



## **Metro West Joint Development Assessment Panel Agenda**

**Meeting Date and Time:** 18 March 2019, 2:00pm  
**Meeting Number:** MWJDAP/226  
**Meeting Venue:** City of Vincent  
244 Vincent Street  
Leederville

### **Attendance**

#### **DAP Members**

Ms Francesca Lefante (Presiding Member)  
Mr Clayton Higham (A/Deputy Presiding Member)  
Mr John Syme (A/Specialist Member)  
Cr Joshua Topelberg (Local Government Member, City of Vincent)  
Cr Susan Gontaszewski (Local Government Member, City of Vincent)

#### **Officers in attendance**

Mr Mitchell Hoad (City of Vincent)  
Ms Joslin Colli (City of Vincent)

#### **Minute Secretary**

Mr Kylie Tichelaar (City of Vincent)

#### **Applicants and Submitters**

Mr Trent Durward (Megara)  
Mr Andrea Scavalli (Matthews and Scavalli Architects)

#### **Members of the Public / Media**

Nil

### **1. Declaration of Opening**

The Presiding Member declares the meeting open and acknowledges the past and present traditional owners and custodians of the land on which the meeting is being held.

### **2. Apologies**

Mr Jarrod Ross (Deputy Presiding Member)  
Mr Jason Hick (Specialist Member)  
Cr Dan Loden (Local Government Member, City of Vincent)

### **3. Members on Leave of Absence**

Nil



#### 4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).

#### 5. Declarations of Due Consideration

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

#### 6. Disclosure of Interests

Member	Item	Nature of Interest
Mr Jarrod Ross	8.1	Direct Pecuniary Interest - The applicant, Megara, are current clients of the town planning firm, Taylor Burrell Barnett, of whom Mr Ross is an employee.

#### 7. Deputations and Presentations

**7.1** Mr Trent Durward (Megara) presenting in support of the application at item 8.1. The presentation will provide a summary of the planning context and key opportunities and constraints for the site.

**7.2** Mr Andrea Scavalli (Matthews and Scavalli Architects) presenting in support of the application at item 8.1. The presentation will provide a summary of the design brief and architectural response and description of the design.

The City of Vincent may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

#### 8. Form 1 – Responsible Authority Reports – DAP Applications

**8.1** Property Location: No. 14 (Lots 7 and Y271) and 16A (Lot 12)  
Florence Street, West Perth  
Development Description: 11 Grouped Dwellings  
Applicant: Megara  
Owner: Megara  
Responsible Authority: City of Vincent  
DAP File No: DAP/18/01547

#### 9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

Nil

#### 10. Appeals to the State Administrative Tribunal

Current Applications		
LG Name	Property Location	Application Description
City of Vincent	Lot 10 (125) Richmond Street, Leederville	Modifications to the external façade of a Three Storey Multiple Dwelling Development



<b>Current Applications</b>		
<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>
City of Vincent	Lot 1 (308) and Lot 2 (310) Oxford Street, Leederville	Five Storey Mixed Use Development
Town of Cambridge	Lot 2 (130) and Lot 3 (132) Brookdale Street, Floreat	Child Care Centre
Town of Cambridge	Lot 587 (264) Selby Street, Wembley	Child Care Centre
Town of Cambridge	Lot 181 (61-69) Cambridge Street, West Leederville	Redevelopment of Abbotsford Private Hospital
Town of Claremont	Lot 508 (3) Shenton Road, Claremont	Eight Storey Mixed Use Development
Town of Claremont	Lot 510 (58-62) Bay View Terrace, Claremont	Third storey additions and refurbishment of commercial tenancies and illuminated large format LED signage

#### **11. General Business / Meeting Closure**

In accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.



## Form 1 – Responsible Authority Report (Regulation 12)

<b>Property Location:</b>	No. 14 (Lots 7 and Y271) and 16A (Lot 12) Florence Street, West Perth
<b>Development Description:</b>	11 Grouped Dwellings
<b>DAP Name:</b>	Metro West JDAP
<b>Applicant:</b>	Megara
<b>Owner:</b>	Megara
<b>Value of Development:</b>	\$2.4 million
<b>LG Reference:</b>	5.2018.481.1
<b>Responsible Authority:</b>	City of Vincent
<b>Authorising Officer:</b>	Joslin Colli A/Manager Development and Design
<b>DAP File No:</b>	DAP/18/01547
<b>Report Due Date:</b>	13 December 2018
<b>Application Received Date:</b>	5 March 2019
<b>Application Process Days:</b>	90 days
<b>Attachment(s):</b>	1 – Location and Consultation Plan 2 – Development Plans 3 – Applicant’s Report and Technical Appendices 4 – City’s Response to Summary of Submissions 5 – Applicant’s Response to Summary of Submissions 6 – Design Review Panel Minutes

### Officer Recommendation:

That the Metro West JDAP resolves to:

1. **Approve** DAP Application reference DAP/18/01547 and accompanying plans A0.10, A1.00-A1.01, A2.00-A2.02, A2.10, A3.00-A3.02, A3.10 and A3.11 dated 27 February 2019 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Vincent Local Planning Scheme No. 2 subject to the following conditions:

### Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Visual Privacy
  - 2.1 The major opening to the terrace on Lot 12 Unit A shall be provided with screening with a minimum of 1.6 metres in height in accordance with the requirements of the Residential Design Codes and to the satisfaction of the City. The screening is to prevent overlooking on the adjoining and opposite properties

2.2 The screening shall be shown on the plans submitted for a building permitted and installed prior to the occupation of the dwelling.

3. Boundary Walls

3.1 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls in a good and clean condition prior to occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City.

3.2 Prior to the commencement of development, a schedule of materials and colours for the two storey boundary walls on the eastern and western boundaries of Lot 7 and Y271 shall be submitted to and approved by the City. This shall include a minimum of three different materials, with the finishes to be applied to all of the two storey boundary walls prior to the use or occupation of the development.

4. Schedule of External Finishes

Prior to the commencement of development, a detailed schedule of external finishes (including materials, colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.

5. Street Walls and Fencing

All fencing within the front setback area shall be a maximum height of 1.8 metres and be provided with a minimum 50 percent visual permeability above 1.2 metres measured from natural ground level.

6. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and surrounding properties to the satisfaction of the City.

7. Car Parking, Access and Bicycle Facilities

7.1 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to the occupation or use of the development.

7.2 All vehicle driveway/crossover levels shall match into the existing Right of Way levels to the satisfaction of the City.

7.3 All visitor bays shall be marked and permanently set aside as such, as required by the Residential Design Codes.

7.4 A minimum of 2 bicycle racks shall be designed in accordance with AS2890.3 and installed in accordance with the approved plans to the satisfaction of the City.

8. Stormwater

All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City.

