

11 March 2022

Chief Executive Officer  
City of Wanneroo  
Locked Bag 1  
WANNEROO WA 6946

Attention: Mr Greg Bowering – Manager, Planning Services

Dear Greg

**APPLICATION FOR DEVELOPMENT APPROVAL  
PROPOSED SINGLE DWELLING (TWO STOREY) & OUTBUILDING  
LOT 2 (NO.4) OCEAN DRIVE, QUINNS ROCKS  
CITY OF WANNEROO**

We act on behalf of the Beaumonde Homes as their consultant town planners and refer to the Application for Development Approval lodged with the City of Wanneroo seeking the City's approval to construct a new single dwelling and associated structures on Lot 2 (No.4) Ocean Drive, Quinns Rocks.

In assessing the application, we request that the City of Wanneroo give due consideration to the following information prepared in support of the application:

**PROPERTY DETAILS & STATUTORY REQUIREMENTS**

The subject land is located within the western extremities of the Quinns Rocks locality, adjacent the coast foreshore reserve and approximately 45 metres north of the surf living saving club/restaurant complex.

The subject land is irregular in shape, comprises an area of 941m<sup>2</sup> and contains varying levels down/across the site, with a peak in the natural ground levels (NGL) being located centrally within the lot (i.e. a level of 8.5 metres from 7.5 metres along the front and rear boundaries) (see site feature survey & site plan).

Lot 2 is currently developed and used for 'Single House' purposes and comprises a number of physical improvements including a single detached dwelling, an outbuilding, boundary fencing and a crossover (see Figure 1 – Aerial Site Plan & Figure 2). This application proposes that all existing improvements on the land will be removed.

The existing dwelling and associated structures on the land are not listed on the City of Wanneroo's Municipal Heritage inventory (MHI) and may therefore be removed subject to the issuance of the demolition permit by the City.

The subject land is classified 'Residential' zone under the City of Wanneroo's current operative District Planning Scheme No.2 (DPS No.2) with a density coding of R20. Under the terms of the City's DPS No.2, the development and use of any land classified 'Residential' zone for 'Single House' purposes is listed as a permitted ("P") use.

The subject land has been identified by the Department of Fire and Emergency Services (DFES) as being located within a bushfire prone area. Any information addressing the bushfire matter will be provided by the applicant.



Figure 1 – Aerial Site Plan



Figure 2 – The subject land, with the existing dwelling that will be removed.

## DEVELOPMENT STANDARDS

The design of the proposed single dwelling on Lot 2 has been formulated with due regard for the relevant 'deemed to comply requirements' of the Residential Design Codes Volume 1 (R-Codes), the City of Wanneroo's current operative District Planning Scheme No.2 (DPS No.2) including any relevant Local Planning Policies with the exception of the following:

- i) R-Code Element 5.1.3 C3.1 - 'Lot boundary setbacks';
- ii) R-Code Element 5.1.3 C3.2 - 'Lot boundary setback' (buildings on boundary);
- iii) R-Code Element 5.1.4 C4 - 'Open space';
- iv) R-Code Element 5.1.6 C6 - 'Building height';
- v) R-Code Element 5.3.1 C1.1 - 'Outdoor living area';
- vi) R-Code Element 5.3.2 C2.2 - 'Landscaping';
- vii) R-Code Element 5.3.7 C7.1, C7.2 & C7.3 - 'Site works';
- viii) R-Code Element 5.4.1 C1.1 - 'Visual privacy'; and
- ix) R-Code Element 5.4.3 C3 - 'Outbuildings'.

The following table provides justification for those aspects of the proposed new dwelling on the subject land seeking a variation to the 'deemed to comply requirements' of the relevant planning framework.

