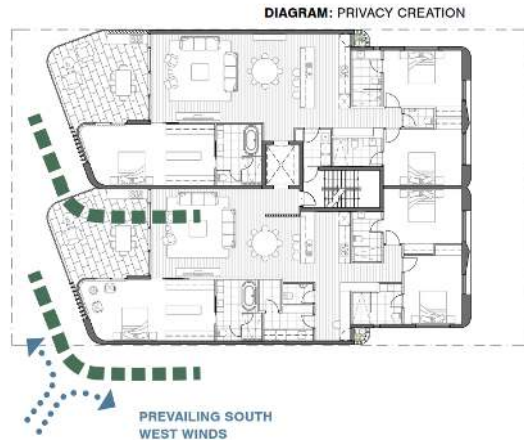


ELEMENT 2.2		BUILDING HEIGHT	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O2.2.1</b> – The height of development responds to the desired future scale and character of the street and local area, including existing buildings that are unlikely to change.		<p>The subject site is zoned 'Foreshore Centre' under the Town's LPS3, with no applicable residential density coding. In the absence of an R-Coding, the building height controls of Table 2.1 are not applicable.</p> <p>The proposed development is 27.1m to the top of the roof (eight storeys) and a variation is sought from the LPS3 requirements which permit 21m / 5 storeys.</p> <p>Refer to <b>Section 8.1</b> of the DA report for assessment against the LPS3 requirements.</p>	
<b>O2.2.2</b> – The height of buildings within a development responds to changes in topography.		The site is relatively flat and topography has not been a major determinant in building height.	
<b>O2.2.3</b> – Development incorporates articulated roof design and/or roof top communal open space where appropriate.		The building contains an appropriately articulated roof design which incorporates solar panels to the rooftop whilst the balcony of the penthouse apartment would also be visible from above. No communal open space is proposed given the small number of apartments and the site's excellent access to public parkland (refer to Element 3.4 for further discussion).	
<b>O2.2.4</b> – The height of development recognises the need for daylight and solar access to adjoining and nearby residential development, communal open space and in some cases, public spaces.		Careful analysis has been undertaken on the shadow cast by the proposed development at different times of the day and different times of the year. The overshadowing analysis in <b>Appendix 4</b> (pages 58-73) compares the shadow cast by the proposed development compared with that of a theoretical compliant development. The analysis demonstrates the shadow cast from the 'additional height' would not adversely affect the amenity of the surroundings. These matters are discussed in further detail in <b>Section 8.1</b> of the DA report.	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
<b>A2.2.1</b> – Development complies with the building height limit (storeys) set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the building height limit set out in the applicable local planning instrument. <i>(Excerpt from table 2.1)</i>			

Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas	
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0	
Building height (storeys) <i>refer 2.2</i>	2	3	3	4	4	5	3	6	7	9		
LOCAL PLANNING FRAMEWORK					REQUIREMENT							
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>					Clause 6.4 of LPS3 modifies the building height of the subject site in accordance with the Building Design Control Diagrams contained in Schedule 15 of LPS3. Refer to <b>Section 6.2</b> and <b>Section 8.1</b> of the DA report.							

ELEMENT 2.3		STREET SETBACKS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>02.3.1</b> – The setback of the development from the street reinforces and/or complements the existing or proposed landscape character of the street.		The LPS3 building controls permit a nil setback for the first 3 storeys, and a 4m setback for storeys 4-5. The balconies at Marine Parade have a setback of 2m, grading back to 5m in lieu of the minimum setback requirement of 4m under LPS3.	
		Rather than providing a 'flat' 4m setback above the ground floor, the balconies have been angled to the street in order to: a) Open up the balconies to northern sunlight. b) Provide a barrier from the south-west prevailing wind.	
		This substantially improves the amenity of the apartments for the occupants. However, due to the angle, the northern portion of the balconies varies the setback requirement of LPS3 whilst the southern portion of the balconies <b>exceeds</b> the permissible setback.	
		Notwithstanding the variation, the development provide a clear podium and tower form as sought by LPS3. This podium and tower form is particularly prevalent in the proposed development, with the colour and materials of the podium clearly contrasting with the tower.	
		The reduced street setback is considered to have no undue impact on the streetscape, nor the views or amenity of adjoining properties.	



*The angled frontage for the tower elements provides protection from prevailing south-westerly winds, opens up balconies to northern sunlight and views and enables greater privacy between the apartments.*

In addition, the top floor of the development has an increased setback of 5.75m – 6.75m. The setback of the top floor reduces the visual prominence as viewed from the street. The upper level will still be visible from some vantage points, but the setback behind the main façade line will reduce its visibility from the west and will help the building present more like a seven storey development at the street frontage.

**02.3.2** – The street setback provides a clear transition between the public and private realm.

The nil street setback of the building provides a clear distinction between the public and private realm. The glazing line of the ground floor commercial tenancy is set back 1m from the boundary, allowing for a small forecourt to provide a transition between the public and private realm.

**02.3.3** – The street setback assists in achieving visual privacy to apartments from the street.

The building does not propose any ground floor apartments. First floor apartments achieve visual privacy through solid balcony balustrading and with planter boxes (to the south apartment) and a feature awning (for the north apartment). Apartments on the second level and above are unlikely to be visible from the street.

**02.3.4** – The setback of the development enables passive surveillance and outlook to the street.

13 of 14 apartments have balconies that provide passive surveillance over Marine Parade and the Cottesloe Beach public open space. Similarly, the ground floor café/restaurant will comprise visually permeable glazing offering further opportunities for passive surveillance.

## ACCEPTABLE OUTCOMES

Acceptable Outcome pathway may not be applicable where a performance solution is provided

**A3.2.1** – Development complies with the street setback set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the street setback set out in the applicable local planning instrument

(Excerpt from table 2.1)

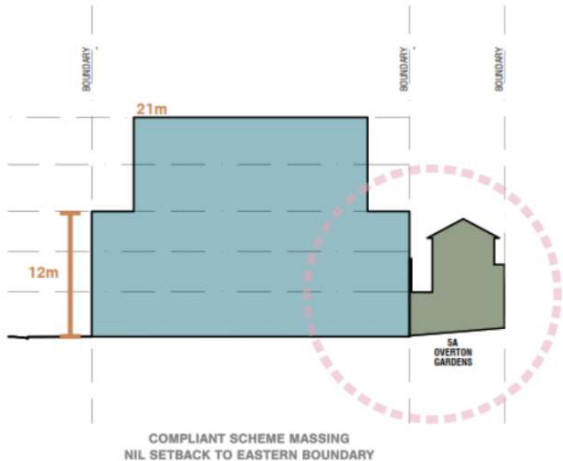
Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas	
	Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Minimum primary and secondary street setbacks <i>refer 2.3</i>	4m <sup>4</sup>	2m	2m		2m			2m or Nil <sup>5</sup>	2m or Nil <sup>5</sup>	2m or Nil <sup>5</sup>		

(4) Minimum secondary street setback 1.5m

(5) Nil setback applicable if commercial use at ground floor

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Clause 6.4 of LPS3 modifies the street setbacks in accordance with the Building Design Control Diagrams contained in Schedule 15 of LPS3. Refer to <b>Section 6.2 and 8.1</b> of the DA report.

ELEMENT 2.4	SIDE AND REAR SETBACKS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
<b>02.4.1</b> – Building boundary setbacks provide for adequate separation between neighbouring properties.	Nil setbacks to the northern and southern boundaries are consistent with the building enveloped defined by Schedule 15 of LPS3. The desired streetscape character (as articulated in the local planning framework) can be described as a 'mid-rise urban centre' with attached buildings and a contiguous street frontage.  The building exceeds the maximum height meaning a discretionary assessment is required for the setbacks of the upper levels. Refer to <b>Section 8.1</b> of the DA report for discussion on the proposed built form and scale.	
<b>02.4.2</b> – Building boundary setbacks are consistent with the existing streetscape pattern or the desired streetscape character.		
<b>02.4.3</b> – The setback of development from side and rear boundaries enables retention of existing trees and provision of deep soil areas that reinforce the landscape character of	The subject site does not contain any existing trees or deep soil areas. The proposed development delivers a small deep soil area in the rear	

<p>the area, support tree canopy and assist with stormwater management.</p>	<p>of the site which will support five trees and provide a softening interface with the properties to the east.</p> <p>Recognising the need for nil setbacks to boundaries, the development provides on-structure landscaping in lieu of deep soil area. This includes multiple planter boxes on balconies. The proposal exceeds the required areas for on-structure planting.</p>	
<p><b>O2.4.4</b> –The setback of development from side and rear boundaries provides a transition between sites with different land uses or intensity of development.</p>	<p>The adjoining sites to the rear (east) are zoned Residential. The proposed setback of 3.5m (above the third storey) is a minor variation from the permissible 4m setback.</p> <p>To the rear, the proposed development is considered to provide an equal or better outcome compared to a 'baseline compliant' scenario. LPS3 permits a nil setback for the first three storeys. Instead, the proposal includes a 3.5m setback for these levels (and for the entire building). The image below illustrates a compliant rear setback compared with the proposed rear setback.</p>  <p>COMPLIANT SCHEME MASSING NIL SETBACK TO EASTERN BOUNDARY</p>	

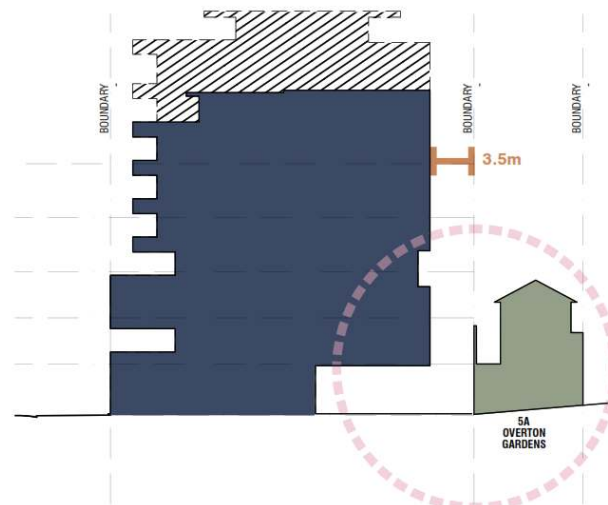


DIAGRAM 2: PROPOSED SCHEME MASSING  
3.5m SETBACK TO EASTERN BOUNDARY

#### Compliant rear setback v proposed rear setback

The proposed setback of 3.5m provides sufficient space for light and ventilation between the existing and proposed buildings. Privacy is also maintained noting both properties to the rear have two storey boundary walls abutting the subject site. The rear setback area is also treated with a 1.5m wide deep soil landscaping strip for the full width of the property. This will include five trees which will help to soften the impact of the proposed development to the east.

