

**10.3.2 LOCAL PLANNING SCHEME NO. 3 – RESTRICTED FORESHORE
CENTRE ZONE DESIGN GUIDELINES**

File Ref: SUB/335
Attachments: [Scheme Map](#)
[Subject Sites](#)
[Proposed Design Guidelines Sept 2015](#)
Responsible Officer: **Mat Humfrey**
Chief Executive Officer
Author: **Andrew Jackson**
Manager Development Services
Proposed Meeting Date: **21 September 2015**
Author Disclosure of Interest: **Nil**

SUMMARY

This report presents proposed Design Guidelines under Local Planning Scheme No. 3 (LPS3) for the Restricted Foreshore Centre Zone, to supplement the Scheme provisions. The Design Guidelines relate to only nine sites in the vicinity of the Marine Parade beachfront precinct.

The proposed Design Guidelines are attached and the recommendation is to advertise them for public comment.

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 needs to be 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 under the Scheme:

2.2. Relationship of Local Planning Policies to Scheme

6 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.

Design guidelines address principles, standards or criteria for the design and assessment of proposed development, allowing for guided flexibility and discretionary decision-making. For the subject Zone design guidelines are necessary to enable development proposals to be formulated and determined.

RESTRICTED FORESHORE CENTRE ZONE

The Restricted Foreshore Centre Zone covers a relatively small number of sites adjacent to the main beachfront precinct, as a transition between the Marine Parade activity and development area (comprising the Foreshore Centre Zone, Hotel Zone and Development Zone 'A', all within Special Control Area 2) and the adjoining Residential Zone – attached maps refer. The sites have a density coding of R60, in keeping with surrounding density coding.

The sites are concentrated at the western end of Warnham Road and John Street, with another node at the north-west corner of Eric Street and Marine Parade opposite the Ocean Beach Hotel site. They are all developed with grouped or multiple dwellings ranging from two to five storeys. These existing built forms, heights and architectural styles reflect differing development over the decades under the previous Schemes. The older buildings are in time likely to undergo redevelopment, while the younger buildings may undergo renovations.

Under LPS3 the objectives of the Restricted Foreshore Centre Zone are to:

- *provide the opportunity for a range of residential and a limited range of low-key non-residential uses which are compatible with the character and amenity of the beachfront locality and surrounding residential development;*
- *ensure that the predominantly residential and recreational nature of the locality is maintained;*
- *ensure that the urban character, aesthetics, amenity and residential streetscape quality of the locality are not compromised by inappropriate land use or development; and*
- *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.*

The various provisions of LPS3 and the Residential Design Codes (RDC) apply to the Restricted Foreshore Centre Zone. Table 2: Development Requirements of LPS3

lists specific requirements for particular zones and refers to design guidelines in a number of instances. The controls for the Restricted Foreshore Centre Zone are shown below, in which minimum boundary setbacks is the only parameter in need of design guidelines.

Setbacks are interrelated with the scale of buildings and for this zone the maximum height of (new) development steps down from the Marine Parade sites with greater maximum heights to the residential areas with a two-storey height limit.

ZONE	MAXIMUM PLOT RATIO	MAXIMUM SITE COVER	MINIMUM BOUNDARY SETBACKS	MAXIMUM HEIGHT (Refer clause 5.7.)
RESTRICTED FORESHORE CENTRE All development	0.8:1	75%	In accordance with Design Guidelines	3 storey and: 9m to top of wall; 10m to top of parapet; and 11.5m to top of roof ridge

In terms of land use, at present most of the lots in the zone are developed for residential purposes as grouped or multiple dwellings, whilst the site behind the Cottesloe Beach Hotel is developed as holiday chalets and also contains a small local office. LPS3 allows a range of low-key non-residential uses to be considered in the zone at Council's discretion, and for redevelopment prescribes predominantly non-residential use to the ground floor street-front. Hence consideration of land use and its arrangement has an influence on suitable setbacks.

