



22 June 2015

The Resident
48/147-159 Charles St
WEST PERTH WA 6005

Dear Sir/Madam,

NO. 189 CHARLES STREET WEST PERTH (LOT: 104 D/P: 20762) - APPLICATION IS TO BE DETERMINED BY THE DEVELOPEMENT ASSESSMENT PANEL (DAP)

The City of Vincent recognises that what is happening in your neighbourhood is important to you. When your neighbours submit plans to develop or in some way change their property we understand that those plans may affect you. With this in mind, the City ensures that the local community is given the opportunity to find out about these proposals and to let us know what you think – this helps your Council in its decision-making.

We are writing to you today to let you know that we have received an application for planning approval at the above address and we invite you to comment on the proposal:

Applicant:	R J Nardizzi
Proposal:	Construction of Six Storey Multiple Dwelling with a Roof Terrace Comprising of Five (5) Two Bedroom Multiple Dwellings, Eleven (11) Three Bedroom Multiple Dwellings and Basement Car Parking – Application is to be Determined by The Development Assessment Panel (DAP)
Consultation Period:	23 June 2015 – 13 July 2015

As the application requires the Council to exercise discretion in accordance with the City's Town Planning Scheme No. 1, Residential Design Codes and/or associated Policies we are seeking input from nearby or adjoining landowners and residents. The planning application, plans and documentation for this proposal are available for viewing at the following locations:

1. On the City's website www.vincent.wa.gov.au under 'Community Consultation';
2. At the Administration and Civic Centre, 244 Vincent Street (cnr Loftus Street), Leederville between 8.00am and 5.00pm, Monday to Friday (excluding public holidays); and
3. At the Library and Local History Centre during opening hours.

(Please note in order to comply with Copyright legislation, plans are not able to be photocopied or sent to you).

Community Consultation Guidelines:

To assist you in making a submission, we have prepared the Community Consultation Submission Guidelines which details the consultation process and how to have your say. The Guidelines can be found at www.vincent.wa.gov.au.



If you wish to make a submission, please complete the enclosed Community Consultation Submission Form and return it to the City by the closing date.

Should you require any further information, assistance or wish to discuss this application, please contact Planning Officer (Statutory), Remajee Narroo on 08 9273 6025 or email mail@vincent.wa.gov.au.

Thank you for taking the time to provide us with your comments on this planning application.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Mrdja', written in a cursive style.

for **PETAR MRDJA**
MANAGER
PLANNING AND BUILDING SERVICES

Encl.



CITY OF VINCENT

COMMUNITY CONSULTATION SUBMISSION FORM

File No: 5.2015.228	Serial No: 5.2015.228.1	
LOCATION OF PROPOSED DEVELOPMENT:	NO. 189 CHARLES STREET WEST PERTH (LOT: 104 D/P: 20762)	
PROPOSED DEVELOPMENT:	CONSTRUCTION OF SIX STOREY MULTIPLE DWELLING WITH A ROOF TERRACE COMPRISING OF FIVE (5) TWO BEDROOM MULTIPLE DWELLINGS, ELEVEN (11) THREE BEDROOM MULTIPLE DWELLINGS AND BASEMENT CAR PARKING - APPLICATION IS TO BE DETERMINED BY THE DEVELOPMENT ASSESSMENT PANEL (DAP)	
COMMENT PERIOD:	23 June 2015 to 13 July 2015	
CONTACT OFFICER:	REMAJEE NARROO	
	PH: 08 9273 6025	EMAIL: mail@vincent.wa.gov.au

PLEASE INDICATE THE APPROPRIATE BOX:

I **SUPPORT** the proposal or I **OBJECT** to the proposal and/or I neither support or object however, I have some concerns I wish to address.

PERSONAL INFORMATION

Name(s):			
Affected Address			
Postal address: (if different to above)			
Telephone:		Email:	
Signature:		Date:	

IN ACCORDANCE WITH THE CITY OF VINCENT PRIVACY MANAGEMENT POLICY NO: 4.1.31, YOUR PERSONAL INFORMATION WILL **NOT** BE DISCLOSED, MADE PUBLIC OR INCLUDED IN ANY AGENDA REPORT, UNLESS YOUR CONSENT IS PROVIDED. IF YOU AGREE, PLEASE INDICATE IN THE BOX BELOW.