9. Landscaping

9.1 A landscape and reticulation plan for the development site and adjoining road verge to the City's satisfaction is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;
- Specifications for the 'trafficable landscaping' indicated on Lot 271;
- The provision of a minimum of 12.5 percent of deep soil zone on Lots 7 and 12 and 10 percent deep soil zone on Lot Y271, as defined by the City's Policy No. 7.1.1 – Built Form; and
- The appropriate selection of tree species (consistent with the City's Tree Selection Tool) to be located within the deep soil areas to maximise the provision of canopy coverage on Lots 7, 12 and 271.

9.2 All works shown in the plans as identified in Condition 7.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

10. Clothes Drying Facilities

Each grouped dwelling shall be provided with a clothes drying area that shall be adequately screened in accordance with the Residential Design Codes, or with mechanical drying, prior to occupancy or use of the development and shall be completed to the satisfaction of the City.

11. Waste Management

11.1 A Waste Management Plan shall be prepared to the satisfaction of the City shall be submitted and approved by the City, outlining that the waste generated by the development shall be collected by a private contractor at the expense of the applicant/landowner.

11.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan.

12. Construction Management Plan

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of

the development. The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;
- Noise control and vibration management;
- Details of any Dilapidation Reports of nearby properties (if undertaken by the applicant);
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors;
- Consultation plan with nearby properties; and
- Compliance with AS4970-2009 relating to the protection of trees on the development site.

13. General

Conditions that have a time limitation for compliance, and the condition is not met in the required timeframe, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

**Advice Notes**

1. This is a development approval only and is issued under the City of Vincent's Local Planning Scheme No. 2 and the Western Australian Planning Commission's Metropolitan Region Scheme. It is the proponent's responsibility to comply with all other applicable legislation and obtain all required approvals, licences and permits prior to commencement of this development.
2. An Infrastructure Protection Bond together with a non-refundable inspection fee of \$100 shall be lodged with the City by the applicant, prior to commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including reserve and verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable
3. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
4. The City accepts no liability for the relocation of any public utility and/or any other services that may be required as a consequence of this development. The applicant/owner shall ensure that the location of all services is identified prior to submitting an application for a building permit. The cost of relocated any services shall be borne by the applicant/owner.

5. The applicant and owner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
6. All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and right of way levels to the satisfaction of the City.
7. With respect to stormwater, no further consideration shall be given to the disposal of stormwater 'off-site' without the submission of a geotechnical report from a qualified consultant. Should the approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
8. With respect to vehicle parking permits, the applicant and owner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential dwellings. This information should be provided to all prospective purchasers and it is recommended that a notice be placed on Sales Contracts to advise purchasers of this restriction.
9. With respect to waste, the applicant/landowner is advised that should the private waste collection cease and the City be required to collect the waste generated on-site, the applicant/landowner is to liaise with the City in respect to the City's requirements and specifications. Any alterations made in order to meet the City's specifications may require an amendment to this approval.
10. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
11. An applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

**Background:**

Zoning	MRS:	Urban
	LPS2:	Residential R50
Use Class:		Dwellings (Grouped)
Strategy Policy:		N/A
Development Scheme:		Local Planning Scheme No. 2
Lot Size:		2,720 square metres
Existing Land Use:		Lot 7 – Unlisted Use (Short Term Accommodation) Lot 271 – Light Industry (non-conforming use) Lot 12 - Vacant

The subject site is zoned Residential R50 under the City's Local Planning Scheme No. 2 (LPS2) and consists of No. 14 (Lots 7 and 271) and No. 16 Florence Street (Lot 12). A location plan is included as **Attachment 1**.

The subject site is located within the Residential Built Form area in the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The subject site is also affected by Clause 32(1) of LPS2 which does not permit Multiple Dwellings.

The subject site is landlocked and is surrounded by existing residential development to the north, south, east and west. The property abutting the western boundary of Lot 7 consists of a Single House which is listed as Category B on the City's Municipal Heritage List (MHL). This dwelling has been approved by Council as an Unlisted Use (Short Term Accommodation). Surrounding development consists generally of Single Houses and Multiple Dwellings. The subject site does not have a frontage to a street and vehicle access is achieved by Sheridan Lane.

Lot 7 and 271 previously consisted of a Light Industry use, which existed on the subject site prior to the gazettal of City's previous Town Planning Scheme No. 1 (TPS1) in 1998, and was afforded non-conforming use rights under TPS1 and LPS2. The building has since been removed from the subject site and the land is now vacant.

#### Previous Determinations

##### *Development Applications*

On 8 December 2017 a development application for 15 Multiple Dwellings on Lot 271 was submitted. On 8 March 2018 this application was refused by the Metro West JDAP. Following this, the applicant sought a review of the decision to the State Administrative Tribunal (SAT). On 14 November 2018 the applicant withdrew the review from SAT.

On 23 November 2017, a development application for five Grouped Dwellings was lodged across Lot 7 and 12. Following the City's assessment of the proposal the application was put on hold at the request of the applicant to await the outcome of the SAT review of the Multiple Dwellings determination. On 12 December 2018 the applicant withdrew the proposal from the City with no determination being made.

##### *Subdivision Applications*

On 22 December 2017, the Western Australian Planning Commission (WAPC) approved a subdivision application (reference 155748) to create Lots 7 and 271. This subdivision provided for an extension of Sheridan Lane to provide access to Lot Y271 and excised Eddington House so it could remain in freehold ownership of the current owners.

On 23 February 2018, the WAPC approved a survey strata application (reference 980-17) for the creation of five lots across the lots now referred to Lots 7 and 12. Three of these lots had an area of 120 square metres, with the remaining lots being 161 square metres. The lot sizes approved applied an increased dwelling density under subclause 20(2)(a) of the City's TPS1. This was applied on the basis the subdivision would affect the discontinuance of the Light Industry engravings workshop, which was considered a non-conforming use.

On 16 November 2018, the WAPC approved a survey strata application (reference 631-18) for the creation of six lots on Lot 271. These lots varied in size between 169.5 square metres and 218.4 square metres.

### **Details: outline of development application**

The application is seeking approval for the construction of 11 Grouped Dwellings across the subject site. Details of the development are as follows:

- 11 two-storey Grouped Dwellings across the subject site in the following configuration:
  - Lot 7 – 7A to 7C (all 'Type W02') with single garages;
  - Lot 12 – 12A and 12B (both 'Type W01') with double garages; and
  - Lot 271 – 271A and 271B (both 'Type E01'), 271C and 271D (both 'Type E02'), 271E ('Type E03') and 271F ('Type E03B') All of these have double garages.
- Common property access to these dwellings from extension of Sheridan Lane, via Sheridan Lane East to provide access to Lot 271, and Sheridan Lane West to provide access to Lots 7 and 12; and
- One visitor car parking bay provided at the end of the Sheridan Lane Extension, which is within the common property of Lot 271 under subdivision approval 631-18.

The applicant submitted amended plans and information to address some of the concerns raised by the City following its assessment of the proposal, Design Review Panel (DRP) comments and the community consultation period. The changes to the proposal include:

- The provision of additional landscaping and deep soil areas across the subject site;
- The reduction of fencing, relocation of entries, and use of translucent panels on garage doors to increase the interaction with the street;
- Reduction of some of the dwelling heights;
- Increased set back to the upper floor bedrooms on the southern façade of Lot 271 and including an additional seven windows to increase articulation; and
- Reviewing finishes and renderings for the sections of two-storey boundary walls.