DESIGN GUIDELINES PROPOSAL

The Design Guidelines are focussed on setbacks and respond to the relevant aspects of the Zone's objectives for appropriate development. In so doing they differentiate between the two nodes of sites in the Zone: Warnham Road / John Street and Eric Street / Marine Parade.

The draft Design Guidelines were prepared by staff in accordance with the framework of the Scheme aims, the Zone objectives and the clause 10.2 matters to be considered. Preparation involved site inspection, map information, consideration of other design guidance and the RDC, in order to appreciate the context and character of the existing and future development for each area.

The Design Guidelines document explains their role and purpose and prescribes the setback parameters for each area in relation to the Scheme provisions. This addresses: front setbacks and streetscape; side setbacks and boundary walls; interfaces with more intensive beachfront buildings and less intensive residential buildings; and building modulation; taking into account character, amenity (including privacy), aesthetics, quality development and views.

The tables below describe the setback patterns for the northern and southern nodes of the Restricted Foreshore Centre Zone; then the proposed setbacks, for which the basic principles are:

- Marine Parade and Eric Street frontages – permit building to street boundaries for corner site and on adjacent sites step setbacks to merge with adjoining residential sites.
- Residential street frontages – create harmonious or consistent setbacks.
- ROW boundaries – setbacks for vehicle accessibility as appropriate.
- Adjacent properties / side and rear boundaries – respect separation of buildings and recognise existing boundary walls.
- Solar access – setbacks to limit overshadowing.
- Privacy – setbacks for satisfactory privacy.
- Built form – modulated setbacks for building appearance and third storey setbacks to ameliorate bulk and scale.

NORTHERN NODE SETBACK INTERRELATIONSHIPS

Site	Existing	Adjacent
150 Marine Pde cnr Eric St	Multiple dwellings (apartments) built to both street frontages and western half of northern boundary.	152 Marine Pde to north and 6 Eric St to east – as described.
152 Marine Pde	Multiple dwellings built to Marine Pde frontage and portions of southern boundary; stepped away from adjacent properties to north and east.	150 Marine Pde to south and 6 Eric St to east – as described; three stepped grouped dwellings to north, setback from Marine Parade at front and ROW at rear, with narrow side setbacks.
6 Eric St	Multiple dwellings modulated along Eric St frontage; with rear garages to northern boundary (to adjacent vehicle access leg) and western boundary; also built to eastern boundary with ROW.	150 and 152 Marine Pde to west and vehicle access leg to north (No. 152) – as described; ROW to east with four dwellings opposite, two being close to ROW.

SOUTHERN NODE SETBACK INTERRELATIONSHIPS

Site	Existing	Adjacent
4 Warnham Rd	Multiple dwellings set back from street, rear and western side boundaries; and built to eastern boundary.	To west, Blue Waters beachfront site. 7 Warnham Rd to east – as described. To north, multiple dwellings and dwelling setback from that boundary.
6 Warnham Rd	Older multiple dwellings set back from street, rear and western boundaries; with eastern garages set back further from street and built to that boundary.	4 Warnham Rd to west – as described. To east, older multiple dwellings with mirror-image setbacks. To north, multiple dwellings setback from that boundary.
6 John St	Short-stay chalets built close to John St and Warnham Rd frontages; and built to both side	Cottesloe Beach Hotel rear courtyard and buildings to west; two dwellings to east, built to or

	boundaries.	near that boundary and setback from the two street frontages.
1 John St	7 Recent grouped dwellings, setback from street; built to western ROW and rear ROW boundaries; and close to eastern boundary.	To west, ROW and Seapines beachfront site. 5 John St to east – as described. To south, two dwellings across ROW, setback from rear.
5 John St	Multiple dwellings setback from street, rear ROW and side boundaries. (Catalina Villas – short-stay).	7 John St to east – as described. To south, grouped dwelling across ROW, with rear garages set back.
7 John St	Grouped dwellings setback from street, rear ROW and side boundaries.	5 John St to west – as described. To east, older multiple dwellings. To south, grouped dwelling across ROW, with rear garages set back.

