

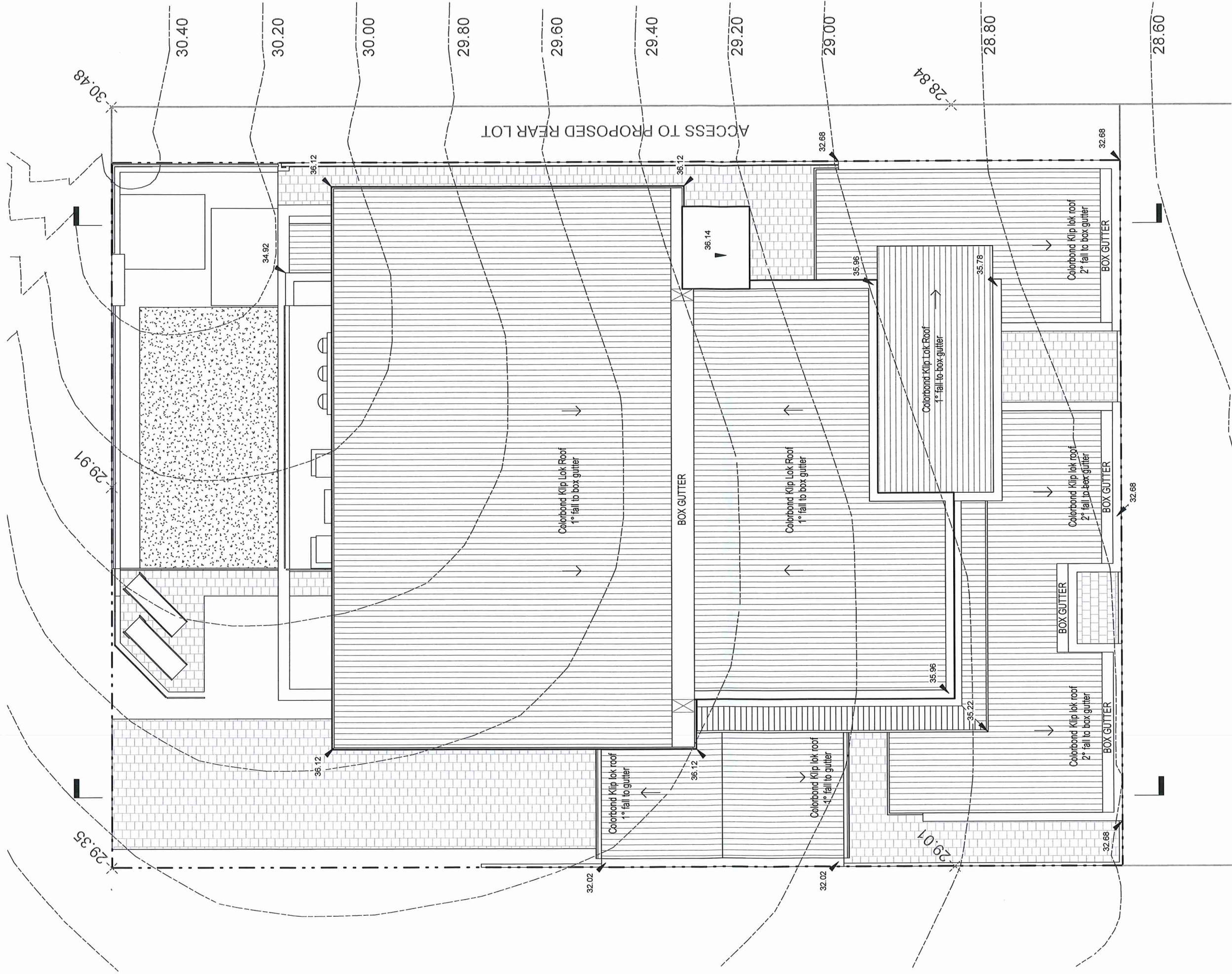
02 - First  
1 : 100

TOWN OF COTTESLOE  
15 APR 2021  
RECEIVED

PROJECT: 21 DEANE STREE LOT 1, COTTESLOE 6011  
DRAWING: FIRST FLOOR PLAN  
CLIENT: Kate Moore

DRAWING NUMBER  
**DA04 C**  
REVISION  
08/04/2021  
1 : 100 @ A2





1  
DA05  
Roof Plan  
1 : 100

TOWN OF COTTESLOE  
15 APR 2021  
RECEIVED

PROJECT: 21 DEANE STREE LOT 1, COTTESLOE 6011

DRAWING: ROOF PLAN

CLIENT: Kate Moore

DRAWING NUMBER

DA05

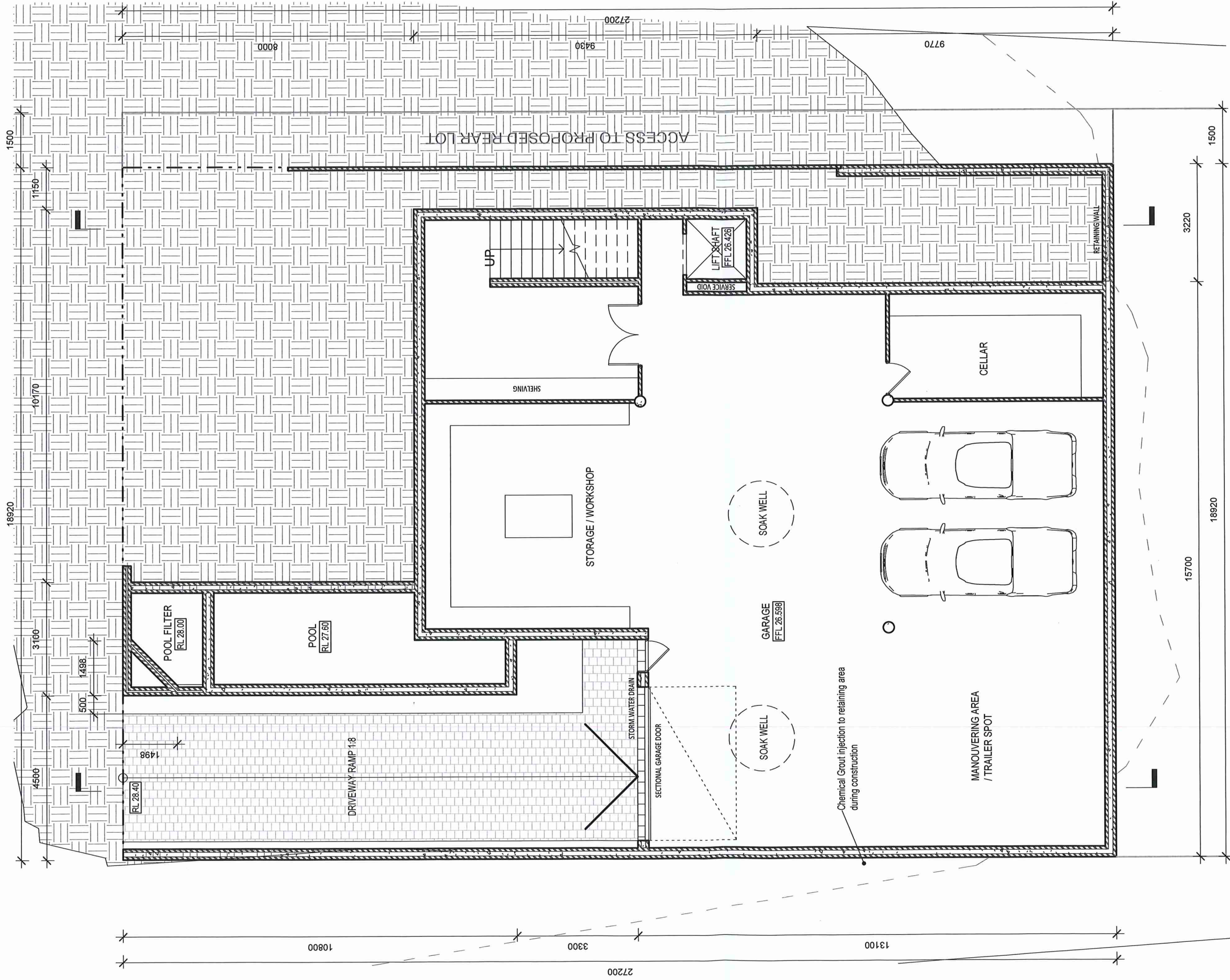
REVISION

C

08/04/2021

1 : 100 @A2





1  
DA02  
00 - Basement  
1 : 100

TOWN OF COTTESLOE  
15 APR 2021  
RECEIVED

PROJECT: 21 DEANE STREE LOT 1, COTTESLOE 6011

DRAWING: BASEMENT FLOOR PLAN

CLIENT: Kate Moore

DRAWING NUMBER

DA02 C

REVISION

08/04/2021 1 : 100 @ A2



DA4109

DEANE STREET

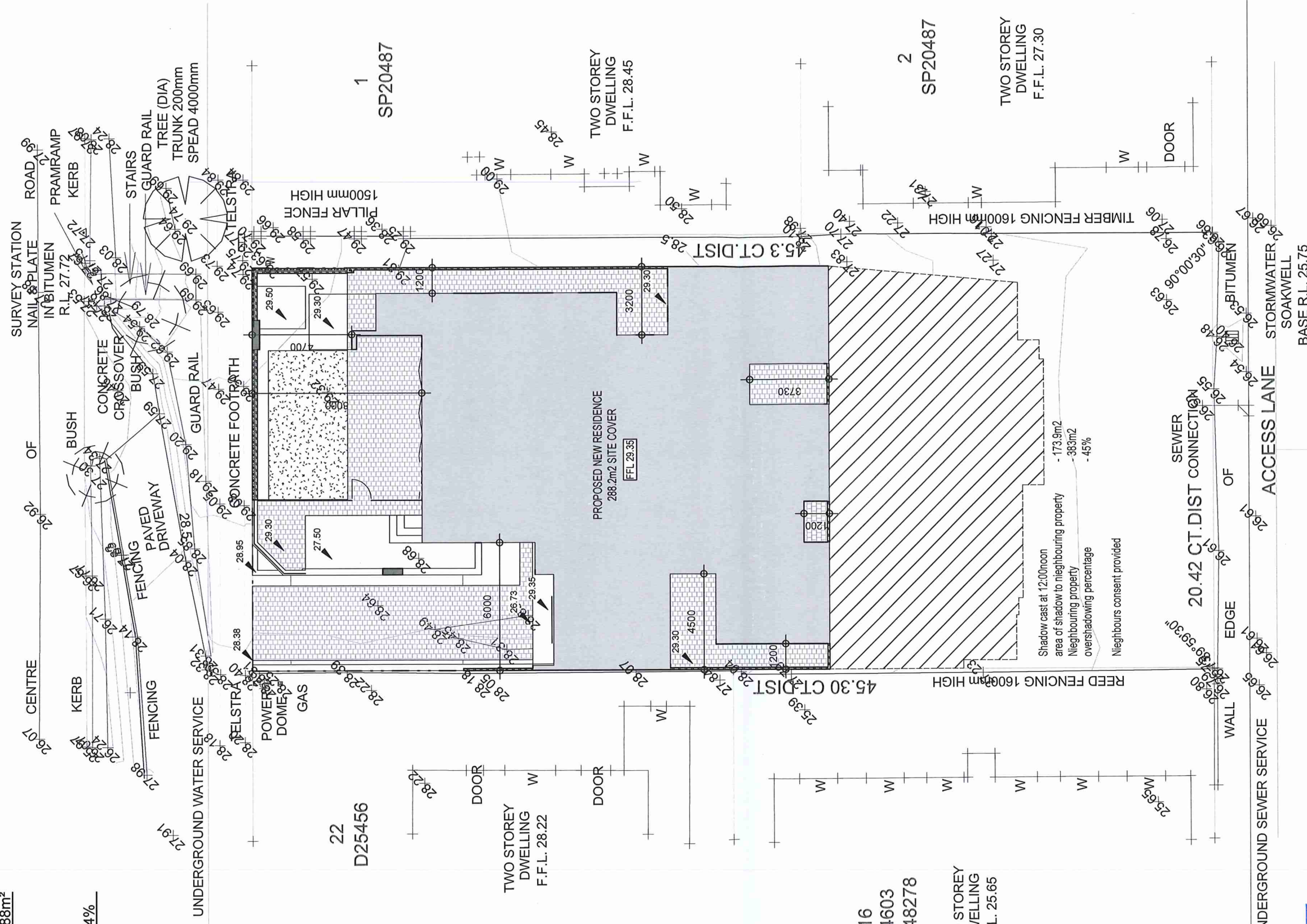
SITE AREA - 515m<sup>2</sup>  
 Proposed Built Area - 288m<sup>2</sup>  
 515m<sup>2</sup> - 288m<sup>2</sup> = 227m<sup>2</sup>  
 OPEN SPACE - 44%

NOTE:

SITE PLAN REFERS FEATURE SURVEY 14107 CONDUCTED BY BROOKE MARSH TO DEPICT SITE CONTEXT AND IS NOT USED TO DETERMINE NATURAL GROUND LEVEL

NATURAL GROUND LEVELS DEPICTED ON ALL ELEVATIONS AND ROOF PLAN REFERS TPS 1 SCHEME MAP CONTOURS PREPARED BY WHELANS.

