

PS ref: 5946

9 September 2019

Town of Cottesloe
PO Box 606
Cottesloe WA 6911

Attention: Planning Services

Dear Sir/Madam,

**LOTS 4, 5 & 301 (5) WARTON STREET, COTTESLOE
PROPOSED EIGHT MULTIPLE DWELLINGS
SUBMISSION OF REVISED PLANS**

Planning Solutions acts on behalf of Cottesloe Investments WA Pty Ltd, the proponent of the proposed development at Lots 4, 5 and 301 (5) Warton Street (**subject site**).

Further to the Council's decision to defer consideration of the application at the Ordinary Council Meeting on 27 August 2019, we enclose a set of revised drawings for the Town's consideration. This letter discusses the changes and provides further commentary and analysis on the proposed development.

1. AMENDMENTS TO PLANS

In response to the Council's decision to defer consideration of this application at the past two Council meetings, the proponent has prepared a revised set of plans for the Town's consideration (**refer Appendix 1**).

The primary amendment to the plans is to increase the street setback by an additional 1m. This increases the proposed setback from a 4m minimum / 5m average setback to a **5m minimum / 6m average setback**. This is consistent with what the proponent offered prior to the August Council Meeting.

There are minor additional changes to the plans, primarily flow-on impacts from the increased street setback. These are listed in **Table 1** below and are also 'clouded' in red on the revised plans.

Table 1 – List of flow-on modifications to plans as a result of increasing the street setback

No.	Modifications	Comments / Notes
1	Revised basement car parking layout, reducing the number of bays from 19 to 17.	<ul style="list-style-type: none">The car lift has been moved further back which has necessitated a modified car parking layout in the basement.The proposed car park comprises one visitor bay and 16 residents' bays. The number of car bays remains compliant with the deemed-to-comply requirements of the R-Codes.
2	The rear courtyard of Apartment 1 reduces from 26.5m ² to 23m ² .	<ul style="list-style-type: none">This remains compliant with the minimum required area of 10m².



3	The rear landscaping strip has been increased from 1.5m wide to 2m wide.	
4	The pond is now located outside the lobby rather than inside the lobby.	

Please note the side and rear setbacks remain unchanged. The reduction in the street setback has been achieved by reducing the floorspace of the apartments.

2. PLANNING ANALYSIS

Street Setback

At the Agenda Forum Meeting on 20 August 2019 and Council Meeting on 27 August 2019, it appeared unclear to Council whether the setback which may be required under Clause 5.3.7 of the Scheme is a minimum or an average setback. It appears this matter has not been specifically broached in the officer's report, noting the officers had considered the 4m minimum / 5m average setback acceptable on merit.

For clarity, Clause 5.3.7 states:

*"Despite anything contained in the Residential Design Codes to the contrary, in the case of areas with a residential density code of R30, **the local government may require an R20 front setback of 6m to be applied**, for the preservation of streetscapes, view corridors and amenity."*

(emphasis added)

An R20 setback of 6m is an **average** setback requirement, pursuant to Clause 5.1.2 C2.1(iii) of the R-Codes. This means the street setback may be reduced to less than 6m providing there is equal or greater compensating area behind the street setback line. The enclosed plans demonstrate the development meets a 6m average street setback by providing greater open space behind the street setback line than there is building in front of the setback line.

We do not consider Clause 5.3.7 could reasonably be interpreted as a minimum setback requirement given the clause does not refer to a minimum setback and particularly given the explicit reference to the R20 setback, which allows for averaging. As such, we consider the revised plans meet the requirements of Clause 5.3.7 in full and there is no further discretion which can be applied to increase the setback further and/or oppose the application for reasons relating to the street setback.

Impact on Views

A revised view analysis is provided in **Attachment 2**. The view analysis compares the existing views with the previous plans and the current plans. By increasing the street setback from 4m to 5m, the view toward the ocean broadens by 7 degrees. The analysis in Attachment 2 shows this visually, demonstrating a generous increase in the views which are afforded to the front balcony and courtyard of No. 7 and No. 9 Warton Street, Cottesloe respectively.

Notwithstanding, the proposal can now be adjudged to meet the requirements of Clause 5.3.7 and the consideration of view impacts is no longer required from a technical perspective.

Open Space

The revisions have **increased the open space from 41.3% to 44.0%**. This leaves the proposal just 9m² or 1% below the deemed-to-comply requirement of 45%.

For clarity, the rooftop terraces have not been included in the open space calculations. The calculated area is depicted in **Appendix 1**.

Whilst the open space still requires a design principle assessment, this element is considered acceptable for the same reasons presented in our initial submission dated 4 April 2019 and the officer's report to the August Council Meeting.

3. SUMMARY

The enclosed plans propose an increased street setback from 4m minimum / 5m average to 5m minimum / 6m average. It is considered the plans now meet the requirements of Clause 5.3.7 of LPS3 by providing a setback which meets the deemed to comply requirements under the R20 density code. By increasing the setback, the view analysis demonstrates the views open up to give the neighbouring landowners a broader view toward the ocean from their front balconies and courtyards. The revisions have also increased the open space from 41.3% to 44%.

Owing to the above, it is considered the proposed development warrants approval from Council. It is respectfully requested that the revised plans are presented at the September Ordinary Council Meeting.

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

Yours faithfully,



**TRENT WILL
ASSOCIATE**

**ATTACHMENT 1
REVISED DEVELOPMENT PLANS**

OPEN SPACE

ISSUE	DATE	AMENDMENT	CHECKED
E	02.09.19	PLANNING REVISIONS	PA

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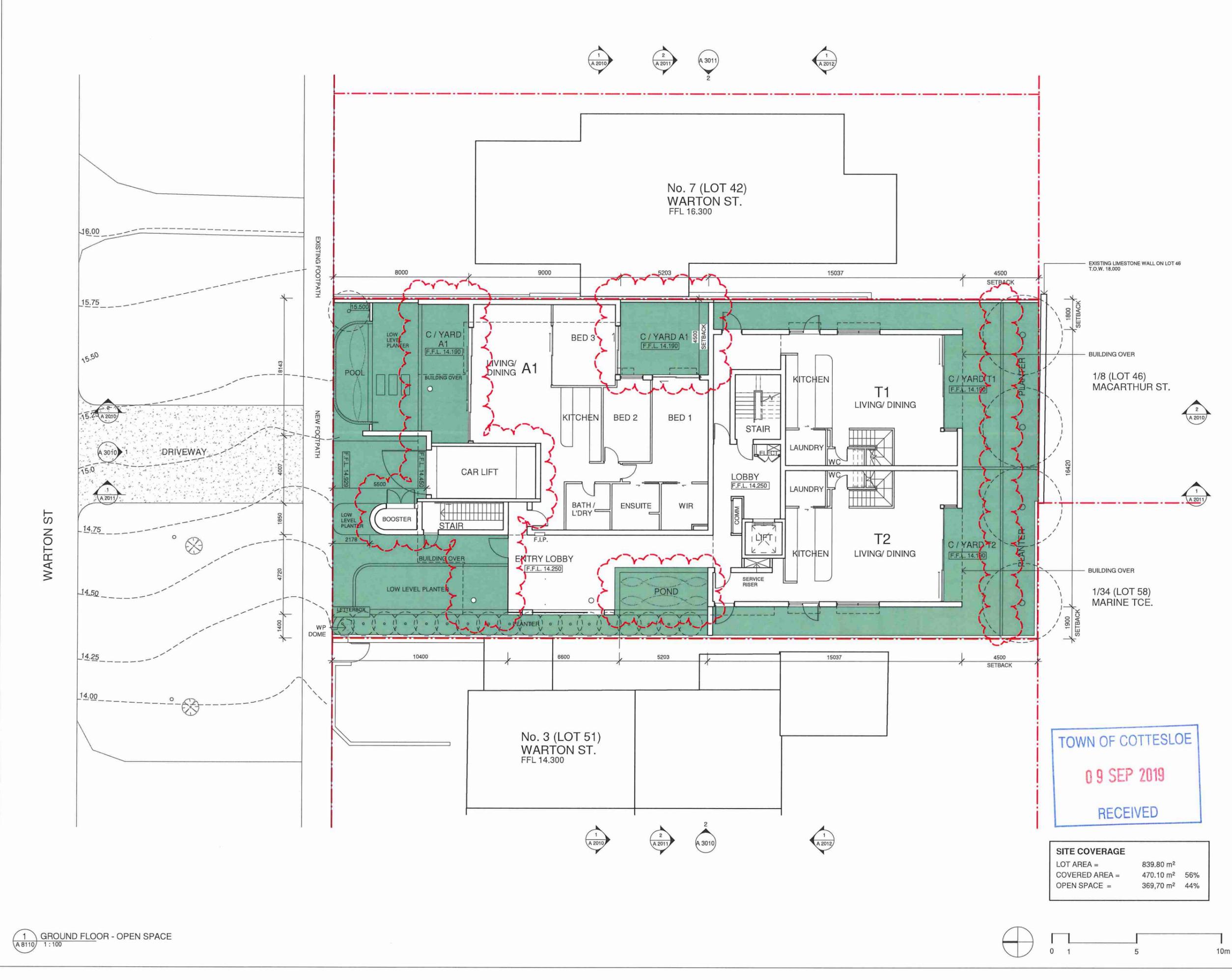
PROJECT REF
WARTON ST APTS 19001
 ADDRESS
 5 WARTON ST COTTESLOE, WA

SCALE @ A1
1 : 100

DRAWN	CHECKED	APPROVED
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DRAWING TITLE
GROUND FLOOR OPEN SPACE
Figured dimensions take precedence over scale. Verify dimensions on site.

DRAWING NUMBER	ISSUE	DATE
A 8110	E	09/05/19



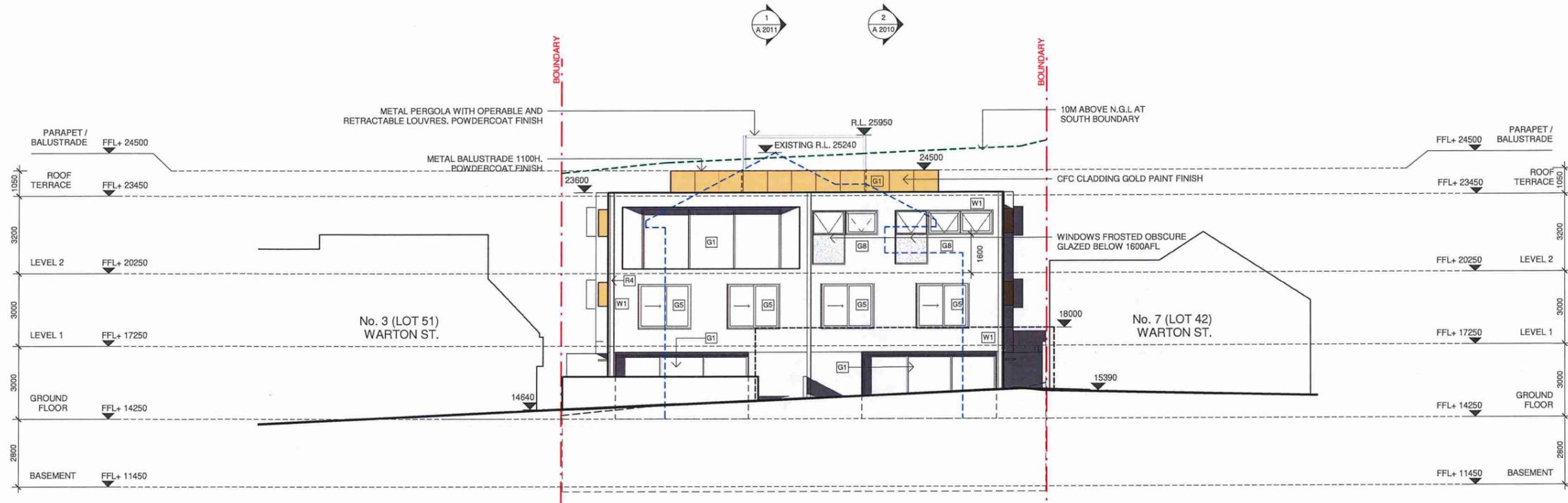
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SITE COVERAGE

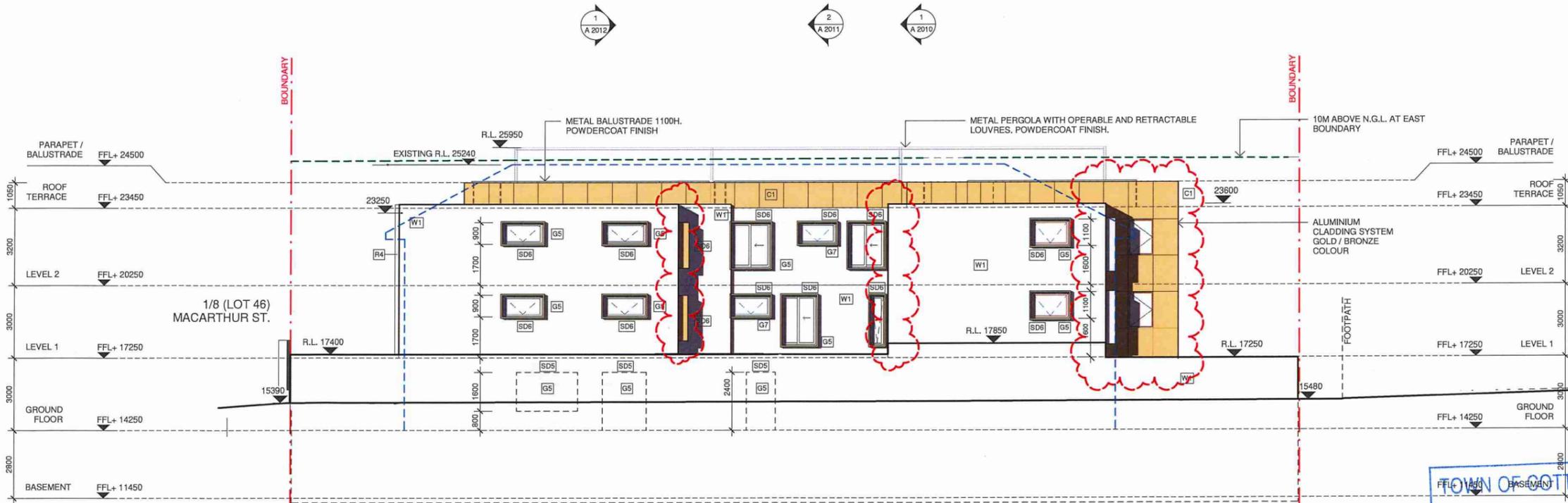
LOT AREA =	839.80 m ²	
COVERED AREA =	470.10 m ²	56%
OPEN SPACE =	369.70 m ²	44%

1 GROUND FLOOR - OPEN SPACE
 A 8110 1 : 100



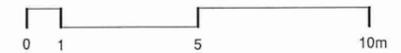


1 SOUTH ELEVATION
A 3011 1:100



2 EAST ELEVATION
A 3011 1:100

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E	02.09.19	PLANNING REVISIONS	PA