The development plans the subject of this application are provided in **Attachment 2**. The applicant's updated written submission and technical appendices following the above changes are included in **Attachment 3**.

### **Legislation and Policy:**

#### Legislation

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Planning and Development (Development Assessment Panel) Regulations 2011*
- City of Vincent Local Planning Scheme No. 2

#### State Government Policies

- State Planning Policy 3.1 – Residential Design Codes

## Local Policies

- City of Vincent Policy No. 4.1.5 – Community Consultation
- City of Vincent Policy No. 7.1.1 – Built Form
- City of Vincent Policy No. 7.5.23 – Construction Management Plans
- City of Vincent Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties

### City of Vincent Policy No. 7.1.1 – Built Form

The City has undertaken community consultation for amendments to the existing Built Form Policy. The community consultation period concluded on 11 December 2018.

The development has not been assessed against the proposed amendments to the Built Form Policy. The amendments to the Built Form Policy are in draft form and do not reflect the outcome of any changes stemming from the community consultation period. The amendments to the Built Form Policy are not considered to be 'seriously entertained' as they have not received approval from Council following community consultation and they are not certain or imminent in coming into effect in the form they were advertised in. The amendments to the Built Form Policy are expected to be presented to Council in the first half of 2019 to consider its acceptability following community consultation and with the release of State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments.

### **Consultation:**

#### Public Consultation

Community consultation was undertaken by the City for a period of 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* from 29 January 2019 to 19 February 2019. The method of advertising included 625 letters being mailed to all owners and occupiers with a 150 metre radius of the subject site (as shown in **Attachment 1**), a sign being erected on-site, a newspaper advertisement and notice on the City's website in accordance with the City's Policy No. 4.1.5 – Community Consultation.

At the conclusion of the consultation period, a total of 53 submissions were received, comprising of six in support, 41 objecting, and six expressing concerns with the proposal but not specifically supporting or objecting.

The main issues raised in the submissions received related to the following matters:

- The impact of reduced setbacks and increased height on the amenity of adjoining properties, including overshadowing and visual privacy;
- The impact of the departures sought adversely impacting on the amenity of existing residents; and
- Concerns over non-compliance with relevant requirements of the planning framework.

A summary of the submissions received and the City's comments with respect to these are provided in **Attachment 4**. The applicant has also provided a response to these submissions which is included in **Attachment 5**.

## Consultation with other Agencies or Consultants

### *Design Review Panel (DRP)*

The proposal was referred to the DRP on 23 January 2019. The DRP comments are summarised as follows:

- Consider changing garage doors to a translucent/transparent material to achieve a more active entry. This would also be assisted by reducing the 1.8 metre high fence at the pedestrian level.
- Consider further articulation the facades, specifically the southern elevation. This could include relocation of bedrooms to break up the long and flat façade.
- Consider how landscaping can be improved to meet the Built Form Policy requirements.
- Type E and W dwellings have good solar passive design. Type E should be reviewed to consider overshadowing impacts from the upper floor overhang. Consideration should also be given to opportunities to improve cross ventilation and minimise solar gain in summer. Suggested to conduct preliminary NatHERS ratings to determine construction specifications.

The minutes of the DRP meeting are included in **Attachment 6**, while the applicant's response to these is included within written submission included in **Attachment 3**.

The applicant provided amended plans on 15 February 2019. The City referred these plans to the Chair of the DRP, seeking advice on the acceptability of the development in light of the modifications, including the landscaping, articulation and activation of the ground level of the dwellings. On 26 February 2019, the Chair of the DRP advised that the revised plans had addressed the DRP's comments. It was also noted that given the constrained nature of the site, further consideration should be given to tree sizes and the use of a variety of tree species to increase the amenity of the development. Further consideration to this comment is given in the Officer Comment section of this report.

### **Planning Assessment:**

Requirements applicable to the development under the planning framework are contained within the Residential Design Codes (R Codes) and the City's Built Form Policy. The table below summarises the planning assessment of the plans against these requirements. In each instance where the proposal requires a design principle assessment, the relevant planning element is discussed in the Detailed Assessment section following from this table.

<b>Planning Element</b>	<b>Use Permissibility/ Deemed-to-Comply</b>	<b>Discretion Required</b>
<b>Land Use</b>	✓	
<b>Site Area</b>	✓	
<b>Building Height/Storeys</b>		✓
<b>Street Setback</b>		✓
<b>Lot Boundary Setbacks (R Codes)</b>		✓
<b>Boundary Walls (R Codes)</b>		✓
<b>Open Space</b>	✓	
<b>Setback of Garages and Carports</b>		✓

Planning Element	Use Permissibility/ Deemed-to-Comply	Discretion Required
Garage Width		✓
Street Surveillance		✓
Street Walls and Fences		✓
Outdoor Living Areas		✓
Landscaping (R Codes)	✓	
Car Parking		✓
Bicycle Parking	✓	
Sightlines	✓	
Design of Car Parking Spaces	✓	
Vehicle Access	✓	
Pedestrian Access		✓
Site Works		✓
Retaining Walls		✓
Visual Privacy		✓
Solar Access	✓	
External Fixtures	✓	

#### Detailed Assessment

Building Height/Storeys	
Deemed-to-Comply Standard	Proposal
<p><b>Clause 5.6 of Built Form Policy</b> <u>Skillon Roof</u> 6.0 metre maximum roof height on low side and 7.0 metre maximum roof height on high side.</p> <p><u>Concealed Roof</u> 7.0 metre maximum roof height.</p>	<p><u>Lot 7</u> Unit B – 6.07 metre skillon roof on low side. Unit C – 6.13 metre skillon roof low side.</p> <p><u>Lot 12</u> Unit A – 6.17 metre skillon roof low side. Unit B – 6.47 metre skillon roof low side.</p> <p><u>Lot 271</u> Unit F – 7.3 metre concealed roof height.</p>
Street Setback	
Deemed-to-Comply Standard	Proposal
<p><b>Clause 5.2 of Built Form Policy</b> No deemed-to-comply standard. A design principles assessment is required.</p>	<p><u>Lot 7</u> Unit A to C - 4.6 metres to dwelling.</p> <p><u>Lot 12</u> Unit A and B – 1.9 metres to dwelling.</p> <p><u>Lot 271</u> Unit A – 7.5 metres to dwelling. Unit B – 6.0 metres to dwelling. Unit C – 2.2 metres to dwelling. Unit D – 3.7 metres to dwelling. Unit E – 2.0 metres to dwelling. Unit F – no frontage to communal street.</p>
<p><b>Clause 5.1.2 of R Codes</b> 1.0 metre setback to secondary street.</p>	<p><u>Lot 271</u> Nil setback to secondary street.</p>