The adjoining properties to the rear have double storey boundary walls facing the subject site, meaning the development is unlikely to impact the amenity of these properties.

The lots either side on Marine Parade are zoned Foreshore Centre. Boundary-to-boundary development is considered appropriate in this context.

#### ACCEPTABLE OUTCOMES

*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

**A2.4.1** - Development complies with the side and rear setbacks set out in Table 2.1, except where:

- a) modified by the local planning framework, in which case development complies with the side and rear setbacks set out in the applicable local planning instrument

#### AND /OR

- b) a greater setback is required to address 3.5 Visual privacy.

*(Excerpt from table 2.1)*

Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas	
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0	
Boundary wall height (storeys) <sup>1,2</sup> <i>refer 2.4</i>	1 <sup>3</sup>		1 <sup>3</sup>	2 <sup>3</sup>	2 <sup>3</sup>		2	3	4			
Minimum side setbacks <sup>6</sup> <i>refer 2.4</i>	2m	3m	3m		3m		Nil					
Minimum rear setback <i>refer 2.4</i>	3m		3m		6m		6m	Nil	Nil			
Average side setback where building length exceeds 16m <i>refer 2.4</i>	2.4m	3.5m	3.5m	3.5m	3.5m	4.0m	NA	NA	NA			
<div>(1) Wall may be built up to a lot boundary, where it abuts an existing or simultaneously constructed wall of equal or greater proportions</div> <div>(2) Where the subject site and an affected adjoining site are subject to different density codes, the length and height of any boundary wall on the boundary between them is determined by reference to the lower density code</div> <div>(3) Boundary wall only permitted on one boundary, and shall not exceed 2/3 length.</div> <div>(6) Boundary setbacks will also be determined by provisions for building separation and visual privacy within this SPP and building separation provisions of the NCC.</div>												
<b>A2.4.2</b> – Development is setback from the boundary in order to achieve the Objectives outlined in 2.7 <i>Building separation</i> , 3.3 <i>Tree canopy and deep soil areas</i> , 3.5 <i>Visual privacy</i> and 4.1 <i>Solar and daylight access</i> .												
LOCAL PLANNING FRAMEWORK						REQUIREMENT						
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:						Clause 6.4 of LPS3 modifies the side and rear setbacks in accordance with the Building Design Control Diagrams contained in Schedule 15 of LPS3. Refer to <b>Section 6.2</b> and <b>Section 8.2</b> of the DA report.						

ELEMENT 2.5	PLOT RATIO	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O2.5.1</b> – The overall bulk and scale of development is appropriate for the existing or planned character of the area.	No plot ratio requirements apply to the subject site under the R-Codes or the local planning framework. LPS3 controls building bulk and scale through the building envelope defined in Schedule 15. The proposed built form and scale is discussed in detail in <b>Section 8.1</b> of the DA report. Extensive design analysis and assessment of sunlight, view and amenity impacts is also included in the Architectural Design Statement.	

ACCEPTABLE OUTCOMES											
Acceptable Outcome pathway may not be applicable where a performance solution is provided											
<b>A2.5.1</b> – Development complies with the plot ratio requirements set out in Table 2.1, except where modified by the local planning framework, in which case development complies with the plot ratio set out in the applicable local planning instrument. <i>(Excerpt from table 2.1)</i>											
Streetscape contexts and character <i>refer A2</i>	Low-rise		Medium-rise		Higher density residential		Neighbourhood centre	Mid-rise urban centres	High density urban centres		Planned areas
Site R-Coding	R40	R50	R60	R80	R100	R160	R-AC4	R-AC3	R-AC2	R-AC1	R-AC0
Plot ratio <sup>7</sup> <i>refer 2.5</i>	0.6	0.7	0.8	1.0	1.3	2.0	1.2	2.0	2.5	3.0	
(6) Refer to Definitions for calculation of plot ratio											
LOCAL PLANNING FRAMEWORK							REQUIREMENT				
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:							LPS3 prescribes no plot ratio, but manages bulk and scale through detailed building envelope requirements.				

ELEMENT 2.6	BUILDING DEPTH	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
<b>O2.6.1</b> – Building depth supports apartment layouts that optimise daylight and solar access and natural ventilation.	Each of the apartments on level 1 are 10m – 14m in depth, consistent with the Acceptable Outcome for this element (20m).	
<b>O2.6.2</b> – Articulation of building form to allow adequate access to daylight and natural ventilation where greater building depths are proposed.	12 of the 14 apartments are dual aspect with openings on opposite sides of the apartments, enabling cross ventilation through the living areas of the apartment. The two dwellings which are not (technically) dual aspect relate to the dual key apartment. These dwellings have a 14m and 9m depth respectively and are considered to enable sufficient light and ventilation to each 'section' of the dual key apartment.	
<b>O2.6.3</b> – Room depths and / or ceiling heights optimise daylight and solar access and natural ventilation.	A variety of articulations on the upper levels allow for northern sunlight to habitable rooms. Furthermore, all apartments feature large glazed doors onto outdoor living areas that maximise solar access and natural ventilation, with smaller alcoves and recesses providing additional daylight to interior rooms.	



	All apartments have high ceilings (3m- 3.4m) enabling a greater sense of space and better opportunities for sunlight being received within the apartment.	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A2.6.1</b> – Developments that comprise single aspect apartments on each side of a central circulation corridor shall have a maximum building depth of 20m. All other proposals will be assessed on their merits with particular consideration to 4.1 <i>Solar and daylight access</i> and 4.2 <i>Natural ventilation</i> .		
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		

ELEMENT 2.7		BUILDING SEPARATION	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O2.7.1 – New development supports the desired future streetscape character with spaces between buildings.		There is only one proposed building on the subject site, and as such, the separation of buildings within the site boundary is generally not applicable.  To side boundaries, the proposed separation from buildings on adjoining sites is reflective of an urban centre with a compact, attached streetscape as required by the local planning framework.  The building has been setback 3.5m from the rear boundary to provide sufficient separation with the adjoining residential properties to enable daylight and ventilation. The rear setback area also incorporates deep soil landscaping.	
O2.7.2 – Building separation is in proportion to building height.			
O2.7.3 – Buildings are separated sufficiently to provide for residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.			
O2.7.4 – Suitable areas are provided for communal and private open space, deep soil areas and landscaping between buildings			
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A2.7.1 – Development complies with the separation requirements set out in Table 2.7.			

Table 2.7 Building separation

	Separation between:	Building height		
		≤ 4 storeys (up to 16m)	5-8 storeys (up to 28m)	≥ 9 storeys (over 28m)
Within site boundary	Habitable rooms/balconies	12m	15m	24m
	Habitable and non-habitable rooms	7.5m	12m	18m
	Non-habitable rooms	4.8m	6m	9m
To adjoining property boundaries	Habitable rooms/balconies and boundary	Refer 3.4 Side and rear setbacks (Table 3.1) and 3.5 View/privacy (Table 3.5)		12m

Distances apply from major openings of rooms, or the inside of balustrading of balconies.  
Setback dimensions may be applied subject to major openings meeting other requirements for privacy, daylight and time loss.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Clause 6.4 of LPS3 modifies the side setbacks in accordance with the Building Design Control Diagrams contained in Schedule 15 of LPS3. Refer to <b>Section 6.2, 8.1 and 8.2</b> of the DA report.

ELEMENT 3.2	ORIENTATION	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O3.2.1</b> – Building layouts respond to the streetscape, topography and site attributes while optimising solar and daylight access within the development.	The building has been designed to face the public realm with balconies and terraces overlooking the street. The ground floor commercial tenancy has direct access from the footpath, and an entrance to the residential dwellings via an entrance visible from the street.	
<b>O3.2.2</b> – Building form and orientation minimises overshadowing of the habitable rooms, open space and solar collectors of neighbouring properties during mid-winter.	<p>The building responds to the view of Cottesloe Beach and the ocean whilst optimising solar access to apartments. All apartments except for the dual key apartment have dual east-west frontages allowing morning and afternoon winter sunlight.</p> <p>The building is setback from the rear boundary to provide a landscape buffer to the residential properties to the east.</p>	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A3.2.1</b> – Buildings on street or public realm frontages are oriented to face the public realm and incorporate direct access from the street.		
<b>A3.2.2</b> – Buildings that do not have frontages to streets or public realm are oriented to maximise northern solar access to living areas.		

**A3.2.3** – Development in climate zones 4, 5 and 6 shall be designed such that the shadow cast at midday on 21st June onto any adjoining property does not exceed:

- adjoining properties coded R25 and lower – 25% of the site area<sup>1</sup>
- adjoining properties coded R30 – R40 - 35% of the site area<sup>1</sup>
- adjoining properties coded R50 – R60 – 50% of the site area<sup>1</sup>
- adjoining properties coded R80 or higher – Nil requirements.

(1) Where a development site shares its southern boundary with a lot, and that lot is bound to the north by other lot(s), the limit of shading at A3.2.3 shall be reduced proportionally to the percentage of the affected properties northern boundary that abuts the development site. (Refer to Figure A7.2 in Appendix 7)

**A3.2.4**– Where adjoining sites are coded R40 or less, buildings are oriented to maintain 4 hours per day solar access on 21 June for existing solar collectors on neighbouring sites.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	

ELEMENT 3.3	TREE CANOPY AND DEEP SOIL AREAS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O3.3.1</b> – Site planning maximises retention of existing healthy and appropriate and protects the viability of adjoining trees.	<p>Neither this site, nor the adjoining sites to the north and south contain any existing trees.</p> <p>The site to the east of the subject site contains a tree several metres from the boundary, however given the proposed building will be set back 3.5m from the rear boundary, there is limited risk that the development will affect the viability of this tree.</p>	
<b>O3.3.2</b> – Adequate measures are taken to improve tree canopy (long term) or to offset reduction of tree canopy from pre-development condition.	<p>The planning framework envisages that lots fronting Marine Parade between Overton Gardens and Warnham Road will have a built form that creates a continuous “street-wall” and pedestrian-friendly environment fronting Cottesloe Beach.</p> <p>The landscaping plans demonstrate the deep soil area at the rear of the site is sufficient for five trees, exceeding the Acceptable Outcomes and contributing to tree canopy targets.</p>	
<b>O3.3.3</b> – Development includes deep soil areas, or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.	The local planning framework allows nil setbacks to the front, side and rear boundaries and requires parking is provided in a basement. Combined with the small site area (561m <sup>2</sup> ), there is limited opportunity for deep soil areas to be provided on site. Notwithstanding, a 1.5m wide landscaping strip has been incorporated into the rear setback area providing 5.4% deep soil area.	

