of the Australian Standards, it should be appreciated that the signage is useful to the 80% of summer Cottesloe beachgoers who are from other suburbs. Most drivers have no intention of being fined and it is often confusion about appropriate parking areas that leads to infringements.

### **Colour of parking sign poles**

It is possible that the current yellow parking sign poles in Cottesloe could be gradually replaced with green poles. Whilst many Councils in Perth opt for yellow poles (including the Cities of Stirling and Joondalup, which have retained yellow parking poles at the Scarborough and Burns Beach beachfronts, respectively), green parking sign poles were introduced into the City of Nedlands approximately 3 years ago and, according to the City's Parking Co-ordinator, have not posed major liability problems so far. The Shire of Peppermint Grove also appear to be using green parking sign poles, though it is not known for how long or whether they have proved practical. To introduce the green poles to Cottesloe with minimal impact on Council funds, a suitably worded recommendation might be:

- 3. Request that administration progressively replace yellow parking sign poles with green poles, commencing with those that are weathered and damaged.*

Council's Manager Engineering Services advises that the poles are powder-coated, which renders them unsuitable for being painted by hand. It is also advised that the salty air along the foreshore and the legal need for brittle pole material that collapses in cases of impact are such that the lifespan of poles is rarely more than 10 years. Council could thus expect to see every pole in the preferred colour within a decade, or sooner if it is prepared to devote extra funding.

It is noted on page 12 of the Key2Design Report, which was recognised by Council in February as an appropriate guide for materials along the foreshore, the use of sea



blue for sign poles in the built environment is recommended. Council may wish to further discuss the preferred colour for parking sign poles before passing the relevant resolution.

### **Kerb Markings**

The limited effectiveness of road marking is not confined to night-time or wet weather. In practice, a driver pulling into a gap in a long row of parked cars is likely to park quickly without pausing to look at signs. Once the vehicle is parked, the road markings beneath are of no use to the driver unless there are vacant bays nearby, and even so the driver is more likely to look for a sign than at the road (Australian Standards make this clear).

In any event, signage is legally required at every break in a linear parking arrangement. It is therefore not permissible to replace the signage with kerb marking where there are bus stops, ACROD bays, taxi zones, commercial loading zones, no parking zones, parking zones of differing time limits, or parking zones broken by kerbs.

As mentioned in the section on parking signage, the absence of clear signage nearby would also increase the likelihood of appeals.

### **Markings on Roundabouts**

At the February meeting Council queried the need for signage at roundabouts, especially signage that reminds drivers of the legal requirement to not queue inside the give-way lines. It was also asked whether Council could replace some of the signs with road markings.

Main Roads confirms that marking at roundabouts is not acceptable and that signs are mandatory. Councils are not authorised to conduct reviews of Main Roads signage. The signs that remind drivers not to queue at the Eric Street / Railway Street roundabout were installed by Main Roads in response to repeated problems. It is unlikely that Main Roads would remove them as part of a review.

These signs are simple, well-sized, legible, black on white and low, whereby the message is very clear and visibility not obstructed. Given the significant traffic congestion experienced at the above roundabout and the need for smooth, safe movements for all roundabouts (eg Curtin Avenue/Marine Parade), such signs are highly desirable and educate drivers to comply.

### **Placement of signs on street light poles**

Western Power confirms that apart from signs for bus routes, street names, neighbourhood watch, fire hydrants and schools, signage is not permitted on steel street-lighting columns.

Columns are designed to cater for wind, maximum outreach size, luminaires and floodlight loading, and would need to be significantly stronger to accommodate even small surface areas of signage.

The Council can purchase stronger columns from Western Power and arrange their installation if it wishes. However it should be noted that if parking signs were attached to the lighting columns, their spacing and their distance from the kerb would not meet Australian Standards, so this is not a recommended option.

### **CONCLUSION**

The Town has audited and commenced physically reducing and improving signage at the foreshore / beachfront locality north of the North Cottesloe Surf Life Saving Club, as well as considered signage suggestions for the district generally.

Scope exists to continue to rationalise signage and enhance aesthetics such as by green poles. There are, however, constraints to influencing signage under the control of other agencies and the efficacy of alternatives to signs, such as kerb markings, is limited.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee discussed various aspects of the recommendation and overall was supportive of the findings. It was mentioned that the aim should be for a balance between adequate signage and aesthetics. In considering a preferred colour for parking sign poles Committee saw the need to amend point 2 to select the most suitable colour rather than simply opting for a single colour, as outlined in the Key2Design strategy.

### **OFFICER RECOMMENDATION**

**Moved Cr Strzina, seconded Cr Hart**

THAT Council:

1. Recognise that the present parking signage regime is appropriate to the intensive parking demand along the foreshore/beachfront, and that the signs are useful for informing visitors.
2. Request that administration progressively replace yellow parking sign poles with green poles, commencing with those that are weathered and damaged.
3. Acknowledge that kerb marking as a replacement for parking signage is not considered feasible or appropriate.
4. Note that the replacement of roundabout signs with road markings is not supported by Main Roads Western Australia.
5. Note that Western Power does not permit the addition of signage to street lighting columns of the type found in Cottesloe.

### **AMENDMENT**

**Moved Cr Downes, seconded Cr Strzina**

That point 2 is amended as follows:

2. Request that administration progressively replace yellow parking sign poles with coloured poles as per the Key2Design strategy, commencing with those that are weathered and damaged, and using whichever is the least unobtrusive colour.

Carried 6/0

#### **COMMITTEE RECOMMENDATION**

Moved Cr Walsh, seconded Cr Strzina

**THAT Council:**

1. Recognise that the present parking signage regime is appropriate to the intensive parking demand along the foreshore/beachfront, and that the signs are useful for informing visitors.
2. Request that administration progressively replace yellow parking sign poles with coloured poles as per the Key2Design strategy, commencing with those that are weathered and damaged, and using whichever is the least unobtrusive colour.
3. Acknowledge that kerb marking as a replacement for parking signage is not considered feasible or appropriate.
4. Note that the replacement of roundabout signs with road markings is not supported by Main Roads Western Australia.
5. Note that Western Power does not permit the addition of signage to street lighting columns of the type found in Cottesloe.