TOWN OF COTTESLOE  
 15 APR 2021  
 RECEIVED



PROJECT: 21 DEANE STREE LOT 1, COTTESLOE 6011

DRAWING: SITE PLAN

CLIENT: Kate Moore

DRAWING NUMBER

DA01

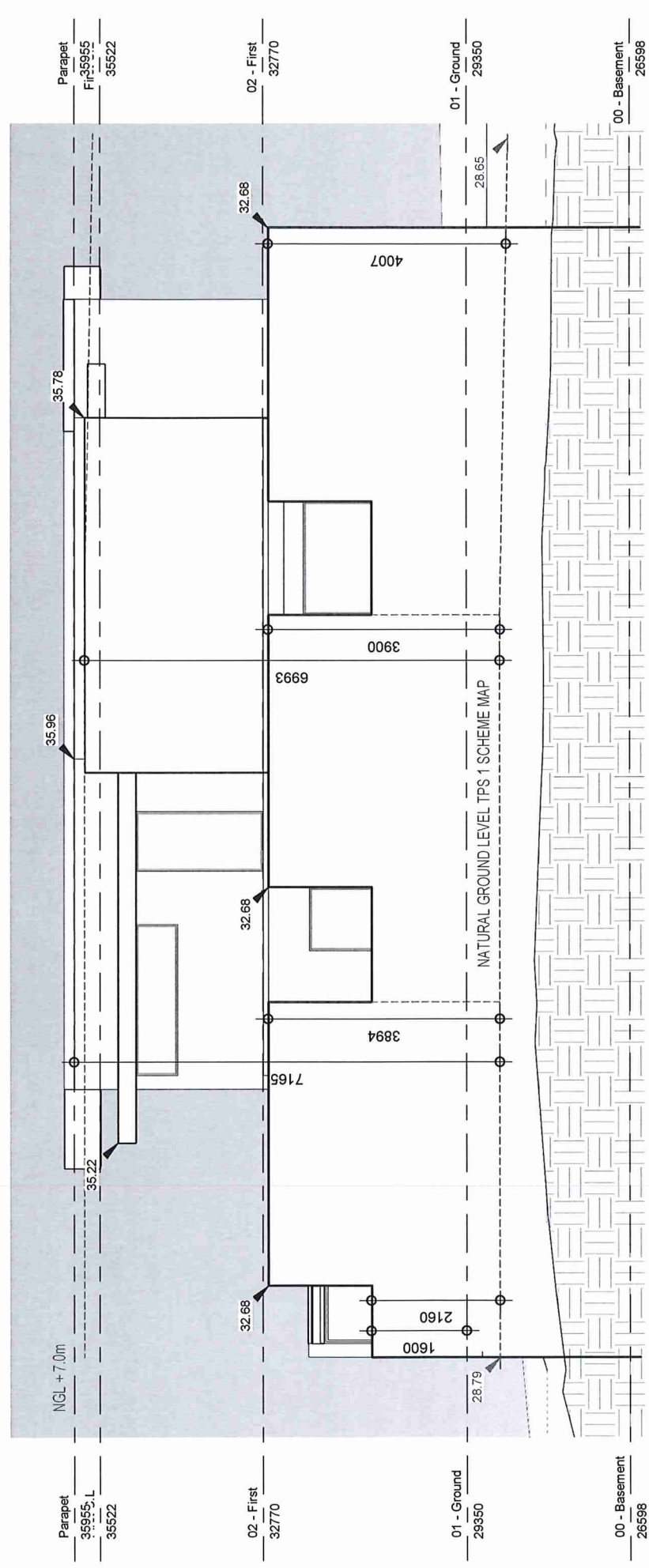
REVISION

C

08/04/2021

1 : 200 @ A2

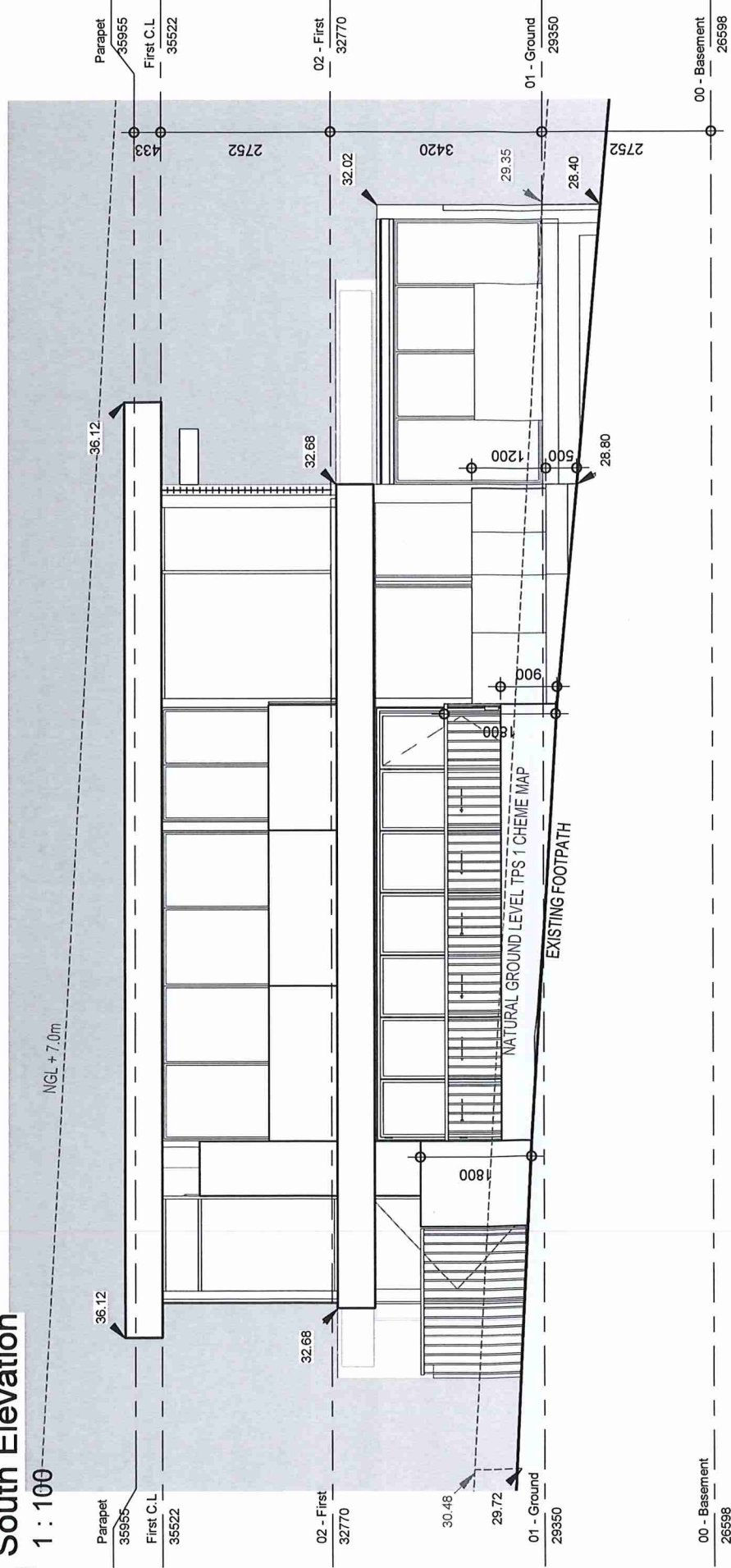




2 South Elevation

1 : 100

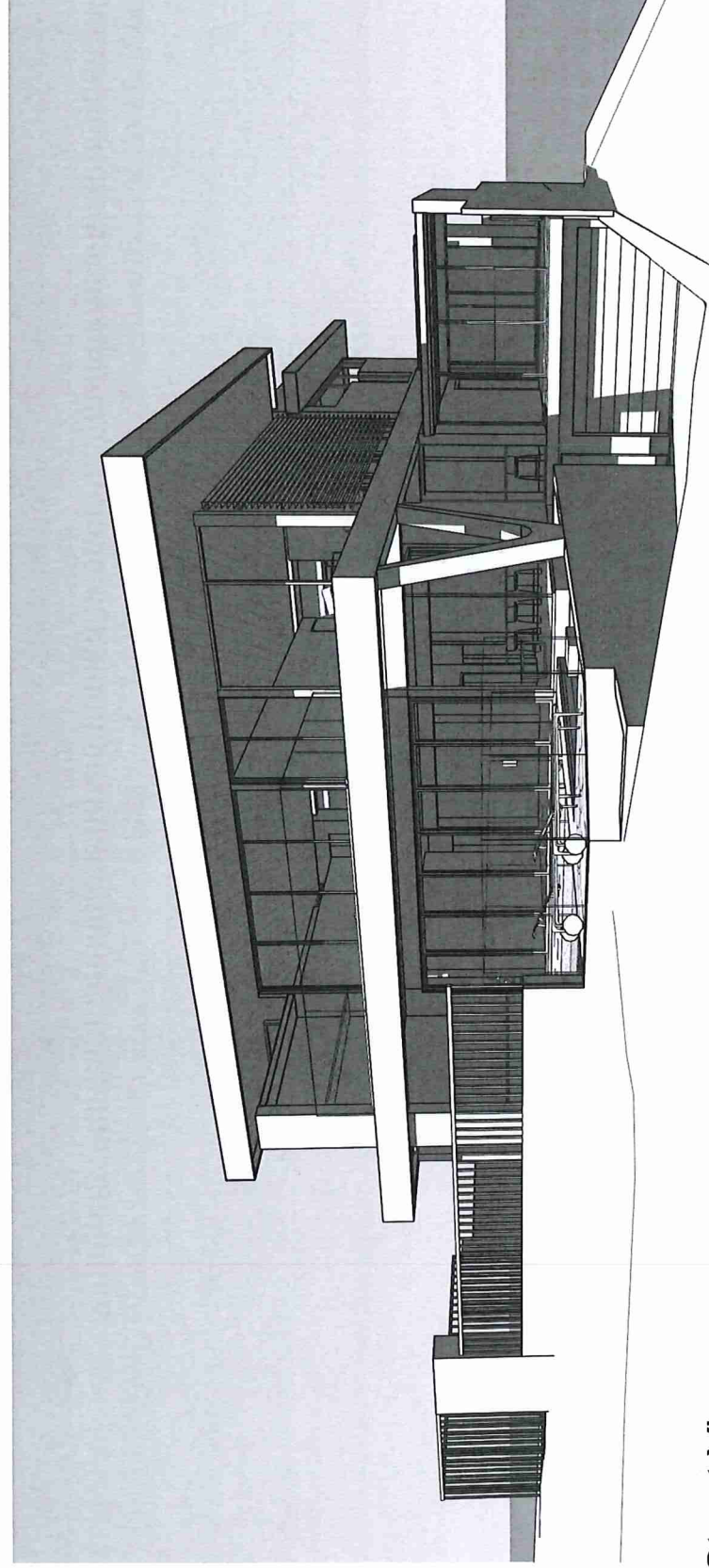
DA06



1 North Elevation

1 : 100

DA06



3 3D Street View

DA06

TOWN OF COTTESLOE  
15 APR 2021  
RECEIVED

PROJECT: 21 DEANE STREE LOT 1, COTTESLOE 6011

DRAWING: NORTH + SOUTH ELEVATION

CLIENT: Kate Moore

DRAWING NUMBER

DA06

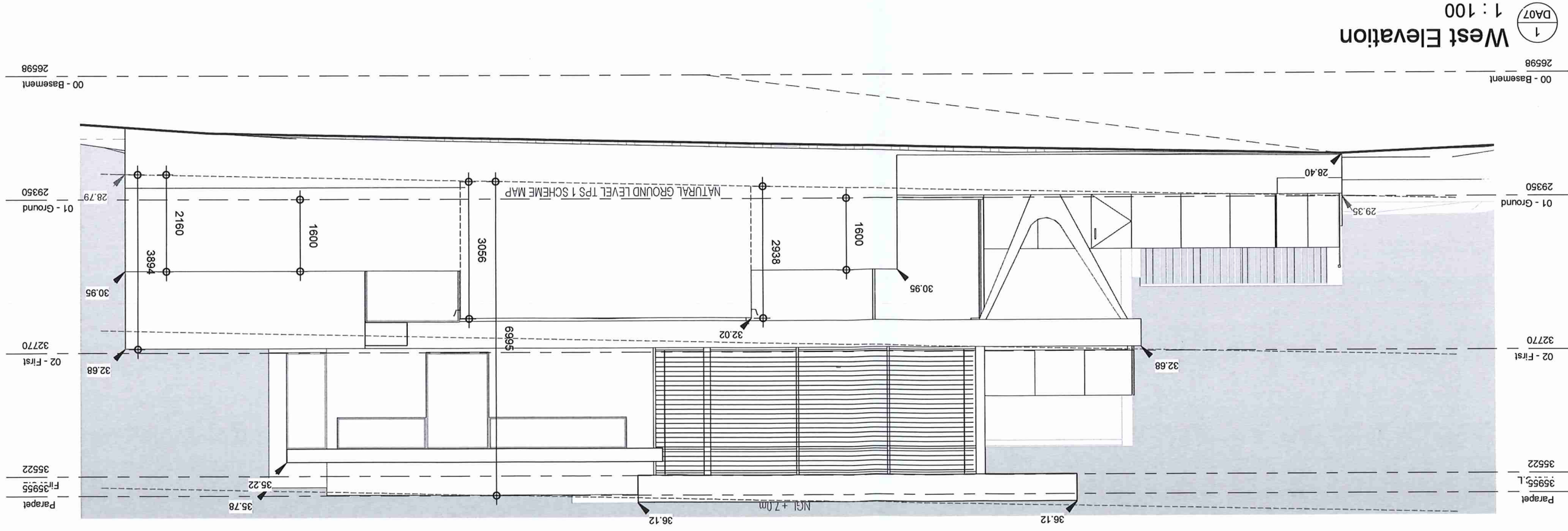
REVISION

C

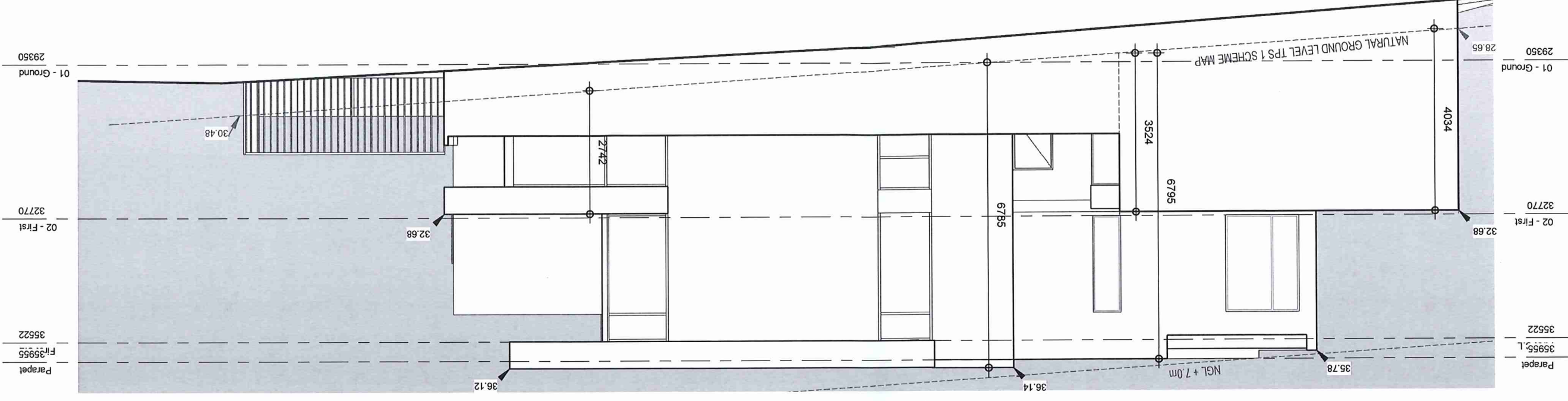
08/04/2021

1 : 100 @ A2





1  