## ACCEPTABLE OUTCOMES

*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

**A3.3.1** – Retention of existing trees on the site that meet the following criteria:

- healthy specimens with ongoing viability **AND**
- species is not included on a State or local area weed register **AND**
- height of at least 4m **AND/OR**
- trunk diameter of at least 160mm, measured 1m from the ground **AND/OR**
- average canopy diameter of at least 4m.

**A3.3.2** – The removal of existing trees that meet any of the criteria at A3.3.1 is supported by an arboriculture report.

**A3.3.3** – The development is sited and planned to have no detrimental impacts on, and to minimise canopy loss of adjoining trees.

**A3.3.4** – Deep soil areas are provided in accordance with Table 3.3a. Deep soil areas are to be co-located with existing trees for retention and/or adjoining trees, or alternatively provided in a location that is conducive to tree growth and suitable for communal open space.

**Table 3.3a** Minimum deep soil area and tree provision requirements

Site Area	Minimum deep soil area	Minimum requirement for trees <sup>1</sup>
Less than 700m <sup>2</sup>	10%  <b>OR</b>	1 medium tree and small trees to suit area
700 – 1,000m <sup>2</sup>		2 medium trees <b>OR</b> 1 large tree and small trees to suit area
> 1,000m <sup>2</sup>	7% if existing tree(s) retained on site  (% site area)	1 large tree and 1 medium tree for each additional 400m <sup>2</sup> in excess of 1000m <sup>2</sup> <b>OR</b> 1 large tree for each additional 900m <sup>2</sup> in excess of 1000m <sup>2</sup> and small trees to suit area

<sup>1</sup> Minimum requirement for trees includes retained or new trees  
Refer Table 3.3b for tree sizes

**A3.3.5** – Landscaping includes existing and new trees with shade producing canopies in accordance with Tables 3.3a and 3.3b.

Table 3.3b Tree sizes						
Tree size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided <sup>1</sup> (min 1m depth)	Indicative pot size at planting
Small	4–6m	4–8m	9m <sup>2</sup>	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6–9m	8–12m	36m <sup>2</sup>	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m <sup>2</sup>	6m	4.5m (DSA) + 1.5m (RSZ)	500L
<sup>1</sup> Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA.						
<b>A3.3.6</b> – The extent of permeable paving or decking within a deep soil area does not exceed 20 per cent of its area and does not inhibit the planting and growth of trees.						
<b>A3.3.7</b> – Where the required deep soil areas cannot be provided due to site restrictions, planting on structure with an area equivalent to two times the shortfall in deep soil area provision is provided.						
LOCAL PLANNING FRAMEWORK				REQUIREMENT		
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>				Clause 6.4 of LPS3 allows development to the maximum extent of the area defined by the Building Design Control Diagrams contained in Schedule 15. This precludes the provision of deep soil areas. Refer to <b>Section 6.1</b> of the report.		

ELEMENT 3.4	COMMUNAL OPEN SPACE	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O3.4.1</b> – Provision of quality communal open space that enhances resident amenity and provides opportunities for landscaping, tree retention and deep soil areas.	No communal open space is proposed with this development. Communal open space for this development is not required for the following reasons.	
<b>O3.4.2</b> – Communal open space is safe, universally accessible and provides a high level of amenity for residents.	All apartments, excluding the smaller dual key, have a private balcony ranging from 28m <sup>2</sup> to 69m <sup>2</sup> , substantially exceeding the minimum balcony size of 12m <sup>2</sup> under the Acceptable Outcomes of the R-Codes. The size of these balconies allows opportunities for planter box landscaping as well as a large recreation/living space.	
<b>O3.4.3</b> – Communal open space is designed and oriented to minimise impacts on the habitable rooms and private open space within the site and of neighbouring properties.	The subject site is located directly opposite the Cottesloe Beach foreshore, containing a wide range of active and passive recreation options including a playground, parkland as shown in the image below. The beach itself also provide an active recreation opportunity and negates the need for community swimming pools and the like within the development.	

Furthermore, the Cottesloe foreshore masterplan, approved by Council in March 2021 envisages a new, upgraded play area in front of the site with additional amenities such as plazas, fitness areas and other community facilities. The existing and proposed open space areas and amenities are considered to fulfil the needs of residents. Communal open space is therefore not required on site.



The subject site is located opposite foreshore parkland

In addition to the public open space itself, the Marine Parade provides a number of restaurants, bars and cafés, offering an alternative form of amenity to communal space.

## ACCEPTABLE OUTCOMES

*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

**A3.4.1** – Developments include communal open space in accordance with Table 3.4

**Table 3.4** Provision of communal open space

Development size	Overall communal open space requirement	Minimum accessible / hard landscape area (included in overall area requirement)	Minimum open space dimension
Up to 10 dwellings	Informal seating associated with deep soil or other landscaped areas	NA	NA
More than 10 dwellings	Total: 6m <sup>2</sup> per dwelling up to maximum 300m <sup>2</sup>	At least 2m <sup>2</sup> per dwelling up to 100m <sup>2</sup>	4m

**A3.4.2** – Communal open space located on the ground floor or on floors serviced by lifts must be accessible from the primary street entry of the development.

**A3.4.3** – There is 50 per cent direct sunlight to at least one communal open space area for a minimum of two hours between 9am and 3pm on 21 June.

**A3.4.4**– Communal open space is co-located with deep soil areas and/or planting on structure areas and/ or co-indoor communal spaces.

**A3.4.5** – Communal open space is separated or screened from adverse amenity impacts such as bins, vents, condenser units, noise sources and vehicle circulation areas.

<b>A3.4.6</b> – Communal open space is well-lit, minimises places for concealment and is open to passive surveillance from adjoining dwellings and/or the public realm.	
<b>A3.4.7</b> – Communal open space is designed and oriented to minimise the impacts of noise, odour, light-spill and overlooking on the habitable rooms and private open spaces within the site and of neighbouring properties.	
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	

<b>ELEMENT 3.5</b>	<b>VISUAL PRIVACY</b>	
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O3.5.1</b> – The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.	<p>The building is primarily orientated so that the majority of dwellings face west and receive a view of the Marine Parade parkland and Cottesloe Beach. However, habitable room windows and balconies are proposed on the rear elevation. There are also some openings and balconies which have an outlook to the north or the south, namely on the top floor. The impacts on side and rear adjoining properties are considered minimal for the following reasons:</p> <p><b>Side boundary (north)</b> Dwellings on the fourth level and above have balconies which face Marine Parade but are slightly angled toward the adjoining northern property. From the fourth level and above, this simply overlooks the roof of the adjoining mixed-use building to the south and does not impinge on privacy. With regard to future privacy, it is anticipated any future development on this site would be built boundary-to-boundary. Balconies will continue to receive light from the west.</p> <p><b>Side boundaries, eighth storey (north and south)</b> The top floor of the development contains windows which face the side boundaries and are setback 1m – 2.7m. These windows only have a view to the roof of the adjoining buildings and do not overlook existing sensitive areas. Given both of the adjoining lots are corner sites, it is envisaged that future development on these properties would not require windows facing the boundary to the subject site. As such, no privacy impacts are anticipated from future development.</p> <p><b>Rear boundary (east)</b> The adjoining lots to the rear of the subject site are zoned R60. All habitable rooms comply with the Table 3.5 privacy setbacks with bedroom windows being setback greater than 3m.</p>	



Unit 1A and Unit 4 have balconies facing east. These balconies are setback 2.5m from the rear boundary. The balconies will include privacy screening to avoid direct overlooking to the adjoining residential properties. In any case, the adjoining properties contain two storey boundary walls facing the subject site and are not considered to be adversely impact in terms of privacy.

Similarly, Units 5 and 6 have balconies facing east. However, these balconies are only 1m wide and are not considered 'active habitable spaces'. Again, these balconies face boundary walls of the adjoining property as illustrated in the photographs below.







*View of boundary walls from rear of subject site*

## ACCEPTABLE OUTCOMES

*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

**A3.5.1** – Visual privacy setbacks to side and rear boundaries are provided in accordance with Table 3.5.

**Table 3.5** Required privacy setback to adjoining sites

Cone of vision from unscreened:	First 4 storeys		5th storey and above
	Adjoining sites coded R50 or lower	Adjoining sites coded higher than R50	
Major opening to bedroom, study and open access walkways	4.5m	3m	Refer Table 2.7
Major openings to habitable rooms other than bedrooms and studies	6m	4.5m	
Unenclosed private outdoor spaces	7.5m	6m	

**A3.5.2** – Balconies are unscreened for at least 25 per cent of their perimeter (including edges abutting a building).

**A3.5.3** - Living rooms have an external outlook from at least one major opening that is not obscured by a screen.

**A3.5.4** – Windows and balconies are sited, oriented, offset or articulated to restrict direct overlooking, without excessive reliance on high sill levels or permanent screening of windows and balconies.

## LOCAL PLANNING FRAMEWORK

## REQUIREMENT

Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	
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ELEMENT 3.6	PUBLIC DOMAIN INTERFACE	
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
<b>O3.6.1</b> – The transition between the private and public domain enhances the privacy and safety of residents.	<p>The majority of the ground level is commercial and as such, it is generally open to the public. The transition between the private and public domain is therefore clear, with all residential development above ground level.</p> <p>Different entrances provide access to the residential and non-residential land uses, with the residential lobby entrance set back from the street, but clearly visible and delineated by a footpath and feature design element in the canopy. The upper level balconies and windows of 13 apartments overlook the street and public domain areas providing passive surveillance.</p>  <p><b>The commercial tenancy will provide activation whilst the apartments above will provide surveillance of Marine Parade</b></p> <p>The amenity of the public domain has been retained and enhanced with a large commercial tenancy on the ground floor that has a wider street frontage compared to the tenancy of the existing building that is being redeveloped.</p>	
<b>O3.6.2</b> – Street facing development and landscape design retains and enhances the amenity and safety of the adjoining public domain, including the provision of shade.		

