

# TOWN OF COTTESLOE



## DEVELOPMENT SERVICES COMMITTEE MINUTES

MAYOR'S PARLOUR, COTTESLOE CIVIC CENTRE  
109 BROOME STREET, COTTESLOE  
6.00 PM, MONDAY, 20 OCTOBER 2014

**CARL ASKEW**  
Chief Executive Officer

21 October 2014

## **DISCLAIMER**

**No responsibility whatsoever is implied or accepted by the Town for any act, omission, statement or intimation occurring during council meetings.**

**The Town of Cottesloe disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during council meetings.**

**Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a council meeting does so at that person's or legal entity's own risk.**

**In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Town of Cottesloe during the course of any meeting is not intended to be and is not taken as notice of approval from the Town.**

**The Town of Cottesloe wishes to advise that any plans or documents contained within the agenda or minutes may be subject to copyright law provisions (*Copyright Act 1968*, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.**

**Members of the public should note that no action should be taken on any application or item discussed at a council meeting prior to written advice on the resolution of council being received.**

**Agenda and minutes are available on the Town's website [www.cottesloe.wa.gov.au](http://www.cottesloe.wa.gov.au)**

# DEVELOPMENT SERVICES COMMITTEE

## TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	DECLARATION OF MEETING OPENING/ANNOUNCEMENT OF VISITORS.....	3
2	DISCLAIMER .....	3
3	ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION .....	3
4	PUBLIC QUESTION TIME .....	3
	4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	3
	4.2 PUBLIC QUESTIONS .....	3
5	PUBLIC STATEMENT TIME.....	3
6	ATTENDANCE .....	3
	6.1 APOLOGIES .....	3
	6.2 APPROVED LEAVE OF ABSENCE .....	4
	6.3 APPLICATIONS FOR LEAVE OF ABSENCE .....	4
7	DECLARATION OF INTERESTS.....	4
8	CONFIRMATION OF MINUTES.....	4
9	PRESENTATIONS .....	4
	9.1 PETITIONS.....	4
	9.2 PRESENTATIONS .....	4
	9.3 DEPUTATIONS .....	4
10	REPORTS .....	5
	10.1 PLANNING .....	5
	10.1.1 LOCAL PLANNING SCHEME NO. 3 - TOWN AND LOCAL CENTRES DESIGN GUIDELINES (REVISED)	5
	10.1.2 LOCAL PLANNING SCHEME NO. 3 – PROPOSED PARKING MATTERS POLICY	9
	10.1.3 LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 2 (EILEEN STREET LOTS 101-103)	17
11	ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN .....	24
12	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:.....	24

---

12.1	ELECTED MEMBERS.....	24
12.2	OFFICERS .....	24
13	MEETING CLOSED TO PUBLIC .....	24
13.1	MATTERS FOR WHICH THE MEETING MAY BE CLOSED ....	24
13.2	PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC.....	24
14	MEETING CLOSURE.....	24

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

The Presiding Member announced the meeting opened at 6:05 PM.

**2 DISCLAIMER**

The Presiding Member drew attention to the Town's disclaimer.

**3 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

**4 PUBLIC QUESTION TIME****4.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4.2 PUBLIC QUESTIONS**

Nil.

**5 PUBLIC STATEMENT TIME**

Nil.

**6 ATTENDANCE****Present**

Cr Peter Jeanes  
Cr Philip Angers  
Cr Helen Burke  
Cr Jack Walsh  
Cr Katrina Downes

Presiding Member  
Arrived 6:19 PM

**Officers Present**

Mr Andrew Jackson  
Mrs Liz Yates

Manager Development Services  
Development Services Administration Officer

**6.1 APOLOGIES**

Nil.

**Officer Apologies**

Mr Carl Askew  
Mr Ed Drewett  
Mr Ronald Boswell

**6.2 APPROVED LEAVE OF ABSENCE**

Mayor Jo Dawkins

**6.3 APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Jeanes, seconded Cr Walsh**

**That Cr Downes' request for leave of absence from the November Development Services Committee meeting be granted.**

**Carried 4/0**

**7 DECLARATION OF INTERESTS**

Nil.

**8 CONFIRMATION OF MINUTES**

**Moved Cr Walsh, seconded Cr Downes**

[Minutes September 15 2014 Development Services Committee.docx](#)

**The Minutes of the Ordinary meeting of the Development Services Committee, held on 15 September 2014 be confirmed.**

**9 PRESENTATIONS**

Nil.

**9.1 PETITIONS**

Nil.

**9.2 PRESENTATIONS**

Nil.

**9.3 DEPUTATIONS**

Nil.

