



21 Deane Street

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Scale 1:601

12/08/2015



# TOWN OF COTTESLOE

- 3 AUG 2015

RECEIVED



1/24 Avonmore Terrace Cottesloe WA 6011 3<sup>rd</sup> August 2015

Mr Ed Drewett, Senior Planning Officer Town of Cottesloe, 109 Broome St, Cottesloe WA 6011

Dear Mr Drewett

Thank you for the time you spent with Peter Hector and me in your Council Offices recently in regard to the

# APPLICATION FOR APPROVAL TO COMMENCE DEVELOPMENT - LOT 18 (21) DEANE STREET, COTTESLOE

We refer to the plans that have been advertised in relation to the above and provide the following submission on behalf of the owners of 24 Avonmore Terrace, Cottesloe following our review and professional advice regarding the matter.

The owners **OBJECT to the proposed Development Application** at Lot 18 (21) Deane Street, Cottesloe, primarily in relation to the proposed height and setbacks on the western boundary. The owners are prepared to support revised plans for the site subject to satisfactory modification to the western elevation.

## **EXISTING SITUATION**

There are two key issues relevant to assessing the impact of the application on the existing amenity and associated requirements of the Town Planning Scheme and R Codes:

- Existing Ground Level
  - The general area is close to the original natural high point in the locality, which is estimated to have occurred to the north east of Lot 18 Deane Street, Cottesloe within the Deane Street reserve;
  - It is apparent from the levels within the Deane Street verge, adjoining lots, existing ROW and generally locality that the original Natural Ground Level (NGL) of the site:
    - slopes generally down from Deane Street on the northern boundary to the ROW on the southern boundary; and
    - has a mild cross fall from the higher eastern boundary to the lower western boundary.
  - There is no evidence that the original NGL along the western boundary is any higher than the current level, if anything the existing retaining wall on the boundary suggest the original NGL on the western boundary was in fact lower than the current existing levels
- 24 Avonmore Terrace
  - located to the immediate west of the proposed development the existing development comprises four apartments - two lower floor and two upper floor. Each apartment runs the full depth of the block from east to west;
  - the apartments are designed with a full length passageway that connects the living room at the east end with the living space and front courtyard area to the west;
  - the lower apartments have a rear courtyard space and this space is approximately 1.8m lower than
    the existing ground levels at Lot 18 Deane Street and approximately 3.6m below the top of the fence
    line;
  - o the natural light (particularly morning sun) is critical to:
    - the natural warmth and light in the courtyard space for the lower apartments;
    - general light in the adjoining living area for all four apartment; and
    - the light flow throughout the apartments that come through the full length passageways this is particularly important to the lower and south side apartments.

#### PROPOSED DEVELOPMENT

The owners have the following concerns in relation to the development as proposed:

## Natural Ground Level

The proposed NGL of the site appears to be at or lower than the existing ground level. The physical context of the site and its surrounds clearly show that there is no basis to support a NGL higher than the existing ground level. The development should be assessed on an NGL for the western boundary that reflects the existing levels along the western boundary.

The impact of the proposed NGL is considerably higher than the walls to the western boundary. These proposed wall heights generate significant overshadowing and increase the general height and bulk of the proposal. The attachments show the existing courtyard outlook and the considerable negative impact the proposed development would have. It is clear that a development based on a 1metre minimum setback and lower building height would substantially reduce the impact on 24 Avonmore Terrace, without causing any need for the major modification of the proposed development of 21 Deane Street.

#### Setbacks

Whilst it is acknowledged the R30 code may allow nil setback walls, the Town Planning Scheme and the R codes have a range of broader amenity provisions that a nil setback wall would not satisfy in this location given the level differences between the two sites and the associated impact on natural light and ventilation of the properties. In any event the portions of nil setback wall exceed both the height and lengths that may be permitted under the R Codes.

## **Dividing Fence**

The existing fence between the two properties constitutes an adequate structure under the Dividing Fences Act and the owners do not support any changes in level, height or alignment of the existing dividing fence.

#### Privacy

The ground level of the primary house, outdoor pergola, yard area and ancillary dwelling are all 0.5m above NGL and therefore must meet the required privacy requirements of the code which require a minimum cone of vision. No filling of the outdoor areas of the site that would enable viewing over the existing boundary fence is supported.

## ACCEPTABLE DEVELOPMENT

The owners would be prepared to accept a revised plan as follows:

- adoption of a revised NGL no greater than the existing NGL walls on the western boundary between the two properties and generally in accordance with the ground levels prior to the demolition of the previous house;
- all buildings **setback** a **minimum of 1m** from the adjoining portion of the western boundary of the proposed dwellings, or the greater amounts as required by Table 2a and 2b of the R Code relative to the length, height and openings. No use of clause 5.1.3 adjacent to the subject site on the basis it would not satisfy the broader amenity considerations of the R codes and the Town Planning Scheme;
- all ground floor areas and outdoor terraces to meet the visual privacy requirements of the R Codes;
- no modification to the existing boundary fence on the basis that it satisfies the requirements of the Dividing Fences Act and therefore can not be modified without the permission of the owners of 24 Avonmore Terrace;
- no fill in the outdoor space adjacent to the site.