DA07  
West Elevation  
1 : 100



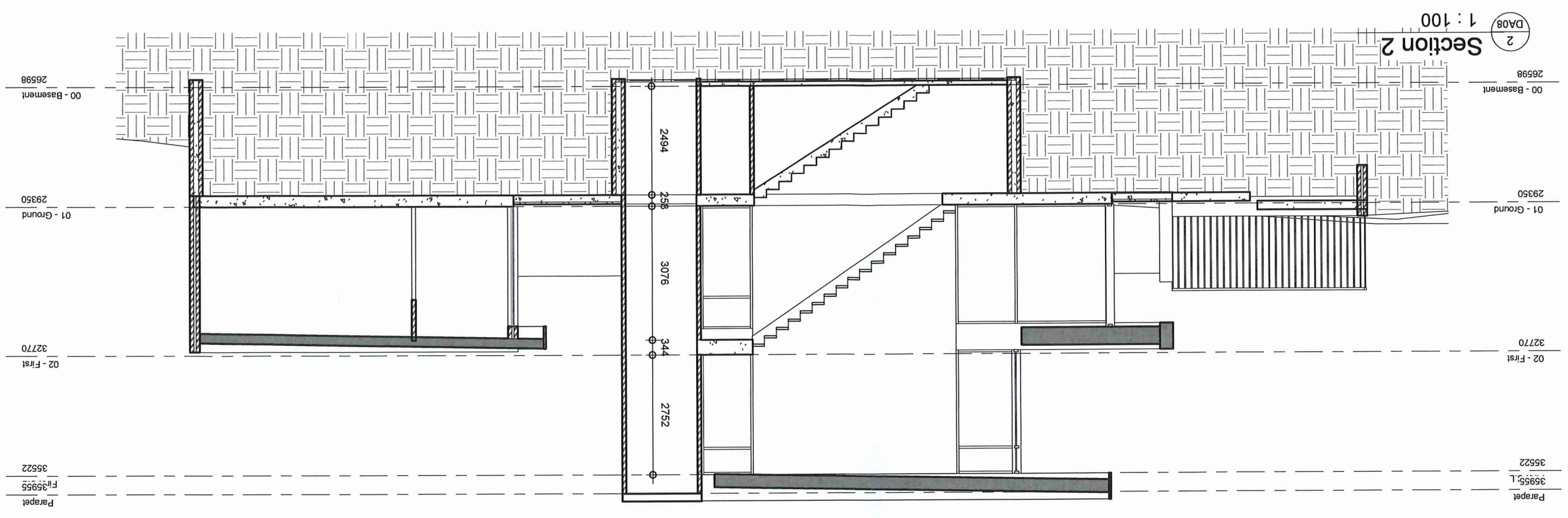
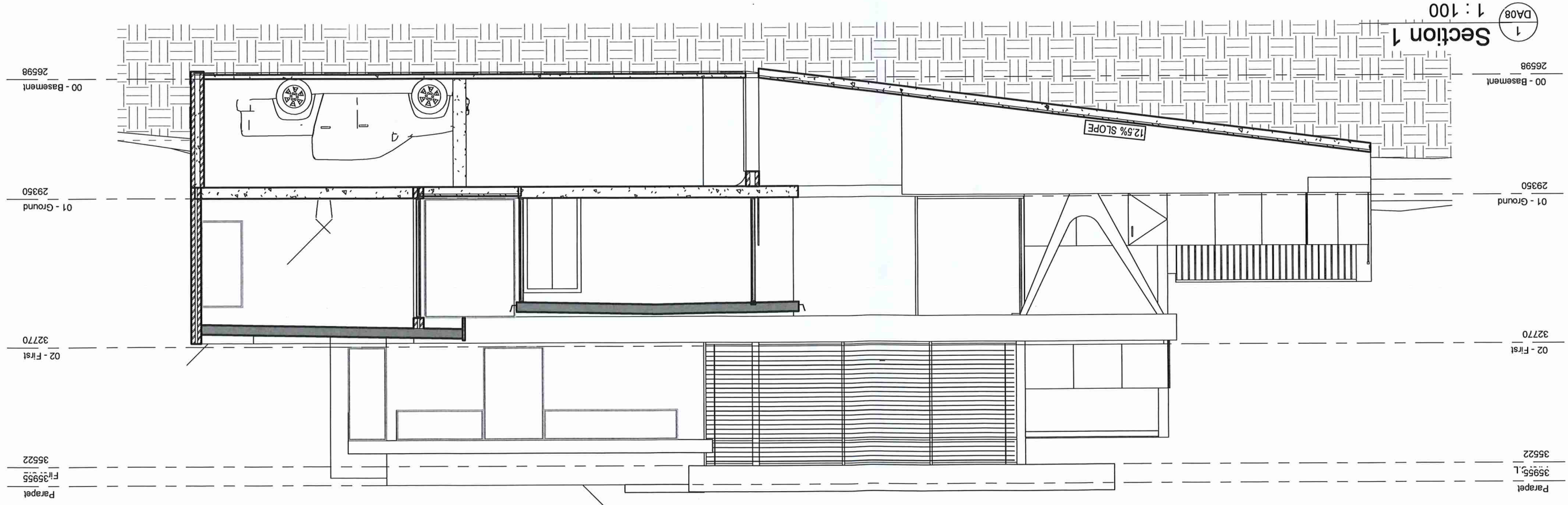
2  
DA07  
East Elevation  
1 : 100

TOWN OF COTTESLOE  
15 APR 2021  
RECEIVED

PROJECT: 21 DEANE STREE LOT 1, COTTESLOE 6011  
DRAWING: EAST + WEST ELEVATION  
CLIENT: Kate Moore

DRAWING NUMBER DA07  
REVISION 2  
08/04/2021  
1 : 100 @ A2





TOWN OF COTTESLOE  
 15 APR 2021  
 RECEIVED

PROJECT: 21 DEANE STREE LOT 1, COTTESLOE 6011

DRAWING: SECTIONS

CLIENT: Kate Moore

DRAWING NUMBER

DA08

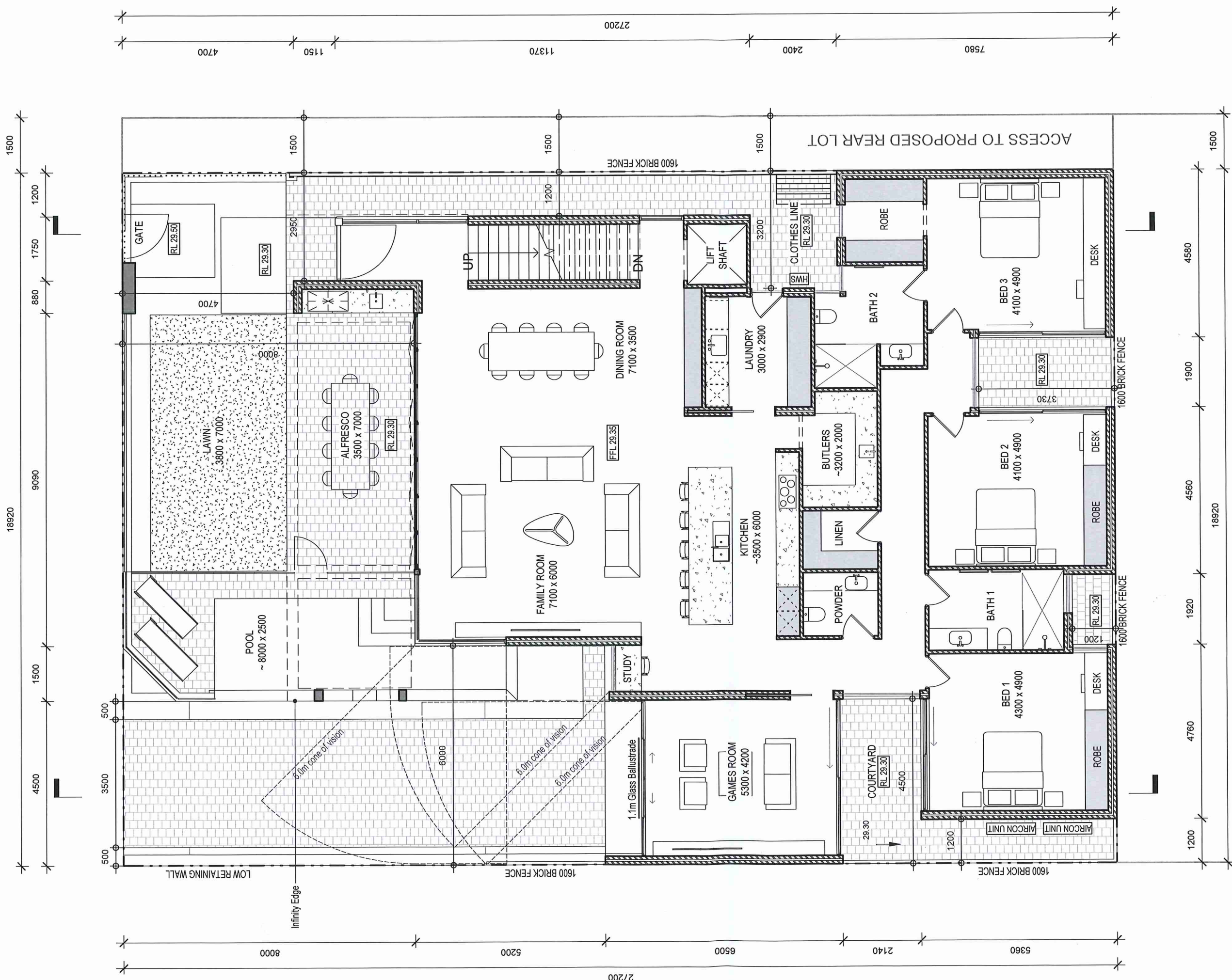
REVISION

C

08/04/2021

1 : 100 @ A2





1  
DA03  
01 - Ground  
1 : 100

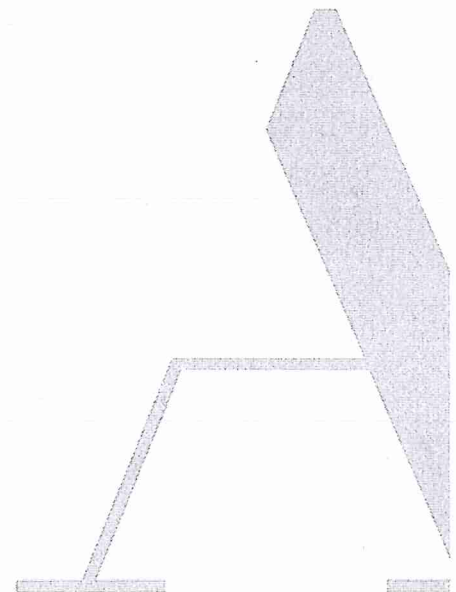
TOWN OF COTTESLOE  
15 APR 2021  
RECEIVED