**Table 1 – Written Justification**

R-CODE DESIGN ELEMENT & 'DESIGN PRINCIPLES'	PROPOSED VARIATION TO 'DEEMED TO COMPLY REQUIREMENTS'	JUSTIFICATION
<p><b>R-Code Element 5.1.3 C3.1 – 'Lot boundary setback'</b></p> <p><i>P3.1 Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:</i></p> <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> <li>• minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</li> </ul>	<p>The application proposes the following aspects of the new dwelling on the subject land do not meet the 'deemed to comply requirements' of Element 5.1.3 C3.1 of the R-Codes:</p> <ol style="list-style-type: none"> <li>i) The raise front ground floor deck area will comprise a minimum setback of 1 metres from the south-eastern side boundary in lieu of 1.8 metres;</li> <li>ii) The patio structure will comprise a minimum setback of 1 metre from the south-eastern side boundary in lieu of 1.5 metres;</li> <li>iii) The bar/gym wall (ground floor) will comprise a minimum setback of 1.8 metres from the south-eastern</li> </ol>	<ol style="list-style-type: none"> <li>1. A majority of the setback variations can be attributed to the irregular shape of the subject land (i.e. angled boundary) and the varying fall in natural ground levels throughout the site which has resulted in the need for some variations. It should be noted that the variations are considered to be minor, with some sections being small lengths of wall.</li> <li>2. In addition to the above point, given the angled boundary, some sections of the offending walls comply with the minimum required setbacks.</li> <li>3. A large number of the offending walls are located well way from the front boundary and therefore have limited impact on the streetscape in terms of bulk and scale.</li> <li>4. The new dwelling has been deigned to provide adequate separation with the existing dwellings on the adjoining properties.</li> <li>5. The variations to the boundary setback requirements will not have an adverse impact on the adjoining properties. It is identified that some of the offending structures on the land are open (i.e. raised front deck area and boat shelter) and would therefore comprise less bulk and scale when viewed from the adjoining properties.</li> <li>6. The proposed new dwelling on Lot 2 has been designed to comprise varying setbacks from the side boundary to provide some articulation and visual interest to the walls when viewed</li> </ol>

	<p>side boundary in lieu of 2.2 metres;</p> <p>iv) The balcony/ensuite wall (upper floor) will comprise a minimum setback of 1.544 metres from the south-eastern side boundary in lieu of 2.1 metres.</p> <p>v) The bedroom 2 wall (upper floor) will comprise a minimum setback of 1.829 metres from the south-eastern side boundary in lieu of 2.4 metres;</p> <p>vi) The boat shelter will comprise a minimum setback of 1 metre from the north-western side boundary in lieu of 1.5 metres; and</p> <p>vii) The living/scullery wall (upper floor) will comprise a minimum setback of 2.2 metres from the north-western side boundary in lieu of 2.3 metres.</p>	<p>from the adjoining properties.</p> <ol style="list-style-type: none"> <li>7. The proposed new dwelling on Lot 2 meets the 'deemed to comply requirements' of Element 5.4.2 of the R-Codes (i.e. 'Solar access for adjoining sites') and will not detrimentally impact access to light and ventilation for the existing dwellings on the adjoining properties.</li> <li>8. The proposed new dwelling has been designed to meet the needs of the future occupants and provide adequate space to allow for the parking and storage of a boat. The dwelling will also include an active frontage to the street which will provide for good connectivity and social interaction.</li> <li>9. Those portions of the new dwelling on Lot 2 comprising reduced setbacks to the south-eastern side boundary will abut the side setback area of the existing single detached dwelling on adjoining Lot 1 (No.2) Ocean Drive, some portions (i.e. the patio structure) abutting the rear setback area of the existing dwelling on adjoining Lot 2 (No.1) Quinns Road which comprises a large patio structure abutting the subject land (see Figure 1 – Aerial Site Plan). Given the minor nature of the setback variations and the layout of the existing dwellings on the adjoining south-eastern lots, it is contended that the proposed new dwelling on Lot 2 will not have an adverse impact on any outdoor living areas of major openings associated with the existing dwellings on adjoining Lots 1 &amp; 2.</li> <li>10. Those portions of the new dwelling comprising a reduced setback from the north-western side boundary will abut the driveway associated with the existing single detached dwelling on adjoining Lot 3 (No.6) Ocean Drive (see Figure 1 – Aerial Site Plan). In addition, the proposed new dwelling will not cast a shadow over the adjoining north-western property at 12 noon on 21 June (i.e. winter solstice). Given these observations, it is contended that the reduced setback for the new dwelling on Lot 2 will not have an adverse impact on any sensitive habitable spaces associated with the existing dwelling on adjoining Lot 3.</li> <li>11. The new dwelling does comprise aspects that do not comply with the 'deemed to comply requirements' of Element 5.4.1 C1.1 ('Visual privacy') of the R-Codes, but these non-compliant aspects are considered to be minor and will be addressed further within this report.</li> </ol> <p>Having regard for the above it is contended that those portions of the new dwelling on Lot 2 comprising reduced setbacks from the north-western and south-eastern side boundaries satisfy the 'design principles criteria' of Element 5.1.3 of the R-Codes, will not have a negative impact on the adjoining properties or the streetscape and may therefore be approved by the City.</p>
<p><b>R-Code Element 5.1.3 C3.2 &amp; C3.3 – 'Lot boundary setback' (building on boundary)</b></p> <p>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</p> <ul style="list-style-type: none"> <li>• makes more effective use of space for enhanced privacy for</li> </ul>	<p>The application proposes that the following aspects of the new dwelling do not meet the 'deemed to comply requirements' of Element 5.1.3 C3.2 of the R-Codes:</p> <ol style="list-style-type: none"> <li>i) Those portions of the new dwelling to be built up to the south-eastern side boundary will comprise an overall length of 16.2 metres in</li> </ol>	<ol style="list-style-type: none"> <li>1. The variation to the wall height for the garage parapet does not relate to all part of the wall and only sections, with the variation being partly attributed to the fall in levels along the south-eastern side boundary.</li> <li>2. In addition, the height of the alfresco parapet wall (the offending wall) is due to the additional ceiling height to cater for the structural beams required for the dwelling.</li> <li>3. The proposed variation to the maximum permitted wall length (i.e. 680mm) is considered to be minor and will not have an adverse impact on the adjoining properties and/or the streetscape.</li> </ol>

