



Town of Cottesloe



## Scheme Amendment 9

Local Planning Scheme No. 3

Lot 92 (No. 94) Marine Parade, Cottesloe (The Seapines Site)

Date December 2018

## Production Details

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## Form 2A

***Planning and Development Act 2005 (as amended)***

**RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME**

**Town of Cottesloe Local Planning Scheme No. 3  
Scheme Amendment 9**

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

- Adding a new subclause 3(b) under Schedule 15 to read:

3(b) Seapines Site (Lot 92 Marine Parade, Cottesloe):

Notwithstanding Diagram 4 and Diagram 7, the permitted number of storeys may be increased from 5 to 6 providing-

- i) the development achieves design excellence, as determined by the Town on the advice of the Town's Design Review Panel, having due regard to State Planning Policy 7 Design of the Built Environment (as amended) as well as the contents of Draft Apartment Design, volume 2 of State Planning Policy 7.3 Residential Design Codes Guidance for multiple-dwelling and mixed-use developments, as put out for public consultation October 2016;
- ii) the maximum building height shall not exceed 21 metres; and
- iii) not less than 50% of the 1st storey (ground floor) street frontage of any development on the site (to a minimum depth of 9m pursuant to clause 6.4.3.5 of this Scheme) shall be used for restaurants, shops, small bars and/or convenience stores and not for any other uses.

and renumbering subsequent clauses.

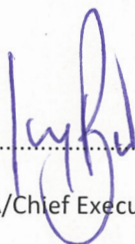
The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is consistent with the objectives of the Foreshore Centre Zone to which it relates;
- The amendment would not result in any significant impact on land in the scheme area that is not the subject of the amendment;
- The amendment would not result in any significant environmental, social, economic or governance impacts on land in the scheme area, and



- The amendment is not a basic or complex amendment.

Dated this Second day of January ~~2016~~ 2019



(A/Chief Executive Officer)

# 1. Introduction

The purpose of this scheme amendment report is to amend Local Planning Scheme No. 3 (LPS 3) to allow consideration of an additional storey at the Seapines site (Lot 92, No. 94 Marine Parade, Cottesloe) whilst maintaining the current 21m height limit and adding design criteria to achieve the additional storey.

Specifically, this will be achieved by adding a new subclause 3(b) under Schedule 15 of the Scheme text to read:

*3(b) Seapines Site (Lot 92 Marine Parade, Cottesloe):*

*Notwithstanding Diagram 4 and Diagram 7, the permitted number of storeys may be increased from 5 to 6 providing-*

- i) the development achieves design excellence, as determined by the Town on the advice of the Town's Design Review Panel, having due regard to State Planning Policy 7 Design of the Built Environment (as amended) as well as the contents of Draft Apartment Design, volume 2 of State Planning Policy 7.3 Residential Design Codes Guidance for multiple-dwelling and mixed-use developments, as put out for public consultation October 2016;*
- ii) the maximum building height shall not exceed 21 metres; and*
- iii) not less than 50% of the 1st storey (ground floor) street frontage of any development on the site (to a minimum depth of 9m pursuant to clause 6.4.3.5 of this Scheme) shall be used for restaurants, shops, small bars and/or convenience stores and not for any other uses.*

The amendment is required to allow a more flexible design outcome for the Seapines site, noting LPS3 limits the ability to exercise discretion on building height.

# 2. Background

This amendment request was lodged on behalf of owners of the subject site on 30 April 2018 after meetings with Council staff in January 2018 and a presentation from the proponents to Council in March 2018.

At its Ordinary Council Meeting of 24 July 2018, Council elected to defer the consideration of the proposed Scheme Amendment until such time as a workshop with Elected Members and

relevant Committees have been undertaken to ascertain its planning-based merits and any possible implications as per the resolution below:

*“That Council DEFER consideration of the 94 Marine Pde scheme amendment application until a workshop with Elected Members has been undertaken by end September 2018, which includes consideration of all the points in the Councillor rationale below:*