I **AGREE TO MY PERSONAL DETAILS BEING DISCLOSED, MADE PUBLIC OR INCLUDED IN ANY AGENDA REPORT.**

I am an **OWNER** and **OCCUPIER** or I am an **OWNER** or I am an **OCCUPIER**

Please Note:

- Written submissions to the City are to be received within the comment period so that your views can be considered.
- If no submissions are received it will be assumed that there is no objection in relation to the planning, building and heritage matters raised, and those matters will be determined without any further consultation.
- There is no obligation to complete this Submission Form.
- IN DETERMINING THE APPLICATION, THE COUNCIL WILL TAKE INTO ACCOUNT THE COMMENTS OF ADJOINING OWNERS. HOWEVER, PLEASE NOTE THAT THE COUNCIL IS NOT OBLIGED TO SUPPORT THE VIEWS OF ADJOINING OWNERS OR TO INCORPORATE ALL SUGGESTIONS INTO ITS' DECISION ON A PROPOSAL.



CITY OF VINCENT

File No: 5.2015.228	Serial No: 5.2015.228.1
LOCATION OF PROPOSED DEVELOPMENT:	NO. 189 CHARLES STREET WEST PERTH (LOT: 104 D/P: 20762)
PROPOSED DEVELOPMENT:	Construction of Six Storey Multiple Dwelling with a Roof Terrace Comprising of Five (5) Two Bedroom Multiple Dwellings, Eleven (11) Three Bedroom Multiple Dwellings and Basement Car Parking
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CONTACT OFFICER:	REMAJEE NARROO
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DETAILS OF ASPECTS REQUIRING LOCAL AUTHORITY DISCRETION:

Planning Element	Applicable Rule	Performance Criteria	Acceptable Development Standard	Proposed	Comment
Plot Ratio	R-Codes 6.1.1	Development of the building is at a bulk and scale intended in the local planning scheme and is consistent with the existing or future desired built form of the locality.	1=500 square metres	2.81= 1405 square metres	
Number of Storeys	R-Codes 6.1.2 Policy No.7.4.8 - Development Guidelines for Multiple Dwellings-	Building height consistent with the desired height of buildings in the locality, and to recognise the need to protect the amenities of adjoining properties, including, where appropriate: <ul style="list-style-type: none"> adequate direct sun to buildings and outdoor living areas; adequate daylight to major openings to habitable rooms; access to views of significance from public places. buildings present a human scale for pedestrians; building façades are designed to reduce the perception of height through design measures; and podium style development is provided where appropriate. 	Three Storeys plus Loft	Six Storeys with Roof Terrace	
Primary Street Setback-Hammond	Policy No.7.2.1- Residential Design Elements-	(i) Development is to be appropriately located on site to: <ul style="list-style-type: none"> Maintain streetscape character; 	Ground Floor= 3.8 metres Walls on Upper	Ground Floor= 2.7 metres to 3.5 metres First to Fifth	

	SADC 5	<p>Ensure the amenity of neighbouring properties is maintained;</p> <ul style="list-style-type: none"> • Allow for the provision of landscaping and space for additional tree plantings to grow to maturity; • Facilitate solar access for the development site and adjoining properties; • Protect significant vegetation; and • Facilitate efficient use of the site. <p>(ii) Variations to the Deemed-to-Comply Criteria relating to upper floor setbacks may be considered where it is demonstrated that the lesser upper floor setbacks incorporate appropriate articulation, including but not limited to; varying finishes and staggering of the upper floor walls to moderate the impact of the building on the existing or emerging streetscape and the lesser setback is integral to the contemporary design of the development</p>	<p>Floors= 2 metres behind each portion of the ground floor setback</p> <p>Balconies= 1 metres</p>	<p>Floors Walls=2.7 metres to 4.2 metres Roof Terrace Wall=3.5 metres</p> <p>Balconies First to Fourth Floor 1.123 metres to 1.583 metres Fifth Floor 1.319 metres to 1.653 metres</p>	
Secondary Street- Charles Street	Policy No.7.2.1- Residential Design Elements- SADC 10	<p>Dwellings on dual street frontages or corner lots are to present an attractive and interactive elevation to each street frontage. This may be achieved by utilising the following design elements:</p> <ul style="list-style-type: none"> • Wrap around design (design that interacts with all street frontages); • Landscaping; • Feature windows; • Staggering of height and setbacks; 	<p>Upper Floors= 0.5 metre behind each portion of the ground floor (2 metres)</p>	<p>First, Third and Fourth Floors 1.156 metres to 1.51 metres</p> <p>Second and Fifth Floors 1.121 metres to 1.51 metres</p>	