On this basis generally the Design Guidelines prescribe more “urban” setbacks for significant street frontages with active ground floors and rely on the RDC setback standards for residential interfaces (ie typically side and rear boundaries).

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, similar to for a scheme amendment.

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.

CONCLUSION

The subject Design Guidelines are required by the Scheme and will assist with development proposals in the Restricted Foreshore Centre Zone. Advertising of the draft 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

The Manager Development Services confirmed that the draft design guidelines in the attachment would be advertised to the subject property owners as well as the wider community.

VOTING

Simple Majority

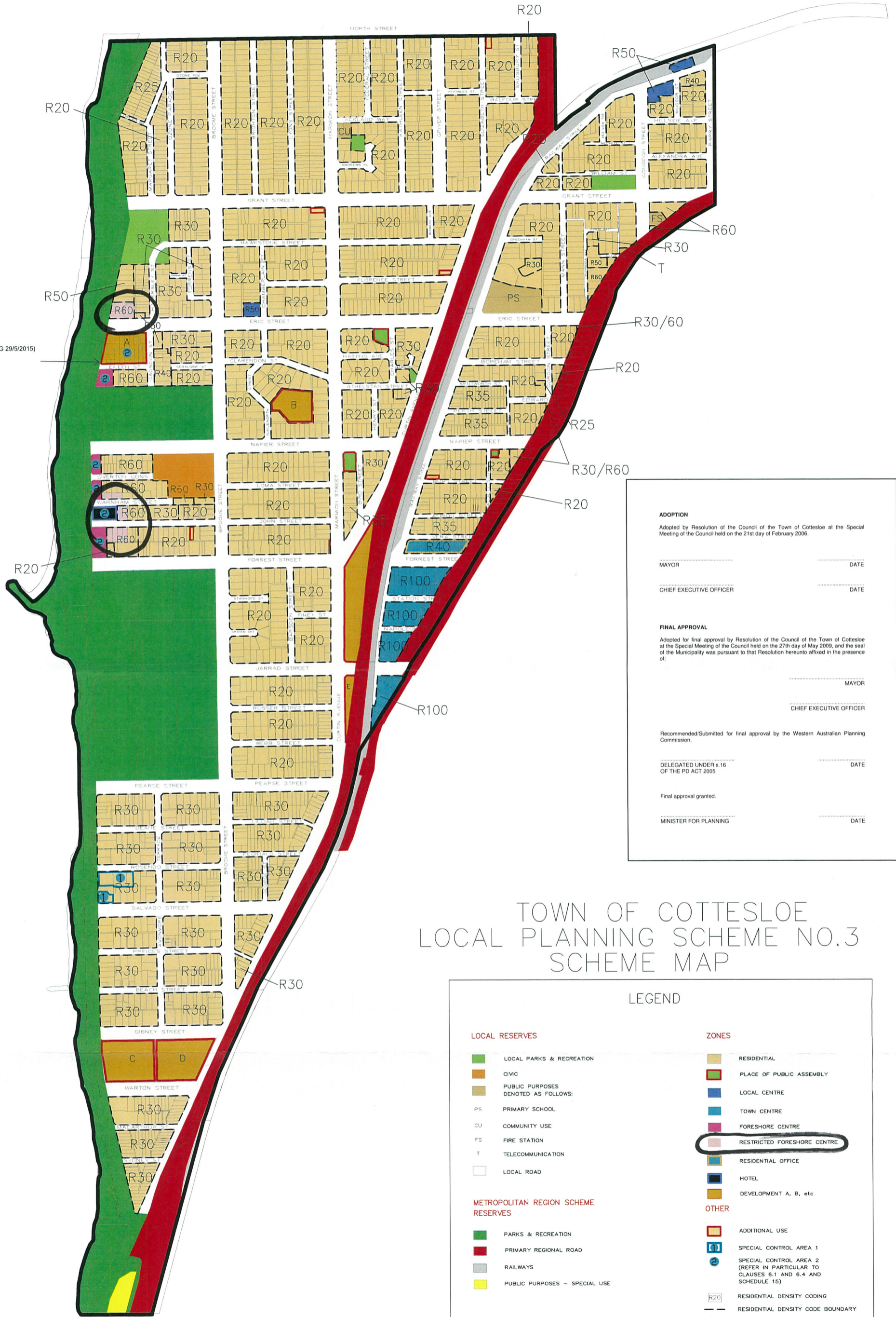
OFFICER & COMMITTEE RECOMMENDATION & COUNCIL RESOLUTION