*Rationale*

- 1. Council should consider about what advantages for the community can be obtained through this process*
- 2. The scheme amendment should include a Local Development Plan (LDP) and/or additions to the currently proposed scheme amendment for the following reasons:*
  - a. There are insufficient binding development controls to protect the amenity of the streetscape and ensure effective street activation on this corner.*
  - b. The proposed amendment will generate around 20% more floor space, occupants, cars and impact on the local amenity.*
  - c. Noting that the proposed amendment if successful will significantly increase the value of this land, the Town of Cottesloe can require a Local Development Plan or other scheme amendments within this proposed amendment for the community in return for considering this property developer’s amendment proposal as a binding part of the scheme amendment. For example, an LDP or other scheme amendments within this proposed amend could show how the streetscape will be activated, and not all hotel lobby; and an LDP or other scheme amendments within this proposed amend could show where and how the two storey basement car park will empty its cars into and out of the development.*
  - d. The graphics accompanying the scheme amendment application do not necessarily reveal a building design that will be anything like the development that is eventually submitted and approved. The graphics have no authority or influence if they are not part of the scheme amendment. The building could be something entirely different.*
  - e. The Development Assessment Panel (DAP)– NOT the Town of Cottesloe - will decide the development application and the ONLY thing that will bind the DAP is what is in the current scheme including whatever is in the scheme amendment if adopted. The DAP regularly ignores local policy positions with impunity.*
  - f. The special place this space holds in the community's heart demands some additional protection by the presence of an LDP or other scheme amendments within this amendment that is binding on this property developer as part of the scheme amendment, which is a reasonable response to a request for an extra floor.*

*g. The ROW to the east has not been recently surveyed by the TOC and this may be able to be asked of the proponent.*

3. *Clarity around the process is needed for the following reasons:*

*a. The proponent stated at the Agenda Forum that this is a “simple” amendment but states in the scheme amendment documentation at page 25 (not circulated to EMs until the Friday before Council meeting) that it is a “standard” amendment. These are technical terms under the Regulations. On the face of it, it might be a “complex” amendment because of the potential significant social impact on the local amenity of this very special corner. The TOC administration have not advised EMs of their opinion as to the type of amendment this is and it is important that Elected members and the community understand what this actually means and what the TOC administration believes it should be characterised as.*

*b. The application is not signed by a property owner nor is there an authority from a property owner included in the amendment documents, as appears to be the requirement of s75 of the Planning and Development Act*

4. *The reasons for the workshop would include to identify clearly the current discretions in LPS 3 to help Council decide if any of these should be changed and identify any opportunities to improve the public domain through this process.”*

The proposal was considered by the Foreshore Planning Implementation Committee on 31 July 2018. A subsequent workshop with elected members took place on 11 October 2018, the outcome of which was to engage the WAPC and seek their advice on a possible way forward. At a meeting on 31 October 2018, the WAPC expressed general support for the proposed scheme amendment.

The amendment was then re-considered by Council at its Ordinary Meeting on 11 December 2018 where Council resolved to initiate as per the resolution contained in this amendment document.

## **2.1 Location and Site Context**

This scheme amendment relates specifically to the Seapines Site, Lot 92 (No. 94) Marine Parade, Cottesloe (subject site), as depicted in Figure 1. The subject site is located in the suburb of Cottesloe, approximately 11 kilometres southwest of the Perth city centre and approximately 1.5 kilometres west of the Cottesloe town centre. The subject site is situated opposite Cottesloe Beach to the west, which serves as a major regional tourist attraction.

The subject site has frontage to Marine Parade to the west and John Street to the north. Marine Parade provides a north-south connection to Curtin Avenue, Eric Street and North



Street, which link the site to the broader Perth metropolitan region via West Coast Highway to the north and Stirling Highway to the east. The subject site is well serviced by public transport, with bus and train stops within walking distance connecting the site to Perth and Fremantle city centres.

The subject site is located opposite Cottesloe Beach to the west and Cottesloe Beach Hotel to the north. The amendment area adjoins restaurant uses to the south and residential uses to the east. The surrounding area is generally characterised by a mix of residential and commercial development. The following commercial, recreational and community facilities are located within approximately one kilometre of the subject site:

- Cottesloe Beach foreshore and associated public amenities.
- Cottesloe Civic Centre and Council chambers.
- Sea View Golf Club.
- Cottesloe Tennis Club.
- Cottesloe Life Saving Club.
- Cottesloe Beach Hotel.
- Various cafes, restaurants and takeaway food outlets.
- Various boutique retail shops and short stay accommodation options.

## 2.2 Site area and ownership

The subject site covers an area of 2,524m<sup>2</sup>, and comprises 28 Strata Lots with various individual landowners. The strata lots include 27 short stay accommodation units and one commercial tenancy (fish and chip shop) at the corner of Marine Parade and John Street.

The site details are summarised in Table 1 below.

**Table 1 – Lot details**

Lot Strata	Lot Strata	Lot Strata	Lot Strata	Lot Strata
Strata Lots 1 – 28 (Parent Lot 92)	6436	1516 1940 1950 2043 2037	621-624 / 626-629 / 631-634 / 636-639 / 641-648 867 808 278 638	2,524

## **2.3 Physical characteristics**

The subject site generally slopes downward from north to south, with a 4 metre level difference across the site. The subject site also has a cross fall, sloping down from west to east by approximately 1 metre. The slope is steeper at the rear of the site, and the low point is at the south-east corner of the site.