Amenity is further enhanced by landscaping on balconies fronting Marine Parade. Additionally, in relation to the Acceptable Outcomes:

- All car parking is screened from view of the street.
- 13 apartments have terraces or balconies which offer surveillance to the street.
- Balustrading on balconies comprises a mix of permeable and solid elements to offer surveillance, whilst maintaining privacy.
- Bins are not provided within the street setback area and the bin storage area is located within a portion of the site where it does not impinge on the amenity of apartments.
- Services and utilities are provided in subtle locations, and are not visible from the public realm.
- Air conditioning units are provided in screened enclosures on the rooftop and are not visible from the street or public realm.



**Balustrading includes a mix of opaque and permeable materials**

## ACCEPTABLE OUTCOMES

*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

**A3.6.1** – The majority of ground floor dwellings fronting onto a street or public open space have direct access by way of a private terrace, balcony or courtyard.

**A3.6.2** – Car-parking is not located within the primary street setback; and where car parking is located at ground level behind the street setback it is designed to integrate with landscaping and the building façade (where part of the building).

**A3.6.3** – Upper level balconies and/or windows overlook the street and public domain areas.

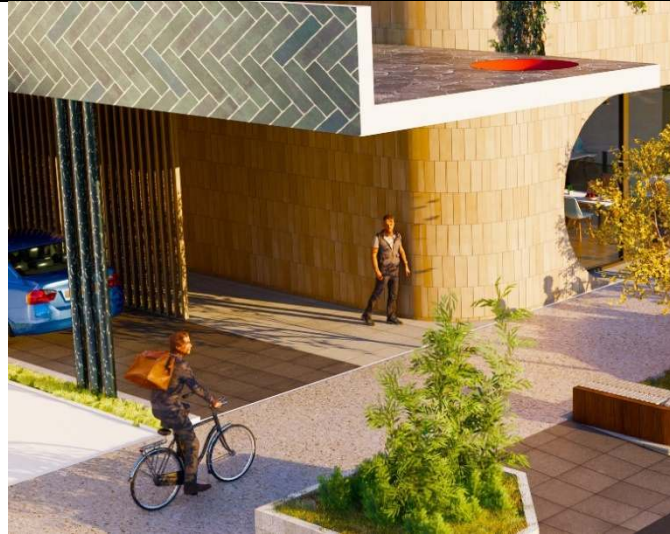
**A3.6.4** – Balustrading includes a mix of visually opaque and visually permeable materials to provide residents with privacy while maintaining casual surveillance of adjoining public domain areas.

**A3.6.5** – Changes in level between private terraces, front gardens and the ground floor level of the building and the street level average less than 1m and do not exceed 1.2m.

**A3.6.6** – Front fencing includes visually permeable materials above 1.2m and the average height of solid walls or fences to the street does not exceed 1.2m.

<b>A3.6.7</b> – Fencing, landscaping and other elements on the frontage are designed to eliminate opportunities for concealment.	
<b>A3.6.8</b> – Bins are not located within the primary street setback or in locations visible from the primary street.	
<b>A3.6.9</b> – Services and utilities that are located in the primary street setback are integrated into the design of the development and do not detract from the amenity and visual appearance of the street frontage. <sup>1</sup> (1) Firefighting and access to services such as power and water meters require careful consideration in the design of the front façade. Consult early with relevant authorities to resolve functional requirements in an integrated design solution.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Clause 6.4.3.5 (a) of LPS3 requires the ground floor of the development to be a commercial land use with a minimal depth of 9m. Refer <b>Section 6.2</b> and <b>Section 8.5</b> of the DA report.

ELEMENT 3.7	PEDESTRIAN ACCESS AND ENTRIES	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O3.7.1</b> – Entries and pathways are universally accessible, easy to identify and safe for residents and visitors.	<p>The building has two pedestrian entries:</p> <ul style="list-style-type: none"> <li>• Direct public access to the commercial tenancy from the footpath;</li> <li>• Resident's access to the building from the northern side of the commercial tenancy via the lobby.</li> </ul> <p>Pedestrian entries are connected via a legible, well-defined, continuous path of travel.</p> <p>Pedestrian access to the residential lobby is located adjacent to the driveway and clearly delineated by different paving materials. Vehicle speeds are constrained by the limited length of the driveway.</p>	
<b>O3.7.2</b> – Entries to the development connect to and address the public domain with an attractive street presence.		



**Separation of pedestrian and vehicle access route**

All pedestrian entrances are protected from the weather. The entrances to the commercial tenancy and basement stairwell are recessed 1m behind the ground floor building line, whilst the entrance to the building lobby is located wholly beneath the first-floor building line.



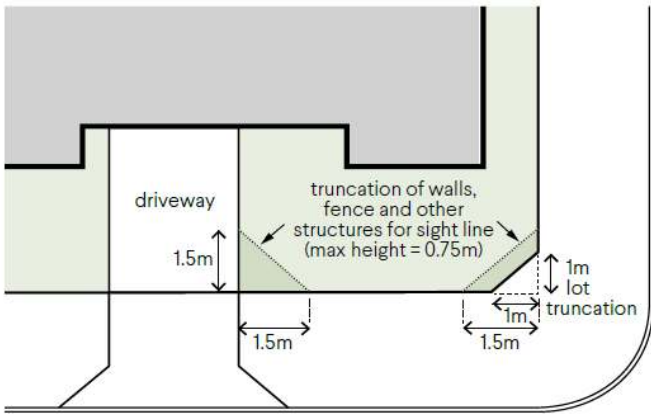
***View of recessed pedestrian entrance to commercial tenancy***

Pedestrian entries are well-lit for safety and amenity, visible from the public domain without opportunity for concealment and designed to enable casual surveillance of the entry from within the site.



ACCEPTABLE OUTCOMES	
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>	
<b>A3.7.1</b> – Pedestrian entries are connected via a legible, well-defined, continuous path of travel to building access areas such as lift lobbies, stairs, accessways and individual dwelling entries.	
<b>A3.7.2</b> – Pedestrian entries are protected from the weather.	
<b>A3.7.3</b> – Pedestrian entries are well-lit for safety and amenity, visible from the public domain without opportunity for concealment, and designed to enable casual surveillance of the entry from within the site.	
<b>A3.7.4</b> – Where pedestrian access is via a shared zone with vehicles, the pedestrian path is clearly delineated and/or measures are incorporated to prioritise the pedestrian and constrain vehicle speed.	
<b>A3.7.5</b> – Services and utilities that are located at the pedestrian entry are integrated into the design and do not detract from the amenity of the entry.	
<b>A3.7.6</b> – Bins are not located at the primary pedestrian entry.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	

ELEMENT 3.8	VEHICLE ACCESS	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O3.8.1</b> – Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.	<p>Vehicle access is provided via a crossover to Marine Parade in approximately the same position as an existing crossover. The crossover is separated from the nearest street intersection by 35m.</p> <p>There are no ground floor dwellings on the subject site, or facing the subject site. As such, vehicle headlights will not shine into habitable rooms when existing and entering the property.</p> <p>The proposed access arrangement will narrow the existing crossover to accommodate one-way vehicle movement. Access arrangements will be controlled via a signalised system. The proposed access arrangements are detailed in the Access Strategy (DA report <b>Appendix 7</b>) provided and considered to be acceptable.</p>	
<b>O3.8.2</b> – Vehicle access points are designed and located to reduce visual impact on the streetscape.	The subject site provides one single lane crossover, providing the minimum possible impact on the streetscape.	
ACCEPTABLE OUTCOMES		
<i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A3.8.1</b> – Vehicle access is limited to one opening per 20m street frontage that is visible from the street.		

<b>A3.8.2</b> – Vehicle entries are identifiable from the street, while being integrated with the overall façade design and/ or located behind the primary building line.	
<b>A3.8.3</b> – Vehicle entries have adequate separation from street intersections.	
<b>A3.8.4</b> – Vehicle circulation areas avoid headlights shining into habitable rooms within the development and adjoining properties.	
<b>A3.8.5</b> – Driveway width is kept to a functional minimum, relative to the traffic volumes and entry/egress requirements.	
<b>A3.8.6</b> – Driveways designed for two way access to allow for vehicles to enter the street in forward gear where: <ul style="list-style-type: none"> <li>– the driveway serves more than 10 dwellings</li> <li>– the distance from an on-site car parking to the street is 15m or more <b>OR</b></li> <li>– the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road.</li> </ul>	
<b>A3.8.7</b> – Walls, fences and other structures truncated or reduced to no higher than 0.75m within 1.5m of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect (refer Figure 3.8a).	
 <p><b>Figure 3.8a</b> Truncation at street corner to provide sightlines (refer A3.8.7).</p>	
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Refer to Clause 6.4.3.5(c) of LPS3 and the responses in the DA report.