PROJECT: 21 DEANE STREE LOT 1, COTTESLOE 6011  
DRAWING: GROUND FLOOR PLAN  
CLIENT: Kate Moore

DRAWING NUMBER  
**DA03**  
REVISION  
**C**  
08/04/2021  
1 : 100 @ A2

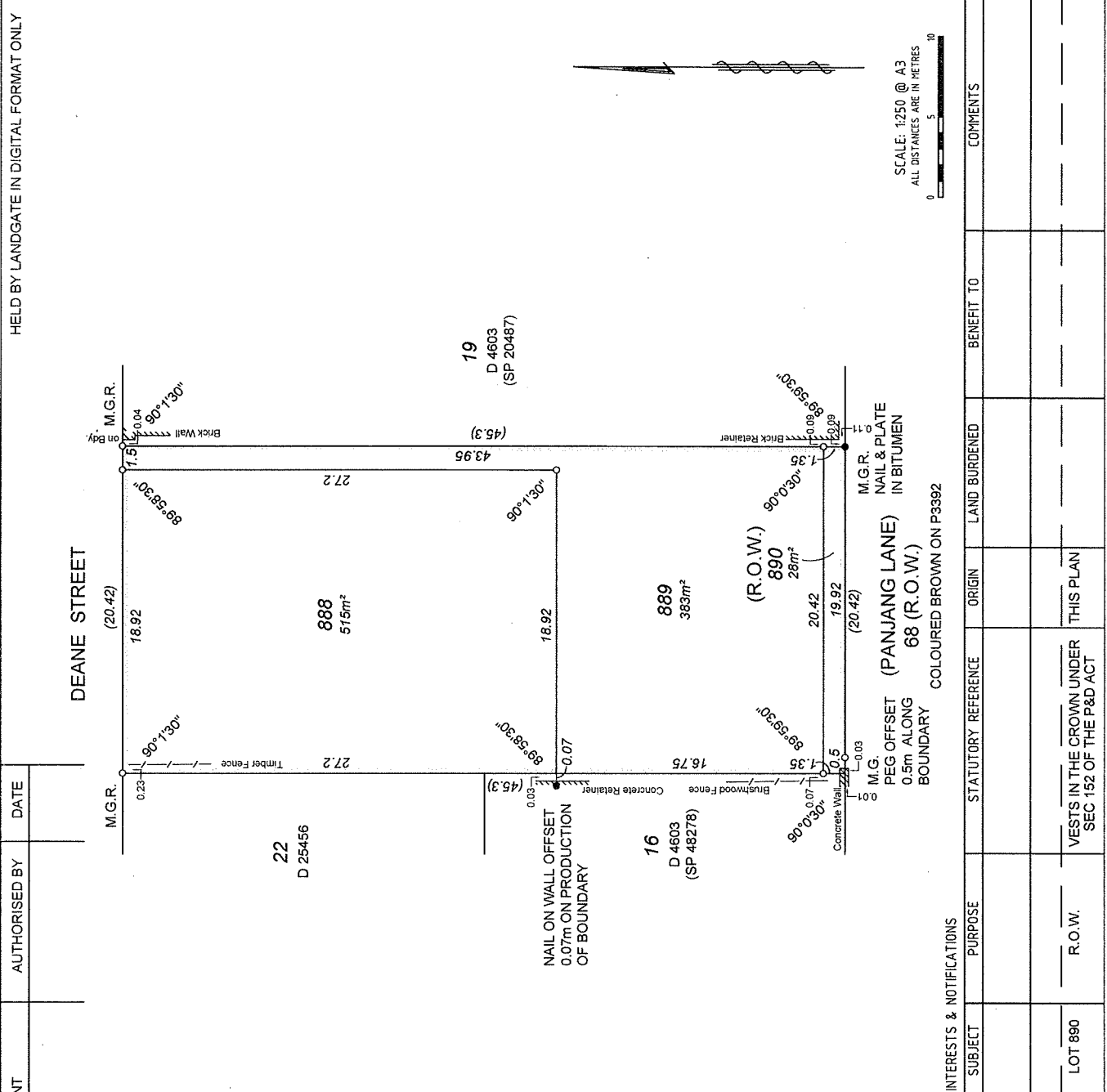


Attachment 2 - Proposed Deposited Plan



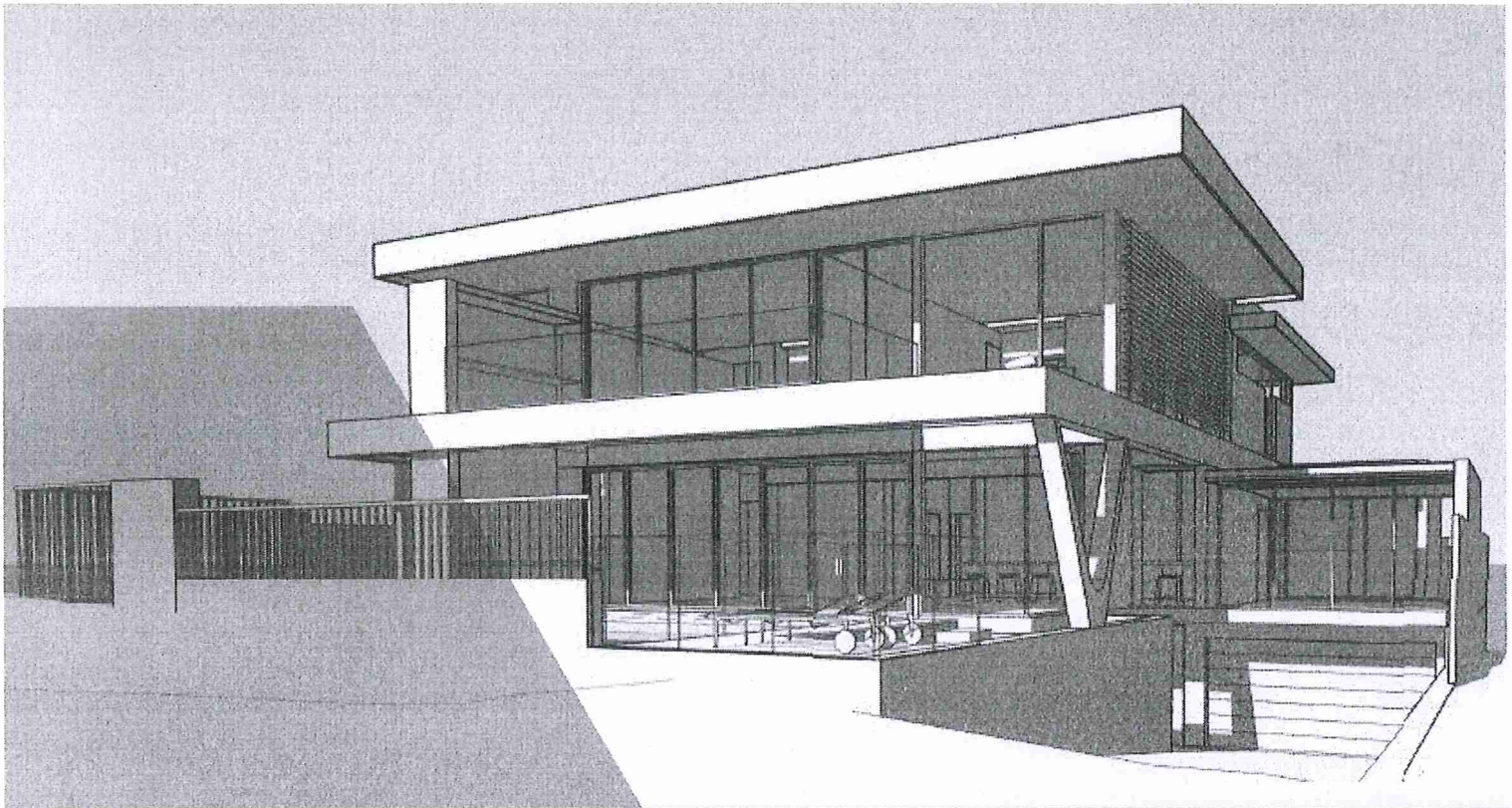


VER.	AMENDMENT	AUTHORISED BY	DATE	HOLD BY LANDGATE IN DIGITAL FORMAT ONLY	TYPE: FREEHOLD	S.S.A.	YES/NO
					PURPOSE: SUBDIVISION		
					PLAN OF		
					LOTS 888, 889 & 890		
					FORMER TENURE		
					LOT 18 ON DIAGRAM 4603		
					VOL: 778 FOL: 192		
					LOCAL AUTHORITY		
					TOWN OF COTTESLOE		
					LOCALITY		
					COTTESLOE		
					D.O.L. FILE		
					FIELD RECORD: 150518		
					SURVEYOR'S CERTIFICATE - REG 54		
					I. CRAIG MILLER		
					I hereby certify that this plan is accurate and is a correct representation of the:		
					(a) "survey; and/or		
					(b) "calculations from measurements recorded in the field records,		
					if applicable, and		
					undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.		
					LICENSED SURVEYOR	DATE	
						2020.02.22	
						172524 +08'00"	
					DATE		
					09-Mar-2020		
					DATE		
					FEE PAID	ASSESS No.	
					I.S.C.		
					G.FONG	EXAMINED	16-Mar-2020
						DATE	
					WESTERN AUSTRALIAN PLANNING COMMISSION		
					FILE:	195378	
					Delegated under S.16 P&D Act 2005	28-Jul-2020	
					DATE		
					IN ORDER FOR DEALINGS		
					SUBJECT TO	Sec 152 P&D ACT	
					FOR INSPECTOR OF PLANS AND SURVEYS	DATE	
						28-Jul-2020	
						APPROVED	
					INSPECTOR OF PLANS AND SURVEYS	DATE	
					(S.16 Licensed Surveyors Act 1969)		



INTERESTS & NOTIFICATIONS		STATUTORY REFERENCE		LAND BURDENED		BENEFIT TO		COMMENTS
SUBJECT	PURPOSE			ORIGIN				
LOT 890	R.O.W.	VESTS IN THE CROWN UNDER SEC 152 OF THE P&D ACT	THIS PLAN					





# Proposed Two-storey Dwelling with Undercroft Garage

Lot 18 (No. 21) [Future Lot 888] Dean Street, Cottesloe

April 2021



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**Prepared for:**

Adrian Moore and Katherine Moore

**Prepared by:**

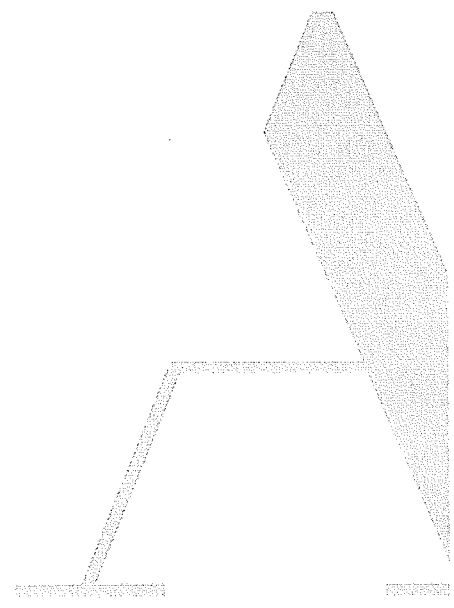
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**Document Version Control**

Version	Date	Description	Author	Review
1	30/3/2021	Initial	RM	JA
2	12/4/2021	2nd revision from client's feedback	RM	JA

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## 1.0 Background

### 1.1 Purpose

This submission has been prepared by Altus Planning on behalf of Adrian Moore and Katherine Moore ('the landowners') to provide justification for a two-storey dwelling with undercroft garage at Lot 18 (No. 21) [Future Lot 888] Deane Street, Cottesloe ('the subject land' or 'site') under the relevant provisions of *State Planning Policy 3.1 - Residential Design Codes Volume 1* ('the R-Codes') and the local planning framework.

The application has been lodged with the Town of Cottesloe ('the Town') and in accordance with the Town's requirements, the following items are included with this application:

- Town of Cottesloe Development Application Form;
- MRS Form 1;
- Town of Cottesloe Development Application Checklist;
- Current Certificate of Title and proposed deposited plan for future lots; and
- Development plans (including relevant cross-sections).

### 1.2 Property Description

The parent subject land measures approximately 923m<sup>2</sup> and exists as a vacant, rectangular, north-facing lot in the street block bound by Deane Street to the north, Broome Street to the east, Panjang Lane to the south and Avonmore Terrace to the west. The site is located approximately 240m east of Marine Parade, 290m east of the beach and 440m west of the Fremantle train line. A copy of the current Certificate of Title is contained in **Attachment 1** of this Report.