# **3. Planning Context**

## **3.1 Strategic Planning Framework**

### **3.1.1 Directions 2031**

Directions 2031 and Beyond (Directions 2031) is the overarching spatial framework and strategic plan that establishes a vision for the future growth of the Perth and Peel region. It provides the framework to guide detailed planning and delivery of housing, infrastructure and services for a variety of growth scenarios. A medium density 'Connected City' model is put forward as the preferred means to achieve a liveable, prosperous, accessible, sustainable and responsible city.

Directions 2031 promotes a diversity of dwelling types and increases in choice for residential areas. Directions 2031 seeks to address population growth scenarios and land use patterns for the medium to long-term increase of more than half a million people in Perth and Peel by 2031, as well as being prepared to provide for a city of 3.5 million people after 2050.

The scheme amendment seeks to facilitate infill residential, tourism and commercial development in proximity to Cottesloe Beach. This will offer accommodation options for future residents and visitors to the area, which is a major WA tourism attraction and close to a range of local services. In this regard, the proposed scheme amendment will directly assist in the realisation of the intention of Directions 2031 in terms of infill targets and tourism accommodation, whilst maintaining the height limits required under the current Scheme provisions.

### **3.1.2 Central Metropolitan Perth Sub-Regional Strategy**

The draft Central Metropolitan Perth Sub-Regional Strategy (Sub-Regional Strategy) provides more in-depth strategic planning for the growth of the Central Metropolitan Perth Region to deliver the outcomes sought by Directions 2031.

Under the Sub-Regional Strategy, the Town of Cottesloe is required to increase its existing housing stock to achieve a target of an additional 1,300 dwellings by 2031. Whilst it is acknowledged that careful planning is necessary to preserve streetscapes and neighbourhood

character, new housing is required in a compact and sustainable urban form, which promotes housing choice and diversity in response to changing community needs. It is important to optimise the use of large, 'strategic' sites to achieve infill targets whilst maintaining traditional residential character.

The Sub-Regional Strategy identifies Cottesloe Beach as a 'Metropolitan attractor', being a place which is not identified as an activity centre, but creating 'significant transport and other planning needs'. The Sub-Regional Strategy goes on to note that they will typically generate large numbers of visitors leading to employment growth and economic activity and 'in certain locations also provide opportunities for higher density living'.

The Sub-Regional Strategy identifies a crucial role for private sector developers to invest in higher density mixed use projects and for Local Government to encourage innovative tourist development in appropriate areas. The proposed scheme amendment seeks increase the flexibility to develop within the permitted building envelope which, once development, will offer infill residential development and tourist accommodation. It is therefore considered the amendment is consistent with the strategic vision of the Sub-Regional Strategy.

### **3.1.3 Perth and Peel @ 3.5 million**

The Perth and Peel @ 3.5 million provides an overarching strategic framework for the Perth and Peel region for the next 35 years. The document provides guidance on where development should occur to ensure sustainable urban growth, protecting the environment and heritage and making the most effective use of existing infrastructure. The Perth and Peel @ 3.5 million sets the context for four sub-regional planning frameworks, including the Central Sub-Regional Planning Framework relevant to the amendment area (refer Section 3.1.4 below). The framework guides infill development, with the aim to deliver a compact and connected city.

The purpose of the scheme amendment is ultimately to facilitate viable infill development adjacent to Cottesloe Beach, to provide housing diversity and make the most efficient use of the existing infrastructure in the area. The scheme amendment seeks to offer more flexible development outcomes in an existing building envelope in a location nearby public transport and other local services. As such, the scheme amendment is consistent with the intent of the Perth and Peel @ 3.5 million documents.

### **3.1.4 Central Sub-Regional Planning Framework**

The Central Sub-Regional Planning Framework (Sub-Regional Planning Framework) builds upon the principles of Perth and Peel @ 3.5 million and is a key instrument for achieving a more consolidated urban form that will reduce dependence on new urban greenfield developments. The Sub-Regional Planning Framework provides the spatial framework which will guide local governments in achieving optimal urban consolidation over the long term.

The Sub-Regional Planning Framework supports the concept of directing increased development around existing centres to create more consolidated, connected and high amenity urban environments that meet the needs of local communities and provide for a more sustainable future Perth. The proposed scheme amendment and resulting development will comprise residential infill development that is well connected to the broader Perth metropolitan region by good road and rail infrastructure. The amendment therefore accords with the aforementioned principles and seeks to progress the implementation of the vision established in the Sub-Regional Planning Framework.