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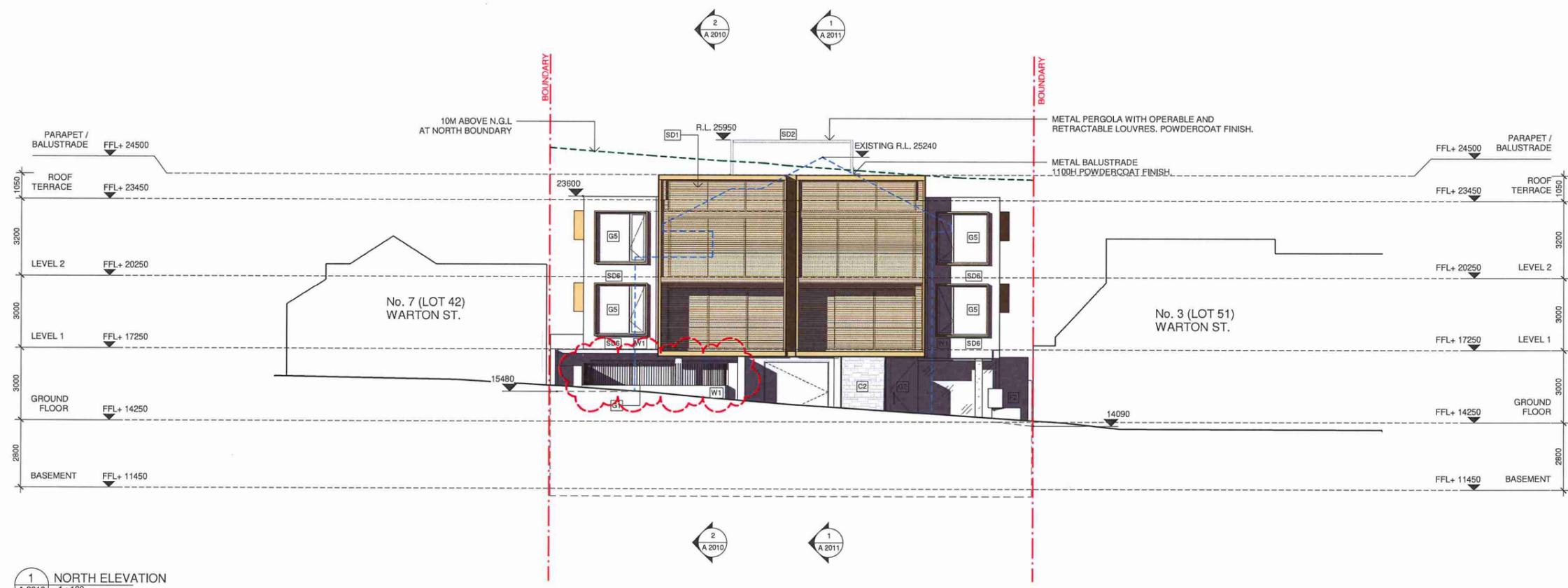
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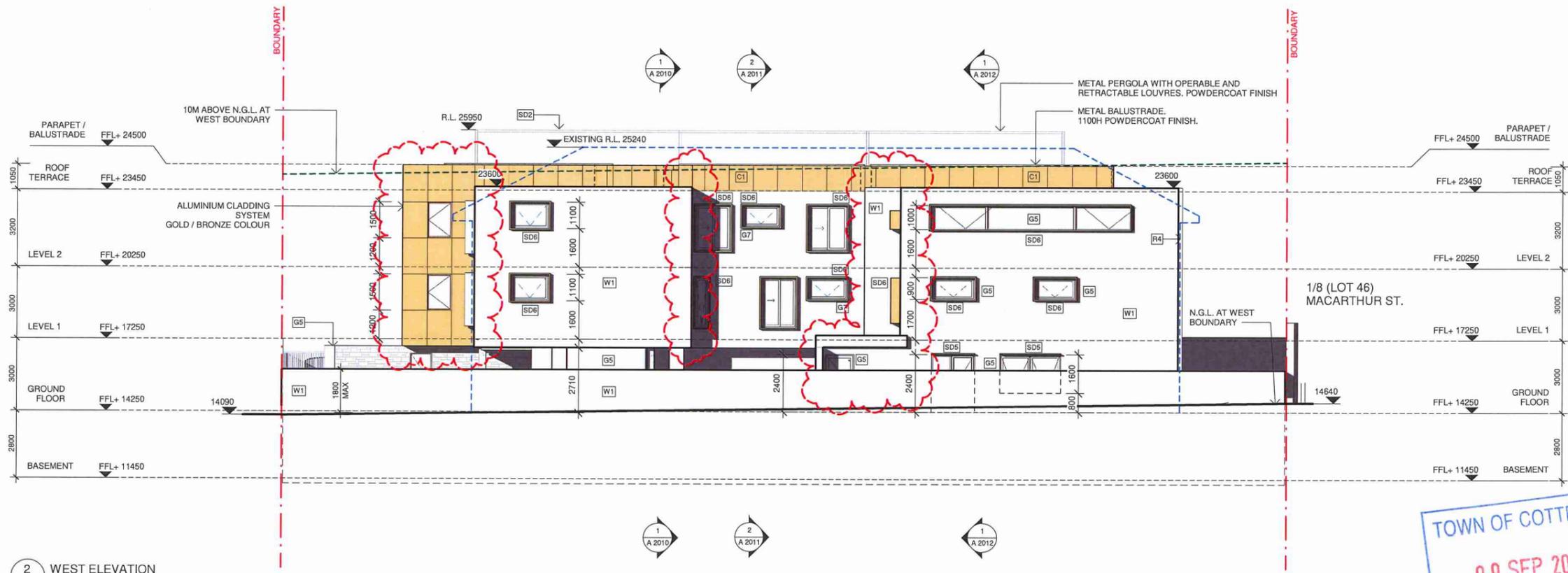
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SOUTH & EAST ELEVATION

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A 3011	E	05/31/19



1 NORTH ELEVATION
A 3010 1:100



2 WEST ELEVATION
A 3010 1:100



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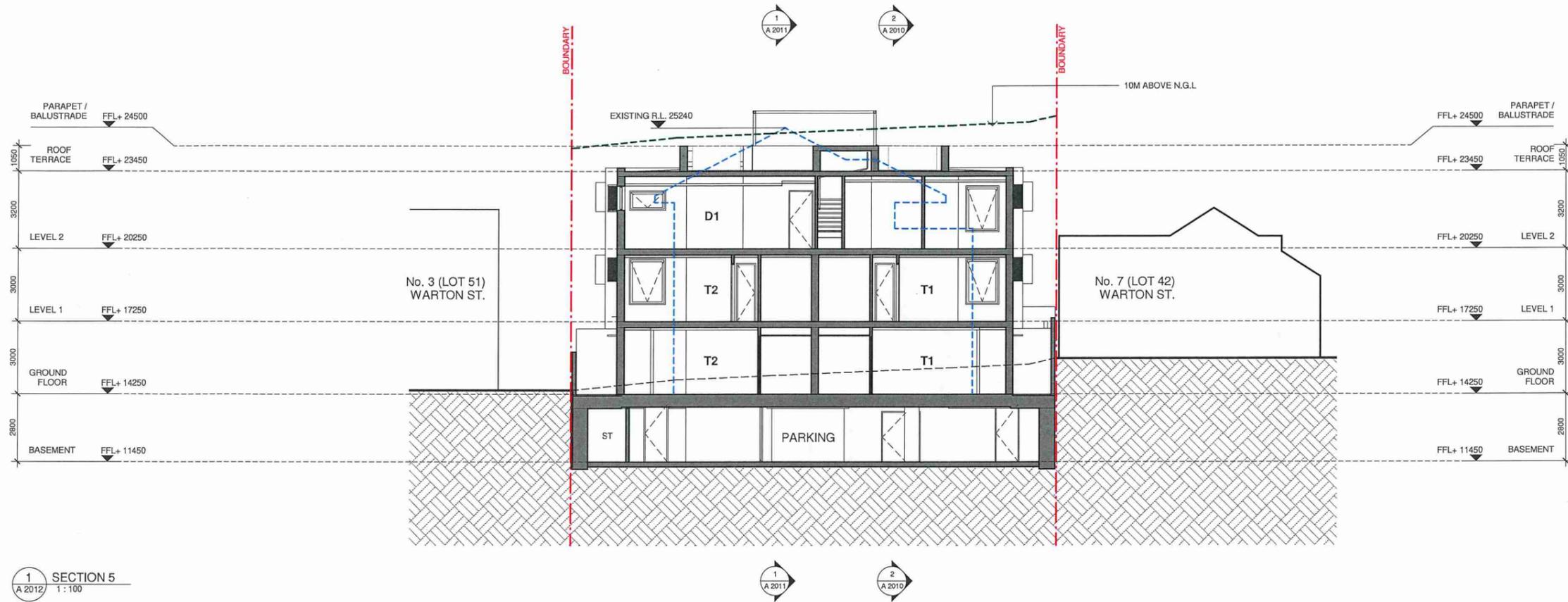
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A 3010	E	05/31/19



1 SECTION 5
A 2012 1 : 100

ISSUE	DATE	AMENDMENT	CHECKED
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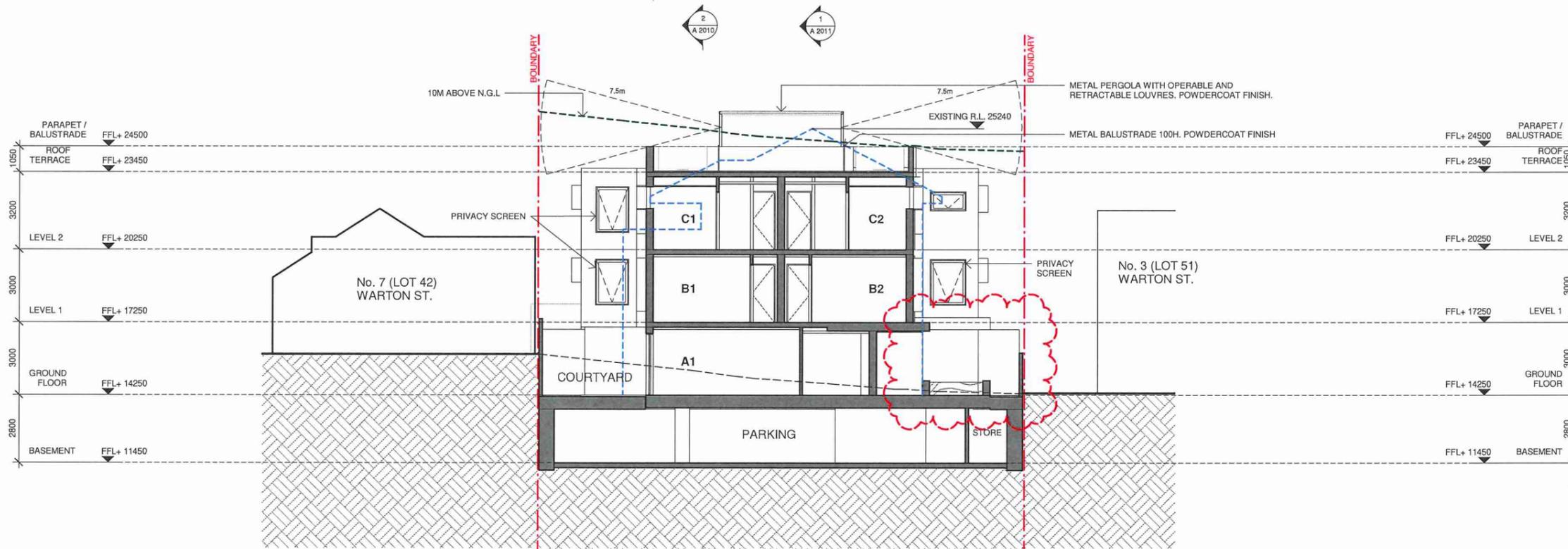
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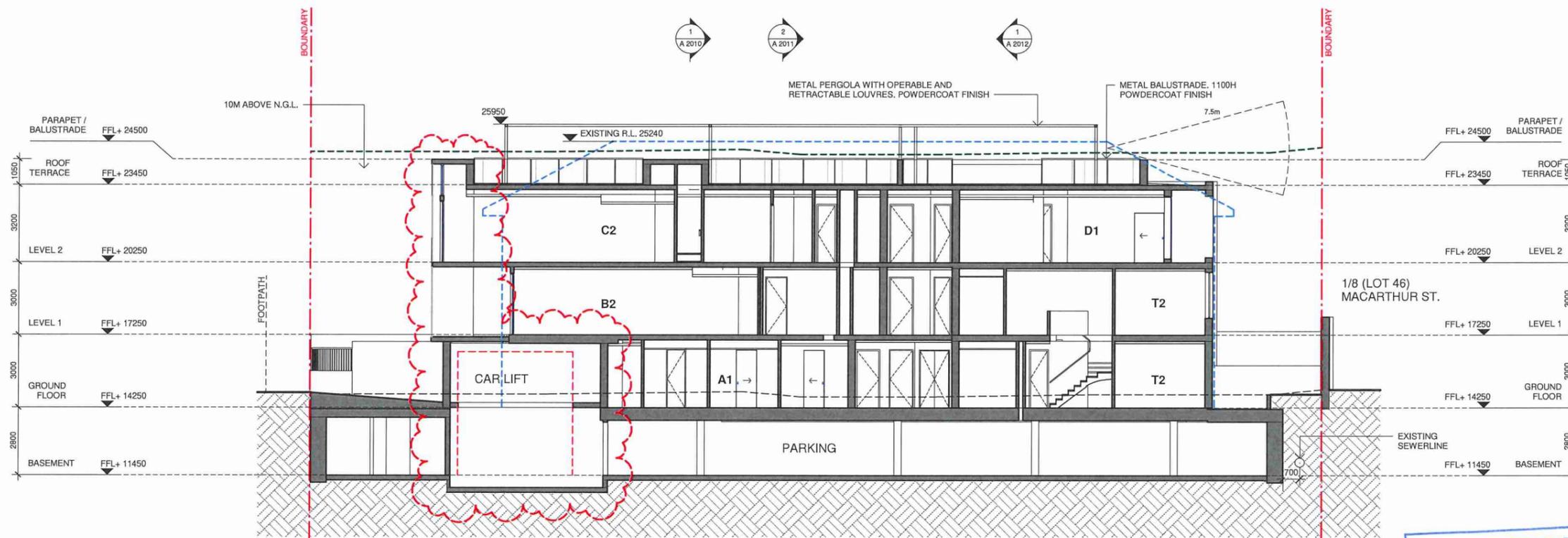
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A 2012	E	08/27/19

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2 SECTION 3
A 2011 1:100



1 SECTION 4
A 2011 1:100

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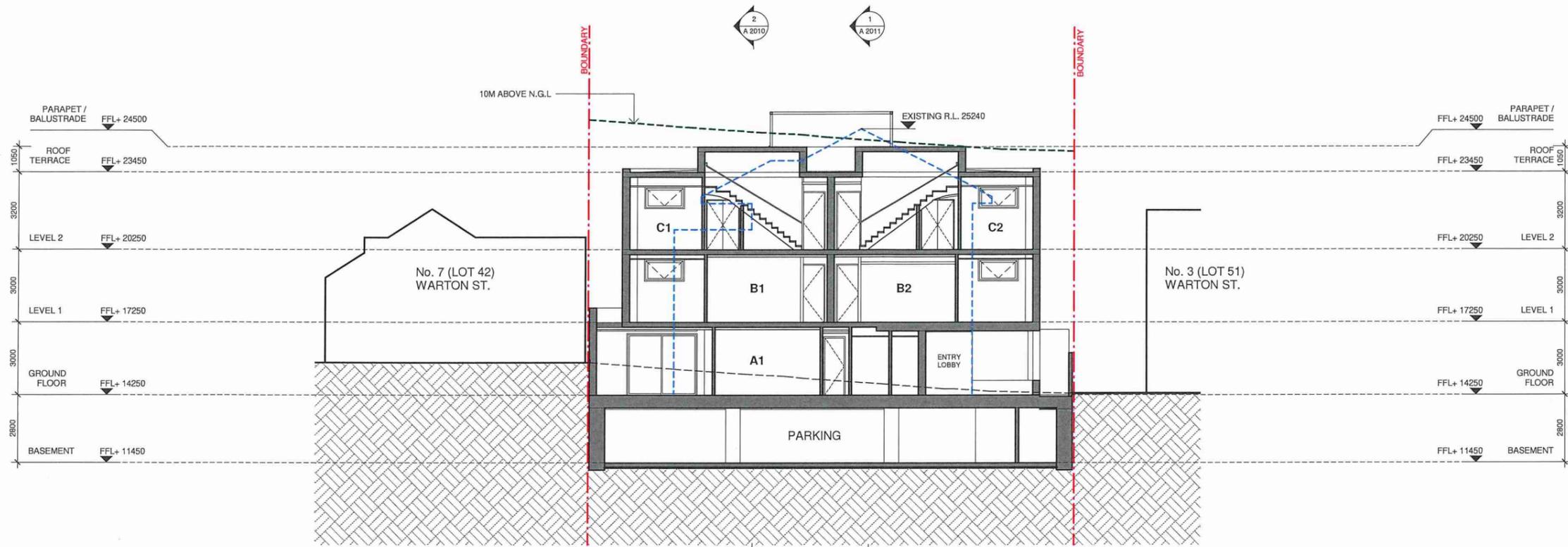
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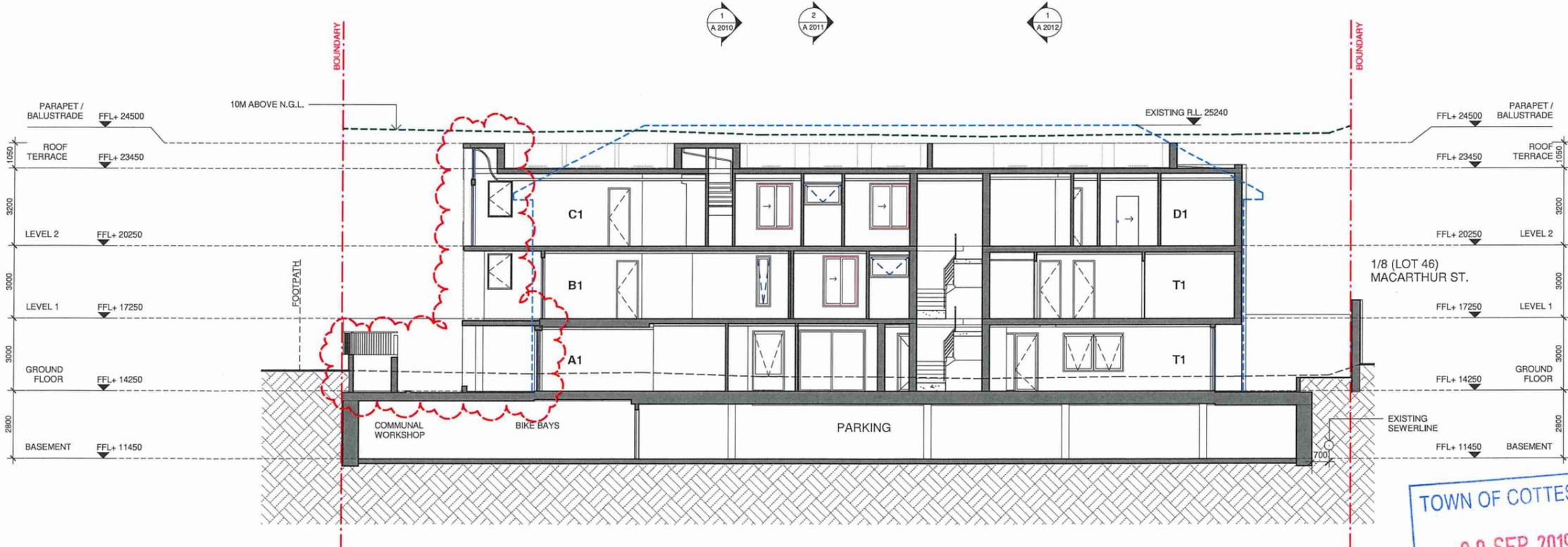
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2 SECTION 2
A 2010 1:100