**THE AMENDED SUBSTANTIVE MOTION WAS PUT**

Carried 6/0

**10.1.2 REVIEW OF DRAFT STATE PLANNING POLICY 2.6 - STATE COASTAL PLANNING POLICY AND GUIDELINES**

<b>Attachments:</b>	<a href="#">Review of Draft State Planning</a>
<b>File No:</b>	<b>SUB/348</b>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Ed Drewett</b> <b>Senior Planning Officer</b>
<b>Proposed Meeting Date:</b>	<b>19 March 2012</b>

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**PURPOSE**

The purpose of this report is to provide Council with an overview of the draft revised State Planning Policy 2.6 - State Coastal Planning Policy (SPP 2.6) and associated Policy Guidelines that have been prepared by the Department of Planning (DOP) on behalf of the Western Australian Planning Commission (WAPC) and released for public consultation. The comment period closes on 31 May 2012.

**BACKGROUND**

The draft Coastal Planning Policy and Guidelines are proposed to replace the current SPP 2.6 which was gazetted in 2003 and amended in 2006 (height controls added).

The DOP advises that the draft policy takes into account the latest local, national and international coastal planning information, learning gained from over 10 years of application of the existing policy, and extensive internal and targeted external consultation. The DOP also advises that the draft policy proposes revisions and additions that provide more robust guidance to the WAPC, State Government bodies and local governments for land use and development on or adjacent to the WA coastline.

The draft revised policy consists of:

1. New policy measures for:
  - Water resources and management;
  - Coastal hazard risk management and adaptation planning;
  - Infill development;
  - Coastal protection works; and
  - Precautionary principle.
2. Modified policy measures for:
  - Building height limits;
  - Coastal foreshore reserves;
  - Public interest;
  - Coastal strategies and management plans; and
  - Guidelines for determining physical processes impacts on the coastal types within Western Australia.

A media statement on the draft Policy was released by the Acting Planning Minister, Troy Buswell, on 22 February 2012 and advised:

*The review brings the policy in line with other Australian States' planning policies in terms of sea level rise and application of a precautionary and risk management approach;*

*The comprehensive review has looked into coastal planning matters such as the foreshore reserve width; coastal types; and risk of erosion and inundation resulting from a storm event, taking into consideration all WA coastal areas;*

*A key feature is the introduction of coastal hazard risk management and adaptation planning, providing a more flexible approach in dealing with the potential impacts of coastal hazards;*

*Modifications to existing policy wording includes areas such as building height limits that will allow for more flexibility, focusing on suitable urban form, as well as coastal foreshore reserves, public interest, coastal strategies and management plans; and*

*New measures help to guide policy on urban consolidation, coastal protection works, and water resources.*

## **SUMMARY OF PROPOSED CHANGES**

### **State Coastal Planning Policy 2.6**

Several headings used in the current State Coastal Planning Policy have been included in the draft Policy. However, there are also many key differences and these are summarised as follows:

#### Introduction and background

- Reference to the WA coast is changed from being one of the State's *greatest* assets to being a *significant* asset.
- The character of natural coasts now includes reference to *cultural activities*.
- The term *wilderness* is changed to *remote* and includes *cultural activities*.

#### The policy context

- References are updated to refer to Section 77 of the Planning and Development Act 2005 which requires local government, when preparing or amending a local planning scheme, to have due regard to the State Coastal Planning Policy where it affects its district.
- Local governments will be able to decide to make a new or amended scheme consistent with particular aspects of the State Coastal Planning Policy, or include in a new or amended scheme a provision that this Policy is to be read as part of the scheme.

- Reference is made to the *State Planning Strategy* which provides a strategic basis for coordinating and promoting land use, transport and land development in a sustainable manner throughout Western Australia. It also refers to the strategy as setting out guidance for achieving the State goals of generating wealth and prosperity; preserving and enhancing the environment; and building vibrant and safe communities for enjoyment of current and subsequent generations.
- Updated reference is made to ensure that the draft Policy is consistent with and complementary to the State Planning Strategy, SPP 1 - State Planning Framework Policy and SPP2 - Environmental and Natural Resources Policy;

#### Relationship to other WAPC policies and guidelines

- This section has been updated to include reference to current WAPC State Planning Policies, Development Control Policies and guidelines relevant to the coast. However, although these other documents may refer to coastal matters the proposed SPP 2.6 is to be viewed as the higher order and prevailing policy.

#### Setbacks

- The existing Policy makes specific reference to coastal setbacks which provide for both physical processes and other factors such as ecological values and public access to be provided for in a coastal foreshore reserve. As a general guide the Policy refers to a total setback of 100m from the horizontal setback datum being expected albeit that proposals are also required to be assessed having regard to various other Policy considerations.
- The draft SPP 2.6 has no specific reference to setbacks.

#### The policy purpose

This section is not in the current Policy but is proposed in the draft Policy. It is self-explanatory and reads as follows:

*The purpose of this Policy is to provide guidance for decision-making within the coastal zone including establishment of foreshore reserves; managing development and land use change; and to protect, conserve and enhance coastal values. This policy recognises and responds to regional diversity in coastal types; ensures coastal hazard risk management and adaptation is appropriately planned for; and encourages innovative approaches to managing coastal hazard risk.*

*The Policy is to inform and guide decision-making by the WAPC and its Committees, and in integrating and coordinating the activities of state agencies that influence the use and development of land on the coast. The Policy will also guide local governments, state government agencies, the State Administrative Tribunal and the State Government of those aspects of state planning policy concerning the protection of the coast that should be taken into account in planning decision-making.*

*There are many agencies with statutory responsibilities along the Western Australian coast. While recognising these responsibilities, this Policy provides a framework for coordinating those agencies activities with those of the private sector to ensure an integrated approach for coastal planning. The Policy also provides guidance for private landowners wishing to undertake development on or abutting the coast.*

*This Policy provides guidance for situations where planning decisions occur outside the framework of the Planning & Development Act 2005, such as for unvested Crown land, pastoral lease, indigenous and conservation estate land.*

#### Application of the policy

- This section remains similar to the existing Policy. However, reference to town planning schemes and local planning strategies being able to identify areas of coastal influence to which the current Policy applies is deleted. Instead the wording is changed to: *the application of this Policy should be read in conjunction with policy of other relevant decision-making and management authorities.*

#### Policy objectives

- The objectives in the draft Policy remain virtually unchanged to the existing Policy. However, specific reference is made to climate change whereas previously this was not mentioned.