Appendix 3 of the Sub-Regional Planning Framework provides existing and projected dwellings and population for the local government areas within the Central Sub-Regional area. The Town of Cottesloe is required to provide an additional 970 dwellings to house and additional 2,140 persons by 2050. The proposed scheme amendment will offer better design flexibility and opportunities for residential development, with the attached concept plans demonstrating the potential development of 38 residential dwellings (not including hotel rooms).

### **3.1.5 Local Planning Strategy**

The Town of Cottesloe's Local Planning Strategy (LPS) was endorsed by the Western Australian Planning Commission in January 2008. The LPS sets out the long term planning directions for Cottesloe, covering the main aspects and trends influencing future development of the district over the next 10 to 15 years.

The LPS sets out the following strategic objective for the Foreshore Centre zone, which the subject site is situated within:

*'this is the chief zoning for the beachfront activity precinct to enable multi-purpose uses and built up character to evolve (within clearly defined limits) while respecting the residential (including short stay accommodation) amenity and informal recreational nature of the locality serving both local and regional users. Typically higher densities are allowed here subject to acceptable planning and development outcomes... LPS3 will restrict residential uses to upper levels to encourage commercial activity at ground level.'*

The LPS also identified the subject site as situated within the 'Beachfront Precinct', and states that the "public foreshore and adjoining beach-side development are the defining element of the district and its primary asset". The LPS states there is a need to facilitate the provision of better tourist/visitor facilities within the area and provide for more short-term and permanent residential development, as appropriate.

The proposed scheme amendment will facilitate the development of a mix of residential and commercial development, including high quality apartments, hotel and retail development.

Given the proposed scheme amendment seeks to maintain the 21 metre height limit and proposes no other changes to the hotel or street frontage requirements, it is considered that the amendment will meet the Town's strategic objectives for the precinct and zone.

### **3.1.5 Cottesloe Enquiry By Design Report**

The Cottesloe Enquiry by Design Report provides an overview of the enquiry-by-design (EBD) process held in Cottesloe in late 2008, and details the outcomes of the EBD process. The report was used to inform the Town's Local Planning Scheme No. 3, including the building design controls applicable to the subject site.

The report identifies Cottesloe Beach as "a regional asset to be enjoyed by all" and recognised the need for mixed use and tourist development within the Cottesloe Beach Precincts, development which respects the visual character and amenity of the beachfront. The issues of concern identified during the EBD process related to building height, bulk and scale, shadow impacts, loss of views and provision of public facilities and urban design.

It is understood that the outcomes of the EBD process and report subsequently informed the content of LPS3, particularly relating to Special Control Area No. 2 (refer to Section 3.2.5 below for further discussion).

As the proposed amendment will retain the maximum overall building height control of 21 metres, the development will not result in any additional impact on views, sunlight, ventilation or amenity of adjoining properties (compared to what is already permitted). Therefore, the proposed scheme amendment can be considered appropriate for the location, and in accordance with the vision for the Cottesloe Beach Precinct set out in the Cottesloe Enquiry by Design Report.

## **3.2 Statutory Planning Framework**

### **3.2.1 Planning and Development Act 2005**

This Scheme Amendment Report has been prepared on behalf of a land owner within the municipality, in accordance with section 75(b) of the Planning and Development Act 2005.

### **3.2.2 Region Planning Scheme**

The land the subject of this scheme amendment is zoned Urban under the provisions of the Metropolitan Region Scheme (MRS).

The scheme amendment affects only Urban zoned land and is consistent with the intent and provisions of the MRS.



### 3.2.3 State Planning Policies

Pursuant to section 77(1)(a) of the Planning and Development Act 2005, every local government in amending a local planning scheme is to have due regard to any State planning policy which affects its district. The following State planning policies are relevant to this proposal and have been given due regard.

#### SPP 2.6 State Coastal Planning Policy

The State Planning Policy No. 2.6 – State Coastal Planning Policy (SPP 2.6) provides guidance for land use and development decision-making within the coastal zones. SPP 2.6 encourages urban development to be concentrated in and around existing settlements within coastal zones. Under clause 5.4 of SPP 2.6, the provisions for building height limits state that:

*‘maximum building heights should be specified as part of controls outlined in a local planning scheme and/or structure plan, in order to achieve outcomes which respond to the desired character, built form and amenity of the locality’.*

The proposed scheme amendment is consistent with the intent of SPP 2.6, given the resulting development maintains the overall building height requirement of 21 metres and would be of high quality design, enhancing the character, built form and amenity of the Cottesloe Beach locality.

