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Scale 1:781

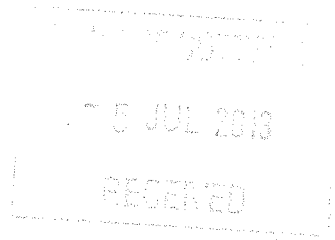
Wednesday, 14 August 2013





4 July 2013

Town of Cottesloe
Attention: Ed Drewett
109 Broome Street
Cottesloe WA 6011



Dear Ed,

Lot 92, 257 Marmion Street Cottesloe – Application for Approval to Commence Development

In response to your letter dated 22nd May 2013, please find amended plans attached and our responses below to the relevant issues raised.

1. A minimum 6m front setback is generally required, with no averaging, to satisfy Council requirements. The proposed additions do not satisfy this requirement;

The recent information that you have conveyed to us, that the town “*generally endorses a minimum 6m front setback with no averaging, to satisfy council requirements*” is the first time we have been aware of or been advised of this. Further to our email & telephone discussions (in an effort to clarify the issue), it is now our understanding that the council requirement being referenced is in fact an excerpt from the minutes of a council meeting held in October 2002. We have reviewed the TP1 and TP2 and its amendments, gazetted council written policies and the new proposed TP3 and in none of these published documents can we find any reference to this meeting item. In all cases the only design parameter referenced is for the set backs to be in accordance with the R Codes – a criteria that we duly designed this proposal to.

5.2.2 does refer to a “development guideline map” but all our enquiry relating to this map have been fruitless; we cannot find the document anywhere. Prior to commencing work on the project we familiarised ourselves with council’s planning and building policies to ensure we received the best possible outcome for our client and that any concessions we might seek would be minor and not delay the process. We then engaged in a lengthy design and presentation process and believe the strict adherence to council’s request will render our work redundant. This will result in what we consider to be an unreasonable loss of time and money for both ourselves and our client with the project being delayed for an inordinate amount of time.

Our original brief, whilst calling for the expansion of the facilities to incorporate the requirements of the modern family, was conditional upon a desire to produce an outcome for the development that resulted in the quintessential Cottesloe Beach house character with a softer pallet of natural materials. The client was also passionate in his desire to create a home with excellent privacy, security and cross ventilation, whilst at all times ensuring that no overlooking or shadowing issues occurred on neighbouring residential properties. This we have accomplished by creating indoor courtyards encompassing an inward looking dynamic.

2. ***Council may consider a reduced front setback to the proposed garage at 1.5m only if the criteria in the Council's Policy for Garages and Carports in Front Setback Area has been satisfactorily addressed. This requires the garage to be in character with the residence on the site and in harmony with the surrounding streetscape. It also requires, amongst other things, consideration of the effect of such a variation on the amenity of any adjoining lot and existing setbacks from the street alignment in the immediate locality, in the case of setback from the principal street alignment. As both adjoining properties are listed on the Town's Heritage Municipal Inventory and have generous front setbacks (including the existing dwelling on the site) it is considered that the proposed reduced front setback would not satisfy the Policy requirement as the garage location would be out of keeping with the existing streetscape, detract from the amenity of the adjoining dwellings, and be contrary to orderly and proper planning in the locality;***

We believe that the proposal as presented does improve the amenity of the area and more specifically, better accommodates the neighbours position whilst at the same time adding to the dynamic of the streetscape which is already blessed with a very wide verge and an eclectic mix of architectural forms. The decision to turn the garage 90° has also enabled us to present a consistent architectural character without the garage doors dominating the street boundary elevation. We have intentionally turned the garaging towards the common driveway with the garage doors not facing the street. This removes a design outcome that could have seen 16 metres of continuous garage doors and driveway that, whilst conforming with the TPS, would be an unfortunate outcome for the streetscape.

Surely removing the "visual" dominance of the car is a good thing! The old beach cottages did not, in many cases, have garages but visitors parked on the verge which is what occurs here now and it is this very part of the design that currently accentuates the "old Cottesloe charm".

As cost was, and always is, an important consideration of any brief, it was imperative that the design philosophy left as much of the existing structure in tact as possible and ensured that building a second level over the existing structure (due to limestone footings) was minimised. The design as proposed has achieved that outcome. Our design approach has allowed our client to avoid the alternative - that is, the construction of a basic rectangular "spec" home that would be devoid of character and in fact could have introduced greater issues relating to overlooking from a larger percentage of first floor bedroom windows. In fact, prior to us becoming involved, our client received several design and build proposals along these lines that were presented as the only feasible option.

The design as developed has deliberately been set out primarily in the middle of the block in a manner that respects the neighbours spaces as to outlook and privacy and thus the proposal has been welcomed and supported by all three adjacent property owners. We enclose as part of this revised submission a set of drawings signed by all three neighbours supporting the design and specifically the set backs from the street and the neighbours side (front) boundaries.

We believe the outcome provides a design, as shown on the enclosed streetscape drawing DA05) as it relates to the architectural presentation to the street, that is:

- Far softer than many typical proposals as its massing is broken into separate modules or pavilions;
- Provides for more landscaping in the same area;
- Has less impact on neighbours line of sight;
- Provides excellent overlooking of the street from a number of levels and rooms to greatly improve the security of the street; and
- Is environmentally "greener" by retaining the existing built form and using light timber construction where possible.

3. ***Council does not generally support new gatehouses in the front setback area as they are inconsistent with the Council's Fencing local law and detract from the open frontages in the locality;***

We acknowledge the above comment and although there appears to be many recent examples of support for these types of features (John Street), in order to facilitate the minimization of design issues as they relate to the DA we have deleted the gate house.

4. ***A minimum 1m setback is required from the proposed side pergola to the northern boundary;***

We have amended the drawings to accommodate this requirement.

5. ***A minimum 1.5m setback is required from the side entry, living area, rear alfresco area to the northern boundary;***

A one metre set back to the northern boundary was proposed as the existing ground differential in that area (our land is 1.5 metres below our northern neighbor) together with the 1.6m high fence on top of the retaining wall meant that overlooking issues were irrelevant. However in order to reduce any potential issue relating to this proposal we have amended our drawings accordingly.

6. ***Confirmation is required that the proposed windows along the existing common driveway satisfy BCA requirements and that no new additions will encroach over common property (ie: eaves);***

We confirm that, due to the common driveway being 3.5 metres wide, which incorporates a cross easement, there are no BCA compliance issues relating to the windows and that there are no additions that will encroach over common property. The BCA compliance consultant who will be engaged to handle the building permit process has also confirmed this after studying the drawing package.

7. ***A minimum 7.5m cone of vision is required from the proposed front balcony to the southern boundary. This may be addressed under performance criteria in view of the location of the existing garage on the southern property;***

Your comment is correct in as much there is a cone of vision to the first floor balcony that needs to be addressed. We have amended the drawings to show the relationship of this viewing line as it relates to our neighbour. We did not believe it would be an issue based on the performance criteria of the R codes as:-

- (i) It is a limited viewing line from a very small balcony with limited general access thru a bedroom.
- (ii) The amount of encroachment was minimal.
- (iii) The encroachment fell within the front set back area.
- (iv) The encroachment fell within a garage/driveway activity.
- (v) The neighbours had viewed and approved the nature of the relationship.

The performance criteria relating to 6.8.1 – Visual Privacy of the R-codes stipulates the;

Sources of overlooking: "While it may be possible to overlook an adjoining property from many situations, performance criterion 6.8.1 only seeks to control overlooking between: active habitable spaces and outdoor living areas of the development site; and the habitable rooms and outdoor living areas of the adjoining residential properties."

Whilst the proposed main balcony off the minor bedrooms is classified as an outdoor living area of the development site, there are no habitable rooms and/or outdoor living areas to the adjoining residential property where the cone of vision is concerned, the R-

codes do not classify this as a significant source of overlooking. Regardless of this fact we believe it is important to minimise the source of overlooking wherever possible. Further to this end, suitable measures have been put in place that meet the acceptable development provisions of this design element, in the event that the neighbouring property did have habitable rooms and outdoor living areas adjoining.

Location of protected areas: "Protection from overlooking is not required for open space other than that defined as outdoor living areas ("normally will be an area of open space directly accessible from a living area and have a minimum dimension of four metres"), which excludes open space with a dimension less than one metre and areas not readily accessible from the dwelling"

In the case of the adjoining property's open space, which is in contention of the overlooking sourced from the balcony of the proposed residence, it can be concluded that the open space is not classified as an outdoor living area.

Overlooking and the cone of vision for privacy design / Prevention of overlooking / Screening for Privacy: "Vegetation in the form of screen planting or selective placement of suitable trees or shrubs can provide effective screening for privacy control, and also can enhance the amenities of development."

The cone of vision of the proposed balcony had been illustrated on the drawing set (DA03) which revealed the cone does intrude onto the neighbouring property. The implementation of permanent, mature vegetation (at the expense to the owner of the proposed residence) had also been illustrated on the above-mentioned drawings. It is to be noted that the location of the proposed balcony has not been situated for the sake of views. It has been intended that mature vegetation (which will be 3.5m - 4.0m in height upon installation) selectively planted in a location and be allowed to grow naturally higher, as a means of further screening and enhancing privacy. The cost of the mature tree will be in the order of \$3,000 - 5,000 and will not be allowed to deteriorate due to the expense of installation and the desire to create an intimate inward-looking first floor outdoor space rather than outward-looking. This acts as a natural screening device which is as much an aesthetic response dealing with the issue of overlooking to the affected property. We believe this satisfies the performance criteria for this design element and allows for the privacy of the neighbouring property to be enhanced.

- 8. Any proposed fencing in the 6m front setback area can be solid to a maximum height of 0.9m and must be 'open-aspect' above to a maximum height of 1.8m. The proposed fencing does not satisfy this requirement.**

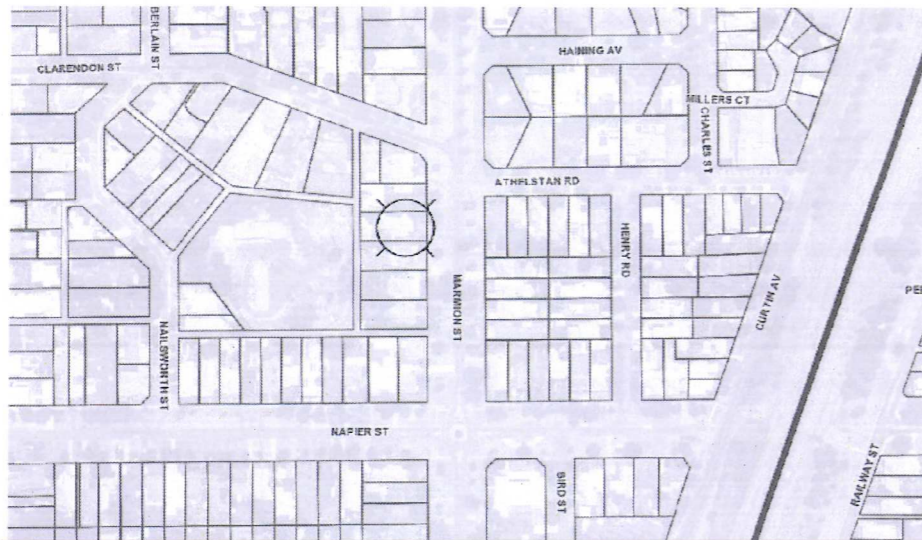
We have changed the proposed fencing design to comply with this requirement as shown on the amended drawings enclosed. Those portions above 900mm to a maximum of 1800mm feature 50% open aspect.

Yours sincerely,



Lawrence Scanlan
Lawrence J Scanlan & Associates Pty Ltd

Encl.
Amended Drawings DA01 - 06 (2 x A1 & 1 x A3)
Drawings DA01 – DA04 signed by neighbours (2 x A3)

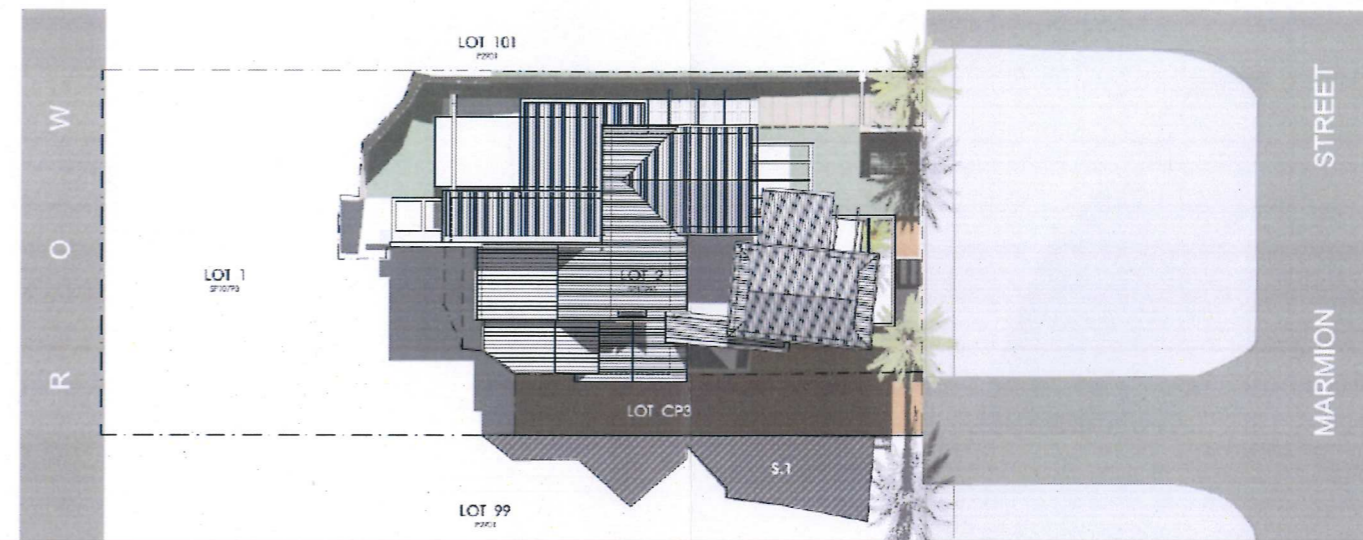


SITE LOCATION MAP

SCALE 1:2500 @ A1

AREA INFORMATION

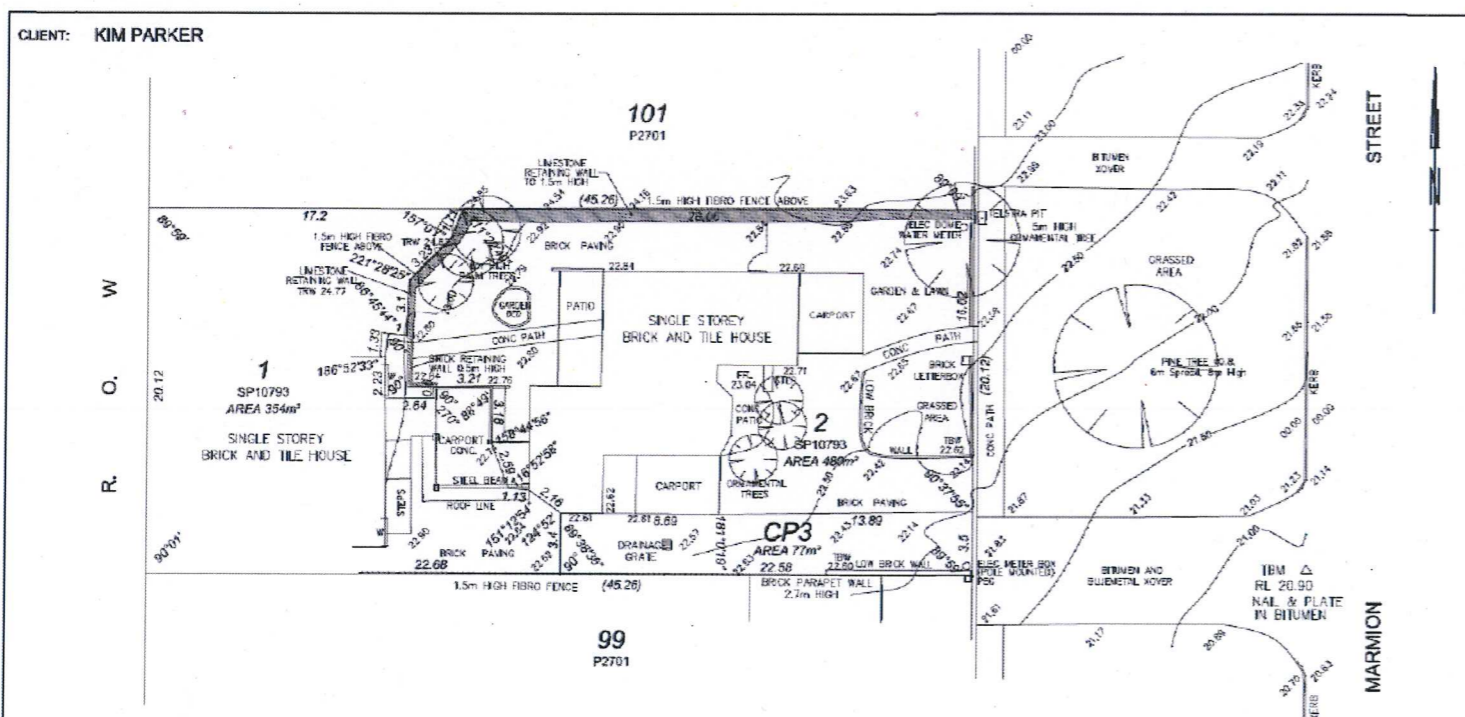
SITE AREA	LOT 2: 480 m ²
OPEN SPACE <small>(NUMBER OF 45% RECREATIONABLE WITH FENCED)</small>	(45.2%) 217.3 m ²
• PLOT RATIO AREAS	
EXISTING GROUND FLOOR	99.3 m ²
PROPOSED GROUND FLOOR	77.1 m ²
PROPOSED FIRST FLOOR	50.2 m ²
TOTAL COMBINED FLOOR AREA	226.6 m ²
PROPOSED PLOT RATIO <small>(NUMBER OF 45% RECREATIONABLE WITH FENCED)</small>	0.48
• NON-PLOT RATIO AREAS	
GARAGE	40.9 m ²
FIRST FLOOR BALCONY	13.6 m ²



SHADOW DIAGRAM (ROOF PLAN)

12PM 21st JUNE - WINTER SOLSTICE; See table for details

SCALE 1:200 @ A1



- NOTES:**
- VERTICAL DATUM: AHD (BM MYB 836 RL 16.346 AHD).
 - HORIZONTAL DATUM: RELATED TO THE CADASTRAL BOUNDARIES.
 - SEWER INFORMATION HAS BEEN SUPPLIED FROM WATER CORPORATION PLANS.
 - ONLY VISIBLE FEATURES HAVE BEEN LOCATED BY FIELD SURVEY.
 - PRIOR TO ANY CONSTRUCTION, EXCAVATION OR DEVOLUTION THE RELEVANT SERVICE AUTHORITIES SHOULD BE CONTACTED TO CONFIRM LOCATION OF ALL UNDERGROUND AND NON VISIBLE SERVICES.
 - ONLY TREES WITH TRUNK SIZE GREATER THAN 0.3m DBH HAVE BEEN LOCATED BY FIELD SURVEY.
 - REFER TO CERTIFICATE OF TITLE FOR ENCUMBRANCES.

SITE DETAILS
 Soil: Sandy / Heavy / Limestone / Rock
 Retic: Lovers / Gardens
 Power: Overhead / Underground
 Other:

SCALE 1:200 @ A3 SIZE

 DRISCOLLS LAND SURVEYORS PO Box 415, Cottesloe 6911 Suite 7, 237 Stirling Highway, Claremont P (08) 9385 1122 F (08) 9384 6686 admin@driscolls.net.au	DESCRIPTION FEATURE SURVEY LOT 2 ON SP10793 257 MARMION STREET, COTTESLOE CERT. OF TITLE - VOL: 1619 FOL: 941	Produced for the exclusive use and benefit of our client only.	AMENDMENTS																	
		DWG NO: 4872 SHEET NO: 1 CAD: 4872 SH11 16S2.DWG A3	<table border="1"> <thead> <tr> <th>SL NO</th> <th>DATE</th> <th>DWN</th> <th>DESCRIPTION</th> <th>CHECKED</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>22.01.13</td> <td>JWA</td> <td>DATE OF SURVEY: 16.01.13 (CGB)</td> <td>YRS</td> </tr> <tr> <td>2</td> <td>07.03.13</td> <td>YRS</td> <td>AMEND PROPOSED DDY</td> <td>JWA</td> </tr> </tbody> </table>	SL NO	DATE	DWN	DESCRIPTION	CHECKED	1	22.01.13	JWA	DATE OF SURVEY: 16.01.13 (CGB)	YRS	2	07.03.13	YRS	AMEND PROPOSED DDY	JWA		
SL NO	DATE	DWN	DESCRIPTION	CHECKED																
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2	07.03.13	YRS	AMEND PROPOSED DDY	JWA																

EXISTING SITE SURVEY

BY DRISCOLLS SURVEYS SCALE 1:200 @ A1

PROPOSED SITE PLAN

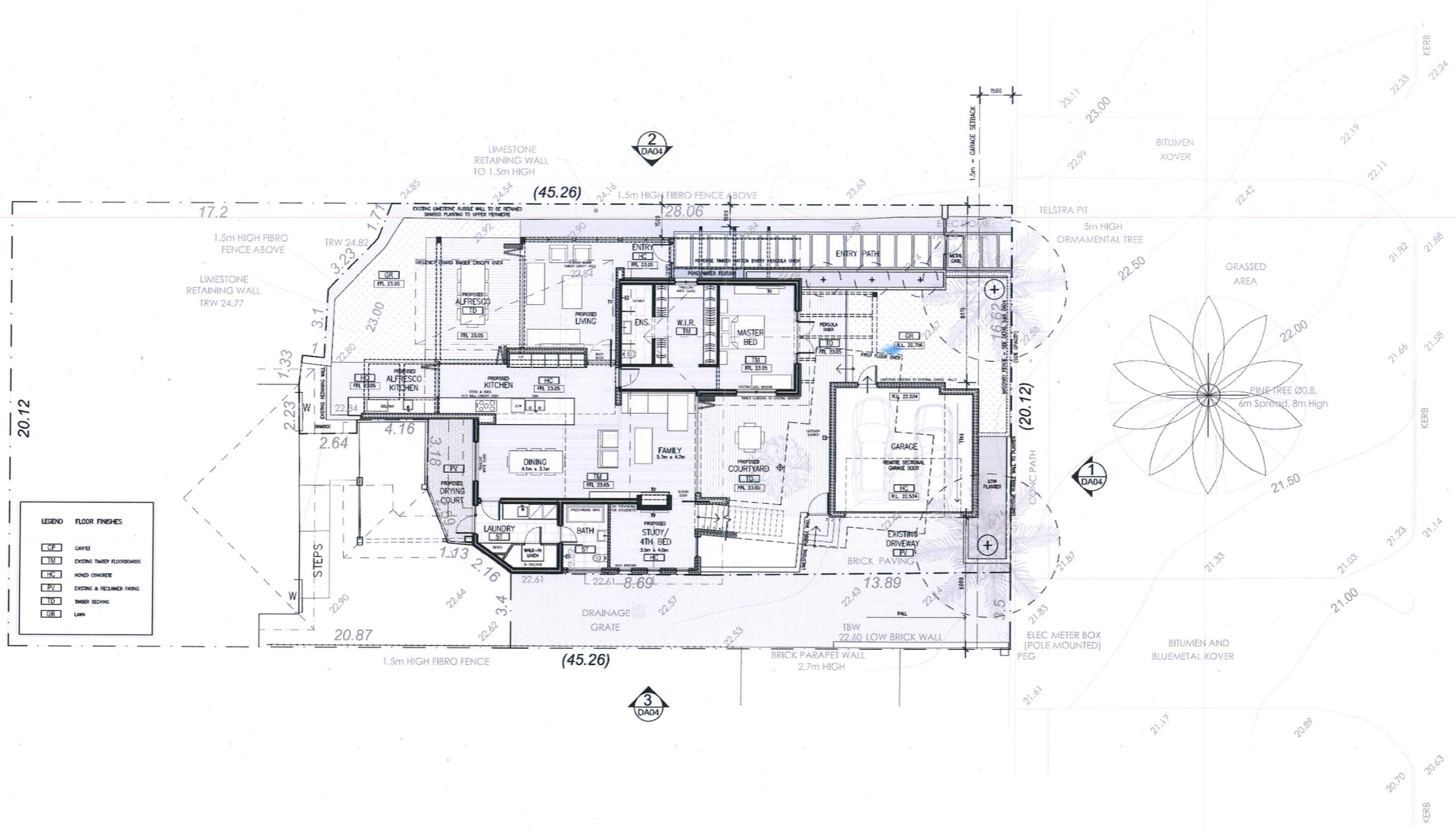
SCALE 1:200 @ A1

SETBACK PRIMARY STREET SETBACK <small>PLEASE USE IN CONJUNCTION WITH SITE PLAN</small>	COMPENSATING AREA BEHIND STREET SETBACK AREA GROUND FLOOR	59.1 m ²	SHADOW OVER-SHADOWING <small>PLEASE USE IN CONJUNCTION WITH SHADOW DIAGRAM</small>	OVERSHADOWING AREA TO LOT 99 AREA G1	57.7 m ²
	AREA OF INCURSION INTO STREET SETBACK AREA A1 GROUND FLOOR	31.2 m ²		SITE AREA TO LOT 99	911 m ²
	PERCENTAGE OF INCURSION <small>AREA OF INCURSION INTO STREET SETBACK AREA</small>	52.8%		PERCENTAGE OF COVERAGE <small>OVERSHADOWING AREA OVER SET AREA</small>	6.4%

 LAWRENCE SCANLAN ARCHITECTS FIRST FLOOR, 29 KING STREET PERTH 6002 TEL (08) 9321 8166 FAX (08) 9485 0435	BURDER OCEANSTONE HOMES PTY. LTD.	PROJECT PROPOSED ALTERATIONS & ADDITIONS LOT 2 NO. 257, MARMION STREET, COTTESLOE, WA	TITLE EXISTING SITE SURVEY PROPOSED SITE PLAN SHADOW DIAGRAM LOCATION MAP	PROJECT NORTH 	JOB NO: 1308	DRAWING NO: DA 01
	CLIENT PARKER RESIDENCE				DATE: MAY 2013	SCALE: AS NOTED

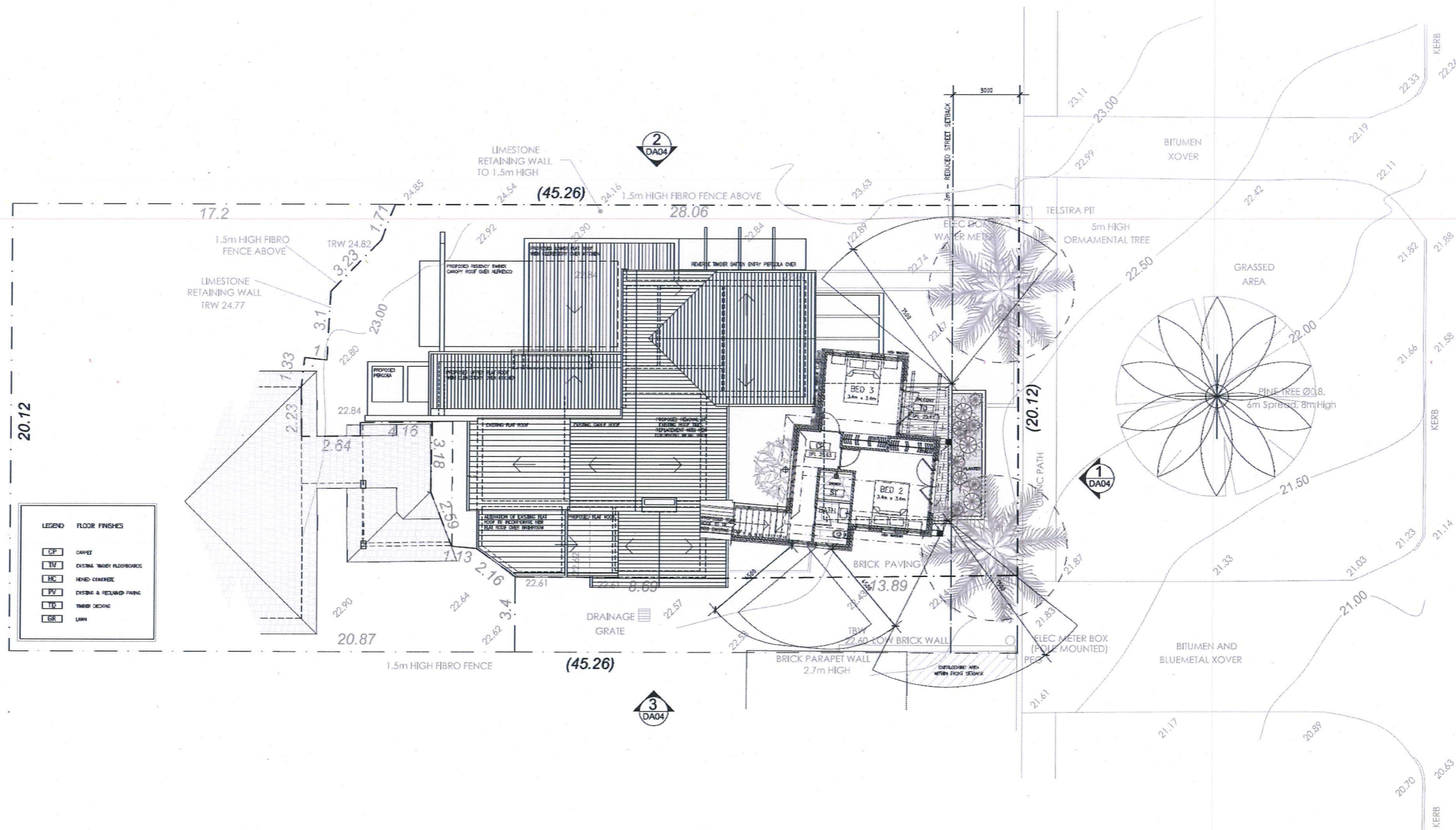
W
O.
R.

STREET
MARMION



W
O.
R.

MARMION STREET



LEGEND FLOOR FINISHES	
CP	CARPET
TV	EXISTING TIMBER FLOORBOARDS
HC	HONEY COMB CERAMIC
PV	EXISTING & REPAIRED PAVING
TD	TERRAZZO DECKING
GR	GRASS

LAWRENCE SCANLAN
ARCHITECTS
FIRST FLOOR, 79 KING STREET PERTH WA 6000
TEL(08) 9221 0166 FAX(08) 9485 0436

BUILDER
OCEANSTONE HOMES PTY. LTD.

CLIENT
PARKER RESIDENCE

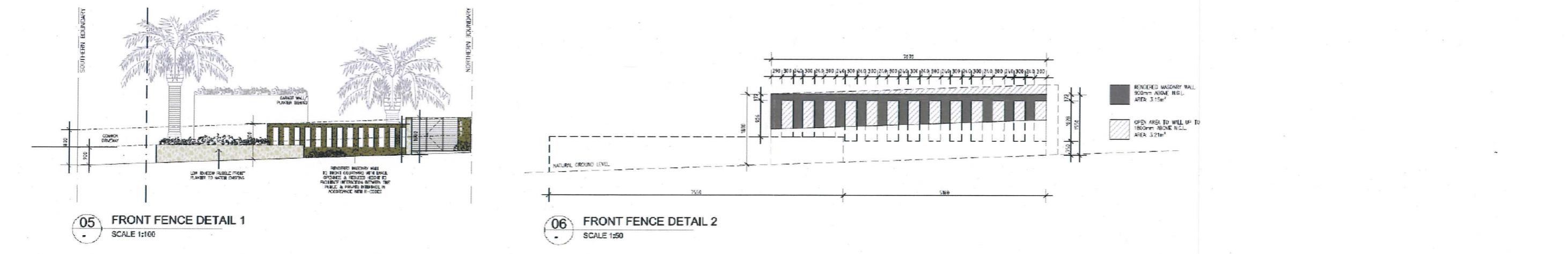
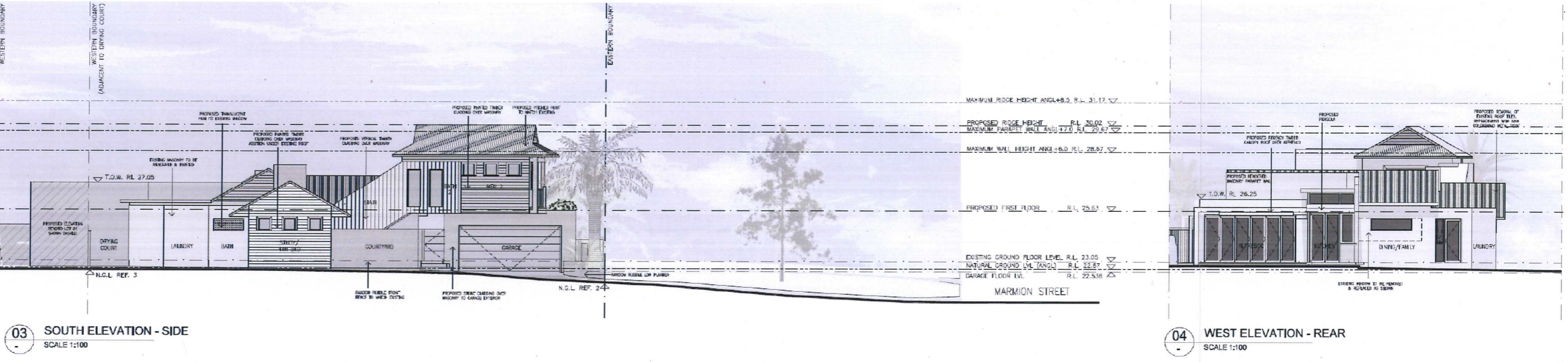
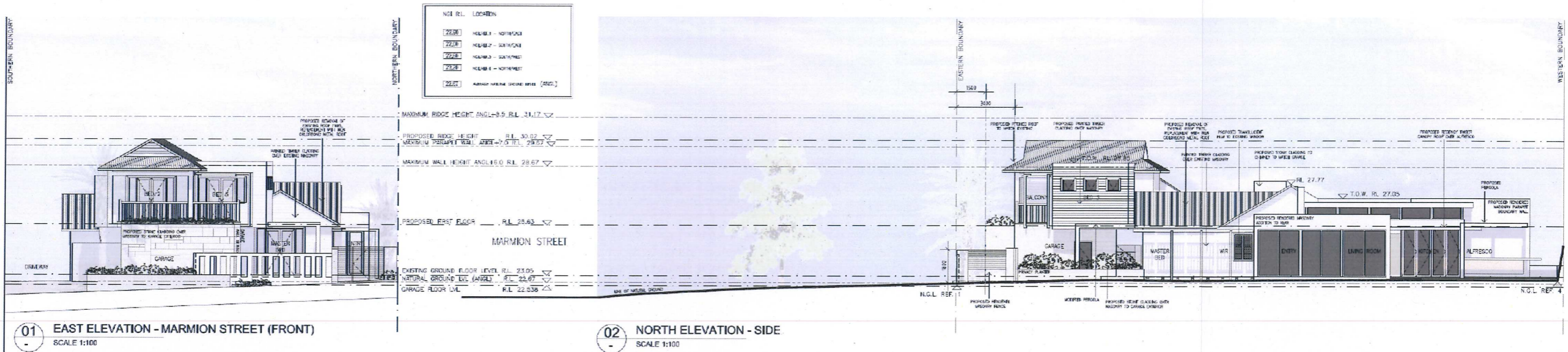
PROJECT
PROPOSED ALTERATIONS & ADDITIONS
LOT 2 NO. 257, MARMION STREET, COTTESLOE, WA

TITLE
FIRST FLOOR PLAN

PROJECT NORTH

JOB No 1308
DATE MAR 2013
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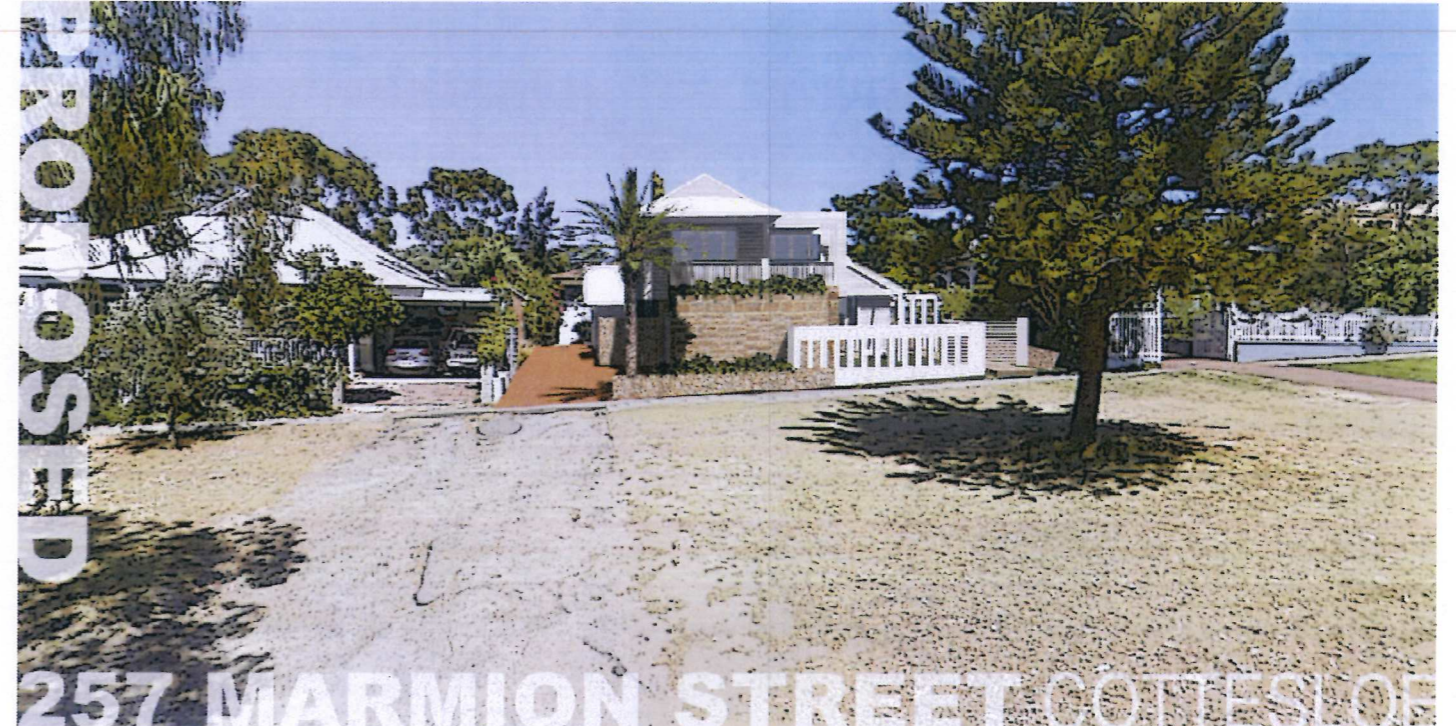
DRAWING NO
DA 03
REVISION 1 31.05.13
ISSUE DEVELOPMENT APPLICATION



LAWRENCE SCANLAN ARCHITECTS FIRST FLOOR, 79 KING STREET, PERTH 6000 TEL: (08) 9427 8166 FAX: (08) 9427 8165	BUILDER OCEANSTONE HOMES PTY. LTD.	PROJECT PROPOSED ALTERATIONS & ADDITIONS LOT 2 NO. 257, MARMION STREET, COTTESLOE, WA	TITLE ELEVATIONS	PROJECT NORTH	JOB NO. 1338	DRAWING NO. DA 04
	CLIENT PARKER RESIDENCE			DATE MAY 2013	SCALE 1:100 @ A1	DRAWN JOC



EXISTING



PROPOSED

257 MARMION STREET COTTESLOE

VIEW LOOKING NORTH-WEST



Proposed sightline view highlighting the extensive viewing corridor toward the neighbouring residence.
 The proposed massing diagram illustrates the view is not adversely impacted upon.
 This view has been retained by the conscious decision to site the proposed front additions a considerable distance away from both the northern and southern site boundaries.

PROPOSED MASSING



EXISTING SIGHTLINE VIEW



PROPOSED SIGHTLINE VIEW 1

VIEW LOOKING SOUTH-WEST

The front additions to the existing residence have been centrally positioned on the site so as to not restrict the viewing lines of either neighbour when viewed from the streetscape. The preservation of these sight lines toward both heritage listed properties was of paramount importance during the design process.

Locating the vehicular entry to the garage parallel to Marmion Street enables the existing single driveway & cross-over (which also serves both the southern and western neighbour) to be utilised. This negates the need for a potentially dominating additional cross-over resulting in a largely unaffected street verge.

The proposed front fence seeks to solve the disconnect of front boundary elements within the immediate context. The design forms a connection with and responds to the street presentation of both neighbours and their respective streetscape treatments. As illustrated in the proposed sightline view, the proposed open aspect white fence forms an extension with similar scale to the existing "white" picket fence to the north. The integrating low "random rubble stone" planter creates a visual link with the softer, more natural elements of the southern neighbour, overall resulting in a comfortable and balanced streetscape.



PROPOSED SIGHTLINE VIEW 2



EXISTING SIGHTLINE VIEW