We are very concerned about the impact of the development as it is currently proposed. We believe that our concerns can be addressed by fair and reasonable amendments to the height and setback of the proposal on the western boundary and this does not substantially affect the remaining portions of the proposed development. We would also request that should the applicant submit amended plans addressing our concerns we would like the opportunity to provide comments on those plans to ensure our concerns have been satisfactorily addressed. If the plans are not amended it would be our expectation that the application be refused on the basis of non compliance with the height and setback requirements of the R Codes and the Town Planning Scheme.

# 24 AVONMORE TERRACE, COTTESLOE - LANDOWNERS

UNIT 1

NAME: Howard Kenneth Read and Lindsey Alison Read

UNIT 2

NAME: Jane Elizabeth Webb-Ware

UNIT 3:

NAME: Ingeborg Stokes

UNIT 4

NAME: Peter Hay Hector and Anne Hector

Yours sincerely

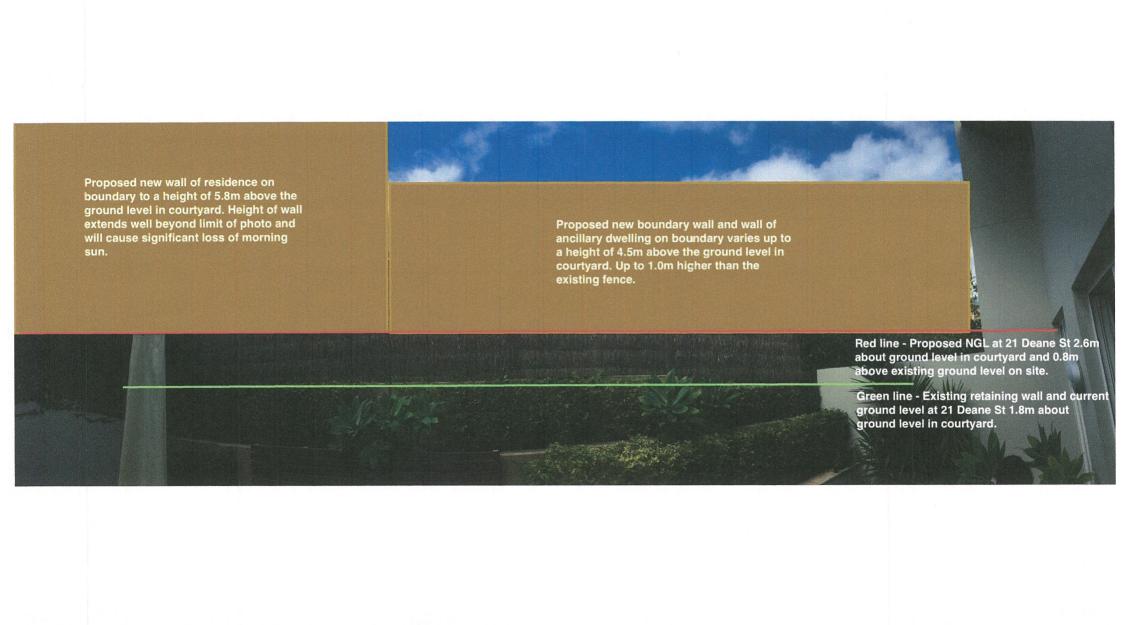
For and on behalf of the above owners of 24 Avonmore Tce, Cottesloe Howard K Read, Chairman Corporate Body.

Note: Please forward all correspondence to

Howard Read -1/24 Avonmore Tce ,Cottesloe 6011 email; hread43@bigpond.net.au

Peter Hector- 4/24 Avonmore Tce, Cottesloe 6011 email: <a href="mailto:peter@mundellafarms.com.au">peter@mundellafarms.com.au</a>





## **Ed Drewett**

From:

Howard Read [hread43@bigpond.net.au] Wednesday, 5 August 2015 3:40 PM

To: Cc:

Sent:

Ed Drewett Peter Hector

Subject: Attachments: Development Application 21 Deane St Cottesloe

avonmore terrace - additional clean fill - 15 June 2014.png; avonmore terrace - following

demolition and prior to fill - 28 Mar 2014.png; avonmore terrace - long term NGL prior to

demolition - 20 February 2014.png; avonmore site survey.pdf

#### Dear Ed

Further to our submission on 2nd August we have been able to find original survey information that shows the levels between 24 Avonmore and 21 Deane Street were originally **slightly lower** than the current levels on the western boundary of 21 Deane Street.

We note the levels on the licensed survey drawing show:

- Level of 26.72m on the southern end of the boundary at the ROW;
- Level of 27.26m to the midpoint of the boundary between 21 Deane and 24 Avonmore; and
- Level of 27.34m halfway between the midpoint and the northern point of the boundary between 21 Deane and 24 Avonmore

As further evidence of the historic levels against our common boundary we have attached aerial photos that clearly show:

- 20 February 2014 prior to the demolition of the previous residence that had been in place for many years the full height of the existing brush wood fence is visible;
- 28 March 2014 following demolition of the previous house and vegetation the full height of the fence is very clearly visible; and
- 15 June 2014 after the initial clearance clean yellow sand fill has been added which is visible which explains the difference between the original survey levels attached and the slightly higher levels that now exist on site.