#### Policy measures

- This section has been modified to make specific reference to the draft Schedule One and the Coastal Planning Guidelines prepared and endorsed under the Policy;
- Specific reference in the Policy to *Public interest, Coastal Foreshore Reserve, Coastal Strategies and Management Plans, Environment, Physical Processes Setback* and *Coastal Plan Requirements* have been removed.
- The sub-paragraph on *Development and settlement* is generally unchanged except for the following paragraphs that have been deleted:
  - (xix) *Require that proponents demonstrate why their development should be located within the policy area. Valid proposals will generate a demonstrable net public benefit in both the short and long term; and*
  - (xxi) *Support the use of water sensitive urban design best management practice for adjacent development to avoid discharge of water and stormwater into the coastal foreshore reserve. The discharge of some stormwater may be acceptable if there is no alternative disposal method and provision is made for pre-treatment to remove solids, reduce nutrients and other contaminants.*

The following new paragraph has been put in the draft Policy:

- (vi) *Avoid significant and permanent negative impacts on the environment, either on or off-site.*

### Water resources and management

This section is not in the current Policy but is proposed in the draft Policy. It is self-explanatory and reads as follows:

- (i) *Coastal development should manage water resources in accordance with the principles of water sensitive urban design and integrated water cycle management. This includes treating all urban water flows as potential resources, and giving consideration to all water users, including the community, industry and the environment.*
- (ii) *Development on or near the coast should maintain or restore pre-existing or desirable environmental flows and hydrological cycles within foreshore reserves. Development on or near the coast should not discharge any waste or stormwater that could significantly degrade the coastal environment, including the coastal foreshore reserve, coastal waters and marine ecosystems.*
- (iii) *Stormwater flows from development areas that comply with the Stormwater Management Manual for Western Australia may be incorporated into foreshore reserves. Permitted stormwater management measures within foreshore reserves are detention/infiltration areas and overland flow paths onto the beach for major flow events, subject to minimal landform modification within the dune system; and*
- (iv) *There is a general presumption against the use of coastal foreshore reserves for the management of wastewater or to accommodate any portion of infrastructure or site works used for wastewater management.*

### **Building height limits**

Reference to Building Height Limits was included in SPP 2.6 in 2006 as an amendment to the Policy. Whilst this is still referred to in the draft revised Policy, the wording and content has changed.

The existing SPP 2.6 reads as follows:

#### *5.3 Building Height Limits*

*The provisions of this part of this policy apply to all urban development, including residential, hotel, short-stay accommodation, car-parking, retail and office development, or any combination of those uses, but does not apply to industrial or resource development, transport, telecommunications and engineering infrastructure, and Port Works and Facilities (as defined by the Port Authorities Act 1999) within 300 metres of the horizontal setback datum. A varied distance from the horizontal setback datum may be approved as part*



*of controls set out in a local planning scheme, on the basis of appropriate analysis with reference to built form, amenity, landscape and topography and having regard to cadastral boundaries.*

*The height of buildings should be limited to a maximum of five storeys (and not exceeding 21 metres) in height. Local planning schemes may specify lower maximum height limits in particular localities in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.*

*Higher structures up to a maximum of eight storeys (and not exceeding 32 metres) in height may be permitted where:*

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

### **Proposed Building height limits**

The proposed section on Building Height Limits in the draft Policy is as follows:

- (i) Careful consideration should be given to building heights.*
- (ii) The provisions of this part of the policy apply to all development within 300 metres of the horizontal shoreline datum, but do not apply to industrial or resource development, transport, telecommunications and engineering infrastructure, and Port Works and Facilities (as defined by the Port Authorities Act 1999).*
- (iii) Building heights on the coast should have regard to the following development criteria:*
  - (a) development is consistent with the overall visual theme identified as part of land use planning for a locality or in an appropriate planning control instrument such as a local planning strategy;*
  - (b) development takes into account the built form, topography and landscape character of the surrounding area;*
  - (c) the location is part of an identified activity node;*
  - (d) the amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore; and*

- (e) *there is visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces.*
- (iv) *Maximum height limits may be specified as part of controls outlined in a regional planning scheme or local planning scheme, in order to achieve outcomes which respond to the desired character, built form and amenity of the locality.*

#### Coastal hazard risk management and adoption

This is a new section that is in draft SPP 2.6. It reads as follows:

- (i) *Adequate coastal hazard risk management and adaptation planning should be undertaken by the responsible management authority and/or proponent where existing or proposed development is in an area at risk of being affected by coastal hazards over the planning timeframe. Coastal hazard risk management and adaptation planning should include as a minimum, a process that establishes the context, vulnerability assessment, risk identification, analysis, evaluation, adaptation, funding arrangements, maintenance, monitoring and review.*
- (ii) *Where a coastal hazard risk is identified it should be disclosed to those likely to be affected. On consideration of approval for development lot owners should be made aware of the coastal hazard risk by providing the following notification on the certificate on title: **VULNERABLE COASTAL AREA – This lot is located in a area likely to be subject to coastal erosion and/or inundation over the next 100 years.***
- (iii) *Where risk assessments identify a level of risk that is unacceptable to the affected community or proposed development, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. Adaptation measures should be sought from the following coastal hazard risk management and adaptation planning hierarchy on a sequential and preferential basis:*
  - (1) **Avoid** *the presence of new development within an area identified to be affected by coastal hazards. Determination of the likely consequences of coastal hazards should be done in consideration of local conditions and in accordance with the guidelines provided in Schedule One.*
  - (2) **Planned or Managed Retreat** *or the relocation or removal of assets within an area identified as likely to be subject to intolerable risk of damage from coastal hazards over the planning time frame.*
  - (3) *If sufficient justification can be provided for not avoiding development of land that is at risk from coastal hazards then **Accommodation** adaptation measures should be provided that suitably address the identified risks. Such measures would involve design and/or management strategies that render the risks from the identified coastal hazards acceptable.*
  - (4) *Where sufficient justification can be provided for not avoiding the use or development of land that is at risk from coastal hazards and accommodation measures alone cannot adequately address the risks from coastal hazards, then coastal **Protection** works may be proposed for areas where there is a need to preserve the foreshore reserve, public*

*access and public safety, property and infrastructure that is not expendable.*

- (iv) *Where new information or methods become available that significantly modify the understanding of the coastal hazards then all areas within the newly defined risk areas should be reviewed again through the coastal hazard risk management and adaptation planning hierarchy above, as part of the ongoing monitoring and review process.*