<p>the occupant/s or outdoor living areas;</p> <ul style="list-style-type: none"> <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 development context and streetscape.</li> </ul>	<p>lieu of a maximum length of 15.52 metres; and</p> <p>ii) Those portions of the new dwelling to be built up to the south-eastern side boundary will comprise a maximum height of 4.5 metres from natural ground level (NGL) in lieu of a maximum permitted height of 3.5 metres.</p>	<ol style="list-style-type: none"> <li>4. The parapet walls are well setback on the land and will have limited exposure to the street. As such, it is contended that the walls will not have an adverse impact on the streetscape in terms of bulk and scale,</li> <li>5. The proposed new dwelling on the subject land meets the 'deemed to comply requirements' of Element 5.4.2 of the R-Codes (i.e. 'Solar access for adjoining sites') and will not detrimentally impact access to light and ventilation for the existing dwelling on the adjoining south-eastern property.</li> <li>6. The proposed parapet wall will assist with the effective use of space for the new dwelling, provide for improved use of the outdoor living area and improved visual privacy with the adjoining south-eastern properties.</li> <li>7. That portion of the proposed new dwelling to be built up to the south-eastern side boundary will abut the side setback area of the existing single detached dwellings on adjoining Lots 1 (No.2) Ocean Drive and Lot 2 (No.1) Quinns Road (see Figure 1 – Aerial Site Plan). Given the design of the dwellings to the adjoining south-eastern properties (buildings not outdoor living areas abutting the subject land), it is contended that the proposed parapet wall height and length associated with the new dwelling on Lot 2 will not have an adverse impact on any outdoor living areas associated with the existing dwellings on adjoining Lot 2.</li> </ol> <p>Having regard for the above it is contended that the height and length of those portions of the new dwelling on Lot 2 to be built up to the south-eastern side boundary satisfies the 'design principles criteria' of Element 5.1.3 of the R-Codes, will not have an adverse impact on the adjoining properties or the local streetscape and may therefore be approved by the City.</p>
<p><b>R-Code Element 5.1.4 C4 – 'Open space'</b></p> <p><i>P4 Development incorporates suitable open space for its contexts to:</i></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> </ul>	<p>The application proposes that the new dwelling on Lot 2 will comprise 42.6% (400.86m<sup>2</sup>) open space in lieu of 50% (470.5m<sup>2</sup>) required by the 'deemed to comply requirements' of Element 5.1.4 C4 of the R-Codes.</p>	<ol style="list-style-type: none"> <li>1. The proposed variation to the open space requirements for the new dwelling will not have an adverse impact on the local streetscape or the adjoining properties in terms of bulk and scale. Furthermore, the new dwelling has been designed to comprise a usable internal living area to meet the modern needs of the future occupants.</li> <li>2. It is contended that the overlooking from the proposed new dwelling will not have an adverse impact on the existing amenity of the dwellings on the adjoining properties.</li> <li>3. It should be noted that the space under the upper floor cantilevered areas and the raised deck area has been included as site coverage. Whilst this technically constitutes site coverage, the area is usable open space at ground level.</li> <li>4. Further to the above point, a number of the structures included as part of the site coverage (i.e. boat cover, overhang of the upper floor, patio) are open and usable space at ground level. As such, it is considered that the bulk and scale of these aspects of the development are not excessive.</li> <li>5. The outdoor living area for the new dwelling is sufficient for the needs of its future occupants. In addition, the outdoor living area is considered to be functional and adaptable to meet the modern needs of the future occupants of the dwelling. It should be noted that the outdoor living area is larger than the minimum required area and dimension prescribed within the R-Codes.</li> <li>6. The proposed new dwelling on the subject land meets the</li> </ol>

