

25 April 2024

Dear Sir/ Madame,

**PROPOSED DOUBLE STOREY RESIDENCE ON  
LOT 39 (#3) LILLIAN STREET, COTTESLOE**

To our knowledge, and with exception to the below identified variations for which we seek discretion, the proposed development meets all other provisions of the R-codes & Local Policies.

**R-CODE & LPS3 VARIATIONS**

**LPS3 5.3.8 FRONT SETBACK** – The proposed design sits in line with the previous (to be demolished) house and adjacent neighbour (#5). The previous house porch/v'dah was only setback 3.07m, the face of the house was 4.81m. We believe the current design not only maintains the preservation of the streetscape but also contributes. Whilst maintaining a similar previous street setback (before house demolished) the garage is setback 5.187m an additional 687mm more than required (min 4.5m Garage Setback). The upper floor balcony is setback 5.587m with a garden planter in front, the garden planter and greenery will further contribute to the current streetscape characteristics and environment.

**5.1.3 LOT BOUNDARY SETBACK**

The proposed design was designed with previous MD codes (under review, with intention to reinstate), which allowed 14m wall lengths setback @ 1.5m with 3.0m break setback @ 3.0m. The design principles remained the same in the current r-codes and MD codes. The nature of the site (slope), lot width and the orientation created a challenging scenario. We believe the proposed upper floor setbacks still achieve the design principles. The lot width, sloping site and upper floor footprint have been carefully considered to achieve the best design outcome. The design seeks to limit the impact on the adjoining neighbours whilst ensuring outdoor living spaces capture quality light and achieve required sizes (pool on eastern side and front terrace for northern light into living spaces)

**5.1.3 LOT BOUNDARY SETBACK**

**WESTERN BOUNDARY- GROUND FLOOR- REQUIRED SETBACK 1.5m, ACHIEVED 1.04m**

The proposed Kitchen wall requires a variation of 496mm. It is worth noting this wall length could still be built on the boundary, (boundary wall length under the allowed 2/3), this outcome would have a greater impact on the neighbour. The current 1.0m reduced setback wall allows less wall used on the boundary, creates more effective uses of space and allows the kitchen and outdoor living spaces to achieve the required sizes (challenging width / orientation). The site orientation and design ensure the proposed wall setback variation will have limited impact on the neighbour's natural light, ventilation or add to building bulk. The affected neighbour is setback 1.75 from the boundary (upper 5.5m) and does not have any windows. The reduced setback will not impact the neighbours outdoor living spaces

(located to front and rear) or create overlooking issues, no windows have been proposed on the proposed wall that is setback 1.0m. We believe the variation to be minor and does not negatively affect the neighbour, adhering to the required design principles.

### **5.1.3 LOT BOUNDARY SETBACK**

**WESTERN BOUNDARY- UPPER FLOOR- REQUIRED SETBACK 1.9m, ACHIEVED 1.34m**

(MD codes, a variation of 160mm, Required 1.5m)

The nature of the site (slope), lot width and the orientation created a challenging scenario. We believe the proposed upper floor setback variation still achieves the design principles. The lot width, sloping site and upper floor footprint have been carefully considered to achieve the best design outcome whilst limiting the impact on the adjoining neighbours. The orientation ensures the adjoining neighbour will still have access to significant sunlight and ventilation. The neighbours UF and GF windows are all located considerable distance from the western boundary, do not overlook any OLA (lot 39), whilst the neighbours own OLA is located to the south and north. Along this wall run the minor roof pitches reduce the building bulk. No major openings are along the western upper floor negating any overlooking issues. The adjacent neighbour upper floor is also setback considerably from the boundary (estimated at 5.5m). All windows along the upper floor habitable rooms are 1.62m above the FFL ensuring there will be no overlooking issues. The design considerations, roof pitch and articulation reduce the implied building bulk, creating a positive design outcome.

### **5.1.3 LOT BOUNDARY SETBACK BOUNDARY WALL MAX HEIGHT**

*C3.2 (ii) in areas coded R30 to R40, walls not higher than 3.5m for two-thirds the length of the balance of the site boundary behind the front setback, to up to two site boundaries;*

The proposed boundary wall on the western boundary is 3.543m, 0.043m higher than the required 3.5m. The highest point is 3.543m whilst the lowest is 2.45m above the ngl, this gives an average boundary wall height of 2.99m. We believe the height variation is minor, it only occurs for small portion of the sloping NGL along the affected boundary. Due to the sloping ngl, the building bulk is well below what is possible and a 43mm increase in wall height will have limited impact on bulk. The orientation of the site ensures access to natural light will not be impacted with the minor variation. The proposed design and boundary wall steps with the sloping site, minimising the impact and bulk, whilst ensuring the adjacent neighbour is not negatively impacted.

### **5.2.1 SETBACK OF GARAGES AND CARPORTS**

*C2- GARAGE WALL NOT TO OCCUPY MORE THAN 50% of STREET FRONTAGE, 60% allowed when balcony above garage extends more than half the width.*

The proposed garage (width 6.090m) occupies 60.50% of the lot width (10.060m) facing the primary street. An upper floor balcony occupies more than half the garage width. A minor variation of 0.50% is proposed. Due to the lot width, the front elevation and upper floor habitable rooms view planes to street, we believe the minor variation still complies with the design principles. The proposed residence garage has architectural features which give presence to the house from the street, conceals the appearance of the garage door, becoming a prominent feature. The upper floor balcony has permeable battens and a large opening with direct view plains from the study. The proposed design positively contributes to the visual connectivity between the street and streetscape whilst minimising the dominance of the garage door through architectural features.

### **5.3.1 LANDSCAPING**

*C2.2 (ii) landscaping of the street setback area, with not more than 50% of this area to consist of impervious surface.*

The proposed front landscaping is currently over by 4% (54% TOTAL impervious area). The narrow lot (10.060m) and standard driveway width (5.47m) create a scenario where achieving the required 50% is challenging. The driveway is the only impervious area within the front setback with the rest occupied by soft landscaping. We believe the current landscaping design still aligns with the design principles. The sloping terrain, new tree and planting within the front setback will further contribute to the appearance of the streetscape, local micro climates and add the local sense of place.

### 5.3.7 SITE WORKS

#### **0.5m RETAINING ON BOUNDARY, 1m RETAINING, 1m SETBACK**

*C7.2 Retaining walls, fill and excavation within the site and behind the required street setback to comply with Table 4.*

**EASTERN BOUNDARY** – Proposed dry area retaining retains 739mm, 239mm (Max) above the allowed retaining on the boundary (500mm). The proposed design used the MD codes (1.0m retaining on boundary), these codes were later withdrawn.

The sloping site and width creates a challenging design scenario. The site rises 2.6m from front to back. The lot width ensures that building on the boundary is required to create effective and quality indoor / outdoor spaces. The proposed design responds to the sloping site, using splits and stepped footings to try mimic the sloping ngl. The use of retaining walls are limited to small portions with the proposed design efficiently stepping at critical levels on the site to reduce the invasiveness of the site works.

The dry area retaining wall is only 2.7m long, 237mm (at highest point) and 15mm (lowest point) over the allowed 500mm retaining on boundary. The retaining allows and creates an effective use of space that can be used as a drying courtyard with direct access from the laundry. The variation to retaining height allows the use of an effective space without compromising the quality and effectiveness of others or requiring more steps / splits.

We believe the minor variation and minor length of retaining will not detrimentally affect the adjacent neighbour, responds to the sloping site and allows the creation of effective spaces.

Yours sincerely,



Jack Colombera

Designer  
M.Arch, B.Arch