<b>ELEMENT 3.9 CAR AND BICYCLE PARKING</b>		
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
<b>O3.9.1</b> – Parking and facilities are provided for cyclists and other modes of transport.	Eight secure, undercover bicycle parking bays have been provided at ground level. Wall mounted bicycle racks are also proposed to be fitted	

	to for the basement car park. This is well in excess of the Table 3.9 requirements (8 resident bicycle parking racks, and 2 visitor bicycle parking rack). The eight bicycle racks at ground level can be accessed via a continuous path of travel from the entrance lobby via the lift or stairs. Bicycle parking is also proposed within the verge area (subject to approval from the Town).	
<b>O3.9.2</b> – Car parking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.	<p>The proposed development is located within Location B of Table 3.9 of the R-Codes resulting in a parking requirement of 17 car bays. LPS3 modifies the parking requirements by excluding developments within the Foreshore Centre zone from requiring visitor parking.</p> <p>31 car bays have been provided for residents' cars, which is in excess of the requirements of the Table 3.9 of the R-Codes. Refer section 6.4.1 of the DA report for a detailed assessment of the parking requirements for the commercial tenancy.</p>	
<b>O3.9.3</b> – Car parking is designed to be safe and accessible.	<p>The basement car parking is accessible via a car lift. Alternatively, vehicles can drive straight through the car lift to access the rear parking bays. Car parking and vehicle circulation areas are designed in accordance with AS2890.1. It should be noted that all on-site parking is for residents' or staff of the commercial tenancy. Visitor and customer parking is not provided on site. Therefore, all users of the car lift and car stackers will be familiar with their operation.</p> <p>The operational procedures and functional requirements of the car lift are detailed in the Access Strategy (<b>Appendix 7</b> of the DA report).</p>	
<b>O3.9.4</b> – The design and location of car parking minimises negative visual and environmental impacts on amenity and the streetscape.	Car parking is located within the basement with no parking areas located within the street setback and the ground level parking not visible from the street. Consequently, the design and location of the parking area is considered to have no adverse impact on streetscape.	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A3.9.1</b> – Secure, undercover bicycle parking is provided in accordance with Table 3.9 and accessed via a continuous path of travel from the vehicle or cycle entry point.		



Table 3.9 Parking ratio			
Parking types		Location A	Location B
Car parking <sup>1</sup>	1 bedroom dwellings	0.75 bay per dwelling	1 bay per dwelling
	2+ bedroom dwellings	1 bay per dwelling	1.25 bays per dwelling
	Visitor	1 bay per four dwellings up to 12 dwellings 1 bay per eight dwellings for the 13th dwelling and above	
Bicycle parking <sup>1</sup>	Resident	0.5 space per dwelling	
	Visitor	1 space per 10 dwellings	
Motorcycle/ Scooter parking <sup>2</sup>		Developments exceeding 20 dwellings provide 1 motorcycle/scooter space for every 10 car bays	
<sup>1</sup> Calculations of parking ratios shall be rounded up to the next whole number. <sup>2</sup> For each five motorcycle/scooter parking bays provided in accordance with Table 3.9, car parking bays may be reduced by one bay.  <b>Definitions:</b> <b>Location A:</b> within 800m walkable catchment of a train station and/or 250m of a transit stop (bus or light rail) of a high-frequency route and/or within the defined boundaries of an activity centre. <b>Location B:</b> not within Location A.			

**A3.9.2** – Parking is provided for cars and motorcycles in accordance with Table 3.9.

**A3.9.3** – Maximum parking provision does not exceed double the minimum number of bays specified in Table 3.9

**A3.9.4** – Car parking and vehicle circulation areas are designed in accordance with AS2890.1 (as amended) or the requirements of applicable local planning instruments.

**A3.9.5** – Car parking areas are not located within the street setback and are not visually prominent from the street.

**A3.9.6** – Car parking is designed, landscaped or screened to mitigate visual impacts when viewed from dwellings and private outdoor spaces.

**A3.9.7** – Visitor parking is clearly visible from the driveway, is signed ‘Visitor Parking’ and is accessible from the primary entry or entries.

**A3.9.8** – Parking shade structures, where used, integrate with and complement the overall building design and site aesthetics and have a low reflectance to avoid glare into apartments.

**A3.9.9** – Uncovered at-grade parking is planted with trees at a minimum rate of one tree per four bays.

**A3.9.10** – Basement parking does not protrude more than 1m above ground, and where it protrudes above ground is designed or screened to prevent negative visual impact on the streetscape.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Clause 6.4.3.1 of LPS3 removes visitor parking requirements for multiple dwellings. Refer to <b>Section 6.1</b> of the report.

ELEMENT 4.1	SOLAR AND DAYLIGHT ACCESS		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
<b>O4.1.1</b> – In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings		The development is located in climate zone 5. In accordance with Figure 4.1b of the R-Codes Volume 2, all 14 apartments have their outdoor living area within the part of the axis that allows the apartments	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.

receiving winter sunlight to private open space and via windows to habitable rooms.	<p>to receive at least 2 hours direct sunlight between 9am and 3pm on 21 June.</p> <p>Apartment 1A receives morning (eastern) winter sunlight while Apartment 1 receives afternoon (western) winter sunlight. The remaining apartments have both east and west frontages and receive both morning and afternoon winter sunlight. Due to the strategic positioning of the balconies, each northern apartment receives the full six hours of sunlight between 9am and 3pm on June 21, while the south row of apartments receives approximately three-four hours, comfortably exceeding the Acceptable Outcome of two hours.</p> <p>Although a full height boundary wall is to be provided to the north boundary, small openings and setbacks have been incorporated into the design to receive northern sunlight wherever possible.</p>	
<b>O4.1.2</b> – Windows are designed and positioned to optimise daylight access for habitable rooms.	In addition to the above, full height glazing is provided to habitable rooms opening onto balconies maximising the sunlight received internally.	
<b>O4.1.3</b> – The development incorporates shading and glare control to minimise heat gain and glare: <ul style="list-style-type: none"> <li>– from mid-spring to autumn in climate zones 4, 5 and 6 <b>AND</b></li> <li>– year-round in climate zones 1 and 3.</li> </ul>	Shading and glare control measures have been provided throughout the development, particularly for west facing dwellings. Such measures include louvered coverings and windows being setback behind the line of the balconies to limit direct summer afternoon sun penetration.	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.1.1</b> – In climate zones 4, 5 and 6 <u>only</u> : <ul style="list-style-type: none"> <li>a) Dwellings with a northern aspect are maximised, with a minimum of 70 per cent of dwellings having living rooms and private open space that obtain at least 2 hours direct sunlight between 9am and 3pm on 21 June <b>AND</b></li> <li>b) A maximum of 15 per cent of dwellings in a building receiving no direct sunlight between 9am and 3pm on 21 June.</li> </ul>		
<b>A4.1.2</b> – Every habitable room has at least one window in an external wall, visible from all parts of the room, with a glazed area not less than 10 per cent of the floor area and comprising a minimum of 50 per cent of clear glazing.		
<b>A4.1.3</b> – Lightwells and/or skylights do not form the primary source of daylight to any habitable room.		
<b>A4.1.4</b> – The building is oriented and incorporates external shading devices in order to: <ul style="list-style-type: none"> <li>– minimise direct sunlight to habitable rooms: <ul style="list-style-type: none"> <li>▪ between late September and early March in climate zones 4, 5 and 6 only <b>AND</b></li> <li>▪ in all seasons in climate zones 1 and 3</li> </ul> </li> <li>– permit winter sun to habitable rooms in accordance with A 4.1.1 (a).</li> </ul>		
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>	

Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	
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ELEMENT 4.2	NATURAL VENTILATION	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
<b>04.2.1</b> – Development maximises the number of apartments with natural ventilation.	<p>All apartments within the proposed development have been designed to maximise natural ventilation, with 12 of 14 apartments achieving cross-ventilation in accordance with the Acceptable Outcomes.</p> <p>Units 2 and 3 fall marginally short of the Acceptable Outcome which requires apartments to have a maximum depth of 20m, with a depth of 21m proposed. However, this is considered sufficient for cross ventilation, noting they will receive the south-westerly breeze directly from the coast. Even if these two apartments are excluded, the development would continue to meet the Acceptable Outcomes (requiring 60% of dwellings to be cross ventilated).</p>  <p><b>DIAGRAM: CROSS VENTILATION (PODIUM)</b></p>	
<b>04.2.2</b> – Individual dwellings are designed to optimise natural ventilation of habitable rooms.		
<b>04.2.3</b> – Single aspect apartments are designed to maximise and benefit from natural ventilation.		



DIAGRAM: CROSS VENTILATION (TYPICAL)

The only apartment(s) which do not receive cross ventilation in accordance with Acceptable Outcomes are the two sections of the dual key apartment. However, there are also opportunities for cross-ventilation here by simply opening the two doors between the private lobby (only accessible to the dual key apartment).

## ACCEPTABLE OUTCOMES

*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

**A4.2.1** – Habitable rooms have openings on at least two walls with a straight line distance between the centre of the openings of at least 2.1m.

### A4.2.2 –

- (a) A minimum 60 per cent of dwellings are, or are capable of, being naturally cross ventilated in the first nine storeys of the building
- (b) Single aspect apartments included within the 60 per cent minimum at (a) above must have:
  - ventilation openings oriented between 45° – 90° of the prevailing cooling wind direction **AND**
  - room depth no greater than 3 × ceiling height
- (c) For dwellings located at the 10th storey or above, balconies incorporate high and low level ventilation openings.

**A4.2.3** – The depth of cross-over and cross-through apartments with openings at either end and no openings on side walls does not exceed 20m.

**A4.2.4** – No habitable room relies on lightwells as the primary source of fresh-air.

## LOCAL PLANNING FRAMEWORK

## REQUIREMENT

*Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:*

## ELEMENT 4.3

## SIZE AND LAYOUT OF DWELLINGS

### ELEMENT OBJECTIVES

*Development is to achieve the following Element Objectives*

### APPLICANT COMMENT

### ASSESSOR COMMENT

	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
<b>O4.3.1</b> – The internal size and layout of dwellings is functional with the ability to flexibly accommodate furniture settings and personal goods, appropriate to the expected household size.	<p>The apartment room layouts are functional, well-organised and provide a high standard of amenity and the size of all apartments exceed the minimum sizes as set out in the 'Acceptable Outcomes' for this element. The proposed development includes a one bedroom (dual key) apartment, three bedroom and four bedroom apartments.</p> <p>This offers a diversity of housing stock to meet the needs of the locality, with the larger three and four bedroom apartment providing opportunities for a family.</p>	
<b>O4.3.2</b> – Ceiling heights and room dimensions provide for well-proportioned spaces that facilitate good natural ventilation and daylight access.	Generous floor to ceiling heights of 3m are achieved for all apartments. All rooms are well-proportioned and benefit from cross ventilation and sunlight access as outlined above.	