<b>Lot Boundary Setbacks (R Codes)</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<p><b>Clause 5.1.3 of R Codes</b>  <u>Lot 7 – South</u>  Unit A – C – 1.2 metres to upper floor</p> <p><u>Lot 12 – West</u>  Unit A – 1.3 metres to upper floor.</p>	<p><u>Lot 7</u>  Unit A – C – 0.85 metre upper floor setback.</p> <p><u>Unit 12</u>  Unit A – 1 metre upper floor setback (terrace to master bed).</p>
<b>Boundary Walls (Built Form Policy)</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<p><b>Clause 5.3 of Built Form Policy</b>  Boundary wall permitted to two side boundaries to a maximum height of 3.5 metres with an average height of 3.0 metres, to maximum length of two-thirds the lot boundary (21.7 metres) behind the front setback.</p>	<p><u>Lot 7 Unit A – C - South</u></p> <ul style="list-style-type: none"> <li>• Length – 26.3 metres.</li> <li>• Average height – 3.1metres.</li> <li>• Maximum height – 3.7 metres.</li> </ul> <p><u>Lot 7 Unit A - West</u></p> <ul style="list-style-type: none"> <li>• Average height – 6.3 metres.</li> <li>• Maximum height – 6.7 metres.</li> </ul> <p><u>Lot 271 Unit F - East</u></p> <ul style="list-style-type: none"> <li>• Average height – 7.2 metres</li> <li>• Maximum height – 7.4 metres</li> <li>• Three side boundaries.</li> </ul> <p><u>Lot 271 Unit F - West</u></p> <ul style="list-style-type: none"> <li>• Average height – 5.9 metres</li> <li>• Maximum height – 6.1 metres</li> <li>• Three side boundaries.</li> </ul> <p><u>Lot 271 Unit F - South</u></p> <ul style="list-style-type: none"> <li>• Three side boundaries.</li> </ul>
<b>Setback of Garages and Carports</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<p><b>Clause 5.7 of Built Form Policy</b>  Garages set back 0.5 metres behind the building line of the dwelling.</p>	<p><u>Lot 7</u>  Unit A to C – garage aligned with dwelling.</p> <p><u>Lot 12</u>  Unit A and B – garage aligned with dwelling.</p> <p><u>Lot 271</u>  Unit A to F – garage forward of dwelling line.</p>
<b>Garage Width</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<p><b>Clause 5.2.2 of R Codes</b>  When located in front of or within 1.0 metres of building, permitted to be a maximum width of 50 percent of the frontage.</p>	<p><u>Lot 271</u>  Unit A – 53 percent of frontage.  Unit B and Unit C – 55 percent of frontage.  Unit D and E – 54 percent of frontage.  Unit F – 55 percent of frontage.</p>

<b>Outdoor Living Areas</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Clause 5.3.1 of R Codes</b> Outdoor living area to be provided behind street setback. As there is no deemed-to-comply street setback a design principles assessment is required.	<u>Lot 7</u> Unit A to C – all within street setback.  <u>Lot 271</u> Unit A to F – all within street setback.
<b>Car Parking</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Clause 5.3.3 of R Codes</b> Two visitor parking bays.	One visitor parking bay
<b>Vehicular Access</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Clause 5.3.5 of R Codes</b> Driveways for grouped dwellings where the number of dwellings is five or more shall be: <ul style="list-style-type: none"> <li>• A minimum width of 4.0 metres; and</li> <li>• Designed to allow vehicles to pass in opposite directions at one or more points.</li> </ul>	<u>Lot 271</u>  Driveway for Lot 271 is 3.5 metres wide and no dedicated passing space is provided.
<b>Pedestrian Access</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Clause 5.3.6 of R Codes</b> Pedestrian paths to be provided connecting entries with parking areas.	No pedestrian paths provided along common property access legs.
<b>Site Works</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Clause 5.3.7 of R Codes</b> No more than 0.5 metres of site works within 1.0 metres of the lot boundary	<u>Lot 271</u> Northern boundary – maximum 1.12 metres of fill. Eastern boundary – maximum of 0.92 metres of fill.
<b>Retaining Walls</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Clause 5.3.8 of R Codes</b> Retaining walls to be no greater than 0.5 metres high within 1.0 metres of lot boundary.	<u>Lot 271</u> Northern boundary – maximum 1.12 metre high retaining wall. Eastern boundary – maximum of 0.92 metre retaining wall.
<b>Visual Privacy</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Clause 5.4.1 of R Codes</b> <ul style="list-style-type: none"> <li>• Major openings to bedrooms to be setback 4.5 metres within cone of vision; and</li> <li>• Unenclosed outdoor active</li> </ul>	<u>Lot 12</u> Unit A – setback 1.8 metres to terrace.  <u>Lot 271</u> Unit F – master bedroom setback 1.4

habitable spaces to be setback 7.5 metres from lot boundary.	metres in lieu of 4.5 metres.
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It is noted that the advertising of the application identified two departures incorrectly:

- The lot boundary setback to the southern boundary of Lot 7 was advertised with a requirement for a 3.0 metre setback, where a setback of 1.2 metres is required; and
- A departure to the deemed-to-comply open space requirement of 40 percent was identified for Units C and D of Lot 271, where these units proposed 42 and 44 percent respectively and are compliant.

**Officer Comments**

Building Height

The Built Form Policy permits a maximum concealed roof height of 7.0 metres. Where a skillion roof is proposed the high side is permitted to be a maximum of 7.0 metres and the low side a maximum of 6.0 metres. The development proposes departures to these requirements as outlined above.

In addition to the Built Form Policy requirements, the City’s Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties (Heritage Management Policy) requires height of new buildings to be compatible with the adjacent heritage listed building. The building adjoining the western boundary of Lot 7 is included on the City’s MHI.

The City received submissions raising concerns with the building height and its impact on the adjoining properties, including the overshadowing of and restriction of sunlight to the communal areas and units to the adjoining property to the south of Lot 271. Comments were also received regarding the impact of the additional height to the properties to the north of Lot 271.

The applicant provided amended plans which reduced the heights of some of the units, resulting in some units meeting the deemed-to-comply requirements or reducing the extent of the departures.

The applicant’s justification for these departures is summarised as follows:

- The buildings have been setback from the northern boundary 6.0 metres to the ground floor and 10.0 metres to the upper floor to minimise the impact on the Janet Street properties;
- The subject site is located at the end of a laneway and is surrounded by a mix of one, two and three storey developments. The proposal is two storeys which ensures it does not dominate or overwhelm the existing development;
- The proposed two storey height provides a transition between two storey developments to the west and north and three storey developments to the south and east; and
- The minor variations accommodate minimum ceiling heights of 2.7 metres, providing amenity to residents and responding to the natural topography of the subject site which slopes from west to east.