<ul style="list-style-type: none"> <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>		<p>'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes and will not detrimentally impact access to light and ventilation for the existing/future dwellings on any adjoining properties.</p> <ol style="list-style-type: none"> <li>7. The subject land is located adjacent the foreshore reserve, with easy access to various public open space reserves, all of which are capable of providing for the active recreational needs of the future occupants of the new dwelling.</li> <li>8. It is viewed that the bulk and scale of the existing dwelling on the land is similar to other developments commonly found along the coast.</li> <li>9. The proposed new dwelling has sufficient space around the perimeter of the dwelling to allow for the planting of landscaping to enhance the appearance of the dwelling when viewed from the adjoining properties.</li> </ol> <p>Having regard for all of the above it is contended that the open space provided for the new dwelling on the subject land is sufficient for the future occupants, it satisfies the 'design principles criteria' of Element 5.1.4 of the R-Codes and may therefore be supported and approved by the City.</p>
<p><b>R-Code Element 5.1.6 C6 – 'Building height'</b></p> <p><i>"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:</i></p> <ul style="list-style-type: none"> <li>• adequate access to direct sun into buildings and appurtenant open spaces;</li> <li>• adequate daylight to major openings into habitable rooms; and</li> <li>• access to views of significance."</li> </ul>	<p>The application proposes that the proposed new dwelling on Lot 2 will comprises a maximum wall height of 8.6 metres from natural ground level (NGL) in lieu of 8 metres for a concealed roof permitted by the 'deemed to comply requirements' of Element 5.1.6 C6 of the R-Codes.</p>	<ol style="list-style-type: none"> <li>1. Whilst the proposed new dwelling is seeking a variation to the building height requirements (i.e. wall height), it is contended that this will have minimal impact on the local streetscape and the adjoining properties in terms of bulk and scale. It should be noted that the non-compliant sections of the dwelling are located towards the front of the dwelling and are a result of the minor fall in levels. It should be noted that the rear portion of the dwelling complies with the maximum building height requirements.</li> <li>2. The proposed variation (i.e. 600mm maximum) is considered to be minor and reflects similar residential developments along the coast. Figure 3 illustrates a number of recent developments along Ocean Drive which comprises a similar design and height to that proposed as part of the new dwelling on Lot 2.</li> <li>3. In addition to the above point, it is noted that a number of dwellings along Ocean Drive are elevated above the street level.</li> <li>4. The proposed new dwelling on Lot 2 will improve passive surveillance over the Ocean Drive and the adjacent foreshore reserve by comprising major openings to a habitable room and a balcony overlooking the street. It is contended that the inclusion of the windows and a balcony along the front of the dwelling will enhance the appearance of the dwelling on the local streetscape and allow for connectivity between both the public and private realms.</li> <li>5. The 'view of significance' enjoyed by Lot 2 and all adjoining residential properties are Indian Ocean to the west. Despite the proposed variation to the maximum permitted building height, the variation is considered negligible and therefore unlikely to compromise or in any way diminish the 'view of significance' currently enjoyed by any adjoining residential properties to the east of the subject land towards the west. This is bolstered by the fact that the rear portion of the proposed new dwelling complies with the building height requirements. As such, the proposed portion of the new dwelling comprising an over height wall will not impede on</li> </ol>

