

PS ref: 5662

5 October 2018

Town of Cottesloe
PO Box 606
Cottesloe WA 6911

Attention: Ed Drewett, Planning Services

Dear Sir,

**LOT 18 (50A) MARGARET STREET, COTTESLOE
PROPOSED FOUR MULTIPLE DWELLINGS
RESPONSE TO ASSESSMENT COMMENTS AND PUBLIC SUBMISSIONS**

Planning Solutions acts on behalf of G Living, the proponent of the proposed development at Lot 18 (50A) Margaret Street (**subject site**). I refer to the email from the Town of Cottesloe dated 28 September 2018 which was accompanied by a redacted copy of public submissions and provide the following response.

1. Introduction

The drawings have been amended in response to the City's email dated 28 September 2018 and to address some of the concerns raised by adjoining landowners. Specifically, the modifications are:

No.	Description of modification	Reason for modification
1	To both the north and south side boundaries, upper floor setbacks for the rear portion of the development (beds 2 and 3) increased from 3.3m to 4.5m.	To ensure visual privacy setbacks are compliant with the deemed-to-comply requirements of the R-Codes, in response to comments from adjoining landowners.
2	To both the north and south side of the development, 1.6m high privacy screening has been added to: <ul style="list-style-type: none">the exterior of the central terrace;the outside of the master bedrooms.	To ensure screening/visual privacy is compliant with the deemed-to-comply requirements of the R-Codes, in response to comments from adjoining landowners.
3	Open space area increased to 50%.	To ensure open space is compliant with the deemed-to-comply requirements of the R-Codes, in response to comments from adjoining landowners.
4	An upper floor street setback assessment has been provided.	Administrative only – as requested in the Town's email dated 28 September 2018.
5	Pergola and entry gate more clearly depicted on side elevations and ground floor plans.	Administrative only – as requested via telephone discussion with the Town on 2 October 2018.

The proposed development is now predominately compliant with the deemed-to-comply requirements of the R-Codes, except for a series of minor variances where a design principle assessment is required (refer to DA submission dated 17 August 2018).

Refer to **Attachment 1** for the revised plans. All modifications have been highlighted on the plans to assist with the City's assessment.

2. Street Setback Calculations

As per the Town's email dated 28 September 2018, we have prepared an upper floor plan which shows the 6m setback line, along with the building area in front of the setback line and the compensating area behind the setback line.

In our view, a separate assessment is not required for the upper floor and a single assessment should be undertaken considering both the ground and upper floor. The R-Codes simply require that any projection into the 6m setback area (ground or upper floor) is compensated by an equivalent amount of open space behind the street setback line. Open space cannot be calculated at the upper floor – this is 'open air'. As such, it is more prudent to undertake a single assessment of both levels.

Nevertheless, should the Town deem a design principle assessment to be required on this element, we note the following:

- The portion of building protruding into the street setback area is two balconies only. The balconies have lightly coloured, operable screening along the front boundary. As such, the balconies are considered to present in a manner which softens the scale of the development, as it fronts the street.
- The ground level of the proposed development is setback 6m or greater at all points. This gives the building depth and articulation and ensures there is not a single two storey building mass projecting out to the street.
- The street setback area is to be landscaped with a combination of vegetation, paving (for outdoor living areas) and water features. There is no vehicle access to the primary street and the proposed development is considered to offer an attractive outlook from the street.
- The property to the south has a setback of 5m between its front balcony and the street. The portion of the building setback 5m is within 3m of the side boundary to 50A Margaret Street. The proposed operable balcony screens are much lighter in material compared with the solid wall at 50 Margaret Street. The proposed balconies at 4.5m are therefore considered consistent with the general context of this street.

3. Response to Objections

Refer to **Attachment 2** for a summary of comments from submitters, along with our response to the matters raised.

We wish to emphasise that by amending the plans, the following aspects of the development now meet the deemed-to-comply requirements of the R-Codes.

Visual Privacy: Except for the northern side of the front balcony of Apartment 4, all windows and balconies either meet the deemed-to-comply setbacks or have been applied with privacy screening.

Setbacks: The setbacks to the north and south boundary (front portion of the development) were increased from 3.0m to 3.3m such that all setbacks now meet the deemed-to-comply requirements of the R-Codes (note, this was incorporated in the set of plans lodged with the Town on 11 September 2018).