## 10 REPORTS

### 10.1 PLANNING

#### 10.1.1 LOCAL PLANNING SCHEME NO. 3 - TOWN AND LOCAL CENTRES DESIGN GUIDELINES (REVISED)

<b>File Ref:</b>	<b>SUB/335</b>
<b>Attachments:</b>	<a href="#">LPS3 Town and Local Centre Design Guidelines Revised</a>
<b>Responsible Officer:</b>	<b>Carl Askew</b> <b>Chief Executive Officer</b>
<b>Author:</b>	<b>Andrew Jackson</b> <b>Manager Development Services</b>
<b>Proposed Meeting Date:</b>	<b>20 October 2014</b>
<b>Author Disclosure of Interest:</b>	<b>Nil</b>

---

### SUMMARY

This report presents revised proposed Design Guidelines under Local Planning Scheme No. 3 (LPS3) for the Town Centre and Local Centres to supplement the Scheme provisions. The Design Guidelines relate to the main Town Centre, the Eric Street Local Centre and the Railway Street Local Centre zones.

Council considered a report on the proposed Design Guidelines on 22 September 2014 and resolved: *THAT the item be deferred for a workshop of Councillors and Officers to discuss further details of the proposed Design Guidelines and report back to Council prior to initiating advertising.*

The workshop was held on 9 October 2014 and resulted in a number of agreed revisions. The revised proposed Design Guidelines are attached and the recommendation is that they now be advertised.

### BACKGROUND

LPS3 in clause 5.9 provides for design guidelines to be created as policy as a vehicle for dealing with detail and discretion in the design aspects of development proposals:

#### *5.9. Development requirements – Local Planning Policy Design Guidelines*

- 5.9.1. The local government may prepare and adopt Local Planning Policy Design Guidelines in accordance with the procedure outlined in clause 2.4, to augment the Scheme provisions with more detail to guide the planning and design of development proposals.*
  - 5.9.2. In considering an application for planning approval for land to which adopted Local Planning Policy Design Guidelines apply, the local government shall have regard to the Design Guidelines and shall use them as a basis on which to determine any variation allowed under the Scheme.*
-

The Scheme policy-making procedure is followed to accord design guidelines status under the Scheme. Local Planning Policy Design Guidelines have greater force and effect than design guidelines that are simply adopted by resolution or used in practice but not made officially pursuant to the Scheme:

## *2.2. Relationship of Local Planning Policies to Scheme*

*2.3.1. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.*

*2.3.2. A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.*

*Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.*

LPS3 in Table 2 lists specific development requirements/standards for particular zones and refers to design guidelines in a number of instances, including:

- Town Centre zone – minimum setbacks and maximum heights for the different sub-areas.
- Local Centre zone – maximum plot ratio and site cover and minimum setbacks. Although the Scheme does not mandate design guidelines here the discretion contained in these development requirements is appropriate to be addressed by such.

These typical design guidelines aspects relate to principles, standards or criteria for the design and assessment of proposed development allowing for guided flexibility and discretionary decision-making. Therefore for these zones Design Guidelines are necessary to enable development proposals to be formulated and determined.

## **STRATEGIC IMPLICATIONS**

Nil.

## **POLICY IMPLICATIONS**

Scheme Local Planning Policy Design Guidelines are to be had regard to.

## **STATUTORY ENVIRONMENT**

LPS3.

## **FINANCIAL IMPLICATIONS**

Nil.

---



## **SUSTAINABILITY IMPLICATIONS**

Nil.

## **CONSULTATION**

The scheme policy process for the creation of design guidelines includes public advertising and consideration of submissions.

## **DESIGN GUIDELINES PROPOSAL**

The proposed Design Guidelines were prepared by a town planning consultant based on a brief provided by staff in accordance with the framework of the Scheme aims, zone objectives and clause 10.2 matters to be considered. Preparation involved site inspections, map information and consideration of previous studies in order to appreciate the context and character of existing land use and development for each area.

The proposed Design Guidelines have been discussed by Elected Members at briefing sessions on LPS3. They have also been tested in discussing preliminary development proposals.

The Design Guidelines document explains their role and purpose, describes a broad vision for each centre and sets out the relevant development parameters for each centre in relation to the Scheme provisions.

## **PROCEDURE**

The Scheme procedure for creating policies/design guidelines is initiated by a Council resolution, followed by advertising of the proposal inviting submissions. Advertising entails public notices in a local newspaper and a minimum 21-day period; while dissemination via the Town's website and other means may also occur. After considering any submissions, Council resolves whether to adopt the design guidelines and any modifications. Policies/design guidelines may also be amended from time-to-time, replaced, or revoked as needs evolve.

## **WORKSHOP CONSIDERATIONS**

The Development Services Committee had discussed the proposal at some length and considered that, further to the earlier Council briefing sessions, it was desirable to hold a Council workshop on the Design Guidelines before reporting to Council and moving to advertising them. It was felt that the workshop would assist to recap on previous suggestions for improvements to the Town Centre in particular, as well as review the draft to identify current aspects of relevance for the centres to be reflected in the Design Guidelines.

The workshop gave consideration to the following aspects:

- Overall encouragement of redevelopment, with high-quality buildings, particularly in the Station Street and Brixton Street precincts where there are opportunities, including Council engaging with property owners and business to facilitate positive changes.
- Enhance reference to the potential to activate the laneways with better amenity and presentation; and protection of the north-south walkways.