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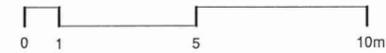
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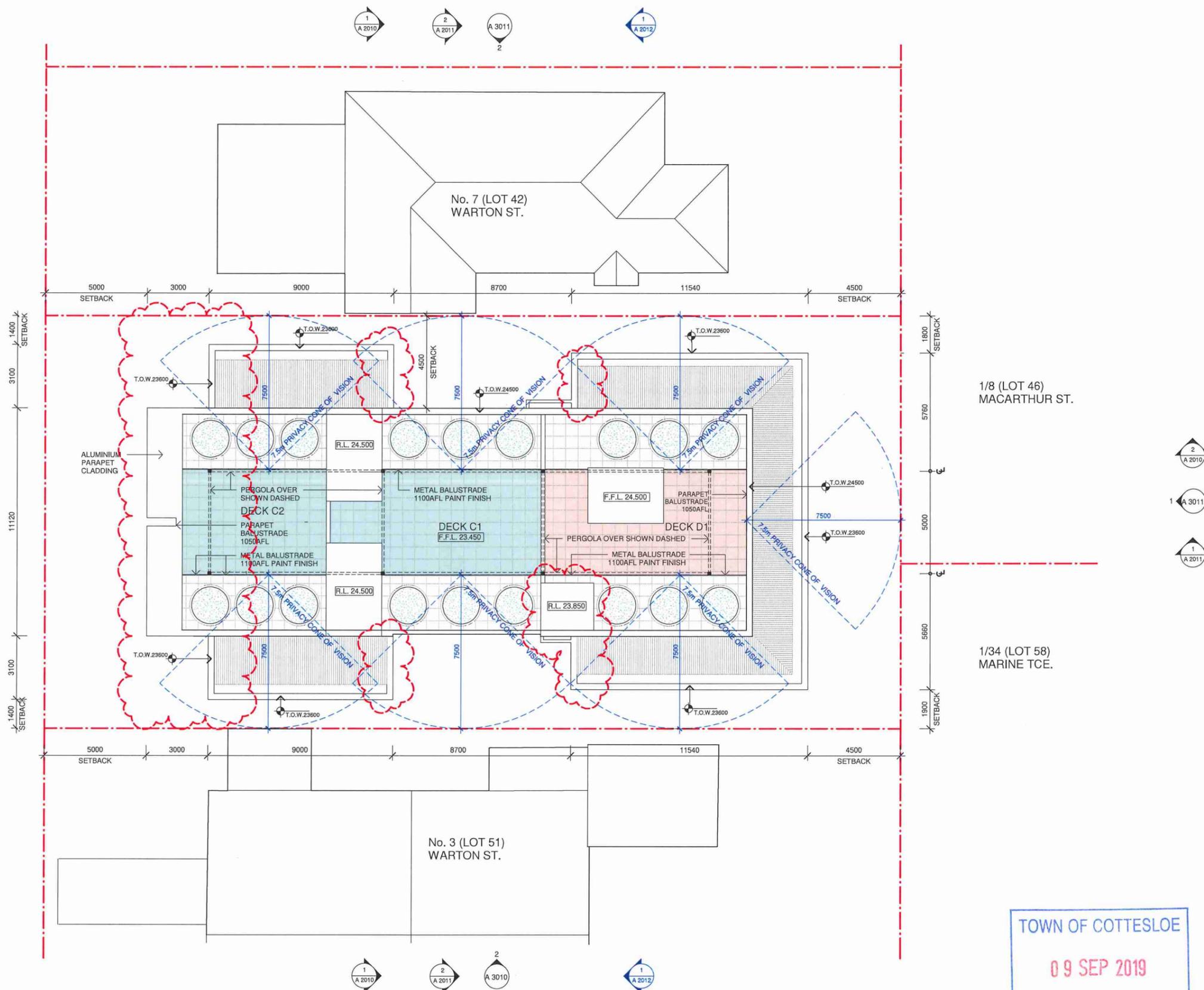
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A 2010

A 3010 1

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A 2011

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A 2010

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A 3011

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A 2011

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A 1014

ROOF TERRACE
1:100



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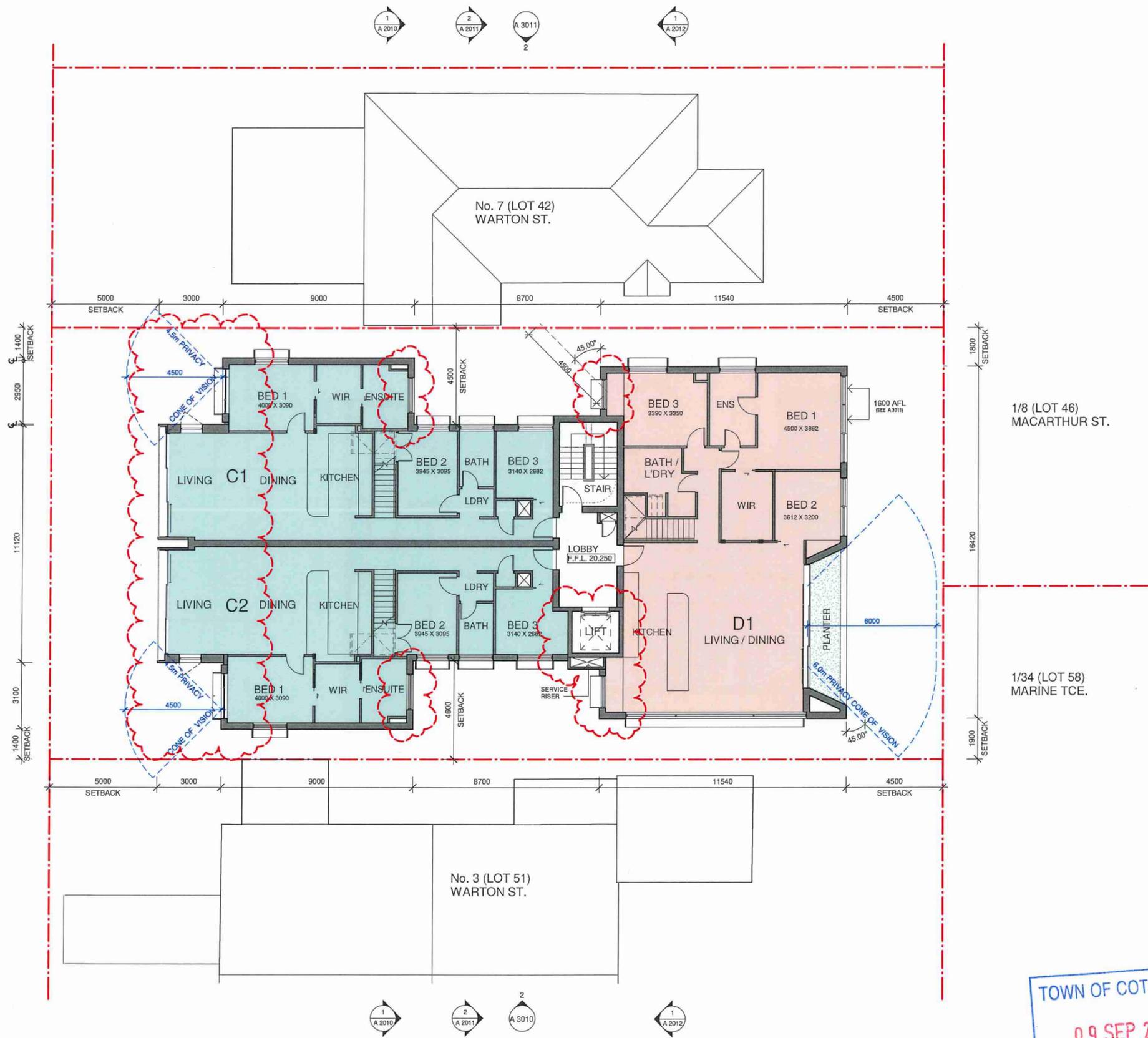
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GA PLAN

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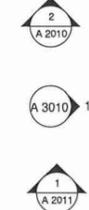
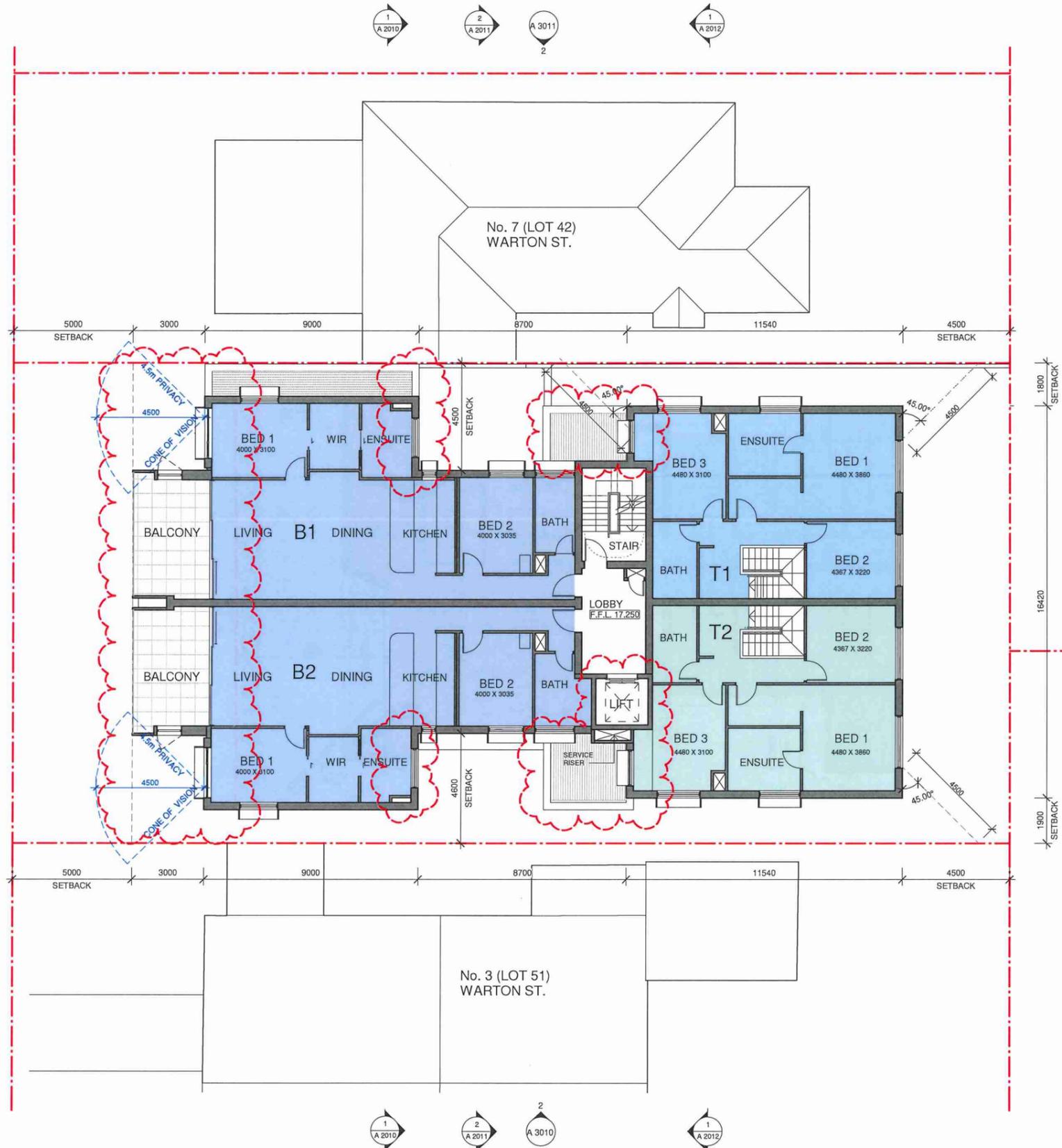
LEVEL 2
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1 LEVEL 2
A 1013 1:100



1 LEVEL 1
A 1012 1:100



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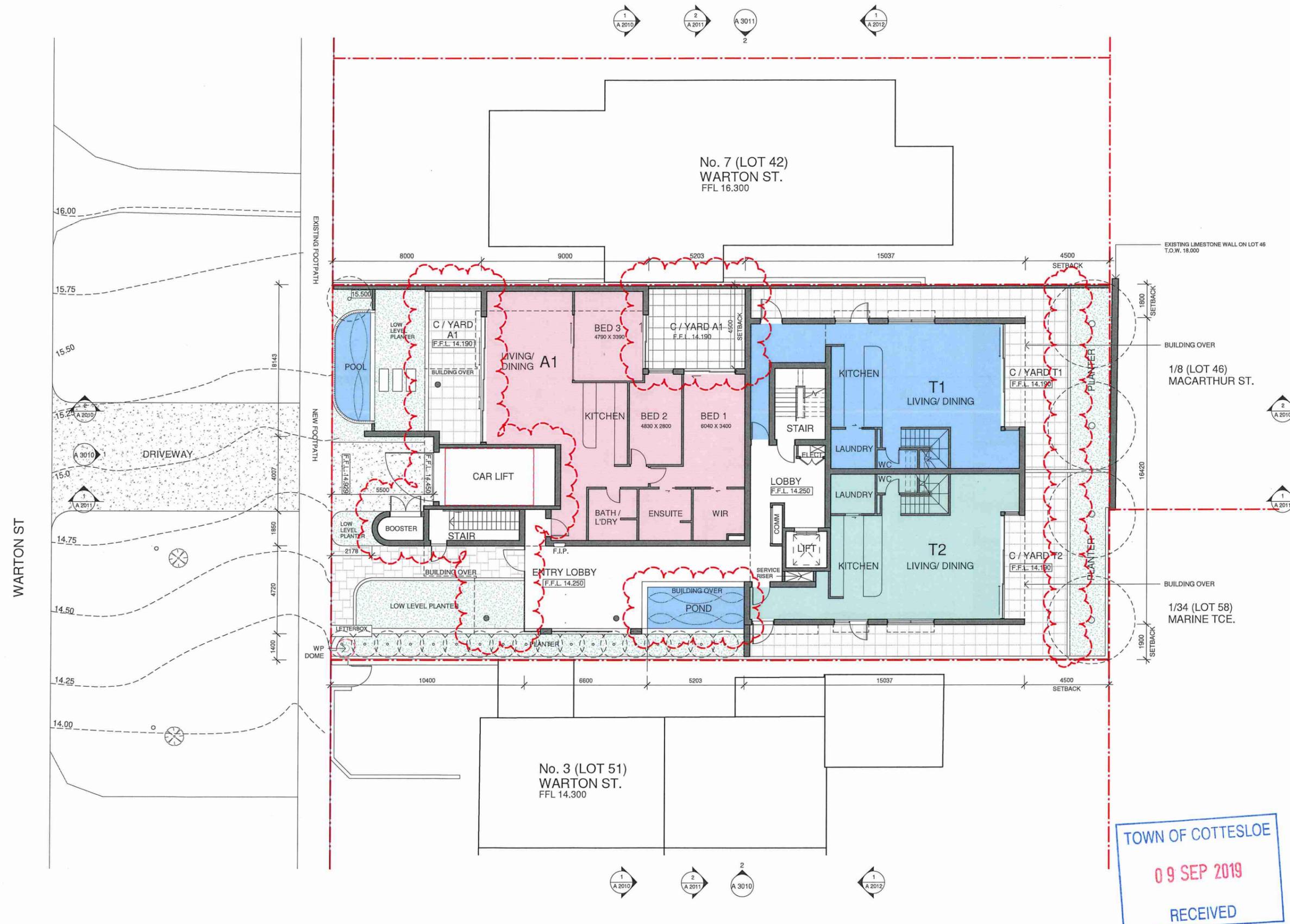
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LEVEL 1
GA PLAN