Open Space: Open space has increased from 49.4% to 50% as a result of increasing the abovementioned setbacks.

Response to Key Concerns from Submitters

More generally, whilst we understand the concerns from neighbouring landowners about the intensity and scale of the development, it is noted that the proposal merely seeks to replace four existing multiple dwellings with four new multiple dwellings. In redeveloping existing multiple dwellings which are at a higher density than the current density code, we note clause 5.3.5 of the Scheme provides Council with the discretion of approving one additional storey (i.e. three storeys in total). Instead, we have elected to seek approval for a two storey development only, ensuring it is of a general scale which is commensurate with the surrounding area.

The proposed development has a maximum wall height which is approximately 0.7m higher than the existing development. Notwithstanding, the proposed development maintains a compliant building height and compliant front and side setbacks. The overall mass and scale is considered appropriate for its context.

Importantly, the height is clearly consistent with both the planning framework and that of the surrounding developments. As shown on the streetscape elevation submitted in the original DA package, the proposed development:

- Has an identical 'top-of-wall height' to the two storey single house to the north; although, the pitch of the roof on the adjoining dwelling is approximately 1.5m higher than the roof of the subject development.
- Is a minor 0.15m higher than the two storey single house to the south (this site is topographically lower than the subject site).

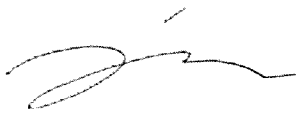
We submit the proposed development clearly offers a similar mass and scale to the adjoining dwellings. In relation to its broader surroundings, the subject site is encircled by two storey development on all sides, including the opposite sides of the street and right of way.

4. Conclusion

In summary, we have pursued modifications to address concerns raised in the adjoining landowner's submissions. The remaining areas which require the exercise of discretion involve minor deviations from the deemed-to-comply requirements, with a view to achieving a superior design outcome. The proposed development yields the same number of dwellings as the existing development, but substantially improves its interface with the street and adjoining properties, particularly by removing vehicular access from the primary street and replacing this with landscaped courtyards. We respectfully request the Town approves this application accordingly.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.

Yours faithfully,



**TRENT WILL
ASSOCIATE**

181003 5662 letter to Town

ATTACHMENT 2
APPLICANT'S RESPONSE TO OBJECTIONS

No.	Issue Raised	Applicant's response
1	<p>Compliance/Fairness The Town of Cottesloe has developed clear guidelines and regulations for all ratepayers that are intended to preserve the economic and social balance required in our community. This commercial venture does not warrant any special treatment.</p>	<ul style="list-style-type: none"> The proposed development merely seeks to replace four existing multiple dwellings with four new multiple dwellings. The development application is to be considered and assessed against the relevant planning framework, which includes performance-based requirements. Aspects requiring the exercise of discretion are considered minor and a design principle assessment has been made in the applicant's DA report.
2	<p>Amenity, Bulk and Scale The development proposed is significantly larger in bulk and scale than adjoining and surrounding developments within the immediate locality.</p>	<ul style="list-style-type: none"> The proposed development complies with the permissible building height and is of a similar height to adjoining properties (all of which are two storeys).
3	<p>Overlooking/Privacy There are concerns with overlooking into the adjacent properties, including bedroom windows to the north and south boundaries and courtyards to the south boundary.</p>	<ul style="list-style-type: none"> In response, the plans have been amended to increase the level of screening and/or increase setbacks to improve privacy. The development is now compliant with visual privacy (overlooking) requirements of the R-Codes except for the front balcony to the northern side boundary. <p>North Boundary:</p> <ul style="list-style-type: none"> With the northern front balcony, the visual privacy does not comply only because the development proposes moveable screens instead of fixed screens (to allow access to winter sunlight). To the north, this balcony views onto a section of the adjoining property which is densely landscaped. Furthermore, the wall of the adjoining property is situated 11m from the edge of the balcony. The proposed balcony is only 1m in width and is not likely to be used for active habitable purposes. Refer to the DA submission dated 1 June 2018 for a more detailed design principle assessment on this item.
4	<p>Traffic on laneway There are concerns with the safety, surface and potential noise of the laneway.</p>	<ul style="list-style-type: none"> The R-Codes require vehicle access to be obtained via the laneway. The level of traffic associated with the proposed development is low and does not meet the threshold for a transport statement. The design is in accordance with Australian Standards.
5	<p>Number of Car Parking Spaces Excess number of car bays.</p>	<ul style="list-style-type: none"> The number of parking spaces is compliant with the requirements of the R-Codes. Parking spaces are underground do not add to the bulk or scale of the development.
6	<p>Open Space Being a multiple dwelling in a R20 zone area, the codes call for a 50% open space requirement.</p>	<ul style="list-style-type: none"> The plans have been amended to comply with open space requirements. Instead of building up to the boundary, as is permitted by the R20 coding, the proposed development maintains a high level of open space and landscaping along both the side and front boundaries.