#### SPP 3.0 Urban Growth and Settlement

State Planning Policy 3.0 - Urban Growth and Settlement (SPP 3) applies to all urban development throughout Western Australia. SPP 3 promotes sustainable urban growth patterns of settlement, with suitable land to provide for a wide variety of housing employment and recreation opportunities. An objective of SPP 3 is

*‘to build on existing communities with established local and regional economies, concentrate investment on the improvement of services and infrastructure and enhance the quality of life in those communities’.*

The proposed scheme amendment is consistent with the intent of SPP 3 as it seeks to facilitate development of more sustainable built form that will enhance the existing community and local economy, and amenity of the district centre, in line with the Town’s strategic planning framework.

### SPP 4.2 Activity Centres for Perth and Peel

State Planning Policy 4.2 - Activity Centres for Perth and Peel (SPP 4.2) specifies the broad planning requirements for the planning of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. SPP 4.2 includes objectives for a range of activity centres, including Perth capital city, strategic metropolitan, secondary, specialised, district and neighbourhood centres.

The Cottesloe beachfront precinct is somewhat unique and does not fit neatly under the centre classifications in SPP 4.2. The centre is perhaps closest to a Neighbourhood Centre but is orientated towards food and beverage and entertainment offerings rather than shopping and convenience services.

A neighbourhood centre includes the following characteristics:

- A stopping/transfer point for the bus network;
- Future indicative service population of 2,000 - 15,000 persons;
- Walkable catchment for residential density target of 200m;
- Residential density target of between 15 (minimum) and 25 (desirable) dwellings per gross hectare.

The amendment has minimal impact on SPP 4.2 given it merely seeks to utilise the building envelope more efficiently. Nevertheless, this amendment will help to facilitate a development which is required to comprise a mix of commercial, residential and short stay accommodation uses which:

- support the role of the Cottesloe Beachfront precinct; and
- improve the ability to meet the target residential density in the locality.

The subject site is well serviced by public transport, with bus and train options available within walking distance, and the site is also within walking distance of the Cottesloe district centre which provides for daily and weekly shopping needs.

Based on the above, it is considered that the proposed scheme amendment and resulting development is in accordance with the requirements and objectives of SPP 4.2.

#### **3.2.4 Tourism Policies and Guidelines**

##### WAPC Tourism Planning Guidelines

The WAPC Tourism Planning Guidelines were adopted in May 2014 and are intended to provide local governments with guidance on tourism considerations, predominately for strategic planning proposals and Local Planning Strategies. These guidelines operate in conjunction with Planning Bulletin 83/2013 (Planning Bulletin 83).

Section 4.4.3 of the Tourism Planning Guidelines discusses how sites should be assessed for identifying suitable land for tourist accommodation. The strategy outlines three key criteria when considering suitable sites for tourism accommodation:

1. *the site has been identified in a report/study as having the potential to accommodate a tourism facility; and/or*
2. *the site contains an existing tourist accommodation development; and/or*
3. *the site is located in an area of high tourist amenity and is of an adequate size to accommodate a tourism facility.*

The subject site is approximately 2,524m<sup>2</sup> in area and is strategically located in an area with a high degree of amenity, fronting Cottesloe Beach, a popular destination for local residents, regional visitors and tourists from abroad. Cottesloe Beach is one of Western Australia's most popular and iconic metropolitan beaches and is a major regional tourist attraction. The subject site is situated opposite Cottesloe Beach, offering a view of the foreshore and surrounds, particularly to the west.

The Tourism Planning Guidelines are generally tailored toward identifying sites for tourism opportunities in Local Planning Strategies and strategic documents. It is noted the amendment area is already identified as a tourism site and LPS3 requires any redevelopment of the subject site to include a minimum of 30 hotel/short stay rooms. This amendment would offer better flexibility in the design and development outcomes and therefore offers better opportunities for a boutique hotel to be provided on the site. Therefore, this amendment is considered to meet the objectives of the Tourism Guidelines and Planning Bulletin 83.

### **3.2.5 Local Planning Scheme**

The Town of Cottesloe's Local Planning Scheme No. 3 (**LPS3**) includes the following aims, as relevant to the proposed scheme amendment:

*1.6 The aims of the Scheme are to –*

*(a) facilitate implementation of the State Planning Strategy and relevant regional plans and policies, including the Metropolitan Region Scheme, by coordinating the Scheme with such plans and policies;*

*(b) promote the Local Planning Strategy;*

*(e) provide opportunities for housing choice and variety in localities which have a strong sense of community identity and high levels of amenity;*

*(f) sustain the amenity, character and streetscape quality of the Scheme area;*

*(j) ensure that land uses and development adjacent to Marine Parade are compatible with the residential and recreational nature of their setting and the amenity of the locality;*

*(k) ensure that development adjacent to Marine Parade adds to the high aesthetic appeal, relaxed atmosphere and lifestyle quality of the beachfront environment;*

*(n) protect the integrity, amenity and scenic quality of the coastal landscape;*

Under the provisions of the Town's LPS3, subject site is zoned 'Foreshore Centre' and is situated within Special Control Area 2 (SCA2). The objectives of the Foreshore Centre Zone are listed in Table 2, along with comments on how the proposed scheme amendment meets (or does not impact) each objective.