The surrounding area consists of similar sized residential lots with predominately large single dwellings. The majority of the properties along the southern side of Deane Street obtain their vehicle access from the public road and this same manner of access is proposed for the subject development.

An aerial image of the site and immediate surrounds with cadastral overlay is provided in Figure 1 overleaf.

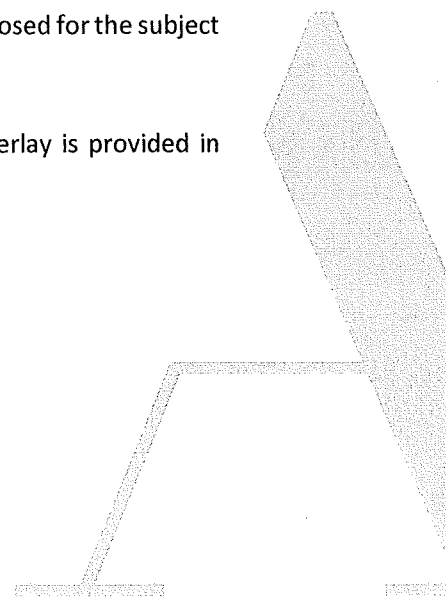




Figure 1: Aerial with cadastral overlay of subject land (highlighted in red) and surrounds (Source: Landgate Mapviewer Plus (2020)).

## 2.0 Site History and Proposed Development

### 2.1 Site History

In March 2017, a subdivision application (WAPC ref. 153378) was approved for the subject land for two freehold lots (Lots 888 and 889) in a “battleaxe” configuration with an associated PAW for the rear lot, plus the ceding of land in association with Panjang Lane at the rear. The dwelling is to be constructed on (future) Lot 888, which measures 515m<sup>2</sup> in area.

For reference only, a copy of the proposed deposited plan for these lots is contained in **Attachment 2** of this Report.

### 2.2 Proposed Development

The proposed development is for a two-storey dwelling on the front (future) Lot 888, consisting of an undercroft garage accessible from Deane Street with associated storage areas, a ground floor with sleeping quarters, the kitchen and living spaces and an upper floor with the master bedroom, study and lounge area. Externally, the proposed dwelling has an alfresco area, lawn and a swimming pool, all located within the ground floor outdoor living area.



Vehicle access to the site is proposed via a portion of the existing crossover that services the abutting western lot, No. 17 Deane Street. The partial shared utilisation of the crossover will ensure compliant gradients are provided to the undercroft garage and will also minimise any crossover works within the road reserve.

A copy of the development plans is contained in **Attachment 3** of this Report.

## 3.0 Planning Framework

### 3.1 Metropolitan Region Scheme

The subject land is zoned 'Urban' under the *Metropolitan Region Scheme* ('MRS').

### 3.2 Town of Cottesloe Local Planning Scheme No. 3

Pursuant to the Town of Cottesloe Local Planning Scheme No. 3 ('LPS 3'), the subject land is zoned 'Residential', with a density designation of R30.

Part 5 of LPS 3 outlines general development requirements for residential development within the Town. The provisions outlined in the table below are relevant to the proposal, with each being justified accordingly.

LPS 3 Provision		Justification
<u>Table 2 - Development Requirements</u>		<p>An assessment of the proposed development under the <i>R-Codes</i> is provided in the following section of this Report.</p> <p>An assessment of the proposed building height is provided in this table below.</p>
<i>Zone</i>	Residential	
<i>Development Type</i>	Residential development	
<i>Maximum Plot Ratio</i>	In accordance with the <i>R-Codes</i>	
<i>Maximum Site Cover</i>	In accordance with the <i>R-Codes</i>	
<i>Minimum Boundary Setbacks</i>	In accordance with the <i>R-Codes</i>	
<i>Maximum Height (Refer clause 5.7)</i>	Two-storey	
<p><u>5.3.7 Front Setbacks</u>            Despite anything contained in the Residential Design Codes to the contrary, in the case of areas with a residential density code of R30, the local government may require an R20 front setback of 6m to be applied for the preservation of streetscapes, view corridors and amenity.</p>		<p>A minimum front setback of 4.5m (at its smallest point) and an average of 6.18m is proposed from Deane Street.</p> <p>Notwithstanding the above, it is acknowledged that Clause 5.3.7 of LPS 3 provides the Town with the ability to require a larger setback up to 6m for the preservation of streetscapes, view corridors and amenity.</p>

LPS 3 Provision	Justification
	<p>It is submitted that the 4.5m proposed front setback is consistent with the intent of Clause 5.3.7 when having regard to the following:</p> <ul style="list-style-type: none"> <li>• Neighbouring properties abutting the east of the subject land are situated higher than the subject site.</li> <li>• When factoring this topography difference with the proposed dwelling being less than the maximum permitted heights of Clause 5.7.2 of LPS 3, it is submitted that any views of significance from neighbouring properties will be maintained.</li> <li>• The proposed dwelling assists in providing a built form transition from the approximate 1.5m secondary street setback of No. 26 Avonmore Terrace to the approximate 5.5m setback of No. 25 Deane Street.</li> <li>• From an overall streetscape perspective, it is submitted that the existing dwellings do not display consistent or homogenous front setbacks, with individual properties ranging between approximately 4-11m.</li> </ul> <p>Based on the above, it is submitted that the proposed front setback will preserve the streetscape of Deane Street. View corridors to the street and towards the ocean will be maintained and, consequently, there will be no significant adverse amenity impacts as a result of the development.</p>
<p><b>5.7.2 Building Height</b> All buildings shall comply with each of the following maximum heights, as applicable to the building –</p> <p>...</p> <p>b) 2 storeys</p> <p>(i) Building Height – 8.5 metres maximum height.</p> <p>(ii) Wall Height (to level of roof) – 6.0 metres maximum height.</p> <p>(iii) Wall Height (to top of a parapet) – 7.0 metres maximum height.</p>	<p>At its highest point above the corresponding NGL (approximately 28.82AHD), the overall building height is 6.96m (to the upper floor south-east corner of the dwelling). This is less than the 8.5m maximum permitted by Clause 5.7.2(b)(i) of LPS 3.</p> <p>In accordance with Schedule 11, Figure 2 of LPS 3, the proposed parapet wall height at its highest point above the corresponding NGL (also 28.82AHD) is 6.96m. This is less than the 7m maximum permitted under Clause 5.7.2(b)(iii) (refer to elevations contained in <b>Attachment 1</b>). Based on the above, the proposed two-storey dwelling complies with Clause 5.7.2(b) of LPS 3.</p>



### 3.3 State Planning Policy 7.3 - Residential Design Codes Volume 1

The proposed development meets all relevant deemed-to-comply provisions of the *R-Codes*, with the exception of those detailed below which are seeking consideration under the associated design principles.

#### 3.3.1 Lot Boundary Setbacks

The following lot boundary setbacks and boundary wall portions seek consideration under the relevant design principles of Provision 5.1.3.

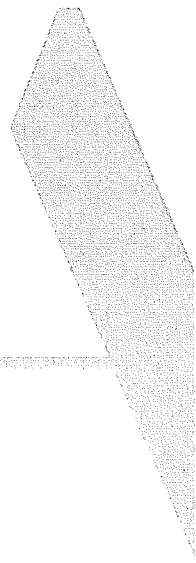
Portion of Wall		Wall Height	Wall Length	Major Opening	Proposed Setback
Ground Floor	Entry, staircase and lift shaft, eastern boundary	4m (at tallest point)	11.37m	No	1.2m
Upper Floor	Staircase and lift shaft, eastern boundary	7.4m (at tallest point)	9.22m	No	1.2m
	Master bedroom and ensuite, western lot boundary	8m (at tallest point)	14.7m	Yes	4.5m

Portion of Boundary Wall		Wall Height	Wall Length	Percentage of Boundary
Ground Floor	Bedroom 3 and robe, eastern boundary	4.65m (at tallest point)	7.58m	27.86%
	Bed 1, southern boundary	Approximately 4.8m (at tallest point)	13.9m (in aggregate)	73.49% (in aggregate)
	Bed 2, southern boundary			
	Bed 3, southern boundary			
	Games room, western boundary	4.05m (at tallest point)	6.5m	23.89%

Justification in support of the above is provided in the following table.

5.1.3 Lot Boundary Setback Design Principles		Justification
P3.1	Buildings set back from lot boundaries or adjacent buildings on the same lot so as to: <ul style="list-style-type: none"> <li>Reduce impacts of building bulk on adjoining properties;</li> <li>Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</li> </ul>	<u>Eastern Boundary:</u> <ul style="list-style-type: none"> <li>The proposed setbacks will not result in adverse building bulk presentation as the abutting PAW (which will serve the rear future Lot 889) provides an additional 1.5m separation to the external eastern neighbour (No. 25 Deane Street).</li> <li>The dwelling at No. 25 is orientated northwards towards the street as opposed to directly facing the eastern façade of the proposed dwelling.</li> </ul>

5.1.3 Lot Boundary Setback Design Principles	Justification
<p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> <li>• makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;</li> <li>• does not compromise the design principle contained in clause 5.1.3 P3.1;</li> <li>• does not have any adverse impact on the amenity of the adjoining property;</li> <li>• ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and</li> <li>• positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.</li> </ul>	<ul style="list-style-type: none"> <li>• Wall articulation is provided across both floors of the proposed eastern elevation.</li> <li>• There will be no overshadowing of No. 25 as the proposed setback variations are to their western lot boundary.</li> <li>• Floor-to-ceiling glazing is provided to openings on the eastern façade to minimise blank wall facades. These openings are to non-habitable areas of the proposed dwelling and will not create any privacy implications.</li> <li>• No. 25's main outdoor living area (OLA) is predominately situated within the street setback area and generally forward of the eastern façade of the proposed dwelling. Accordingly, it is submitted that there will be no sense of 'enclosure' of the neighbouring property. Furthermore, adequate access to ventilation will be maintained as a result of the sufficient separation between the dwellings.</li> </ul> <p>With respect to the proposed eastern boundary wall, it will occupy less than one-third of the boundary and is located in the south-eastern corner of the site, hidden from view of the street. Furthermore, the boundary wall abuts the PAW and is acceptable as there will be no building bulk projected to OLAs or habitable rooms on neighbouring lots.</p> <p><u>Southern Boundary:</u> The proposed boundary wall components along the southern boundary equate to 13.9m in aggregate length. It is submitted that their position on the southern boundary is acceptable when having regard to the following:</p> <ul style="list-style-type: none"> <li>• The approximate 7.6m line of shadow cast onto Lot 889 as a result of the boundary walls is eclipsed by the approximate 9m line of shadow cast by the upper floor of the dwelling.</li> <li>• As the southern lot boundary setbacks of the upper floor exceed the relevant deemed-to-comply requirements, this illustrates that the proposed boundary walls will not have any additional overshadowing impacts and will not inhibit access to direct sun for Lot 889. Accordingly, there will be no significant adverse impact on the amenity of the future southern lot.</li> <li>• The overall height of the southern boundary walls is a result of their additional retaining wall function, with the actual height of the</li> </ul>





5.1.3 Lot Boundary Setback Design Principles	Justification
	<p>walls above NGL being between approximately 0.5m-0.8m less.</p> <ul style="list-style-type: none"> <li>• The proposed boundary wall sections will be constructed in the same rendered finish as the rest of the dwelling which will assist in minimizing building bulk projection to Lot 889.</li> <li>• Further to the above, Lot 889 is currently held within the same ownership as the subject site and the landowner has no concerns with respect to the proposed overshadowing from the dwelling onto Lot 889.</li> </ul> <p><u>Western Boundary:</u></p> <ul style="list-style-type: none"> <li>• Building bulk is minimised through the use of wall articulation combined with extensive use of glazing to minimise blank façades.</li> <li>• The proposed external horizontal shutters to the master bedroom provides varied building materials to the western façade.</li> <li>• The dwelling on the abutting western lot (No. 17 Deane Street) is orientated northwards, towards Deane Street (as opposed to directly facing the proposed western elevation).</li> <li>• The western lot boundary setbacks will not result in any overshadowing of OLAs or major openings of the abutting western neighbours as measured during the winter solstice.</li> <li>• The proposed setbacks still afford access to direct sun and ventilation of No. 17 as the overall separation between dwellings will be approximately 5m.</li> <li>• There will be no loss of privacy to No. 17 as 4.5m and 7.5m deemed-to-comply visual privacy setbacks have been provided to the master bedroom and balcony respectively.</li> </ul> <p>In regard to the proposed boundary wall, it will occupy less than one-third of the western boundary and is set back 13.2m from the primary street. The single-storey parapet will also abut an existing solid fence on the communal boundary with No. 17.</p> <p>Whilst it is acknowledged that the proposed boundary wall is in proximity to covered courtyard area on No. 17, this is not their main OLA and the wall will not prevent direct sunlight and ventilation into this courtyard.</p>

The above lot boundary setbacks are considered acceptable having regard to the context of the site and its topography as well as the orientation of existing surrounding dwellings. These setbacks will not result in a loss of privacy for neighbouring properties and will not result in an undesirable precedent being set for future development within the locality.

With respect to the boundary walls, it is submitted that they are acceptable as their aggregate length to the external side neighbours is less than the two-thirds maximum permitted by the deemed-to-comply requirement of 5.1.3 C3.2(iii). In this regard, the overall length is distributed to two external boundaries, rather than one. For the reasons expressed in the above table, this alternative distribution will not result in additional building bulk or overshadowing, or any privacy implications to these neighbours.