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A 1012	E	05/30/19



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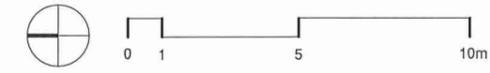
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GROUND FLOOR GA PLAN

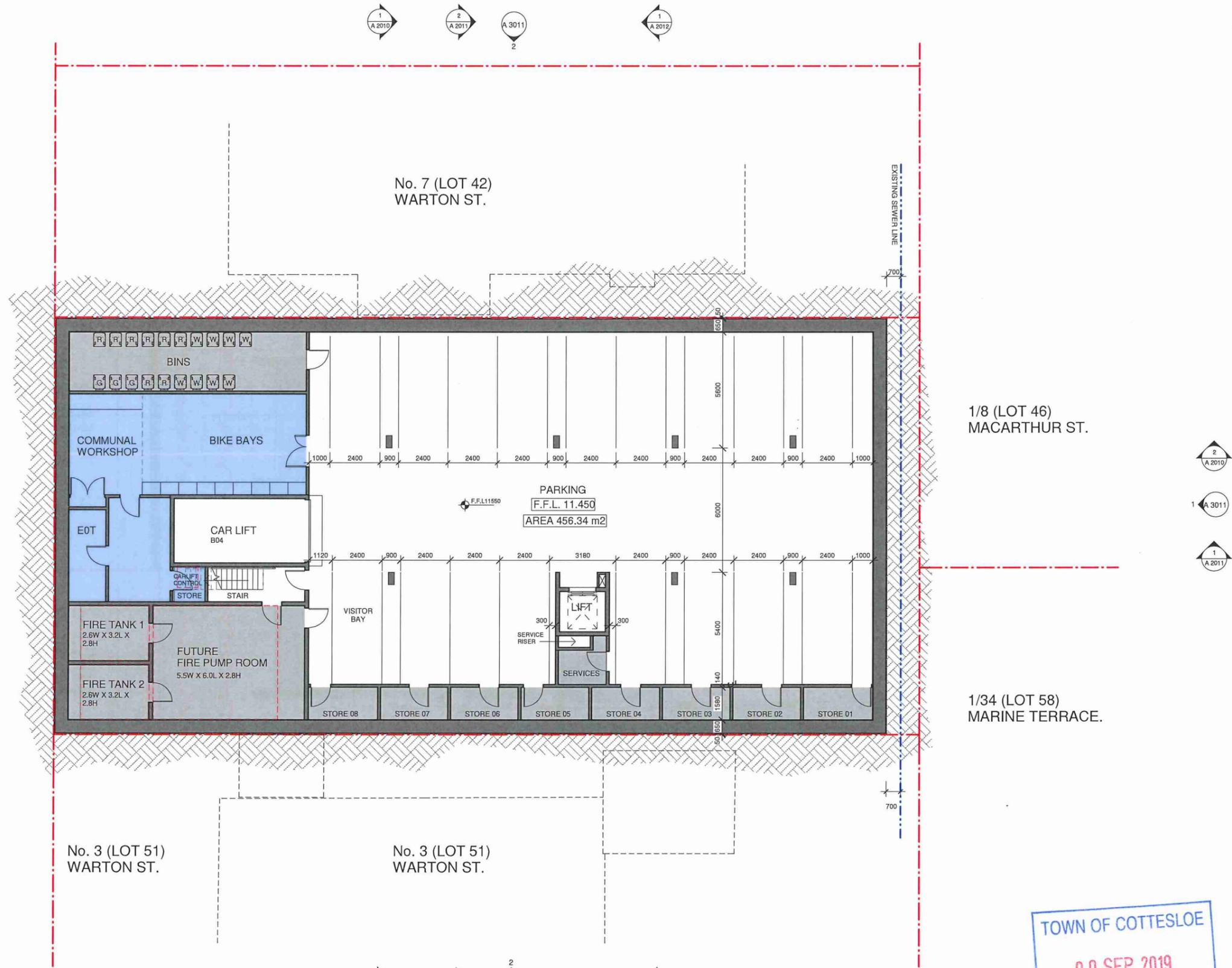
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1 GROUND FLOOR
A 1011 1 : 100





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BASEMENT GA PLAN

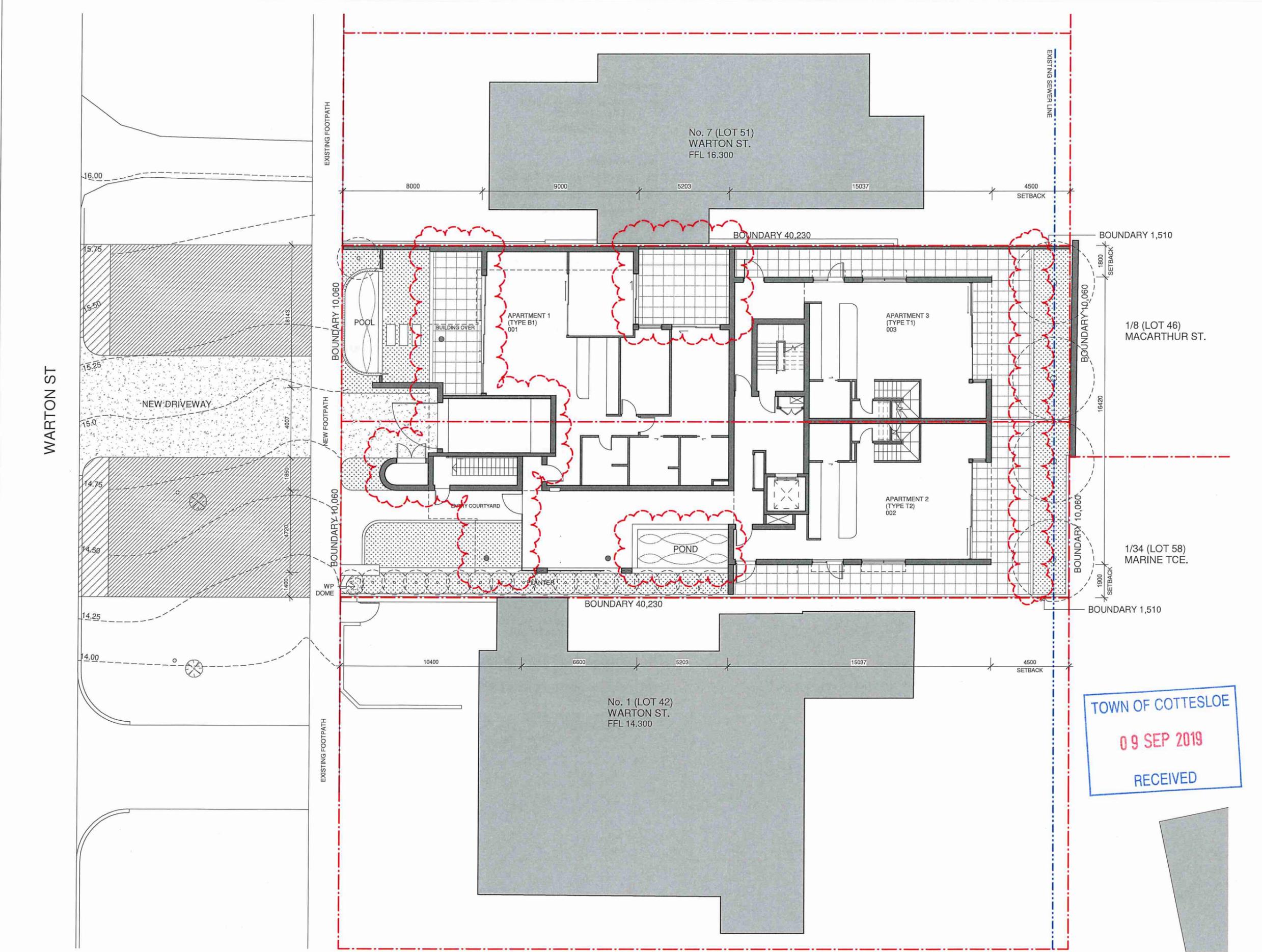
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DRAWING NUMBER	ISSUE	DATE
A 1010	E	06/21/19



1 BASEMENT
A 1010 1 : 100





NOTES / LEGEND / MATERIALS

- FOR PAVEMENT & LANDSCAPING DETAILS SEE LANDSCAPE ARCHITECT DRAWING PACKAGE.
- HATCH DENOTES LANDSCAPE AND CIVIL WORKS WITHIN PROPOSED PROJECT BOUNDARY
 - HATCH DENOTES LANDSCAPE AND CIVIL WORKS OUTSIDE PROPOSED PROJECT BOUNDARY
 - HATCH DENOTES STRUCTURAL ELEMENT
 - BOUNDARY LINE
 - EXISTING SEWER LINE

ISSUE	DATE	AMENDMENT	CHECKED
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ADDRESS: **5 WARTON ST COTTESLOE, WA**

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GROUND FLOOR SITE PLAN

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A 0010	E	08/19/19

1 GROUND FLOOR SITE PLAN
A 0010 1:100



MATERIALS AND FINISHES LEGEND

CLADDING (C)

- C1 ALUMINIUM CLADDING SYSTEM. GOLD/BRONZE COLOUR
- C2 LIMESTONE CLADDING

WALL FINISHES (W)

- W1 RENDERED FINISH – WHITE COLOUR
- W2 RENDERED FINISH – AMBER COLOUR
- W3 RENDERED FINISH – DARK GREY COLOUR

ROOFING (R)

- R1 PROFILED STEEL SHEET ROOFING. COLOURBOND FINISH – DARK GREY COLOUR
- R3 PHOTOVOLTAIC PANELS
- R4 DOWNPIPES. COLOURBOND FINISH – DARK GREY COLOUR
- R5 GUTTERS. COLOURBOND FINISH – DARK GREY COLOUR

GLAZING (G)

- G1 SLIDING STACKER DOORS. POWDERCOAT FINISH – DARK GREY COLOUR
- G2 FRAMELESS GLAZING AND PIVOT DOOR
- G3 FRAMELESS GLASS BALUSTRADE
- G4 SLIDING DOOR WITH SIDE-LIGHT. POWDERCOAT FINISH – DARK GREY COLOUR. GREY TINTED GLASS
- G5 CASEMENT/AWNING WINDOW. ALUMINIUM FRAME WITH POWDERCOAT FINISH – DARK GREY COLOUR
- G6 OPERABLE SKYLIGHT ROOF HATCH
- G7 RIBBED GLASS (TRANSLUCENT)

SHADING DEVICES (SD)

- SD1 ALUMINIUM LOUVRES – ADJUSTABLE AND RETRACTABLE. GOLD/BRONZE COLOUR
- SD2 PERGOLA WITH OPERABLE AND RETRACTABLE LOUVRES. POWDERCOAT FINISH. – DARK GREY COLOUR
- SD4 ALUMINIUM HORIZONTAL SHADE SYSTEM WITH FIXED LOUVRES.
- SD5 ALUMINIUM HORIZONTAL SHADING DEVICE. – WHITE COLOUR
- SD6 ALUMINIUM "PICTURE FRAME" SHADING DEVICE

DOORS/GATES (DG)

- DG1 AUTOMATIC GATE. PERFORATED ALUMINIUM PANELS – DARK GREY COLOUR
- DG2 GARAGE DOOR. POWDERCOAT FINISH – DARK GREY COLOUR

HARD LANDSCAPE (HL)

- REFER TO LANDSCAPE PLAN
- HL1 COBBLESTONE PAVING. – LIMESTONE/SANDSTONE COLOURING
- HL2 EXPOSED AGGREGATE CONCRETE PAVING. – LIMESTONE/SANDSTONE COLOURING
- HL5 PLANTER BED
- HL6 RETAINING WALL
- HL11 POND
- HL12 STATUE
- HL17 STEEL BALUSTRADE @1100 AFL. – PAINT FINISH.
- HL19 EXPOSED AGGREGATE CONCRETE DRIVEWAY

SOFT LANDSCAPE (SL)

- REFER TO LANDSCAPE PLAN
- SL1 NATIVE LANDSCAPING
- SL2 GRASS
- SL3 HEDGE
- SL4 TREE

FIXTURES + FITTINGS (F)

- F1 RETRACTABLE CLOTHES LINE. POWDERCOAT FINISH – DARK GREY COLOUR
- F2 BESPOKE LETTER BOX – PAINT FINISH
- F3 BIKE RACK

STATUS

DA

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CLIENT

PENNOCK ARCHITECTS
www.pennockarchitects.com.au

PROJECT REF

WARTON ST APTS 19001

ADDRESS
5 WARTON ST COTTESLOE, WA

SCALE @ A1

DRAWN	CHECKED	APPROVED
PA	PA	PA

DRAWING TITLE

MATERIALS AND FINISHES LEGEND

Figured dimensions take precedence over scale. Verify dimensions on site.

DRAWING NUMBER	ISSUE	DATE
A 0006		09/04/19



**ATTACHMENT 2
VIEW ANALYSIS**

TOWN OF COTTESLOE
09 SEP 2019
RECEIVED

VIEWS FROM 7 WARTON STREET



Figure 1: Existing View

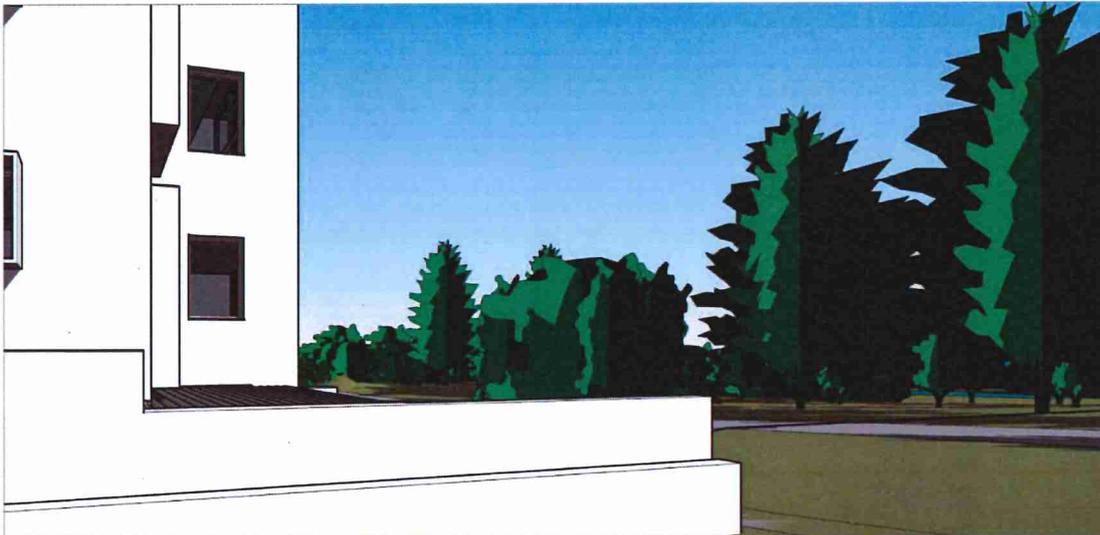


Figure 2: Previous proposal considered by Council (4m minimum / 5m average street setback)

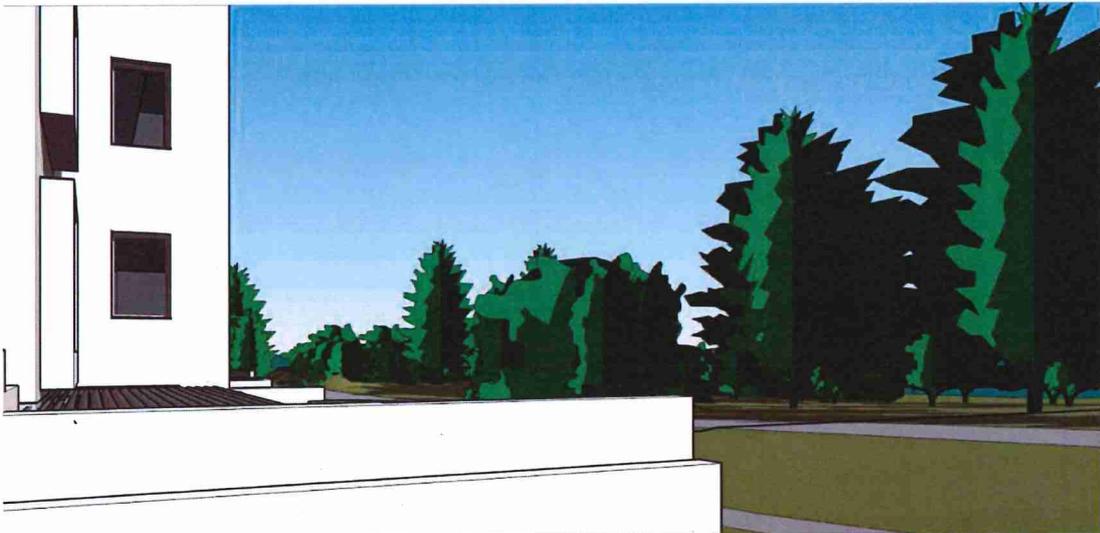


Figure 3: Current proposal (5m minimum / 6m average setback)

IEWS FROM 9 WARTON STREET

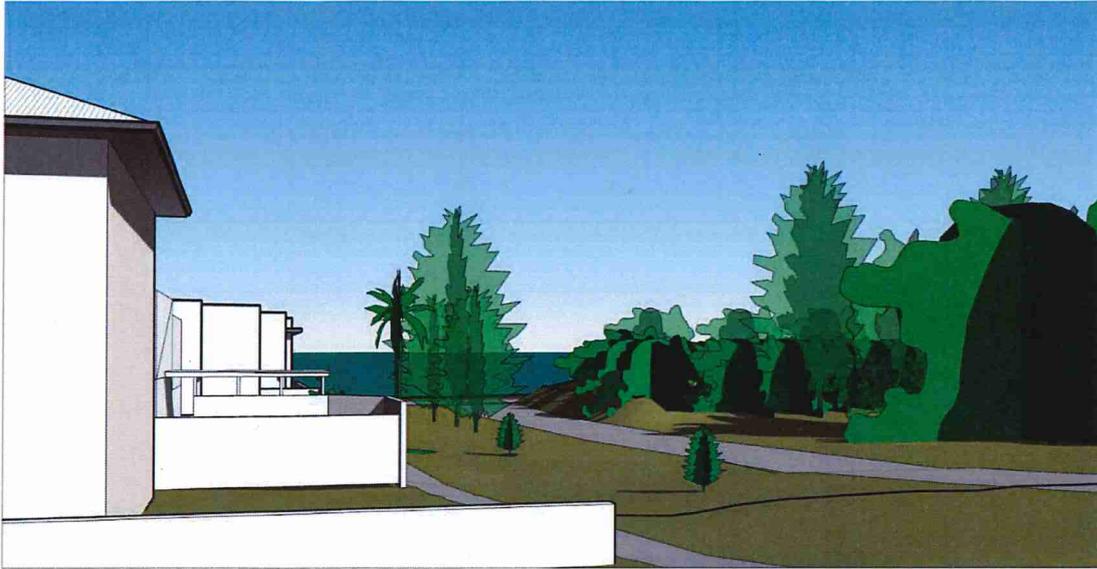


Figure 4: Existing View

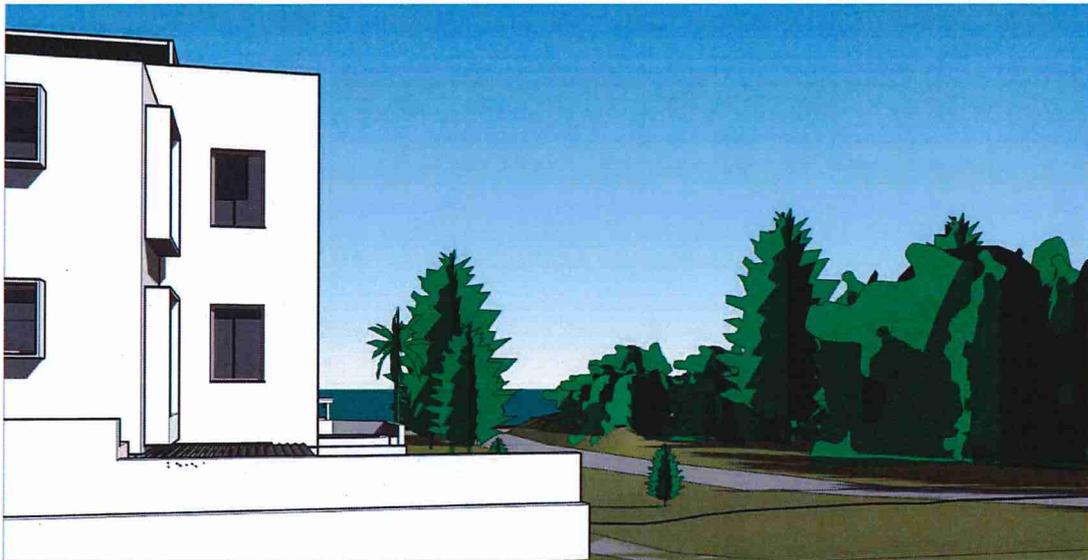


Figure 5: Previous proposal considered by Council (4m minimum / 5m average street setback)

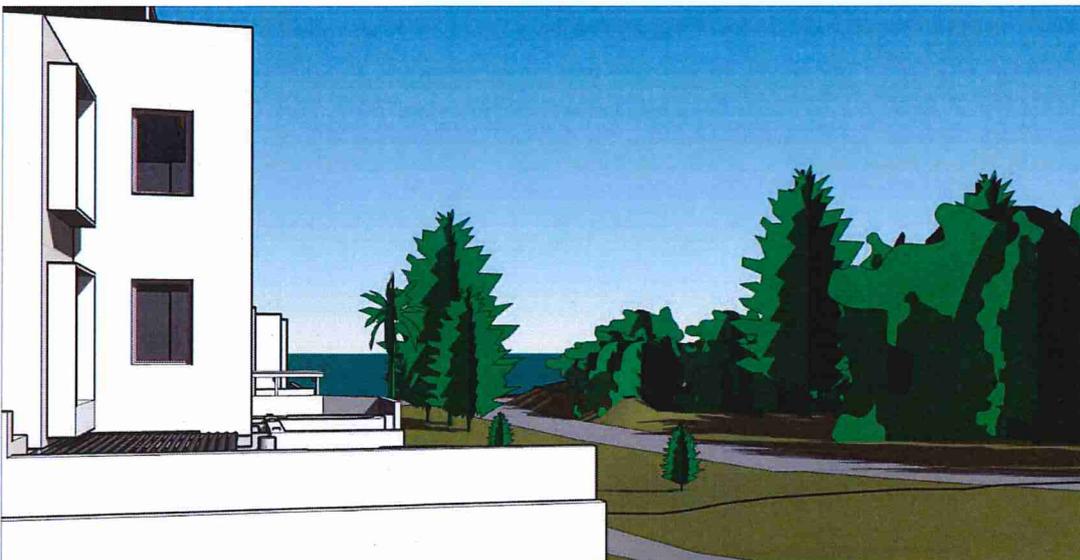


Figure 6: Current proposal (5m minimum / 6m average setback)

**ATTACHMENT 2
VIEW ANALYSIS**

TOWN OF COTTESLOE
09 SEP 2019
RECEIVED

IEWS FROM 7 WARTON STREET



Figure 1: Existing View

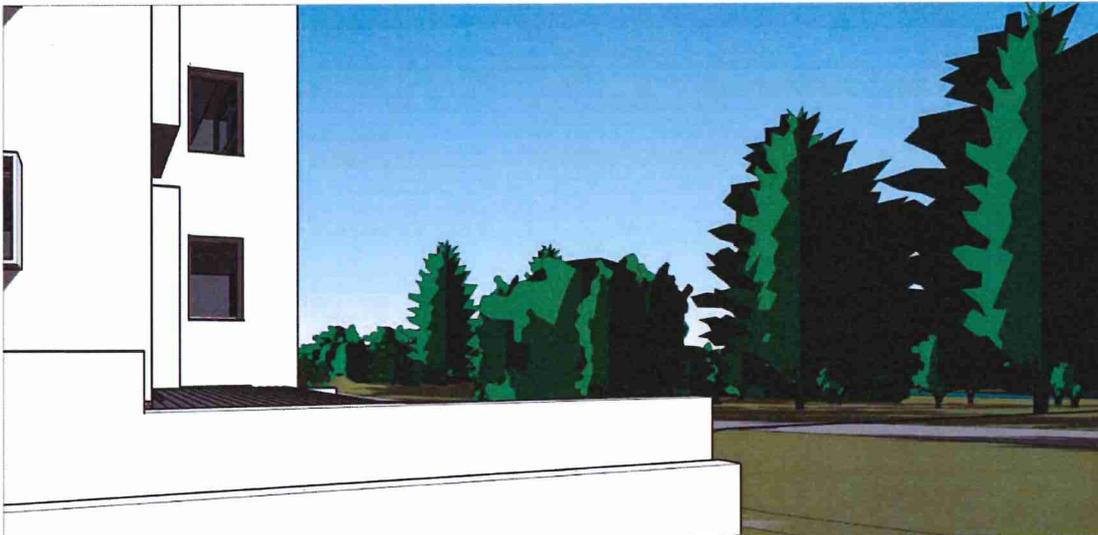


Figure 2: Previous proposal considered by Council (4m minimum / 5m average street setback)



Figure 3: Current proposal (5m minimum / 6m average setback)

IEWS FROM 9 WARTON STREET

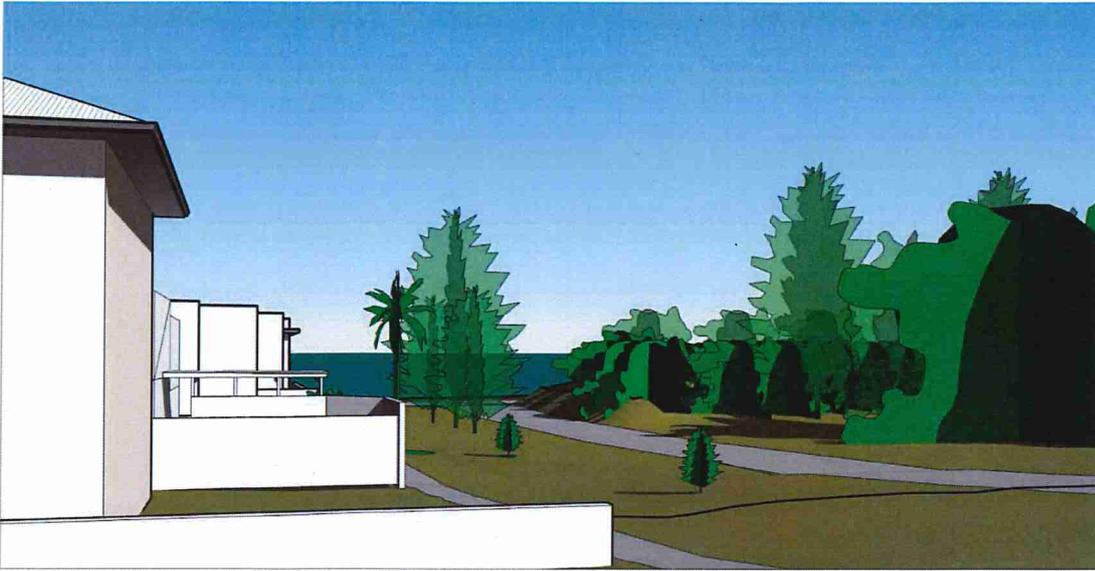


Figure 4: Existing View

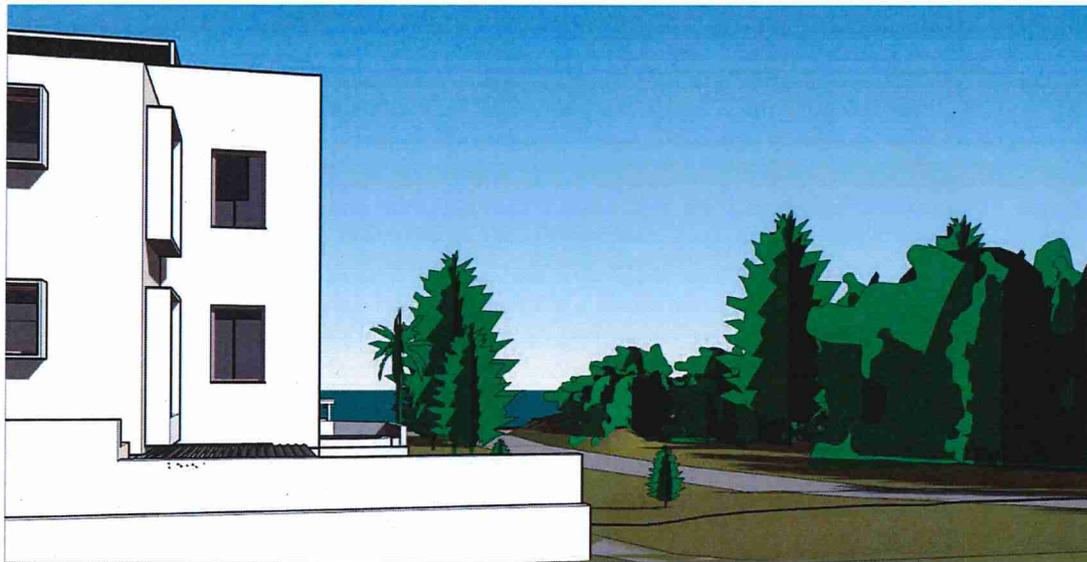


Figure 5: Previous proposal considered by Council (4m minimum / 5m average street setback)

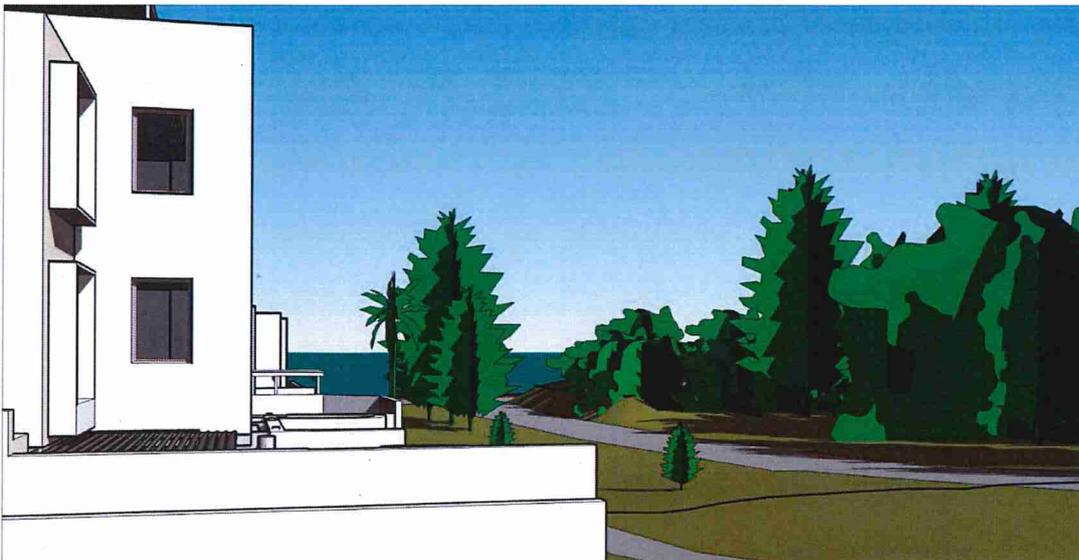


Figure 6: Current proposal (5m minimum / 6m average setback)

10 REPORTS**10.1 REPORTS OF OFFICERS****PLANNING****10.1.1 LOTS 4, 5 & 301 (5) WARTON STREET - EIGHT MULTIPLE DWELLINGS**

File Ref:	SUB/2798
Applicant(s) Proponents:	Planning Solutions
Attachments:	10.1.1(a) Submission - 5 Warton Street - Eight Multiple Dwellings [under separate cover] 10.1.1(b) Amended Plans - 5 Warton Street - Eight Multiple Dwellings [under separate cover] 10.1.1(c) 5 Warton Street, Cottesloe - DRP Minutes - 13 June 2019 [under separate cover] 10.1.1(d) Responses Submission - 5 Warton [under separate cover]
Responsible Officer:	Mat Humfrey, Chief Executive Officer
Author:	Ed Drewett, Coordinator Statutory Planning
Author Disclosure of Interest:	Nil

SUMMARY

On 23 July 2019, Council resolved to:

Defer consideration of this item until the 27 August 2019 Ordinary Council Meeting.

ADDITIONAL COMMENTS

Advertising of the development application for 5 Warton Street closed on 12 July 2019 and two submissions were received. These were not assigned to officers until in time for the July Agenda Forum meeting date so they were not reported to Councillors at that time.

The two submissions are attached. However, a summary of the comments are provided below:

7 Warton Street

-)] Not in favour of the new building as it is far larger than the existing flats and will dominate the neighbour's property;
-)] It doesn't fit into the street and will be just another large building;
-)] The development will occupy most of the land and there will be very little space between it and the neighbour's property;
-)] Concerned about the required excavation effecting the neighbour's property and the loss of western views;
-)] Photos of existing building are submitted.

9 Warton Street

-)] The development fails to comply with some of the objectives set out in Part 5 of the Residential Design Codes, particularly:
 - To ensure that the design responds to the key natural and built features of the area and respond to the local context in terms of bulk and scale;
 - To ensure that open space (private and communal) is provided on site and:
 - landscaped to establish streetscapes;
 - provide a balanced setting and relationship to buildings; and
 - provide privacy, direct sun and recreational opportunities.
 - To ensure that development and design is appropriately scaled, particularly in respect to bulk and height, and is sympathetic to the scale of the street and surrounding buildings.
-)] The proposal is not in compliance with the minimum and average site areas set out in Table 1 of the R-Codes;
-)] The proposal is not in compliance with building setbacks from the primary street boundary and would not satisfy the design principles;
-)] The proposal is not in compliance with the open space requirements;
-)] The proposal is not in compliance with building height guidelines of the R-Codes.
-)] The streetscape objectives of the R-Codes have not been complied with;
-)] The site planning and design objectives of the R-Codes have not been complied with; and
-)] The Building Design objectives of the R-Codes have not been complied with.

Applicant's response

On 6 August 2019, in response to the comments received from neighbours, the applicant has provided the following advice (also see attached):

No.	Issue Raised	Applicant's response
Street Setbacks		
1	<p>The proposed development is not in compliance with building setbacks from the primary street boundary despite meeting the minimum 4m guideline as set out in Table 1 of the R-codes. Under P2.1 additional requirements are imposed on building setbacks from street boundaries to ensure they - contribute to, and are consistent with, an established streetscape.</p> <p>Furthermore C2.1 states that buildings should be setback from the primary street boundary not only in accordance with Table 1 but also corresponding to the average of the setback of existing dwellings on each adjacent property fronting the street.</p>	<ul style="list-style-type: none"> The proposed development meets the 4m average setback requirement as per the R30 requirements. The issue in question is whether the Town should invoke the application of Clause 5.3.7 of LPS3 which allows the Town to apply an R20 setback requirement where it is appropriate to protect the streetscape, amenity and views of the surrounding properties. As demonstrated in the development application submission dated 5 April 2019, the proposed development is not considered to have an adverse impact on the streetscape, the amenity of the adjoining properties or views.
2	<p>As the attached image highlights ALL of the adjacent properties fronting the street are setback at a minimum of 6 metres. The existing building on 5 Warton Street is current setback over 7 metres from the primary street boundary. To approve a reduction from the established streetscape and average of the existing dwellings would be in direct contravention of this design principle requirement.</p>	<ul style="list-style-type: none"> An analysis of views has been undertaken to assess the impact on No. 7 and No. 9 Warton Street where the two objectors reside (refer comments below). The 'streetscape line' shown in the objector's submission focuses on the properties to the east of the site and contends that there is a consistent 6m setback on this basis. However, the existing development to the west of the subject site does not have a consistent 6m setback. In particular, the three properties at 1B Warton Street, 1C Warton Street and 38C Marine Parade have street setbacks of approximately 4.0m, 2.5m and 1.5m respectively. The proposed setback of 4m (minimum) / 5m (average) is considered appropriate in this context.
3	<p>While C2.4 appears to make provision for a balcony to project not more than 1 metre into the street setback area, it also proceeds to state that such projections should not exceed 20 per cent of the building facade as viewed from the street. It is clear that the proposed balconies exceed this limit considerably taking up more than 60% of the building facade.</p>	<ul style="list-style-type: none"> The balconies have been <u>included</u> in setback measurements. The proponent has not sought the exemption referred to in C2.4.

	<i>In any case the proposed balconies are also fully enclosed and therefore possess the same bulk form characteristics as the rest of the building and should not be eligible for any provisions that would ordinarily relate to projections.</i>	
Site Area / Density		
4	<p>The proposed development is not in compliance with the minimum average site areas set out in Table 1 of the R-Codes.</p> <p>C1.2 (iii) States that the minimum site area as set out in Table 1 is calculated, in the case of multiple dwellings in areas of coding of less than R40 (as is the case with this proposed development site), as the total area of the lot divided by the number of dwellings. The proposed site is 838m², the proposed number of dwellings is 6, the result of this calculation however generates an area of only 104.75m² per dwelling, representing less than 35% of the required minimum site area of 300m².</p>	<ul style="list-style-type: none"> The proposed density is capable of approval pursuant to Clause 5.3.5 of LPS3. The development application submission dated 5 April 2019 clearly demonstrates how the relevant considerations have been met. The proposed density of eight dwellings is a reduction to the existing number of dwellings on site (being 10 dwellings).
Open Space		
5	<p>Table 1 of the R-Codes clearly outlines that an R30 coded site with multiple dwellings is to have an open space minimum total equal to 45% of the site.</p> <p>Furthermore P4 States the development should incorporate suitable open space for its context to;</p> <ul style="list-style-type: none"> reflect the existing and/or desired streetscape character as outlined under the local planning framework. reduce building bulk on the site.... provide an attractive setting for the buildings, landscape, vegetation and streetscape provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site. <p>The proposed development is in direct violation of these requirements.</p>	<ul style="list-style-type: none"> The proposed development involves a minor departure from the deemed to comply requirements proposing 41.3% open space in lieu of the permissible 45%. It is considered the open space is consistent with the design principles given: <ul style="list-style-type: none"> The ground floor setback areas are suitably landscaped in a manner which provides an attractive setting for the building; The majority of the open space is for functional purposes, including drying courts and outdoor living areas. In relation to the impact of the open space on adjoining properties, it is noted the side and rear setbacks are fully consistent with the deemed-to-comply requirements of the R-Codes, maintaining sufficient light and ventilation between the subject site and surrounding buildings.
6	<i>Any attempt to classify the roof area as a 'garden' and therefore an 'open space' is a spurious claim and borderline disingenuous.</i>	<ul style="list-style-type: none"> The roof area has <u>not</u> been included in open space calculations.
7	<i>There are trees bushes and plenty of space around the existing flats. The new building will occupy most of the land and there will be no space or very little between it and my house.</i>	<ul style="list-style-type: none"> Refer to response 5 above.

Streetscape and Amenity		
8	<i>The stated objective of this section is to ensure the development contributes towards the character of the streetscape including their views and vistas. Given the box shaped bulky design that is currently set well forward of the existing adjacent properties and detrimentally impacts neighbours ocean views I would argue strongly that this has definitely not been complied with.</i>	<ul style="list-style-type: none"> A view analysis has been prepared to establish the impact on views. Refer to Attachment 1 and commentary below.
9	<i>The proposed development does not meet the stated objectives as it does not respect neighbours amenity (part of objective A). Furthermore it is not compliant with C1.1 as it is not behind the street setback area.</i>	<ul style="list-style-type: none"> It is understood this comment is in relation to the visual privacy / overlooking requirements. The only visual privacy variation relates to overlooking of the front yard of No. 3 Warton Street and No. 7 Warton Street. These areas are already visible from the street and the public realm. Therefore, there is no loss of privacy as a result of this variation.
10	<i>The proposed development is not in compliance with probably one of the most important aspects of the R-codes being Building Design.</i> <i>Most significantly it fails to meet objective C - To maintain the amenity of streetscapes and views along the street by ensuring that associated outbuildings and associated fixtures do not detract from the streetscape and are not visually intrusive to neighbouring properties.</i>	<ul style="list-style-type: none"> There are no outbuildings or external fixtures within the proposed development that impinge on neighbouring properties.
Height, Bulk and Scale		
11	<i>The development is far larger than the existing flats and will dominate my house.</i> <i>I don't think it fits into the street and will just be another large building which seems to be more common in Cottesloe now, much to its detriment.</i>	<ul style="list-style-type: none"> The proposed development seeks to replace an existing three storey apartment block with a new three storey apartment development as is permitted by Clause 5.3.5 of LPS3. The proposed development is 0.7m higher in terms of wall height, but is 1.3m lower when measured to the pitch of the roof. The overall height is not considered to be detrimental in comparison to the existing development. The development is 'wider' than the existing development on the site. However, the side and rear setbacks meet the deemed-to-comply requirements of the R-Codes and the impacts on the neighbouring properties are considered acceptable. It is considered the proposed development will fit in with the street noting Warton Street comprises an eclectic mix of pre-war, post-war and modern developments.
Excavation		
12	<i>I am also concerned about the digging required and its effect on my house and the loss of my western view.</i>	<ul style="list-style-type: none"> Whilst not a planning requirement, the proponent would have no objection to preparing a dilapidation report for adjoining owners.

VIEW ANALYSIS

It is understood the primary concern of the objections is the street setback and in particular, the potential loss of views toward the ocean. To understand this matter further, Pennock Architects have prepared a 'view analysis' using survey data and on-site measurements.

Methodology

The view analysis models:

- the existing views from the adjoining properties;
- the views from adjoining properties after the proposed development takes place; and
- the views from the adjoining properties if a theoretical development was proposed with a 6m minimum setback from Warton Street.

As a reference point, the views have been assessed from:

- the front balcony of No. 7 Warton Street, Cottesloe; and
- the front courtyard of No. 9 Warton Street, Cottesloe.

The owners of these two properties have raised concerns about the potential impact of views.

The views from the above two locations under each of the three scenarios are shown in **Attachment 1**.

Outcomes and Comments

7 Warton Street, Cottesloe

Compared with the existing development, the proposed development will involve a minor reduction in the view toward the ocean. Due to the existing setback of the dwelling at No. 7 Warton Street, the existing view could only be described as a glimpse to the ocean.

This glimpse is available because the existing development on the subject site is setback 7.5m from the Warton Street boundary. This is far in excess of the permissible street setback requirement and there is no requirement in the planning framework that this setback should be maintained.

Therefore, it is more appropriate to compare the proposed development with the impact of a theoretical development with a 6m setback (as this is the maximum the Town could require the development be setback).

It is considered there is no substantive difference in the view between the proposed development and a development with a 6m minimum setback. It appears that the two Norfolk Pine trees on the Warton Street verge are the only additional features that become visible if the 4m setback were increased to 6m. These Norfolk Pine trees obscure the view to the ocean meaning there is limited benefit to be gained from setting the development back further. An additional Norfolk Pine tree has recently been planted on the verge of No. 5 Warton Street which are likely to further obscure the view toward the ocean in the future.

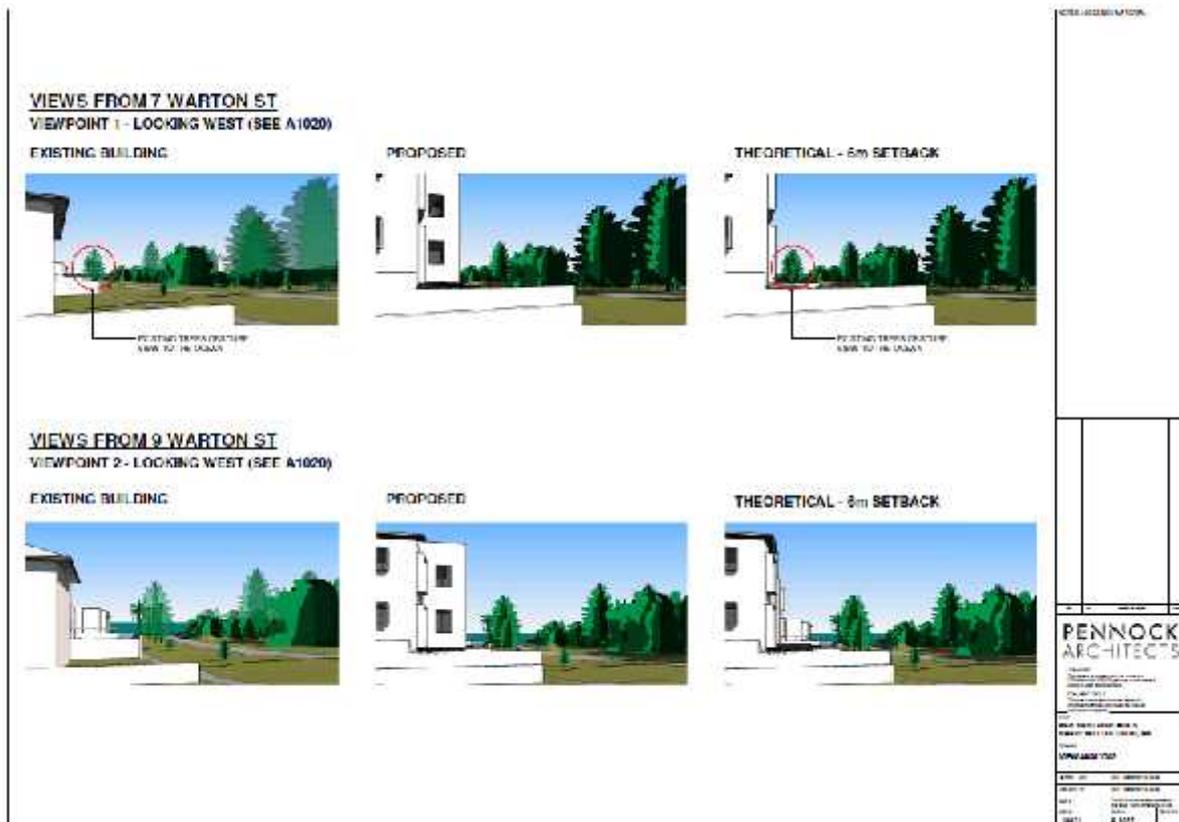
Therefore, the impact on No. 7 Warton Street is considered reasonable and appropriate.

9 Warton Street, Cottesloe

From the analysis, it is evident No. 9 Warton Street will continue to receive a view toward the ocean despite the proposed development. With a 4m setback, the proposed development does not protrude any further than the existing development further down the street at No. 1C and 1B Warton Street.

Therefore, the owners of No. 9 Warton Street are not considered to be adversely impacted.

Attachment 1 – View Analysis



Staff comment

As advised in the July Council report, the proposed development has been assessed against the provisions of Local Planning Scheme No. 3 and the Residential Design Codes and is supported by staff and the Town’s Design Review Panel. However, the comments raised in the two neighbour submissions are required to be considered and balanced with the technical opinion provided by staff when Council exercises its judgement to determine the proposal against the Local Planning Scheme and the Residential Design Codes.

A table has been provided in the Council report which differentiates between the planning elements that require Council to exercise its discretion and elements which satisfy the deemed-to-comply provisions of the Residential Design Codes. Each discretionary element is then discussed in detail in the report to enable Council to make an informed decision.

Although the front setback to the proposed development will partially protrude 3.7m forward of the existing development at its closest point to the street and may therefore have some impact on the visual amenity to existing dwellings to the east of the site, it is ocean views which appear to be of most concern to the neighbours.

In this regard, the applicant has provided diagrams (above) to show the possible impact on ocean views and has shown that the location of an existing Norfolk Island Pine tree at the western end of the street already has an impact on the view. This is also shown in the photos below taken from the adjoining sites looking west.



Above: View from front courtyard of 9 Warton Street looking west.



Above: View from front of 7 Warton Street looking west.

On balance, having regard to the R30 zoning of the site and the fact that the minimum front setback of the proposed development complies with the deemed-to-comply provisions of the Residential Design Codes and will be an improvement to the existing streetscape, the development is recommended for approval.

The July Council report is reproduced below:

A planning application has been received for a three-storey residential development comprising 8 multiple dwellings (two, two-bedroom apartments and six, three-bedroom

apartments), with a private roof terrace for three of the apartments and basement level parking, accessed via a car lift. It will replace a three-storey building which comprises 10 multiple dwellings.

Given the assessment that has been undertaken, the recommendation is to conditionally approve the application.

BACKGROUND

Zoning	MRS:	Urban
	LPS:	Residential R30
Use Class:		D - (means the use is not permitted unless the decision-maker has exercised its discretion by granting planning approval).
Development Scheme:		Local Planning Scheme No. 3
Lot Size:		840m ²
Existing Land Use:		Multiple dwellings
Value of Development:		\$4M
Owner:		Essie Doris Stokes



Above: Site location plan

STRATEGIC IMPLICATIONS

There are no perceived strategic implications arising from the officer’s recommendation.

POLICY IMPLICATIONS

There are no perceived policy implications arising from the officer's recommendation.

STATUTORY ENVIRONMENT

-)] *Planning and Development (Local Planning Schemes) Regulations 2015;*
-)] *Local Planning Scheme No. 3;*
-)] *Residential Design Codes.*

FINANCIAL IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation.

STAFFING IMPLICATIONS

There are no perceived staffing implications arising from the officer's recommendation.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

There are no perceived sustainability implications arising from the officer's recommendation.

CONSULTATION

The application was advertised to 60 adjoining owners and occupiers. Advertising was for 14 days and closed on 12 July 2019. No submissions were received.

DESIGN REVIEW PANEL

The application was supported by the Town's Design Review Panel at its meeting held on 11 June 2019. The Panel members considered that the proposed 3-storey development would contribute to the streetscape, was of good architectural design, and met all the provisions of clause 5.3.5 in Local Planning Scheme No. 3 for its density and storeys to be supported by Council.

OFFICER COMMENT

The existing development at 5 Warton Street comprises 10 multiple dwellings in a 3-storey building.



Above: Existing development

The proposed development (below) comprises 8 multiple dwellings in a 3-storey building.



Above: Proposed development (from applicant’s submission)

The table below is a summary of the planning assessment of the proposal against the provisions of Local Planning Scheme No. 3 and the Residential Design Codes.

Where the proposal requires the exercise of discretion, the relevant planning element is discussed in the section of the report following this table.

Planning assessment	Meets deemed-to-comply provisions	Requires exercise of discretion
Density		✓
Storeys		✓
Street setback		✓
Lot boundary setbacks	✓	
Open space		✓
Street surveillance	✓	
Street wall and fences		✓
Sightlines	✓	
Outdoor living area		✓
Landscaping	✓	
Visitor Parking		✓
Vehicle Access	✓	
Privacy		✓
Solar Access	✓	
Site Works		✓
Retaining Walls	✓	
Utilities and Facilities	✓	
Matters to be considered by local government	✓	
Bushfire risk management	✓	
Local Planning Scheme No. 3	Density and Storeys	
Permitted	<p>Maximum 2.8 units and two storeys based on the Residential R30 zoning, although this may be increased subject to the development satisfying clause 5.3.5 of Local Planning Scheme No. 3 which states:</p> <p><i>Despite anything contained in the Residential Design Codes and notwithstanding the density codes shown on the Scheme Map, existing grouped dwellings or multiple dwellings that exceed a density code shown on the Scheme Map at the Gazettal date of the Scheme can, with the approval of the local government, be redeveloped at a density higher than that shown on the Scheme Map, equal to, but not exceeding the existing built density, subject to the proposed development –</i></p> <p><i>a) complementing the character of the streetscape;</i></p> <p><i>b) not detrimentally increasing the mass, scale or surface area of the development relative to existing development on surrounding properties;</i></p> <p><i>c) resulting in improved landscaping of the land;</i></p> <p><i>d) providing adequate and safe means of vehicular and pedestrian access to the land; and</i></p>	

	<p><i>e) providing an adequate number of car parking spaces on the land.</i></p> <p><i>Furthermore, and notwithstanding any other clause in this Scheme, for developments under this clause within the Residential and Residential Office zones, the local government may approve the development with a building height one storey higher than the maximum building height that would otherwise be applicable to the development in accordance with Table 2 if, in the opinion of the local government, the original number of dwellings (and their replacement plot ratio) cannot be appropriately accommodated on the lot without an increase in building height.</i></p>
Applicant's proposal	<p>8 units (to replace 10 units).</p> <p>3 storeys (to replace 3 storeys).</p>
<p>Applicant's comment</p> <p>The applicant's submission includes the following comments to address each of the criteria under clause 5.3.5:</p>	
<p>a) Complementing the character of the streetscape</p>	<p>The proposed development is considered to make an excellent contribution to the streetscape. The key design outcomes include:</p> <ul style="list-style-type: none">)] Good passive surveillance: Five dwellings have an outdoor living area and/or major openings which offer passive surveillance to Warton Street.)] Landscaped street setback area: The proposal seeks to provide a subtle vehicular access point with a vehicle lift being used to access the basement carpark. This ensures the development is not dominated by garages and car parking. Additionally, the front setback area and the verge are presented with high quality landscaping which offer an attractive interface between the development and the street.)] Design: The design takes cues from the Cottesloe history and coastal theme and closely responds to the character of the locality. An architectural design report is provided which offers further details about the design consideration and streetscape outcomes.
<p>b) Not detrimentally increasing the mass, scale or surface area of the development relative to existing development on surrounding properties</p>	<p>Both the existing and proposed developments are 3-storeys in height. The proposed development has a wall height which is approximately 1.3m higher than the existing development. However, the pitch of the roof of the existing development is approximately 0.7m higher than the proposed development. Although it is difficult to compare the bulk and scale of a concealed roof and pitched roof development, it is not considered that the proposed development represents a 'detrimental' increase in scale. The outline of the existing development is shown on the elevations such that the mass and scale of the development can be compared.</p>



Above: Elevations showing outline of existing building against proposal

The proposed development maintains a compliant building height and compliant side and rear setbacks. Furthermore, the design proposes to excavate along the eastern side boundary such that the development presents as two and a half storeys to the eastern side boundary. This reduction in floor level serves to reduce the impact on the two-storey single house to the east.

The overall mass and scale is considered appropriate for its context. The adjoining dwellings to the east and west on Warton Street are both two-storey single houses. One additional storey is not considered to result in an undue impact on these properties and does not represent a stark increase to the prevailing building height on Warton Street.

	 <p style="text-align: center;">Above: Existing building heights in locality</p> <p>When considering the context at the rear of the site, it is noted that there are two, three-storey apartment developments which share a boundary with the subject site. The proposed development is consistent with the scale of these developments.</p>
<p>c) Resulting in improved landscaping of the land</p>	<p>The existing development predominately comprises lawn in the street setback area with some small-medium bushes and trees. Behind the street setback area, the existing development has limited landscaping other than a rear lawn.</p> <p>The proposed development includes a landscape architect designed garden within the street setback area. It includes a variety of elements including low level landscaping, elevated garden beds, a small ‘entry’ courtyard with seating and small native trees. Similarly, the rear boundary setback area is lined with deep soil landscaping which add a high level of amenity to the rear courtyards. Lastly, there are a series of small trees in planters proposed on the rooftop which will assist in providing amenity to future residents. It is considered the proposed landscape design offers a significant improvement to the existing landscaping on the site.</p>

	 <p style="text-align: center;">Above: Proposed ground floor landscaping (from applicant's submission)</p>  <p style="text-align: center;">Above: Proposed roof garden (from applicant's submission)</p>
<p>d) Providing adequate and safe means of vehicular and pedestrian access to the land</p>	<p>Vehicular access is provided via Warton Street; given this is the only available access point. All parking is located underground and is accessed via a car lift. The car lift is designed to be safe and easy to use. The car lift ensures car parking is not visible from the street, maximising the area available for landscaping.</p> <p>Pedestrian access is available to the main lobby, connecting the Warton Street footpath. 'Wayfinding' techniques are used to direct visitors to the entry.</p>
<p>e) Providing adequate number of car parking spaces on the land</p>	<p>The proposed development includes at least two parking bays for each dwelling plus one visitor bay. The total number of car bays exceeds that required by the R-Codes.</p>

Staff comment

The proposed development is of a high quality design that will enhance the streetscape, have all its parking bays, storage and bin areas located in the basement out of view from the street, use external materials and finishes that have been carefully chosen to respect the history of the area, and it will improve the current landscaping on the site and verge. Also, the proposed number of apartments will be less than that existing, thereby reducing the density closer to the R30 zoning of the site and its building height will be lower than the existing pitched roof.

The Design Review Panel was supportive of the development and its density and storeys can be approved under clause 5.3.5 of Local Planning Scheme No. 3.

Local Planning Scheme No. 3	Street setback
Permitted	Minimum 2m, averaging 4m. However, clause 5.3.7 in Local Planning Scheme No. 3 states: <i>Despite anything contained in the Residential Design Codes to the contrary, in the case of areas with a residential density code of R30, the local government may require an R20 front setback of 6m to be applied, for the preservation of streetscapes, view corridors and amenity.</i>
Applicant's proposal	Front setback ranging from 4m to 7m

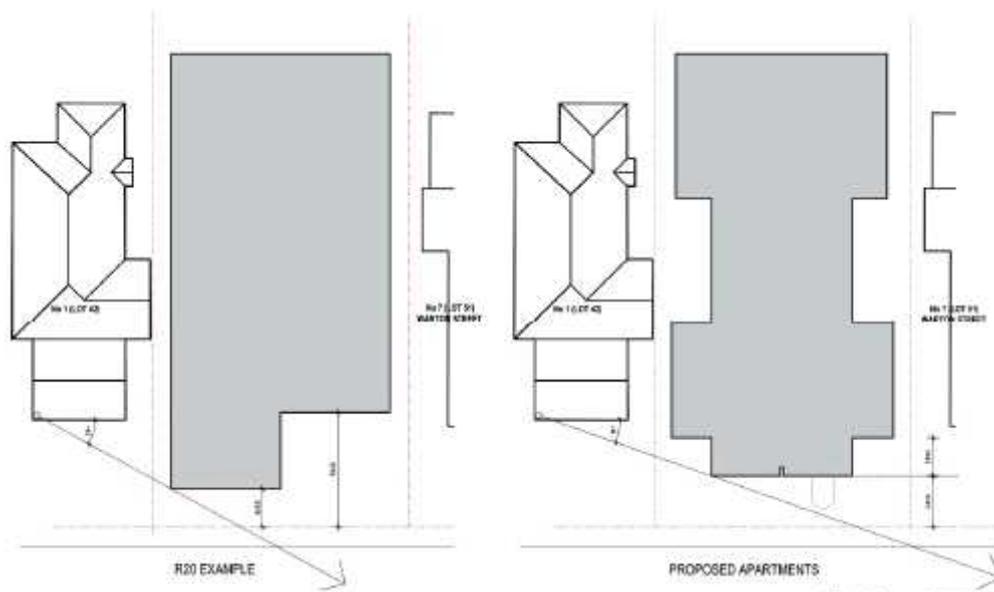
Applicant's commentStreetscape:

- ⌋ The proposed development will make a valuable contribution to the Warton Street setback;
- ⌋ Five of the eight units have balconies or openings facing the street, resulting in good opportunities for passive surveillance and neighbourly interactions;
- ⌋ The façade of the development includes strong articulation with a variety of colours and materials which represent local history and character;
- ⌋ Landscaping in the front setback and street verge will replace existing concrete with high quality landscaping;
- ⌋ The setbacks are consistent with the Local Planning Policy adopted for the Wearne redevelopment which allows a setback of 4.5m to walls and 2.5m to balconies fronting to Warton Street.

View corridors:

- ⌋ The property that has the potential to be most impacted by views is 7 Warton Street which currently enjoys views from the upper floor front balcony towards the ocean;
- ⌋ The existing dwelling is setback 7.7m from the Warton Street boundary which far exceeds the permissible R30 setback;
- ⌋ If the proposal is compared with a theoretical compliant development at the R20 code, which if averaged would allow a minimum setback of 3m averaging 6m, this

would result in a development having a greater impact on views.



Above: Comparison of view corridor impact between the proposed development and a theoretical R20 setback (from applicant’s submission)

Amenity

-)] It is proposed to replace 10 units with eight new apartments in a design style which contributes to the character of the locality and offers benefits such as passive surveillance and landscape quality;
-)] The proposed setback is considered to present a high quality interface with the street, limits the impacts on view corridors from neighbouring properties, and is not considered to have any undue impact on the amenity of the locality.

Staff comment

The front elevation of the proposed development is articulated to provide a front setback of 7m to both the 1st and 2nd floors nearest the eastern and western boundaries (bed 1). This will assist in reducing perceived building bulk on adjoining properties and allows for greater ocean view corridors to be preserved to eastern neighbouring properties compared to a development with a front setback of minimum 2m, averaging 4m that is permitted under the deemed-to-comply provisions of the R-Codes.

If the eastern neighbouring property is redeveloped in the future then there will be an opportunity for similar front setbacks to be applied thereby affording the owners increased ocean view.

The development was supported by the Design Review Panel and can be approved, having regard to clause 5.3.7.

Residential Design Codes - Open Space	Deemed-to-comply provision	Design principles
Requirement	Minimum 45%	Development that incorporates suitable open space for its context to:

		<ul style="list-style-type: none">)] Reflect the existing and/or desired streetscape character or as outlined under the local planning framework;)] Provide access to natural sunlight for the dwelling;)] Reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;)] Provide an attractive setting for the buildings, landscape, vegetation and streetscape;)] Provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and)] Provide space for external fixtures and essential facilities.
Applicant's proposal	41.3%	
<p><u>Applicant's comment</u></p> <p>The proposed development is situated centrally on the lot which enhances access to sunlight and ventilation to both the dwellings and their outdoor spaces.</p> <p>There is landscaping proposed along the front, rear and western side boundaries of the property, providing an attractive setting for the building and generally enhancing the amenity of the development.</p> <p>The majority of open space around the building is 'useable' or offers some sort of amenity to the residents. For example, the front and rear setbacks are utilised as outdoor living areas and the side setbacks are either landscaped or used as clothes drying areas.</p> <p>All outdoor living areas are significantly larger than the minimum area required by the R-Codes, fulfilling the residents' need for open space and providing residents with greater opportunities to utilise outdoor space. Residents also have access to public open space being within close proximity with the foreshore, less than 100m to the west.</p>		
<p><u>Staff comment</u></p> <p>The proposed development will have 41.3% open space, in lieu of a minimum 45% required to satisfy the deemed-to-comply provisions of the R-Codes. This equates to a 31m² difference or 3.7% shortfall. However, the calculated open space does not include the proposed roof deck as this is not allowed to be included as open space in Local Planning Scheme No. 3, although in reality the roof deck will provide additional open space and landscaping for the occupants of the upper floor apartments.</p> <p>The applicant has satisfactorily addressed the relevant design principles in the Residential</p>		

<p>Design Codes for the reduced open space to be supported, and the Town’s Design Review Panel was satisfied that the shortfall would not appear detrimental to the development or the streetscape.</p>		
Residential Design Codes - Street walls & fences	Deemed-to-comply provision	Design principles
Requirement	Front fences within the primary street setback area that are visually permeable above 1.2m of natural ground level, measured from the primary street side of the front fence.	<p>Front fences are low or restricted in height to permit surveillance and enhance streetscape, with appropriate consideration to the need for:</p> <ul style="list-style-type: none"> • attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and • necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.
Applicant’s proposal	Solid fencing in front setback ranging from 1.2m to 1.8m in height.	
<p><u>Applicant’s comment</u></p> <p>The proposed solid walls are strategically located to provide privacy to the front courtyard of Apartment A1 ranging in height from 1.2m on the east side to 1.8m on the west side. A solid wall is proposed around the fire booster to insure it is screened from the street. Surveillance is maintained between the development and the street from the upper floor north-facing units and from the ground floor entry courtyard.</p> <p>The proposed fencing design is a development outcome that provides definition to the entry points and it will assist in ‘wayfinding’ to the entry points.</p>		
<p><u>Staff comment</u></p> <p>The proposed solid fencing in the front setback area partially exceeds 1.2m in height but the development has been designed to allow passive surveillance of the street from the north-facing upper level apartments, and the curved design of the front walls will be integrated with landscaping to reduce their visual impact to the street.</p> <p>The Design Review Panel was supportive of the solid sections of wall in the front setback areas, and it is supported under design principles.</p>		



Above: Architect’s perspective of front walls and landscaping

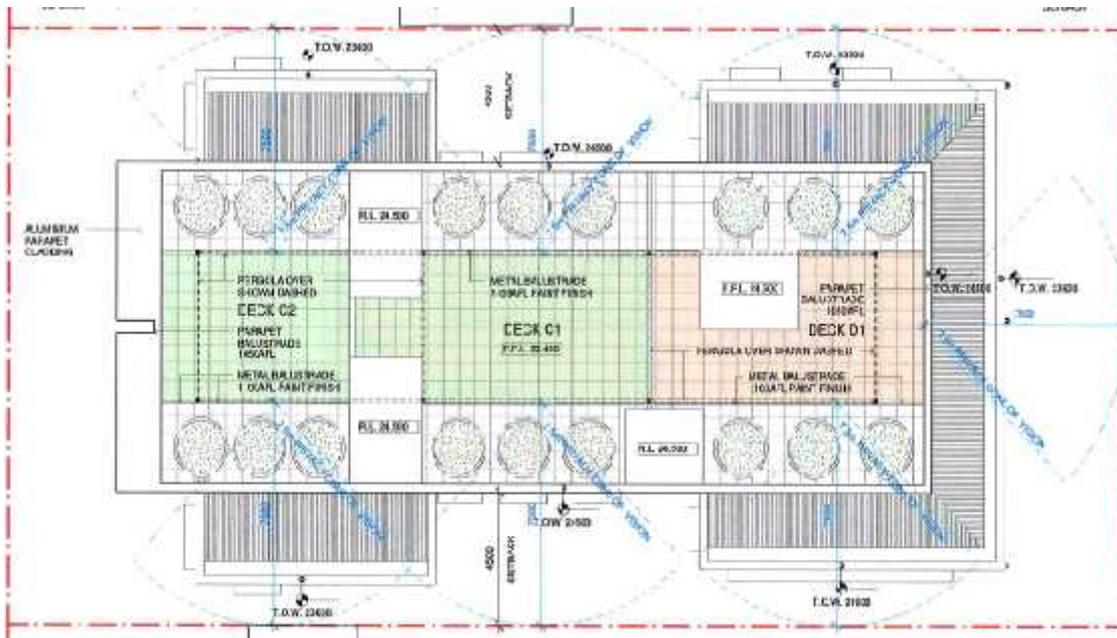
Residential Design Codes – Outdoor living areas	Deemed-to-comply provision	Design principles
Requirement	Each multiple dwelling is provided with at least one balcony or the equivalent, opening directly from a habitable room and with a minimum area of 10m ² and minimum dimension of 2.4m.	Balconies or equivalent outdoor living areas capable of use in conjunction with a habitable room of each dwelling, and if possible, open to winter sun.
Applicant’s proposal	The outdoor living areas to Apartments C1, C2 and D1 do not have direct access from a habitable room, but are accessed via individual stairways adjacent to the kitchen areas.	
<p>Applicant’s comment</p> <p>The upper floor apartments have large roof terraces open to winter sunlight with stairway access that is considered conveniently located, being approximately two steps from the entry to the kitchen areas and centrally located in each apartment allowing frequent use by the occupants.</p>		
<p>Staff comment</p> <p>The private roof deck terraces appear quite large allowing them to be more functional than many smaller designed balconies to individual apartments. They will also have a pergola</p>		

roof which will provide some shade whilst still being a minimum 0.3m below the maximum permitted building height of 11.5m.

The individual stairway access from each apartment is only up one level and is capable of use in conjunction with the main residential areas. The roof access was supported by the Design Review Panel, and it is supported under the design principles of the Residential Design Codes.



Above: Plan showing stairs next to kitchen areas to provide access to roof-terraces



Above: Plan showing 3 proposed private roof terraces for the upper floor apartments

Residential Design Codes – Design of parking spaces	Deemed-to-comply provision	Design principles
Requirement	Visitor car parking spaces are marked and clearly signposted as dedicated for visitor use only, and located close to, or visible from, the point of entry to the development and outside any security barrier.	Car, cycle and other parking facilities are to be designed and located on-site to be conveniently accessed, secure, consistent with the streetscape and appropriately manage stormwater to protect the environment.

Applicant’s proposal

Visitor bay in basement, accessed via car lift.

Applicant’s comment

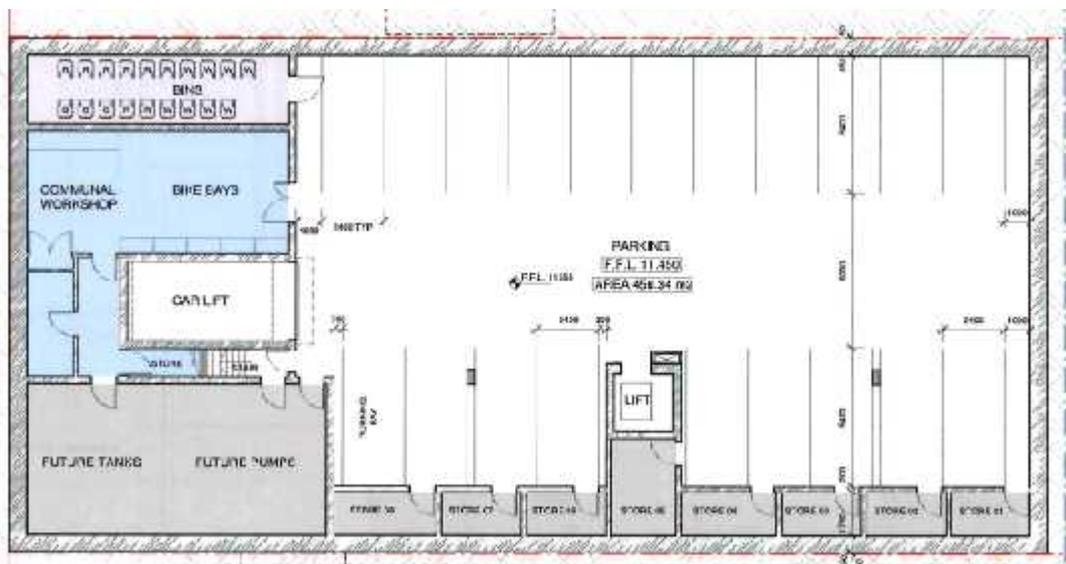
The location of the visitor bay in the basement will be easily accessible to visitors who will use an intercom at the entrance to the car lift to request access to the car lift.

Staff comment

The proposed development requires one visitor bay to satisfy the deemed-to-comply provisions of the Residential Design Codes. This is being provided in the basement and will be accessible via a car lift. In addition, the basement has 18 car bays proposed, which is eight bays more than the minimum required for the proposed development under the Residential Design Codes. An area will also be set aside for vehicle turning.

The provision of an intercom at the entrance to the car lift to allow visitors’ access appears acceptable as these will all be privately-owned apartments and it is not unusual to have all parking in a secure, but easily accessible area. It also enables the street setbacks area and the verge to be landscaped, rather than having to have a parking hardstand.

The Design Review Panel was satisfied with the basement parking arrangement and liked the idea of additional landscaping in the street verge. The visitor bay in the basement is supported under design principles.



Above: Proposed basement parking



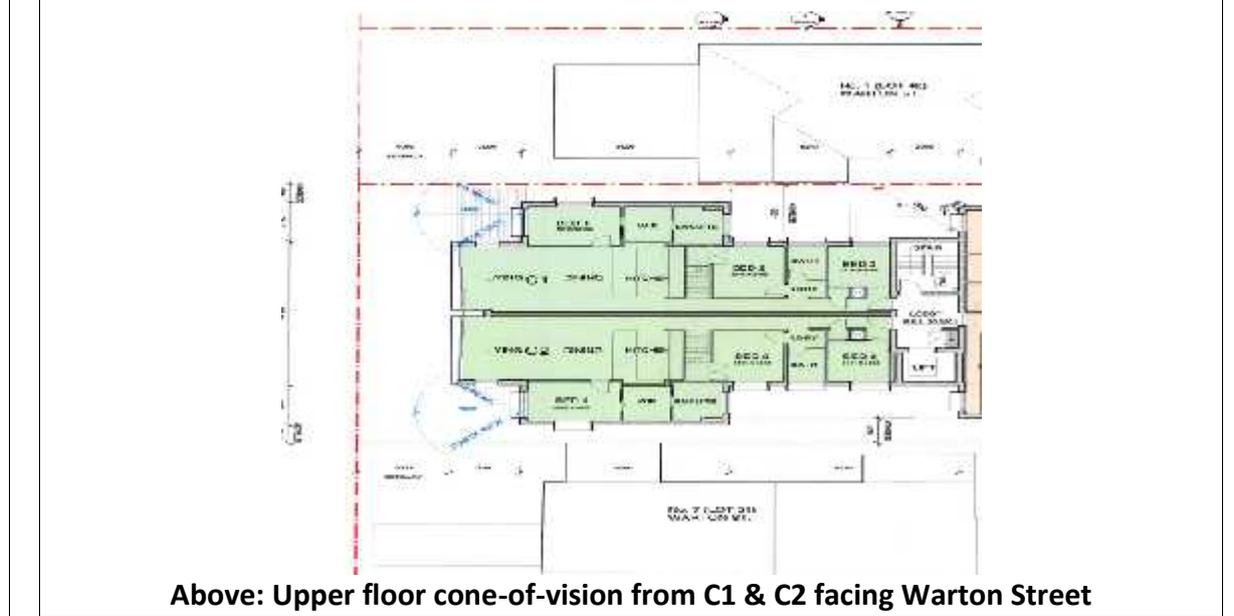
Above: Proposed landscaping, including street verge (subject to separate approval)

Residential Design Codes - Visual privacy	Deemed-to-comply provision	Design principles
Requirement	4.5m cone of vision from bedroom windows	Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through: <ul style="list-style-type: none"> ⌋ building layout and location; ⌋ design of major openings; ⌋ landscape screening of outdoor active habitable spaces; and/or ⌋ location of screening devices. Maximum visual privacy to side and rear boundaries through measures such as: <ul style="list-style-type: none"> ⌋ offsetting the location of ground and first floor windows so that viewing is oblique rather than direct; ⌋ building to the boundary where appropriate; ⌋ setting back the first floor from the side boundary; ⌋ providing higher or opaque and fixed windows; and/or

) screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
<u>Applicant's proposal</u> The cone-of-vision to the north-facing bedroom 1 windows to Apartments B1, B2, C1, C2 slightly extends beyond the lot boundary behind the street setback.		
<u>Staff comment</u> The cone-of-vision from the proposed north-facing bedroom windows slightly extends beyond the lot boundary behind the street setback. However, the area overlooked is visible from the street and will not result in any significant direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings, and is supported under design principles.		



Above: Ground floor cone-of-vision from B1 & B2 facing Warton Street



Above: Upper floor cone-of-vision from C1 & C2 facing Warton Street

Residential Design Codes - Site works	Deemed-to-comply provision	Design principles
Requirement	Excavation or filling between the street and building, or within 3m of the street alignment, whichever is the lesser, shall not exceed 0.5m, except where necessary to	Development that considers and responds to the natural features of the site and requires minimal excavation/fill. Where excavation/fill is necessary, all finished levels respecting the natural

	<p>provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.</p> <p>All excavation or filling behind a street setback line and within 1m of a lot boundary, not more than 0.5m above the natural ground level at the lot boundary except where otherwise stated in the scheme, local planning policy, structure plan or local development plan.</p>	<p>ground level at the lot boundary of the site and as viewed from the street.</p>
<p><u>Applicant's proposal</u> Excavation along the eastern boundary up to 1.2m below natural ground level.</p>		
<p><u>Applicant's comment</u> The design has sought to manage the east-west sloping topography of the lot by excavating the eastern side and leaving the western side at the existing ground level. If the proposal were to balance the cut and fill, the western side of the lot would require fill which would subsequently increase the height and scale of the building.</p> <p>The development presents to the eastern side property as a 2½ storey building because the ground floor is approximately half a storey below the level of the adjoining property. The ground floor apartments have been designed to maintain adequate access to daylight and ventilation.</p> <p><u>Staff comment</u> The proposed excavation along the eastern boundary will lessen the overall bulk and scale of the development, particularly to the eastern adjoining property, and it will respect the sloping natural ground levels of the site. The design was supported by the Design Review Panel and the excavation is supported under the design principles of the Residential Design Codes.</p>		

CONCLUSION

The proposed development has been assessed against the provisions of Local Planning Scheme No. 3 and the Residential Design Codes, and is supported.

The written submission provided by the applicant that included an Architectural Design Statement, detailed landscaping plans, a Waste Management Plan, a Bushfire Attack Level assessment, and a Traffic Impact Statement, assisted in enabling a comprehensive assessment of the proposal by the Town and contributed to the applicant receiving support for the development from the Design Review Panel. Furthermore, no objections were received from owners and occupiers of neighbouring properties during the advertising period.

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council GRANT planning approval for eight multiple dwellings on Lots 4, 5 and 301 (No.5) Warton Street Cottesloe, as shown on the plans received 26 June 2019, subject to the following conditions:

1. All construction work being carried out in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997.
2. The external profile of the development as shown on the approved plans not being changed whether by the addition of any service plant, fitting, fixture or otherwise, except with the written consent of the Town.
3. All water draining from roofs and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the development site where climatic and soil conditions allow for the effective retention of stormwater on-site.
4. Air-conditioning plant and equipment shall be located closer to the proposed development than adjoining dwellings, and suitably housed or treated as may be necessary to ensure that sound levels do not exceed those specified in the Environment Protection (Noise) Regulations 1997.
5. The existing redundant crossover shall be removed and the verge, kerb and all surfaces made good at the applicant's expense to the satisfaction of the Town.
6. A separate application for a new crossover and verge landscaping meeting Council specifications shall be submitted for approval by the Town.
7. The existing three lots being amalgamated and a new Certificate of Title being issued for the proposed lots prior to occupation.
8. The design and functionality of the vehicle access and bin store shall be to the Town's specifications and Australian Standards.
9. The driveway shall include the installation and maintenance of a system to warn entering vehicles of vehicles exiting the basement car park and to allow visitor vehicle access, to the satisfaction of the Town.
10. The pergola on the roof terrace shall be unenclosed and covered in a water-permeable material or unroofed. Details to be submitted at the building permit stage to the satisfaction of the Town.
11. A comprehensive Demolition and Construction Management Plan shall be submitted to the satisfaction of the Town prior to the issue of a Demolition Permit and Building Permit, and shall address (amongst other things) traffic management and safety for the street, worker parking, including off-site parking in consultation with and approval by the Town; and verge and street tree protection.
12. The owner/applicant shall be responsible for producing a comprehensive dilapidation report, to the satisfaction of the Town, to ascertain and monitor any damage caused to neighbouring properties as a result of the demolition and/or construction works, with copies being provided to the Town and relevant neighbours in order to consider any repairs required.

13. Prior to the submission of a Building Permit, revised plans shall be submitted to show Units B1 & B2, including the front balconies (1st floor), Units C1 & C2 (2nd floor), and the roof deck, all having a minimum 5m front setback; and not creating any new or greater variations to that approved by Council. Full details to be submitted to the satisfaction of the Town.

Advice Notes:

1. The owner/applicant is responsible for ensuring that all lot boundaries shown on the approved plans are correct and that the proposed development is constructed entirely within the owner's property.
2. The owner/applicant is responsible for applying to the Town for a Building Permit and to obtain approval prior to undertaking construction of the development.
3. In relation to this planning approval, the owner/applicant is advised that the Town operates a notification system for intended demolitions, including letters to nearby owners/occupiers and a sign(s) on site. The Town sends an initial letter to those owners/occupiers, arranges for signage as appropriate, and requests the demolition contractor to also provide follow-up notification letters to those owners/occupiers ahead of the demolition works to confirm the timing and any other aspects.
4. The owner/applicant is advised that the removal of any hazardous materials/substances, including asbestos, is required to be undertaken in accordance with the relevant regulations and procedures.
5. The owner/applicant is advised that the lots may be required to be amalgamated and a new Certificate of Title be issued prior to the granting of a Building Permit.

COUNCILLOR MOTION AND COUNCIL RESOLUTION

Moved Cr Pyvis

Seconded Cr Tucak

THAT Council DEFER consideration of Item 10.1.1 Lots 4, 5 & 301 (5) Warton Street - Eight Multiple Dwellings pending receipt of amended plans.

Carried 5/2

For: Crs Tucak, Sadler, Thomas, Pyvis and Harkins

Against: Mayor Angers and Cr Young

At this point Council considered item 10.3.5.