		<ul style="list-style-type: none"> • External wall surface treatments and finishes; and • Building articulation 			
Building Setbacks	<p>Western Boundary - Oak Lane- Policy No.7.4.8 - Development Guidelines for Multiple Dwellings</p> <p>Northern Boundary- R-Codes- Clause 6.1.4</p>	<p>Variations to the requirements may be considered where the applicant demonstrates special circumstances that ensure that greater height close to the boundary will not have a negative impact on the neighbour in regards to overshadowing, bulk or general amenity.</p> <p>Buildings setback from boundaries or adjacent buildings so as to:</p> <ul style="list-style-type: none"> • Ensure adequate daylight, direct sun and ventilation for buildings and the open space associated with them; • Moderate the visual impact of building bulk on a neighbouring property; • Ensure access to daylight and direct sun for adjoining properties; and <p>Assist with protection of privacy between adjoining</p>	<p>Clause 2.3.1 (c) – Third to Fifth Floors- Setback from the boundary of the western adjoining site = 12 metres</p> <p>4 metres</p>	<p>Third to Fifth Floors= 6.7 metres</p> <p>Ground to Fifth Floors= 0.6 metre to 1.5 metres</p> <p>Roof Terrace= 0.71 metre</p>	
Fences	<p>Dividing Fence- Northern Boundary_ Local Law</p> <p>Front</p>	<p>The proposed dividing fence would not have an adverse impact on the adjoining properties as follows:</p> <p>(a) the safe or convenient use of any land;</p> <p>(b) the safety or convenience of any person; or</p> <p>(c) the visual amenity of the locality</p> <p>Street walls and fences are to be designed</p>	<p>Maximum of 1.8 metres height above natural ground level.</p> <p>Street walls and</p>	<p>2 metres above natural ground level.</p> <p>Fences designed</p>	

	<p>Fence- Within Primary Street- Hammond Street- Policy No.7.2.1- Residential Design Elements- SADC 13</p>	<p>so that:</p> <ul style="list-style-type: none"> • Buildings, especially their entrances, are clearly visible from the primary street; • A clear line of demarcation is provided between the street and development; • They are in keeping with the desired streetscape; and • Provide adequate sightlines at vehicle access points. 	<p>fences designed with fibre cement or metal sheeting are not acceptable.</p> <p>Street fences shall not be more than 1.8 metres above the footpath level.</p> <p>Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres</p> <p>Secondary Street- Charles Street</p> <p>Solid portion of wall may increase to a maximum height of 1.8 metres</p>	<p>with metal sheeting</p> <p>2 metres above footpath level.</p> <p>Solid wall fence.</p> <p>2 metres in height and no design features provided.</p>	
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			above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features		
Solar Access	R-Codes-6.4.2	<p>Effective solar access for the proposed development.</p> <p>Development designed to protect solar access for neighbouring properties taking account the potential to overshadow existing:</p> <p>Outdoor living areas;</p> <p>North facing major openings to habitable rooms, within 15 degrees of north in each direction; or</p> <p>Roof mounted solar collectors.</p>	N/A	Overshadowing north facing major openings to habitable rooms on the southern adjoining property.	
Dwelling Size	R-Codes-6.4.3	Each dwelling within the development is of a sufficient size to cater for the needs of the residents. The development must provide diversity in dwellings to ensure that a range of types and sizes is provided.	<p>One bedroom Dwellings</p> <p>Minimum= 20 per cent Maximum= 50 per cent</p> <p>Two bedroom dwellings</p> <p>Minimum= 40 per cent</p>	<p>Nil</p> <p>Nil</p> <p>31 per cent</p>	
Landscaping	No.7.4.8 - Developme	Assists in contributing to the amenity of the locality.		13 per cent of the	