#### Infill development

This is a new section in draft SPP 2.6. It reads as follows:

- (i) *Where development is likely to be subject to coastal hazards over the planning timeframe, coastal hazard risk management and adaptation planning measures (Section 5.5) should be implemented to reduce the risk from coastal hazards over the full planning time frame to an acceptable level.*

#### Coastal protection works

This is another new section in draft SPP 2.6. It reads as follows:

- (i) *There is a general presumption against new coastal protection works, except where such works are considered only after all other options for avoiding and adapting to coastal hazards have been fully explored, as part of a comprehensive coastal hazard risk management process.*
- (ii) *Existing coastal protection works that require significant upgrade or maintenance over the planning timeframe should be considered as new coastal protection works, including consideration of the most appropriate form.*
- (iii) *Coastal protection works should only be supported:*
- (a) *where it is demonstrated there are no significant negative impacts on the adjacent environment within the sediment cell; and*
  - (b) *in conjunction with appropriate funding arrangements for the construction and ongoing care, control and maintenance being put in place.*
- (iv) *Coastal protection works, where necessary and justified should be:*
- (a) *adequately considered and planned as part of making decisions about land use, subdivision and development within the coastal zone;*
  - (b) *primarily proposed in the public interest to ensure they maintain a coastal foreshore reserve, public access, public amenity and public safety as well as to protect high value property and infrastructure that is not expendable; and*
  - (c) *evaluated at a sediment cell level and take into consideration the future protection requirements of adjoining development.*

#### Public interest

This section remains similar to the existing Policy. However, the following paragraph has been deleted:

- (ii) *Maintain and enhance public enjoyment of the coast where this is consistent with the objectives of this policy.*

The following paragraph has been included in the draft Policy:

- (ii) *Community consultation and engagement strategies should be developed to encourage informed community input into decision-making processes. Communities should have sufficient information to understand the risks to their communities arising from likely influence on coastal processes and coastal hazards. Consultation and participation should raise community awareness, understanding and education of risks and appropriate responses associated with their region(s).*

#### Coastal foreshore reserve

This section remains similar to the existing Policy. However, the following paragraph has been deleted:

- (viii) *Ensure that the identification of coastal foreshore reserves takes into account consideration of ecological values, landscape, seascape, visual amenity, indigenous and cultural heritage, public access, public recreation needs and safety to lives and property (as described for the physical processes setback in Schedule One).*

The following paragraphs have been included in the draft Policy:

- (i) *Coastal foreshore reserves are required to accommodate a range of functions and values. While local and site specific considerations will vary, the delineation of a coastal foreshore reserve will include the consideration of, and protection for, significant natural features such as coastal habitats and, for their biodiversity, archaeological, ethnographic, geological, geo-morphological, visual or wilderness, ecological, heritage, landscape, seascape, and visual landscape values; likely impacts of coastal hazards; and opportunities for public access, public recreation needs and safety to lives and property. Schedule One provides guidance on how to estimate the potential impacts of coastal hazards, however, this is only one input into the determination of a coastal foreshore reserve, which will be required to demonstrate that the values, functions and uses prescribed are available at the end of the planning timeframe.*
- (ii) *The required coastal foreshore reserve will vary according to the circumstances of any particular proposal. Each proposal must be assessed on its merits having regard to this policy, including the principles and guidelines of Schedule One and the Coastal Planning Policy Guidelines.*

#### Coastal strategies and management plans

This section remains similar to the existing Policy. However, the following additional paragraphs are in the draft Policy:

- (iii) *Ensure that the coastal planning strategy or foreshore management plan is developed in consultation with the broad community and relevant public authorities, and achieve the approval of the local land manager and the WAPC if appropriate.*
- (iv) *A coastal planning strategy or foreshore management plan should address as a minimum, the matters set out in the Coastal Planning Policy Guidelines.*

#### Environment

This section is not included in the draft Policy.

#### Physical process setback

This section is not included in the draft Policy.

#### Precautionary principle

This is a new section in draft SPP 2.6. It reads as follows:

- (i) *Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason to postpone measures to prevent environmental degradation.*
- (ii) *The onus is on any proponent to show that development does not pose any likelihood of serious or irreversible harm to the environment.*
- (iii) *If the proponent cannot demonstrate there is not a likelihood of such harm, the onus is on the development proponent to show that the harm can be managed.*

#### Implementation

This section describes how the draft Policy is to be implemented (ie: through related state planning policies, regional strategies, local planning strategies and regional and local planning schemes). It is similar to the existing Policy, although some paragraphs have been condensed without significantly affecting its content.

#### Information support

This section is not included in the draft Policy.

#### Definitions

The list of definitions in the existing coastal policy has been expanded in the draft policy to include the following additional definitions:

acceptable level of risk refers to the level at which it is decided that further restricting or otherwise altering the activity is not worthwhile. eg. additional effort will not result in significant reductions in risk levels.

**'adaptation'** means an adjustment in natural or human systems in response to actual or expected stimuli or their effects, which moderates harm or exploits beneficial opportunities. Adaptation is the primary means for maximising the gains and minimising the **'acceptable'** means the risks that do not need further treatment at this stage. The expression e losses associated with climate change.

**'coastal compartment'** means length of shoreline bounded by broad scale changes in geology, geomorphic structures/landforms or changes in the aspect of the shore.

**'coastal hazard'** means the consequence of coastal processes that affect the environment and safety of people. Potential coastal hazards include erosion, accretion and inundation.

**'coastal processes'** means any action of natural forces on the coastal environment.

**'coastal protection works'** means any permanent or periodic work undertaken primarily to alter physical coastal processes and/or manage the effects of coastal hazards. The influence of coastal protection works should be evaluated at the sediment cell level.

**'consequence'** means the outcome or impact of an event. Consequence is expressed qualitatively or quantitatively – a loss, injury, expressed concern, disadvantage or gain. Consequence can be more than one consequence from one event, range from positive to negative and is generally considered in relation to achievement of objectives.

**'cross-shore'** means perpendicular to the shoreline.

**'environment'** means conditions or influences comprising built, physical and social elements, which surround or interact with the community (including the natural conditions, the natural as modified by human activity and the artificial).

**'event'** means any occurrence of a particular set of circumstances that can have an adverse impact(s) on the environment. The event can be certain or uncertain, and be a one-off occurrence or a series of occurrences of a particular set of circumstances.