- Recognise the strong presence of cafes and restaurants in the success and attraction of the Town Centre.
- Refine certain height preferences, within the Scheme limits.
- Accommodating parking by way of basements or building height.
- Identify the interrelationship with the car parking area along the railway line, including improving its urban design and infrastructure.
- Delete reference to affordable housing or single-bedroom apartments, as outside the purpose of the guidelines.

As a result a number of revisions have been made to the proposed Design Guidelines, to edit the document, address specific measures and refer to related initiatives, as shown in the revised version attached.

### **CONCLUSION**

The Design Guidelines are required by the Scheme and will assist with development proposals in the Town Centre and Local Centres. Advertising of the revised proposed Design Guidelines and consideration of any submissions will enable Council to refine and finalise them as a Local Planning Policy instrument under the Scheme.

### **COMMITTEE COMMENT**

Committee confirmed its satisfaction with the revised proposed Design Guidelines as reflecting the aspects discussed at the recent workshop and supported their advertising.

### **VOTING**

Simple Majority

### **OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Walsh, seconded Cr Burke**

**THAT Council note the revised proposed Design Guidelines for the Town Centre and Local Centres and undertake public consultation in accordance with the Local Planning Policy provisions of the Scheme, for the consideration of any submissions and further reporting to Council.**

**Carried 4/0**

**10.1.2 LOCAL PLANNING SCHEME NO. 3 – PROPOSED PARKING MATTERS POLICY**

**File Ref:** SUB/335  
**Attachments:** [LPS3 Parking Matters Policy](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services

**Proposed Meeting Date:** 20 October 2014  
**Author Disclosure of Interest:** Nil

---

**SUMMARY**

This report presents a proposed Local Planning Policy regarding parking matters under Local Planning Scheme No. 3 (LPS3) to supplement the Scheme provisions.

The Scheme contains some particular parking provisions that involve discretion and require a policy to become operative, which the Policy addresses. Several other provisions entail discretion regarding parking, but are self-contained with their prescriptions guiding determination.

The proposed Policy is attached and the recommendation is that it be advertised.

**BACKGROUND**

LPS3 in Part 2 provides for policy as a vehicle for dealing with discretion and detail in aspects of development proposals. The Scheme policy-making procedure accords Local Planning Policy status under the Scheme with a degree of force and effect:

*2.3. Relationship of Local Planning Policies to Scheme*

- 2.3.1. If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.*
- 2.3.3. A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.*

*Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 10.2.*

**REQUIREMENTS FOR POLICY**

LPS3 in clause 5.8.3 specifies two particular discretions to be guided by policy:

---

Second paragraph – parking credit:

*In the Town Centre, Hotel, Foreshore Centre, Restricted Foreshore Centre and Development zones, when considering redevelopment or new development or change of use applications, the local government may credit towards the amount of parking required to be provided as specified in Table 3, the parking deficiency that an existing tourism use may have when calculated against those provisions applicable to the subject site and its uses under this Scheme, having regard to the size and shape of the land, the number and availability of parking spaces in the vicinity, the likelihood of traffic congestion, and the opportunity to improve the appearance, amenity, function and accessibility of the locality provided that the decision to credit such a deficiency is made in the context of a Local Planning Policy adopted pursuant to Part 2 of this Scheme. For the purposes of this clause, tourism use means the “Hotel”, “Motel”, “Short-stay Accommodation”, “Serviced Apartment”, “Small Bar” and “Restaurant” uses.*

The concept of a parking credit is that if an existing approved tourism use/development has managed with its present parking supply, the difference between what it would have to provide now under LPS3 and what the proposal for the site is required to provide under LPS3 may be waived as an incentive. Although the above provision indicates crediting the full deficiency, the assessment criteria connote that a partial credit may be determined. This credit capacity is confined to the nominated uses. The provision may apply to successive proposals for a site during the life of LPS3.

5.8.3(c) – cash in lieu:

*Lead-in paragraph: In the Town Centre, Foreshore Centre, Restricted Foreshore Centre, Hotel, Development and Residential Office zones, the local government may approve development without the required number of parking spaces being provided on the land, subject to the applicant making arrangements satisfactory to the local government enabling the local government to provide public off-street parking in the vicinity, equivalent to the deficiency in parking spaces; and in this regard the local government may accept cash in lieu of parking spaces on the land, subject to the following — .....*

*Operative paragraph: the cash in lieu payment shall only be accepted by the local government after a Local Planning Policy has been adopted under Part 2 of this Scheme which identifies the planned infrastructure including the land upon which it is planned to be located and the planned timing of expenditure of payments made under this clause;*

This means that there has to be a policy framework in place to facilitate consideration of accepting cash in lieu for allocation to planned parking provision over time.