7	<p>Zoning / Density <i>There are concerns that the proposed development will exceed the strata lot area required for 4 apartment dwellings.</i></p>	<ul style="list-style-type: none"> • The proposed development is seeking to replace four existing multiple dwellings with four new multiple dwellings. This is permitted pursuant to Clause 5.3.5 of Local Planning Scheme No. 3. Refer to the DA submission for an analysis of how the proposed development meets the requirements of Clause 5.3.5.
8	<p>Setbacks <i>The setbacks for the walls with major openings and balcony appear to be inadequate.</i></p>	<ul style="list-style-type: none"> • The plans have been revised such that all setbacks now comply. • Visual privacy setbacks comply with the exception of the front balcony to the northern boundary (refer to issue 3 above).
9	<p>Overshadowing <i>The bulk and scale of this building will result in a significant shadowing.</i></p>	<ul style="list-style-type: none"> • Overshadowing complies with the deemed-to-comply requirements of the R-Codes. • The building height and setbacks to the southern boundary comply with the deemed-to-comply requirements of the R-Codes. • The development is therefore deemed to be acceptable with regard to overshadowing.
10	<p>Retaining and Impacts on Adjoining Property <i>Concern about retaining and potential damage to adjoining property; request for dilapidation report to be provided.</i></p>	<ul style="list-style-type: none"> • The proposed retaining walls comply with the deemed-to-comply requirements of the R-Codes. • Possible damage to adjoining properties are not a relevant planning matter. However, the proponent would have no objection to prepare a dilapidation report, as requested.
11	<p>Natural ground levels <i>Query regarding accuracy of levels on the survey.</i></p>	<ul style="list-style-type: none"> • The ground levels referred to in the DMG submission are based on a 2007/08 survey. Our survey is current and accurately reflects the levels of the subject site.

SITE ANALYSIS

PREVAILING WEATHER CONDITIONS



CLIENT

PROJECT
50A MARGARET ST, COTTESLOE

PAGE DESCRIPTION

DATE
31.05.18

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SITE ANALYSIS

ACCESS & SERVICING



POTENTIAL VEHICLE ACCESS POINTS

PEDESTRIAN ACCESS

STREET TREES

LIGHT POLE

CLOSE PROXIMITY OF NEIGHBOURS

NEIGHBOURS PRIMARY OUTLOOK



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PROJECT
50A MARGARET ST, COTTESLOE