## ACCEPTABLE OUTCOMES

Acceptable Outcome pathway may not be applicable where a performance solution is provided

**A4.3.1** – Dwellings have a minimum internal floor area in accordance with Table 4.3a.

**Table 4.3a** Minimum floor areas for dwelling types

Dwelling type	Minimum internal floor area
Studio	37m <sup>2</sup>
1 bed	47m <sup>2</sup>
2 bed × 1 bath <sup>1</sup>	67m <sup>2</sup>
3 bed × 1 bath <sup>1</sup>	90m <sup>2</sup>
<sup>1</sup> An additional 3m <sup>2</sup> shall be provided for designs that include a second or separate toilet, and 5m <sup>2</sup> for designs that include a second bathroom.	

**A4.3.2** – Habitable rooms have minimum floor areas and dimensions in accordance with Table 4.3b.

**Table 4.3b Minimum floor areas and dimensions for habitable rooms**

Habitable room type	Minimum internal floor area	Minimum internal dimension
Master bedroom	10m <sup>2</sup>	3m
Other bedrooms	9m <sup>2</sup>	3m
Living room – studio and 1 bed apartments	N/A	3.6m
Living room – other dwelling types	N/A	4m
† Excluding robes		

**A4.3.3** – Measured from the finished floor level to finished ceiling level, minimum ceiling heights are:

- Habitable rooms – 2.7m
- Non-habitable rooms – 2.4m
- All other ceilings meet or exceed the requirements of the NCC.

**A4.3.4** – The length of a single aspect open plan living area is equal to or less than 3 x the ceiling height. An additional 1.8m length may be provided for a kitchen, where the kitchen is the furthest point from the window in an open plan living area provided that the maximum length does not exceed 9m.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	Clause 6.4.3.1 of LPS3 specifies maximum floor areas of multiple dwellings. Refer <b>Section 6.1</b> of the report.

ELEMENT 4.4	PRIVATE OPEN SPACE AND BALCONIES	
ELEMENT OBJECTIVES	APPLICANT COMMENT	ASSESSOR COMMENT
Development is to achieve the following Element Objectives	Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.	
<b>O4.4.1</b> – Dwellings have good access to appropriately sized private open space that enhances residential amenity.	Each dwelling has private open space accessed directly from a habitable room with the following areas: <ul style="list-style-type: none"> <li>• Unit 1: 30m<sup>2</sup></li> <li>• Unit 1A: 9m<sup>2</sup></li> <li>• Unit 2: 32m<sup>2</sup></li> <li>• Unit 3: 34m<sup>2</sup></li> <li>• Unit 4: 28m<sup>2</sup> + 9m<sup>2</sup></li> <li>• Unit 5: 37m<sup>2</sup></li> </ul>	


	<ul style="list-style-type: none"> <li>• Unit 6: 45m<sup>2</sup></li> <li>• Unit 7: 28m<sup>2</sup></li> <li>• Unit 8: 28m<sup>2</sup></li> <li>• Unit 9: 28m<sup>2</sup></li> <li>• Unit 10: 28m<sup>2</sup></li> <li>• Unit 11: 28m<sup>2</sup></li> <li>• Unit 12: 28m<sup>2</sup></li> <li>• Unit 13: 69m<sup>2</sup></li> </ul> <p>All apartments meet the minimum dimensions set out in the Acceptable Outcomes.</p> <p>All apartments have immediate access to the Cottesloe foreshore and beach, providing additional forms of outdoor living experiences.</p>	
<b>O4.4.2</b> – Private open space is sited, oriented and designed to enhance liveability for residents.	The apartments provide private open space in the form of balconies located on the western and eastern facades. 13 out of 14 apartments have balconies orientated to face Cottesloe Beach, maximising ocean views.	
<b>O4.4.3</b> – Private open space and balconies are integrated into the overall architectural form and detail of the building.	<p>Balconies have been carefully integrated into the overall architectural form of the building. The materials and treatments used for the balconies are consistent with the rest of the building's design and material treatment.</p>  <p><i>The use of similar materials links the balcony fascia with the ground floor commercial façade.</i></p>	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.4.1</b> – Each dwelling has private open space accessed directly from a habitable room with dimensions in accordance with Table 4.4.		



Table 4.4 Private open space requirements		
Dwelling type	Minimum Area <sup>1</sup>	Minimum Dimension <sup>1</sup>
Studio apartment + 1 bedroom	8m <sup>2</sup>	2.0m
2 bedroom	10m <sup>2</sup>	2.4m
3 bedroom	12m <sup>2</sup>	2.4m
Ground floor / apartment with a terrace	15m <sup>2</sup>	3m
<sup>1</sup> Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.		
<b>A4.4.2</b> – Where private open space requires screening to achieve visual privacy requirements, the entire open space is not screened and any screening is designed such that it does not obscure the outlook from adjacent living rooms.		
<b>A4.4.3</b> – Design detailing, materiality and landscaping of the private open space is integrated with or complements the overall building design.		
<b>A4.4.4</b> – Services and fixtures located within private open space, including but not limited to air-conditioner units and clothes drying, are not visible from the street and/or are integrated into the building design.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:		

ELEMENT 4.5	CIRCULATION AND COMMON SPACES	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.5.1</b> – Circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.	<p>All lifts open directly to apartments so there are minimal circulation spaces within the building. The ground floor lobby provides a minimum 1.5m in width and is designed for universal access.</p> <p>No bedroom windows or major openings to living rooms open directly onto circulation or common spaces.</p> <p>The building is served by a single lift and circulation core with no more than three units per level, well below the recommended maximum number of 12.</p>	
<b>O4.5.2</b> – Circulation and common spaces are attractive, have good amenity and support opportunities for social interaction between residents.	A generous lobby space is provided at ground level, including a seating area which fosters opportunities for social interactions. Whilst communal space is not included in the proposal, the development is located within the Cottesloe foreshore centre, and adjacent to Cottesloe	



	beach and public open space. These surrounding uses are considered to provide an additional high level of opportunity for social interaction between residents and the community.	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.5.1</b> – Circulation corridors are a minimum 1.5m in width.		
<b>A4.5.2</b> – Circulation and common spaces are designed for universal access.		
<b>A4.5.3</b> – Circulation and common spaces are capable of passive surveillance, include good sightlines and avoid opportunities for concealment.		
<b>A4.5.4</b> – Circulation and common spaces can be illuminated at night without creating light spill into the habitable rooms of adjacent dwellings.		
<b>A4.5.5</b> – Bedroom windows and major openings to living rooms do not open directly onto circulation or common spaces and are designed to ensure visual privacy and manage noise intrusion.		
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		

<b>ELEMENT 4.6</b>		<b>STORAGE</b>	
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>		<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.6.1</b> – Well-designed, functional and conveniently located storage is provided for each dwelling.		<p>Each unit has access to a private weatherproof, bulky goods storage space within the basement 1 car park.</p> <p>The proposed development has eight 5m<sup>2</sup> storerooms in the two basement car parks, providing storage options for eight apartments.</p> <p>A number of apartments also have internal storage areas, ranging from 2m<sup>2</sup> to 6m<sup>2</sup>. Internal storage areas are permitted pursuant to Acceptable Outcome 4.6.1. In this instance, internal storage is considered suitable noting most residents would not require gardening or other outdoor equipment which would necessitate an external store. The apartments are also designed with a number of closets, linen cupboards and cabinets.</p> <p>These storage areas not visible from the public domain and located within an area accessible only to building occupants.</p>	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			

**A4.6.1** – Each dwelling has exclusive use of a separate, ventilated, weatherproof, bulky goods storage area. This can be located either internally or externally to the dwelling with dimensions in accordance with Table 4.6.

**Table 4.6 Storage requirements**

Dwelling type	Storage area <sup>1</sup>	Minimum dimension <sup>1</sup>	Minimum height <sup>1</sup>
Studio dwelling	3m <sup>2</sup>	1.5m	2.1m
1 bedroom dwelling	3m <sup>2</sup>		
2 bedroom dwellings	4m <sup>2</sup>		
3 bedroom dwellings	5m <sup>2</sup>		
<sup>1</sup> Dimensions exclusive of services and plant.			

**A4.6.2** – Bulky good stores that are not directly accessible from the dwelling/private open space are located in areas that are convenient, safe, well-lit, secure and subject to passive surveillance.

**A4.6.3** – Storage provided separately from dwellings or within or adjacent to private open space<sup>1</sup>, is integrated into the design of the building or open space and is not readily visible from the public domain.

(1) Storage on/adjacent to private open space is additional to required open space area and dimensions.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	

ELEMENT 4.7	MANAGING THE IMPACT OF NOISE	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.7.1</b> – The siting and layout of development minimises the impact of external noise sources and provides appropriate acoustic privacy to dwellings and on-site open space.	<p>The development has nil side setbacks to the northern and southern boundaries with apartments oriented to the east and west. Predominately solid walls on these boundaries will provide adequate acoustic protection for dwellings.</p> <p>There are two small balconies located at the rear of the development for Apartment 1A and Apartment 4. The adjoining properties have two storey boundary walls facing the subject site and are not likely to be subject to noise impacts from these balconies.</p> <p>Potential noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active</p>	

	<p>communal open space and refuse bins are not located on the same floor as apartments and are suitably screened or integrated into the building. As a result, there is limited opportunity for noise impacts to occupants.</p> <p>Suitable glazing treatments will be incorporated into the development to reduce sound transfer and transmission from external sources.</p> <p>Refer to the Acoustic Report in <b>Appendix 10</b> of the DA report for further details.</p>	
<b>04.7.2</b> – Acoustic treatments are used to reduce sound transfer within and between dwellings and to reduce noise transmission from external noise sources.	<p>Where two dwellings are on the same floor, they are separated by dividing walls with limited opportunities for direct noise impacts between dwellings (e.g. there are no windows in close proximity to one another).</p> <p>Refer to the Acoustic Report in <b>Appendix 10</b> of the DA report for further details.</p>	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.7.1</b> – Dwellings exceed the minimum requirements of the NCC, such as a rating under the AAAC Guideline for Apartment and Townhouse Acoustic Rating (or equivalent).		
<b>A4.7.2</b> – Potential noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open space and refuse bins are not located adjacent to the external wall of habitable rooms or within 3m of a window to a bedroom.		
<b>A4.7.3</b> – Major openings to habitable rooms are oriented away or shielded from external noise sources.		
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		

<b>ELEMENT 4.8</b>	<b>DWELLING MIX</b>	
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>04.8.1</b> – A range of dwelling types, sizes and configurations is provided that caters for diverse household types and changing community demographics.	The development includes single-bedroom, three-bedroom and four-bedroom apartments. This apartment mix demonstrates product diversity, but with a focus on supplying apartment which suit the prevailing 'downsizer' demographic in the local area.	