		<p>those properties to the east of the subject land viewed west wards.</p> <ol style="list-style-type: none"> <li>6. According to the 'deemed to comply requirements' of Element 5.1.6 C6 of the R-Codes, the proposed new dwelling on Lot 2 is permitted to have a ridge height of 10 metres (if the dwelling were to have a pitched roof structure). The maximum height of the proposed new dwelling is lower than the maximum permitted building height (i.e. 8.6 metres maximum) from NGL. As such it is contended that where 'views of significance' are a valid consideration, the proposed new dwelling on Lot 2 is permitted to have a higher roof line resulting in potentially greater impacts on the adjoining properties (i.e. the non-compliant concealed roof structure proposed as part of this application will have less of an impact on views than a compliant dwelling with a pitched roof).</li> <li>7. The proposed new dwelling on Lot 2 meets the 'deemed to comply requirements' of Element 5.4.2 of the R-Codes (i.e. 'Solar access for adjoining sites') and it will not detrimentally impact access to light and ventilation for the existing dwellings on any adjoining properties.</li> </ol> <p>Having regard for all of the above it is contended that the proposed building height variation for the new dwelling on Lot 2 will not have a detrimental impact on the local streetscape or the adjoining properties, it satisfies the 'design principles criteria' of Element 5.1.6 of the R-Codes and may therefore be approved by the City.</p>  <p>Figure 3 – Existing dwellings along Ocean Drive comprise a similar building height to that proposed on the subject land.</p>
<p><b>R-Code Element 5.3.1 C1.1 – 'Outdoor living area'</b></p> <p><i>P1.1 A consolidated outdoor living area is provided to each single house and grouped dwelling which provides space for entertaining, leisure and connection to the outdoors that is:</i></p>	<p>The application proposes that the outdoor living area for the new dwelling will be located within the front setback area in lieu of being located behind the front setback line in accordance with the 'deemed to comply requirements' of Element 5.3.1 C1.1 of the R-Codes:</p>	<ol style="list-style-type: none"> <li>1. The outdoor living area for the new dwelling has been designed to be used in conjunction with a habitable room (i.e. lounge room), providing a functional/usable entertaining area for the future occupants of the dwelling.</li> <li>2. In addition to the above point, the outdoor living area will provide for a large entertainment area for visitors to the dwellings (in conjunction with the internal and external areas).</li> <li>3. It should be noted that the new dwelling does comprise a usable and large rear yard area, which can be easily access by the future occupants of the dwelling. This is additional to the deemed outdoor living area within the front setback area of the dwelling.</li> </ol>

<ul style="list-style-type: none"> <li>• of sufficient size and dimension to be functional and usable;</li> <li>• capable of use in conjunction with a primary living space of the dwelling;</li> <li>• sufficient in uncovered area to allow for winter sun and natural ventilation into the dwelling;</li> <li>• sufficient in uncovered area to provide for landscaping, including the planting of a tree(s); and</li> <li>• optimises use of the northern aspect of the site.</li> </ul>		<ol style="list-style-type: none"> <li>4. The new dwelling has been provided with a drying court area that avoids encroaching into the dedicated outdoor living area. The separation of these areas improves the amenity and functionality of the dwelling and minimizes potential constraints to the use of the dedicated outdoor living area.</li> <li>5. The outdoor living area provided for the new dwelling meets the 'deemed to comply requirements' of Element 5.3.1 C1.1 of the R-Codes in terms of area and minimum dimension.</li> <li>6. The new dwelling on the subject land has been provided with sufficient open space and external space to allow for storage and garden areas (i.e. landscaping).</li> <li>7. The proposed outdoor living area provided for the new dwelling has been located to capture some of the northern winter sun.</li> <li>8. The location of the outdoor living area within the front setback area will provide a good outlook and views to the west (towards the ocean) for the future occupants of the dwelling, therefore improving the amenity of the dwelling.</li> <li>9. The location of the outdoor living area within the front setback area will provide for activation of the street and foster an element of social interaction between both the public and private realms. It is noted that the City, along with other local governments, have approved this configuration for similar developments in the past where the outdoor living area has some exposed to the northern winter sun.</li> <li>10. In addition to the above point. the outdoor living area within the front setback area will provide for improved passive surveillance over the street and adjacent foreshore reserve.</li> </ol> <p>Having regard for the above it is contended that the location of the outdoor living area for the new dwelling on Lot 2 within the front setback area satisfies the 'design principles criteria' of Element 5.3.1 of the R-Codes, will be usable to the future occupants of the dwellings, has partial access to the northern winter sunlight and may therefore be approved by the City.</p>
<p><b>R-Codes Element 5.3.2 C2.2 – 'Landscaping'</b></p> <p><i>"P2 Landscaping of grouped and multiple dwelling common property and communal open spaces that:</i></p> <ul style="list-style-type: none"> <li>• contribute to the appearance and amenity of the development for the residents;</li> <li>• contribute to the streetscape;</li> <li>• enhance security and safety for residents;</li> <li>• provide for microclimate; and</li> </ul>	<p>The application proposes that the new dwelling on Lot 2 will comprise less than 50% of the front setback area being landscaped as required by the 'deemed to comply requirements' of Element 5.3.2 C2.2 of the R-Codes.</p>	<ol style="list-style-type: none"> <li>1. The proposed variation to the required landscaping within the street setback area of the new dwelling is unlikely to have a detrimental impact on the amenity of the local streetscape or any adjoining properties.</li> <li>2. It should be recognised that the variation to the landscaping requirements within the front setback area of the new dwelling can be attributed to the front deck area being located forward of the 6 metre front setback line and not the result of large areas of hardstand.</li> <li>3. Abutting the subject land is a verge area with a width of approximately 5.8 metres along the land's frontage with Ocean Drive (see Figure 1 – Aerial Site Plan). Furthermore, the front setback area of the new dwelling will comprise a spa/deck and some landscaping to enhance the appearance and amenity of the dwelling/streetscape. Furthermore, the new dwelling will limit front fencing (only clear glass screening) which will provide a sense of openness over the street for the future occupants of the dwelling, whilst providing for good connectivity between the public and private realms.</li> <li>4. The proposed new dwelling is similar to other existing dwelling along Ocean Drive which have limited landscaping within the front setback area. Furthermore, the subject land is located</li> </ol>