We therefore request that as the levels in the attached survey drawing are accurate to the nearest centemetre and have been undertaken by a licenced surveyor that these be adopted as the NGL for the western boundary of the site.

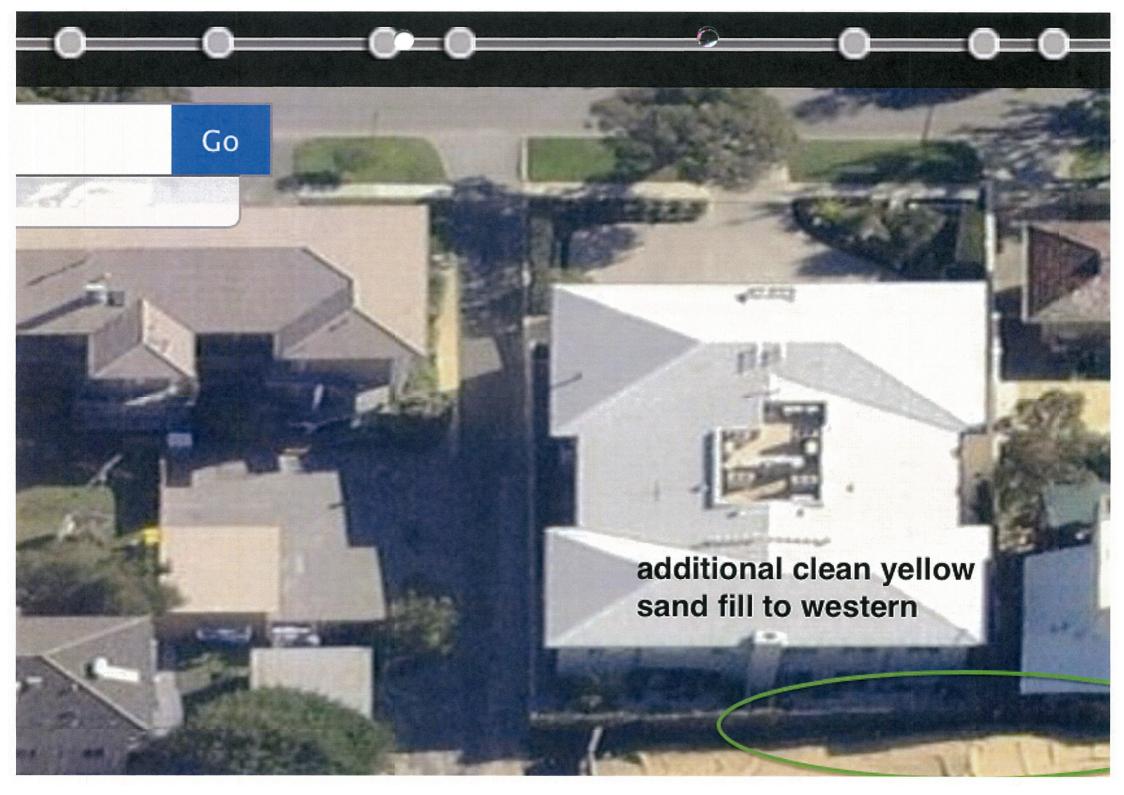
We are also still seeking for the development to also be moved back by a minimum of 1m and greater amounts as required under the R Codes relative to the specific height and length of the relevant walls.

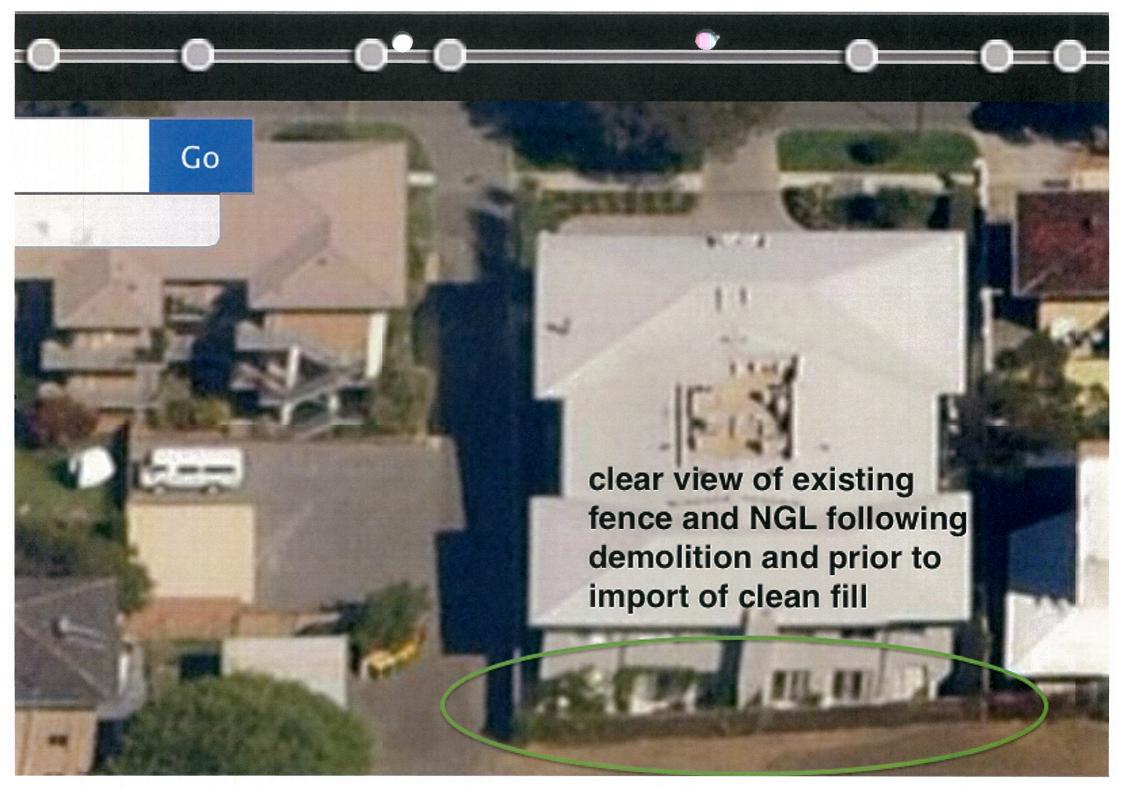
Again it would be our preference that the owners of 21 Deane be advised of these concerns and provided an opportunity to amend the western elevation to reflect our concerns which we consider would allow the balance of the proposal to progress largely as intended.

