

**5.1 LATE REPORT: NO. 209 (LOT: 213; D/P: 33158) VINCENT STREET, WEST PERTH - PROPOSED FOUR GROUPED DWELLINGS**

<b>TRIM Ref:</b>	<b>D18/29443</b>
<b>Author:</b>	<b>Emily Andrews, Urban Planner</b>
<b>Authoriser:</b>	<b>John Corbellini, Director Development Services</b>
<b>Ward:</b>	<b>South</b>
<b>Precinct:</b>	<b>5 – Cleaver</b>
<b>Attachments:</b>	<b>1. Attachment 1 - Consultation and Location Map</b> <b>2. Attachment 2 - Development Plans</b> <b>3. Attachment 3 - Summary of Submissions</b> <b>4. Attachment 4 - Applicants Response to Submissions</b> <b>5. Attachment 5 - Determination Advice Notes</b>

**RECOMMENDATION:**

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1, APPROVES the development application for Four Grouped Dwellings at No. 209 (Lot: 213; D/P: 33158) Vincent Street, West Perth in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5 and FORWARDS the application to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme, as the recommendation provided by the Department of Planning, Lands and Heritage to not approve the access from Vincent Street is not supported for the reasons set out in this report:

**1. Boundary Walls**

The owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall 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;

**2. 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 shall be screened from view from the street, and surrounding properties to the satisfaction of the City;

**3. Stormwater**

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

**4. Clothes Drying Facilities**

All external clothes drying areas shall be adequately screened in accordance with State Planning Policy 3.1: Residential Design Codes prior to the use or occupation of the development and shall be completed to the satisfaction of the City;

**5. Car Parking and Access**

**5.1. 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;**

**5.2. Vehicle and pedestrian access points are required to match into existing footpath levels; and**

5.3. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

6. Right of Way Widening

6.1. A 1.0 metre right of way setback area shall be maintained free of any buildings and structures for the length of the property that adjoins the right of way at all times to enable future right of way widening;

6.2. The 1.0 metre right of way setback area shall be sealed drained and graded to match into the level of the existing Right of Way; and

6.3. The 1.0 metre right of way setback area referred to in condition 6.1 above, shall be ceded free of cost to the City on subdivision or amalgamation of the land, including Built Strata subdivision;

7. Acoustic Report

An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation is to form part of the application for a Building Permit and shall be approved by the City prior to commencement of the development. All recommended measures in the report shall be undertaken in accordance with the report to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

8. Landscaping

8.1. A detailed 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:

8.1.1. The location and type of existing and proposed trees and plants;

8.1.2. Areas to be irrigated or reticulated; and

8.1.3. The provision of eight percent Deep Soil Zone and at least 30 percent Canopy Coverage, as defined by the City's Policy No. 7.1.1 – Built Form;

8.2. All works shown in the plans as identified in Condition 8.1 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;

9. Schedule of External Finishes

Prior to commencement of development a detailed schedule of external finishes (including materials and 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; and

10. General

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

**PURPOSE OF REPORT:**

To consider an application for development approval for Four Grouped Dwellings at No. 209 Vincent Street, West Perth

**BACKGROUND:**

<b>Landowner:</b>	Kenwin Projects Pty Ltd
<b>Applicant:</b>	Averna Pty Ltd T/A Averna Homes
<b>Date of Application:</b>	21 November 2017
<b>Zoning:</b>	MRS: Urban TPS1: Zone: Residential R Code: R80 TPS2: Zone: Residential R Code: R80
<b>Built Form Area:</b>	Residential
<b>Existing Land Use:</b>	Vacant
<b>Proposed Use Class:</b>	Grouped Dwelling
<b>Lot Area:</b>	643m <sup>2</sup>
<b>Right of Way (ROW):</b>	Florence Place to southern side of lot
<b>Heritage List:</b>	No

The subject site is bound by Vincent Street to the north and a ROW, being Florence Place, to the south. The site is currently vacant with the demolition of the original house occurring earlier this year. The site adjoins two storey grouped dwellings to the east and a single storey residential dwelling to the west. On the opposite side of Vincent Street is Beatty Park. A location plan is included as **Attachment 1**. The subject site and the immediate adjoining properties are zoned Residential with a density code of R80 and this is not contemplated to change under draft Town Planning Scheme No. 2 (TPS2). The site has been identified as a Residential Built Form Area subject to the City's Local Planning Policy No. 7.1.1 – Built Form.

The City received a development application seeking approval for the construction of four two storey grouped dwellings at the subject site on 23 November 2017. The application proposes two dwellings fronting Vincent Street and two dwellings fronting Florence Place, with common property located adjacent to Vincent Street to allow for vehicular access to Units 1 and 4 from a single crossover on Vincent Street. The applicant's development plans are included as **Attachment 2**.