<ul style="list-style-type: none"> <li>• retain existing trees to maintain a local sense of place.”</li> </ul>		<p>adjacent the foreshore reserve, which comprises comprehensive vegetation that will off-set any adverse impact the proposed dwelling may have on the streetscape.</p> <ol style="list-style-type: none"> <li>5. The proposed development has been designed to limit the number and width of crossovers to limit the extent of hardstand within the verge area.</li> <li>6. The extent of hardstand and built form within the front setback area has been kept to a minimum and will not dominate the front setback area of the land. In addition, the new dwelling will provide for improved passive surveillance of the street, as the new dwelling will comprise a number of major openings to a habitable rooms and a large balcony orientated towards the street (see Figure 4).</li> <li>7. The proposed new dwelling on the subject land has been designed to make a positive contribution to the local streetscape and replace a rundown dwelling with a modern dwelling which comprises articulation and visual interest (see Figure 4).</li> </ol> <p>Having regard for all of the above it is contended that the extent of landscaping proposed within the front setback area of the proposed new dwelling on Lot 2 will have a positive contribution to the local streetscape and the adjoining properties, it satisfies the 'design principles criteria' of Element 5.3.2 of the R-Codes and may therefore be supported and approved by the City.</p>
<p><b>R-Code Element 5.3.7 C7.2 &amp; C7.3 – ‘Site works’</b></p> <p><i>P7.1 Development that and responds to the natural of the site and requires excavation/fill.</i></p> <p><i>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.</i></p> <p><i>7.3 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</i></p>	<p>The application proposes the following variations to the 'deemed to comply requirements' of Element 5.3.7 C7.2 &amp; C7.3 of the R-Codes:</p> <ol style="list-style-type: none"> <li>i) A portion of the retaining wall/fill to be built up to the south-eastern side boundary will comprise a maximum height of 741mm metres above NGL in lieu of a maximum permitted height of 500mm;</li> <li>ii) A portion of the retaining wall/fill to be built up to the north-western side boundary will comprise a maximum height of 755mm metres above NGL in lieu of a maximum permitted height of 500mm;</li> <li>iii) A portion of the retaining wall/fill to be built up to the eastern side boundary will comprise a maximum height of 815mm metres above NGL in lieu of a maximum permitted height of 500mm; and</li> </ol>	<ol style="list-style-type: none"> <li>1. The subject land is characterised by an awkward rise in levels centrally within the property, with varying levels along the boundaries which provides a constraint on any development on the land. Given the variation in the natural ground over the entire site, the new dwelling has been designed to comprise a flat building lot excessive split levels and steps. In addition, the extent of variation (i.e. maximum variation of 315mm) is considered to be minor and reflects similar developments along the coastline which comprises undulating topography.</li> <li>2. In addition to the above point, the offending retaining wall is located to the rear of the proposed dwelling and will not be visible from the street.</li> <li>3. The location of the retaining wall along the boundaries in lieu of a 1 metre setback provides for the effective use of all available space and the creation of adequate/usable external yard area to benefit the future occupants of the dwelling.</li> <li>4. The proposed new dwelling on Lot 2, along with the retaining walls, meet the 'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes. In addition, the extent of retaining walls will not adversely impact access to light and ventilation for the existing dwellings on the adjoining properties.</li> <li>5. A 1.8 metre high dividing fence will be constructed on top of the retaining wall to ensure that the new dwelling limits any overlooking of the adjoining residential properties from the external yard areas.</li> <li>6. That portion of retaining wall and fill to be constructed up to the south-eastern side boundary will abut the rear setback area of the existing single detached dwelling on adjoining Lot 2 (No.1) Quinns Road (see Figure 1 – Aerial Site Plan. It should be noted that the retaining wall will not abut the outdoor living area for that dwelling. Given the minor nature of</li> </ol>