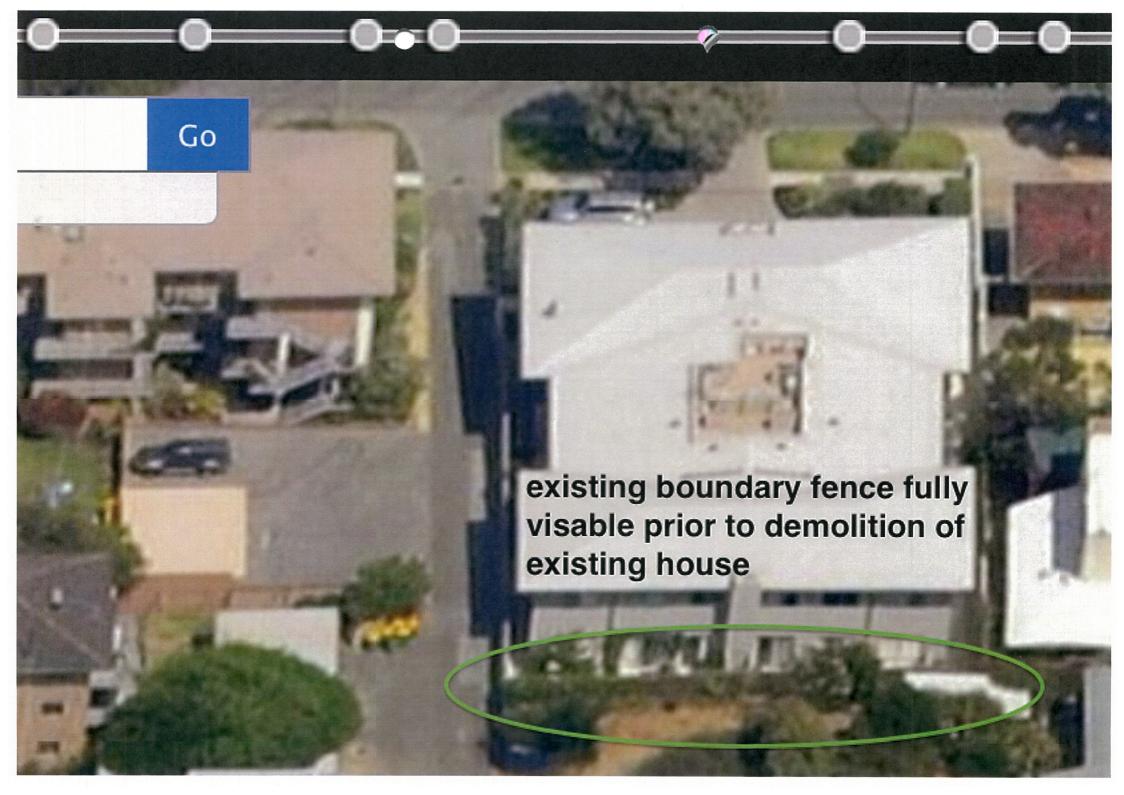
We are happy to meet with you and discuss again and would like to comment on any amended plans that are received.

Kind regards

Howard Read Chairman Corporate Body 24 Avonmore Tce, Cottesloe







COTTESLOE

WA, 6011

4/8/15

MR ED DREWETT

SENIOR PLANNING OFFICER

TOWN OF COTTESLOE

109 BROOME ST

COTTESLOE, 6011

Dear Ed,

Thank you for the time you spent with me today. My response is formed in a rather rushed fashion due to having to digest the plans today and then put pen to paper to voice any concerns.

1. Natural Ground Level. From talking to you today there seems to be considerable variation in what will finally be agreed upon as the actual level. The owners of number 21, when we bought our property, had already lived there for 30 years, and apart from building the house when they purchased the property, no ground work was done there till the current owner demolished the house and bought in the loads of sand 2 or 3 years ago.