Further to the above two matters, LPS3 in Schedule 13, Variations to site and development standards and requirements, provides as follows:

Parking reductions:

*Parking (clause 5.8, Table 3 Vehicle Parking Requirements):*

---

*Subject to the following, the parking requirements set out in Table 3 may be varied, so as to reduce the number of parking spaces required in respect of a particular development by up to 20% of the number of parking spaces that would otherwise be required by the application of the provisions of Table 3, subject to the provision of a traffic impact assessment, to the satisfaction of the Council, addressing the matters referred to in clause 5.5.4(c).*

Clause 5.5.4(c) reads:

*...if the local government is satisfied that the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

To sum up, the Policy responds to the details of these three aspects outlined above where guidance is required in the exercise of discretion.

## **POLICY PROPOSAL**

The proposed Policy was prepared in accordance with the framework of the Scheme parking provisions, including consideration of previous studies including research and workshops with Council towards a parking strategy.

The Policy document explains its role and purpose then sets out the relevant policy parameters in relation to the Scheme provisions. These allow for guided flexibility and discretionary decision-making and are necessary to enable development proposals to be formulated and determined.

### Parking credit:

Parking credits apply to the Town Centre, Hotel, Foreshore Centre, Restricted Foreshore Centre and Development zones only. The Scheme specifies parameters for Council exercising discretion to grant parking credits, as set out in the table below. The feasibility of each parameter varies according to the nature of the proposed development, the circumstances of the zone and locality, parking supply, amount of traffic and related factors.

<b>ZONES:</b>	<b>Town Centre</b>	<b>Hotel</b>	<b>Foreshore Centre</b>	<b>Restricted Foreshore Centre</b>	<b>Development</b>
<b>CRITERIA:</b>					
<b>Redevelopment or new development.</b>	Up to 100% credit depending on nature of redevelopment.	Up to 50% credit depending on nature of redevelopment.	Up to 50% credit depending on nature of redevelopment.	Up to 75% credit depending on nature of redevelopment.	Up to 50% credit depending on nature of redevelopment.
<b>Change of use.</b>	Up to 100% credit depending on nature of change of use.	Up to 50% credit depending on nature of change of use.	Up to 50% credit depending on nature of change of use.	Up to 75% credit depending on nature of change of use.	Up to 50% credit depending on nature of change of use.
<b>Parking deficiency of existing tourism use.</b>	Determined from Town's records and applicant's evidence.				

<b>Size and shape of the land.</b>	Mainly smaller, narrower-frontage lots, with some larger lots.	Single large lot, with heritage hotel and rear alfresco addition.	Range of smaller to larger lots, mostly corner sites; with numerous strata titles.	Consistent with residential lots in each street.	OBH street block comprises multiple lots and mixed ownership. Other Development Zones comprise very large, mainly single parcels.
<b>Number and availability of parking spaces in vicinity.</b>	Good supply of public parking.			Good supply of public parking, but residential street parking restrictions.	OBH street block is near good supply of public parking. Other Development Zones are near varied limited supplies, with some potential for increases.
<b>Likelihood of traffic congestion.</b>	High traffic locality.				OBH street block and Railway lands are in high traffic localities. Former depot site will be residential traffic only. Major development on Gibney Street sites would generate considerable traffic.
<b>Opportunity to improve appearance, amenity, function and accessibility of locality.</b>	Depends upon nature of proposal, design of any development and Scheme requirements.				

*Note: For the purposes of this table, tourism use means the "Hotel", "Motel", "Short-stay Accommodation", "Serviced Apartment", "Small Bar" and "Restaurant" uses.*

#### Cash in lieu:

Cash in lieu applies to the Town Centre, Foreshore Centre, Restricted Foreshore Centre, Hotel, Development and Residential Office zones only. The Scheme specifies parameters for Council exercising discretion to grant cash in lieu, as set out in the table below. The feasibility of each parameter varies according to the nature of the proposed development, the circumstances of the zone and locality, land availability and related factors.

<b>ZONES:</b>	<b>Town Centre</b>	<b>Foreshore Centre</b>	<b>Restricted Foreshore Centre</b>	<b>Hotel</b>	<b>Development</b>	<b>Residential Office</b>
<b>CRITERIA:</b>						
<b>Public off-street parking in vicinity.</b>	Good supply of public parking.	Good supply of public parking.	Good supply of public parking.	Good supply of public parking.	Good supply of public parking for Development Zone 'A' (OBH site).	Good supply of public parking.
<b>Deficiency in parking spaces.</b>	Maximum 25% as determined by Council.	Maximum 25% as determined by Council.	Maximum 20% as determined by Council.	Maximum 20% as determined by Council.	Maximum 25% as determined by Council.	Maximum 20% as determined by Council.
<b>Planned infrastructure including land.</b>	New surface or multi-level car parks, including basements, undercrofts or decks.	New car parks integral to buildings/sites, including basements, undercrofts or decks.	New car parks integral to buildings/sites, including basements, undercrofts or decks.	New car parks integral to building/sites, including basements or undercrofts.	New surface or multi-level car parks, including basements, undercrofts or decks.	New car parks integral to buildings/sites, including basements or undercrofts.
<b>Planned timing of expenditure</b>	Upon development of Council or private land.	Upon development of private land.	Upon development of private land.	Upon any relevant development of the OBH site.	Upon development of private, Government or institutional land.	Upon development of private land.
<b>Public parking stations on Town-controlled land.</b>	Council car park corner Station and Railway Streets and eastern car park on Station St – decked parking. Surface or decked parking along Railway Street near train station.	Possible decked parking at rear of development along Marine Parade.	Possible surface car park, subject to traffic control and residential amenity.	Not applicable to Cottesloe Beach Hotel site.	Surface or decked parking integral to development of these sites, subject to good access and quality design.	Surface or decked parking, subject to good access, quality design and mixed-use amenity.
<b>Public transport infrastructure on Town-controlled land.</b>	Provision for local bus, taxi or shared bike facilities.	Provision for local bus, taxi or shared bike facilities.	Provision for local bus, taxi or shared bike facilities, subject to residential amenity.	Provision for local bus, taxi or shared bike facilities.	Provision for local bus, taxi or shared bike facilities.	Provision for local bus, taxi or shared bike facilities.
<b>Land in lieu of cash in lieu, identified for public parking.</b>	Council will consider land capable of parking development.	Council will consider land capable of parking development, which	Council will consider land capable of parking development, which	Not applicable to Cottesloe Beach Hotel site.	Council will consider land capable of parking development, which	Council will consider land capable of parking development.