	nt Guidelines for Multiple Dwellings- Clause 4.2	<ul style="list-style-type: none"> • Assists in providing a landscaped setting for the building. • Assists in the protection of mature trees. • Maintains a sense of open space between buildings. • Assists in increasing tree and vegetation coverage 	<p>A minimum of 30 percent of the total site area is to be provided as <i>landscaping</i>.</p> <ul style="list-style-type: none"> • A minimum of 10 percent of the total site area shall be provided as <i>soft landscaping</i> within the common property area of the development. • A minimum of 5 percent of the total site area, shall be provided as <i>soft landscaping</i> within the private outdoor living areas of the dwellings. 	<p>site area provided as landscaping.</p> <p>8.2 per cent provided as soft landscaping.</p> <p>4.7 per cent provided as soft landscaping within the private outdoor living areas.</p>	
Energy Efficient Design	No.7.4.8 - Development Guidelines for Multiple Dwellings- Clause 5.1.1	N/A	Multiple Dwelling developments are required to be designed so that all dwellings within the	Design does not maximise northern sunlight to living areas.	

			development maximize northern sunlight to living areas and provide natural daylight to all dwellings.		
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(If you wish to provide further comments regarding the above matter, please attach a separate page to this form.)

Acceptable Development Standards – these are criteria that provide a straightforward pathway for assessment and approval.

Performance Criteria - these are general statements which define the different ways of achieving a desired development outcome, rather than specifying a prescriptive way of achieving it.



CITY OF VINCENT

COMMUNITY CONSULTATION – TOWN PLANNING

The following information is provided to assist you with making a submission to the City of Vincent.

The term “*Community Consultation*” covers the range of activities that the City utilises to support the involvement of residents, non-residents, business proprietors, stakeholders, general public and other members of the community in the decision-making process.

The City is committed to seeking the views of affected stakeholders for all applications where the City is required to exercise discretion in accordance with the City of Vincent Town Planning Scheme, related planning policies or Residential Design Codes.

Community consultation is an important component of the City’s planning application process. It provides an opportunity for everyone who is potentially affected by a particular matter to have their say and enables the decisions of the City to be informed by the views and knowledge of the community. Further information can be found in Policy 4.1.5 - Community Consultation, which can be found on the City of Vincent website under Public Documents.

PRINCIPLES OF CONSULTATION

1. *Consultation with adjoining owners/occupiers and affected stakeholders should commence prior to formally lodging a planning application with the City. It is usually more **productive**, as well as **courteous**, to advise neighbours of development proposals as far in advance as possible and, where necessary, **negotiate outcomes** that are mutually acceptable before a formal application is lodged.*
2. *Formal community consultation of a development application is only undertaken by the City when the Council is called upon to exercise discretion to determine proposals that seek variation to the City of Vincent Town Planning Scheme, relevant planning policies or the Residential Design Codes. If a development complies with the development requirements, then it will not be advertised.*
3. *The aim of community consultation is not to shift the responsibility or power away from the Council. Whilst any comments or submissions received by the City will be taken into account during the assessment and consideration of any development application or other proposal, such comments or submissions are not binding on the Council in the determination of the proposal.*

The content of this document can be made available in another language. Please call 9273 6000.

Il contenuto di questo documento può essere reso disponibile in un'altra lingua. Prego chiamate 9273 6000.

Nội dung của tài liệu này có thể được làm sẵn bằng một ngôn ngữ khác. Xin vui lòng gọi 9273 6000.

本文件备有中文譯本，請致電9273 6000。

Το περιεχόμενο του παρόντος εγγράφου μπορεί να παρασχεθεί σε μια άλλη γλώσσα. Παρακαλώ καλέστε 9273 6000.

Содржината на овој документ може да ја добиете и на друг јазик.Ве молам јавете се 9273 6000.