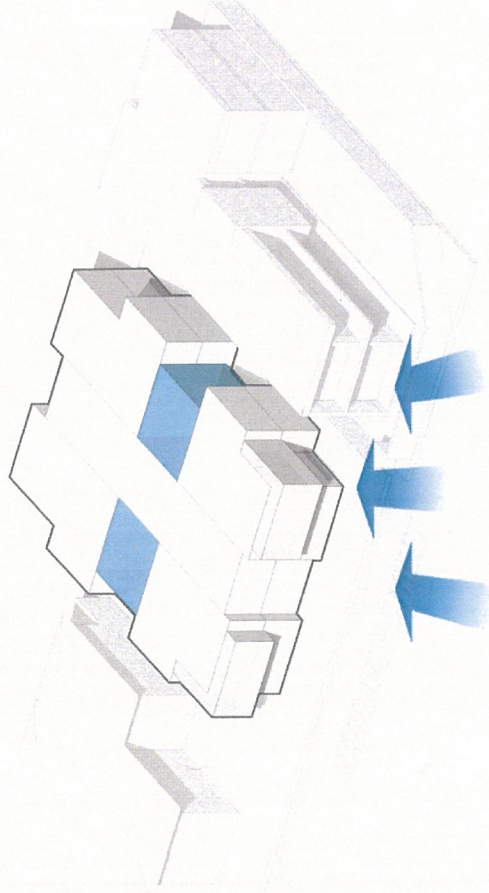
PHASE DESCRIPTION
SITE CONTEXT

DATE
31.05.18

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DESIGN APPROACH

RESPONDING TO SITE CONTEXT



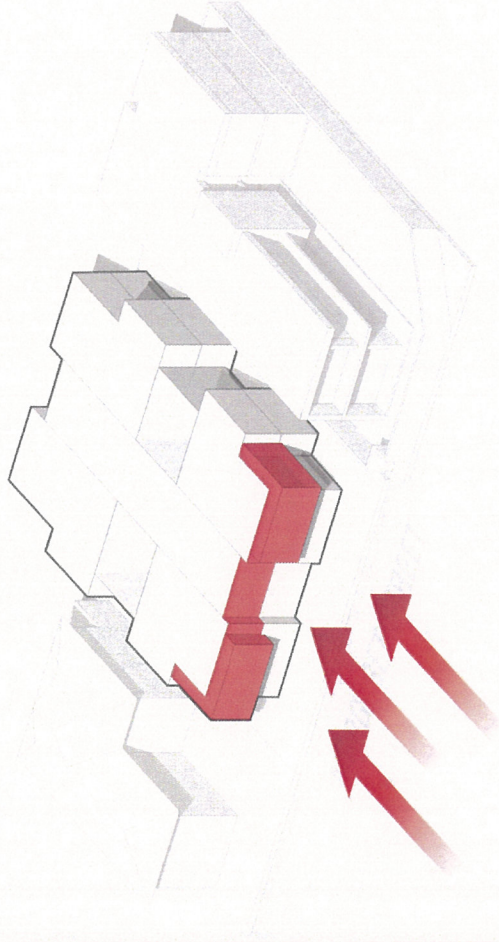
SEA BREEZE...

**SHELTERED COURTYARDS
OFFER PROTECTION
FROM COASTAL WIND**



DESIGN APPROACH

RESPONDING TO SITE CONTEXT



AFTERNOON SUN...

**LOUVERED SCREENS
PROVIDE PROTECTION FROM
HARSH AFTERNOON
SUN**



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50A MARGARET ST, COTTESLOE

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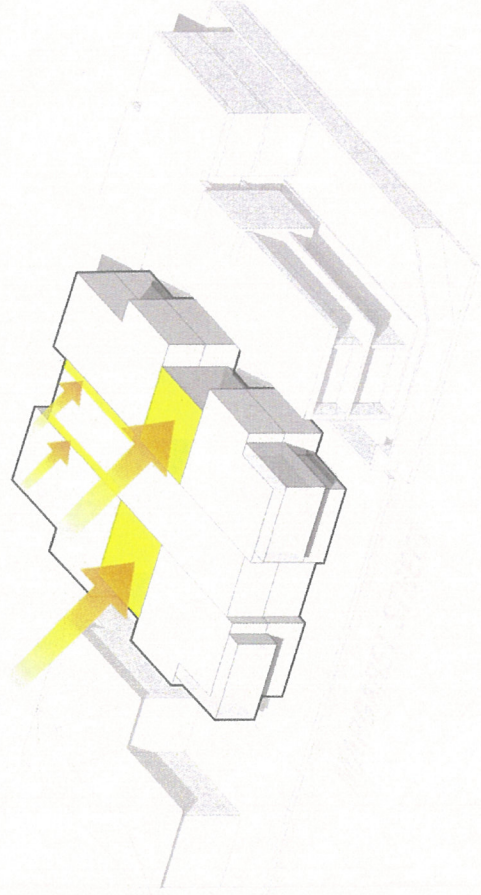
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DESIGN APPROACH

RESPONDING TO SITE CONTEXT



NORTHERN LIGHT...