		does not front Marine Parade.	does not front Marine Parade, subject to residential amenity.		is well-located and, accessible, subject to residential amenity.	
--	--	-------------------------------	---	--	--	--

Note: Maximum % of parking bays Council may permit as cash in lieu relates to:

- The parking requirement generated by nature of use and magnitude of development.
- The demands for parking from the development and in the locality.
- The physical scale and form of development in relation to the site and surrounds
- The affects on the amenity of the development and surrounds.

### Parking reductions:

This is informed by clause 9.2(c) regarding application requirements, which provides for:

*any specialist studies that the local government may require the applicant to undertake in support of the application, such as traffic, heritage, environmental, engineering or urban design studies;*

As well as by clause 10.2.2 matters to be had regard to, which includes:

*whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles; and*

*the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*

<b>CRITERIA: EFFECTS ON:</b>	<b>Traffic impact assessment to Town's satisfaction.</b>	<b>Amount up to 20% of parking spaces to be reduced.</b>	<b>Other relevant considerations.</b>
<b>Occupiers or users of the development.</b>	Parking needs and effects of occupiers or users of the development.	High impact proposals will be ineligible for a parking reduction. Moderate impact proposals may be eligible for up to a 10% parking reduction. Low impact proposals may be eligible for up to the 20% parking reduction.	The larger the use or development the greater the parking requirement, hence the greater number of parking spaces in a reduction – and conversely – in terms of the degree and effect of any reduction.  For major development, the traffic study must address the provision and form of parking on-site, on-street and nearby, including the effect on the supply of public parking.  In activity areas such
<b>Inhabitants of the locality.</b>	Traffic and parking effects and patterns in relation to residents and users/visitors.		
<b>Likely future development of the locality.</b>	Indicated by zoning, development proposals and planned road or public domain changes.		
<b>Nature of proposed use.</b>	Traffic generation and parking demand depending on type, magnitude and days/hours of use.		
<b>Likely volumes of goods or materials and numbers of people moving to or</b>	Traffic and parking implications of deliveries, waste removal, service		



from the land.	vehicles, staff and visitors.		as the Town Centre or beachfront, more intensive development will progressively increase traffic generation and parking needs.
<b>Likelihood of traffic congestion on roads or in public places in the locality.</b>	Traffic circulation and flow to access the development and parking areas, including peak periods.		In the Local Centres and Residential Office localities the availability of business parking is limited and street parking including for nearby residences requires management.

**STRATEGIC IMPLICATIONS**

Nil.

**POLICY IMPLICATIONS**

Scheme Local Planning Policies are to be had regard to.

**STATUTORY ENVIRONMENT**

LPS3.

**FINANCIAL IMPLICATIONS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**CONSULTATION**

The scheme policy-making process includes public advertising and consideration of submissions.

**PROCEDURE**

The Scheme procedure for creating policies is initiated by a Council resolution, followed by advertising of the proposal inviting submissions. Advertising entails public notices in a local newspaper and a minimum 21-day period; while dissemination via the Town's website and other means may also occur. After considering any submissions, Council resolves whether to adopt the policy and any modifications. Policies may also be amended from time-to-time, replaced or revoked as needs evolve.

**CONCLUSION**

The proposed Policy is required by the Scheme in order to operate particular provisions. Advertising and consideration of submissions will lead to any refinements for Council to finalise the Local Planning Policy instrument under the Scheme.

**COMMITTEE COMMENT**

Committee considered that the proposed Policy would benefit from some clarification in relation to the parking aspects covered and the Manager Development Services undertook to enhance the document for interpretation and application of the relevant Scheme provisions.