CITY OF VINCENT

Community Consultation – Town Planning

Frequently Asked Questions

SHOULDN'T A DEVELOPMENT COMPLY WITH THE REQUIREMENTS?

Proposed developments within the City are assessed under the City of Vincent Town Planning Scheme, relevant planning policies or the Residential Design Codes which:

- aims to control and guide development and growth in a responsible manner and
- Accommodate and respond to change.

Whilst the Town Planning Scheme and relevant planning policies aim to respond to best practice planning principles, they can not cater for all development scenarios. For this reason they have been developed with a focus on what they are trying to achieve rather than on how to achieve it. This is more clearly explained in the next section. This approach, which is called a 'performance based approach', may require the City to exercise some discretion. Where discretion is required the application will be advertised, generally for a minimum of 14 days, in accordance with Policy No. 4.1.5 relating to Community Consultation.

Following the period of consultation, City's Officers will consider the merits of the application to ensure that the proposal is appropriate and will not have an undue impact on the amenity of the area. All comments or submissions received by the City will be considered when determining any development application/proposal, in the context of the City's legal responsibilities, the interests of the affected community and the reasonable expectations and rights of the applicant.

HOW CAN THE COUNCIL APPROVE A NON-COMPLYING APPLICATION?

A planning application for residential development is generally assessed against the Residential Design Codes and the City's Residential Design Elements Policy. Both the Codes and the City's Policy comprise two approaches for assessing and determining a planning application:

1. Performance Criteria and
2. Acceptable Development Provisions.

'*Performance Criteria*' describe the outcome that is sought rather than the way that it can be achieved. For example, when considering privacy requirements the Performance Criteria state that the direct overlooking of active habitable spaces (e.g. bedrooms, living areas) should be minimised through building layout, location of major openings and screening. No hard and fast rule is defined. By focussing on the desired outcome rather than providing a prescriptive rule creative designs are not stifled and a wide range of designs can be contemplated.

'*Acceptable Development Provisions*' illustrate one way of satisfactorily meeting the Performance Criteria. This provides some certainty to an applicant by defining one of the ways to meet the performance criteria, but it is not necessarily the only way. If an application does not meet the Acceptable Development Provisions the Council needs to determine if the application still meets the Performance Criteria (i.e. does it achieve the desired outcome). It is in situations like this that the Council needs to exercise discretion in deciding whether the Performance Criteria have been met.

The City is not allowed to refuse an application for a particular element if the application meets the Acceptable Development Provisions for that element. City Officers assess each application to identify where the Acceptable Development Provisions have been met and therefore must be accepted. Those elements that do not meet the Acceptable Development Provisions, and therefore must be assessed against the Performance Criteria, are identified and are listed for consideration by the neighbours and affected parties, and ultimately for assessment by the City.



CITY OF VINCENT

Community Consultation – Town Planning

CAN I OBTAIN MORE INFORMATION ABOUT THE PROPOSAL?

Yes. Large scale site plans, plans, elevations and other relevant information is available for public viewing at the Administration and Civic Centre, 244 Vincent Street (cnr Loftus Street), Leederville between 8.00am and 5.00pm, Monday to Friday (excluding public holidays) or at the Library and Local History Centre during opening hours as follows:

Monday	9.00am to 7.00pm
Tuesday	9.00am to 7.00pm
Wednesday	9.00am to 7.00pm
Thursday	9.00am to 7.00pm
Friday	9.00am to 5.00pm
Saturday	9.00am to 1.00pm
Sunday	1.00pm to 4.00pm
Public Holidays	Closed

You may also contact the Planning Officer, whose name appears on the consultation letter, if you have any questions or visit the City of Vincent website www.vincent.wa.gov.au under “Community Consultation”.

WHAT SHOULD MY SUBMISSION SAY?

A submission should be made on the enclosed ‘*Community Consultation Submission Form*’;(the form may also be downloaded from www.vincent.wa.gov.au). If you wish to provide further comments regarding an application you can attach a separate page/letter to the ‘*Community Consultation Submission Form*’.