LPS3 also provides requirements for smaller apartments, which are discussed in Section 8.3 of the DA report.

The following information is provided to demonstrate the development accommodates different households:

**Diversity on a broader scale**

The suburb of Cottesloe has a number of one and two bedroom apartments; it also has a number of large single houses which comprise three or more bedrooms. The proposed development is offering new, beachfront three-bedroom apartments – a product which has been almost completely absent from the market in the past three decades. It is compensating for a lack of this product in the area, meaning it would improve diversity on a precinct scale.

**Diversity through accessible housing**

Diversity has been introduced through differing apartment sizes with consideration being given to the provision of accessible housing over and above the recommended standards in the R-Codes Volume 2. Specifically, the apartments have been designed to meet the Gold standards of the Liveable Housing Design codes. 25% of dwellings also reach Platinum standards. The development therefore provides diversity by opening opportunities for people with disabilities or aged persons.

**Dual key apartment**

The proposed development includes a dual key apartment (comprised of two x one-bedroom apartments). The dual key apartment will be strata titled and sold as one strata lot. It is anticipated that future owners will typically use the larger (Marine Parade facing) portion of the dual key apartment as their primary residence and use the smaller portion in a variety of ways, which may include:

- For mature children desiring independence;
- Accommodating live-in carers for elderly residents;
- For family members who are staying with the resident on a temporary basis (e.g. visiting from overseas).

This offers diversity from the remainder of the product which is either three or four bedrooms.

**Downsizers and aged persons' dwellings**

Apartment sizes are considered appropriate as they are reflective of the demographics and the 'downsizer market' in this locality.

Increased floor area is particularly valuable for downsizers and for the ageing population. Apartments catering for aged persons should contain wider hallways, doorways, bathrooms and living areas to aid in

	manoeuvrability and access. It is important to cater for the ageing population and maximise opportunities for people to downsize but remain in their existing suburb. 70m <sup>2</sup> - 90m <sup>2</sup> apartments do not achieve this and to require at least half the development is dedicated to these sized apartments is inconsistent with current planning objectives and market expectations.	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.8.1 –</b> a) Dwelling mix is provided in accordance with the objectives, proportions or targets specified in a local housing strategy or relevant local planning instrument <b>OR</b> b) Where there is no local housing strategy, developments of greater than 10 dwellings include at least 20 per cent of apartments of differing bedroom numbers.		
<b>A4.8.2 –</b> Different dwelling types are well distributed throughout the development, including a mix of dwelling types on each floor.		
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	Clause 6.4.3.1(d) of LPS3 modifies the apartment size requirements, requiring a minimum of: <ul style="list-style-type: none"> <li>i. 25% shall comprise a maximum plot ratio area of 70 square metres; and</li> <li>ii. 25% shall comprise a maximum plot ratio area of greater than 70 square metres but no greater than 90 square metres.</li> </ul>	

ELEMENT 4.9		UNIVERSAL DESIGN	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.9.1</b> – Development includes dwellings with universal design features providing dwelling options for people living with disabilities or limited mobility and/or to facilitate ageing in place.		<p>The building is serviced by a central lift shaft that provides universal access to each level.</p> <p>All apartment entries have the required latch-side clearances for universal access.</p> <p>Not only will apartments meet Silver Level requirements as defined in the Liveable Housing Design Guidelines, the apartments have been designed to meet the Gold standards of the Liveable Housing Design codes. 25% of dwellings also reach Platinum standards. This substantially exceeds the minimum 20% silver level requirement under Acceptable Outcome A4.9.1.</p> <p>Diagrams and dimensions demonstrating the Liveable Housing Design requirements have been met are included in the Architectural Design Statement (<b>Appendix 4</b> to the DA report).</p>	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			

<b>A4.9.1 –</b> <b>a)</b> 20 per cent of all dwellings, across a range of dwelling sizes, meet Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) <b>OR</b> <b>b)</b> 5 per cent of dwellings are designed to Platinum Level as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia).	
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	

<b>ELEMENT 4.10</b>	<b>FAÇADE DESIGN</b>	
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.10.1</b> – Building façades incorporate proportions, materials and design elements that respect and reference the character of the local area.	The façade design includes materials and colours inspired by the coastline, nearby parklands and existing architecture. The use of floor-to-ceiling glazing and planter-boxes soften the impact to the street.	
<b>O4.10.2</b> – Building façades express internal functions and provide visual interest when viewed from the public realm.	<p>Architectural interest is created through the considered use of materials, colours and refined detailing. The building is clad with stone with highlights of stronger feature materials, including tiles and colours which complement the area's overarching coastal theme whilst maintaining a unique architectural identity. The building's sculptural articulation is reminiscent of the adjacent sand dunes. Furthermore, floor-to-ceiling windows and glass balustrades reflect the ocean and existing street trees.</p> <p>By contrasting hard and soft forms, heavy and lightweight materials, and rich and smooth textures, the design respects and references the character of the local area.</p> <p>The proposed palette is largely inspired by the coastline, nearby parklands and existing architecture. The use of floor-to-ceiling glazing and planter boxes soften the impact to the street. Darker tones are used intermittently to create contrast and help establish the 'urban-ness' of the future Cottesloe beach front precinct.</p> <p>The following materials are proposed:</p> <ul style="list-style-type: none"> <li>• Natural stone cladding;</li> <li>• Ceramic tile cladding;</li> <li>• Zinalume roofing;</li> <li>• Semi-frameless glass balustrades;</li> <li>• Painted, light-weight feature canopies;</li> </ul>	

- Timber screening;
- High-performance glazing to windows and doors; and
- Greenery.



*The use of sandstone tiling cladding and opaque materials on the lower levels defines the base of the building, whilst glass and blue-green ceramic tiles are incorporated into the upper levels and rooftop terrace.*

Further information is provided in the Architectural Design Statement.

## ACCEPTABLE OUTCOMES

*Acceptable Outcome pathway may not be applicable where a performance solution is provided*

### A4.10.1 – Façade design includes:

- scaling, articulation, materiality and detailing at lower levels that reflect the scale, character and function of the public realm
- rhythm and visual interest achieved by a combination of building articulation, the composition of different elements and changes in texture, material and colour.



<b>A4.10.2</b> – In buildings with height greater than four storeys, façades include a defined base, middle and top for the building.	
<b>A4.10.3</b> – The façade includes design elements that relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.	
<b>A4.10.4</b> – Building services fixtures are integrated in the design of the façade and are not visually intrusive from the public realm.	
<b>A4.10.5</b> – Development with a primary setback of 1m or less to the street includes awnings that: <ul style="list-style-type: none"> <li>– define and provide weather protection to entries</li> <li>– are integrated into the façade design</li> <li>– are consistent with the streetscape character.</li> </ul>	
<b>A4.10.6</b> – Where provided, signage is integrated into the façade design and is consistent with the desired streetscape character.	
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	

ELEMENT 4.11	ROOF DESIGN	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O4.11.1 – Roof forms are well integrated into the building design and respond positively to the street.	Solar PV cells are located atop the development to improve the energy efficiency of the building. The Solar PV cells will not negatively impact the visual amenity of surrounding properties or public land. This is due to the roof height not being visible from any surrounding properties or public land.	
O4.11.2 – Where possible, roof spaces are utilised to add open space, amenity, solar energy generation or other benefits to the development.		
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
A4.11.1 – The roof form or top of building complements the façade design and desired streetscape character.		
A4.11.2 – Building services located on the roof are not visually obtrusive when viewed from the street.		
A4.11.3 – Useable roof space is safe for users and minimises overlooking and noise impacts on private open space and habitable rooms within the development and on adjoining sites.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		



ELEMENT 4.12		LANDSCAPE DESIGN	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.12.1</b> – Landscape design enhances streetscape and pedestrian amenity; improves the visual appeal and comfort of open space areas; and provides an attractive outlook for habitable rooms.		The proposed development includes landscaping within the rear setback area. Five trees are provided in the deep soil area which help to soften the appearance of the development from the rear.	
<b>O4.12.2</b> – Plant selection is appropriate to the orientation, exposure and site conditions and is suitable for the adjoining uses.		Planter boxes are strategically located throughout the development to enhance the amenity of spaces and enhance the appearance of the elevations.	
<b>O4.12.3</b> – Landscape design includes water efficient irrigation systems and where appropriate incorporates water harvesting or water re-use technologies.		The location of the building fronting Cottesloe Beach and the foreshore areas provides the residents with an attractive outlook.	
<b>O4.12.4</b> – Landscape design is integrated with the design intent of the architecture including its built form, materiality, key functional areas and sustainability strategies.		<p>The landscaping plan includes a species list that is appropriate to the site context and conditions, providing a variety of textures and colours while being hardy enough to function within the coastal environment. Where possible, storm water will be stored and re-used on-site.</p> <p>Given the site constraints, planter boxes have been integrated into balcony spaces to provide a landscaping alternative. These planters provide an appropriate soil volume and depth to facilitate plant growth.</p> <p>Refer to <b>Appendix 5</b> of the DA report for further details including a landscape palette.</p>	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
<b>A4.12.1</b> – Submission of a landscape plan prepared by a competent landscape designer. This is to include a species list and irrigation plan demonstrating achievement of Waterwise design principles.			
<b>A4.12.2</b> – Landscaped areas are located and designed to support mature, shade-providing trees to open space and the public realm, and to improve the outlook and amenity to habitable rooms and open space areas.			
<b>A4.12.3</b> – Planting on building structures meets the requirements of Table 4.12.			