**VOTING**

Simple Majority

**OFFICER & COMMITTEE RECOMMENDATION**

**Moved Cr Downes, seconded Cr Jeanes**

**THAT Council note the proposed Local Planning Policy on Parking Matters and undertake public consultation in accordance with the Local Planning Policy provisions of the Scheme, for the consideration of any submissions and further reporting to Council.**

**Carried 5/0**

**10.1.3 LOCAL PLANNING SCHEME NO. 3 - AMENDMENT NO. 2 (EILEEN STREET LOTS 101-103)**

**File Ref:** SUB/1888  
**Attachments:** [Lots 101 103 Eileen Street Scheme Extracts](#)  
**Responsible Officer:** Carl Askew  
Chief Executive Officer  
**Author:** Andrew Jackson  
Manager Development Services

**Proposed Meeting Date:** 20 October 2014  
**Author Disclosure of Interest:** Nil

---

**SUMMARY**

This report presents a proposed amendment to Local Planning Scheme No. 3 (LPS3) to correct anomalies affecting Lots 101-103 Eileen Street (Nos 138 Marine Parade and 2 and 2A Eileen Street), on the northern side from Marine Parade eastward.

The amendment is necessary to apply appropriate zoning, land usage, development requirements and built form controls to the lots, without ambiguity.

The recommendation is to proceed to prepare and advertise the proposed Scheme amendment documentation.

**BACKGROUND**

The overall LPS3 provisions evolved from former Town Planning Scheme No. 2 (TPS2) and a range of considerations during the formulation of LPS3.

Under TPS2 the three lots were in the Special Development Zone for the street block bounded by Marine Parade and Eric, Gadsdon and Eileen Streets, with a density code of R50, and have been developed as follows:

- Lot 101, corner Marine Parade – three-storey dwelling approved but only the basement was built. The lot has recently sold and a development proposal is anticipated in due course.
- Lot 102 – three-storey dwelling, with fourth storey extension proposed.
- Lot 103 – three-storey dwelling, with fourth storey extension approved but so far not built.

The street block and three lots fall within the beachfront commercial/residential precinct along the eastern side of Marine Parade from Eric to Forrest Streets, which when formulating LPS3 was the subject of extensive deliberations and ultimately ministerial modifications to determine the land use and development regime, including building height and form. Broadly, the resultant Scheme provisions entail zones for mixed uses, a three storey frontage to Marine Parade and greater heights stepped back, as prescribed for particular zones and sites.

---

The Town in carrying-out the ministerial modifications to LPS3 discovered several anomalies in the provisions applying to the three lots, which it raised with the Department of Planning given their ability to settle technical corrections at officer level.

Due to the nature of the anomalies and the principle of advertising proposed zoning or other significant changes, it was agreed that further modification or future amendment of the Scheme was required to address the matter. In view of the ministerial modifications having already been issued and with the primary aim being to finalise the Scheme, an amendment once the Scheme commenced was determined as the preferred method.

### **CURRENT PROVISIONS**

The Scheme provisions currently relating to the three lots are described in more detail below.

#### Zoning:

The Scheme Map applies Development Zone 'A' over the street block, which comprises the Ocean Beach Hotel (OBH) site and the three lots. The Scheme Map also designates Special Control Area 2 (SCA2) over this block, which applies special provisions to beachfront properties.

#### Land usage:

The Zoning Table refers to the structure planning provisions and process under Part 6 of the Scheme to determine land uses in the Development Zone.

#### Development requirements:

By virtue of Part 6 the SCA2 provisions apply in addition to and prevailing over the ordinary provisions of the Scheme. Further, by virtue of Schedule 14 particular Development Zone 'A' provisions apply to the street block; however, that part of the Schedule specifically excepts Lots 101-103 Eileen Street.

#### Built form controls:

By virtue of SCA2 the provisions in Schedule 15: Building Design Controls including the Building Control Diagrams apply to the street block. However, Diagrams 2 and 8 include a note specifically excluding Lots 101-103 Eileen Street; hence there is no building envelope or related parameters assigned to these lots. This makes interpretation of the Building Control Diagrams difficult.

From all of the above it can be seen that the Scheme provisions applying to the lots are inconsistent and incomplete, whereby it is not possible to properly formulate or regulate planning proposals for them. It can also be seen that the controls for these lots need to have regard to their existing development and amenity, and to also take into account their interrelationship with the neighbouring beachfront sites.

## REVIEWING THE PROVISIONS

Several considerations relate to how the three lots ought to be dealt with by the Scheme:

### Zoning strategy:

Under TPS2 and LPS3 the zoning strategy has been to treat the street block as a whole in anticipation of comprehensive planning and development – although that has not yet eventuated and is not guaranteed – and the three lots have not been acquired as part of the OBH site. Influencing factors include multiple ownership, differing aspirations, development feasibility, and so on. There are various options in terms of structure planning, subdivision, land use, development and built form, including whether or not to retain existing buildings, possible sale of land parcels, staged development, etc.

The Scheme states objectives for its zones, those relevant here being for the Development, Foreshore Centre, Restricted Foreshore Centre and Residential zones; which in that order range from active, mixed-use sites with intensive development to lower-key, predominantly housing development respecting residential amenity.