### 3.3.2 Open Space

Approximately 288.2m<sup>2</sup> of building area is proposed for the subject site, which equates to approximately 44.03% of provided open space. Accordingly, the proposal seeks consideration under the relevant design principles of Provision 5.1.4.

5.1.4 Open Space Design Principles	Justification
<p>P4 Development incorporates suitable open space for its context to:</p> <ul style="list-style-type: none"> <li>• reflect the existing and/or desired streetscape character or as outlined under the local planning framework;</li> <li>• provide access to natural sunlight for the dwelling;</li> <li>• reduce building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;</li> <li>• provide an attractive setting for the buildings, landscape, vegetation and streetscape;</li> <li>• provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and</li> <li>• provide space for external fixtures and essential facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• A large undeveloped OLA, which includes a substantial grassed area, is located in front of the dwelling and will be visible from Deane Street. This development configuration is consistent with other houses in the streetscape and also allows the occupants to make effective use of a levelled-OLA, given the sloping topography of the site.</li> <li>• The northern orientation of the dwelling and the associated OLA ensures access to natural sunlight will occur.</li> <li>• The undercroft garage structure is hidden from view of the street, thereby reducing visible building mass from the street. Furthermore, a front-facing balcony and extensive use of floor-to-ceiling glazing along the street elevation also assists in this regard.</li> <li>• Building bulk is further minimised as the building is under height, there is wall articulation to each elevation of the dwelling and the upper floor is located centrally within the ground floor footprint (and the site itself).</li> <li>• There will be adequate room for external fixtures and essential services such as bin storage and clothes-drying areas that will be screened from the street.</li> </ul>



### 3.3.3 Site Works

In terms of excavation, the following is proposed between Dean Street and a 3m setback from the street alignment and therefore seeks consideration under the relevant design principles of Provision 5.3.7 with the corresponding justification provided in the table further below:

- Up to approximately 0.93m (at the lowest point) for the grassed portion.
- Up to approximately 0.57m (at the lowest point) for the paving surrounding the swimming pool.
- Up to approximately 2.33m (at the lowest point) for the swimming pool itself.

There are other portions within the 3m setback area, however these are required to provide vehicle and pedestrian access to the dwelling and thus meet deemed-to-comply Provision 5.3.7 C7.1.

In addition, up to approximately 0.85m of excavation within 1m of the eastern boundary and up to 1m of excavation within 1m of the western boundary, behind the street setback line, is proposed. However, as this excavation is below NGL, it meets deemed-to-comply Provision 5.3.7 C7.3.

With respect to fill, a maximum of approximately 0.65m of fill is proposed within 1m of the lot boundaries at the south-east and south-west corners of the site. This aspect of the development also seeks consideration under the relevant design principles of Provision 5.3.7, with the corresponding justification provided in the following table.

5.3.7 Site Works Design Principles		Justification
P7.1	Development that considers and responds to the natural features of the site and requires minimal excavation/fill.	<p>The natural topography of the site falls approximately 1.85m in a north-south direction, from 30.48AHD to 28.63AHD. Given the considerable slope on the site, excavation and fill is considered necessary to enable an appropriate form of development on-site. In this regard, an approximate equate amount of fill and excavation is proposed, in conformity with Clause 5.10 of <i>LPS 3</i>.</p> <p>Notwithstanding the above, the proposed development responds to the natural features and topography of the site, particularly when viewed from Deane Street. The extent of the proposed fill and excavation is all below NGL (as viewed from the street) and enables the site to be efficiently developed with a landscaped front area and to accommodate a contemporary two-storey dwelling design.</p>
P7.2	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.	The appearance of the dwelling from Deane Street respects the natural slope of the site north to south.

5.3.7 Site Works Design Principles	Justification
	<p>The effective use of excavation/fill has enabled the following:</p> <ul style="list-style-type: none"> <li>• A useable OLA to be located in front of the dwelling to obtain northern solar access; and</li> <li>• Car parking to be located towards the southern boundary of the site. This will screen the undercroft garage structure as well as parked vehicles to improve the overall presentation of the development to the street.</li> </ul>

### 3.3.4 Retaining Walls

The southern and western walls of the basement/undercroft will also, in effect, serve a retaining function. Specifically, in the south-east and south-west corners of the site, these walls will be approximately 0.65m and 0.51m above NGL respectively. Accordingly, these walls seek consideration under the relevant design principles of Provision 5.3.8, an assessment of which is tabled below.

5.3.8 Retaining Walls Design Principles	Justification
<p>P8 Retaining walls that result in land which can be effectively used for the benefit of residents and do not detrimentally affect adjoining properties and are designed, engineered and landscaped having due regard to clauses 5.3.7 and 5.4.1.</p>	<p>The proposed retaining walls allow for raised courtyard areas to be provided to bedrooms 1-3 and the games room.</p> <p>This is considered an effective use of the land as it provides an external outlook for these rooms and increases the amount of sunlight and ventilation to these parts of the dwelling, which benefits the future occupants of the proposed dwelling.</p> <p>Furthermore, it will not detrimentally impact upon abutting properties as it will not result in any overlooking of neighbouring OLAs or major openings to habitable rooms to the south or west.</p>

### 3.3.5 Solar Access

The proposed dwelling will result in the southern (future) Lot 889 receiving approximately 44.9% overshadowing at 12 noon during the winter solstice. Accordingly, the proposed solar access seeks consideration under the relevant design principles of Provision 5.4.2.

5.4.2 Solar Access Design Principles	Justification
<p>P2.1 Effective solar access for the proposed development and protection of the solar access.</p>	<p>The battleaxe configuration of the subdivision has created north-south oriented lots. The proposed dwelling has a northern orientation, as evidenced by the main OLA being located in front of the dwelling as well as the extensive use of</p>



5.4.2 Solar Access Design Principles	Justification
<p>P2.2 Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:</p> <ul style="list-style-type: none"> <li>• outdoor living areas;</li> <li>• north facing major openings to habitable rooms, within 15 degrees of north in each direction; or</li> <li>• roof mounted solar collectors.</li> </ul>	<p>floor-to-ceiling glazing along the northern street elevation.</p> <p>With respect to external adjoining neighbours, the proposal will not create any significant adverse amenity impacts on their OLAs, major openings or any solar panels. This is due to the following:</p> <ul style="list-style-type: none"> <li>• Neighbouring properties are similarly oriented in a north-south arrangement.</li> <li>• The main OLAs of neighbouring lots are located between the street and their respective dwellings to capture direct northern sunlight.</li> </ul> <p>With respect to the future southern lot, the following is considered relevant:</p> <ul style="list-style-type: none"> <li>• Lot 889 is currently held within the same ownership as the subject site and the landowner has no concerns with respect to the proposed overshadowing from the dwelling onto Lot 889.</li> <li>• A house design has not been finalised for Lot 889. Notwithstanding, the owner of both lots has investigated preliminary sketches for Lot 889, which suggest a boundary wall to its northern boundary is likely. Accordingly, it is expected that the overshadowing from Lot 888 will largely fall onto the roof space of any future dwelling.</li> <li>• The proposed building is under height and the southern lot boundary setbacks exceed the relevant deemed-to-comply requirements.</li> <li>• It is therefore submitted that a “compliant” design would still produce overshadowing in excess of the 35% deemed-to-comply requirement. It is therefore submitted that in this particularly subdivision arrangement, the subject proposal, with its southern boundary walls, produces no further overshadowing than what a deemed-to-comply single house otherwise inevitable would in such a north-south lot configuration.</li> </ul>

### 3.4 Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Schedule 2, Part 9, Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* ('Regulations'), the local government is to have due regard to the relevant matters for consideration outlined under this Clause.

The following matters are considered relevant to the proposed development and are addressed in the below table.

Deemed Provision 67 Matter	Justification
(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The relevant provisions under the Town's <i>LPS 3</i> have been addressed under Section 3.2 of this Report. The proposed development is considered to be consistent with these provisions and appropriate for the site and within the locality.
(b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;	The above Report has justified the proposal under the relevant provisions of <i>LPS 3</i> and the design principles under the <i>R-Codes</i> and is submitted to be in accordance with the requirements of orderly and proper planning.
(m) The compatibility of the development with its setting, including — (i) the compatibility of the development with the desired future character of its setting; and (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;	The proposed development is a modern and contemporary dwelling that is compatible with similar modern residences at No. 28 Avonmore Terrace, as well as more broadly along Deane Street and within the surrounding locality.
(n) The amenity of the locality including the following — (iii) Environmental impacts of the development; (iv) The character of the locality; (v) Social impacts of the development;	(i) There are no environmental impacts as a direct result of the proposed development. (ii) The character of the locality is formed of large single dwellings of varying eras of design. (iii) There are not considered to be any social impacts as a direct result of the proposed development.

## 4.0 Conclusion

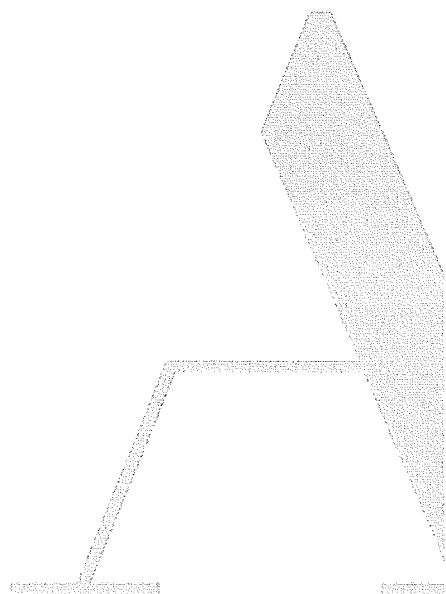
The landowners are seeking development approval for a two-storey dwelling with undercroft basement and garage on the subject land.

For the reasons outlined in this Report, it is our view that the proposed development is suitable for the site and is consistent with the relevant design principles of the *R-Codes* and the local planning framework as well as existing developments in the immediate locality. Accordingly, it is submitted that the proposal warrants approval.



We trust that this information is to your satisfaction and welcome the opportunity to review any draft suite of conditions of approval prior to any determination. We otherwise look forward to your prompt and favourable determination.

Altus Planning



Dear Sir/Ma'am,

Thank you for the opportunity to comment on Lot: 888 D/P: 416837 at 21 Deane Street.

It seems to us that non-compliance with the deemed to comply criteria of the R-Codes that may affect us are:-

- Eastern Setback to upper floor – Overall wall length = 19.3m. Height <7m with a major opening to a habitable room (Study/Bed 4) requires a setback of 5.5m. Proposed is 4.68m.

- Open Space – Required 50% of site area. Proposed is 44% of site area.

- The Eastern wall on the proposed plans of the first floor balcony completely blocks our view of the ocean. Rather, we would be happy to sign off on our pool to be overlooked, and therefore for that wall to be set-back to the same distance as the street-scape.

Best wishes, Gareth and Vicki

25 Deane Street





Daniel & Jessica Jones

Cottesloe WA 6011

29 June 2021

Town of Cottesloe  
Attn: Mr Ed Drewett, Planning Department  
109 Broome Street  
Cottesloe WA 6011

Dear Mr Drewett

**Re: Ref: 5.2021.4109 21 Deane Street, Cottesloe -  
Planning Application**

After inspection of the documents for the above property, I would like to make the following comments;

- The levels at the southern boundary of the norther lot have 2 different values ie the south eastern corner has a survey level of 27.7, whereas the plan contour has a level of 28.62.  
As the floor level of the southern lot facing Panjang Lane will be an aggregate of the 4 levels of the lot divided by 4, I would like clarification of the correct levels for determining the future southern ground floor level.
- If or when a building license is applied for, I would like to be provided with conditions relating to restrictions blocking the lane, loading on the vacate site, etc and dust mitigation/
- We have experienced extreme dust and overlook into our property from works carried out by Riverstone Building adjacent to this application including blocking of our garage access.

The overlook is a REAL problem and presents a large security risk. Preferably it would be advantageous to all if the issuing Building Surveyor would inspect our property to understand our situation prior to finalising the conditions of the License.

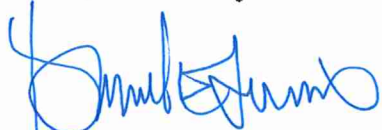


We also understand that 20 Rosendo Street has been sold and security fencing installed. Should this site begin construction during the building works for 21 Deane Street, the management of the construction vehicles, delivery, access etc. becomes critical and a building management plan submitted and issued to those residents using Panjang Lane as their primary accessway.

A dilapidation survey will also be required for our property, at the expense of the builder/developer.

Thank you, and we await your response.

Your sincerely



Daniel & Jessica Jones



## 21 Deane St development application

I would like to make comments on 2 fronts for the home proposed at 21 deane st.

Firstly from the perspective of access and secondly from the perspective of points about the actual home that may have detrimental effects on us as immediate neighbours.

We are not in a position to employ our own Town Planner to help in these matters, so my comments are coming from a lay person who has been part of the process with access and development applications on this property for the last 7 or 8 years.