Moved Cr Jeanes, seconded Cr Angers

THAT Council note the proposed Design Guidelines for the Restricted Foreshore Centre Zone 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 9/0

(LPS3 AMD 2 GG 29/5/2015)



ADOPTION
 Adopted by Resolution of the Council of the Town of Cottesloe at the Special Meeting of the Council held on the 21st day of February 2006.

..... DATE
 MAYOR

..... DATE
 CHIEF EXECUTIVE OFFICER

FINAL APPROVAL
 Adopted for final approval by Resolution of the Council of the Town of Cottesloe at the Special Meeting of the Council held on the 27th day of May 2009, and the seal of the Municipality was pursuant to that Resolution hereunto affixed in the presence of:

..... MAYOR
 CHIEF EXECUTIVE OFFICER

Recommended/Submitted for final approval by the Western Australian Planning Commission.

..... DATE
 DELEGATED UNDER s 16 OF THE PD ACT 2005

Final approval granted.

..... DATE
 MINISTER FOR PLANNING

TOWN OF COTTESLOE LOCAL PLANNING SCHEME NO.3 SCHEME MAP

LEGEND

LOCAL RESERVES	ZONES
LOCAL PARKS & RECREATION	RESIDENTIAL
CIVIC	PLACE OF PUBLIC ASSEMBLY
PUBLIC PURPOSES DENOTED AS FOLLOWS:	LOCAL CENTRE
PS PRIMARY SCHOOL	TOWN CENTRE
CU COMMUNITY USE	FORESHORE CENTRE
FS FIRE STATION	RESTRICTED FORESHORE CENTRE
T TELECOMMUNICATION	RESIDENTIAL OFFICE
LOCAL ROAD	HOTEL
METROPOLITAN REGION SCHEME RESERVES	DEVELOPMENT A, B, etc
PARKS & RECREATION	OTHER
PRIMARY REGIONAL ROAD	ADDITIONAL USE
RAILWAYS	SPECIAL CONTROL AREA 1
PUBLIC PURPOSES - SPECIAL USE	SPECIAL CONTROL AREA 2 (REFER IN PARTICULAR TO CLAUSES 6.1 AND 6.4 AND SCHEDULE 15)
	RESIDENTIAL DENSITY CODING
	RESIDENTIAL DENSITY CODE BOUNDARY
	SCHEME BOUNDARY

0 500m SCALE



Restricted Foreshore Centre
Zone sites - Northern Node.

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Scale 1:996

11/09/2015





Restricted Foreshore Centre
Zone sites - Southern Node.

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11/09/2015



TOWN OF COTTESLOE – LOCAL PLANNING SCHEME NO. 3

RESTRICTED FORESHORE CENTRE ZONE
DESIGN GUIDELINES FOR SETBACKS

A policy made pursuant to Part 2 of Local Planning Scheme No. 3

1. INTRODUCTION

These Design Guidelines govern setbacks for development in the Restricted Foreshore Centre Zone under Local Planning Scheme No. 3 (LPS3).

The Scheme contains certain provisions that involve discretion and require design guidelines to become operative, which these Design Guidelines address.

2. OBJECTIVE

To prescribe setback requirements for development in the Restricted Foreshore Centre Zone to ensure appropriate development.

3. STATUS OF DESIGN GUIDELINES

LPS3 in clause 5.9 provides for Council to adopt Local Planning Policy Design Guidelines to guide the planning and design of development proposals.

Clause 5.9.2 requires that Council *shall have regard to the Design Guidelines and shall use them as the basis on which to determine any variation allowed under the Scheme.*

These Design Guidelines have been made in accordance with the Local Planning Policy procedure under the Scheme.