Whilst the planning context for the OBH street block supports intensive development, there needs to be a transition to the surrounding residential development. Under LPS3 the lot on the south-west corner of Marine Parade and Eileen Street is zoned Foreshore Centre/SCA2 and developed to three storeys with 16 multiple dwellings, which were recently upgraded so are expected to remain for many years. After that, land along Eileen Street south and Gadsdon Street east and west is zoned Residential, with medium density codes of R40, R50 and R60.

### Desired land usage:

The zoning strategy is premised on properties fronting Marine Parade from Eric to Forrest Streets having active, non-residential uses at ground floor level and mixed uses including short-stay accommodation and permanent residential on upper levels. On this basis at least the corner Lot 101 should be in such a zone. Moving inland the land use intent is for residential, and for any redevelopment of the OBH site to be compatible with that.

### Existing development and character:

At present Eileen and Gadsdon Streets are residential on both sides, except for the open car park to the rear of the OBH site, and built mainly to the two-storey height limit, with some older three-storey apartment buildings. The dwellings are a mixture of ages, style, sizes and condition. Land values and tightly-held ownership (including strata) tend to restrict the rate of redevelopment. The three-storey multiple dwellings complex occupies the other Eileen Street corner site fronting Marine Parade. The six-storey OBH motel building contrasts with the existing lower-rise character.

### Development controls and built form:

LPS3 recognises the potential for redevelopment along Marine Parade and provides for that through its development and built form controls, notably the SCA2 provisions

---

applying to all land fronting Marine Parade, which by virtue of Development Zone 'A' for the OBH block includes the three lots.

These controls include a three-storey/12m building height limit to Marine Parade and additional storeys behind progressively setback, as prescribed by the Building Control Diagrams. For the OBH block the Diagrams specify a three-storey frontage to Eileen Street and two-storey to Gadsdon Street, to step-down and interface with residential development on the other sides of those streets.

As mentioned, the Diagrams as drawn are unclear in relation to the three lots, other than to be annotated to exclude them. Consideration of the zoning for these lots needs to take into account height controls.

#### Amendment No. 1

Amendment No. 1 to LPS3 initiated by Council in September 2014 addresses height controls in relation to extensions to existing buildings. For the sake of clarity, that Amendment does not provide for the proposed fourth storey to Lot 102 Eileen Street, as it is not applicable to the Development Zone the subject of this report, does not permit the addition of a storey, and does not alter the height controls for the Foreshore Development Zone.

#### Zone options considered:

In earlier discussion the Department of Planning has recognised that the three lots do not form part of the broader OBH site which is under different ownership, that two of the three lots have been developed for single dwellings and that Eileen Street is intended to be residential in character with a three-storey edge to the northern side. On this basis the Department suggested a Residential zoning with an R60 density code. However, as assessed below that appears less suitable, and it is noted that the SCA2 provisions and Schedule 15 do not relate to the Residential Zone.

#### Development Zone:

This would reflect the previous TPS2 and current LPS3 zoning; however, the abovementioned exclusion of the three lots from the provisions of Schedules 14 and 15 for the zone flag that the zoning of the lots requires review. Acquisition and development of the lots under such zoning has not been pursued. It would be excessive to require any one or more of the three lots to undergo the extensive structure planning process under this zoning separate from the OBH site for redevelopment. A Development Zone would encourage loss of existing residential development and a more abrupt built form interface with residential opposite, including potential traffic affecting Eileen and Gadsdon Streets.

#### Residential Zone:

This would recognise the existing land usage and street character, but be inconsistent with the LPS3 zoning strategy for the Marine Parade frontage. It would mandate a two-storey height limit for residential (re)development, which would be at odds with the existing three-storey dwellings and the previously-approved and proposed fourth storeys within the 12m height envelope. It would result in diminutive

development, at least for the corner lot, interfacing with the OBH site, and it would offer little incentive for development of the corner lot, including as residential use at ground floor would lack amenity.

#### Foreshore Centre Zone:

This is the zone applied to land fronting Marine Parade, other than the Development Zone block and Cottesloe Beach Hotel site (Hotel zone), which interfaces with predominantly Residential Zone behind. SCA2 overlays all of these zones. As explained above, a Foreshore Centre zoning would be consistent for at least the corner lot and possibly all three lots. It would allow the existing dwellings to remain, or to be redeveloped in accordance with that zone and the relevant provisions, and would be an incentive for development of the corner lot. Were all three lots zoned Foreshore Centre, this would extend along Eileen Street to match the Foreshore Centre Zone on the other side; however, the implication would be for non-residential use on the ground floor, hence more activity in the street. An option would be that the larger corner lot is zoned Foreshore Centre and the other two lots are zoned Residential, although the latter would have the implications described above.

Based on the SCA2 provisions and Schedule 15, the height regime for this zone is three storeys/12m to Marine Parade with fourth and fifth storeys (max. 21m) setback. Assuming this zoning, given the 15.5m depths of the lots from Eileen Street, the north-south setback of 12m currently required to the fourth and fifth storeys results in only a small area that could be developed above three storeys, which is impractical. An interface above three storeys/12m would also be less desirable to the dwellings opposite. Therefore, limiting height to three storeys/12m for these lots would create a suitable built form interrelationship with the surrounding sites.