We have lived at number 17 for just short of 40 years and had considerable involvement with the prior owners of number 21. Their ground level pretty well flattened off adjacent to our Eastern boundary with theirs. After demolition of the house a couple of years ago, multiple loads of sand were brought in and spread, mainly at the northern end of the property. If the current owner were to clear all the weeds that have since grown on this infill, councillors would see a significant drop from the edges of the build up to the adjacent western and eastern boundaries.

When we purchased number 17 in 1976, we were aware that the owner of number 21 had already raised the level of his land, adjacent to our adjoining fence. We knew this because there was corrugated iron and pieces of wood to stop the sand flowing into our property. With this in place, his side of the fence was about .6 m higher than our side. In fact there is still some of the corrugated iron in place if anyone from the council or a surveyor needs to see this.

I have absolutely no objection to the height of the house or parapet walls, if the heights are decided from an honest natural ground level finding and the house, when built, is built according to specifications approved by the council. The fact that we have been told that there is an almost 1 metre difference between what has recently been surveyed and what was found some 40 years ago

is completely incorrect. Our neighbours were at 21 when we purchased out house in 1976 and at NO time did they do any house renovations or do any earth works on the property.

Should this discrepancy not be resolved, I would think the council should get an independent surveyor to look at the block.

2. Western Setbacks. I have seen the document sent to you by residents at number 24 Avonmore Terrace. I do not have quite the same issue as they do with setbacks, although it would certainly be preferable to us to have a 1 m setback along the western boundary. As I have said in my first point, the height of the walls is more of a concern to us. I am sure this is something that council will consider in depth.

I understand that parapet walls have become a part of the R30 codes, so there is probably no reason for me to oppose the 13m parapet wall that is in the current plan.

3. Proposed Vehicle access from Deane St. This is obviously the most significant issue for us. As well you know, I have had quite some contact with the council over the past few years regarding anyone getting Deane St access in this already narrow and at times dangerous part of the street. This applied to 2 or 3 applications from the Stokes at number 20 Deane St. More recently, I voiced concerns about new access from Deane St for blocks on the Deane St/Avonmore Terrace development.

Number 21 Deane St was purchased with full knowledge that it only had rear lane access. I fail to see why the proposed underground garage cannot be accessed from the lane, as in fact 6 or 7 houses on the opposite side of Deane St do. In addition, there are houses on the same side of Deane St who have rear lane access to their garages.

Another problem with having an underground tunnel coming in from the road is the possibility of this becoming a haunt for undesirables at night.

Our current driveway is a gently sloping drive up from the road with good visibility as we come out. Having a second driveway entering from the bottom of our driveway, but one which appears to turn quite sharply into the cliff face is a very different scenario.

Should Council consider approving this new access, I would really like to meet with a council engineer or whoever is most appropriate to look at the proposal in great detail. The current plans do not appear to show enough detail of exactly how this would impact on us.

Another consideration is that allowing a driveway going into the cliff and under the footpath should set a precedent for houses numbered 20 to 30 Deane St to be granted the same approval in the future. Quite obviously this is something that would not be at all safe in terms of the number of vehicles that could be popping out of the cliff face.

Our driveway currently starts sloping upwards from the very bottom. I gather the developer wants his to sloping downwards from the beginning. I cannot see how both of us using the same driveway at the bottom will work.

My final comment on the proposed new driveway pertains to the general amenity of the Deane St cutting. It is quite unique in Cottesloe and allowing this driveway will be the beginning of the destruction of the cutting.

In summary, my 2 main objections are the driveway and the decision making process regarding the Natural Ground level. I would really appreciate further involvement with the approval of these plans should council think this is necessary.

Once again, thank you for the time extension you gave me due to me being overseas.

Barb Pascoe

# **Ed Drewett**

From:

Eddie Budd [eddie.budd@ntlworld.com]

Sent:

Sunday, 2 August 2015 8:10 PM

Subject:

Planning App 3112

Andrew Jackson

EG&GBudd and

Manager Development Services

2B Church Street

23 Deane

Street

TOWN of COTTESLOE

Histon

COTTESLOE

109 Broome Street CB24 9JG

CAMBRIDGE

WA 6011

COTTESLOE

**CB24 9JG** 

WA 6011

U.K.

Sunday 2 August 2015

Development Application-#3112, 21 Deane Street COTTESLOE

Andrew Jackson. Manager Deveopment Services

Dear Mr. Andrew Jackson

REF: Development Application #3112, 21 Deane Street, COTTESLOE, ......URGENT

Thank you for your letter dated 20 July 2015 which was sent to EG & G Budd, 2B Church Street, HISTON, CAMBRIDGE, CB24 9 JG. UNITED KINGDOM. We received your letter on Tuesday 28 July 2015.

You advised us that an application for planning approval for a two-storey dwelling and a pool at 21 Deane Street COTTESLOE has been lodged with the Council. You also informed us that should we wish to make a submission regarding this development proposal, then this must be received by the Town of Cottesloe, 109 Broome Street Cottesloe on or before Monday 3 August 2015.

e to the fact that we are currently living in the United Kingdom, we have been unable to view plans of the proposal. have not seen the plans of the proposed two storey dwelling and pool, and are unable to make an informed sion with regard to the development proposal. We need to see the plans of the proposal for a two-storey dwelling

and pool in order for us to know how this dwelling and pool at 21 Deane Street might impact upon our dwelling at 23 Deane Street COTTESLOE.