Your submission should clearly state the reasons why you object to, or support the development proposal and should relate directly to the variations proposed by the development to the standards of the Scheme, the Codes or any relevant planning policies as identified in the referral letter. Typical variations that may arise include privacy; overshadowing; height, bulk and scale; streetscape and character; and car parking.

A good submission is:

- **Brief and to the point:** If your submission needs to be lengthy because of the issues involved or a number of grounds for objection, then it is a good idea to include a single page summary sheet for easy reference.
- **Supported by reason and facts:** Take the time to gather the facts. Talk to the Planning Officer who is dealing with the application prior to writing your submission and make sure that you understand what is proposed. Base your submission on the facts, not on hearsay. Once you are sure of the facts, prepare your submission based on how the proposal will affect you and the enjoyment of your property.

As the responsible planning authority, the City is not authorised to consider ‘non-planning’ matters. Therefore, submissions which are based on civil or non-planning matters will not be considered. Examples of such matters include possible impact on property values, vistas or dividing fences.

WHAT IF I AM SATISFIED WITH THE PROPOSED DEVELOPMENT APPLICATION? DO I HAVE TO MAKE A SUBMISSION?

No. You should judge whether or not the proposal will affect you. This may involve some discussion with the Planning Officer handling the application. If you are satisfied with the proposed development, there is no need to make a submission (however, you may wish to do so). In any case, a Planning Officer will make an assessment of the proposal. This includes matters such as overshadowing, privacy, noise, traffic and building design.

WHAT WILL HAPPEN TO MY SUBMISSION?



Community Consultation – Town Planning

Your submission, along with others received, will be considered as part of an overall assessment. In some cases the concerns raised in submissions may be forwarded to the applicant for their response (your personal details will not be disclosed). Sometimes this leads to a redesign of the development.

The submissions received form part of the assessment of an application and must be balanced with the City's statutory obligations.

WILL THE APPLICANT OR ANYONE ELSE KNOW THAT I HAVE MADE A SUBMISSION?

The Council has a policy relating to Privacy Management and will not disclose names and other personal information to a third party, without your prior consent. The Council is subject to the Freedom of Information laws and does not publish the names or addresses of those who make submissions. However, in some circumstances the applicant may be advised of the source and issues raised in the submissions to enable them to resolve any problems raised. You will be advised in such cases.

SHOULD I SIGN A PETITION?

You may find that someone has started a petition to object or support a development proposal. Someone may also ask you to sign a proforma letter (this is a standard letter signed by various people). The City will consider any petitions or letters which are received. However, an individual letter about how the proposal will affect you gives the City a much clearer picture of the likely effects.

WILL THE APPLICATION BE REPORTED TO THE COUNCIL FOR DETERMINATION?

Primary responsibility for making decisions rests with the elected Council, at a Council Meeting. However, for some development applications, the Council has also delegated some decision-making responsibility to the Chief Executive Officer.

Details on what is required to be reported to the Council are outlined in the Delegated Authority Register, which is available on the City's website. Generally, it is only larger applications which are determined by the Council (e.g. a patio or addition to a dwelling would generally not require the Council's determination).

However, if there are more than five (5) written objections received for an application, the application must be reported to the Council for determination.

CAN A DECISION BE APPEALED?

Once a decision has been made, the applicant can appeal that decision or any element of the decision to the State Administrative Tribunal (SAT) if they are dissatisfied with the outcome.

THIRD PARTY PARTICIPATION IN PLANNING APPEALS

Generally there are no third party appeal rights in relation to planning decisions in Western Australia, however, in certain circumstances it may be possible for a third party to participate in a planning appeal. The usual way is for a third party to provide a witness statement to the City and, if required, to give evidence at the hearing.

In certain circumstances (e.g. a legal or some other direct, material or special interest), the SAT may allow a third party who has a sufficient interest in a matter to make a submission – it should be noted that generally, it is not sufficient that the third party holds genuine and strong views or has taken an active interest in relation to the matter even when the third party is a body such as a community group or association. A third party who wishes to make a submission should write a letter to the SAT, to explain their position.

Further information may be obtained by visiting the SAT website www.sat.justice.wa.gov.au or by telephoning (08) 9219 3111.