Alternatively, given the previous TPS2 provision and approval, and the current proposal, for a fourth storey within the 12m height limit, applicable to residential development, as a variation it would be feasible to assign that height control to the three lots, which would maintain the intended building envelope whilst permitting compatible development. This would also offer greater flexibility to the design of the corner lot to accommodate mixed uses and have a streetscape presence against the backdrop of the OBH site. On balance, this is the recommended solution.

#### Restricted Foreshore Centre Zone:

In the main beachfront precinct this lesser zone applies to a few land parcels on Warnham Road and John Street behind the Marine Parade properties. It involves a reduced range of lower-key land uses and a more limited extent and height of development, and is not covered by SCA2. As such it would not adequately provide for the existing or potential development of the subject lots.

### **STRATEGIC IMPLICATIONS**

Nil.

### **POLICY IMPLICATIONS**

Nil.

---

**STATUTORY ENVIRONMENT**

Planning & Development Act.  
Town Planning Regulations.  
LPS3.

**FINANCIAL IMPLICATIONS**

Nil.

**SUSTAINABILITY IMPLICATIONS**

Nil.

**CONSULTATION**

The scheme amendment process includes public advertising and consideration of submissions.

**AMENDMENT PROPOSAL**

Following the review explained in this report the proposed amendment focuses on applying the Foreshore Centre zone and the SCA2 provisions to the three lots, with corresponding modification of the Schedule 15 Building Control Diagrams in terms of building height.

The references to the three lots in Schedule 14 and in Schedule 15 Diagram 8 can remain as they exclude them from the OBH site, as will the rezoning.

**PROCEDURE**

The Scheme amendment procedure is initiated by a Council resolution, followed by preparation of official documents and any environmental clearance prior to advertising for submissions. After considering any submissions Council resolves whether to adopt the amendment and any modifications, for forwarding to the Western Australian Planning Commission (WAPC) for assessment then the Minister for Planning for approval. Given approval, upon publication in the Government Gazette the amendment becomes incorporated into the Scheme and those provisions apply.

**CONCLUSION**

Amendment of the Scheme is required to correct the current anomalies for certainty of the Scheme zoning and provisions applying to the three lots.

Advertising of the draft amendment and consideration of any submissions will enable Council to refine and adopt the improved provisions for endorsement by the WAPC approval by the Minister.

**COMMITTEE COMMENT**

Committee supported the proposed Scheme Amendment as necessary and the intended four storey/12m height limit for the subject lots as appropriate.

**VOTING**

Simple Majority



**OFFICER & COMMITTEE RECOMMENDATION****Moved Cr Walsh, seconded Cr Downes****THAT Council**

- 1. In pursuance of Section 75 of the Planning and Development Act 2005, hereby resolves to amend the Town of Cottesloe Local Planning Scheme No. 3, to provide appropriate zoning and development controls for Lots 101-103 Eileen Street, Cottesloe, by:**
  - a. Amending the Scheme Map to exclude Lots 101-103 Eileen Street (Nos 138 Marine Parade and 2 and 2A Eileen Street) from Development Zone 'A' and to include them as Foreshore Centre Zone, and therefore Special Control Area 2.**
  - b. Amending Schedule 15 in the Building Control Diagrams to distinguish:**
    - (i) A height limit and building envelope of four storeys within 12m for the whole of Lots 101-103 Eileen Street.**
    - (ii) That Lots 101-103 Eileen Street are in a zone and building envelope separate from the Ocean Beach Hotel site.**
- 2. Request the Manager Development Services to prepare the amendment documents, upon which the Chief Executive Officer shall adopt and endorse the amendment documents on behalf of Council.**
- 3. Pursuant to section 81 of the Planning and Development Act 2005, refer the proposed amendment to the Department of Environment for clearance prior to advertising.**
- 4. Advertise the proposed amendment for public comment for a period of 42 days by:**
  - a. placing a copy of the notice in the Post newspaper, on the Town's noticeboard/s and website, and at the Library; and**
  - b. placing a copy of the proposed amendment on display at the Town's Office, on the Town's website and at the Library.**
- 5. Provide the Western Australian Planning Commission with a copy of the proposed scheme amendment.**

**Carried 5/0**

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

Nil.

**12 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING BY:**

**12.1 ELECTED MEMBERS**

Nil.

**12.2 OFFICERS**

Nil.

**13 MEETING CLOSED TO PUBLIC**

**13.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

**13.2 PUBLIC READING OF RECOMMENDATIONS THAT MAY BE MADE PUBLIC**

Nil.

**14 MEETING CLOSURE**

The Presiding Member announced the closure of the meeting at 6:24 PM.

CONFIRMED MINUTES OF 20 October 2014 PAGES 1 – 24 INCLUSIVE.

PRESIDING MEMBER:  
POSITION:

.....

DATE: ..... / ..... / .....