Therefore, EG & G Budd AT PRESENT, OBJECT TO THE PROPOSAL FOR A TWO STOREY DWELLING AND POOL AT 21 DEANE STREET COTTESLOE.

We look forward to receiving a pdf copy of the proposed new plan #3112 in order to view the ground position of the proposed building of No 21, relative to the position of our adjoining property No 23 Deane Street.

To give us more time to decide if we have any objections to the said plan can you give us derogation in this instance, that submission can be received after Monday 3 August 2015.

This pdf like the one received by us in 2014 will be held by us, strictly confidential.

Please could you kindly acknowledge receipt of this letter, and advise us what further action is required with regard to our submission of objection to the above proposal.

you for you advice and assistance.

Yours sincerely

Mr Edward George Budd and Mrs Gillian Budd.

Reply to Mr Edward Drewett 19th May 2014 applicable to plan #2930 also applicable to latest plan #3112

Senior Planning Officer



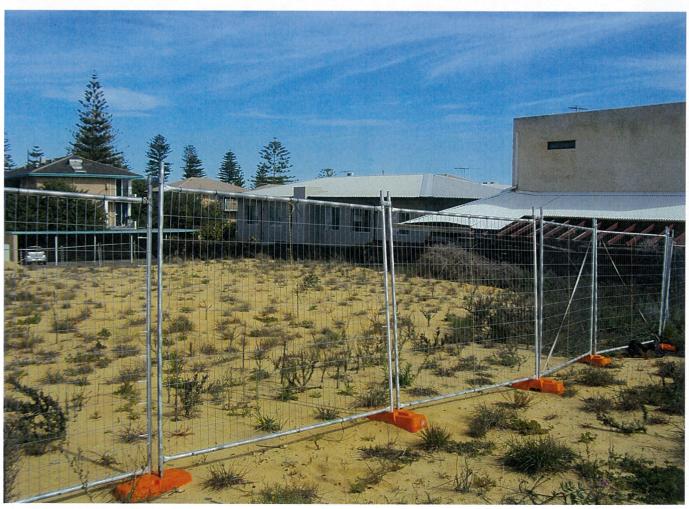
109 Broome Street | Cottesloe WA 6011 P O Box 606 | Cottesloe WA 6011 (08) 9285 5000 | F (08) 9285 5001

□ spo@cottesloe.wa.gov.au

□ | www.cottesloe.wa.gov.au

From: Eddie Budd [mailto:eddie.budd@ntlworld.com] Sent: Monday, 19 May 2014 5:49 PM To: Ed Drewett
Cc: LIZ; Owen Budd; Gillian Budd Subject: Planning No21 Deane Street
Dear Mr. Edward Drewett
Ref: Moor. No 21 Deane Street, Planning. Adjacent to Nos 23, & 25 Deane Street.
 Ve are the owners of No 23 Deane Street.
I understand that an application plan for No. 21 has been submitted by Messrs Moor. A 1:100 PDF copy we now have.
We are particularly concerned about the positioning of any exterior air conditioning fan units adjacent to No 23 & 25 on the said building. Because of the operational noise they make, we feel they should be a simple barrier shrouded box, open topped and any intrusive fan noise can then be deflected away and upwards. The flat roof of No 21 would be suitable for such positioning, and help prevent fan noise affecting Nos 23 & 25, and 21.
Can you please inform me of when we are likely to have official notification by Cottesloe Shire of any possible objections by ourselves, to the plan?
Thanking you for your attention.
Yours sincerely
Mr. E. G. Budd (No 23 Deane Street, Cottesloe)