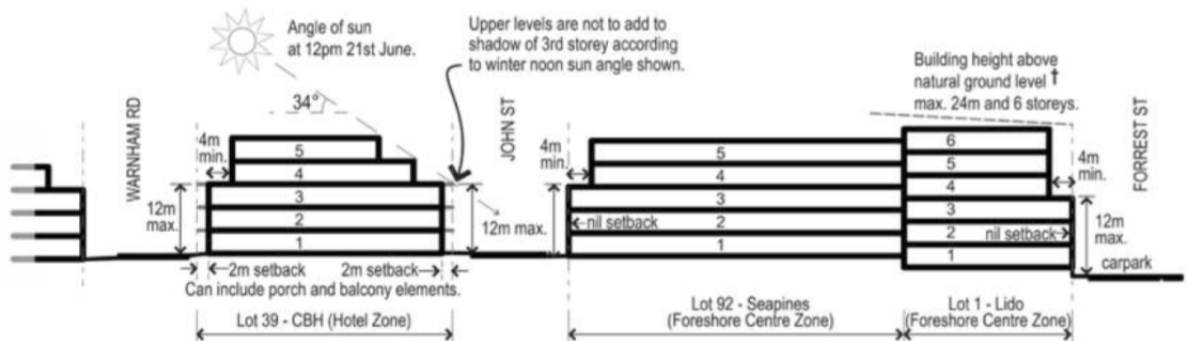
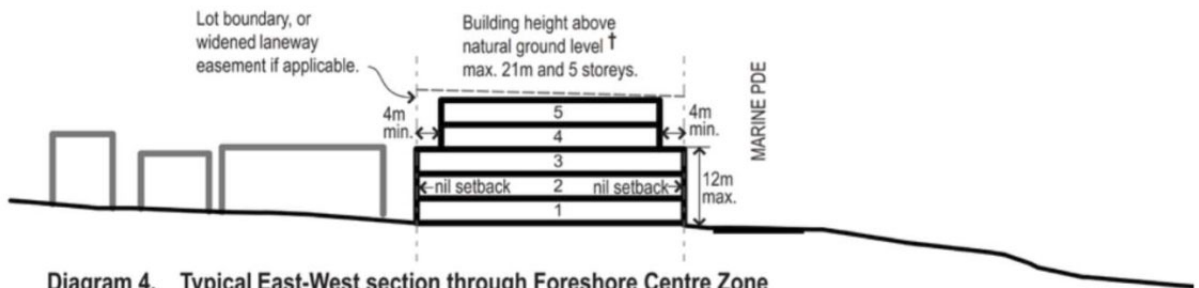
**Table 2 – LPS3 Foreshore Centre Zone Objectives**

4.2.3	Foreshore Centre Zone Objectives	Comment
<i>(a)</i>	<i>provide the opportunity for a wide range of residential and community uses and a limited range of commercial, shopping, tourism, recreational and entertainment uses which are compatible with the character and amenity of the beachfront locality;</i>	The concept plans depict a development comprising commercial/retail, hotel and residential uses. The amendment will offer better design flexibility within the building envelope, improving the opportunity to offer a range of uses on the site.
<i>(b)</i>	<i>ensure that the predominantly residential and recreational nature of the locality is maintained;</i>	The scheme amendment proposes a change to building configurations only. Within the concept plans the majority of the floorspace is dedicated to residential uses.
<i>(c)</i>	<i>ensure that the urban character, aesthetics and amenity of the locality are not compromised by inappropriate land use or development;</i>	The amendment does not modify the existing 21m height limit, nor does it modify the setbacks. Therefore, the amendment is not considered to result in any significant change to the urban character and aesthetics compared with the existing development requirements.
<i>(d)</i>	<i>give consideration to the maintenance and enhancement of important views to and from public places as a contributor to the character and amenity of the locality and the district overall.</i>	The amendment does not modify the existing 21m height limit. As such, the amendment will not result in any additional impact on important views to and from public places compared to what the development controls would allow for.

Schedule 15 of LPS3

The building design controls relevant to this scheme amendment are provided under Schedule 15 of LPS3. Specifically, Diagrams 4 and 7 in Schedule 15 set out the maximum building heights and setback requirements for the subject site.