	<p>iv) The proposed retaining walls have been built up to the lot boundaries in lieu of a setback of 1 metre.</p>	<p>the variation and the layout of the dwelling on the adjoining south-eastern property, it is contended that the new retaining walls on the subject land will not have an adverse impact on the existing dwelling on the adjoining south-eastern property.</p> <p>7. That portion of retaining wall and fill to be constructed up to the north-western side boundary will abut the extensive rear yard areas of the existing single detached dwelling on adjoining Lot 3 (No.6) Ocean Drive, which comprises vegetation and an outbuilding that will screen the proposed retaining wall (see Figure 1 – Aerial Site Plan). As such, it is contended that the proposed retaining walls and fill for the new dwelling on Lot 2 will not have an adverse impact on the existing dwelling on the adjoining lot 3.</p> <p>8. That portion of retaining wall and fill to be constructed up to the north-eastern rear boundary will abut the side setback area of the existing grouped dwellings on No.3 Quinns Road (see Figure 1 – Aerial Site Plan). It should be noted that the retaining walls and new dwelling on Lot 2 will not cast a shadow over adjoining No.3 Quinns Road at 12 noon on 21 June (i.e. winter solstice). Given these facts, it is contended that the retaining wall and fill along the rear boundary of the subject land will not have an adverse impact on any major openings to habitable rooms and/or any outdoor living areas associated with the existing grouped dwellings on the adjoining eastern property.</p> <p>Having regard for the above it is contended that the proposed retaining wall and fill to be built up to the side and rear boundaries of Lot 2 satisfies the 'design principles criteria' of Element 5.3.7 of the R-Codes, is a result of the constraints of the land, will assist with providing a level/usable site, will not have a detrimental impact on the adjoining properties or local streetscape and may therefore be approved by the City.</p>
<p><b>R-Code Element 5.4.1 C1.1 – 'Visual privacy'</b></p> <p><i>"Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</i></p> <ul style="list-style-type: none"> <li>• <i>building layout and location;</i></li> <li>• <i>design of major openings;</i></li> <li>• <i>landscape screening of outdoor active habitable spaces; and/or</i></li> <li>• <i>location of screening devices."</i></li> </ul>	<p>The application proposes that the following aspects of the new dwelling will result in the 'cone of vision' extending over the adjoining lots contrary to the 'deemed to comply requirements' of Element 5.4.1 C1.1 of the R-Codes:</p> <p>i) The 7.5 metre 'cone of vision' from the front ground floor, deck area will extend over the adjoining south-eastern property; and</p> <p>ii) The 7.5 metre 'cone of vision' from the roof terrace area will extend over both the adjoining south-eastern and north-western properties.</p>	<p>1. The proposed new dwelling has been designed to effectively locate all major openings to habitable rooms and the balcony in a manner which avoids direct overlooking of the rear yard areas of any existing dwellings on the adjoining properties. This includes the use of highlight windows, providing sufficient setbacks to boundaries, screening the sides of the balcony and ensuring the dividing fence provides screening to restrict any direct overlooking.</p> <p>2. Whilst the overlooking from the roof terrace could be deemed excessive, the terrace is high above the natural ground level and confined to the front portion of the property. This would limit any direct overlook downwards over any habitable spaces on the adjoining properties,</p> <p>3. In regard to any impact on the existing single detached dwelling on Lot 1 (No.2) Ocean Drive (i.e. south-eastern property), the following justification is provided:</p> <p>i) Those portions of the 'cone of vision' from the roof terrace will overlook the roof structure of the existing dwelling on adjoining Lot 1 and not any outdoor living areas (see Figure 1 – Aerial Site Plan);</p> <p>ii) It should be noted that the outdoor living area for the dwelling on Lot 1 is located further back on the lot, away from the roof terrace of raise ground floor front deck area (see Figures 1 – Aerial Site Plan);</p> <p>iii) In regard to the overlooking from the deck area, the 'cone</p>