### ACCESS

Over 7 years ago discussions began regarding access to number 21 Deane St. Myself and other Deane St residents fought against a tunnel access to the property from Deane St. My reason for this was so the amenity of the Deane St cutting was not destroyed. Hearing that access, in principle, has been granted by sharing most of our driveway up the cliff face is most disturbing. It does make me wonder why I fought so hard for something that would benefit the whole street only to find that the solution was to approve something that was hugely detrimental to us and only us. My preferred option now would be for council to look at other options, such as a driveway, similar to ours, but not shared. It would take away some of the cliff face East of our driveway, but it is certainly something I would like council to consider.

The plans for the home at 21 show no detail of the access to the home , yet the drawings imply a crossover will be available from the top of our driveway at number 17 deane st.

My concern is this. If council approves the plans without detailed access plans having been submitted for the driveway, the TOC is effectively saying the home with Deane st access via our existing driveway, as shown on the plans, can be achieved. I fail to see how this can be the case if detailed crossover plans have not been submitted. The TOC engineering dept told me, some time ago, that in theory the shared driveway could be made workable, but there were no plans for viewing.

In view of the issues already encountered with access to 20 A Deane st, I believe detailed access plans should be available before the house plans are approved.

Obviously the idea of a shared driveway is detrimental to our interests. I have over the years given many reasons for this and they would be on record at the TOC. After 45 years of safe access to our property, we are essentially being told that we will share a driveway . This will definitely create safety issues, more for us than the residents at 21, due to the fact that we back out of our driveway and they will be forward driving.

## HOUSE PLAN CONCERNS

### 1. WALLS ON BOUNDARIES

There is a Colourbond roof on the western boundary of the property. This roof covers a games room which appears, from what I can see from plans, to have a wall on the boundary line. I am wondering if the western wall can be taken back from the property boundary.

I am not sure if I have interpreted the R code guidelines correctly, but am I correct in reading that if the new development has a wall on the side boundary it cannot be higher than 3.5m.

I also interpreted the codes to mean that if a retaining wall used for habitable space is constructed, it can only go to the boundary if it is 0.5 m or less in height. Given that this retaining wall will be used for the basement, it will surely be greater than 0.5m. Also, I cannot determine from the plans what the height of this games room wall will be on the boundary. It will definitely make our rear well used courtyard area much less well lit and less open to breeze in summer. If this wall has exceeded legitimate height I would like council to consider asking the applicant to bring it down to a reasonable level.

The distances from the boundaries of the property to the house walls are very difficult to be sure of. On the western boundary I would like to know greater detail on exactly where the walls of the house and the brick fence are, in relation to the actual boundary of the property. I am finding it difficult to make comment as I am not sure of where walls and boundaries are.

Bedroom 1 appears closer to the western boundary than what I thought would comply. Could that be moved at least 0.5 m further away from the property line.

The plans for this home show a building of grand size. The closer any walls are to our boundary, the greater detrimental effect there will be in terms of the feeling of bulk overbearing us, shade in our rear terrace area and lack of ventilation.

### 2. PRIVACY.

The master bedroom on the first floor appears to have lots of windows and directly overlooks our back terrace and carport area. This is not desirable for us as we use the back terrace area a lot with grandchildren and it is the only access point into our home.

### 3. SITE WORKS

The basement and retaining wall along the western boundary are of great concern to us. It appears the underground basement area will have retaining walls along the eastern boundary of our property. At 70 to 80 years old (our house) and with the area to be excavated full of limestone and capstone, I have grave fears for the stability of some of our house.

The existing dividing fence is of concern. It WILL collapse as soon as any excavation begins. It is severely damaged and needs replacing and it is something we have wanted to get replaced for years now. The wood has actually rotten through underground. It is difficult to see from the



plans how much of the property is being built on the boundary and where brick walls are mentioned, I am not sure if they are on the boundary or not. If they are, the heights have not been discussed with us. Where the brick wall is shown as 1600cms high, there is currently a 2000cm fence which has been there to allow privacy. Towards the front of the property the drawings show "low retaining wall" which does not actually mean much. The current fence there has always been 1500cms high, once again for the sake of privacy from the adjoining property. This fence extends to the footpath. This privacy factor is something we would like to preserve so would appreciate this being considered.

#### 4. NOISE LEVELS

There are 2 Air Conditioner condenser units located on the western boundary of bedroom 1. Could they be relocated on the southern wall of that bedroom, or in the basement, due to potential noise and amenity impact on our outdoor areas. There is currently vacant land on the southern side and it appears the home is not being built on the boundary. If they remain on the western wall they will have noise impact on our back terrace area. Has an acoustic assessment been looked at before approval of the location of the condenser units is given.

#### 5. STREET SETBACKS

Given that our home is situated to the west of 21 Deane St, the street setbacks do not affect us greatly. I do however think that the amenity and view corridors should be considered, just as they are being considered for the property at 20A Deane St.

There have been ongoing conversations regarding levels in terms of how high this development will be. Whilst this does not hugely impact us, I would like to show support for those neighbours who are affected by any improper gain in height or setbacks in the application for their development.

I am sure there are other points that I should be noticing but I do not have the skills to accurately read plans.



Town Planners, Advocates and Subdivision Designers  
ABN 24 044 036 646

5 July 2021

Our Ref: AVO DEA GE

Chief Executive Officer  
Town of Cottesloe  
PO Box 606  
COTTESLOE WA 6911  
(Sent via email)

**Attention: Ed Drewett (Coordinator Statutory Planning)**

Dear Ed,

**RE: SUBMISSION ON PROPOSED TWO STOREY DWELLING WITH UNDERCROFT – LOT 18 (NO. 21)  
DEANE STREET, COTTESLOE**

On behalf of the owners of Strata Lot 1 (No. 24) Avonmore Terrace, Cottesloe, we have prepared this letter of submission in relation to the proposed two storey dwelling with undercroft on the neighbouring land at Lot 18 (No. 21) Deane Street, Cottesloe (**subject site**).

The following summarises our concerns and identifies deficiencies in respect to the proposal and the Residential Design Codes (**R-Codes**). These can be augmented with further details in later submissions if required.

The primary concerns of our clients relate to the potential amenity impacts associated with lot boundary setbacks and boundary development, including the introduction of excessive building bulk in proximity to the western boundary and loss of direct sun to internal and external habitable spaces at 24 Avonmore Terrace. There are also concerns associated with the absence of detail relating to the proposed vehicle access arrangement and the unresolved issue of vehicular access to the subject site generally. These matters are set out in detail below.

#### **Description of Subject Site and Surrounding Land**

The subject site has a total area of 923m<sup>2</sup> and has primary frontage to Deane Street to the north and a secondary frontage to a constructed, sealed and drained Right-of-Way (**ROW**) to the south. The subject site does not have constructed vehicular access from Deane Street. Based on a review of available historical aerial, vehicular access has always been obtained from the ROW to the south.

Based on current surveys, the subject site rises in elevation to the north from a low point at the southern boundary of approximately 26.75 AHD to a high point in the north-western corner of approximately 29.50 AHD.

The subject site is presently vacant apart from an existing sea container in the southern portion of the lot and a viewing tower in the northern portion of the lot which appears to have been installed as part of the marketing of the subject site (which is currently listed for sale).

125 Hamersley Road Subiaco Western Australia 6008



The proposal involves the construction of a new two storey dwelling with undercroft in the northern portion of the subject site. The site area identified for the new dwelling is calculated on Plan DA01 as 515m<sup>2</sup>. The remaining 408m<sup>2</sup> area comprises the balance of the lot to the south of the proposed dwelling and a 1.5m wide pedestrian access leg along the eastern boundary connecting with Deane Street to the north. The development layout on Plan DA01 implies that the land has been subdivided. However, a search of Landgate titles and mapping indicates that the subject site remains as an existing unsubdivided allotment. There is no detail provided as part of the publicly accessible plans and information to confirm whether or not subdivision approval exists for the property.

The subject site is bordered to the east by two existing residential lots, one with frontage to Deane Street to the north (No. 25 Deane Street) and the other with frontage to the southern ROW (No. 23 Deane Street). The northernmost lot contains a two storey dwelling which is currently under construction to replace a recently demolished two storey dwelling. The southernmost lot contains an existing single storey dwelling. Both lots have vehicular access from an existing battleaxe driveway connecting Deane Street through to the rear ROW.

The subject site is bordered to the north-west by an existing double storey dwelling (No. 17 Deane Street). The property at No. 17 Deane Street has its primary frontage to Deane Street and is not serviced by the ROW to the south. The property at No. 17 Deane Street is provided with a sole point of vehicular access from a sloped driveway up the embankment in the Deane Street road reserve.

Our clients property at No. 24 Avonmore Terrace borders the subject site to the south-west. The property at No. 24 Avonmore Terrace contains a two storey multiple dwelling complex comprising four (4) multiple dwellings. At ground floor level the property contains two multiple dwellings, one positioned in an east-west alignment on the northern side of the building and the other in a mirrored configuration on the southern side of the building. The dwellings on the first floor mirror the internal configuration of the ground floor. The two ground floor dwellings also contain the primary outdoor living areas to the rear (east) of each dwelling, adjacent to the subject site. The primary outdoor living areas each ground floor dwelling have a width approximately 11m and a depth of approximately 5m, with a total area of approximately 55m<sup>2</sup>. Both ground floor dwellings contain habitable rooms with major openings connecting to the outdoor living areas. The two first floor dwellings also contain east-facing habitable rooms with major openings. The eastern elevation of 24 Avonmore Terrace is set back from the common boundary of the subject site by 5m.

A location plan is provided at **Figure 1**.

Based on the spot height provided on Plan DA01, the finished level of the primary outdoor living areas of the ground floor multiple dwellings at 24 Avonmore Terrace is 25.39 AHD. The existing natural ground level on the boundary adjoining 24 Avonmore Terrace has a height of 28.04.

Based on the surveyed lot boundaries shown on Plan DA01, the proposed development at the subject site will extend approximately 5m south of the common boundary between No. 24 Avonmore Terrace and No. 17 Deane Street (refer **Figure 2**). Therefore, the proposed development will be directly adjacent to the north-eastern portion of the building at 24 Avonmore Terrace and will be visible from the east facing habitable room windows and primary outdoor living areas for all four of the multiple dwellings within that property.



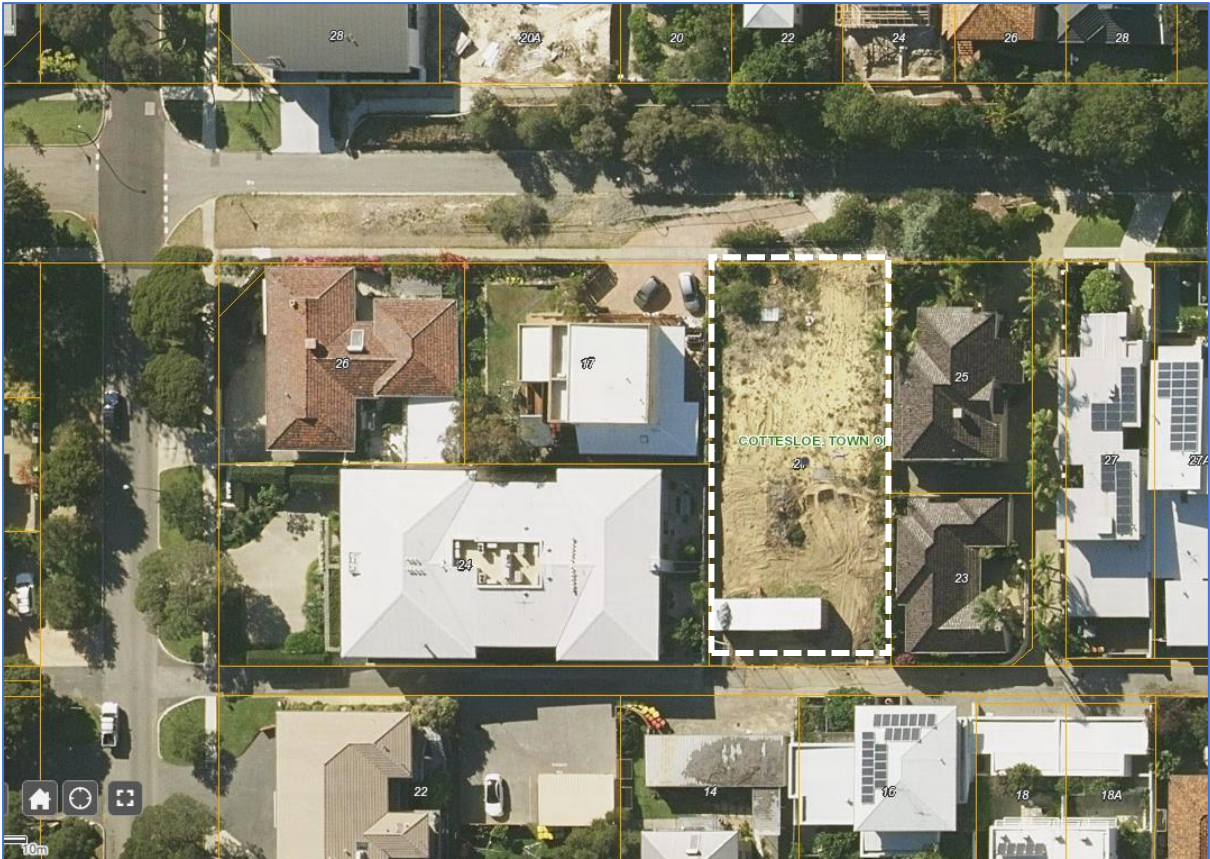


Figure 1 – Location Plan



Figure 2 – Location Plan

## Submission on Proposed Development

### Description of Proposal

The proposal involves the development of a two storey dwelling with undercroft. The undercroft area has a finished floor level (FFL) of 26.598 and comprises car parking space, storage areas, a workshop and a cellar. Vehicular access to the undercroft is proposed via a ramped driveway along the western boundary connecting to the Deane Street verge in the north-western corner of the subject site. The ground floor has a FFL of 29.35 and contains the family and dining room, kitchen, games room, three bedrooms, two bathrooms, a laundry and an outdoor area comprising a pool, alfresco area and grassed area. The first floor has a FFL of 32.77 and comprises a master bedroom with ensuite, a fourth bedroom, a bathroom, lounge and adjoining balcony. The proposal incorporates a flat roof with box guttering with a maximum height of 36.12 (northern edge), with a small area comprising the lift overrun to a height of 36.14.