**'height'** has the same meaning as in the Town Planning Regulations 1967, Appendix B–Model Scheme Text.

**'infill development'** refers to sites between existing developments.

**'intolerable'** means risk that is unacceptable in any circumstances or at any level.

**'inundation'** means the flow of water onto previously dry land. It may either be permanent (for example due to sea level rise) or a temporary occurrence during a storm event.

**'likelihood'** means the probability that something will occur. Likelihood is generally expressed qualitatively or quantitatively.

**'longshore'** means parallel to the shoreline.

**'peak steady water level (PSWL)'** means the highest average elevation of the sea surface caused by the combined effect of storm surge, tide and wave setup resulting from the storm events defined in Schedule One section 5.

**'precautionary principle'** means where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, decisions should be guided by:

- (i) careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and
- (ii) an assessment of the risk-weighted consequences of various options.

**'risk'** is specified in terms of an event or circumstances and the consequence that may flow from it. Risk is measured in terms of a combination of the likelihood of an event occurring and the consequence of that event occurring.

**'risk assessment'** means the overall process or method for evaluating risks associated with a specific coastal hazard and includes risk identification, risk analysis and risk evaluation.

**'risk management'** means the measures taken to reduce, modify, offset or share risks associated with development in areas subject to coastal hazards. These include the coordinated activities to direct and control an organisation with regard to risk; and the culture, processes and structures that are directed towards realising potential opportunities whilst managing adverse effects.

**'sediment cell'** means a length of shoreline in which interruptions to the movement of sediment along the beaches or near shore sea bed do not significantly affect beaches in the adjacent lengths of coastline. Within a sediment cell the sediments sources, transport pathways and sinks should be clearly definable.

**'storm surge'** means the increase in water level at the shoreline due to the forcing of winds (wind-setup) and atmospheric pressure.

**'tidal reaches of inland waters'** has the meaning in Schedule One section 3.5.

**'tolerable'** means the willingness to live with a risk to secure benefits, on the understanding that it is being properly controlled. 'Tolerability' does not mean 'acceptability'. Tolerating a risk does not mean that it is regarded as negligible, or something we may ignore, but rather as something that needs to be kept under review and reduced further, if and when able to be done so.

**'updrift'** means the direction to which the predominant longshore movement of shoreline material approaches.

**'vulnerability'** means the degree to which a system is susceptible to, or unable to cope with, adverse effects of climate change, including climate variability and extremes. Vulnerability is a function of the character, magnitude, and rate of climate change and variation to which a system is exposed, its sensitivity, and its adaptive capacity. Systems that are highly exposed, sensitive and less able to adapt are vulnerable.

**'wave run-up'** means the rush of water up a shoreline or structure on the breaking of a wave.

**'wave overtopping'** means water carried over the top of a structure or landform due to wave run-up or surge action exceeding the crest.

### **Schedule One**

#### **Calculation of coastal processes**

Schedule One is an attachment to the draft Policy. It is proposed to supersede the existing Schedule One attached to the current Policy. It is a technical document that provides detailed description to coastal landforms and processes.

The key differences between the existing and proposed Schedule One attachments are summarised as follows:

- The title of Schedule One has changed from *Coastal Development Setback Guidelines for Physical Processes* to *Calculation of coastal processes*;
- The existing Schedule One gives setback guidelines to provide direction for the siting of development, whereas the draft Schedule One provides guidance for calculating the component of the coastal foreshore reserve required to allow for coastal processes;
- The Planning timeframe referred to in the draft Schedule One is based on a 100 year timeframe as in existing Schedule One; however, reference is now also made to storm surge events;
- Reference to *setback delineation* has been not been included in the draft Schedule One;
- Reference to *Sandy coasts* remains similar although is more descriptive in the draft Schedule One;
- Reference to *Rocky coasts* remains similar although is more descriptive in the draft Schedule One;
- Reference to *Mixed sandy and rocky coasts, Coastal lowlands, tidal reaches of inland waters and Islands* in the draft Schedule One replaces descriptive terminology used in the existing Schedule One;
- Reference to *Calculation of the coastal processes* in the draft Schedule One is more descriptive to the existing Schedule One and includes specific reference to *Climate Change*. It also states that *the allowance for sea level rise should be based on a vertical sea level rise of 0.9 metres over a 100-year planning timeframe to 2110; and*
- Reference to *Variations* in draft Schedule One remains similar to that existing although the descriptions have been expanded upon. In brief, they include *development with an expected lifespan of less than 30 years for public recreation purposes on the proviso that the development is to be removed or modified should it be threatened by erosion, temporary and easily relocatable structures; Department of Defence facilities; Industrial and commercial development (dependent on coastal location); development nodes and Surf Life Saving Clubs.*

### **Draft State Planning Policy Guidelines**

These new draft Guidelines provide detailed guidance for the application of the Policy measures proposed in draft SPP 2.6.

A brief summary of each of the main topics covered is as follows:

#### Development and settlement

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This section makes reference to State Planning Policies No. 2 and 3 as coastal planning should reflect consideration of these guidelines where applicable. In addition the following elements should also be considered:

- *Coastal planning should result in sustainable development which recognises the need to balance competing economic, social and environmental demands;*
- *Development should not result in discharges such as sewerage, fertilisers or toxic chemicals into the coastal environment;*
- *Development should not result in changes to water circulation patterns. Such changes may have an adverse impact on the ecology or public use of foreshore areas;*
- *Development should not substantially alter existing natural drainage patterns, nutrient and organic matter cycling processes, near shore sediment transport patterns or water quality;*
- *Coastal waters support primary food production for marine fauna and flora. Coastal habitats, particularly areas of high biological productivity, should be protected;*
- *Disturbance of existing vegetation during construction should be minimised. However, if unavoidable, the area should be rehabilitated after disturbance with native species to stabilise land in and around developments;*
- *Coastal vegetation corridors should be retained, not fragmented, and where possible, enlarged (widened and lengthened);*
- *Places of unique landscape, scientific and cultural significance should be conserved and managed including geomorphological, ecological, anthropological and historical sites;*
- *Coastal areas that provide nesting sites for marine reptiles, mammals and sea birds should be protected from impacts of development;*
- *Development should be designed to prevent invasion of native habitats by introduced species/pests;*
- *Off-road vehicle use should be managed and kept from degrading coastal dunes and vegetation; and*
- *Disturbance of any endangered, threatened or priority listed species and communities present in the area should be avoided and assessed based on the applicable legislation.*