In determining the suitability of the building height, the following is noted:

- The subject site is not visible from the existing streetscape as it is surrounded by existing development on all boundaries. The proposal will create its own

streetscape in this regard, with the buildings being of a similar height and will not impact the character of the streetscape;

- The design of the buildings is complimentary to existing developments surrounding the subject site, as the two storey proposal provides a transition between existing single storey developments to the north and west and three storey developments to the south and east;
- The proposal generally follows the natural topography of the subject site, with the need for excavation or fill minimised. The fill proposed across the subject site facilitates vehicle access and will provide level pad heights given the natural slope of the land. The dwellings have been designed to generally respond to the existing slope without proposing excessive site works;
- The development is compliant with the visual privacy requirements of the R Codes, with the exception of Unit F the east of Lot 271, which overlooks a carpark, and to the west Unit 12A, which can be resolved through the imposition of a condition requiring screening. The development is also compliant with the overshadowing requirements of the R Codes which permits overshadowing of 50 percent of the adjoining site area. The additional height does not result in any visual privacy issues and minimises overshadowing; and
- The dwellings have been designed to provide articulated elevations through stepping back of the upper floor and the inclusion of highlight windows to minimise blank facades to adjoining properties. In regards to the two storey boundary walls to the east of Lot 271 and the west of Lot 7, these are proposed to be finished with a mix of materials and colours to mitigate the bulk and scale of these walls. The bulk and scale of the development does not impact on the existing streetscape given it is not visible from the public realm.

For the reasons outlined above the building height is consistent with the local housing objectives of the Built Form Policy.

### Street Setback

#### *Primary Street*

The Built Form Policy requires the primary street setback to be calculated based on the average setback of the five properties adjoining the development. The development proposes all of the dwellings to be orientated towards the communal street. As there is no deemed-to-comply standard applicable a design principle assessment is required.

The City did not receive any submissions relating to the primary street setback during the community consultation.

The applicant's justification for this departure is summarised as follows:

- The development significantly enhances an existing streetscape that is heavily constrained and in need of improvement;
- The existing dwellings adjoining Sheridan Lane have nil to 1.0 metre setbacks to the side or street, with most having full height front fencing or garages with solid walls to nil setbacks; and
- Landscaping is provided at the termination of Sheridan Lane along with open garages to the dwellings Lot 12 Unit A – C which are visible from the

vehicular approach. This will provide activation and passive surveillance to the public realm.

In determining the acceptability of the primary street setback, it is noted that the subject site is surrounded by existing development on all boundaries and is not visible from the existing streetscape. As a result, the proposed primary street setbacks do not impact on the visual character of the existing streetscape. Due to the configuration of the lots the development will create its own streetscape with setbacks that are consistent (in the case of Lots 7 and 12) or generally consistent (in the case of Lot 271).

For the reasons outlined above the primary street setbacks provided are consistent with the local housing objectives of the Built Form Policy.

### *Secondary Street*

The R Codes requires a 1.0 metre setback to the secondary street. Unit A on Lot 271 proposes a nil setback to the secondary street, being the Sheridan Lane Extension.

The City did not receive any submissions relating to the second street setback during the community consultation.

In determining the acceptability of the secondary street setback, it is noted that the subject site is not visible from the existing streetscape as outlined above, and the reduced setback would not impact on the established streetscape. The reduced setback accommodates adequate open space for the dwellings and provides for sufficient privacy for the dwelling as there are no openings proposed. There are no easements to be accommodated and the reduced setback accommodates sufficient landscaping and parking for Unit A.

For the reasons outlined above the secondary street setback provided is consistent with the design principles of the R Codes.

### Boundary Setbacks

#### *Lot Boundary Setbacks*

The R Codes require a setback of 1.2 metres to upper floor on the southern side of Unit A – C on Lot 7, where a setback of 0.85 metres is proposed. A setback of 1.3 metres to the upper floor on the western side of Unit A on Lot 12 is required, where a setback of 0.96 metres is proposed.

In addition to the deemed-to-comply requirements of the R Codes, the application has also been assessed against the lot boundary setback provisions of the City's Built Form Policy that establishes deemed-to-comply requirements. The deemed-to-comply boundary wall and lot boundary setback standards set out in the Built Form Policy have not yet been approved by the WAPC. As such, these provisions are given due regard in the assessment of the application.

The City received submissions raising concerns with the reduced setbacks and the potential impact on adjoining properties.

In determining the suitability of the boundary setbacks, the following is noted:

- In respect to the departure for Lot 7, the upper floor for Units A – C have been setback 0.85 metres from the southern boundary which provides for articulation and separation between the ground and upper floors. The façade also features highlight windows to break up the bulk and mitigate impacts of building bulk on the adjoining property (No. 12 Florence Street). Contrasting materials have also been used with the ground floor consisting of face brick and the upper floor consisting of render. The 0.85 metre setback provides for ventilation to the adjoining property, while the development satisfies the overshadowing requirements of the R Codes. While there is some increased overshadowing as a result of the reduced setback, the proposal still provides for adequate sunlight to the adjoining property. The southern elevation does not include any major openings and therefore does not result in impacts on visual privacy of the adjoining property; and
- In respect to the departure for Lot 12, the upper floor for Unit A has been setback 1 metre from the western boundary. Of the 8.2 metre section of wall, 4.8 metres is solid to the master bedroom with the remaining 3.4 metres open to the terrace. This assists in mitigating the impact of building bulk on the adjoining property at No. 16 Florence Street. It is also noted that the adjoining property has a patio built up to the boundary covering the outdoor area it is considered that this departure will not be visible to the adjoining residents. The 1.0 metre setback is sufficient to provide ventilation as the adjoining property is located on the western side of the subject site, adequate direct sun is maintained to the dwelling. The western elevation does not include any major openings and therefore does not result in impacts on visual privacy of the adjoining property.

For the reasons outlined above the lot boundary setbacks are consistent with the design principles of the R Codes and the local housing objectives of the Built Form Policy.

### *Boundary Walls*

The Built Form Policy permit boundary walls to two side boundaries to a maximum height of 3.5 metres with an average height of 3.0 metres, to maximum length of two-thirds of the lot boundary. The application proposes a number of departures to these requirements for the proposed dwellings on Lot 7 and Lot 271, including over height and over length boundary walls, as well as boundary walls to more than two lot boundaries. These departures are detailed in the table above.

In addition to the Built Form Policy requirements, the City's Heritage Management Policy requires side setbacks of new development to reflect those of the adjacent heritage listed place. The building adjoining the western boundary of Lot 7 is included on the City's MHI.

The City received submissions raising concerns with the departures sought and the potential impact on adjoining properties as a result.

The applicant's justification for these departures are summarised below:

- Building bulk is minimised by the lengths of the boundary walls as well as the proposed finishes;
- The landowners at No. 12 and No. 14 Florence Street have provided support for the proposed development;

- No two storey boundary walls are proposed to the southern boundary to minimise impact on direct sun. The boundary walls have been designed to minimise impact on access to sunlight;
- The boundary walls make effective use of space given the lot sizes and provide for useable outdoor living areas facing the northern aspect; and
- The subdivision approvals and associated development application have facilitated the removal of a metal factory with one and a half to two storey walls setback between nil and one metre. The proposed development is considered to be a more appropriate interface as a result.