Diagram 4 illustrates a typical cross section for site on Marine Parade (namely five storey sites). Diagram 7 illustrates the requirements for the Cottesloe Hotel site (to the north of the subject site), the subject site and the il Lido site (to the south of the subject site). Both diagrams are shown below.





## 4. Proposal

The amendment seeks to add a new subclause 3(b) under Schedule 15 of LPS3 to allow for the permitted number of storeys at the Seapines Site (Lot 92, No. 94, Marine Parade, Cottesloe) to be increased from 5 storeys to 6 storeys, subject to achieving additional criteria / standards with a view to ensuring a high quality design outcome.

The additional text is to read as follows:

3(b) Seapines Site (Lot 92 Marine Parade, Cottesloe):

Notwithstanding Diagram 4 and Diagram 7, the permitted number of storeys may be increased from 5 to 6 providing-

- i) the development achieves design excellence, as determined by the Town on the advice of the Town's Design Review Panel, having due regard to State Planning Policy 7 Design of the Built Environment (as amended) as well as the contents of Draft Apartment Design, volume 2 of State Planning Policy 7.3 Residential Design Codes Guidance for multiple-dwelling and mixed-use developments, as put out for public consultation October 2016;
- ii) the maximum building height shall not exceed 21 metres; and
- iii) not less than 50% of the 1st storey (ground floor) street frontage of any development on the site (to a minimum depth of 9m pursuant to clause 6.4.3.5 of this Scheme) shall be used for restaurants, shops, small bars and/or convenience stores and not for any other uses.

This text will prevail over the height diagrams in Schedule 15.

Recognising the increase in potential height, clauses (i) and (ii) are intended to ensure any additional height also returns a high quality design outcome for the community.

### Design excellence criteria

The proposed development standard requiring development to achieve design excellence will ensure any proposed six storey development is subject to a robust design review process and will provide for an improved design outcome than may otherwise be achieved under the current standards contained within Schedule 15 of LPS3.

The approach of considering additional height in return for design excellence is supported by the draft Apartment Design Policy (Draft State Planning Policy 7.3).

### Ground floor active uses

One of the objectives of the Foreshore Centre zone is to “provide the opportunity for a wide range of residential and community uses and a limited range of commercial, shopping, tourism, recreational and entertainment uses which are compatible with the character and amenity of the beachfront locality.”

With the subject site being located at a strategic location along Marine Parade, it is of high importance that the development includes the aforementioned uses at ground level in a manner which activates the Marine Parade street frontage and provides the highest amenity for tourists, visitors and locals alike.

### 21m building height

The proposed maximum 21m building height provision ensures the additional storey is provided within the existing building height requirement under LPS3.

## 5. Planning Justification

The proposed amendment will facilitate the redevelopment of a site in a manner that is responsive to the site context and accords with the objectives of the Town’s strategic planning framework.

In support of the proposed amendment, the application prepared concept plans depicting a potential six storey development outcome for the site. The concept plans demonstrate that a six storey development can be achieved within the same building envelope which is already prescribed in LPS3. However, with LPS3 limiting the number of storeys on the subject site to five, the current planning framework inhibits the ability to effectively utilise this building envelope.

The subject site is a strategic site on the Cottesloe beachfront. Any redevelopment should be of a standard befitting the amenity of the area. The additional storey in return for design excellence and active street frontages is considered a positive outcome for the locality.

### Maintaining the existing 21 metre building height

The scheme amendment does not seek to modify the existing 21 metre height requirement, and will merely provide for an increase in the number of storeys which can be developed within this height. As has been demonstrated via concept plans, a six storey development can fit comfortably within the existing 21 metre building height limit.

Given the proposed amendment will retain the existing building height control of 21 metres, the scheme amendment will therefore:

- Have no further impact on overshadowing compared to what is already permitted (also noting that the shadow will fall over the rooftop of the adjoining il Lido site);
- Have no further impact on views compared to what is already permitted; and
- Maintain the same amount of sunlight to the footpath and other public spaces compared to what is already permitted.

A six storey development of 21 metres has no more visual impact than a five storey development at 21 metres.

It is considered the intent of the current scheme provision for the Seapines site (stemming from an enquiry by design process) was to encourage development with high ceilings. Therefore, the potential flow-on effect from increasing the number of storeys but not increasing the metric height may be that the development would result in 'compressed' floor-to-floor heights. However, even at six storeys, the resulting development would have generous floor-to-floor heights, as has been demonstrated via the applicant's concept plans. Indicatively, the 21m height limit, at six storeys would allow the following floor-to-floor heights:

- 4.0m for the ground floor (commercial)
- 3.2m for the upper floors (hotel and residential)

A 'standard' floor-to-floor height of a residential apartment is 2.7 - 3.0 metres (depending on slab thickness). As such, the proposed scheme amendment will not compromise the resulting development outcomes. The proposed scheme amendment only involves the adjustment of the configuration of the development whilst maintaining the same overall building height.