**Table 4.12** Planting on structure: minimum soil standards for plant types and sizes

Plant type	Definition	Soil volume	Soil depth	Soil area
Large tree	Over 12m high, crown spread at maturity	76.8m <sup>3</sup>	1,200mm	64m <sup>2</sup> with minimum dimension 7m
Medium tree	8-12m high, crown spread at maturity	36m <sup>3</sup>	1,000mm	36m <sup>2</sup> with minimum dimension 5m
Small tree	4-8m high, crown spread at maturity	7.2m <sup>3</sup>	800mm	3m × 3m
Small ornamentals	3-4m high, crown spread at maturity	3.2m <sup>3</sup>	800mm	2m × 2m
Shrubs	--	--	500-600mm	--
Ground cover	--	--	300-450mm	--
Turf	--	--	200mm	--

**A4.12.4** – Building services fixtures are integrated in the design of the landscaping and are not visually intrusive.

LOCAL PLANNING FRAMEWORK	REQUIREMENT
Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	

ELEMENT 4.13		ADAPTIVE REUSE	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>		APPLICANT COMMENT	ASSESSOR COMMENT
		<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
O4.13.1 – New additions to existing buildings are contemporary and complementary and do not detract from the character and scale of the existing building.		Element not applicable.	
O4.13.2 – Residential dwellings within an adapted building provide good amenity for residents, generally in accordance with the requirements of this policy.			
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>			
A4.13.1 – New additions to buildings that have heritage value do not mimic the existing form and are clearly identifiable from the original building.			
A4.13.2 – New additions complement the existing building by referencing and interpreting the scale, rhythm and materiality of the building.			

LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	

ELEMENT 4.14	MIXED USE	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.14.1</b> – Mixed use development enhances the streetscape and activates the street.	<p>The proposed ground floor commercial tenancy provides an active frontage along Marine Parade. It is intended the commercial tenancy will be occupied by a café, positively contributing to the public realm and the character of the Cottesloe Beach centre.</p> <p>The proposed commercial tenancy improves upon the ground floor tenancy occupying the current building by doubling with the width of the active frontage.</p>	
<b>O4.14.2</b> – A safe and secure living environment for residents is maintained through the design and management of the impacts of non-residential uses such as noise, light, odour, traffic and waste.	<p>The proposed development has been designed such that the apartments are directly above the commercial tenancy. The slabs separating the commercial and residential above will meet the relevant standards to mitigate noise and odour between the commercial tenancy and the apartments above.</p> <p>The proposed development is supported by a Traffic Impact Statement, Waste Management Plan and acoustic report to understand and address these matters.</p>	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.14.1</b> – Where development is located within a mixed use area designated within the local planning framework, ground floor units are designed for future adaption to non-residential uses.		
<b>A4.14.2</b> – Ground floor uses including non-commercial uses, such as communal open space, habitable rooms, verandas and courtyards associated with ground floor dwellings, address, enhance and activate the street.		
<b>A4.14.3</b> – Non-residential space in mixed use development is accessed via the street frontage and/or primary entry as applicable.		
<b>A4.14.4</b> – Non-residential floor areas provided in mixed use development has sufficient provision for parking, waste management, and amenities to accommodate a range of retail and commercial uses in accordance with the requirements		
<b>A4.14.5</b> – Mixed use development is designed to mitigate the impacts of non-residential uses on residential dwellings, and to maintain a secure environment for residents.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	

Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:	
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ELEMENT 4.15 ENERGY EFFICIENCY		
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.15.1</b> – Reduce energy consumption and greenhouse gas emissions from the development.	<p>Each apartment will achieve a minimum NatHERS rating of 7 stars, not only meeting the Acceptable Outcomes but exceeding the recommended minimums by 1.5 stars. Furthermore, the development will achieve an average NatHERS rating of 8 stars, <b>exceeding the minimum requirements by 12 stars and providing a 48% improvement in the thermal performance of apartments</b> when compared to minimum guidelines under the National Construction Code.</p> <p>The development will also incorporate a number of additional best practice sustainability initiatives from Design WA Guidelines, such as:</p> <ul style="list-style-type: none"> <li>• Hot water systems that are more energy efficient than electric storage units (Steibel Eltron Instantaneous Hot water units to be installed to all apartments).</li> <li>• Use of a photovoltaic array for communal services (proposed 15-20KW Solar PV System installed to roof, used to power communal services). The solar power system will also be used to power lighting of external open space, circulation areas and common spaces.</li> <li>• Smart electrical metering and sub-metering of major building services to allow usage to be better monitored and managed;</li> <li>• Adequately insulated structure to control heat transfer;</li> <li>• Sensor controlled lighting to communal areas, carpark and corridors;</li> <li>• A grid-connected solar photo-voltaic (PV) system;</li> <li>• Balconies are provided with an external clothesline to reduce reliance on active measures such as dryers.</li> </ul>	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.15.1</b> – <ul style="list-style-type: none"> <li>a) Incorporate at least one significant energy efficiency initiative within the development that exceeds minimum practice (refer Design Guidance) <b>OR</b></li> <li>b) All dwellings exceed the minimum NATHERS requirement for apartments by 0.5 stars.<sup>1</sup></li> </ul>		

Compliance with the NCC requires that development shall achieve an average star-rating across all dwellings that meets or exceeds a nominated benchmark, and that each unit meets or exceeds a slightly lower benchmark. Compliance with this Acceptable Outcome requires that each unit exceeds that lower benchmark by at least half a star.	
LOCAL PLANNING FRAMEWORK	REQUIREMENT
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>	

ELEMENT 4.16	WATER MANAGEMENT AND CONSERVATION	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>04.16.1</b> – Minimise potable water consumption throughout the development.	Where possible, water consumption will be minimised through the use of efficient appliances and fittings. Waterwise landscaping and irrigation systems will further minimise consumption.	
<b>04.16.2</b> – Stormwater runoff from small rainfall events is managed on-site, wherever practical.	Stormwater runoff from small rainfall events is to be managed on site consistent with element objectives.	
<b>04.16.3</b> – Reduce the risk of flooding so that the likely impacts of major rainfall events will be minimal.	Pavement will be graded away from the building and orientated toward landscaped areas with suitable drainage mechanisms integrated into the design.	
ACCEPTABLE OUTCOMES <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.16.1</b> – Dwellings are individually metered for water usage.		
<b>A4.16.2</b> – Stormwater runoff generated from small rainfall events is managed on-site.		
<b>A4.16.3</b> – Provision of an overland flow path for safe conveyance of runoff from major rainfall events to the local stormwater drainage system.		
LOCAL PLANNING FRAMEWORK	REQUIREMENT	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		

ELEMENT 4.17	WASTE MANAGEMENT	
ELEMENT OBJECTIVES <i>Development is to achieve the following Element Objectives</i>	APPLICANT COMMENT	ASSESSOR COMMENT
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	

<b>O4.17.1</b> – Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents.	Internal bin stores are screened from the street and accessible from the residential lobby, via a double set of doors.	
<b>O4.17.2</b> – Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste.	<p>The bin stores are wholly concealed and cannot be viewed from the street or from habitable rooms within the apartments.</p> <p>Sufficient area is provided to accommodate the necessary number of bins.</p> <p>A waste management plan is provided in <b>Appendix 8</b> of the DA report.</p>	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.17.1</b> – Waste storage facilities are provided in accordance with the Better Practice considerations of the <i>WALGA Multiple Dwelling Waste Management Plan Guidelines</i> (or local government requirements where applicable).		
<b>A4.17.2</b> – A Level 1 Waste Management Plan (Design Phase) is provided in accordance with the <i>WALGA Multiple Dwelling Waste Management Plan Guidelines</i> - Appendix 4A (or equivalent local government requirements).		
<b>A4.17.3</b> – Sufficient area is provided to accommodate the required number of bins for the separate storage of green waste, recycling and general waste in accordance with the <i>WALGA Multiple Dwelling Waste Management Plan Guidelines</i> - Level 1 Waste Management Plan (Design Phase) (or local government requirements where applicable).		
<b>A4.17.4</b> – Communal waste storage is sited and designed to be screened from view from the street, open space and private dwellings.		
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		

<b>ELEMENT 4.18</b>	<b>UTILITIES</b>	
<b>ELEMENT OBJECTIVES</b> <i>Development is to achieve the following Element Objectives</i>	<b>APPLICANT COMMENT</b>	<b>ASSESSOR COMMENT</b>
	<i>Outline the rationale demonstrating that the proposal has met the Element Objectives, through either a performance based solution or using the Acceptable Outcomes. The Design Guidance provided in the policy may be of assistance.</i>	
<b>O4.18.1</b> –The site is serviced with power, water, gas (where available), wastewater, fire services and telecommunications/broadband services that are fit for purpose and meet current performance and access requirements of service providers.	The site is serviced with all necessary urban services, fit for purpose and capable of meeting the needs of residents.	
<b>O4.18.2</b> – All utilities are located such that they are accessible for maintenance and do not restrict safe movement of vehicles or pedestrians.	All utilities are located in accessible locations for maintenance, and do not restrict safe movement.	

<b>O4.18.3</b> – Utilities, such as distribution boxes, power and water meters are integrated into design of buildings and landscape so that they are not visually obtrusive from the street or open space within the development.	All such utilities are to be integrated into the building design and/or landscaping, and are not visually obtrusive.	
<b>O4.18.4</b> – Utilities within individual dwellings are of a functional size and layout and located to minimise noise or air quality impacts on habitable rooms and balconies.	<p>Utilities within individual dwellings have been appropriately designed/sized and located to minimise noise and air quality impacts.</p> <p>Air conditioning units are provided in a screened enclosure on the rooftop so as not to impact on the amenity of the apartments, or the surrounding properties.</p>	
<b>ACCEPTABLE OUTCOMES</b> <i>Acceptable Outcome pathway may not be applicable where a performance solution is provided</i>		
<b>A4.18.1</b> – Utilities that must be located within the front setback, adjacent to the building entry or on visible parts of the roof are integrated into the design of the building, landscape and/or fencing such that they are accessible for servicing requirements but not visually obtrusive.		
<b>A4.18.2</b> – Developments are fibre-to-premises ready, including provision for installation of fibre throughout the site and to every dwelling.		
<b>A4.18.3</b> – Hot water units, air-conditioning condenser units and clotheslines are located such that they can be safely maintained, are not visually obtrusive from the street and do not impact on functionality of outdoor living areas or internal storage.		
<b>A4.18.4</b> – Laundries are designed and located to be convenient to use, secure, weather-protected and well-vented; and are of an overall size and dimension that is appropriate to the size of the dwelling.		
<b>LOCAL PLANNING FRAMEWORK</b>	<b>REQUIREMENT</b>	
<i>Does the local planning framework amend or replace the above stated controls? If yes, state the applicable requirement:</i>		