### Earthworks and soil

This section makes reference to the WAPC's *Acid Sulfate Soils Planning Guidelines* as coastal planning should reflect consideration of these guidelines where applicable. In addition the following elements should also be considered:

- *Development should not occur on or adjacent to unstable or mobile dunes;*
- *Development proposed on unconsolidated dunes or sand sheets should only be supported where an appropriate stabilisation and rehabilitation plan has been prepared;*
- *Natural sediment processes, including lithification and wind or water transport should not be significantly or permanently altered by development;*
- *Topsoil should be stockpiled (for as short a time as possible) and respread on bare areas. While being stockpiled topsoil should be reasonably protected from moisture to preserve the viability of the seed bank;*
- *Development may be restricted during certain times of the year when high wind rates may impact upon the amenity of surrounding land uses, particularly residential uses; and*
- *Livestock should be kept from grazing in coastal dunes.*

### Water resources and management

This section makes reference to the WAPC's *Water Resources Policy (SPP 2.9)*, *Better Urban Water Management and Livable Neighbourhoods* as coastal planning should reflect consideration of these guidelines where applicable. In addition the following elements should also be considered:

- *Development adjacent to enclosed or partly enclosed water bodies (such as bays, estuaries, lagoons and marshes) should not impact upon processes such as nutrient cycling and should seek to avoid eutrophication or altered nutrient loads;*
- *Development should not alter existing sediment movement processes either towards or into water bodies from natural (or current) levels;*
- *Natural water movements, including ocean water and groundwater should not be significantly altered or affected by development;*
- *Polluted and contaminated run-off should be treated at the source. The Contaminated Sites Act 2003 sets out obligations and responsibilities for contaminated land;*
- *Well vegetated margins of water bodies should be maintained to act as natural nutrient and sediment filters;*
- *Waste discharge into enclosed or poorly circulated water bodies should be prevented;*
- *Where on-site effluent treatment and disposal systems are proposed, account must be taken of sod depth, sod absorption rates, soil absorption ability and whether the superficial water table is in hydrologic connection with the sea and enclosed water bodies;*

- *All waste disposal facilities including rubbish tips, waste transfer stations, septic tanks, liquid and industrial waste holding areas and similar facilities shall be located landward of the foreshore reserve boundary and be designed/lined to isolate waste from the sea and other enclosed water bodies and prevent leaching; and*
- *Stormwater retention and/or infiltration areas and, for major flow events, overland flow paths onto the beach are permitted, subject to minimal landform modifications within the dune system.*

### Visual landscape

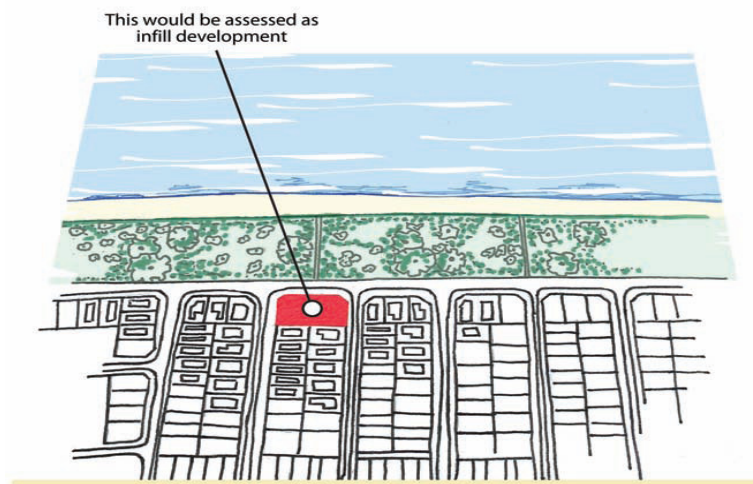
This section makes reference to the WAPC'S *Visual Landscape Planning in Western Australia - a manual for evaluation, assessment siting and design*. Landscape, seascape and visual landscape elements of coastal planning are to reflect consideration of the manual.

### Coastal hazard risk management and adaption planning.

This section details specific requirements necessary to ensure an appropriate risk assessment and management planning framework for incorporating coastal hazard considerations into decision-making processes is undertaken. This should be completed by an appropriately qualified professional person with appropriate indemnity insurance.

### Infill development

This section defines what may be considered as infill development. It excludes coastal land adjacent to existing development on only one side (such as at the edge of a town or zone) or where there is a reasonable distance between lots. This section is not about building heights.



### Coastal protection works

This section refers to the draft Policy which addresses this topic.

### Public interest

This section includes reference to the importance of community consultation when considering coastal hazards and risk management and it also provides specific guidance on topics such as *public access, coastal roads, coastal car parks, coastal pedestrian access* and *coastal dual use paths*.

### Coastal foreshore reserve

This section describes why a flexible approach is required in foreshore reserve planning and management. It advises that 'outcome-based' decision-making is better than using a nominal 'setback' requirement. This is a sustainable approach which does not restrict the social and economic opportunities of the coastal environment while adequately protecting the values, functions, and uses of foreshore reserves.

### Coastal strategies and management plans

This section sets out specific requirements that should be included in a coastal planning strategy and/or foreshore management plan. It states that the proponent should be responsible for the implementation of the foreshore management plan as well as the funding, maintenance, monitoring and management of foreshore works for a period of not less than five years commencing from completion of all foreshore works.

### Precautionary principle

The precautionary principle in coastal decision-making requires decision makers to act in response to the best available science, knowledge and understanding of the consequences of decisions and in the context of increasing uncertainty, to make decisions that minimise adverse impacts on current and future generations and the environment.

### Information support

This is the final section in the Guidelines. It advises that the WAPC and Department of Planning support coastal planning and management activities through a number of sources including the:

- Coastal Planning Program; and
- Coastal Planning and Management Manual.

It also advises that specialist coastal engineering advice, including advice regarding the Coastal Protection Policy for Western Australia and the collection and analysis of data measuring the physical characteristics of the coastal zone can be obtained from the Department of Transport.

## **STAFF COMMENT**

### **Overall initiative**

The draft SPP 2.6 - State Coastal Planning Policy and accompanying State Coastal Planning Policy Guidelines provide detailed technical advice on coastal planning matters and represent significant changes to the existing SPP 2.6 - Coastal Planning Policy.