In determining the suitability of the boundary walls, the following is noted:

- In respect to Lot 7, two boundary walls are proposed along the southern and western boundary. The southern boundary wall proposes a departure to the maximum length and average and maximum height requirements. The western boundary wall exceeds the average and maximum height requirements.

The southern boundary wall makes for an effective use of the small lot size approved by the WAPC, as it facilitates an outdoor living area of sufficient size and open to the northern aspect. The wall varies in height between 1.2 metres and 3.7 metres and rather than being a continuous length is provided with breaks. This reduces the impact of building bulk and amenity on the adjoining property at No. 12 Florence Street. The boundary wall does not result in any greater overshadowing than the two storey height of the development and maintains direct sun to the adjoining property and its open spaces. Ventilation is provided to the dwelling itself through the provision of openable windows and the outdoor living area. The boundary wall does not contain any major openings and does not result in any visual privacy impacts. The boundary wall is not visible from the existing streetscape and will not impact on the visual character as a result.

The western boundary wall makes for an effective use of the small lot size approved by the WAPC, as it facilitates privacy to the dwelling and adjoining property at No. 14 Florence Street. The wall is proposed to be finished with different material types, including face brick on the ground floor and two contrasting renders. The applicant has also provided an amended plan which includes a highlight window to the master bedroom which has been provided to further break up the appearance of the wall, mitigating its bulk and scale when viewed from the existing dwelling. These finishes and inclusion of a window result in a development which is of a scale and mass that respects the adjacent heritage listed building, rather than dominating it and diminishing its character. The boundary wall is located on the southern portion of the western boundary which provides for access to morning sun and does not result in any overshadowing in accordance with the R Codes. Ventilation is provided through the existing setback between the proposed dwelling and the existing dwelling on the adjoining property, and ventilation to the dwelling itself is provided through the north face openings. The boundary wall does not contain any major openings and does not result in any visual privacy impacts. The view of the boundary wall is obscured by the presence of the existing dwelling at No. 14 Florence Street, and the proposed finishes of the wall ensure that this will not impact on the visual character of the streetscape.

- In respect to the departures for Lot 271, the deemed to comply provisions permit boundary walls to two separate lot boundaries, the development proposes three boundary walls along the eastern, western and southern boundaries. The eastern and western boundary walls propose a departure to the average and maximum height requirements.

The two storey boundary wall to the eastern boundary abuts a carpark to a residential development at No. 161 – 173 Charles Street, with the building being approximately 15.0 metres from the affected boundary and makes for effective use of the lot to provide a terrace on the upper floor. The boundary wall is proposed to be treated with different materials, being face brick and render to reduce the scale and mitigate the bulk of the wall. When viewed from the east the scale is also reduced by the remainder of the dwelling design which provides a sense of articulation, rather than the appearance of a flat and solid wall. The boundary wall is located on the southern portion of the western boundary which provides for access to afternoon sun and does not result in any overshadowing in accordance with the R Codes. Ventilation is provided through the existing setback between the proposed dwelling and the existing building on the adjoining property, and ventilation to the dwelling itself is provided through the north face openings. The boundary wall does not contain any major openings and does not result in any visual privacy impacts. The view of the boundary wall is obscured by the presence of the existing dwelling at No. 161 – 173 Charles Street and will not impact on the visual character of the streetscape.

The two storey boundary wall to the western boundary abuts No. 12 Florence Street with the wall being setback approximately 35.0 metres from the affected boundary, and makes for effective use of the lot to provide a terrace with a northern aspect on the upper floor. The boundary wall is proposed to be treated with different materials, being face brick and render to reduce the scale and mitigate the bulk of the wall. When viewed from the west the scale is also reduced by the remainder of the dwelling design which provides a sense of articulation, rather than the appearance of a flat and solid wall. Access to morning sun is maintained as the wall affects a small portion of the boundary on the northern side and does not result in any overshadowing in accordance with the R Codes. Ventilation is provided through the existing setback between the proposed dwelling and the existing building on the adjoining property, and ventilation to the dwelling itself is provided through the north face openings. The boundary wall does not contain any major openings and does not result in any visual privacy impacts. The view of the boundary wall is partially obscured by the presence of the existing dwelling at No. 12 Florence Street and is setback approximately 65.0 metres which will mitigate any impact on the visual character of the streetscape.

The single storey boundary wall to the southern boundary abuts No 147 – 159 Charles Street with the wall being setback approximately 6.3 metres from the existing building, and makes effective use of the lot to provide an outdoor living area with a northern aspect on the ground floor. The boundary wall is compliant with the height and length requirements, and is proposed for a 5.3 metre section of the boundary which reduces the impact of building bulk on the adjoining property. The impact of building bulk is also reduced by the 6.3 metre separation incorporating landscaping on the adjoining property, reducing its visual prominence. The boundary wall does not result in any

greater overshadowing than the two storey height of the development and maintains direct sun to the adjoining property and its open spaces. Ventilation is achieved through the separation of the remainder of the development, and to the dwelling itself through the openings proposed on the northern and southern elevations. The boundary wall does not contain any major openings and does not result in any visual privacy impacts. The boundary wall is not visible from the existing streetscape and will not impact on the visual character as a result

For the reasons outlined above the boundary walls are consistent with the design principles of the R Codes and the local housing objectives of the Built Form Policy.

As noted above, the two storey boundary walls are proposed to be treated with combinations of face brick and render, which assists in mitigating the visual impact of the walls. Given the constrained nature of the site, additional consideration to the materials and finishes would further assist in reducing the bulk and scale of these walls and improve the amenity for the adjoining properties as a result. To achieve this, should the application be approved the City recommends the imposition of a condition requiring a schedule of materials, finishes and colours to be submitted which includes a minimum of three different materials, with this to be applied to the two storey boundary walls on the eastern and western boundaries of Lots 7 and 271.

#### Setback of Garages and Garage Width

##### *Garage Setbacks*

The Built Form Policy requires garages to be setback 0.5 metres behind the dwelling line. The garages proposed for Units A – F on Lot 271 are located forward of the dwelling line. The garages for Units A – C on Lot 7, and Units A and B on Lot 12 are level with the dwelling line.

The City received submissions raising concerns with the garage setbacks not meeting the deemed-to-comply requirements during the community consultation.

The applicant's justification for this departure is summarised as follows:

- The dwelling frontages on the ground floor have been designed to interact with the access way and the streetscape;
- Translucent garage doors have been provided to contribute to this activation; and
- All dwellings are provided with terraces, outdoor living areas and active habitable rooms to provide surveillance.

In determining the acceptability of the garage setbacks, it is noted that the subject site does not have a traditional streetscape when viewed from the public realm. The garages for Units 12A, 12B and 271A – F are provided with translucent garage doors, while no garage door is provided to Units 7A - C. This reduces the bulk and scale of the garages from dominating the created streetscape. The dwellings provide major openings and outdoor living areas on the ground floor, as well as major openings on the upper floor. Units 7A – C and 271A – F also provide terraces on the upper floors. These openings and outdoor areas contribute to ensuring that the garages do not detract from the appearance of the dwelling and providing surveillance of the street.