4. APPLICATION OF DESIGN GUIDELINES

These Design Guidelines apply only to development in the Restricted Foreshore Centre Zone and at the discretion of Council.

Council will apply the Design Guidelines in assessing and determining development proposals within the Zone, in conjunction with the other applicable Scheme provisions. Users of these Guidelines should also read the Scheme to ensure that all requirements are understood.

5. BACKGROUND

Under LPS3 the Restricted Foreshore Centre Zone covers a relatively small number of sites adjacent to the main beachfront precinct, as a transition between the Marine Parade activity and development area (comprising the Foreshore Centre Zone, Hotel Zone and Development Zone 'A', all within Special Control Area 2) and the adjoining Residential Zone.

The sites have a density coding of R60, in keeping with surrounding density coding, and are concentrated at two nodes:

- the western end of Warnham Road and John Street; and
- the north-east corner of Eric Street and Marine Parade opposite the Ocean Beach Hotel site.

They are all developed with grouped or multiple dwellings ranging from two to five storeys. These existing built forms, heights and architectural styles reflect differing development over the decades under the previous Schemes. The older buildings are in time likely to undergo redevelopment, while the newer buildings may undergo renovations.

Under LPS3 the **objectives of the Restricted Foreshore Centre Zone** are to:

- *provide the opportunity for a range of residential and a limited range of low-key non-residential uses which are compatible with the character and amenity of the beachfront locality and surrounding residential development;*
- *ensure that the predominantly residential and recreational nature of the locality is maintained;*
- *ensure that the urban character, aesthetics, amenity and residential streetscape quality of the locality are not compromised by inappropriate land use or development; and*
- *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.*

Table 2: Development Requirements of LPS3 specifies that for the Restricted Foreshore Centre Zone minimum boundary setbacks are to be in accordance with Design Guidelines.

6. DESIGN GUIDELINES PROVISIONS

The Design Guidelines are focused on setbacks and respond to the relevant aspects of the Zone's objectives for appropriate development as **design principles**. This addresses: front setbacks and streetscape; side and rear setbacks; interfaces with more intensive beachfront buildings and less intensive residential buildings; building modulation; amenity (including privacy), aesthetics, quality development and views.

In so doing the Design Guidelines **differentiate between the two nodes** of sites in the Zone, each with its own context of streetscape setting, built form and adjacent

development. They also take into account that both non-residential and residential uses may occur in or at different levels of a building, whereby for both residential and non-residential uses side and rear setbacks are to be determined in accordance with the RDC for R60 development. This is in order to provide a degree of flexibility, to protect amenity, and to ensure consistency amongst residential and mixed-use developments and uses permissible in the zone.

The tables below specify the setback requirements accordingly.

NORTHERN NODE MINIMUM BOUNDARY SETBACKS

Site	Street boundary	Side boundaries	Rear boundary
150 Marine Pde cnr Eric St	Nil to both street boundaries.	In accordance with the RDC.	In accordance with the RDC.
152 Marine Pde	2m		
6 Eric St			

SOUTHERN NODE MINIMUM BOUNDARY SETBACKS

Site	Street boundary	Side boundaries	Rear boundary	
4 Warnham Rd	Two storeys – 2m	In accordance with the RDC.	In accordance with the RDC.	
6 Warnham Rd	Third storey – 4m			
6 John St	For both street frontages: Two storeys – 2m Third storey – 4m		In accordance with the RDC.	n/a
1 John St	Two storeys – 2m Third storey – 4m			In accordance with the RDC.
5 John St				
7 John St				

The minimum boundary setbacks define the preferred position and maximum extents of the basic building envelope for each site, within which the overall building design is to satisfy all relevant development requirements; ie including plot ratio (where applicable), site cover, height, parking and so on – the setbacks are minima and do not indicate that a building can occupy the entire envelope.

Resolution date: 29 September 2015
Advertised: 10 & 17 October 2015
Review and Finally
Adopted by Council: