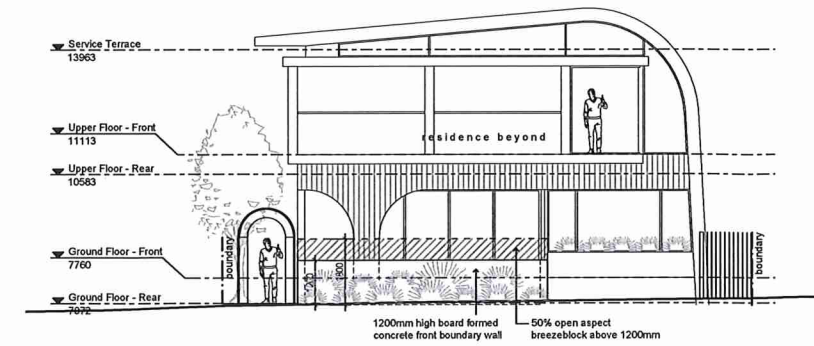
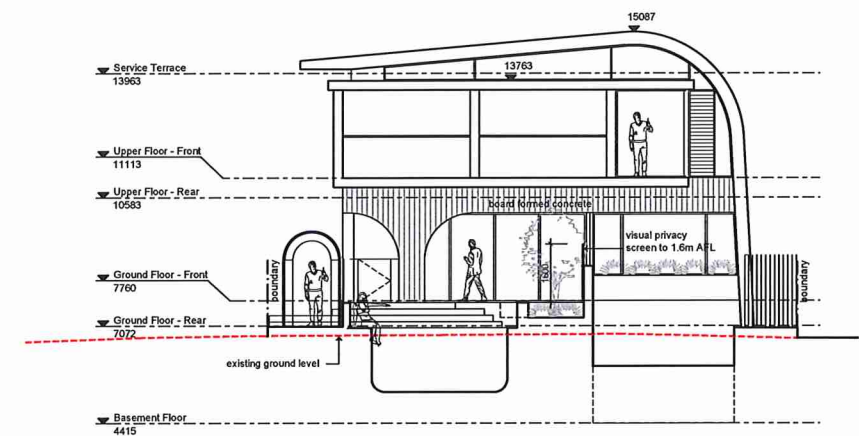


BASEMENT FLOOR PLAN
Scale 1:100



WEST ELEVATION - at Boundary
Scale 1:100

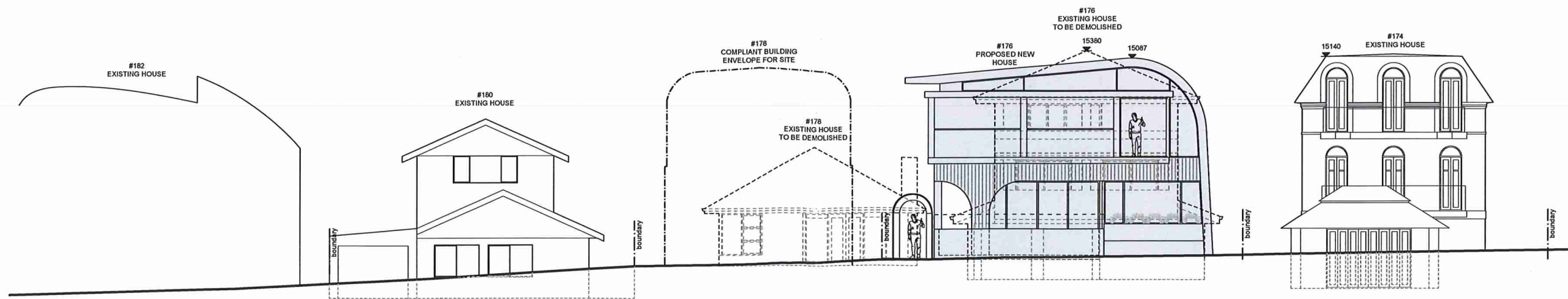


WEST ELEVATION - House
Scale 1:100

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STREETSCAPE COMPOSITE
Scale 1:100

- 4/05/2021 Revision 3**
- Ground Floor Study wall setback increased from 1.5m to 1.7m. Upper Floor Dining Room wall increased from 1.68m to 1.68m in union with wall below to improve overshadowing amount.
 - Building height at the rear reduced by 0.95m and building length reduced by 0.45m.
 - Skylight (minor projection) made level with the roof.
 - Outdoor living area on the front balcony identified as having two thirds operable open pergola above.
 - Overshadowing reduced by 12m² to 45%.
 - 3D overshadowing diagrams provided to identify real-world impact of overshadowing through the seasons, and to identify the existing solar collectors are not impacted by the proposal
 - Privacy screens at Swimming Pool area moved to north side of driveway. Cone of vision updated accordingly.

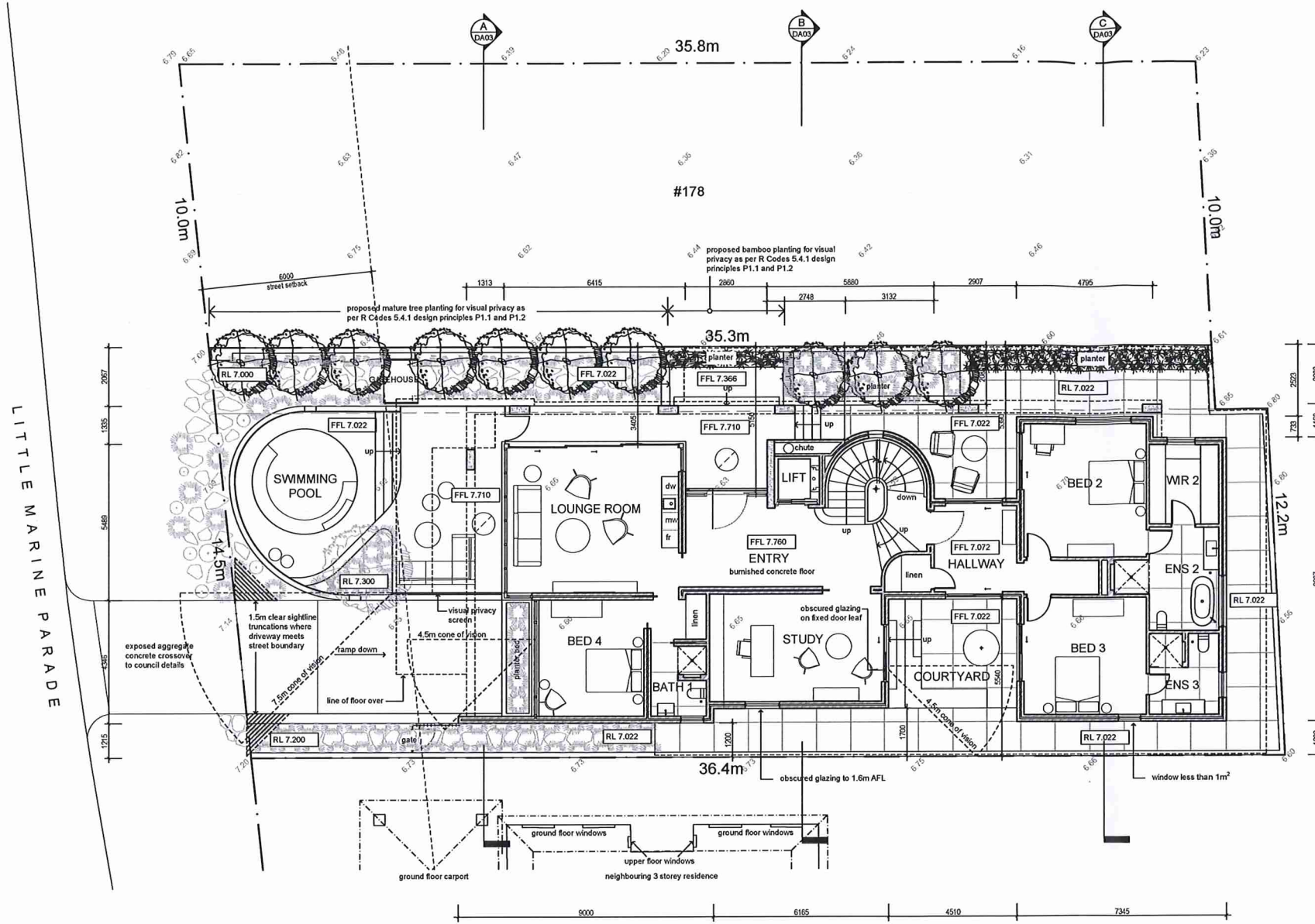


CARTER RESIDENCE
176 Little Marine Pde, Cottesloe

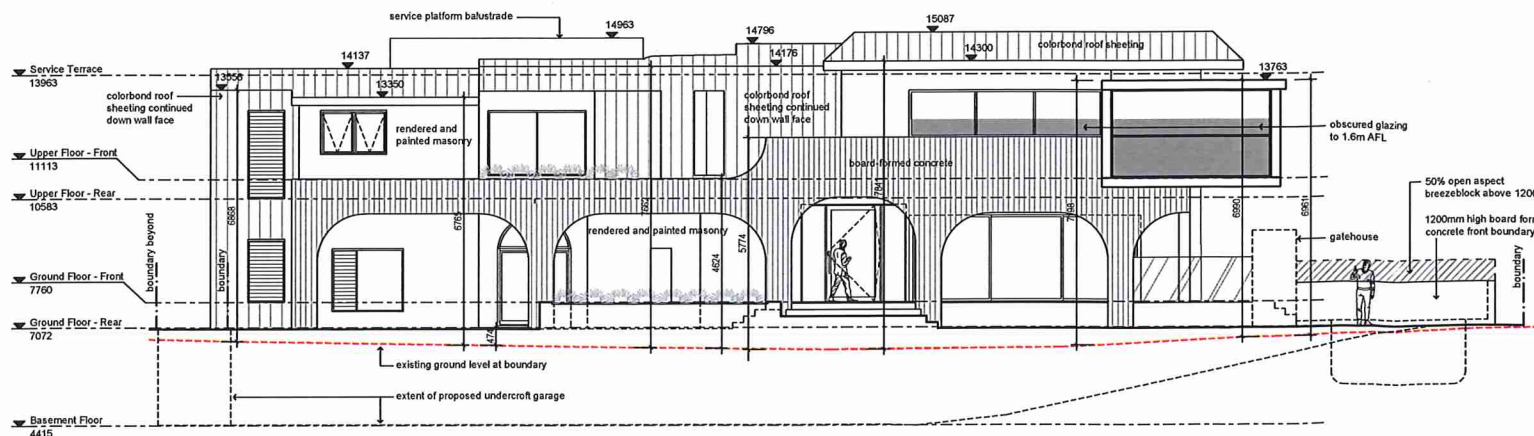
4 May 2021
Job No. 19934
Scale as shown @ A1

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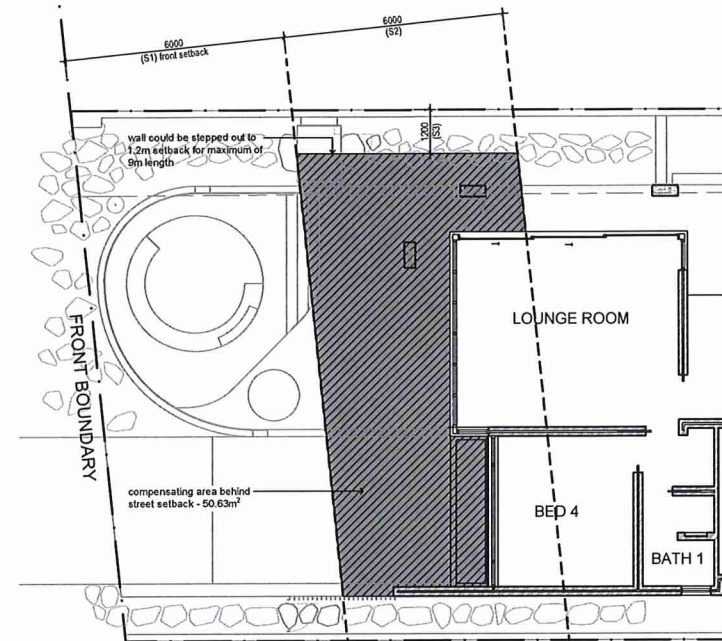
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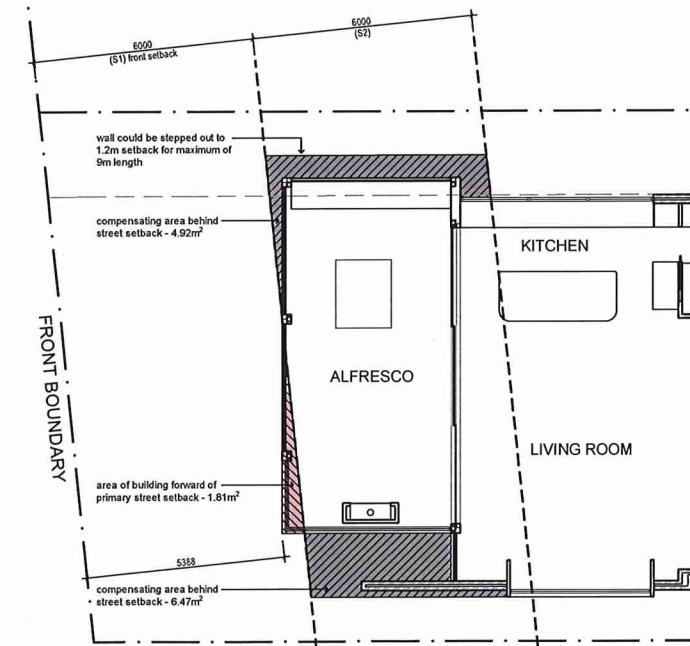
GROUND FLOOR PLAN
Scale 1:100



NORTH ELEVATION
Scale 1:100



FRONT SETBACK DIAGRAM - Ground Floor
Scale 1:100

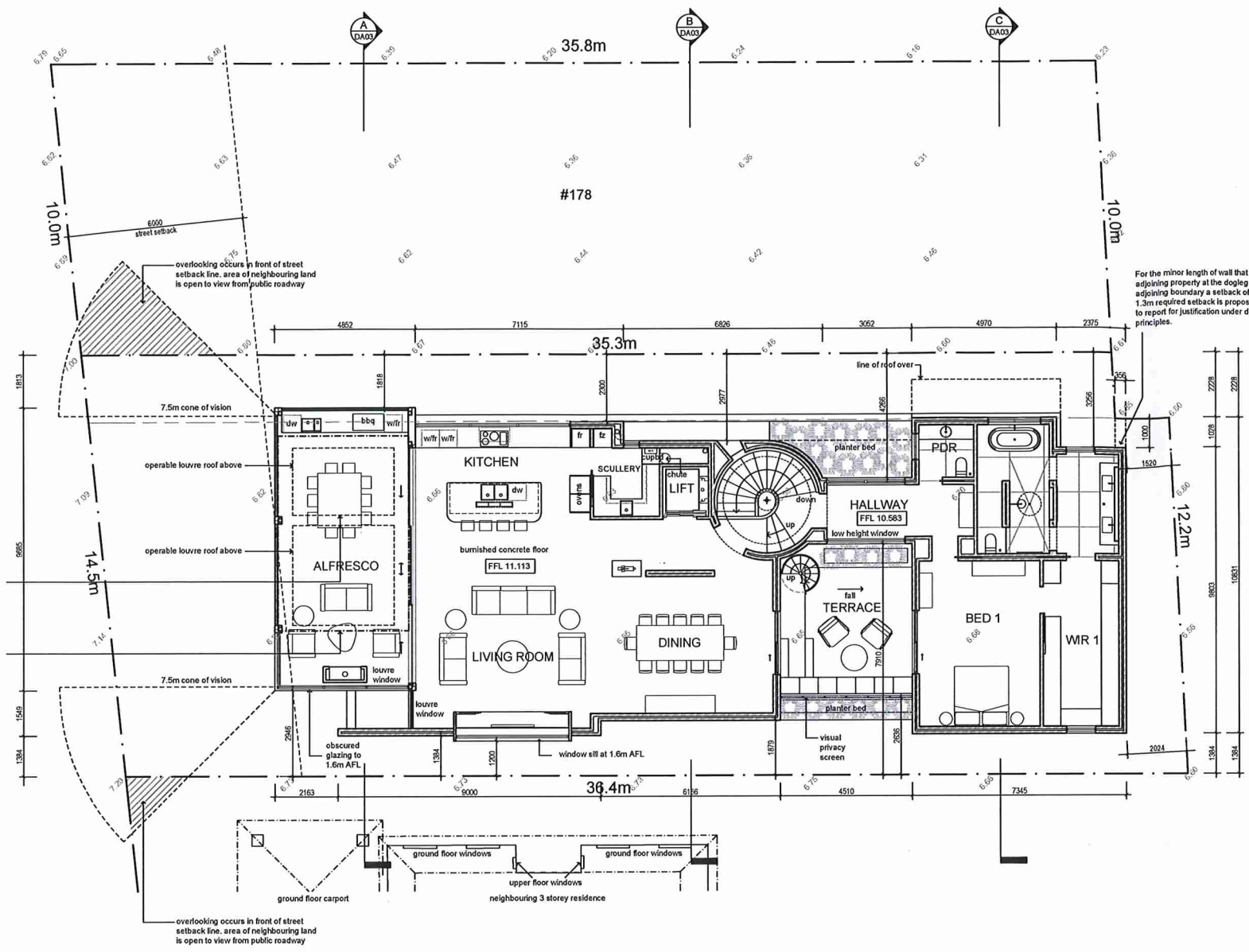


FRONT SETBACK DIAGRAM - Upper Floor
Scale 1:100

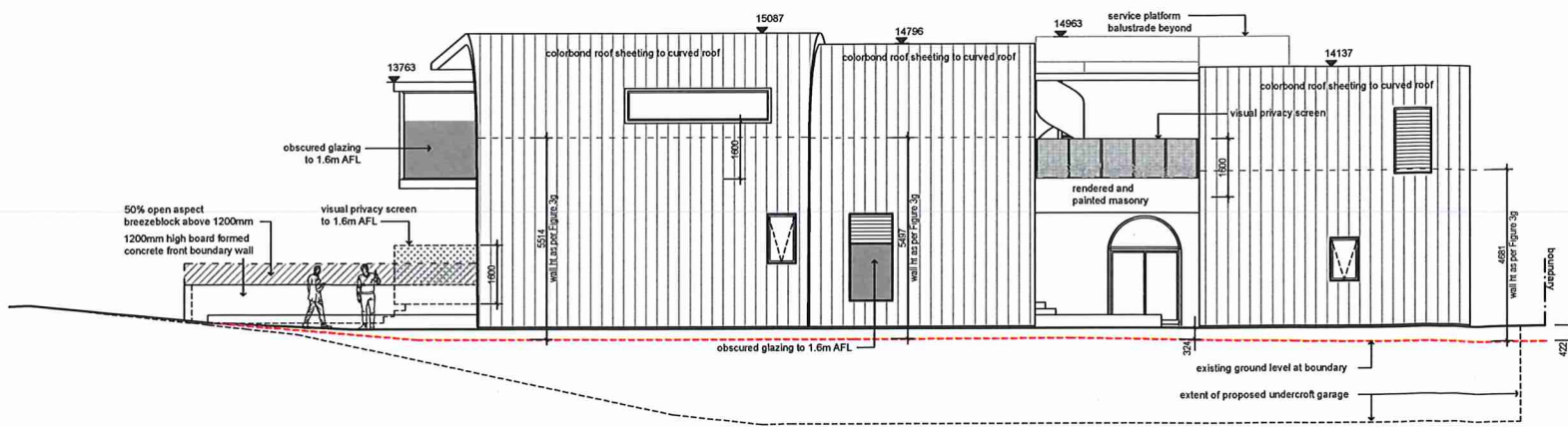
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- 4/05/2021 Revision 3
- Ground Floor Study wall setback increased from 1.5m to 1.7m. Upper Floor Dining Room wall increased from 1.88m to 1.89m in unison with wall below to improve overshadowing amount.
 - Building height at the rear reduced by 0.95m and building length reduced by 0.45m.
 - Skylight (minor projection) made level with the roof.
 - Outdoor living area on the front balcony identified as having two thirds operable open pergola above.
 - Overshadowing reduced by 12m2 to 46%.
 - 3D overshadowing diagrams provided to identify real-world impact of overshadowing through the seasons, and to identify the existing solar collectors are not impacted by the proposal.
 - Privacy screen at Swimming Pool area moved to north side of driveway. Cone of vision updated accordingly.

- (A1) area of building forward of the primary street setback - 1.8m²
- (A2) compensating area behind the primary street setback - 60.0m²

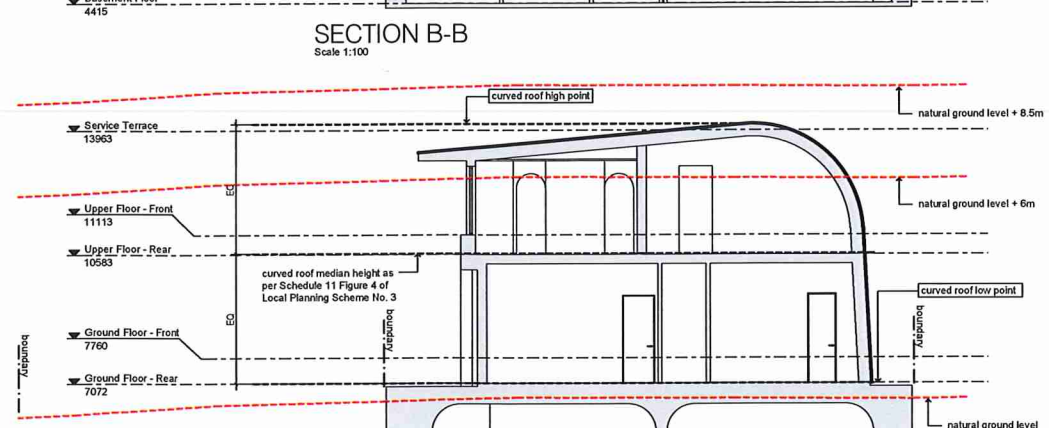
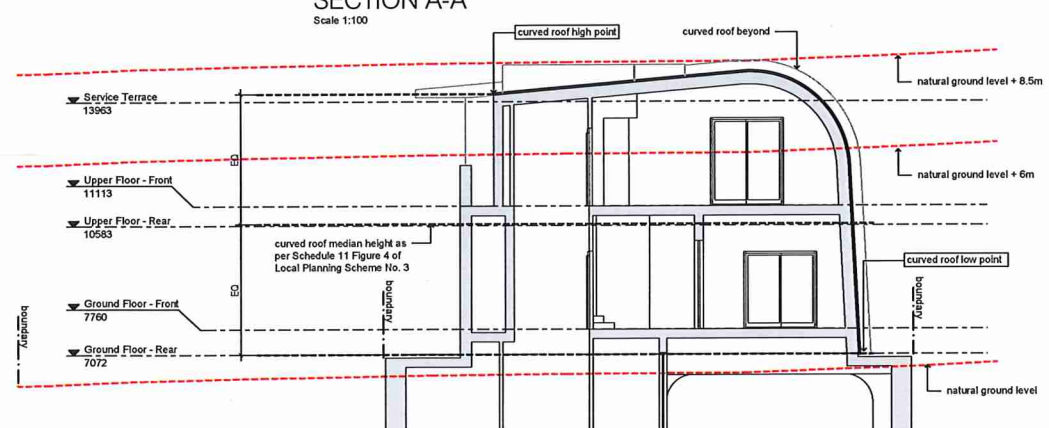
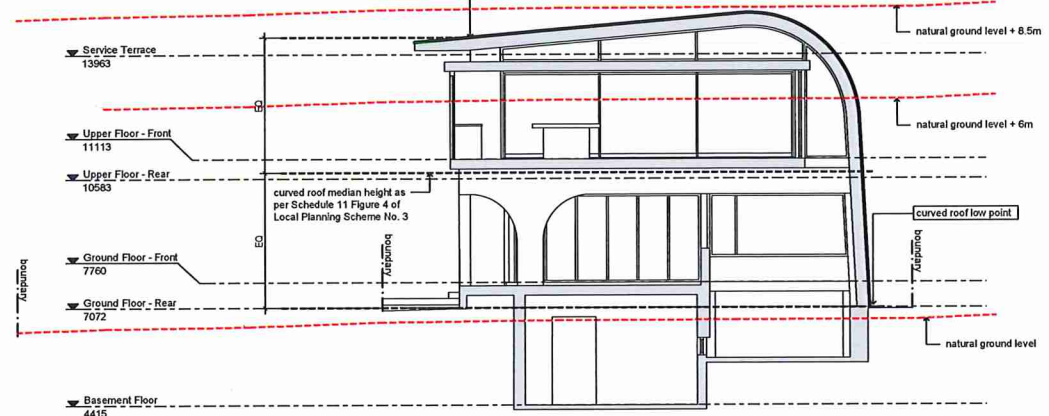
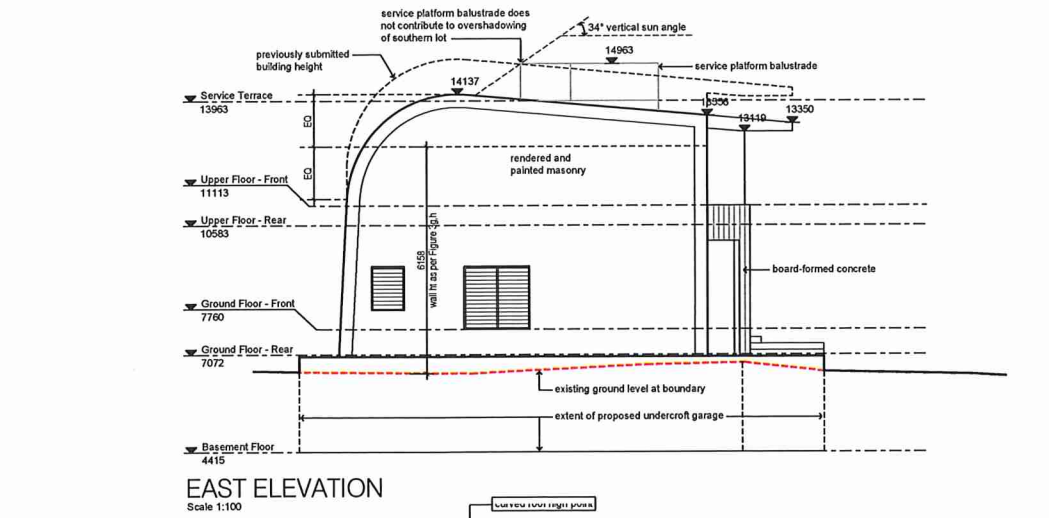


For the minor length of wall that faces the adjoining property at the dogleg in the adjoining boundary a setback of 1m in fact 1.3m required setback is proposed. Refer to report for justification under design principles.



4/05/2021 Revision 3

- Ground Floor Study wall setback increased from 1.5m to 1.7m. Upper Floor Dining Room wall increased from 1.68m to 1.80m in unison with wall below to improve overshadowing amount.
- Building height at the rear reduced by 0.95m and building length reduced by 0.45m.
- Skylight (minor projection) made level with the roof.
- Outdoor living area on the front balcony identified as having two thirds operable open pergola above.
- Overshadowing reduced by 12m² to 48%.
- 3D overshadowing diagrams provided to identify real-world impact of overshadowing through the seasons, and to identify the existing solar collectors are not impacted by the proposal.
- Privacy screen at Swimming Pool area moved to north side of driveway. Cone of vision updated accordingly.



CARTER RESIDENCE
176 Little Marine Pde, Cottesloe

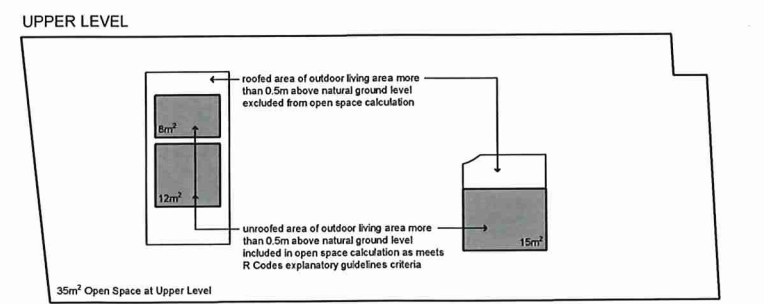
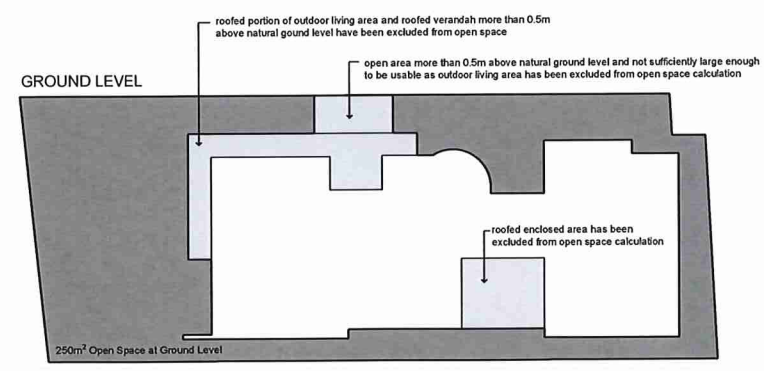
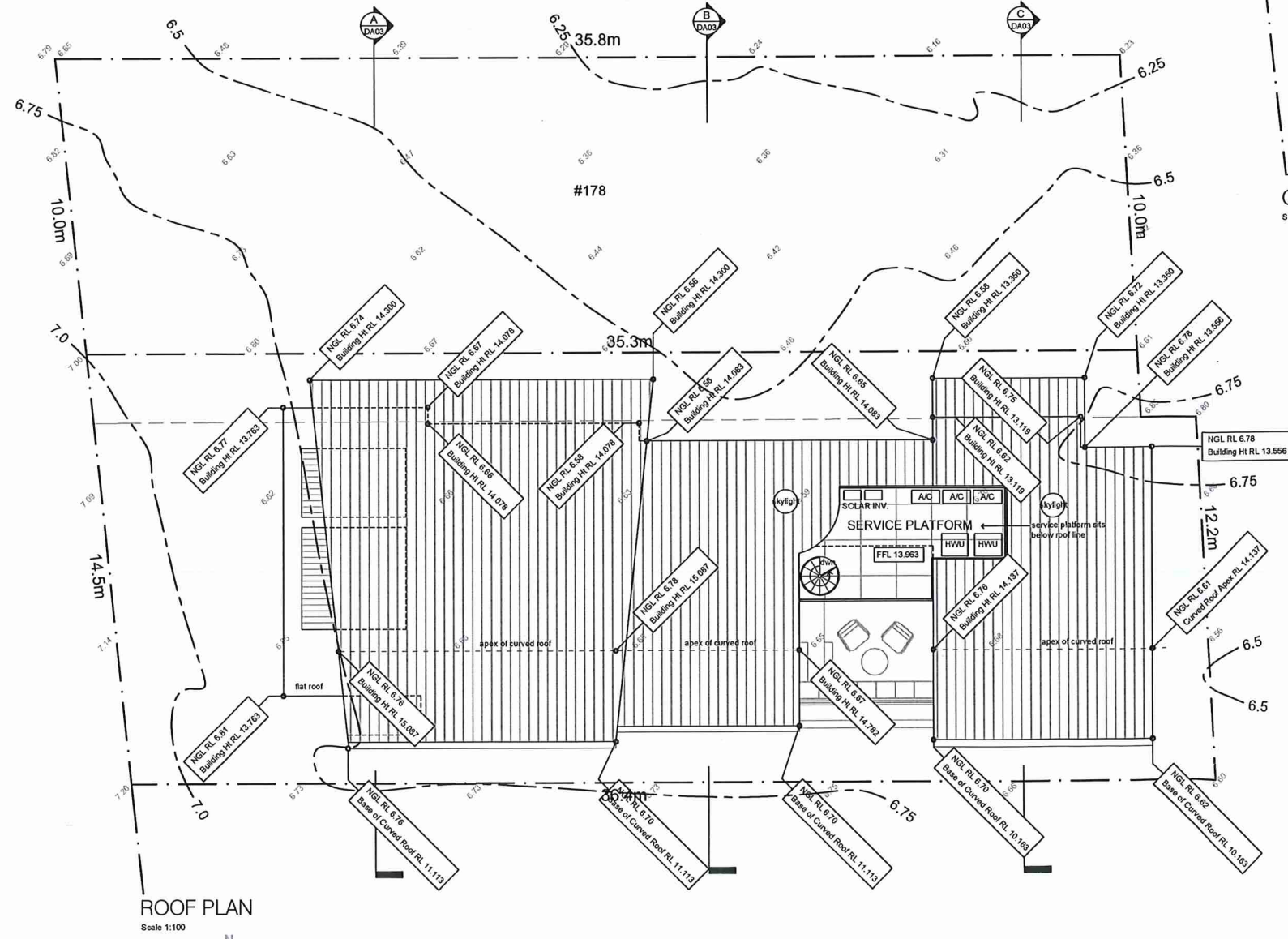
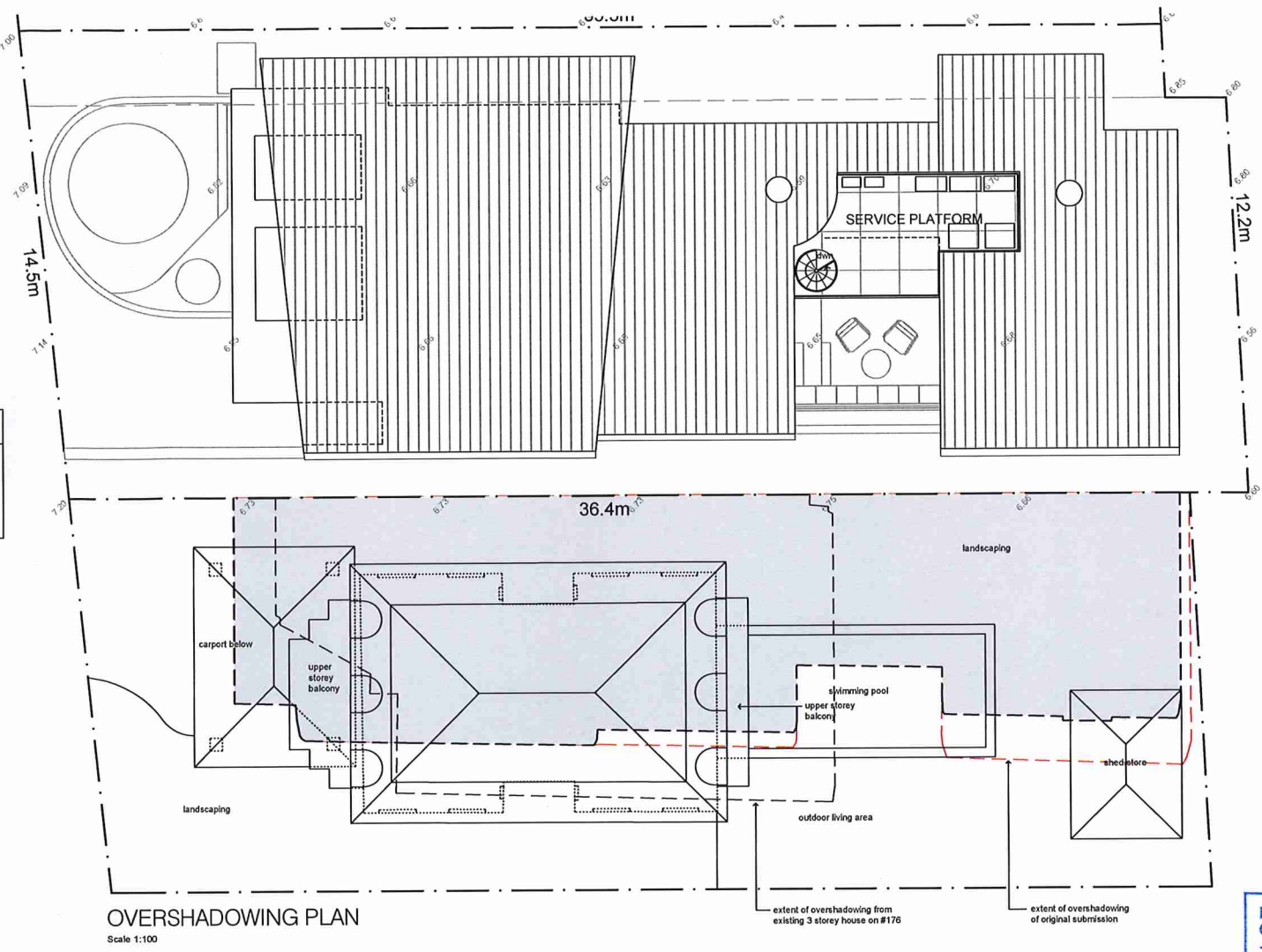
4 May 2021
Job No 19994
Scale as shown @ A1

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Sheet
DA03

OVERSHADOWING CALCULATION		Original Submission
21 June overshadowing component	= 202m ²	= 218m ²
Size of southern neighbouring site	= 438m ²	
202/438 x 100	= 46%	218/438 x 100 = 49.8%
Deemed to Comply % for R20 site	= 25%	

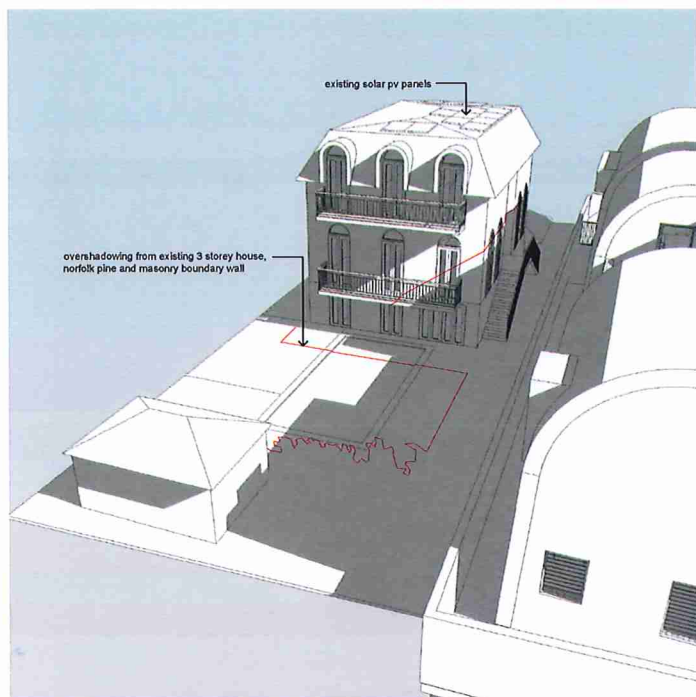


- 4/05/2021 Revision 3**
- Ground Floor Study wall setback increased from 1.5m to 1.7m.
 - Upper Floor Dining Room wall increased from 1.65m to 1.85m in unison with wall below to improve overshadowing amount.
 - Building height at the rear reduced by 0.95m and building length reduced by 0.45m.
 - Skylight (minor projection) made level with the roof.
 - Outdoor living area on the front balcony identified as having two thirds operable open pergola above.
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 - 3D overshadowing diagrams provided to identify real-world impact of overshadowing through the seasons, and to identify the existing solar collectors are not impacted by the proposal.
 - Privacy screen at Swimming Pool area moved to north side of driveway. Cone of vision updated accordingly.

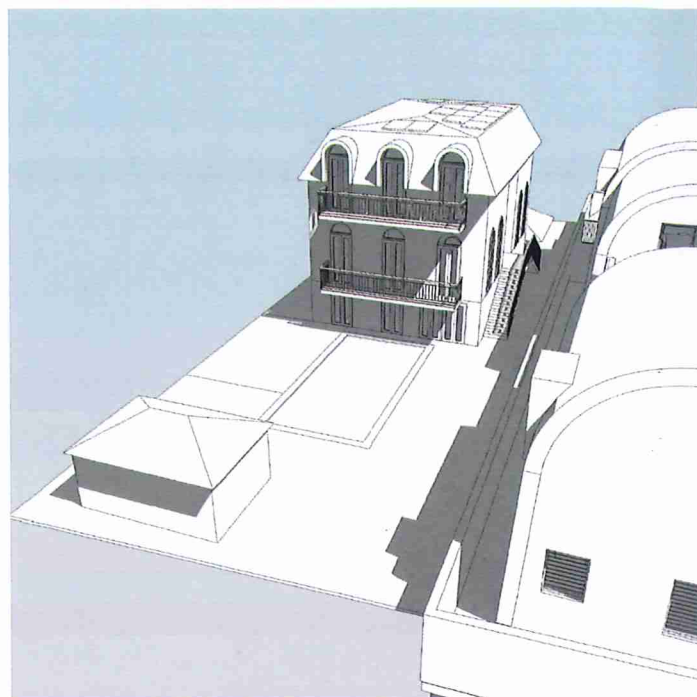
OPEN SPACE CALCULATION	
Site Area	= 526m ²
Total Open Space Area	= 285m ²
285/526 x 100	= 54%
Deemed to Comply % for R20 site	= 50%

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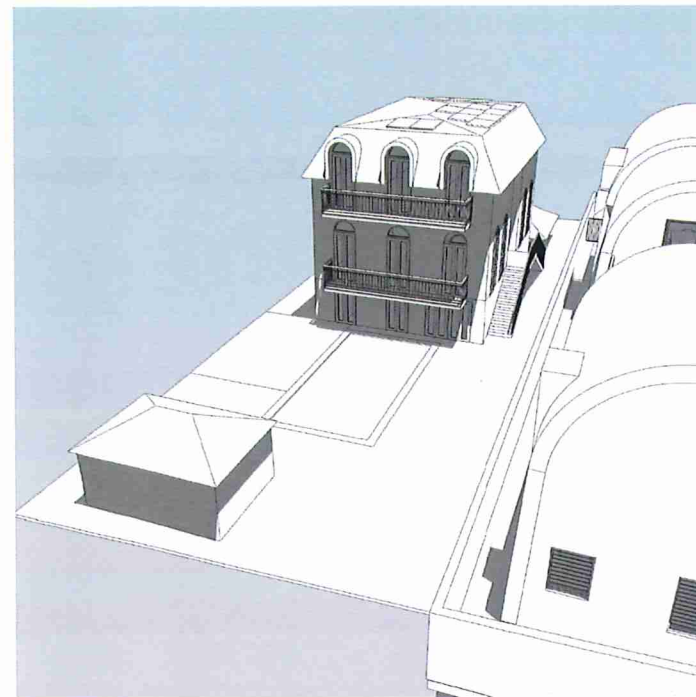
TOWN OF COTTESLOE
5 MAY 2021
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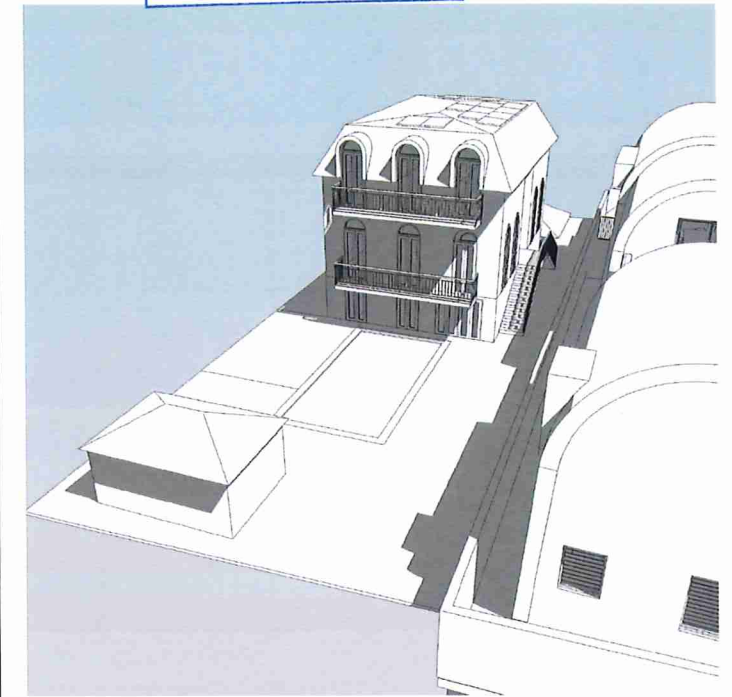
WINTER SOLSTICE OVERSHADOWING - BACKYARD



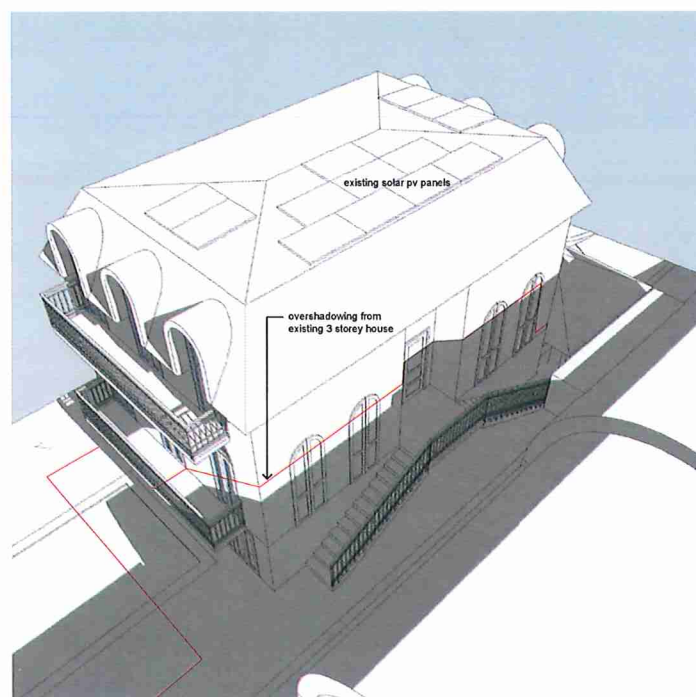
SPRING EQUINOX OVERSHADOWING - BACKYARD



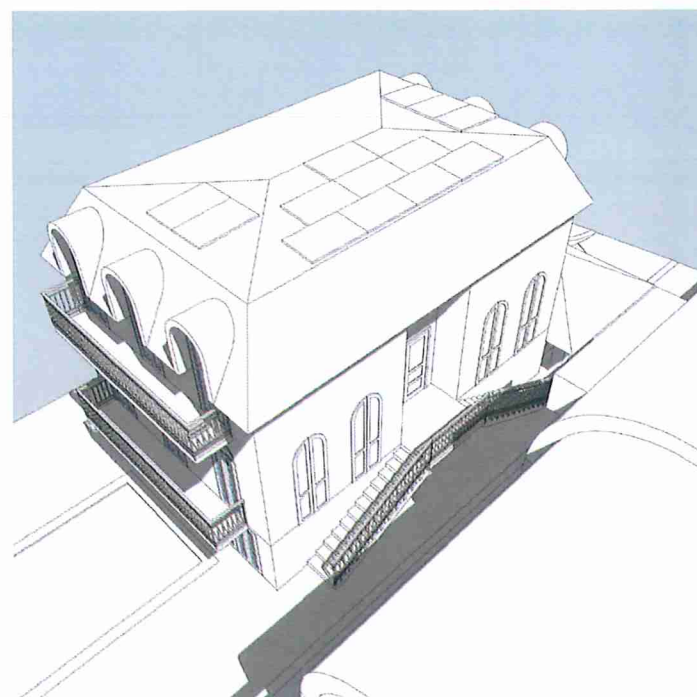
SUMMER SOLSTICE OVERSHADOWING - BACKYARD



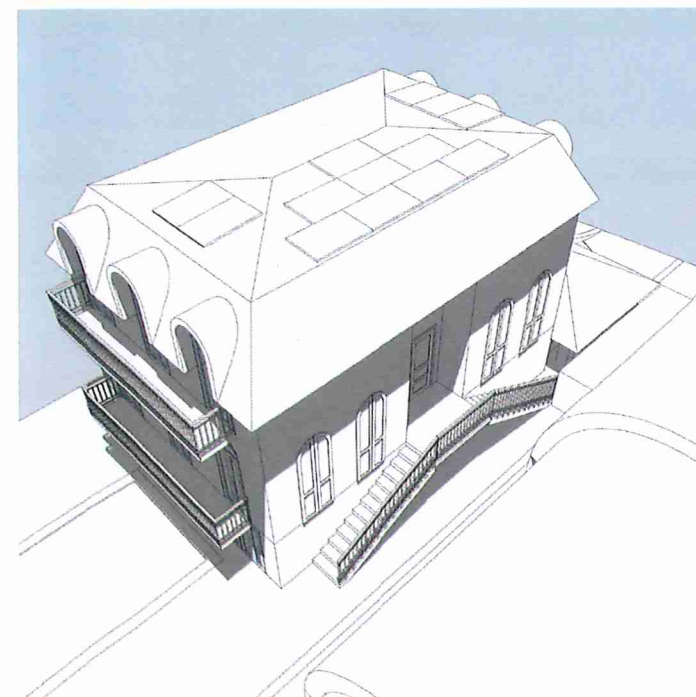
AUTUMN EQUINOX OVERSHADOWING - BACKYARD



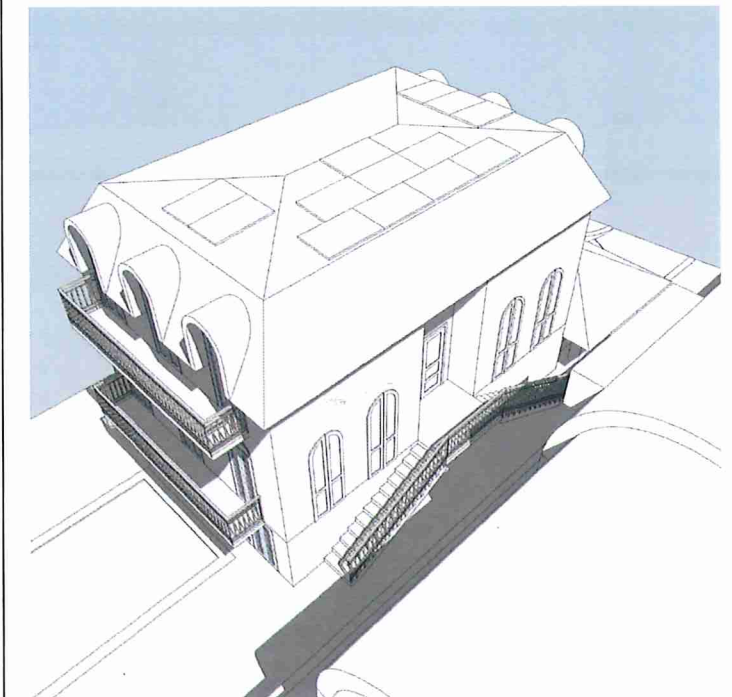
WINTER SOLSTICE OVERSHADOWING - NORTH WINDOWS AND SOLAR PV PANELS



SPRING EQUINOX OVERSHADOWING - NORTH WINDOWS AND SOLAR PV PANELS



SUMMER SOLSTICE OVERSHADOWING - NORTH WINDOWS AND SOLAR PV PANELS



AUTUMN EQUINOX OVERSHADOWING - NORTH WINDOWS AND SOLAR PV PANELS

Response to Councillor questions made at Agenda Forum meeting on 18 May 2021

Response to question from Cr Masarei

The relevant aims and objectives of the Local Planning Scheme (LPS 3)

The aims of the Scheme include:

- *sustain the amenity, character and streetscape quality of the Scheme area; and*
- *ensure that land uses and development adjacent to Marine Parade are compatible with the residential and recreational nature of their setting and the amenity of the locality.*

The objectives of the Residential zone are to:

- *encourage residential development only which is compatible with the scale and amenity of the locality;*
- *provide the opportunity for a variety and choice in housing in specified residential areas;*
- *allow for some non-residential uses where they are compatible with the amenity of residential localities; and*
- *encourage the retention of local facilities and services within specified residential areas for the convenience of the local community.*

Officer comment

The development application and revised plans received 5 May 2021, generally satisfy the aims and objectives of the Scheme as the proposed reduction in the height and length of the rear part of the dwelling; the removal of the upper-floor, south-facing, projecting window box frame; the increase the southern side setback; and the lowering of a portion of the front courtyard will all assist in ensuring that the development sustains the amenity, character and streetscape quality of the locality. Furthermore, there are other two-storey curved-roofed dwellings of similar scale along Little Marine Parade and the proposed building height (on the western side) will be similar to the building height of the southern neighbouring dwelling and approximately 0.3m lower than the ridge height of the existing dwelling that is to be demolished.

Response to question from Cr Sadler

Tables showing assessment criteria relevant to revised plans received 5 May 2021

Planning assessment	Satisfies Local Planning Scheme No. 3 & deemed-to-comply provisions of the Residential Design Codes	Requires exercise of judgement
Storeys	✓	
Building height	✓	
Street setback	✓	
Lot boundary setbacks		✓

Open space	✓	
Street surveillance	✓	
Outdoor living area	✓	
Privacy	✓	
Solar Access		✓
Site Works		✓
Retaining Walls	✓	
Matters to be considered by local government	✓	

Residential Design Codes - setbacks	Deemed-to-comply provisions of the Residential Design Codes (as applicable to revised plans)	Design principles
Requirement	<p>Buildings which are set back in accordance with the following provisions, subject to any additional measures in other elements of the R-Codes:</p> <ul style="list-style-type: none"> • buildings set back from lot boundaries in accordance with Table 1, Tables 2a and 2b 	<p>Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</p> <ul style="list-style-type: none"> • reduce impacts of building bulk on adjoining properties; • provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and • minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

Residential Design Codes – Site works	Deemed-to-comply provisions of the Residential Design Codes (as applicable to revised plans)	Design principles
Requirement	<p>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 provide for pedestrian or vehicle access, drainage works or natural light for a dwelling.</p>	<p>Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</p> <p>Where excavation/fill is necessary, all finished levels respecting the natural ground level at the lot boundary of the site and as viewed from the street.</p>

Residential Design Codes – solar access	Deemed-to-comply provisions of the Residential Design Codes (as applicable to revised plans)	Design principles
Requirement	<p>Notwithstanding the lot boundary setbacks in clause 5.1.3, development in climatic zones 4, 5 and 6 of the State shall be so designed that its shadow cast at midday, 21 June onto any other adjoining property does not exceed the following limit:</p> <ul style="list-style-type: none"> • on adjoining properties coded R25 and lower – 25 per cent of the site area; 	<p>Effective solar access for the proposed development and protection of the solar access.</p> <p>Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:</p> <ul style="list-style-type: none"> • outdoor living areas; • north facing major openings to habitable rooms, within 15 degrees of north in each direction; or • roof mounted solar collectors.

10.1.2 LOT 64 (176) LITTLE MARINE PARADE - TWO-STOREY DWELLING

Directorate:	Compliance and Regulatory Services
Author(s):	Ed Drewett, Coordinator Statutory Planning
Authoriser(s):	Wayne Zimmermann, Manager of Planning Freya Ayliffe, Director Development and Regulatory Services
File Reference:	D21/15556
Applicant(s):	Lyons Architects
Author Disclosure of Interest:	Nil

SUMMARY

This report discusses the statutory provisions and assessment criteria relevant to a development application for a two-storey dwelling on Lot 64 (176) Little Marine Parade, Cottesloe.

OFFICER RECOMMENDATION IN BRIEF

That Council refuse the development application as it will create excessive overshadowing of the adjoining southern property and result in a significant loss of amenity to the adjoining owner and occupant.

BACKGROUND

Zoning	MRS: Urban LPS: Residential R20
Use Class:	Single House
Development Scheme:	Local Planning Scheme No. 3 (LPS 3)
Lot size:	526m ² (WAPC approved, subject to conditions)
Existing land use:	Residential
Value of Development:	\$2.2M
Owner:	C. Carter

On 17 February 2021, following advertising of the proposal to adjoining owners and occupiers, the Town provided a detailed schedule of submissions to the applicant and strongly encouraged that the applicant makes modifications to the plans to address the concerns raised during advertising.

The Town subsequently has been liaising with the applicant by way of emails and phone calls and held a meeting with the applicant at the Town's offices on 9 March 2021 to seek further clarification on various planning matters including the calculation method used to determine

the building height of the proposed dwelling as required in LPS 3 and ensure that the applicant had adequately addressed relevant *design principles* in accordance with *State Planning Policy 7.3 - Residential Design Codes (R-Codes)*.

On 10 March 2021, key points discussed at the meeting were forwarded to the applicant. The key points that needed to be addressed included:

- *Building height;*
- *Setbacks;*
- *Open space;*
- *Outdoor living area;*
- *Front fencing;*
- *Visual privacy; and*
- *Solar access (overshadowing).*

On 17 March 2021, the applicant responded to each of the above points and indicated that they were willing to make various changes to the plans to address concerns raised by the Town.

On 19 March 2021, the Town attempted to arrange a site meeting with the applicant and the southern neighbour so that the proposed revisions could be discussed prior to lodgement of revised plans. However, although the applicant and neighbour were willing to attend an on-site meeting the dates for this to occur proved difficult and it did not eventuate.

On 31 March 2021, following a preliminary review of the proposed modifications outlined by the applicant in their correspondence to the Town on 17 March 2021, the Town advised the applicant that based on their response it appeared that all the concerns appeared to be addressed via amendments or expanded justification, which is favourable. The indicative amendments were understood to be as follows:

- *Lot boundary setbacks to be made compliant in some portions, others have been retained for design principles compliance instead to retain functionality;*
- *The building height at the rear to be reduced by 0.95m and building length reduced by 0.45m;*
- *The skylight (minor projection) to be made level with the roof;*
- *The front fence to be compliant but can be modified following the planning process to address swimming pool safety concerns if necessary;*
- *The outdoor living area on the front balcony to only be covered by two thirds with operable pergola louvres above;*
- *The raised outdoor living area at the front to be lowered for the most part with a new privacy screen installed to alleviate potential for overlooking of the side front setback area;*
- *Open space to be compliant due to minor amendments and through application of the explanatory guidelines of the R-Codes;*

- *Overshadowing to be reduced by 12m² to 46% and supporting diagrams depict the real world impact of the shadow throughout the seasons (including proof that it will not impact the solar panels); and*
- *Minor drafting errors to be rectified.*

On the basis of the proposed modifications, the Town requested the applicant submit revised plans to enable a formal assessment to be completed and further consultation to be carried out with the southern neighbour.

Unfortunately, the applicant has not been agreeable to submit revised plans unless a commitment was made by the Town’s officers that the revisions would be recommended for approval. Such a commitment was considered inappropriate before the Town had the opportunity to formally assess the revisions or provide affected neighbour(s) an opportunity to view and comment on matters to be considered under *design principles*.

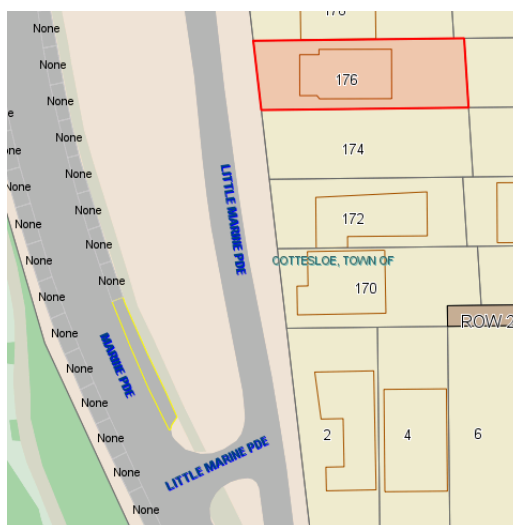
On 23 March 2021, the applicant advised that without such an assurance from the Town then their client wished to proceed with the current (original) plans and will lodge an appeal to the State Administrative Tribunal (SAT). The applicant has further advised that they have engaged planning consultants and a planning and development lawyer to assist with the SAT process.

On 24 March 2021, the WAPC approved a boundary realignment between No. 176 & No. 178 Little Marine Parade (WAPC 160276).

OFFICER COMMENT

Local context and site characteristics

The subject site is located on the eastern side of Little Marine Parade, approximately 60m to the north of the road intersection with Marine Parade. Existing developments along this section of road comprise predominantly two-storey dwellings, although there is a single-storey dwelling adjoining the subject site at No. 178 and a 4-storey apartment building at the northern end of the cul-de-sac.



Site Plan

Strategic Planning Framework - Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 (amended 2020)

The proposal has been assessed having due regard to relevant matters under clause 67 of the Regulations.

The aims and objectives of the Local Planning Scheme (LPS 3)

The aims of the Scheme include:

- *sustain the amenity, character and streetscape quality of the Scheme area; and*
- *ensure that land uses and development adjacent to Marine Parade are compatible with the residential and recreational nature of their setting and the amenity of the locality.*

The objectives of the Residential zone are to:

- encourage residential development only which is compatible with the scale and amenity of the locality;
- provide the opportunity for a variety and choice in housing in specified residential areas;
- allow for some non-residential uses where they are compatible with the amenity of residential localities; and
- encourage the retention of local facilities and services within specified residential areas for the convenience of the local community.

The development proposal appears to generally conflict with the aims and objectives of the Scheme as it is unlikely that it will adequately sustain the amenity, character and streetscape quality of the locality, especially in relation to the adjoining southern lot.

Building Height

The Town sought clarification from the applicant in respect to the calculation used for determining the proposed building height as it was unclear whether the proposed curved roof would have any supporting walls on its southern side. Also, there appeared to be a drafting error in respect to the building height of the proposed front balcony shown on the roof plan.

The applicant responded to the Town's queries in an email on 17 March 2021, and on the basis of the clarification received the Town is satisfied that the proposed building heights comply with LPS3.

Setbacks

The Town sought clarification from the applicant in respect to the calculation used for determining the southern side setbacks due to the proposed tilted-roof structure.

Following the applicant's response, the Town is satisfied that the setbacks to the southern boundary comply with the *deemed-to-comply* provisions in the R-Codes, with the exception of the ground floor study room which proposes a 1.5m setback, in lieu of 1.7m. However, this setback variation may be supported under *design principles* as it is relatively minor and will not have any significant impact on the adjoining property.

Similarly, setback variations are also proposed from the ground and upper floors to the northern boundary which may be supported under *design principles* as the articulated design will assist in reducing the impact of building bulk on the adjoining northern property, there will be adequate direct sun and ventilation to the building and open spaces on the site and adjoining property, and there will be no resultant loss of privacy as major openings and balcony will be screened. Furthermore, the adjoining northern property is under the same ownership.

Open space

The Town sought clarification from the applicant in respect to the calculation used for determining the open space.

Following the applicant's response, the Town is satisfied that approximately 54% open space is proposed, inclusive of the proposed accessible upper-floor terrace and balcony, which comply with the *deemed-to-comply* provisions of the R-Codes.

Outdoor living area

The Town sought clarification from the applicant in respect to the areas proposed to be included as outdoor living areas and the areas without permanent roof cover.

Following the applicant's response, the Town is satisfied that the outdoor living areas comply with the *deemed-to-comply* provisions of the R-Codes having sought clarification that the front balcony will have operable louvres.

Front fence

The Town sought clarification from the applicant in respect whether the proposed visually permeable fence above 1.2m in the front setback would satisfy swimming pool regulations as a pool is proposed at the front of the dwelling.

Following the applicant's response, the Town is satisfied that the fencing complies with the *deemed-to-comply* provisions of the R-Codes. However, if modifications are later required to satisfy swimming pool regulations then the applicant may be required to submit a separate development application for the fence.

Visual privacy

The Town sought clarification from the applicant in respect to whether the proposed raised front courtyard would satisfy the *design principles* of the R-Codes.

Following the applicant's response, the Town is satisfied that as the only area that would be overlooked within the required cone of vision is the southern neighbour's front carport, rather than any active habitable spaces and outdoor living area, it may be supported under *design principles*.

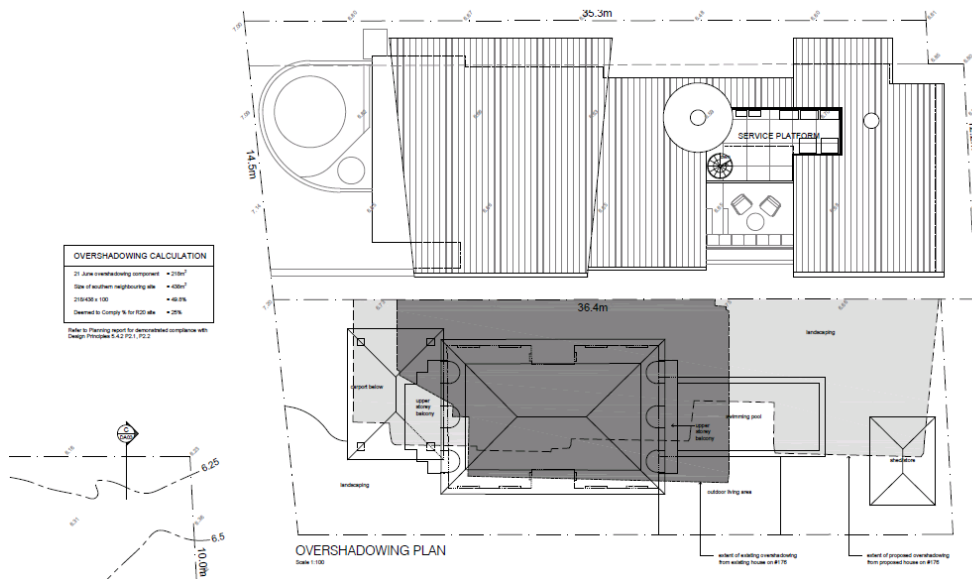


Above: Carport at front of the southern neighbour’s dwelling that may be partially overlooked by the proposed raised front courtyard.

Solar access

Under the *deemed-to-comply* provisions of the R-Codes development shall be so designed that its shadow cast at midday on 21 June onto any other property does not exceed 25% in a Residential R20 zone. This equates to approximately 109.5m² based on the southern neighbour’s lot size of 438m².

The proposed dwelling will overshadow the adjoining southern lot by approximately 50% (49.8%) which equates to approximately 218m² or nearly double the area permitted under the *deemed-to-comply* standard in the R-Codes (see below):



Above: Overshadowing plan, as provided by the applicant (Sheet DA04)

The applicant has requested that the overshadowing be assessed under *design principles* of the R-Codes, which are:

- P2.1 Effective solar access for the proposed development and protection of the solar access.*
- P2.2 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:*
- *outdoor living areas;*
 - *north facing major openings to habitable rooms, within 15 degrees of north in each direction; or*
 - *roof-mounted solar collectors.*

Applicant's justification

The applicant has advised that the R-Codes *Explanatory Guidelines* identifies that long narrow sites running east-west are the most vulnerable to overshadowing, even by a relatively low building, and that decision-makers are encouraged to use the design principle approach.

The applicant has provided the following comments in respect to the design principles:

- P2.1 The proposed development has effective solar access due to its long east-west axis. The main indoor and outdoor living areas are located on the upper floor level which will ensure their solar access will remain protected upon any future development of the lot to the north of it.*
- P2.2 The existing 3-storey residence to the south has its outlook strongly orientated to the west with elevated outdoor living areas in the form of large balconies on both the second and third storeys. The overshadowing of the proposed residence has some impact on the second storey major openings and balcony; however the larger of the balconies and the main living spaces of the southern residence which are on the third storey remain unaffected by the overshadowing caused by the proposed residence.*

The overshadowing of the ground floor outdoor active living space receives less overshadowing from the proposed design as compared to that from the existing residence.

Summary of southern neighbour's comments received during the advertising period regarding the proposed overshadowing

- *Close to 75% of backyard will be shaded;*
- *Ability to see any sky and sunlight from the backyard and dwelling will be severely restricted at all times;*
- *Existing fruit trees and vegetable in the back garden will be decimated; and*
- *Reduction of sun exposure to the property will adversely affect the ability of occupants to meet their natural sun exposure needs within the home environment and can cause Seasonal Affective Disorder (SAD).*

Similar objections to the overshadowing were also received from other residents during the advertising period.

Officer comment

It is probable the proposed dwelling will be affected by any new two-storey dwelling to its north which replaces the existing single-storey dwelling and therefore its design appears to mainly rely on the front balcony and partially-raised front courtyard to ensure it retains adequate effective solar access. This also rationalises the proposed siting of the swimming pool within the street setback area, rather than locating further to the rear in a more private location.

The other proposed ground-level courtyard with an unroofed terrace above on the southern side of the dwelling are both of limited size and only the upper floor will receive direct sunlight. Furthermore, due to the length of the proposed dwelling extending close to the rear lot boundary there appears little alternative reasonably-sized active outdoor living areas available, although outdoor living areas should generally be orientated to make best use of northern sunlight as well as provide opportunities for natural ventilation by cooling breezes. It is therefore doubtful as to whether part P2.1 of the design principles has been adequately addressed.

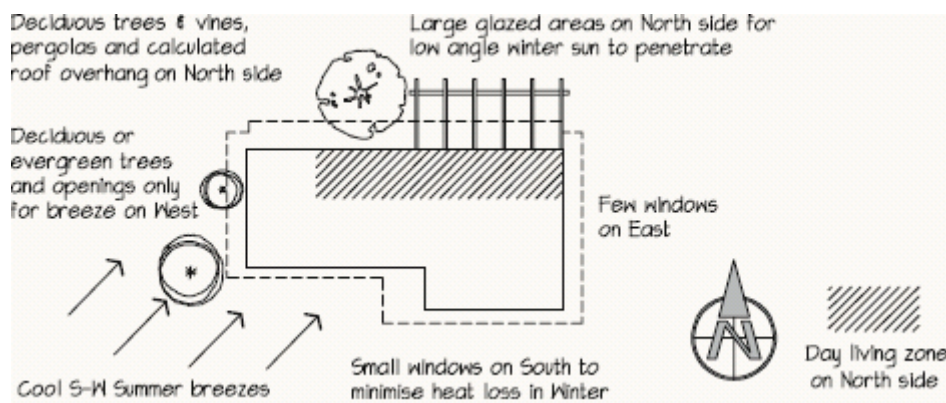
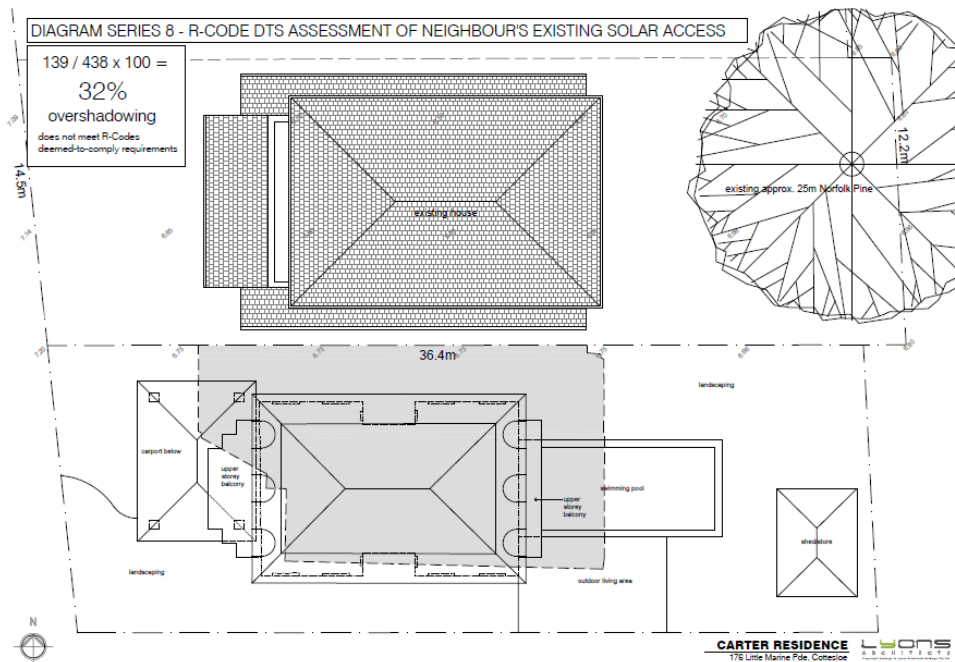


Diagram showing some principles for the siting of a dwelling in a temperate zone (fig. 68 of R-Codes Explanatory Guidelines)

The R-Codes *Explanatory Guidelines* advise that the 3 main aims of climate-sensitive design are to reduce energy consumption, optimise on-site solar access and protect solar access for neighbouring properties. They advise that where some overshadowing is unavoidable then careful consideration as to what is being overshadowed, rather than the extent of overshadowing, should be judged on merit and the *design principles* applied.

In this case, it is evident from the plans that all of the north-facing windows and much of the east and west facing openings on the southern neighbour's dwelling are already overshadowed on 21 June and therefore the proposed development will make little difference. Furthermore, a large Norfolk Island Pine tree at the rear of 176 Little Marine Parade also would cast some shadow over the adjoining southern lot.



Above: Diagram supplied by applicant showing 32% overshadowing of the adjoining southern lot from the existing dwelling

However, it is also evident from the plans that because the proposed dwelling extends a considerable way to the rear of the lot, the southern neighbour’s rear outdoor living area (courtyard) and pool will be significantly overshadowed, whereas currently they are not (refer plan DA 04).

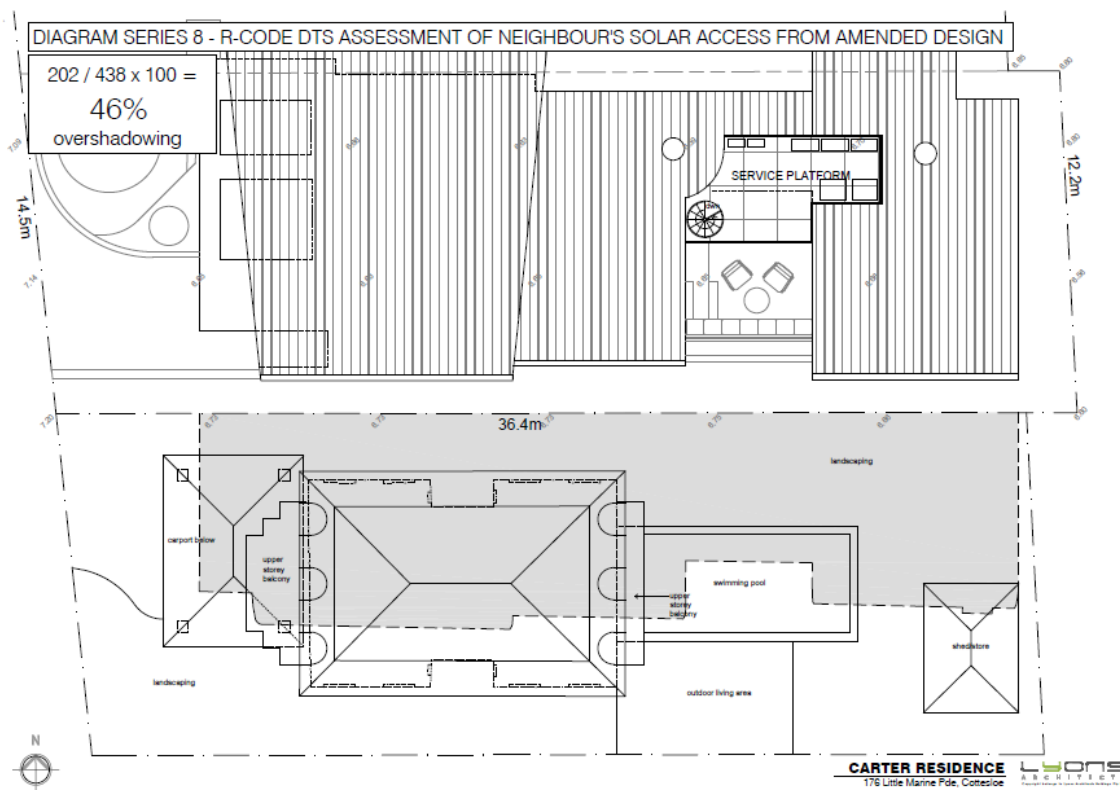


Above: View from rear of No. 174 Little Marine Parade looking north-west (photo supplied by Altus Planning)

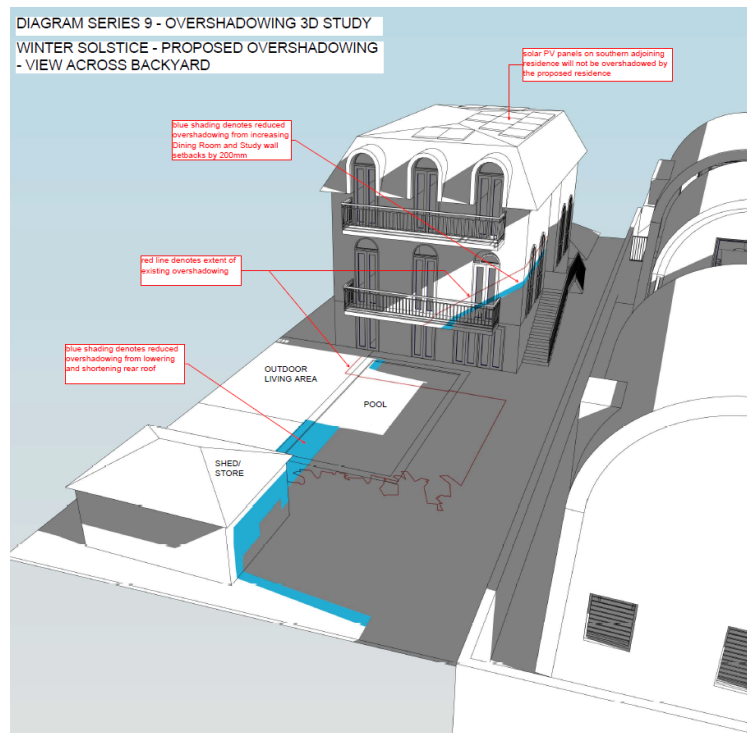
Whilst it may not be possible to expect the entire rear courtyard of the southern neighbour’s property to be unaffected by overshadowing, it nevertheless doubtful that the current proposed dwelling has been adequately designed to protect sufficient solar access to enable it to be supported under *design principles*.

The Town has attempted to liaise with the applicant to consider whether design changes, including possibly reducing the height and length of the rear section of the proposed dwelling may result in a better outcome for the neighbour, but the applicant has not agreed to make such changes without receiving certainty from the planning officers that they will be supported. Such certainty could not be provided prior to assessment of any revisions to the plans and consultation with the affected neighbour.

However, if the applicant’s revised proposal to lower the height of the roof over the rear section by 0.95m and shortening its length by 0.45m was submitted for consideration then based on the applicant’s analysis the overshadowing from the proposed development would be reduced to 46% or 202m², which is 16m² less than the current proposal.



Above: Diagram supplied by applicant showing 46% overshadowing of the adjoining southern lot if proposed revisions were undertaken



Above: Diagram supplied by applicant with blue shading denoting reduced overshadowing as a result of lowering and shortening the roof at the rear of the proposed dwelling.

Comparison against other development in the locality

On 17 December 2007, Council approved a similar east-west orientated dwelling at No. 172 Little Marine Parade which has been completed and is quite visible from the rear of the southern neighbour's property. In that case, Council approved 31.8% overshadowing of its southern neighbouring property at No. 170 Little Marine Parade, following no submission being received from the affected owner or occupier.



Aerial photo showing proximity of development at 172 Little Marine Parade to its southern neighbour

The planning officer's report at that time acknowledged that although this amount of overshadowing is generally not acceptable, a variation could be applied here because of the small lot sizes and east-west orientation. The report further advises that Council has generally recognised these constraints in other such situations and noted that when a westerly exposure and outlook to the ocean are the main aims, virtually unavoidable overshadowing is tolerated to a greater degree.

On 24 April 2020, another similar two-storey dwelling was approved under delegation at No. 178 Little Marine Parade following a submission by the same architects. In that case, 48% of the adjoining southern lot was overshadowed. However, the adjoining southern owner/occupier of No. 176 did not make any submission in respect to the proposal.

Summary

On balance, if the applicant were to submit revised plans which include reducing the height, bulk and scale of the rear portion of the proposed dwelling then this is more likely to adequately satisfy *design principles* and may be supported. There may also be an opportunity to move a portion of the proposed dwelling onto or closer to the northern boundary following the recent WAPC approval of a boundary realignment between No. 176 and No. 178 Little Marine Parade which increases the lot frontage width from 12.25m to 14.5m.

ATTACHMENTS

- 10.1.2(a) Schedule of Submissions [under separate cover]**
- 10.1.2(b) Objections [under separate cover]**
- 10.1.2(c) Development Plans [under separate cover]**
- 10.1.2(d) Applicant's Submission [under separate cover]**

CONSULTATION

The application was advertised on 29 January 2021 to 16 February 2021 to adjoining owners and occupiers. 17 submissions were received all objecting to the proposed development, including from 5 adjoining lots (excluding No. 178 Little Marine Parade which is under same ownership as the subject lot). A summary of the key concerns raised are provided in the attached schedule of submissions.

STATUTORY IMPLICATIONS

- Planning and Development Act 2005;
- Planning and Development (Local Planning Schemes) Regulations 2015 (as amended);
- Local Planning Scheme No. 3;
- State Planning Policy 7.3 - Residential Design Codes.

POLICY IMPLICATIONS

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

STRATEGIC IMPLICATIONS

This report is consistent with the Town's *Strategic Community Plan 2013 – 2023*.

Priority Area 4: Managing Development

RESOURCE IMPLICATIONS

There are no perceived financial implications arising from the officer's recommendation, although staffing and legal costs may be incurred if the applicant appeals the decision to the SAT.

ENVIRONMENTAL SUSTAINABILITY IMPLICATIONS

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

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

THAT Council REFUSES the development application for a two-storey dwelling on Lot 64 (176) Little Marine Parade, Cottesloe, as shown on the plans received 14 January 2021 for the following reasons:

- 1. The height, bulk and scale of the proposed two-storey dwelling will have a detrimental impact on the amenity of the adjoining southern lot as it will not adequately protect solar access to the neighbour's property, especially to their rear outdoor living area.**
- 2. The proposed development does not satisfy clause 67 of the *Planning and Development (Local Planning Schemes) Regulation 2015 (as amended)*, and Clause 5.4.2 (P2.1 & P2.2) of *State Planning Policy 7.3 – Residential Design Codes* in respect to adequately protecting solar access to the adjoining southern lot.**

Advice note:

The Applicant is at liberty to submit a new development application to the Town that addresses the height, bulk and scale of the proposed dwelling so its design provides greater protection of solar access to the adjoining southern neighbour's property.

From: [Margaret Pitt](#)
To: [Town Of Cottesloe](#)
Subject: OBJECTION TO PROPOSED DEVELOPMENT AT 176-178 LITTLE MARINE PDE. COTTESLOE COUNCIL
REFERENCE LOT: 64 D/P: 2689.
Date: Thursday, 6 May 2021 8:44:19 AM

Dear Sir/Madam,

Regarding Proposed New Two Storey Dwelling - Lot 64 (#176) Little Marine Parade, Cottesloe,

It is evident from your summaries that you are very familiar with the issues already raised, thank you for your efforts on this. (I contacted you in February with my objections to the initial proposal.)

Unfortunately, the revised development proposed for 176-178 Little Marine Parade still does not comply with important building standards.

Discretion should not be applied by Council regarding the Residential Design Codes where non-compliance has already been identified by Council and there is insufficient reason for discretion to be applied.

In this instance, the applicant has a large block of land. It would be possible to design and build a beautiful home that would fully comply with building codes, meeting the standard of building that would be expected in Cottesloe into the future. Instead, a design has been proposed that is not suitable for their block in some significant aspects. This would have negative consequences for current and future neighbours to this property.

My comments on the topics for public comment are:

Lot Boundary Setbacks (North and South):

Non-compliant setbacks would have a negative impact on the neighbours. One issue of concern is the noise associated with having a large amount of building so close to the boundaryline.

Site Works (Swimming Pool in Front Area):

The swimming pool as per the plan submitted will require excavation that could pose a safety hazard. Pedestrians may need to venture onto the road in order to walk past this property due to the proposed encroachment beyond the front boundary.

Solar Access:

Overshadowing by the proposed single residence will cause a reduction of daylight to the adjoining property far in excess of the 25% allowable, and will decrease the amenity of 174 Little Marine Parade. Solar access to the neighbour's north-facing habitable rooms is important for the comfort and energy efficiency within the home. Sunshine access to the garden area is important for the health of the residents and vegetation.

Please ensure that amendments are made so that any new construction at this location will comply with current design codes and regulations.

Yours faithfully,

Margaret Pitt

Town of Cottesloe

PO Box 606

Cottesloe 6911

Email: town@cottesloe.wa.gov.au

May 10th 2021

Dear Sir/Madam,

Re- Objection to proposed development at 176-178 Little Marine Parade.

Cottesloe council reference lot: 64 D/P: 2689.

I believe that the development proposed for 176-178 Little Marine Parade is outside the regulations for the following criteria:

1. Overshadowing (still far exceeds allowable proportion)
2. Setbacks north, and south are still non-compliant
3. The swimming pool excavation -only required because of limitation of open space-could pose an inconvenience and risk to the neighbours.

In conclusion, I believe that the proposed development in its present state remains unsuitable. It is too big for the block size, excessively hogs sunlight from the neighbours on the south and east sides, boxes in the neighbours' gardens north, south, and east, and severely affects their privacy and views. It is not considerate enough of its neighbours nor the wildlife. Creatures are losing their habitat because of these huge houses that take over most of the block, let alone the fact that they consume vast amounts of power, and that the existing house will create a huge pile for landfill. Australians are building the largest houses in the world with new homes averaging 214 square metres (sqm). This compares with 201sqm in the US, 76 sqm in the UK and 45 sqm in Hong Kong. This proposed house is approximately 6 times the floor space of an average new Australian home. If the size of the house were reduced to meet the requirements and wishes of the neighbours it would still have ample space.

Yours faithfully,

Dr Alice Tippetts

Rosalie Street, Shenton Park WA 6008 email:

Tel

From: Lindsay Mollison
Sent: Tuesday, 11 May 2021 2:19 PM
To: Ed Drewett; Town Of Cottesloe
Cc: Matthew Scott
Subject: 176 little marine pde, cottesloe revised proposal

Hello Ed

As advised briefly earlier, I continue to oppose this development proposal as it still does not comply with rules and guidelines and I cannot see how "design principles" can be invoked to allow it to proceed.

The effects on my amenity due to solar access restriction continue despite a self-reported change from 49-46% apparently leading to a decrease in shading of 16s m. Altus Town Planners have advised me by email that this represents a gain of about 5 sq m in my backyard - which is negligible - and that the recommended background rate is <25%. I note in the past the Town many years ago allowed 31% for a building at 172 Little Marine Pde, but this was noted to be only after NO objections were made (the southern house at 170 was at that time a ramshackle rental that was subsequently condemned as uninhabitable by the Council), and that the officer at the time said that 31% was well above usual allowance.

Whilst the setbacks are not of great importance to me, clearly the width of the southern setback being less than code affects how much shade I experience. Additionally there is the extra noise of extremely close neighbours, and the general effect of being enclosed by a 10m high wall like structure along my entire northern boundary. That is NOT good and therefore I object to the setback.

The excavation in the front for a pool has no bearing on me at all, but I believe it should be opposed as if the house being built did NOT have such a big footprint then there would be no need to excavate so close to the front boundary (or verge).

Altus Town Planners have advised me by email that they do not feel a further submission by them is needed given the ongoing similar issues with this proposal to those they identified in the previous one.

I am pleased there have been some other concessions to try to fit within the codes but these do not go in any substantial way to satisfying the enormous significant loss to my amenity of the present proposal.

Yours in good faith

Lindsay Mollison

I urge the Council to opp isncerely. Lindsay Mollison

From: [David Forrest](#)
To: [Town Of Cottesloe](#)
Subject: RE: 176
Date: Tuesday, 11 May 2021 8:35:42 PM

to the council

I object to the proposal at 176 little Marine Pde, Cottesloe, for similar reasons to those I wrote about earlier.

1. shading of the southern neighbour seriously affecting their amenity
2. inadequate setbacks to the north and south
3. excavations in the front garden.

In my situation, the bulk of the building will affect my amenity due to the enormous wall of concrete adjacent to my back fence and the shade I will get in my garden most of every afternoon.

I do not believe this plan should be approved.

Yours sincerely

David Forrest
[Margaret St,](#) Cottesloe

11 May 2021

Town of Cottesloe
PO Box 606
Cottesloe 6911

**Objection to proposed development at 176-178 Little Marine Parade.
Cottesloe council reference lot: 64 D/P: 2689.**

Dear Sir/Madam,

The development proposed for 176-178 Little Marine Parade does not comply with the regulations for development in two important aspects, as detailed below:

1. Overshadowing by the proposed single residence will cause a reduction of daylight to the adjoining property which is almost double the 25% allowable. This will have a major effect on 174 Little Marine Parade.
2. The North, South and West setbacks are less than regulations permit.

As well as not complying with the regulations, the proposed development shows disregard for the impact on neighbouring properties, and for the need to maintain green spaces for wildlife in the area.

In conclusion, the proposed development is not suitable in to be approved.

Yours faithfully,



David Newman

Rosalie Street,
Shenton Park,
WA 6008

From: [D&N Howe](#)
To: [Town Of Cottesloe](#)
Subject: Revised Plans - 176 Marine Parade, Cottesloe
Date: Friday, 14 May 2021 9:52:20 AM

Dear Councillors,

We are writing to object to the proposal at 176 Little Marine Pde, Cottesloe, for similar reasons to those we wrote about previously.

In particular, the design still has too much shading on the southern neighbour seriously affecting the amenity; it exceeds setbacks to the north and south; and, it has excavations in the front garden. All these things have been identified by the planning team as exceeding codes.

We do not believe discretion should be applied to allow this building to proceed.

Yours faithfully,
Don and Norma Howe
180 Little Marine Pde, Cottesloe

From: [E. Mollison](#)
To: [Town Of Cottesloe](#); [Ed Drewett](#)
Subject: Proposed Development -176 Little Marine Parade Cottesloe
Date: Friday, 14 May 2021 1:35:32 PM

TO WHOM IT MAY CONCERN,

I understand that there has been a revised plan for development at 176 Little Marine Parade submitted to council for review.

I continue to have concerns about a number of things relating to this development, outlined briefly below. I also believe that the applicant's have only made very marginal changes to the initial application and it continues to be well outside of regulatory requirements.

Issues include:

- * Large amounts of shadowing cast to houses on the south and south east
- * The encroachment on north and south boundaries beyond limits and also the encroachment on lines of sight to the north
- * A general lack of open space and LARGE total coverage of the block site
- * Application continues to exceed regulation heights - well beyond discretionary limits

Kind regards,

Emily Lunt

Rate payer of Town of Cottesloe
Eric St
Cottesloe 6011

From: [J. Kantola](#)
To: [Town Of Cottesloe](#)
Subject: 176-178 Little Marine Parade
Date: Sunday, 16 May 2021 11:34:02 AM

Dear Councillors,

We wish to lodge an objection to the new plans for the development of 176-178 Little Marine Parade, Cottesloe on the following grounds;

- . The plan does not adhere to regulated setbacks
- . It exceeds block coverage regulations
- . It compromises our ocean view and visual privacy.

Sincerely,

Steven & Jillian Kantola
Margaret Street. Cottesloe

From: [E. Allen](#)
To: [Town Of Cottesloe](#)
Subject: 176 Little Marine Parade — objection to build
Date: Monday, 17 May 2021 9:10:47 AM

Dear Sir/Madam

I have viewed the proposed plans for a new build at 176 Little Marine Parade and would like to object to them.

I live at 170 Little Marine Parade and have concerns over such an excessively large house being built on the street. It appears that the overshadowing impact on the neighbouring property to the south is significant, and could easily be reduced by moving the build further north (as it is a double block), reducing height, and/or reducing width.

I also have two young children under 4 and am concerned about having a pool at the front (west end) of the property, so close to the quiet street where my children and a great many others play at "The Secret Garden". Of course there would be enclosures and gates, yet these can easily be left open and accidents happen.

I hope that the unreasonableness of the plans will lead to their revisal.

Yours faithfully
Edward Allen

18 May 2021
Town's ref. D21/20297

Attention: Ed Drewett, Coordinator Statutory Planning

Chief Executive Officer
Town of Cottesloe
109 Broome Street
COTTESLOE WA 6011

Via email: csp@cottesloe.wa.gov.au and town@cottesloe.wa.gov.au

Dear Ed

Revised Submission on Proposed Two-storey Dwelling - Lots 64 & 65 (Nos. 176 & 178) Little Marine Parade, Cottesloe

On behalf of the landowner of the abutting southern lot (ie. Lot 63 (No. 174) Little Marine Parade), we have prepared this updated submission in relation to the 5 May 2021 revised plans for the proposed two-storey dwelling on the abutting northern site at Lots 64 & 65 (Nos. 176 & 178) Little Marine Parade, Cottesloe ('subject land' or 'site').

We are aware of the various changes since made by the applicant with respect to southern lot boundary setbacks, building heights, the front outdoor living area and visual privacy. Whilst we acknowledge that the revised plans have also reduced the extent of overshadowing to No. 174 (from 50% to 46% (approximately 201m²), we wish to reiterate our concerns with respect to solar access.

In this regard, the 4% reduction equates to approximately 15m². However, this translates to only 6m² to the unroofed usable portions of No. 174's outdoor living area, which is a negligible improvement. We also wish to bring the following to the Town's attention:

- There are six major openings situated along on the northern elevation of No. 174. Four of these are substantial floor-to-ceiling windows that face directly north. These

windows are to habitable rooms and include a kitchen/meals area and a separate study (**refer Attachment 1, Photo 1**).

- These windows will be overshadowed by the revised proposal, thereby preventing adequate access to uninterrupted rays of sunlight (as opposed to visible natural light) during the winter solstice.
- We acknowledge that these windows already experience a degree of overshadowing from the existing dwelling. Furthermore, we accept that they will be overshadowed slightly less by the proposal.
- However, we take issue with the fact that any improvement to the overshadowing of the windows will be offset by the 169% increase (i.e. from 21.3% to 57.3%) in overshadowing to the rear open space of No. 174; of which the specific calculations are detail below:
 - Approximately 150m² of the overall rear open space is available as a usable outdoor living area ('OLA') (i.e. excluding the outbuilding area) (**refer Attachment 1, Photo 2**).
 - The overshadowing plan illustrates that approximately 86m² (57.3%), or nearly two-thirds of the OLA, will be overshadowed by the revised proposal.
 - By way of comparison, the existing dwelling on No. 176 overshadows approximately 32m² (21.3%) of this same 150m² OLA which is approximately one-third less.
 - As illustrated in **Attachment 1, (Photos 3-5)**, the OLA is currently used for a range of activities and includes a swimming pool and associated paved area, grassed area, vegetable patch and mature landscape plantings. Except for the paved area, these will all continue to receive a direct shadow cast by the revised proposal.

In summary, the revised plans still show that the north-facing major openings of No. 174 as well as a significant portion of the outdoor living area (including the swimming pool) will be overshadowed.

Based on the above, we submit that the revised proposal continues to not protect solar access for the abutting southern lot and thus does not meet the relevant design principles. Accordingly, we maintain our **objection** to the development.

It is therefore our view that discretion should not be exercised for the proposed dwelling in its revised form.

Should any matters raised above require clarification, I can be contacted on Ph. 6268 0018 or via email at ryan@altusplan.com.au.

Yours sincerely,



Ryan Munyard
Senior Town Planner



Attachment 1 - Site Photos and Assessment Diagram



Photo 1 - Northern view from study window.

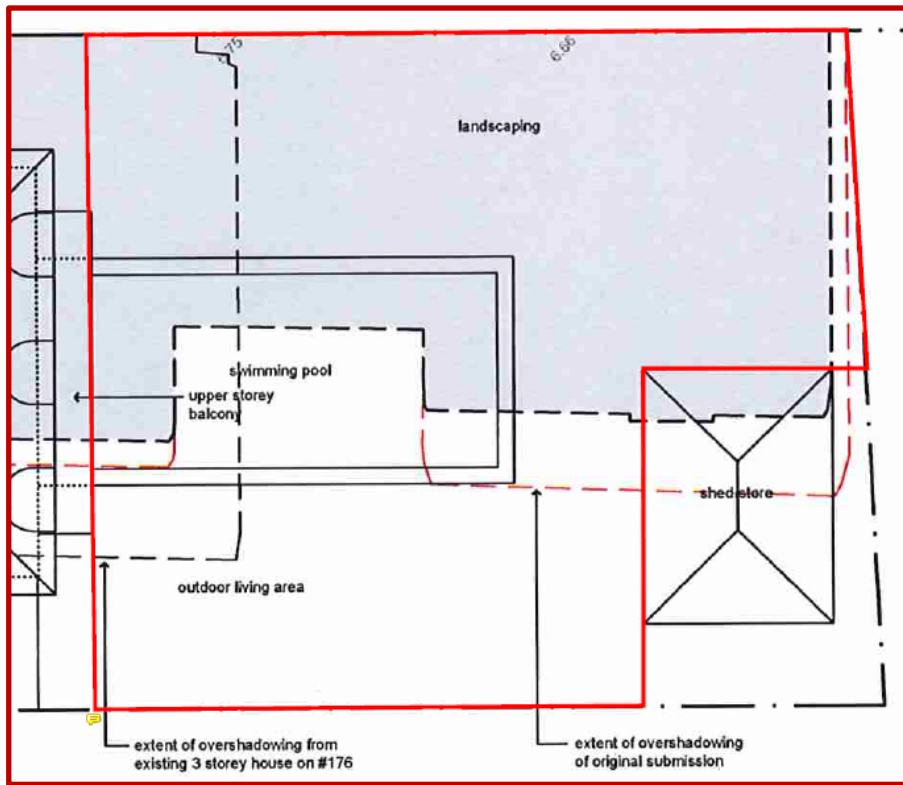


Photo 2 - Calculated outdoor living area.



Photo 3 - Northern boundary of No. 174, facing west.



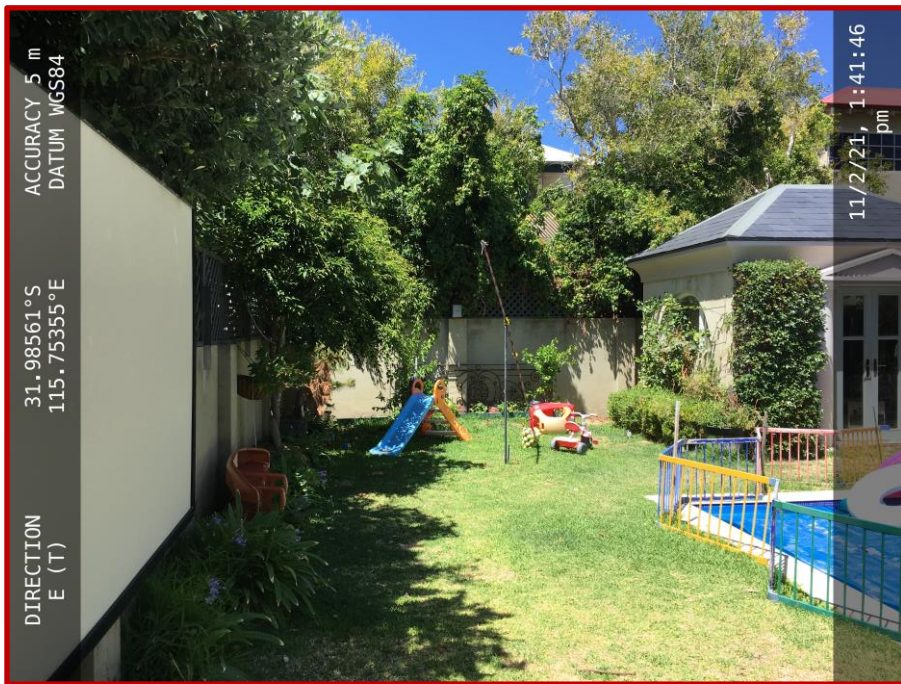


Photo 4 - Outdoor living area of No. 174, facing east.





Photo 5 - Outdoor living area of No. 174, facing north-west.



From: [Alice Seymour](#)
To: [Town Of Cottesloe](#)
Subject: Objection to Proposed Development at 176-178 Little Marine PDE Cottesloe Reference Lot 64 D/P:2689
Date: Tuesday, 16 February 2021 10:18:49 AM

16/02/2021

Town of Cottesloe

Dear Council and Officers

I wish to register my objection to the above proposal.

The proposal must be refused. Any subsequently proposed development will need to meet the design codes.

Best,

Alice Seymour

Sent from my iPhone

Town of Cottesloe

PO Box 606

Cottesloe 6911

Email: town@cottesloe.wa.gov.au

February 10th 2021

Dear Sir/Madam,

**Re- Objection to proposed development at 176-178 Little Marine Parade.
Cottesloe council reference lot: 64 D/P: 2689.**

I believe that the development proposed for 176-178 Little Marine Parade is outside the regulations for the following criteria:

1. Overshadowing (almost double what is permissible)
2. Setbacks north, west and south
3. The swimming pool excavation
4. The overlooking regulations
5. The position of the front door
6. The outdoor open space

In conclusion, I believe that the proposed development in its present state is not suitable. It is too big for the block size, excessively hogs sunlight from the neighbours on the south and east sides, boxes in the neighbours' gardens north, south, and east, and severely affects their privacy and views. It is not considerate enough of its neighbours nor the wildlife. The wildlife are losing their habitat because of these huge houses that take over most of the block, let alone the fact that they consume vast amounts of carbon to maintain, and that the existing house will create a huge pile for landfill.

Yours faithfully,



Dr Alice Tippetts

09 February 2021

Town of Cottesloe

PO Box 606

Cottesloe 6911

OBJECTION TO PROPOSED DEVELOPMENT AT 176-178 LITTLE MARINE PDE. COTTESLOE COUNCIL REFERENCE LOT: 64 D/P: 2689.

Dear Council and Officers

I wish to register my strongest objection to the above proposal. I preface my statement by saying I do not believe there are ANY circumstances under which this proposal can be approved.

The proposal exceeds innumerable well thought out requirements in the Residential Design Documents PP7.3 volume 1. I will not dwell specifically on these as they have been identified by the councils' officers and in the petition to be presented. However, the Context and Objectives of the code are (Part 5.1):

- (a) To ensure that residential development meets community expectations in regard to appearance, use and density.
- (b) To ensure that designs respond to the key natural and built features of the area and respond to the local context in terms of bulk and scale,...
- (c) To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, privacy and overshadowing on adjoining properties.
- (d) 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.
- (e) 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,...

One must question the approach of the architects and the developer/owner suggesting 49% overshadowing of my neighbour to my south west (allowed ONLY 25%), over viewing invading my own privacy, overusing a small block, and blatantly flaunting set back rules (see Tables 2a, 2b and 3; and Part 3. 2 subsections j, k, l, m, n). You must NOT feel obliged to compromise along the lines of the gambit – if they ask for 200% beyond allowance, we will let them have half of what they want... That remains unacceptable.

My existing western aspect will have a massive structure only a meter or so from my fence line and my beautiful garden will suffer SEVERE limitation of sun light due to afternoon shading of my backyard. My ability to see to the west and northwest from my house will be severely restricted at ALL times.

The proposal must be refused. Any subsequently proposed development will need to meet the design codes.

Yours sincerely

David Forrest

09 February 2021

Town of Cottesloe
PO Box 606
Cottesloe 6911

**Objection to proposed development at 176-178 Little Marine Parade.
Cottesloe council reference lot: 64 D/P: 2689.**

Dear Sir/Madam,

The development proposed for 176-178 Little Marine Parade does not comply with the regulations for development in several aspects, as detailed below:

1. Overshadowing by the proposed single residence will cause a reduction of daylight to the adjoining property which is almost double the 25% allowable. This will have a major effect on 174 Little Marine Parade.
2. The North, South and West setbacks are less than regulations permit.
3. The associated enclosed elevated terrace area will exceed the regulations regarding overlooking.
4. The outdoor living area is covered and does not comply with the regulations.

As well as not complying with the regulations, the proposed development shows disregard for the impact on neighbouring properties, and for the need to maintain green spaces for wildlife in the area.

In conclusion, the proposed development is not suitable in to be approved.

Yours faithfully,



David Newman

████████████████████
████████████████
██████████

15 February 2021



Town of Cottesloe

town@cottesloe.wa.gov.au

To Cottesloe Council,

**RE: OBJECTION TO PROPOSED DEVELOPMENT AT 176-178 LITTLE MARINE PDE.
COTTESLOE COUNCIL REFERENCE LOT: 64 D/P: 2689.**

We believe that the development proposed at 176-178 Little Marine Parade is outside the regulations of development.

This is based on numerous points outlined in this letter of objection.

- The proposed building occupies much of the block
- Overshadowing by the proposed single residence will cause a reduction of daylight to the adjoining property far in excess of the 25% allowable (49% over shadowing proposed), and as such will have a great effect the amenity of 174 Little Marine Parade.
- The NORTH and SOUTH setbacks are less than regulations.
- The same applies to the front (WEST) Second Storey set back.
- The swimming pool as per the plan submitted will require excavation outside the regulations, and
- The associated enclosed elevated terrace area will further exceed the overlooking regulations.
- The front door not facing the street does not comply with the regulations regarding surveillance.
- Outdoor open space is extremely important, and the proposed development shows that the outdoor living area is completely covered, which is not in accordance with the Regulations.

Little Marine Parade is quite a narrow road and along with parking of visitors in the street vehicular traffic may well be impeded meaning pedestrians may need to venture onto the road in order to walk past this property.

In addition, if the planed proposal were to be approved (in its current state) there will be vast interruption to traffic flow in Little Marine Parade both to vehicular and pedestrians due to machinery, trucks and trades peoples' vehicles taking up parking space which is already limited.

If the Garbage truck needs to reverse into our street to collect bins. Then how would trucks and trucks of concrete and steel etc for such an excessive and bulky development not cause such congestion and chaos and delay the entry and exit of current residents.

In conclusion the proposed development in its present state is not suitable in oue view to be approved and the issues we have raised should be given serious consideration and amendments made (which may not be possible) in order to have the new construction comply with current regulations.

Yours Sincerely,

Norma Howe Don Howe

Don and Norma Howe



09 February 2021

Town of Cottesloe

PO Box 606

Cottesloe 6911

OBJECTION TO PROPOSED DEVELOPMENT AT 176-178 LITTLE MARINE PDE. COTTESLOE COUNCIL REFERENCE LOT: 64 D/P: 2689.

Dear Sir/Madam,

We believe that the development proposed for 176-178 Little Marine Parade is excessively outside the normal regulations of development.

We base this on numerous matters outlined in this letter of objection.

1. Overshadowing by the proposed single residence will cause a reduction of daylight to the adjoining property far in excess of the 25% allowable, and as such will have a great effect the amenity of 174 Little Marine Parade.
2. The NORTH and particularly the SOUTH setbacks are less than regulations allow and set backs are made for good reasons.
3. The same applies to the front (WEST) Second Storey set back.
4. The swimming pool as per the plan submitted will require excavation outside the regulations, and
5. The associated enclosed elevated terrace area will further exceed the overlooking regulations.
6. The front door not facing the street does not comply with the regulations regarding surveillance.

7. Outdoor open space is extremely important and the proposed development shows that the outdoor living area is completely covered, which is not in accordance with the Regulations.

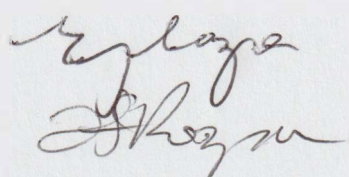
Little Marine Parade is quite a narrow road and along with parking of visitors in the street vehicular traffic may well be impeded meaning pedestrians may need to venture onto the road in order to walk past this property.

It is all very well to have opaque windows but they still obscure the views and also block out some light They are only effective for privacy reasons i.e. to stop people seeing in seeing in, or out into the neighbours' properties.

In addition if the planed proposal were to be approved (in its current state) there will be vast interruption to traffic flow in Little Marine Parade both to vehicular and pedestrians due to machinery, trucks and trades peoples' vehicles taking up parking space which is already limited.

In conclusion the proposed development in its present state is not suitable in our opinion to be approved and the issues we have raised should be given serious consideration and amendments made in order to have the new construction comply with current regulations.

Yours Sincerely,



Ernest Rozsa & Fabienne Rozsa

09 February 2021

Town of Cottesloe

PO Box 606

Cottesloe 6911

OBJECTION TO PROPOSED DEVELOPMENT AT 176-178 LITTLE MARINE PDE. COTTESLOE COUNCIL REFERENCE LOT: 64 D/P: 2689.

Dear Sir/Madam,

I believe that the development proposed for 176-178 Little Marine Parade is excessively outside the normal regulations of development.

I base this on numerous matters outlined in this letter of objection.

1. Overshadowing by the proposed single residence will cause a reduction of daylight to the adjoining property far in excess of the 25% allowable, and as such will have a great effect the amenity of 174 Little Marine Parade.
2. The NORTH and particularly the SOUTH setbacks are less than regulations allow and set backs are made for good reasons.
3. The same applies to the front (WEST) Second Storey set back.
4. The swimming pool as per the plan submitted will require excavation outside the regulations, and
5. The associated enclosed elevated terrace area will further exceed the overlooking regulations.
6. The front door not facing the street does not comply with the regulations regarding surveillance.

7. Outdoor open space is extremely important and the proposed development shows that the outdoor living area is completely covered, which is not in accordance with the Regulations.

Little Marine Parade is quite a narrow road and along with parking of visitors in the street vehicular traffic may well be impeded meaning pedestrians may need to venture onto the road in order to walk past this property.

It is all very well to have opaque windows but they still obscure the views and also block out some light They are only effective for privacy reasons i.e. to stop people seeing in seeing in, or out into the neighbours' properties.

In addition if the planed proposal were to be approved (in its current state) there will be vast interruption to traffic flow in Little Marine Parade both to vehicular and pedestrians due to machinery, trucks and trades peoples' vehicles taking up parking space which is already limited.

In conclusion the proposed development in its present state is not suitable in my opinion to be approved and the issues I have raised should be given serious consideration and amendments made (which may not be possible) in order to have the new construction comply with current regulations.

Yours Sincerely,

Emily

Emily Mollison

Physiotherapist

From: glyn denison
Sent: Wednesday, 10 February 2021 11:14 AM
To: Town Of Cottesloe
Subject: Lot: 64 D/P: 2689

OBJECTION TO PROPOSED DEVELOPMENT AT 176-178 LITTLE MARINE PDE. COTTESLOE COUNCIL REFERENCE LOT: 64 D/P: 2689

Dear Sirs,

I write to very strongly object to the approval request for the redevelopment of the above property which encroaches the front verge boundary line to the detriment of adjoining neighbours. The very high building levels also are a detriment of adjoining neighbours whose privacy will be significantly compromised with such a large dwelling in an otherwise purely urban environment.

The proposed development protrudes beyond the front set back at southern end by 1.8m beyond 6m setback – to the detriment of the adjoining neighbour.

I am also strongly of the view that building regulations should be adhered to and under no circumstance whatsoever be exceeded just to satisfy one party – in this case an ambitious architect. The regulations are the regulations (be they set backs, privacy or height) and there should be no circumstance where there is “planning discretion”.

I believe that the development as submitted should be rejected on the grounds of setbacks, privacy, height and the forward outlook. These exceed regulations and I don’t believe a blanket “comply” account is acceptable. Go back to the strict interpretations of the regulations.

Thanking you,

Kind regards

Glyn Denison
Managing Director
iBDC Pty Ltd.
Cottesloe. Western Australia 6011

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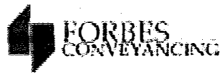
From: Helen Forbes
Sent: Saturday, 6 February 2021 4:30 PM
To: Town Of Cottesloe
Subject: Proposed new dwelling 176 Little Marine Parade, Cottesloe Lot 64 P 2689

Good afternoon,

I would like to register objection to the building plans mainly on the overshadowing of 174 Little Marine Parade which has solar panels and will affect the northern light into the property

Regards

Helen Forbes
Licensee & Certified Practising Conveyancer



Real Estate Settlement Agent



From: [James Pitt](#)
To: [Town Of Cottesloe](#)
Subject: Objection to planning application Lot64 (176) Little Marine Parade
Date: Sunday, 14 February 2021 7:36:07 PM

Dear sir/madam,

I wish to object to the planning proposal for Lot 64 (176) Little Marine Parade, Cottesloe. Council has recognised non-compliance with the following provisions of State Policy Planning:

- Lot Boundary Setbacks (North and South);
- Street Surveillance (Front Door Location);
- Outdoor Living Area (Coverage);
- Site Works (Swimming Pool in Front Area);
- Visual Privacy (Raised Swimming Pool Area & Enclosed Terrace Facing North);
- Solar Access

and the application seeks discretionary waivers for these non-compliances. I object to any relaxation of the Policy for all the above issues and believe that Council should uniformly apply it and not grant any discretionary waivers. The solar access non-compliance is a major issue (non-compliant by a factor of 2!) and is particularly worrying given the increasing reliance on home generated solar power for a sustainable future.

Thank-you for considering my objection.

James Pitt.

From: Jill Kantola <>
Sent: Sunday, 14 February 2021 11:36 AM
To: Town Of Cottesloe
Subject: Objection to development plans for 176-178 Little Marine Parade Cottesloe

Dear Council Planners,

We wish to lodge our objection to the development at 176-178 Little Marine Parade, Cottesloe on the following grounds;

- . The plan does not adhere to regulated setbacks.
- . It exceeds coverage rules and does not provide for adequate green areas.

The plan as is will compromise our view and visual privacy.

Yours sincerely,

Jill and Steven Kantola

09 February 2021

Town of Cottesloe

PO Box 606

Cottesloe 6911

OBJECTION TO PROPOSED DEVELOPMENT AT 176-178 LITTLE MARINE PDE. COTTESLOE COUNCIL REFERENCE LOT: 64 D/P: 2689.

Dear Sir/Madam,

I believe that the development proposed for 176-178 Little Marine Parade is excessively outside the normal regulations of development.

Although I do not reside in the Cottesloe area in fact I do not reside in Western Australia, however my brother, Professor Lindsay Mollison does reside at 174 Little Marine Parade, Cottesloe. I have visited him often over the years and I believe that the development proposed for 176-178 Little Marine Parade is excessively outside the normal regulations of development.

I base this on numerous matters outlined in this letter of objection.

1. Overshadowing by the proposed single residence will cause a reduction of daylight to the adjoining property far in excess of the 25% allowable, and as such will have a great effect the amenity of 174 Little Marine Parade.
2. The NORTH and particularly the SOUTH setbacks are less than regulations allow and set backs are made for good reasons.
3. The same applies to the front (WEST) Second Storey set back.
4. The swimming pool as per the plan submitted will require excavation outside the regulations, and

5. The associated enclosed elevated terrace area will further exceed the overlooking regulations.
6. The front door not facing the street does not comply with the regulations regarding surveillance.
7. Outdoor open space is extremely important and the proposed development shows that the outdoor living area is completely covered, which is not in accordance with the Regulations.

Little Marine Parade is quite a narrow road and along with parking of visitors in the street vehicular traffic may well be impeded meaning pedestrians may need to venture onto the road in order to walk past this property.

It is all very well to have opaque windows but they still obscure the views and also block out some light They are only effective for privacy reasons i.e. to stop people seeing in seeing in, or out into the neighbours' properties.

In addition if the planed proposal were to be approved (in its current state) there will be vast interruption to traffic flow in Little Marine Parade both to vehicular and pedestrians due to machinery, trucks and trades peoples' vehicles taking up parking space which is already limited.

In conclusion the proposed development in its present state is not suitable in my opinion to be approved and the issues I have raised should be given serious consideration and amendments made (which may not be possible) in order to have the new construction comply with current regulations.

Yours Sincerely,



Ken Mollison

15 February 2021

Town of Cottesloe

PO Box 606

Cottesloe 6911

OBJECTION TO PROPOSED DEVELOPMENT AT 176-178 LITTLE MARINE PDE. COTTESLOE COUNCIL REFERENCE LOT: 64 D/P: 2689.

Dear Council and Officers

I wish to register my strongest objection to the above proposal (the PROPOSAL). I preface my statement by saying I do not believe there are ANY circumstances under which this proposal can be allowed approval.

The proposal exceeds innumerable well thought out requirements in the Residential Design Documents PP7.3 volume 1. Specifically you must consider the approval process part 2.1, particularly section 2.2 wrt single dwellings, and the consultation requirements of part 4.2, but I will not dwell specifically on these as they have been identified by the councils' officers and my planning consultants.

However, I will remind you of the Context and Objectives of the code (Part 5.1):

- (a) To ensure that residential development meets community expectations in regard to appearance, use and density.
- (b) To ensure that designs respond to the key natural and built features of the area and respond to the local context in terms of bulk and scale ...
- (c) To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, privacy and overshadowing on adjoining properties.
- (d) 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.

- (e) 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 ...

Cottesloe is an old beach side suburb. There remain some beach shacks. It is not dominated by City Beach type concrete monster houses. I believe residents, if asked, would overwhelmingly vote to maintain the existing older character. This impression speaks strongly to all of Part 5.1 above with respect to the PROPOSAL.

Regarding specific elements of the PROPOSAL exceeding codes, one must question the approach of the architects and the developer/owner suggesting 49% (possibly 50%) overshadowing (allowed ONLY 25%), over viewing invading privacy, overusing a small block, and blatantly flaunting set back rules (see Tables 2a, 2b and 3; and Part 3. 2 subsections j, k, l, m, n). You must NOT feel obliged to compromise along the lines of the gambit – if they ask for 200% beyond allowance, we will let them have half of what they want... That remains unacceptable.

My existing north-dividing wall with flowering creepers and espaliered olive vines on its SOUTH side will be destroyed if development of the PROPOSAL to the boundary for the intended underground carport and turntable is permitted.

I will have SEVERE limitation of sun light due to shading of my backyard – close to 75 % of that space (see the PROPOSAL documents). The ability to see ANY sky and sunlight from the back yard and east and north east windows will be severely restricted at ALL times particularly to the north and north east. My ability to see sky and views from the front and north west windows of my home to the north and north west will be severely restricted at ALL times by the PROPOSAL. My thriving rear garden with various fruit trees and vegetables will be decimated. The amenity of my rear garden will be severely adversely affected.

Further with regard to solar access, the Australian population is suffering from a general deficiency of Vitamin D with its associated range of negative effects including osteoporosis. Adequate exposure to sunlight is REQUIRED for the human body to make Vitamin D and to help prevent this problem developing. Reduction in sunlight to my backyard and north

facing windows from the PROPOSAL will adversely affect the ability of those who live now or in the future in my home to meet their natural sun exposure needs within the home environment.

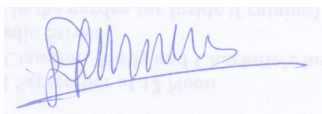
Another serious condition affecting those deprived on sunlight is Seasonal Affective Disorder (SAD), commonly seen in Australian people during winter and when unable to gain adequate sun and sky views. SAD manifests as depression, already a massive problem in Australia, and surely not one to be worsened by large buildings blocking sun and limiting sky views. Once again those living at 174 Little Marine Pde, Cottesloe, will be more prone to SAD due to lack of free sunlight caused by the PROPOSAL.

This proposal simply cannot fit onto either of the two blocks purchased by the developer even after revision of lot boundaries. It may not even fit within regulations onto BOTH blocks combined considering the code breaches already identified. Furthermore, the lot/street numbers are the existing 64-5 and 176-8 respectively, not ONLY 64 and 176.

The proposal must be refused. The building if to be built will need to be on a bigger block elsewhere, or a brand new proposal meeting the design codes' regulations required.

Additionally, in any further proposal the actual lots need to be properly surveyed, as the Pegs are known to be missing.

Yours sincerely



Lindsay Mollison

From: lisa telford
Sent: Tuesday, 9 February 2021 2:53 PM
To: Town Of Cottesloe
Subject: Proposed development 176-178 Little Marine Parade, Cottesloe

Dear Sir/Madam

I am concerned about the development at 176-178 Little Marine Parade

1. Inappropriate visual impact for a beachfront location which diminishes the beauty of the beachfront.
2. Decreased privacy for adjoining residents
3. Decreased light to adjoining residents

Yours sincerely

Lisa Telford

To: [Town Of Cottesloe](#)
Subject: OBJECTION TO PROPOSED DEVELOPMENT AT 176-178 LITTLE MARINE PDE. COTTESLOE COUNCIL
REFERENCE LOT: 64 D/P: 2689.
Date: Tuesday, 9 February 2021 5:42:55 AM

OBJECTION TO PROPOSED DEVELOPMENT AT 176-178 LITTLE MARINE PDE.
COTTESLOE COUNCIL REFERENCE LOT: 64 D/P: 2689.

Dear Sir/Madam,

The development proposed for 176-178 Little Marine Parade does not comply with building standards and the advertised plans should not be approved.

Discretion should not be applied by Council regarding the Residential Design Codes where non-compliance has already been identified by Council.

I am particularly concerned about the health impacts of waiving compliance requirements on my friend who is a neighbour adjacent to the proposed development.

I base this on the following:

1. Overshadowing by the proposed single residence will cause a reduction of daylight to the adjoining property far in excess of the 25% allowable, and will decrease the amenity of 174 Little Marine Parade. Solar access to the neighbour's north-facing habitable rooms is important for the comfort and energy efficiency within the home. Sunshine access to the garden area is important for the health of the residents and vegetation.
2. The NORTH and particularly the SOUTH setbacks are less than regulations allow. The same applies to the front (WEST) Second Storey set back. This would have a negative impact on the neighbours, particularly at 174 Little Marine Parade. One issue of concern is the noise associated with having a large amount of building so close to the boundaryline. Cars using the garage and turntable would generate excessive noise, as would people in the entertainment areas on the upper floor. Furthermore, the design presents a large, relatively featureless expanse facing 174 Little Marine Parade. This unacceptable visual bulk is oppressive and the effect is worsened by being so close to the neighbour's home.
3. The swimming pool as per the plan submitted will require excavation outside the regulations and poses a safety hazard. Pedestrians may need to venture onto the road in order to walk past this property due to the proposed encroachment beyond the front boundary.
4. The associated enclosed elevated terrace area will further exceed the overlooking regulations with a negative consequence for the privacy of neighbours.
5. The front door not facing the street does not comply with the regulations regarding surveillance and would pose a security risk for future residents.
6. Outdoor open space is extremely important for the health of residents. (The recent pandemic lockdowns have shown the importance of

having on-site open spaces). The proposed development has the outdoor living area completely covered, which is not in accordance with the Regulations.

Please address the issues raised and ensure that amendments are made so that any new construction at this location will comply with current regulations.

Yours faithfully,

Margaret Pitt

From: [Peter Bath](#)
To: [Town Of Cottesloe](#)
Subject: submission re proposed development 176-178 Little Marine Tce., Cottesloe.
Date: Tuesday, 16 February 2021 1:01:44 PM

I have visited the listed blocks and looked at the proposed plans.

I see the objections made to the overshadowing, the setbacks North and South, the position of the proposed swimming pool, the position of the front door and the coverage of what is termed an outdoor area. All these parameters are under existing legislation and accordingly need to be addressed by the Council. Not to do so makes nonsense of the legislation.

I can see that a main problem would be the shadowing of the building to the South especially if this blocks existing solar panels. The important word here is existing.

It is hoped that the Council will make an assessment on all the above points, in accordance with the existing regulations.

Peter Bath, Webb St., Cottesloe.

SCHEDULE OF SUBMISSIONS – PROPOSED TWO STOREY DWELLING – DA4070 - D21/6151



Town of Cottesloe

No.	Date Received	HPRM Ref No.	Name / Address / Contact Details	How Affected?	Summary of Submission
1.	16/2/21	D21/6041	Lindsay Mollison Little Marine Parade, Cottesloe	Adjoining owner-occupier	<ul style="list-style-type: none"> • Objects to all variations advertised; • Does not support any discretion; • Considers the proposal does not reflect intent of the R-Codes; • Considers the proposal fails to adhere to the context and objections (Part 5) of the R-Codes; • Considers the proposal is inconsistent with the character of the area due to its scale; • Concerned the proposal will adversely impact their vegetation; • Concerned about the associated health impacts of overshadowing; • Concerned about impact on views; • Concerned about the site survey pegs.
2.	16/2/21	D21/6003	Donald Howe Little Marine Parade, Cottesloe	Adjoining owner-occupier	<ul style="list-style-type: none"> • Considers scale is excessive; • Overshadowing is excessive; • Objects to the setbacks on principle; • Objects to the swimming pool; • Concerned about visual privacy; • Objects to the front door location; • Objects to overlooking from elevated enclosed terrace area; • Concerned about garbage truck manoeuvrability in street.
3.	16/2/21	D21/5958	Peter Bath	Not disclosed	<ul style="list-style-type: none"> • Overshadowing is excessive; • Objects to the setbacks on principle; • Objects to the swimming pool; • Concerned about visual privacy; • Objects to the front door location;

SCHEDULE OF SUBMISSIONS – PROPOSED TWO STOREY DWELLING – DA4070 - D21/6151



Town of Cottesloe

No.	Date Received	HPRM Ref No.	Name / Address / Contact Details	How Affected?	Summary of Submission
					<ul style="list-style-type: none"> • Objects to the covered outdoor area.
4.	16/2/21	D21/5901	Alice Seymour Margaret Street, Cottesloe	Adjoining owner-occupier	“The proposal must be refused. Any subsequently proposed development will need to meet the design codes.”
5.	16/2/21	D21/5899	Altus Planning Canning Highway, South Perth WA 6151	Representing adjoining owner-landowner	Writing on behalf of adjoining owner <ul style="list-style-type: none"> • Objects to southern side setbacks; • Considers building bulk to be excessive & blank walls imposing; • Concerned about limited articulation; • Concerned roof curve exacerbates the impact of the bulk to neighbour; • Concerned shadow will affect solar panels of adjoining property; • Considers open space to be non-compliant based on ground outdoor living area being enclosed to 3 sides; • Considers eastern elevation wall height to be non-compliant with the Town’s Local Planning Scheme No.3; • Notes existing fence will ameliorate impact on visual privacy from study; • Notes front raised swimming pool area will affect a carport area only in terms of visual privacy; • Overshadowing is excessive; • The shadow will adversely impact the neighbour’s outdoor living area and all north-facing windows;

SCHEDULE OF SUBMISSIONS – PROPOSED TWO STOREY DWELLING – DA4070 - D21/6151



Town of Cottesloe

No.	Date Received	HPRM Ref No.	Name / Address / Contact Details	How Affected?	Summary of Submission
					<ul style="list-style-type: none"> • The shadow will affect solar panels.
6.	15/2/21	D21/5669	David Forrest Margaret Street, Cottesloe	Adjoining owner-occupier	<ul style="list-style-type: none"> • Objects to all variations advertised; • Does not support any discretion; • Considers the proposal does not reflect intent of the R-Codes, namely the context and objections (Part 5) of the R-Codes; • Overshadowing is excessive; • Concerned about privacy impact; • Objects to rear setbacks.
7.	14/2/21	D21/5659	James Pitt	Not disclosed	<ul style="list-style-type: none"> • Objects to all variations advertised; • Does not support any discretion; • Concerned about sustainability.
8.	14/2/21	D21/5649	Jels Kantola Margaret Street Cottesloe	Adjoining owner-occupier	<ul style="list-style-type: none"> • Objects to the setbacks on principle; • Objects to covered outdoor area; • Concerned about impacting view; • Considers does not provide for adequate green areas.
9.	11/2/21	D21/5154	Alice Tippetts Rosalie Street, Shenton Park WA 6008	Not disclosed	<ul style="list-style-type: none"> • Overshadowing is excessive; • Objects to the setbacks on principle; • Objects to the swimming pool; • Concerned about visual privacy; • Objects to the front door location; • Objects to covered outdoor area; • Considers scale is excessive; • Concerned about wildlife impact; • Concerned about sustainability of the development.
10.	10/2/21	D21/5003	Ernest Rozsa Lyons Street, Cottesloe	Not disclosed	Identical content to previous submissions

SCHEDULE OF SUBMISSIONS – PROPOSED TWO STOREY DWELLING – DA4070 - D21/6151



Town of Cottesloe

No.	Date Received	HPRM Ref No.	Name / Address / Contact Details	How Affected?	Summary of Submission
11.	10/2/21	D21/4888	Glyn Denison Clarendon Street, Cottesloe Western Australia 6011	Not disclosed	<ul style="list-style-type: none"> • Objects to front setback variation; • Objects to building heights; • Concerned about privacy impact.
12.	9/2/21	D21/4831	Lisa Telford	Not disclosed	<ol style="list-style-type: none"> 1. Inappropriate visual impact for a beachfront location which diminishes the beauty of the beachfront. 2. Decreased privacy for adjoining residents 3. Decreased light to adjoining residents
13.	9/2/21	D21/4844	David Foster Newman Rosalie Street, Shenton Park WA 6008	Landowner	<ul style="list-style-type: none"> • Overshadowing is excessive; • Objects to the setbacks on principle; • Objects to overlooking from the elevated enclosed terrace area; • Objects to the covered outdoor area.
14.	9/2/21	D21/4657	Margaret Pitt	Not disclosed – Advised they are writing on behalf of a friend living adjacent to the site	<ul style="list-style-type: none"> • Proposal does not comply with building standards; • Considers discretion should not be applied for any variations to R-Codes; • Concerned about health impacts; • Overshadowing is excessive; • Objects to the setbacks on principle; • Concerned about building bulk; • Concerned about turntable noise; • Objects to the swimming pool as it will require excavation variation and poses a safety hazard; • Believes swimming pool is proposed outside of the property boundaries; • Objects to overlooking from elevated enclosed terrace area;

SCHEDULE OF SUBMISSIONS – PROPOSED TWO STOREY DWELLING – DA4070 - D21/6151



Town of Cottesloe

No.	Date Received	HPRM Ref No.	Name / Address / Contact Details	How Affected?	Summary of Submission
					<ul style="list-style-type: none"> • Objects to the front door location on the basis of security risk; • Objects to the covered outdoor area.
15.	8/2/21	D21/4635	Emily Mollison	Adjoining owner-occupier	Identical content to submission received on 7/2/21.
16.	7/2/21	D21/4399	Ken Mollison Napier Street Avoca, 3467 Victoria	Brother of adjoining owner-occupier	Writing on behalf of adjoining owner <ul style="list-style-type: none"> • Overshadowing is excessive; • Objects to the setbacks on principle; • Objects to the swimming pool excavation variations; • Objects to overlooking from elevated enclosed terrace area; • Objects to the front door location; • Objects to the covered outdoor area; • Concerned about visitor parking; • Concerned about opaque windows; • Concerned about traffic impact.
17.	6/2/21	D21/4391	Helen Forbes Forbes Conveyancing PO Box 1071, Nedlands WA 6909 36 Langham Street, Nedlands 6009	Owner	“I would like to register objection to the building plans mainly on the overshadowing of 174 Little Marine Parade which has solar panels and will affect the northern light into the property.”

16 February 2021
Town's ref. 5.2021.4070

Attention: Gayle O'Leary, Planning Officer

Chief Executive Officer
Town of Cottesloe
109 Broome Street
COTTESLOE WA 6011

Via email: town@cottesloe.wa.gov.au

Dear Gayle

Submission on Proposed Two-storey Dwelling - Lot 64 (No. 176) Little Marine Parade, Cottesloe

On behalf of the landowner of Lot 63 (No. 174) Little Marine Parade, Cottesloe, we have prepared this submission in relation to the proposed two-storey dwelling on the abutting northern site at Lot 64 (No. 176) Little Marine Parade, Cottesloe ('subject land' or 'site').

We are aware of those aspects of the development seeking consideration under the relevant design principles of *State Planning Policy 7.3 - Residential Design Codes Volume 1* ('the R-Codes') as outlined in the Town's 29 January 2021 letter correspondence and wish to raise the following concerns, as they relate to No. 174:

- Southern lot boundary setbacks (5.1.3 of *R-Codes*)
- Open space (5.1.4)
- Building height (5.1.6 and cl.5.7.2 of *LPS 3*)
- Visual privacy (5.4.1)
- Solar access (5.4.2)

These concerns are detailed in the following sections and form the basis of our objection to the proposal.

Southern Lot Boundary Setbacks

It is submitted that the proposed southern lot boundary setbacks do not reduce the impacts of building bulk to No. 174 and do not allow for adequate direct sun to major openings and the rear open space due to the following:

- Minimal wall articulation is provided, particularly for the bedroom 4/bath 1/study portion on the ground floor and the living room/dining portion upstairs.
- There is limited use of glazing on the southern elevation which might otherwise assist to break up blank wall facades.
- The use of Colorbond cladding for most of the ground and first floors does not provide any distinction or visual relief between the storeys to minimise building mass.
- The 0.3m of proposed fill and large ceiling heights for each floor also unnecessarily contributes to additional building bulk. In particular, the design of the curved roof is accentuated towards No. 174, further adding to the overall building mass visible from the southern boundary.
- The upper floor living room window sill/frame projects from this blank wall facade into the side setback area.

The accumulation of these elements also results in a reduction to the amount of direct sun available to the north-facing major openings, roof-top solar panels, and rear outdoor living area of No. 174.

Based on the above, the proposed southern lot boundary setbacks do not meet the relevant design principles and we therefore object to the development.

Open Space and Building Height

Although the Town has not expressly listed open space and building height as aspects of the development seeking consideration under the design principles, we still wish to draw the Town's attention to two aspects of the proposal that require further investigation prior to any determination.

1. Open space: The applicant's open space diagram (*Sheet DA04*) suggests 58.6% open space has been provided by the development and includes the ground floor south-facing courtyard.

Based on the R-Codes definition of open space, an area that is enclosed on three sides and roofed cannot be considered open space. Excluding this area results in approximately 300m² (57%) of 'site coverage', which translates to approximately 42.96% of open space being provided.

As outlined in the above lot boundary setbacks section, it is submitted that the additional building bulk of the dwelling also does not meet the relevant design principles for open space.

2. **Building/wall height:** The applicant's east elevation (*Sheet DA04*) states that a rear wall height of 7.106m is proposed (as measured from an NGL of 6.62RL, supplied by the applicant). This exceeds the two-storey wall height limit of cl5.7.2(b) of the Town's *Local Planning Scheme No. 3*, which is understood to not afford any discretion..

Visual Privacy

We note a portion of the northern side access path (abutting the existing carport) will be overlooked by the proposed raised swimming pool/terrace area. Our assessment of visual privacy, as it relates to the southern boundary, also reveals a small portion of the ground floor study will also overlook the rear open space of No. 174. This is due to the cone of vision being applied from the southern side (and to the external glazed surface) of the study sliding door.

We understand that the Town will ensure that adequate boundary fencing is provided to this area to ensure the top of fence is at least 1.6m above the 7.76FFL of the study.

Solar Access

It is submitted that the proposed development does not protect the solar access for No. 174 and, therefore, results in substantial overshadowing of this abutting southern lot. This is detailed as follows:

- There are six windows situated along on the northern elevation of No. 174. Four of these are substantial floor-to-ceiling windows that directly face north. These windows are to habitable rooms and include a kitchen/meals area and a separate study (**refer Attachment 1, Photo 1**).

- The upper floor of the existing dwelling on No. 176 is setback approximately 2.5m from its southern lot boundary. In comparison, the proposed dwelling will be setback 1.1m (at its smallest point) to the upper floor.
- The proposed development will result in approximately 50% (219m²) of the total site area of No. 174 being overshadowed. Whilst it is accepted that overshadowing of east-west orientated sites is often unavoidable, consideration of *what* will be overshadowed is required.
- In this regard, all north-facing windows of No. 174 will be overshadowed by the proposal, thereby preventing access to uninterrupted rays of sunlight (as opposed to merely just visible natural light).
- With respect to the rear open space of No. 174, approximately 150m² is available as a usable outdoor living area (i.e.. excluding the outbuilding and surrounding south-east portion of land) (**refer Attachment 1, Photo 2**). The diagram provided by the applicant (*Sheet DA04*) illustrates that approximately 92m² (61.3%), or two-thirds of No. 174's outdoor living area (OLA) will be overshadowed by the proposed dwelling.
- By way of comparison, the existing dwelling overshadows approximately 32m² (21.3%) of this same 150m² OLA, approximately one-third less than what is now being proposed.
- As illustrated in **Attachment 1, (Photos 3-5)**, this OLA is currently used for a range of activities and includes a swimming pool and associated paved area, grassed area, vegetable patch and mature landscape plantings. Except for the paved area, these will all receive a direct shadow cast by the proposed development.
- There are currently 13 solar panels installed on the roof of No. 174, primarily on the northern side (**refer Attachment 1, Photo 6**). While the applicant's submitted diagram does not indicate the presence of these panels, an assessment does reveal that the proposed dwelling will overshadow all 13 of these panels, inhibiting their performance significantly.

In summary, all north-facing major openings and roof-top solar panels of No. 174 will be overshadowed and this extends to a significant portion of their outdoor living area and swimming pool.

Based on the above, the proposal does not meet the relevant design principles for solar access and we therefore object to the development.

Conclusion

It is submitted that the reduced southern side setbacks of the proposed two-storey dwelling will present excessive building bulk to the abutting southern lot, No. 174 Little Marine Parade. Having regard to the proposed dwelling also not providing adequate direct sun to No. 174's north-facing major openings, roof-top solar panels and outdoor living area, this cumulative effect results in the development adversely impact the amenity of No. 174.

It is therefore our view that discretion should not be exercised for the proposed dwelling in its current form.

Should any matters raised above require clarification, I can be contacted on Ph. 6268 0018 or via email at ryan@altusplan.com.au.

Yours sincerely,



Ryan Munyard
Senior Town Planner

Attachment 1 - Site Photos and Assessment Diagram



Photo 1 - Northern view from study window.

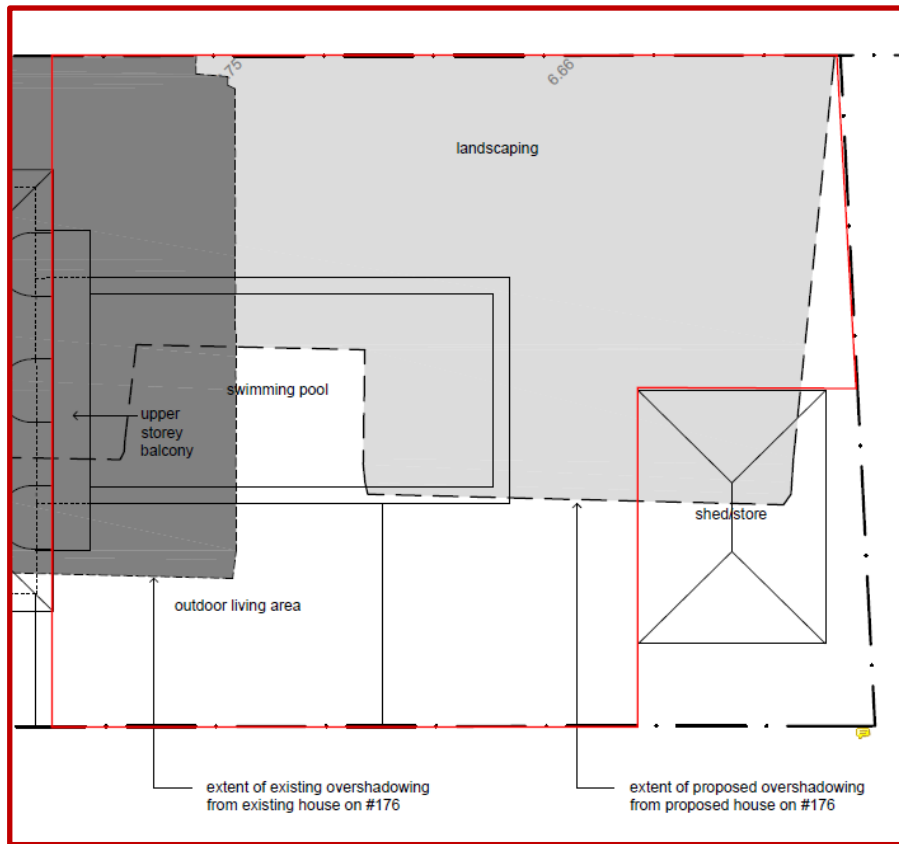


Photo 2 - Calculated outdoor living area.



Photo 3 - Northern boundary of No. 174, facing west.



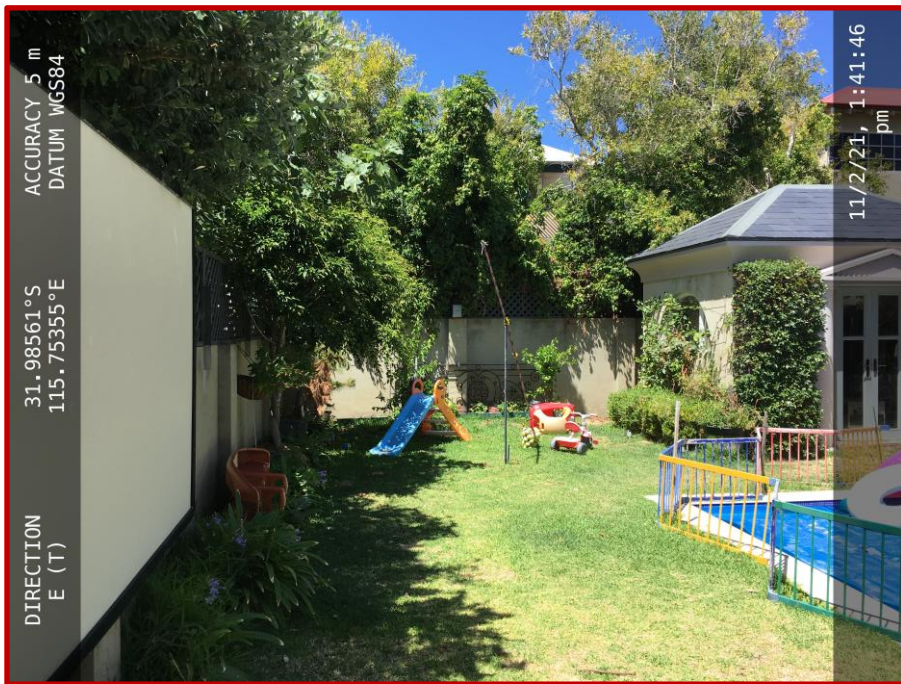


Photo 4 - Outdoor living area of No. 174, facing east.





Photo 5 - Outdoor living area of No. 174, facing north-west.



Photo 6 - Aerial view of roof-mounted solar panels.