The historic TPS1 Natural Ground Levels (NGLs) have been adopted for establishing building heights for the proposal.

Based on observations of the subject site, the existing ground levels appear not reflect the TPS1 contours as provided for on Plan DA05 which clearly show a rise in elevation to the north-eastern corner. The existing levels within the subject site appear to be built up through the central portion of the site and along the western boundary. Any variations between TPS1 contours and existing levels which have the potential to result in further exceedances to building and wall height ought to be monitored during the construction phase to ensure compliance with approved levels.

### Lot Boundary Setbacks and Boundary Walls (R-Codes Clause 5.1.3)

At ground floor level the proposal involves the construction of boundary walls to three side boundaries, including the western, southern and eastern boundaries. It is noted that the proposed boundary walls are not abutting an existing or simultaneously constructed boundary wall, nor have they been designed and submitted concurrently with a similar proposal on an adjoining lot. The proposed boundary wall development therefore does not satisfy the deemed-to-comply provisions of Clause 5.1.3 C3.2 i and iv of the R-Codes. Additionally, the southern boundary walls are proposed to be constructed to a height of approximately 4m above NGL and therefore fail to satisfy Clause 5.1.3 C3.2 iii of the R-Codes as the walls exceed 3.5m. The proposed southern boundary walls comprise a total length of 13.9m of the 18.92m long southern boundary, equating to 73% of the length of the boundary.

As demonstrated in **Figure 2** above, the proposed southern boundary wall is positioned directly adjacent to the eastern outdoor living areas and east facing habitable room windows on the neighbouring property at No. 24 Avonmore Terrace. The proposed southern boundary wall is set back from the western boundary of the subject site by 1.2m. Along the western boundary, a 2.16m high boundary wall is proposed for a total length of 7.5m which terminates at the southern boundary of the subject site.

Therefore, as demonstrated in **Figures 3** and **4** below, the relative height difference between the ground floor FFL of No. 24 Avonmore Terrace, compared with the proposed height of boundary development can be described as follows:

- The proposed western boundary fence in the location where it adjoins No. 24 Avonmore Terrace is 2.16m above NGL (28.79) at its highest point. The FFL of the eastern outdoor living area at No. 24 Avonmore Terrace as shown on Plan DA01 is 25.39, meaning that the total boundary fence height at its highest point in the south-western corner (shown as 30.95 on Plan DA07), will be **5.56m above the FFL of this adjacent outdoor living area**. This is approximately 1.4m above the



height of the existing brushwood fence as shown in **Figure 3** as demonstrated by the top of the pole in the image.

- The wall beyond the boundary fence is set back from the western boundary by 1.2m on the subject site. That wall has a height of 3.9m above NGL (28.79) at its highest point. Therefore, the height of the southern boundary wall (shown as 32.68 on Plan DA06) will be **7.29m above the FFL of the ground floor outdoor living area** of No. 24 Avonmore Terrace. It is noted that the height of the proposed southern ground floor boundary wall would be around the same height of the flue boxing on the roof of No. 24 Avonmore Terrace to the west (refer **Figure 4**). This is approximately 3.2m above the height of the existing brushwood fence as shown in **Figure 3**, more than double the height of the section of the pole projecting above the fenceline.
- The roof height of the proposed dwelling at the southern end is shown on Plan DA05 as 35.96 being **10.03m above the FFL of the ground floor outdoor living area** of No. 24 Avonmore Terrace.



**Figure 3 – Image looking east from ground floor courtyard of No. 24 Avonmore Terrace. Pole showing height of proposed boundary wall approximately 1.4m above the brushwood fence.**



**Figure 4 – Image looking south-west to eastern elevation of No. 24 Avonmore Terrace. The flue boxing demonstrating the approximate height of the proposed ground floor southern boundary wall on the subject site.**

The proposal requires assessment against the Design Principles of Clause 5.1.3 of the R-Codes as it does not satisfy the Deemed-to-comply requirements for boundary walls.

In response to the relevant Design Principles we submit that:

- The development does not reduce impacts of building bulk on adjoining properties. The bulk and scale of the proposal, in particular the southern boundary wall, will result in a highly visible and overbearing feature when observed from the internal and external habitable spaces to the east of the neighbouring property at No. 24 Avonmore Terrace. This is exacerbated by the height of the proposed western boundary wall relative to the finished levels of the neighbouring property at No. 24 Avonmore Terrace;



- The height of the brushwood fence as shown in the image at **Figure 3** delineates a standard fence height above the ground level of the boundary above. The proposed height of the boundary fence above the existing fenceline (and the proposed building beyond) represents an excessive departure from the existing ground levels at the boundary and is proposed without any proposed mitigation of bulk in this highly sensitive location;
- Due to the proposed height of walls along the southern and western portions of the ground floor, the proposal has the potential to reduce direct sun to major openings and outdoor living areas to the west at No. 24 Avonmore Terrace; and
- With the combination of excessive building bulk and impacts on access to direct sun, the proposal does not protect the amenity of the adjoining property at No. 24 Avonmore Terrace, particularly noting that all four dwellings in the complex have habitable rooms with major openings on the eastern elevation which are positioned directly adjacent to the proposed development. Due to the level differences between the sites, the habitable rooms at both ground floor and first floor levels have potential to be adversely impacted. The potential amenity impacts arising from the substantial built form proposed along the common boundary of the subject site is considered by the occupiers of No. 24 Avonmore Terrace to be an unacceptable outcome.

In response to the relationship of the proposal with the prevailing and future development context of the locality, we submit that the 515m<sup>2</sup> lot size identified for the construction of the dwelling on the subject site is of a size which would enable the construction of a reasonable sized dwelling without reliance on development to three boundaries. Also, the “squat” rectangular shape of the development site provides greater opportunities for setbacks and open space around the boundaries, compared with a more contemporary narrow elongated lot which may result in longer sections of boundary wall development along side boundaries.

Further, it is likely that future development of the southern area of the subject site will be unreasonably disadvantaged by the extent of boundary development along the southern elevation as proposed. The shadow cast at 12 noon on 21 June pursuant to Clause 5.4.2 of the R-Codes will result in a 10% exceedance to the 35% deemed-to-comply provision. Therefore, the combination of boundary development and solar impact arising from the proposal has the potential to negatively influence the development outcome of the southern lot. This would include an opportunity for a greater amount of boundary development on the southern lot as a result of permitted boundary to boundary development between the two properties. The impacts arising from such an outcome are inappropriate given the size of the subject site and the expectation for separation in built form through building setbacks to reduce amenity impacts on neighbours.

It is considered that the extent of the boundary development proposed, particularly along the southern elevation of the building, ought to be reconsidered in response to the Design Principles of Clause 5.1.3.

#### **Overshadowing and Solar Access (R-Codes Clause 5.4.2)**

As noted previously, the shadow cast at 12 noon on 21 June pursuant to Clause 5.4.2 of the R-Codes will result in a 10% exceedance to the 35% deemed-to-comply provision. As demonstrated on Plan DA01, the total shadow cast on the southern portion of the subject site is 45% or 173.9m<sup>2</sup> of the site area.

Having regard to the relevant Design Principles of Clause 5.4.1, for the reasons expressed previously in this submission, the proposed development will not result in the protection of solar access to the southern portion of the subject site. This has the potential to result in flow-on effects for any future development of the southern portion of the site which would be required to mitigate solar impacts through design response. We submit that this places an unreasonable burden on the development of the southern lot.

In addition to these concerns, we submit that solar access to outdoor living areas to the east of No. 24 Avonmore Terrace will be potentially impacted by the development noting the extent of variation proposed to the deemed-to-comply requirement.

For these reasons we submit that the proposal does not satisfy the Design Principles of Clause 5.4.1. The setting back of the built form from the southern boundary at both ground floor and first floor levels may assist to reduce solar impacts associated with the proposal. This, combined with greater ground floor setbacks for the southern elevation of the proposed development (pursuant to R-Codes Clause 5.1.3), would assist with improving amenity outcomes associated with building bulk, scale and shadowing impacts on the habitable areas of No. 24 Avonmore Terrace. However, in its current form the development is unacceptable and will not protect the amenity of the occupants at No. 24 Avonmore Terrace.

### **Vehicular Access (R-Codes Clause 5.3.5)**

It appears that vehicular access is proposed to be provided to Deane Street via the existing driveway servicing No. 17 Deane Street to the north-west of the subject site. Plan DA01 shows the vehicular access point terminating at the northern lot boundary of the subject site where it meets the concrete footpath, however there is no detail demonstrating how vehicle access will be achieved beyond that point. The image at **Figure 5** below demonstrates the level differences in this location which suggest that there will be a need for detailed engineering to achieve manoeuvrability and suitable access gradients for vehicular ingress and egress to the subject site at this point. The image also demonstrates that there would be the need to remove existing vegetation within the verge which has the potential to negatively impact on the established streetscape and amenity of the locality.



**Figure 5 – Proposed Location of Vehicular Access into the Subject Site**

In the decision of Moore and the Town of Cottesloe [2006] WASAT 118 which was delivered on 28 September 2016, the State Administrative Tribunal (SAT) dismissed an application for review of a decision by the Town to refuse a proposed two storey dwelling with undercroft at the subject site. That proposal included a cutting through the Deane Street verge to provide vehicular access to the undercroft parking area. The proposal was similar to the current proposal as it involved a two storey dwelling on the northern portion of the subject site, meaning that the new development would require new vehicular access to be provided from Deane Street, rather than utilising the existing ROW.

A summary of the key findings of SAT in [2006] WASAT 118 as they relate to the current proposal are provided as follows:

- The width of the existing ROW which services the subject site was found to be an acceptable form of vehicle access which has been utilised by residents for many years. It was found that any additional vehicle movements generated by new development on the subject site would not result in an undesirable traffic movement problem and therefore, this would not compel the construction of an alternative means of vehicle access, such as from Deane Street;
- As is the case with the current proposal, as there were no new cadastral lot boundaries created through subdivision, SAT relied on the existing boundaries of the unsubdivided lot. Therefore, the planning principle that vehicular access should be provided from a ROW where one exists in a constructed form was upheld; and
- SAT determined that the proposed works to revise the existing access arrangements for No. 17 Deane Street would also involve modification to the way in which the occupiers of No. 17 Deane Street access their own property. No. 17 Deane Street did not form part of the proposal in that instance, nor does it appear to under the current proposal. SAT determined therefore that any works to the verge ought to be workable to service the proposal without impacting on the use by No. 17 Deane Street.

The absence of any information or clarity surrounding the proposed means of access suggests that there is no reason to depart from the findings of SAT in [2006] WASAT 118.

Further, it is likely that the type of access arrangement proposed under the current application would also require an application to the Town's engineering department for an amendment to the crossover design. We are unaware of any such application being made.

We therefore submit that without relevant information being made available to the community through a public consultation process, the planning proposal ought to be withdrawn until such a time that vehicular access is resolved and suitable information is provided to support the proposal.

### **Summary and Conclusion**

In conclusion, on behalf of the owners of No. 24 Avonmore Terrace, we submit that the proposal should either be refused or further information provided to demonstrate how the proposal can be amended to address the issues raised.

The cumulative issues associated with lot boundary setbacks (including boundary development), impacts to solar access and variations to open space suggest an over development of the lot and represent an unacceptable development outcome which is likely to adversely impact on the owners of No. 24 Avonmore Terrace. The development site is of a size and shape that enables the design of a reasonable sized dwelling without impacting upon the use and functionality of existing and future adjoining properties.

Having regard to the southern elevation of the proposed development, the proposal seeks to rely on adjoining undeveloped land to maximise the internal building footprint. We consider that this is an unreasonable response to development of the subject site and for the reasons outlined above, we would seek that variations are made to reduce the potential for unreasonable building bulk and impacts to solar access. We also seek the opportunity to review any revised proposal which is submitted in response to the planning concerns raised within this submission.

Should you require any further information, please do not hesitate to contact our office.

Yours sincerely

**ALLERDING AND ASSOCIATES**



**TOM HOCKLEY**  
**ASSOCIATE**

Encl:

CC: Client