Many of the changes appear justified as they ensure that the policy is up-to-date with the latest local, national and international coastal planning information. This is also reflected in the Town of Cottesloe's own geotechnical studies undertaken in recent years to better understand the geomorphology of its coastline.

### **Building height control**

Apart from the scientific, broad planning and management aspects forming the thrust of the draft Policy and Guidelines, the proposed changes with respect to building heights can be seen to have significant implications for the Cottesloe beachfront, Council's adopted LPS 3 and all local governments.

Existing SPP 2.6 provides that the *height of buildings should be limited [emphasis added] to a maximum 5 storeys (and not exceeding 21 metres) in height...Higher structures up to a maximum of 8 storeys (and not exceeding 32 metres in height) may be permitted...in certain circumstances.*

In this connection, on 3 November 2006 the WAPC published a notice of resolution pursuant to clause 32 of the Metropolitan Region Scheme requiring various coastal local governments to refer for determination by the WAPC all applications for residential development *exceeding 5 storeys or 21 metres in height (or both), or exceeding 8 storeys or 32 metres in height where a height of 8 storeys or more is permissible under the Local Government Scheme on land within 300 metres of the horizontal setback datum defined in State Planning Policy 2.6.* This call-in power effectively causes determination of such proposals by the regional planning authority based on a state-wide policy approach.

The Town's solicitors have provided preliminary comment on the draft Policy SPP 2.6 as follows:

*The section dealing with building heights (part 5.4, page 5) in draft SPP 2.6 no longer contains actual maximum building height. Instead, SPP 2.6 now simply refers to the need for "careful consideration" to be given to building heights (part 5.4 (i)) and sets out a number of development criteria that building heights should have regard to (part 5.4 (iii)). The criteria are all subjective and open to interpretation – including that development "be consistent with the overall visual theme" of the locality, "takes into account the built form, topography and landscape character of the surrounding area", that the "amenity of the coastal foreshore is not detrimentally affected by any significant overshadowing of the foreshore" and that "there is visual permeability of the foreshore and ocean".*

*The only reference at all to maximum height (in 5.4 (iv)) is that maximum heights "may be specified as part of controls outlined in a regional planning scheme or local planning scheme, in order to achieve outcomes which respond to the desired character, built form and amenity of the locality". This begs the question of what that*

*“desired” character, built form and amenity might be, and whose “desire” is referred to.*

*The revised SPP 2.6 provisions have obvious potential implications for consideration of the LPS 3 [Ministerial] modifications...It would certainly be possible to support the proposed modifications “having regard to” these revised SPP 2.6 provisions – avoiding the difficulties in relation to the current provisions.*

To elaborate on these observations, the Manager Development Services advises:

*Fundamentally, the draft Policy recognises that building height ought to be controlled as a relevant planning consideration, which is to be supported. However, the basic problem with the building height provisions is that originally they were politically-inspired (reflecting previously-announced Government policy at the time) and with a pro-development rather than a planning-control purpose. Hence they were an anomalous addition to the present Policy, which is focussed on coastal environments, processes and management, and remain out of place in the similar draft replacement Policy.*

*They belong in another policy altogether, dealing with land use planning, development requirements, urban design, built form and amenity. In this respect the proposed Policy objectives do not mention building height and are aimed at coastal management. When the amendment to the initial Policy to add building height limits was reported to Council in 2005, it was noted that: “The proposal is effectively a development control that is proposed to sit within a policy that is of a strategic environmental planning and management nature rather than a mainstream development control instrument”. With this in mind Council’s LPS 3 Local Planning Strategy, Scheme Text and draft Beachfront Policy all articulate building height considerations and controls in an integrated and detailed manner.*

*It is noted that the draft Guidelines do not contain any further explanation of the proposed Policy height provisions. This suggests that the aspect of building height is not germane to the Policy, that the provisions are deliberately brief, and that the rationale for them is not strong.*

*Moreover, one perspective is that the proposed revised building height provisions dilute the matter to an extent that they seem virtually pointless and potentially unworkable as policy measures. That is, because actual limits are not specified and are directed to schemes, why deal with them at all in the draft Policy? And why make the parameters so open to interpretation and possible misuse (unless that flexibility is intentional)? While the notion of limits is retained, the heading “Building height limits” is a misnomer as none is specified. It should be entitled “Approach to control of building heights” or likewise.*

*Another perspective is that the building height provisions in the draft Policy relax the approach to limits and simply outline criteria to be taken into account. Superficially it is credible that building heights are recognised as warranting careful consideration, and the criteria are consistent with established planning principles or concepts. The conjunctive “and” linking the list indicates that all of the parameters are required to be met.*

*In this way the proposed provisions give broad-brush direction to the matter. Hence responsible authorities, proponents and decision-makers would all be guided on how to treat building heights. The risk-factor is that merely giving “careful consideration” or “having regard to” the parameters described, and then being free to determine an outcome, lacks adequate bounds and creates uncertainty for all parties. That aside, it is noted that the proposed criteria appear slightly better-aligned with Council’s LPS 3 building height control framework and provisions.*

*Overall, the proposed height section is written generally and with discretionary language, whereby its bearing amounts to little and is ambiguous. As the provisions are not expressed in sufficiently mandatory terms the degree of control is diminished, whereby they could be dismissed, ignored or even exploited. For example, selected wording is quoted and analysed as follows:*

*... development criteria ...*

- Would read better as *planning criteria*.

*... visual theme ...*

- This criterion could be extrapolated to justify excessive height.

*Careful consideration should be given to building heights.*

- This is a sound principle, but should would read better as is to.
- Also, who gives careful consideration and what exactly or how?

*Building heights ... should have regard to ...*

- Should does not require, while shall would.

*The location is part of an activity node.*

- That in itself does not merit extra height.

*... significant overshadowing ...*

- This is not quantified, relying on the exercise of judgement.

*Maximum height limits may be specified ... in schemes ...*

- May does not require limits, so what if there are none?
- And whose desire determines the criteria?