For the reasons outlined above the garage setbacks provided are consistent with the local housing objectives of the Built Form Policy.

### *Garage Width*

The R Codes require garages located in front of or within 1.0 metres of the dwelling to have a maximum width of 50 percent of the frontage. The garages for Units A – F on Lot 271 are proposed to have a width of greater than 50 percent of the respective frontages.

The City received submissions raising concerns with the garage widths not meeting the deemed-to-comply requirements during the community consultation.

In determining the acceptability of the garage widths, as discussed previously, the garage doors are proposed to be translucent to reduce the bulk and scale on the streetscape. The dwellings are provided with major openings and outdoor living areas on both the ground and upper floors to provide connectivity between the dwelling and the street, and to further mitigate the garages from being visually dominating.

For the reasons outlined above the garage widths provided are consistent with the design principles of the R Codes.

### Outdoor Living Areas

The R Codes require outdoor living areas to be located behind the street setback area. As there is no deemed-to-comply street setback a design principles assessment is required. The proposed outdoor living areas for all units on Lots 7 and 271 are located on the northern side of the dwellings adjacent to the driveways.

The City did not receive any submissions relating to outdoor living areas during the community consultation.

The applicant's justification for this departure is summarised as follows:

- The outdoor living areas have been designed to maximise the use of the northern side;
- Locating outdoor living areas on the northern side will also contribute towards creating an active and interactive street front which is assisted by the use of visually permeable fencing; and
- In respect to the outdoor living area for Lot 271, if these were to be located on the southern side these would potentially be impacted by overlooking from the existing development at No. 147 – 159 Charles Street, which is located on the southern side.

In determining the acceptability of the outdoor living areas, it is noted that the outdoor living areas are capable of being used in conjunction with habitable rooms, being the living room for Units 12A to C and the family/lounge rooms for Units 271A to F. The outdoor living areas are all located on the northern side of the units ensuring that these spaces are open to winter sun and the northern aspect of the subject site is optimised. In addition, the outdoor living areas are unenclosed which provides for adequate ventilation.

For the reasons outlined above the outdoor living areas provided are consistent with the design principles of the R Codes.

### Landscaping

In addition to the deemed-to-comply requirements of the R Codes, the application has also been assessed against the landscaping provisions of the Built Form Policy that establishes deemed-to-comply requirements. These landscaping requirements have not yet been approved by the WAPC. As such, these provisions are given due regard in the assessment of the application.

The Built Form Policy requires the following:

- The provision of 15 percent of the site area as deep soil zones; and
- The provision of 30 percent of the site area as canopy coverage at maturity.

The application proposes the following landscaping:

- Lots 7 and 12 – 12.5 percent (128.1 square metres) of deep soil zone and 27.5 percent (280.7 square metres) of canopy coverage. This includes the western portion of the Sheridan Lane extension; and
- Lot 271 - 10 percent (131.6 square metres) of deep soil zones and 13.5 percent (117.8 square metres) of canopy coverage. This includes the eastern portion of the Sheridan Lane extension.

A total landscaped area of 13.4 percent of Lot 271 is proposed, while a total landscaped area of 14.8 percent of Lots 7 and 12 is proposed.

The City received submissions raising concerns with the proposal not complying with the required amount of deep soil zones and canopy coverage during the community consultation. Comments were also received regarding landscaping being provided at a sufficient standard to maximise visual privacy, as well as being located adjacent to the properties fronting Janet Street.

Following advertising the applicant provided amended plans which increased the amount of deep soil zones and canopy coverage on Lots 7 and 12 from 10.7 percent (109.8 square metres) and 19.2 percent (196.1 square metres) respectively. The deep soil zones and canopy coverage on Lot 271 was also increased from 3.2 percent (42.2 square metres) and 9.6 percent (127.3 square metres) respectively.

The applicant's justification for these departures are summarised as follows:

- Impact on adjoining residential properties has been reduced by providing a setback and planting to the northern properties along Janet Street, as well as planters on upper levels;
- There is a significant increase to urban quality as a result of the development facilitating the removal of a light industrial use with nil vegetation; and
- Planters are provided to increase the landscape amenity for residents.

In determining the acceptability of the landscaping provided the following is noted:

- The landscaping incorporates planting and trees around the perimeter of the subject site to provide a soft green edge to the built form and reduce its visual impact on the streetscape;
- The subject site does not currently contain landscaping, and the proposed landscaping provides increased urban air quality. The landscaping has been located around the edges of the buildings, along the driveways, and within the

outdoor living areas to provide a sense of open space for the development. This also contributes to the landscaping amenity of the future residents;

- The landscaping includes a mix of large and small trees, being the Chinese Tallow to contribute towards the City's green canopy. At maturity each Chinese Tallow will have a canopy area of 28 square metres based on the City's tree selection tool. The landscaping also incorporates shrubs and ground covers to further assist with reducing the heat island effect from the paved surfaces.
- Notwithstanding this, there may be further opportunities for additional canopy coverage to be achieved across the subject sites, either through additional planting or providing further details in regards to species selection as noted by the comments received from the Chair of the DRP. To address this, should the application be approved, the City recommends the imposition of a condition requiring the preparation of a landscaping plan to include species to maximise the provision of canopy coverage; and
- The development proposes communal landscaping at the end of the Sheridan Lane extension. This landscaping improves the amenity of the existing ROW and provides activation through the inclusion of bike racks and seating.

For the reasons above the landscaping is consistent with the local housing objectives of the Built Form Policy.

### Car Parking

The R Codes require 11 residents parking bays and two visitor parking bays. The development proposes tandem parking for Lot 7 and double garages for Lots 12 and 271. This is a total of 22 parking bays. One visitor bay is provided at the end of Sheridan Lane.

The City received comments concerned with the lack of visitor parking proposed.

The applicant's justification for this departure is summarised as follows:

- Each dwelling is provided with two permanent bays, providing a surplus to the 11 bays required. This means that each dwelling provides for its own visitor bay, with a surplus visitor bay being provided at the end of Sheridan Lane in common property; and
- The development provides adequate visitor parking for type, number and size of dwellings when considering its proximity to public transport, activity centres and the Perth CBD.

In determining the acceptability of the departure, it is noted that the subject site is well serviced by public transport. This includes the Leederville Train Station (approximately 700 metres to the south-west) and bus stops along Charles Street (approximately 100 metres to the north-east) and Cleaver Street (approximately 126 metres to the west). The subject site is also within 800 metres of the Leederville Town Centre and 1.2 kilometres from the Perth CBD. The development also provides for a surplus of 11 residents parking bays under the R Codes requirements, equating to one bay per dwelling. Given the sites proximity to facilities and the overprovision of on-site parking, the dwellings are capable of providing for visitor parking within the subject site, with the communal parking bay also serving the proposed dwelling.