		<p>of visions' will extend over the driveway and front setback area of the existing dwelling on Lot 1. It should be noted that this area can currently be viewed from the street by the general public (see Figure 1 – Aerial Site Plan); and</p> <p>iv) Given the above points, the extent of overlooking from the new dwelling on Lot 2 will not have an adverse impact on any sensitive habitable spaces associated with the existing dwelling on adjoining Lot 1.</p> <p>4. In regard to any impact on the existing single detached dwelling on Lot 3 (No.6) Ocean Drive (i.e. north-western property), the following justification is provided:</p> <p>i) Those portions of the 'cone of vision' from the roof terrace will overlook the driveway and front setback area of the existing dwelling on adjoining Lot 3 and not any outdoor living areas. It should be noted that the driveway and front setback areas are currently visible by the public from the street (see Figure 1 – Aerial Site Plan); and</p> <p>ii) In reviewing the existing dwelling on the adjoining property, it is noted that the outdoor living area is located away from the new dwelling on Lot 2.</p> <p>5. In addition to the above point, the proposed new dwelling has been designed to provide for improved passive surveillance of the street and the driveway for the existing dwellings on adjoining properties, which will enhance security for the local community.</p> <p>Having regard for the above it is submitted that the portions of the 'cone of vision' extending from various parts of the new dwelling on Lot 2 over the adjoining properties satisfies the 'design principles criteria' of Element 5.4.1 of the R-Codes, will not adversely impact on the amenity of the existing dwellings on the adjoining properties, is not excessive, will assist with improving surveillance over the street and may therefore be approved by the City.</p>
<p><b>R-Code Element 5.4.3 C3 – 'Outbuildings'</b></p> <p><i>"P2 Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties"</i></p>	<p>The application proposes that the new outbuilding on the land (boat shelter) will comprise a maximum wall height of 3.899 metres in lieu of 2.4 metres permitted by the 'deemed to comply requirements' of Element 5.4.3 C3 of the R-Codes.</p>	<p>1. The variation to the wall height of the proposed new outbuilding is considered minor and will not have a detrimental impact on the adjoining properties in terms of bulk and scale. It should be noted that the structure is open and not enclosed, therefore resulting in less built form when viewed from the street.</p> <p>2. The new outbuilding complies with the ridge height and boundary setback requirements of the R-Codes.</p> <p>3. The new outbuilding on the land will not result in the structure having any impacts on the surrounding properties (see Figure 1 – Aerial Site Plan). Furthermore, the outbuilding is located to the rear of the subject land and will not be visible from Ocean Drive.</p> <p>4. The overall development on the land complies with Element 5.4.2 of the R-Codes (i.e. 'Solar access for adjoining sites') and will not impact access to light and ventilation for the existing dwellings on any adjoining properties. In fact, the proposed outbuilding will not cast a shadow over the adjoining properties at 12 noon on 21 June (i.e. winter solstice).</p> <p>5. Adequate open space has been provided on the land to meet the needs of the occupants and to accommodate landscaping.</p>

	<p>In fact, the new dwelling on the land (including the new outbuilding).</p> <ol style="list-style-type: none"> <li>6. The overall development on the land results in the effective use of all available space on the land and will result in the creation of a usable and functional entertainment area (both an internal and external entertainment area) for the future occupants of the dwelling.</li> <li>7. The proposed additional wall for the outbuilding allows for a usable internal space for the future occupants of the dwelling.</li> </ol> <p>Having regard for the above it is contended that the outbuilding to associated with the proposed new dwelling on Lot 2 will not have a detrimental impact on the adjoining properties or the streetscape, it satisfies the 'design principles criteria' of Element 5.4.3 of the R-Codes, it will provide a usable space for the occupants of the dwelling and may therefore be approved by the City.</p>
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Figure 4 – The front facade of the new dwelling is well articulated and will improve passive surveillance of the street and the adjacent foreshore reserve.

## CONCLUSION

The proposed new dwelling has been designed to meet the needs of the future occupants, whilst having due regard for the site constraints including an irregular shape and the awkward levels through the site. In reviewing the design of the new dwelling on the subject land, it is contended that the variations being sought as part of this application (whilst appearing to be substantial) will allow for the provision of usable spaces for the future occupants of the dwelling, is consistent with the existing built form along the street and will not result in the dwelling having an adverse impact on the local streetscape or the adjoining properties in terms of bulk and scale.