**LOUVERED ROOF &
SKYLIGHTS ALLOW NORTHERN
SUN ACCESS TO COMMUNAL
AREAS & HALLWAYS**



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50A MARGARET ST, COTTESLOE

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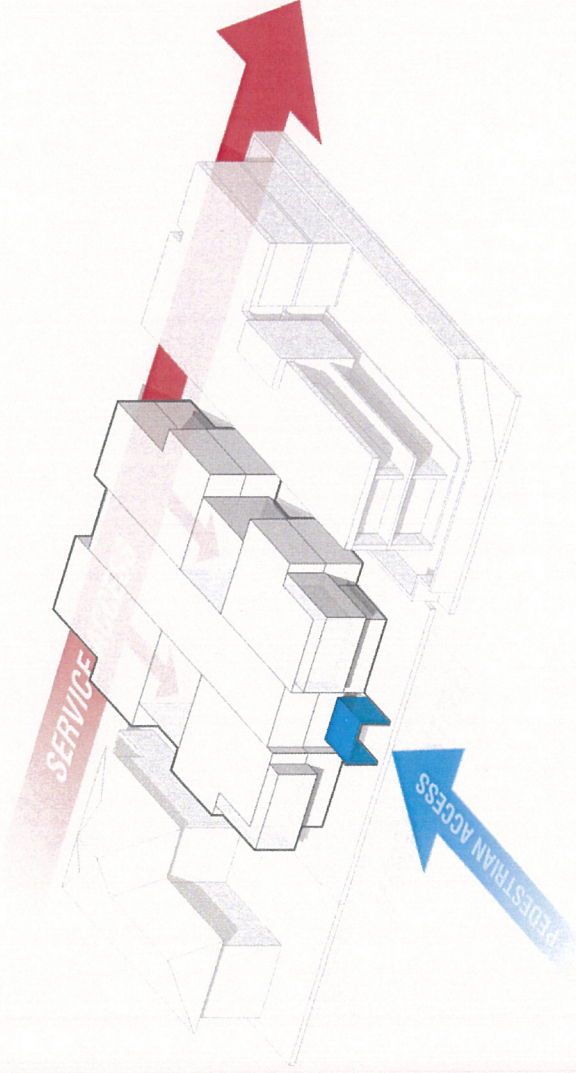
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DESIGN APPROACH

RESPONDING TO SITE CONTEXT



MULTIPLE ACCESS POINTS...

**PRIORITIZE PEDESTRIAN ENTRY
TO MARGARET ST BY REMOVING EXISTING
CROSSOVER, ENCOURAGE SERVICES AND
VEHICULAR ACCESS VIA LANEWAY**



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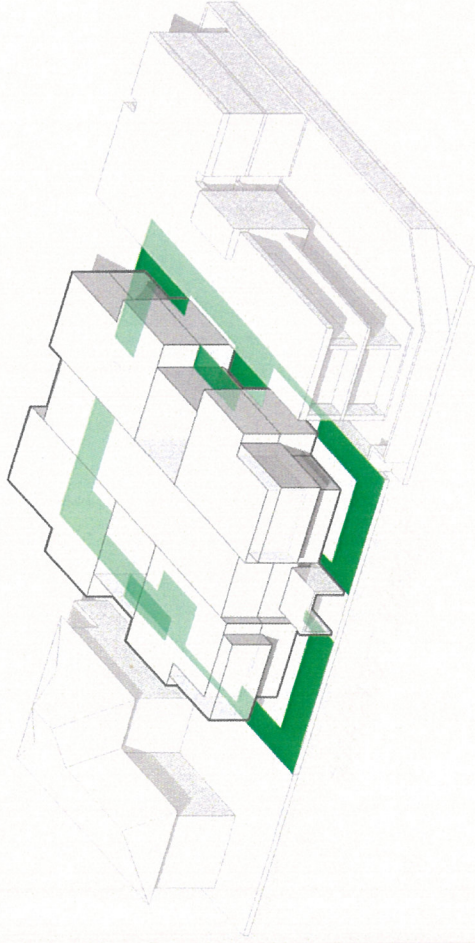
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DESIGN APPROACH

LANDSCAPING



LANDSCAPING...

THE BASEMENT DESIGN ALLOWS FOR
**GENEROUS DEEP SOIL AREAS ALONG
BOUNDARIES PROVIDING SIGNIFICANT
PLANTING ZONES TO BREAK UP VISUAL
BULK AND AID IN PRIVACY**