For the reasons outlined above the visitor parking is consistent with the design principles of the R Codes. Should the application be approved, the City recommends an advice note be included advising the development provides for sufficient parking

and no parking permits will be issued for the residents. This will ensure that the development will not result in parking issues with the existing on-street bays along Janet Street.

### Vehicular Access

The R Codes require driveways for five Grouped Dwellings or more to be a minimum width of 4.0 metres and designed to allow for vehicles to pass in opposite directions at one or more points. The driveway for Lot 271 is 3.5 metres wide and does not provide a dedicated passing bay.

The City did not receive any submissions relating to vehicular access during community consultation.

In determining the acceptability of the vehicular access, it is noted that the common property is consistent with the width approved by the WAPC in subdivision application WAPC 631-18. The access leg is sufficiently wide to provide for safe and legible vehicle access and manoeuvring, and incorporates landscaping and planting on either side to reduce the visual impact. Although no dedicated passing bay is provided, the applicant has proposed to install trafficable landscaping between Lot B and C. The intent of this is to provide an opportunity for vehicles to pass should the need eventuate, but to also provide a landscaped area to improve the amenity while not in use. However further detail in respect to the landscaping as well as any reticulation is required to ensure that the landscaping does not restrict vehicle movement when needed. This is capable of being included within a condition of approval for submission of a detailed landscaping plan. Given the low speed nature of the development as well as the legibility provided, pedestrian safety is not compromised through the reduced driveway width.

For the reasons above the vehicular access is consistent with the design principles of the R Codes.

### Pedestrian Access

The R Codes requires the provision of pedestrian paths to service the dwellings. The proposal does not include a pedestrian path.

The City did not receive any submissions regarding pedestrian access during the community consultation.

In determining the acceptability of the non-provision of a pedestrian path, the access legs to Lots 7, 12 and 271 are low speed environments. Direct access from the visitor parking bay can be facilitated along the access legs, which also feature landscaped areas and paved dwelling entrances to provide relief for pedestrians as well as creating a legible environment.

For the reasons outlined above the pedestrian access provided is consistent with the design principles of the R Codes.

### Site Works and Retaining Walls

The R Codes permits a maximum of 0.5 metres of fill or associated retaining within 1.0 metre of the lot boundary. The development proposes a maximum fill and

associated retaining of 1.12 metres to the eastern portion of the northern lot boundary and 0.92 metres to the northern portion of the eastern boundary of Lot 271.

The City received submissions raising concerns with the site works and retaining and its impact on the adjoining properties.

The applicant's justification for the departure is summarised as follows:

- The retaining and associated fill responds to the topography of the subject site; and
- The retaining and associated fill has been minimised to ensure level entries to dwellings and compliant ramps for vehicles and pedestrians.

In determining the suitability of the site works and retaining the following is noted:

- The proposed fill and associated retaining responds to the natural features of the subject site, which slopes down generally from west to east. Lot 271 generally slopes down from the south-western corner to the north-eastern corner. the purpose of these site works is to provide for vehicular access, which has been designed to feature two ramps which follow the natural slope of the subject site, with the retaining and fill being minimised to the northern and eastern boundary where the ground level continues to slope down;
- The proposed fill and associated is not visible from the existing streetscape. The site works have been minimised where possible with the greatest amount restricted to the north-eastern corner of Lot 271, where the ground level slopes down the most. Given the siteworks follow the topography, the finished levels respect the finished level of the adjoining properties to the north and east; and
- The retaining facilitates the site works necessary to provide a level driveway and dwelling site. The retaining does not detrimentally affect the adjoining properties as it directly abuts an existing parking area to the east. The finished level follows the slope as it increases to the west to reduce the impact of the adjoining property to the north. The site works do not result in any visual privacy issues, which are discussed in further detail below.

For the reasons outlined above the site works and retaining are consistent with the design principles of the R Codes.

### Visual Privacy

The R Codes requires major openings to bedrooms to be setback 4.5 metres within the cone of vision, and unenclosed outdoor active habitable spaces to be setback 7.5 metres. Lot 12 Unit A proposes a 1.8 metre setback to the terrace in lieu of 7.5 metres, and Lot 271 Unit F proposes a 1.4 metre setback to the master bedroom in lieu of 4.5 metres.

The City received submissions raising concerns with the impact on visual privacy generally, as well as specifically at the property at No. 1 Janet Street, which is located on the northern side of Lot 271 Unit F. it is noted that Unit F is compliant with respect to the visual privacy requirements to the northern boundary, with the departure occurring to the eastern boundary.

The application was advertised with a nil setback to the master bedroom of Lot 7 Unit A in lieu of 4.5 metres. Following advertising, the applicant provided amended plans which modified this window to a highlight window to bring this into compliance with

the R Codes. The applicant has justified the departures on the basis that the remaining overlooking occurs onto either a carpark (in the case of Lot 271) or vegetation (Lot 12). The applicant has also indicated that a condition for screening or replacing these openings with highlight windows would also be acceptable.

In considering the suitability of the visual privacy in respect to Lot 271 the overlooking occurs onto an existing car park for the residential development at No. 161-173 Charles Street. There is approximately 15 metres of separation between the master bedroom window and the adjoining building. As a result of this setback and width of the opening, the overlooking does not occur directly onto the adjoining site, protecting the privacy of the existing occupants. This is consistent with the design principles of the R Codes.

In respect to Lot 12 the overlooking occurs onto the rear of No. 16 Florence Street to the west as well as the outdoor living area of Lot 7 Unit A on the subject site. The overlooking falls onto the outdoor living areas of both affected properties. Whilst it is noted that there is existing roof cover and landscaping at the rear of the property to the west, should these be removed by the owner this overlooking would occur into the outdoor living area. Given the direct overlooking falls onto outdoor living areas, this is not consistent with the design principles of the R Codes. The City recommends that a condition requiring fixed screening to this major opening be provided to ensure compliance with the R Codes.

#### Waste Management

The subject site has constrained access for service vehicles given the width of Sheridan Lane as well as restricted manoeuvrability. Based on this configuration, for the City's waste vehicles to service the subject site, the bins would need to be collected from Janet Street, approximately 35.0 metres to the north. This would also result in up to 22 bins needing to be collected from Janet Street, which would be undesirable from a practical perspective given the limited space available, as well as negatively impacting on the streetscape. Given this, the applicant has agreed to arrange for a private waste collection to service the subject site, with this to be incorporated into future strata agreements. The City recommends that a condition requiring a waste management plan being submitted and approved by the City, which outlines the details of the private waste collection.

#### **Conclusion:**

On 11 December 2018, the City received a Form 1 DAP application for 11 Grouped Dwellings across No. 14 and No. 16A Florence Street, West Perth.

The proposed departures to the deemed-to-comply requirements of the R Codes and the Built Form Policy have been assessed and are consistent with the relevant design principles and local housing objectives. The DRP has provided its support for the development. It is recommended that the JDAP approve the application subject to conditions.