#### Future Marine Parade streetscape

The Marine Parade streetscape is a particularly important consideration in any planning proposal.

The portion of Marine Parade between John Street and Forrest Street contains only two sites – the subject site and the 'il Lido site' to the south. The il Lido site has an allowable building height six storeys and 24 metres. The land slopes downward from John Street to Forrest Street, which may explain why the il Lido site was assigned a greater building height than the Seapines site.

However, as outlined above, given the proposed amendment maintains the building height limit of 21 metres and the il Lido site has a height limit of 24m, the future development on the subject site could not 'tower over' the il Lido site. Given the subject site is the only site on Marine Parade between John Street and Forrest Street which it is clear the proposed six storey outcome for the subject site does not interrupt the intended streetscape.

## 6. Conclusion

Amendment No. 9 to Local Planning Scheme No. 3 seeks to modify the development controls in Schedule 15 to modify the height for the Seapines site (Lot 92 Marine Parade, Cottesloe) from five storeys to six storeys, whilst maintaining the 21m height limit.

The amendment is required to allow a more flexible design outcome for the Seapines site, noting LPS3 limits the ability to exercise discretion on building height.

The proposed amendment to LPS3 is warranted for the following reasons:

1. The amendment is consistent with the strategic planning framework, including Directions 2031, Perth and Peel @ 3.5 million and the Town's Local Planning Strategy.
2. The amendment will modify the building height controls in relation to the number of permissible storeys only, from 5 storeys to 6 storeys, with no changes to the overall building height control of 21 metres proposed.
3. There are no additional impacts on surrounding or adjoining properties, compared to what can be developed under the current Scheme.
4. The resulting development will remain consistent with the future Marine Parade streetscape, and facilitate an outcome which offers a revitalised, active and vibrant streetscape.



Figure 1 – Location





## Amending Page

### ***Planning and Development Act 2005 (as amended)***

#### **Amendment 9 to Town of Cottesloe Local Planning Scheme No. 3**

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

- Adding a new subclause 3(b) under Schedule 15 to read:

3(b) Seapines Site (Lot 92 Marine Parade, Cottesloe):

Notwithstanding Diagram 4 and Diagram 7, the permitted number of storeys may be increased from 5 to 6 providing-

- i) the development achieves design excellence, as determined by the Town on the advice of the Town's Design Review Panel, having due regard to State Planning Policy 7 Design of the Built Environment (as amended) as well as the contents of Draft Apartment Design, volume 2 of State Planning Policy 7.3 Residential Design Codes Guidance for multiple-dwelling and mixed-use developments, as put out for public consultation October 2016;
- ii) the maximum building height shall not exceed 21 metres; and
- iii) not less than 50% of the 1st storey (ground floor) street frontage of any development on the site (to a minimum depth of 9m pursuant to clause 6.4.3.5 of this Scheme) shall be used for restaurants, shops, small bars and/or convenience stores and not for any other uses.

and renumbering subsequent clauses.

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## Adoption Page

### Adopted for Advertising

Adopted for advertising of Scheme Amendment 9 to the Town of Cottesloe LOCLA Planning Scheme No. 3, in accordance with the *Planning and Development Act 2005*, by resolution of the Council of the Town of Cottesloe at its Ordinary meeting of the Council held on the 11<sup>th</sup> day of December 2018.

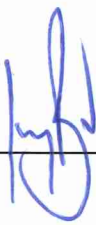
#### Mayor

Phil Angers

Signed:   
\_\_\_\_\_

#### Acting Chief Executive Officer

Garry bird

Signed:   
\_\_\_\_\_

### Final Approval

Adopted for final approval by resolution of the Town of Cottesloe at its Ordinary Meeting of the Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and the Common Seal of the Town of Cottesloe was hereunto affixed by the authority of a resolution of the Council in the presence of:

#### Mayor

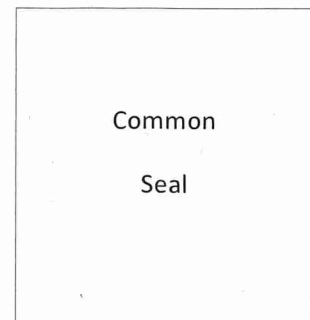
Phil Angers

Signed: \_\_\_\_\_

#### Chief Executive Officer

Mat Humphrey

Signed: \_\_\_\_\_



### Recommended/Submitted for Final Approval

Delegated under Section 16 of the *Planning and Development Act 2005*

Signed: \_\_\_\_\_

### Final Approval Granted

Minister for Planning