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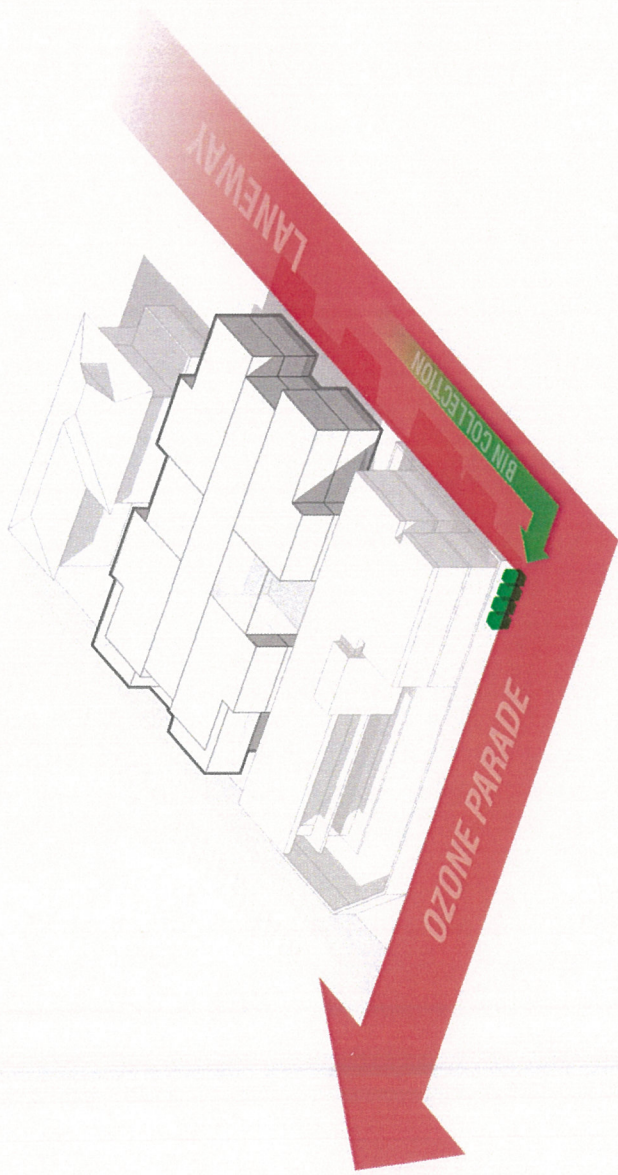
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DESIGN APPROACH

SERVICE ACCESS SEPARATION



WASTE

BIN COLLECTION

PROPOSED FROM

OZONE PARADE

VIA LANEWAY TO MATCH CURRENT

DEVELOPMENT APPROACH

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PROJECT

50A MARGARET ST, COTTESLOE

PHASE DESCRIPTION

DATE

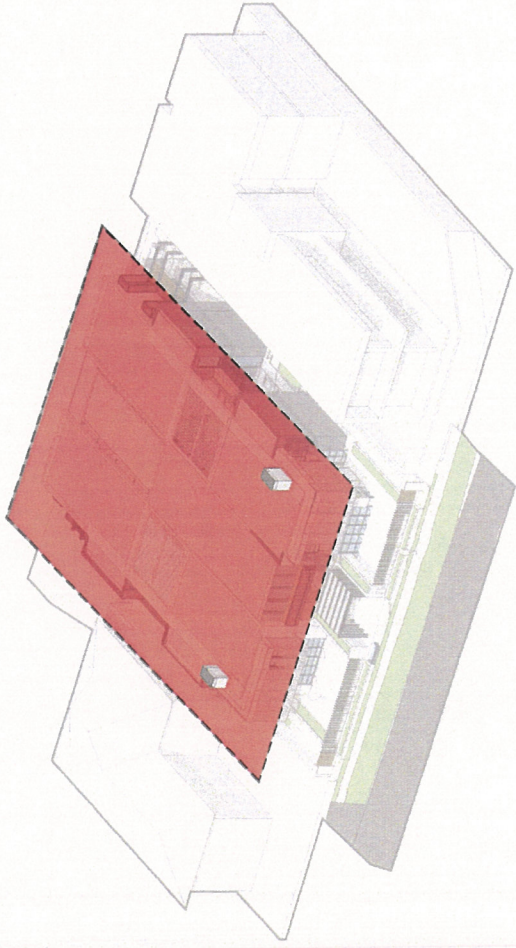
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PLANNING CONTROLS

BUILDING HEIGHT ENVELOPE



7M HEIGHT PLANE ABOVE INTERPOLATED NATURAL
GROUND LINE SHOWN IN RED

BUILDING HEIGHT

A height limit of 7m from Natural Ground level for a flat roof design is applicable for the site.

A surveyor has been engaged to provide an interpolated natural ground line survey for the site which is attached with the Development Application documentation.