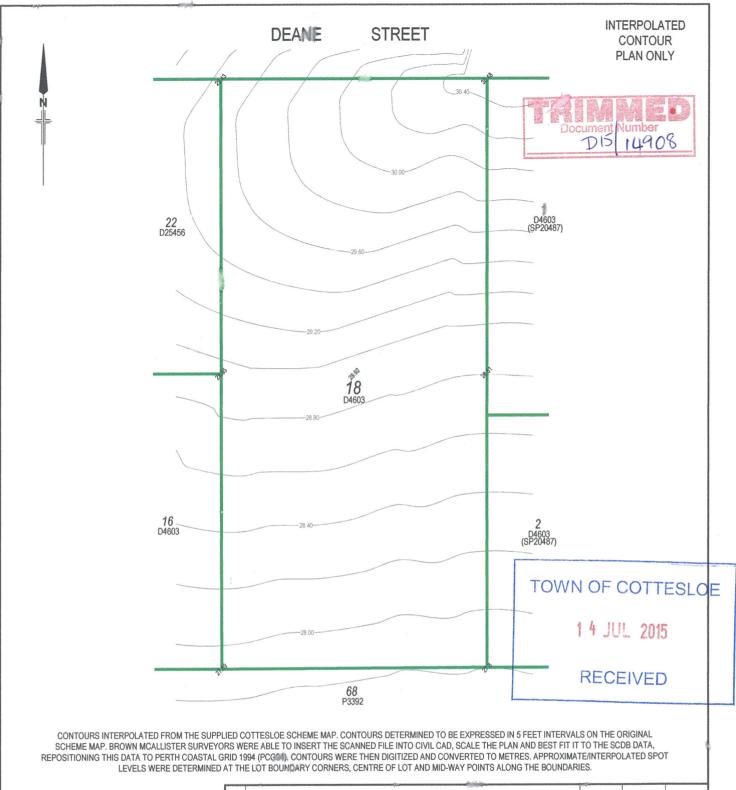


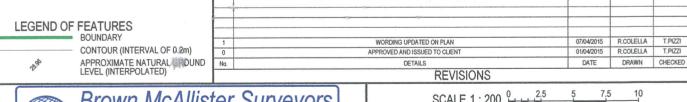










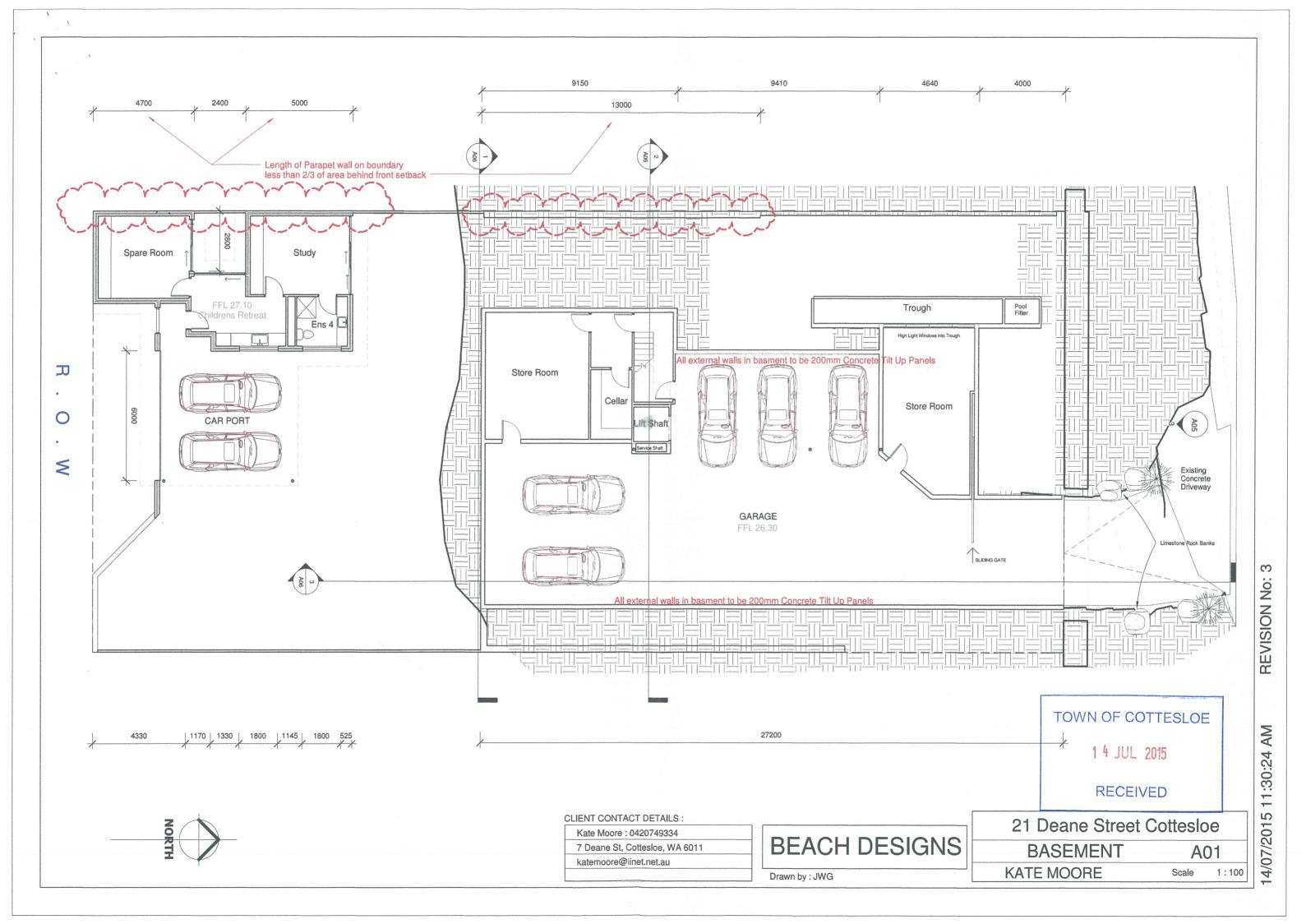


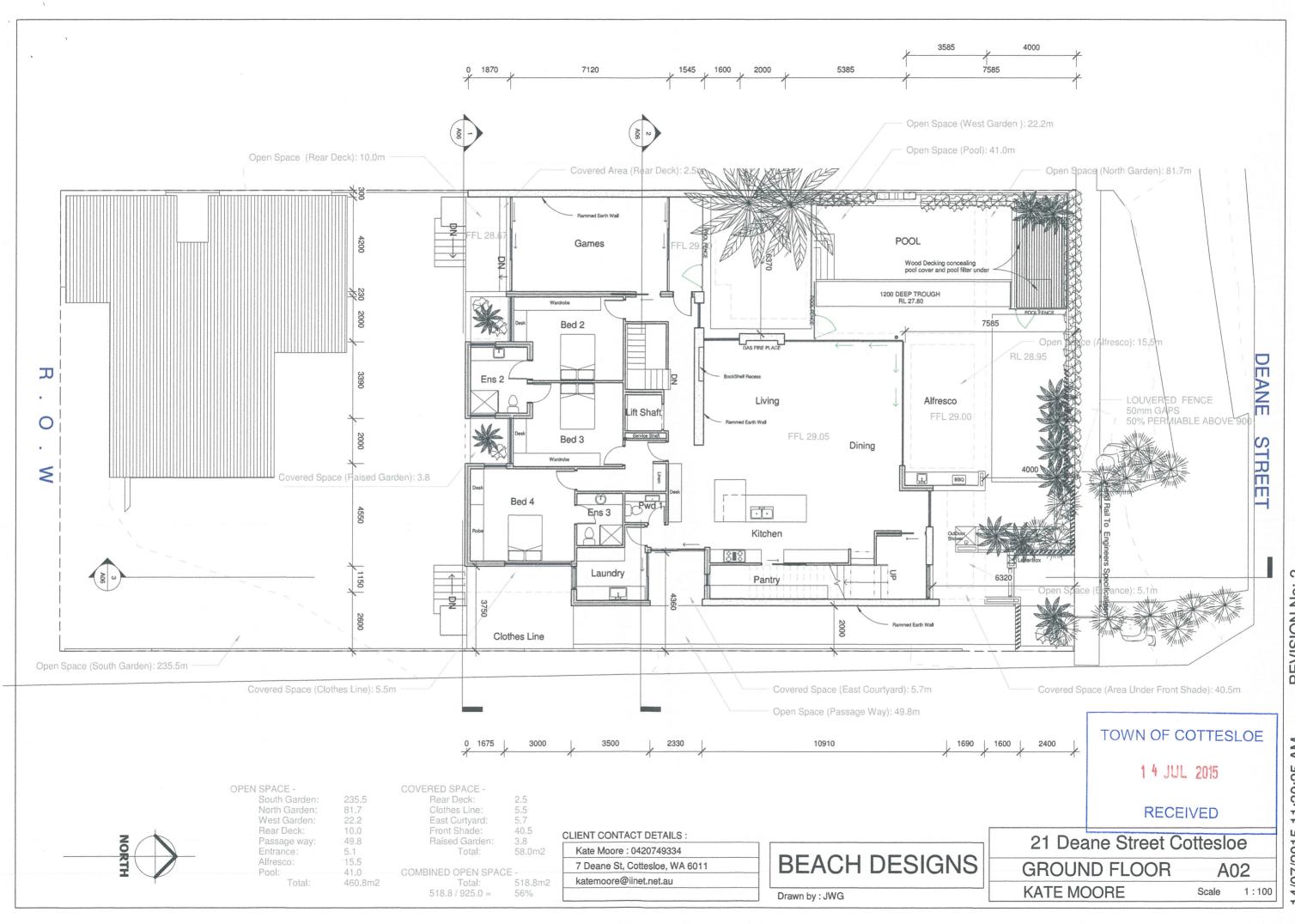
Brown McAllister Surveyors
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Email: admin@brownmcallister.com.au
Tel: (08) 9386 9688
43 Broadway, Nedlands, Western Australia, 6009
Fax: (08) 9386 9677

INTERPOLATED CONTOUR PLAN OF LOT 18 ON D4603 #21 DEANE STREET, COTTESLOE

Client OCEAN CORP PTY LTD

	SCALE 1 : 200 0	5 5	7.5 10	
	All distances in metres unless stated otherwise			
	THE BOUNDARIES WERE NOT RE-ESTABLISHED AS PART OF THIS SURVEY THEREFORE THIS PLAN DOES NOT GUARANTEE THEIR ACCURACY	FIELD INSPECTION IS RECOMMENDED FOR LOCATION OF SERVICES PRIOR TO ANY EXCAVATION		
	EXISTING BOUNDARY DIMENSIONS AND LOT AREAS TAKEN FROM LANDGATE RECORD D4603	ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY AND EXAMINATION		
	DATUM HORIZONTAL - PCG94 (SCDB) VERTICAL - AHD COPYRIGHT OF ALL THIS PLAN IS RESERVED BY BROWN MALLISTER SURVEYORS AND REMAINS THE PROPERTY OF THE AFOREMENTIONED AND SHALL BE RETURNED UPON REQUEST. USE OF ALL OR PART OF THIS PLAN IS RESTRICTED WITHOUT PRIOR WRITTEN PERMISSION.	SHEET	A3	
		SURVEYED	SUPPLIED	
		FIELD NOTES		
		DRAWN	R.C - 07/04/2015	
-		CHECKED		
1		REFERENCE	15549-1SK rev1	





2 REVISION No:

