DEVELOPMENT COMMITTEE MEETING

WEDNESDAY 18 SEPTEMBER 2019

ATTACHMENT TO ITEM DV19.120

LOT 210 (NO.3) DODONIA GARDENS, CITY BEACH - TWO STOREY DWELLING
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Friday, 30 August 2019
1:800
Development application site photographs

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Photo 1: View of subject site from cul-de-sac portion of Dodonia Gardens (facing North-East)
Photo 2: View of subject site from Dodonia Gardens (facing East)
Photo 3: View of subject site from Dodonia Gardens (facing East)
Photo 4: View of Dodonia Gardens streetscape from the frontage of subject site (facing south)
28th May 2019

Planning Dept
Town of Cambridge
P.O.Box 15
Floreat  W.A.  6014

RE: (Street No.) 3 Dodonia Gardens, City Beach

To assigned planning staff member,

Further to our recent discussions regarding the above project, please find attached the relevant documentation required for a development approval for the above residence.

As discussed, a few elements of the proposal need justification under the Design Principles of the R-codes and/or Council Policy:

UPPER FLOOR SOUTHERN SETBACK:

The Kitchen/Scullery wall is setback from the boundary 2150 in lieu of a R-code deemed to satisfy (DTS) Fig 4b of 2300. However a deemed to satisfy line resulting from the application of DTS Figure 4c (as shown on the upper floor plan) results in an area of 0.62m2 outside the DTS line. This minor encroachment is balanced by a much larger area of 4.05m2 that is above and beyond the r-code deemed to satisfy requirement. The majority of this extra 4.05m2 of setback abuts the neighbouring entry courtyard, thus the extra setback in this area enhances neighbour amenity over a potential deemed to satisfy setback line.

I believe the proposal offers a better result than a potential ‘deemed to comply’ setback (line shown on the drawing) and satisfies Clause 5.1.3.P3.1 as:

- (Dot point 1) –The proposed setbacks reduce impacts of building bulk on adjoining properties (as above).
- (Dot point 2) - do not affect direct sun and ventilation to main indoor or outdoor living spaces to the adjoining property. The proposal is compliant with R-code overshadowing DTS requirements.
- (Dot point 3) – Does not result in any overlooking or loss of privacy between the properties (as above)
BUILDING HEIGHT:

The property has a reasonable (approx.) 2.5m slope. The site rises steeply within the front (approx.) 12m of the site and then flattens out. As the front setback line (7.5m) is within the portion of the site which has the steeper gradient, it is inevitable that the leading edge of the building with project through the 7m heightline. Recent policy amendments require the city to consider the topography of the site when assessing building height variations.

The design is conscience of the streetscape implications and the projection is a small 250mm (maximum) and varies along the leading edge of the balcony fascia from 250mm down to 180mm (height taken above the glass balustrade line as the eaves do not count in terms of height calculations).

There is also a minor projection on the living room parapet (west and south) which varies from 150mm down to 50mm. This is a result of the site slope up from the southwestern portion of the site. This parapet projection is setback further than the minimum 7.5m from the boundary (8.8m minimum) and abuts a neighbouring retaining wall/driveway, thus does not effect neighbouring amenity.

Additional justification of the minor projections through the 7m height line:

-Council policy requires surrounding/neighbouring structures to be taken into account when assessing building height variations. Substantial precedence occurs in the immediate vicinity with the most obvious being the house opposite (4 Dodonia) which has been built to the limit of a (previous height policy) 7.5m height limit. The site for this house also rises up from the street like No 3. Other examples are No 7 which appears to be 8-9m high at the front setback line and the house to the north (No 1), also built under the previous higher height policy.

-The above minor projections are more than balanced by the other parts the structure that are below the 7m height line. Please refer roof plan which shows heights under/over the 7m height line.

-The front balcony fascia is only a 360mm high fascia and is void underneath it. As it is transparent under, it is a lot less bulky and visually dominant compared to a DTS compliant 7m high wall on the 7.5m setback line.

-The minor projections of the balcony fascia and living room parapet are far less intrusive to the streetscape than a DTS compliant pitched roof design. Shown dotted on Section A.

VISUAL PRIVACY- North:

The Northern balcony is screened to the north for the majority of it length. However there is a portion to the front (northwest) that is not screened to enable ocean views from this corner. This unscreened corner results in some overlooking (within the 7.5m arc) over the neighbouring front setback area (which contains the driveway crossover) and the driveway area to the rear of the neighbouring garage.

The 7.5m ‘arc’ from the rear of the balcony (facing east) also overlaps the boundary minorly over the neighbours driveway area.

As these 2 areas overlook the neighbours driveway only there is no loss of neighbouring amenity. Currently there is a 12.5m unscreened balcony within 1.3m
of the boundary (on my clients current house- to be demolished) so the proposed
design is actually a significant improvement in terms of privacy over the current
situation. Please note the neighbours to the north are being consulted over the
proposed design and we hope to have neighbours sign the plans regarding no
objections.

**VISUAL PRIVACY- South:**

The living room window has a small return window to the south to enable
southwesterly views. The 6m ‘arc’ from this return window overlooks the
neighbouring open front setback area which contains retaining walls and the
neighbouring driveway. These are non-habitable spaces and are already open to the
street. Thus there is no loss of neighbours amenity.

Please note the neighbours to the south are being consulted over the
proposed design and we hope to have neighbours sign the plans regarding no
objections.

I feel that the above addresses all items that require justification under R-code or
Council Policy design principles, however, if council staff or elected members feel
that further information or justification is required, please contact me to discuss. I
am available on 9388 9711 or jlarch@westnet.com.au.

Thank-you in anticipation and we look forward to the successful processing of this
application.

Yours Faithfully

John Lewis, Architect
Additional Applicant’s Comments (submitted 8 August 2019):

Town Planning Scheme No. 1:
1. 7m primary street setback to overhang of front balcony, including tiered retaining walls within the primary street setback area.

The portions of building with-in the 7.5 street setback are eaves elements only. The glass lines of balconies are at the 7.5m setback line. These eaves are minor structures and are generally allowed with-in the street setback area. I have recently received approval for very similar structures for my recent DA at 19 Talgarth Way, City Beach. I understand that these elements should be supportable by the planning dept so I will refrain from further justification. However, if required, please advise.

Residential Design Codes:
1. A wall height of approximately 7.31m (northern elevation), approximately 7.02m (eastern elevation) and approximately 7.12m high (southern elevation)

As discussed at our meeting, we seem to have established that we are in agreeance on the building heights shown on the drawings. Please note the maximum height above the 7m line is 320mm (north west corner of alfresco eave, however the maximum height above the building (eaves don’t count as height calculations) is 250mm adjacent to this eaves corner (as shown on roof plan). Justification for the very minor projections above the 7m height line have been provided in my initial covering letter.

2. A ground floor northern side setback to the garage of 1.2m (at smallesi point)

As discussed at our meeting, we seemed to be discussing the technicality of interpretations of Fig 4b of the r-codes. I feel that the wall should be assessed as the planter box being wall E and the screen wall being D. As the r-codes don’t specify a distance these walls need to be set apart it is open to interpretation. I have established 300 as a number with other councils, which is the distance I am proposing not counting the depth of the fins. Please note that the planter box DTS allowable setback is 1.1m (9m or less, less than 5m high) so if we need to allow the depth of the fins (100mm), I could push the planter box 100mm closer to the boundary and still maintain a 300mm setback however this would not be a beneficial result for the neighbour.

Please note that I have never heard of Fig 4b only being applied if there was a major opening in the ‘D’ wall. It has always been applied if both walls have no major openings, which is common sense. I.e.- why force a ‘worse’ scenario on a neighbour just to satisfy R-code diagram. The intent of Fig 4b is to ensure that as the overall length of the walls get longer, the further portions of wall have increased setbacks from the boundary. The proposal achieves this objective.

3. A ground floor southern side setback to the guest bedroom/ensuite of 1.3m (at smallest point)

I have added a note to south guest bed window to show 1.8m high obscure window. Thus, this wall now becomes a wall with no major opening so is R-Code DTS compliant.

4. A ground floor southern side setback to bedroom 2/bathroom/store/walk-in robe of 1.3m (at smallest point)
I have deleted the small nibs on either end of this wall (were only there to hide the end of the gutter) so this wall is now R-code DTS complaint.

5. A first-floor northern side setback to the alfresco of 1.3m (at smallest point)

See point 2 above.

6. A first-floor southern side setback to the living room of 1.3m (at smallest point)

As discussed, I have changed the small living room corner window return to show 1.6m high obscure window. Thus, this wall now becomes a wall with no major opening so is R-Code DTS compliant.

7. A first-floor southern side setback to the kitchen/scullery/ensuite/bedroom 1 of 2.15m (at smallest point)

As discussed, I have moved the kitchen/scullery wall back to a R-code (fig4b) DTS compliant 2.3m. As above, the intent of Fig 4b is to ensure that as the overall length of the walls get longer, the further portions of wall have increased setbacks from the boundary. I have shown a DTS compliant line on the drawings showing how multiple application of Fig 4b setbacks applies to the relevant building lengths. As the drawings show, the proposed setbacks in excess of these DTS requirements.

Please note there are also potential DTS scenarios under Fig 4c which would provide a ‘worse’ outcome than proposed. They have not been shown on the drawings for clarity but if required, please advise.

In addition to the above, the ensuite and bed 1 walls do not abut any neighbouring habitable room openings or major outdoor entertaining areas.

8. Sight lines of 1.5m (w) x 1m (d) to the northern side of the driveway.
9. Sight lines of 1.5m (w) x 1m (d) to the southern side of the driveway.

Walls adjacent to driveway have been moved back to 1.5m setback

10. Approximately 1m of fill proposed within 3m of the street alignment.

The block slopes heavily up from the front boundary. The retaining walls have been designed strictly to comply with the Town's own streetscape policy (750 high, 750 going). The retaining walls closely follow existing contours and replace an existing non (streetscape policy) compliant brick retaining wall. There is no detrimental effect on the streetscape. Please note retaining wall precedent regarding my recent DA approval of 15 Falmouth Ave, City Beach. If the justification regarding retaining walls needs repeating for this application, please advise and I will provide again.

11. North-east and north-west corners of first floor alfresco area overlook portions of abutting No. 1 Dodonia Gardens behind its street setback line.

Northeast- Privacy screen added to balcony (facing east) to makes the overlooking R-code DTS compliant
Northwest- Privacy screen extended across northern wall of planter, thus reducing the overlooked section to a smaller part of the neighbouring driveway. As discussed, the area in question is a neighbouring driveway and justification was provided in my original covering letter.

12. Northern corner of first floor bedroom 1 overlooks a portion of abutting No. 1 Dodonia Gardens behind its street setback line.
Window frame moved back with-in the cavity wall to ensure this window is R-code DTS compliant

13. South-west corner of first floor living room overlooks a portion of abutting No. 5 Dodonia Gardens behind its street setback line.

As per point 6 above, I have changed the small living room corner window return to show 1.6m high obscure window. This considerably reduces the overlooked area to a small area within the street setback area.

Local Planning Policy 3.1 - Streetscape
14. An approximate 3.5m high front fence (that sits atop tiered retaining walls), as measured from natural ground level.

See point 10 above. Also, the fence is only 1.5m high and is 80% open as per council streetscape requirements. It also has significant landscaping in front of it which will provide screening

Local Law 43 - Buildings on Endowment Lands & Limekilns Estate
15. Aluminium wall mounted fins to elevation 4 (north).

I understand this relates to a local law designed to prevent ‘cheaper’ colorbond/metal cladding to buildings. This is not the case with this proposal. All walls are render or face brick and there is a feature of aluminium fins which are custom made, bespoke expensive items. They are a minor part of any elevations and an important architectural feature which will add depth to the material palette of the residence. Please refer 3d renders supplied previously

Miscellaneous:
16. The existing Dodonia Gardens street tree abutting the frontage of the site is to be shown on the 'Site and Ground Floor Plan'.

Apologies, drawing omission. Tree added to drawing

17. Elevation 6 does not show the window to the first-floor toilet (abutting bedroom 1)

Apologies, drawing omission. Window added to drawing

18. The 'Site and Ground Floor Plan' shows portions of development (e.g. retaining walls along the northern boundary) outside the lot boundaries of the subject site.

The neighbour’s development has dug down below natural ground level and are currently providing the retaining and the fence on their side of the boundary. As such no retaining wall needs to be shown above paving level so I have deleted this from the drawing.

19. A streetscape perspective is to be provided to show the development within the context of the abutting properties

Provided previously

20. All elevations need to show natural ground levels immediately below the corresponding portion of the building.

As discussed, extra information added.
21. **BOW and TOW heights for the "new rendered brick retaining wall" on the northern boundary (abutting the garage)**

See point 18 above.
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SUBMISSION 1 OF 4:

"We have a concern that the proposed design will result in the first-floor area on the north side of No 3 overlooking our property. I note from your email correspondence that the current design includes setbacks which do not comply with the Residential Design Codes. I also note that the Town has two (2) approaches it may take in assessing proposals, those being:

a) “deemed-to-comply”; and
b) a more nuanced approach which allows for a subjective assessment.

We feel that the design will actually create a feeling of encroachment onto our space so would like to voice our objection to the plans in respect to Points No 2, 3, 4 and 8 [building height, northern side setbacks and overlooking portion] of your Letter. This objection is on the basis of both approaches the Town takes to planning assessment.

We also understand vertical aluminium slats will be used in the design and are concerned these might cause light reflection.

Additionally, we understand the Town will consider Points 5 and 6 [driveway sight lines] of your Letter in regard to safety of pedestrians. Dodonia Gardens has a number of small children which play in the yards and sometime street and their safety is paramount."

SUBMISSION 2 OF 4:

"We are the owners of XXXXXXXXX and in receipt of your letter dated 1st August 2019 inviting us to comment on the above. The proposal does not comply with "Deemed to Comply" provisions of the Residential Design Codes on many issues.

Firstly, we have worked hard to purchase our home here amongst families. Our family have lived in City Beach, Wembley, Leederville and Floreat for four generations. Our siblings, parents, cousins, Aunts and Uncles still reside within the Town of Cambridge. We paid a premium to purchase our home in City Beach so we would have a private back garden for our family. Had we wished to live in a council area with inferior setback and over height restrictions ignored, we could have purchased more cheaply elsewhere. It is the duty of the administration and our elected representatives on Cambridge Council to uphold the building codes to maintain the values of ratepayer's properties. We recall our current Mayor was elected on this mandate.

The proposed dwelling at 3 Dodonia Gardens is over height, overlooking and not neighbourly. Pursuant to securing forever ocean views at the expense of our privacy and the amenity of our home, the proposed dwelling obliterates all northern light into our single story residential home permanently. There are also overlooking issues for XXXXXXXXXX, but predominantly this proposal is to the detriment of us at XXXXXXXXX. We have a mature, well established garden along our northern boundary. Should this proposal be approved it will receive little light to survive and we fear root damage to established trees and other foliage will be caused by site works.

We would hope, as our property is a single level dwelling, that height restrictions of walls (1.8 metres) are complied with. If not, the entire northern side of our home comprising main entry, front room, master bedroom, bathroom, private courtyard will be overshadowed by a 7.12 metre high wall, with daylight and winter sun, permanently blocked out. Overall height and setback restrictions should be complied with for the benefit of all ratepayers. The
proposed dwelling height and wall heights are so over "deemed to comply" provisions so as to be preposterous. Even if the proposed boundary walls were compliant then there will be overlooking problems onto XXXXXXXXXXX as all windows and doors are full sized looking directly into our front and back garden, courtyard, bathroom and bedroom. Not a dormer window in sight. The privacy and amenity of our home is entirely compromised by this proposal, whilst ensuring privacy for 3 Dodonia Gardens at the expense of the loss of the same for all three neighbouring properties. The existing site as it is without any fill is substantially higher than our block. I would urge you to visit the site to view the topography between our property and 3 Dodonia Gardens.

Residential Design Code points 8 and 9 [driveway sight lines and fill within primary street setback area] of your letter are of particular concern. At present because of the shape of the cul-de-sac in Dodonia Gardens there are already issues with sight lines when reversing out of our driveway. The proposed 1 metre of fill within 3 metres of the street alignment will obliterate any line of sight we have when reversing from our driveway.

Should this application be approved and prior to the removal of the existing boundary fence and retaining wall between the properties, we will demand that a "Dilapidation Report" be provided at the expense of the owners of 3 Dodonia Gardens, detailing the possible damage and subsidence site works will cause to our property at XXXXXXXXXXX. There is also reticulation running all the way along our northern boundary. All damage will be required to be rectified in a timely manner at the expense of the owners of 3 Oodonia [sic] Gardens.

We would suggest the Architect and owners of 3 Dodonia Gardens avail themselves of the "Deemed to Comply" provisions of the Town of Cambridge. These provisions are for the benefit of all ratepayers and residents to maintain the beauty and amenity of our suburb.

We trust you give our submission the serious consideration it deserves. Should any matter remain unclear please arrange a mutually convenient time to inspect our property when we can demonstrate our concerns".

SUBMISSION 3 OF 4:

Thank you for the opportunity to comment on the Development at XXXXXXXXXXX.

From the outset I would like to say that it looks like a lovely home and we are not in the habit or mindset of interfering when someone needs a bit of flexibility in their design.

Unfortunately in this instance it makes quite a lot of practical difference to our site at XXXXXXXXXXX.

Currently, If we redevelop to the maximum allowable height under the codes we will have an unbroken horizon of ocean views spanning about 90 degrees from due West to due North across the top of 1,3 and 5 Dodonia Gdns provided they too do not build above Deemed to Comply heights under the R-Codes. This would not be a deep ocean view, but rather a narrow but significantly wide ocean view.

We note that under the Deemed to Comply criteria the proposed home at 3 Dodonia is about 31cm above height. Whilst not a significant amount we worry that it may be just enough to take away all, or the majority of the unbroken horizon of the above mentioned views from our site. This potential detrimental effect is further exaggerated by the fact that the home appears to have reduced northern and southern side setbacks, which mean that when
viewed from our home the mass and width of this additional height is greater and stands to have a greater effect. Any view corridors between homes will also be diminished.

We also note that the natural ground level under the home appears to be 30.75M AHD, but the floor level has been built up above this by 19cm to 30.94M AHD. I know the site at 3 Dodonia quite intimately and know that it has quite exceptional ocean views even from ground level that cannot be built out. It would seem to me that there is no required benefit in ocean view terms for the owners to push the rooftop higher than the 7.0M Deemed to Comply levels. Being that there is no benefit for the 3 Dodonia owners, and a potentially detrimental effect on the views of the neighbours behind, we would request that the rooftop not exceed 7.0M and propose that not building up /filling the site to create floor levels above natural ground may be an effective way of achieving this.

If this 7.0 maximum roof height can be achieved, we have no concern about the reduced side setbacks as the ocean view corridors that could be lost between the houses by the reduced side setbacks will be offset by the overall rooftop not exceeding the 7.0M Deemed to Comply heights.

R - CODES 5.1.6 P6

We believe this request to comply with the R-Codes Design principles 5.1.6 Building height P6, point three below re access to views of significance;

P6 Building height that creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:

• access to views of significance.

Second floor views from our site are significantly wide and span the horizon. They are not deep. A 31cm additional height could significantly or totally break into these and significantly effect our sites wonderful sense of surround ocean outlook and ability to look out into the distance. We are told that our property was seconded for the WW2 war effort as a lookout point due to its commanding outlook. It would be terrible to lose the last remaining part of this.

LOCAL PLANNING POLICY 3.3 BUILDING HEIGHT 1.0 A) & B)

We additionally believe this request complies with Town of Cambridge Local Planning Policy 3.3: Building Height, POLICY 1.0 Matters for consideration in applying Design Principles a) and b).

RE: a) Whether the proposed building height is consistent with the predominant building height of the buildings within the surrounding area;

We believe that when viewed from the maximum possible first floor height (under Deemed to Comply criteria) of a redevelopment of our property the development at 3 Dodonia threatens to break the horizon where surrounding buildings will not.

RE: b) The natural topography of the site and whether the proposed building height considers and responds to the topography.

The building proposes a ground floor level 19cm above natural ground which will result in a rooftop level 31 cm above maximum Deemed to Comply heights. If ground floor levels were at or slightly below the natural ground level of surrounding topography then the 7.0M rooftop height would not be exceeded. The exceptional ocean view corridors from ground level of 3 Dodonia due to the natural topography falling away to the NW should dictate that there is no
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requirement (in ocean view terms at least) for the building to exceed the 7.0M Deemed to Comply Heights.

We perceive that any benefit to the owners of...

- raising floor above natural ground and
- resultant maximum roof height above 7.0M Deemed to Comply level

...would be minimal relative to the potentially detrimental effect on our views from behind.

We hope this is a reasonable and considered request.

SUBMISSION 4 OF 4:

"Thank you for giving me the opportunity to comment on the proposed development.

After examining the plans for the application on the Town’s website and discussing with you, I also read the relevant sections of the R-codes from WA Dept of Planning.

My wife and I have resided at our home at XXXXXXXXXXX for the last 13 years and have enjoyed broken views of the ocean from our second story bedroom, lounge room and balcony. The views include significant views to the north west over No 3 Dodonia Gardens. My wife and I are naturally concerned re any potential loss of views that exceed residential building codes. We currently have a margin of ocean views in that direction up to the horizon. We believe that the 30cm additional impingement of these views as a result of the proposed dwelling will narrow the margin significantly.

Whilst we welcome the building and development of the beautiful residential properties around us, we do not see the need for properties in Dodonia Gardens to exceed Deemed to Comply heights under the R-Codes, as we believe all lots in Dodonia Gardens can enjoy significant ocean views within those height restrictions.

We trust that our position on this matter is seen as fair and reasonable.