All roof and parapet areas sit below this 7m height allowance. Chimneys protrude above this as minor projections.

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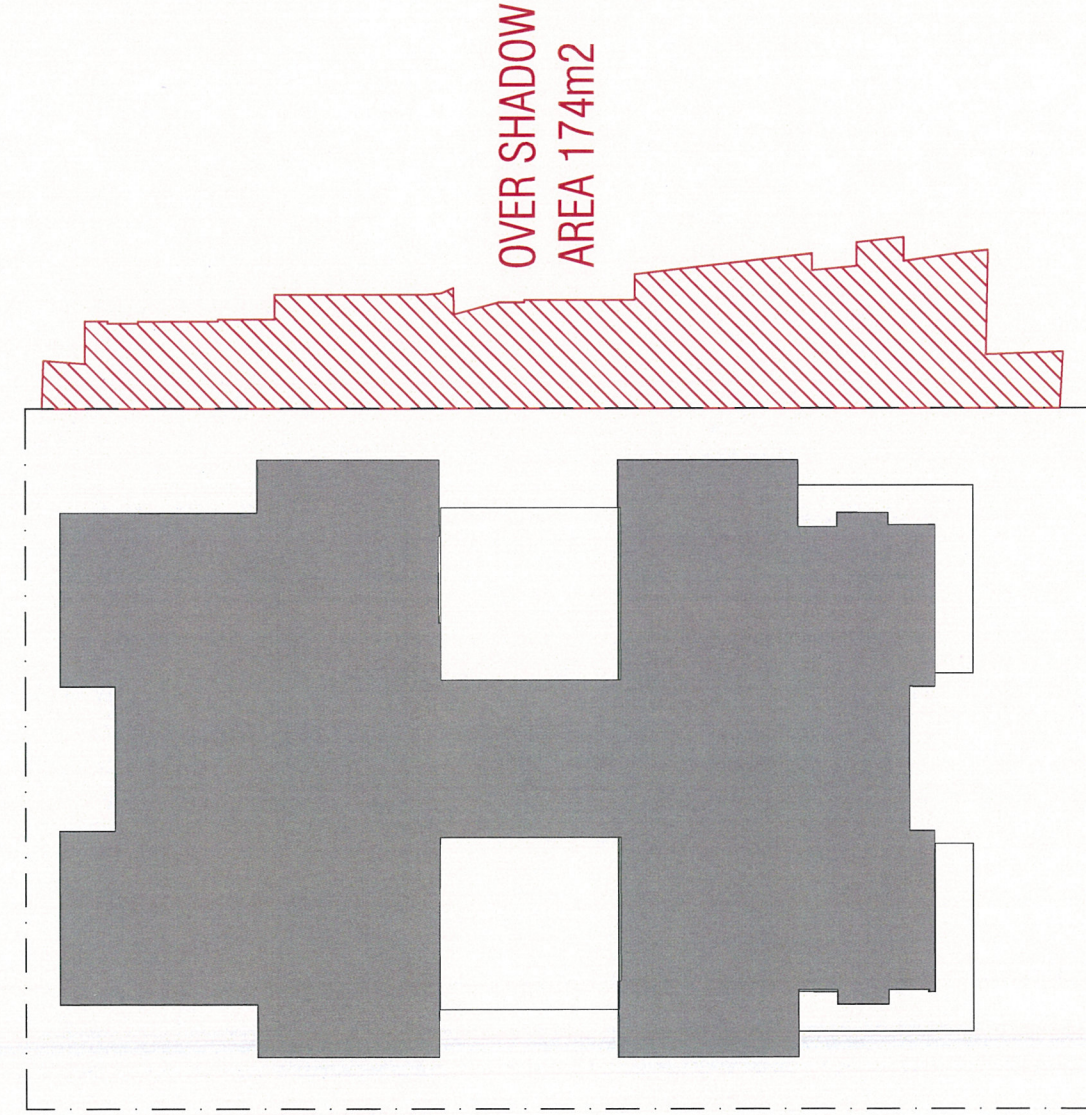
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PLANNING CONTROLS

OVERSHADOWING



SOUTHERN SITE OVERSHADOWING

On Midday 21st June the overshadowing on the Southern Site has been calculated at 174m².

The adjacent site's area is 816m². This equates to a percentage of 21.3% of the Site's area on this date and time and is compliant with the R Codes for this site.

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