*In summary on this matter, the key point is that the existing and proposed Policy texts are questionably conceived and constructed in relation to the aspect of building height limits. Policy by nature needs to have some substance and teeth to be meaningful and practical. Otherwise it is more akin to a directional statement of planning strategy. A policy that is not clear and tangible defeats its purpose, which is why provisions in statutory instruments tend to be superior.*

*In this regard the proposed provisions appropriately identify planning strategies and schemes as the conventional vehicles for building height limits, which is the proper place for such controls. But it would be unfair to rely on schemes to control heights elsewhere yet allow a coastal policy to potentially usurp schemes in the coastal strip.*

*It is noted that consultation in the case of increased heights is no longer a Policy requirement. While this removes the complications and criticism of how the current Policy is written and meant to operate in relation to consultation, it must be emphasised that consultation is a vital component of the planning process. Presumably, the draft Policy in identifying schemes as the vehicle for building height limits is acknowledging the in-built consultation procedures of schemes and their associated elements such as structure plans and development applications to address this need.*

*It is also noted that the definition of height is consistent with the Model Scheme Text. This is an improvement as the present Policy inflates wall (storey) and roof heights by specifying a metre distance as well.*

*Finally, an undesirable consequence of any poorly-framed or weak planning control is that it can create confusion and disagreement about what is meant and required. This renders the formulation, assessment and determination development proposals difficult and prone to dispute. Community objections, lobbying, legal issues and appeals to the State Administrative Tribunal can all result. Development can be hindered and cohesive outcomes inhibited. The shortcomings of the draft building height provisions place the onus on local governments to address the ramifications, rather than the state-level Policy setting a clear and sound framework for all concerned.*

LPS 3 meets regional planning policy objectives by setting appropriate building height limits in accordance with the existing SPP 2.6, and providing opportunities for tourism accommodation and facilities without detrimentally affecting the special character that underpins its attraction for tourists. Any proposal to remove maximum building heights from SPP 2.6 could therefore influence the outcome of the Scheme.

The draft SPP 2.6 still requires building heights to have regard to visual permeability of the foreshore and ocean from nearby residential areas, roads and public spaces and the draft guidelines specifically state that landscape, seascape and visual landscape elements of coastal planning are to reflect consideration of the WAPC's manual *Visual Landscape Planning in Western Australia* (produced 2007). However, terms such as *having regard to* and *reflect consideration of* in the draft Policy can be interpreted to mean different things to different organisations and may result in proposals and development for high-rise developments, eg:

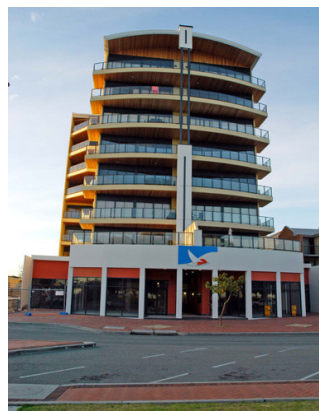




*The proposal above was presented to the City of Stirling in 2004 for the Luna Maximart site in Scarborough. Of the four buildings, three of them were proposed to be 16 stories high and the fourth, 20 stories high with two levels of retail.*



*The new “Ce Vue” Apartments in Scarborough (above) are 8 storeys high and satisfy the WAPC’s adopted policies, albeit requiring a Scheme amendment.*



*The 8 storey development (above) on the beachfront in Rockingham may suit its locality, but a state-wide building height policy allowing this type of development anywhere is inappropriate, including for Cottesloe.*

The *Visual Landscape Planning in Western Australia* manual post-dates the existing SPP 2.6 and makes some specific references to Cottesloe. For example, it refers to a 2005 community survey conducted for the Perth Coastal Planning Strategy which identifies that: *Cottesloe was the location most frequently identified as a place that should definitely keep its character.*



The manual also states:

*The height of new buildings should take account:*

- *The existing streetscape, including the height of existing buildings and other visual landscape components;*
- *The type of settlement...;*
- *The height of existing and new tall trees such as Norfolk Island pines so that buildings remain below the tree canopy, to allow these trees to continue to dominate the visual landscape;*
- *Adjacent landforms, to allow landform to continue to dominate the setting;*
- *Potential visibility from nearby coastal recreation sites; and*
- *Other Town Planning Scheme guidelines in relation to height.*

The Town's LPS3 Enquiry-by-Design (EBD) took this guidance into account especially when considering the visual intrusion of building heights along Marine Parade. It has subsequently also been incorporated in Council's Building Design Controls (BDC) and proposed LPS no. 3 which is currently under consideration by the WAPC for final determination by the Minister for Planning.

## **CONCLUSION**

The draft SPP 2.6 - Coastal Planning Policy and Guidelines are an important and useful technical instrument which, once gazetted, must be taken into consideration when adopting Local Planning Schemes and assessing subdivisions and significant development proposals in coastal areas.

The changes proposed in respect to building heights are likely to provide less certainty for Council, the community and developers than the current Policy and

result in it being more difficult to control building heights on the Cottesloe foreshore. It may ultimately favour larger coastal nodes such as at Scarborough, Rockingham or Fremantle over smaller coastal tourist attractors such as Cottesloe.

### **VOTING**

Simple Majority

### **COMMITTEE COMMENT**

Committee discussed the different approaches to height control under the current and proposed policy documents. While there was some appreciation of the proposed provisions being more flexible, there was also concern that they present a greater risk of uncertainty and unlimited height; and that both the current and proposed policy are flawed. Overall Committee recognised the appropriateness of local schemes setting height limits as a reflection of community and wider public consultation, which is what LPS3 embodies. On balance the recommendation was supported intact.

### **OFFICER AND COMMITTEE RECOMMENDATION**

**Moved Cr Strzina, seconded Cr Boland**

**THAT Council:**

- 1. Notes this report regarding the draft State Planning Policy 2.6 - State Coastal Policy and State Coastal Planning Policy Guidelines;**
- 2. Advise the WAPC that the criteria pertaining to “Building height limits” (part 5.4, page 5) in the draft State Planning Policy SPP 2.6 is *not supported* in its current format as it is subjective and open to interpretation, especially with respect to local planning schemes being able to specify maximum building heights in order to achieve outcomes which respond to the desired character, built form and amenity of a locality;**
- 3. Request that the WAPC acknowledges that the maximum building heights proposed in the Town of Cottesloe’s Local Planning Scheme No. 3 respond to the desired character, built form and amenity of the locality having been devised via a dedicated Enquiry-by-Design process and extensive public advertising of the proposed Building Design Controls; and**
- 4. Forward this report and Council’s resolution to the Hon Premier and Member for Cottesloe and to the Hon Minister for Planning for urgent consideration prior to making a final determination on Local Planning Scheme No.3.**

**Carried 4/2**

**11 ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**13 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 6:53 PM.

CONFIRMED: PRESIDING MEMBER \_\_\_\_\_ DATE: .../.../....