**DETAILS:****Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Policy No. 7.1.1 – Built Form and the State Government's Residential Design Codes. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Density/Plot Ratio	✓	
Street Setback		✓
Lot Boundary Setbacks/Boundary Wall		✓
Building Height/Storeys		✓
Open Space	✓	
Outdoor Living Areas		✓
Landscaping		✓
Privacy	✓	
Parking & Access		✓
Solar Access	✓	
Site Works/Retaining Walls		✓
Essential Facilities	✓	
External Fixtures	✓	
Street Surveillance	✓	
Setback to Right of Way		✓

## Detailed Assessment

The deemed-to-comply assessment of the element that requires the discretion of Council is as follows:

<b>Street Setback</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Built Form Policy Clause 5.2</b>	
Average of five adjoining properties: 4.92m	4.6m
<b>Lot Boundary Setbacks / Boundary Wall</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Residential Design Codes (R-Codes) Clause 5.1.3</b>	
<u>Eastern Lot Boundary</u>	
Unit 1 Upper Floor setback of 2.1m	Unit 1 Upper Floor setback of 1.2m
Unit 2 Upper Floor setback of 2.1m	Unit 2 Upper Floor setback of 1.2m
<u>Western Lot Boundary</u>	
Unit 3 Upper Floor setback of 2.1m	Unit 3 Upper Floor setback of 1.2m
Unit 4 Upper Floor setback of 1.9m	Unit 4 Upper Floor setback of 1.2m
<b>Built Form Policy Clause 5.3</b>	
Boundary walls permitted to a maximum height of 3.5m and an average height of 3.0m	<u>Eastern Boundary</u> Unit 1 average boundary wall height of 3.2m  Unit 2 maximum and average boundary wall heights of 3.8m  <u>Western Boundary</u> Unit 3 average boundary wall height of 3.35m
<b>Building Height</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>Built Form Policy Clause 5.6</b>	
Two storeys with a maximum concealed roof height of 7.0m	Unit 1 and Unit 2 concealed roof height of 7.1m
<b>Outdoor Living Areas</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>R Codes Clause 5.3.1</b>	
Minimum dimension of 4.0m	Minimum dimension of 3.8m to all four units
<b>Landscaping</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>R Codes Clause 5.3.2</b>	
Maximum 50% hard surface in front setback area	15% of landscaping within the front setback area
<b>Parking and Access</b>	
<b>Deemed-to-Comply Standard</b>	<b>Proposal</b>
<b>R Codes Clause 5.3.5</b>	
Vehicle access from ROW	Vehicle access for Units 1 and 4 from primary street

Site Works / Retaining Walls	
Deemed-to-Comply Standard	Proposal
<b>R Codes Clause 5.3.7 and Clause 5.3.8</b>	
Fill and retaining walls up to 0.5m above natural ground level	Fill and retaining walls up to 0.6m above natural ground level on the eastern boundary
Setback to ROW	
Deemed-to-Comply Standard	Proposal
<b>Built Form Policy Clause 5.31</b>	
1.0m setback from ROW widening	0.3m setback from widening area to nib wall

The above elements of the proposal do not meet the specified deemed-to-comply standards and are discussed in the comments section below.

#### CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, for a period of 14 days commencing on 7 February 2018 and concluding on 20 February 2018. Community consultation was undertaken by means of written notifications being sent to surrounding landowners within a 75 metre radius of the site, as shown in **Attachment 1** and a notice on the City's website. At the conclusion of the community consultation period, eight submissions were received by the City comprising of four letters of objections, two in support and two raising concerns.

The main issues raised as part of the consultation relate to:

- Reduced setbacks blocking access to natural light;
- Potential loss of privacy from the upper floor windows;
- The safety of vehicles due to access from Vincent Street and the proximity to the Charles and Vincent Street intersections, and also the access from Florence Place as it is narrow laneway;
- The landscaping proposed within the front setback being minimal; and
- The materials proposed should consider the surrounding developments.

A summary of the submissions and Administration's comments are included as **Attachment 3**. The applicant has also provided responses to the submissions, which is contained in **Attachment 4**.

#### Referral Authority responsible for Vincent Street - Department of Planning, Lands and Heritage:

In accordance with the WAPC's delegation to local governments for decisions under the Metropolitan Region Scheme (MRS) as the subject lot abuts Vincent Street which is a Category 2 Other Regional Road the application required referral to the Department of Planning Lands and Heritage (the Department) prior to determination. The City referred the application to the Department who advised that while they do not object to the development in principle they do not support the proposed access from Vincent Street as it does not minimise the number of crossovers to the Other Regional Road, does not rationalise existing access arrangements and is close to the Vincent Street and Charles Street intersection.

#### Design Advisory Committee (DAC):

Referred to DAC: No

#### LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1 – Residential Design Codes;
- Policy No. 4.1.5 – Community Consultation; and
- Policy No. 7.1.1 – Built Form Policy.

In accordance with Schedule 2 Clause 76(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Part 14 of the *Planning and Development Act 2005*, the applicant has the right to apply to the *State Administrative Tribunal* for review of Council's determination.

It is noted that the landscaping provisions of the Built Form Policy requires the approval of the Western Australian Planning Commission (WAPC) and as a result the assessment will only have 'due regard' to these provisions.

#### Draft Town Planning Scheme No. 2 (Draft TPS2)

On 8 December 2017, the Acting Minister for Planning announced that the City's draft Town Planning Scheme No 2 (TPS2) was to be modified before final approval was to be granted. The schedule of modifications was confirmed in writing by officers at the Department. The Department also advised that the modifications to TPS2 would be required before the Acting Minister would finally grant approval to the Scheme. In this regard TPS2 should be given due regard as a seriously entertained planning proposal when determining this application. Generally the modified version of TPS2 does not impact on the subject property.

#### **Delegation to Determine Applications:**

The matter is being referred to Council as the proposal is for development classified 'Category 2' as the development incorporates four grouped dwellings.

As the subject lot abuts Vincent Street, which is a Category 2 Other Regional Road, the City only has delegation to determine the application under the MRS if it accepts the recommendations of the Department prior to determination. If the City does not accept the recommendations of the Department the City is required to forward the application to the WAPC for determination under the MRS along with the reasons why the recommendation is not acceptable to the City.

It should be noted that the City is still the responsible authority for determining the application under its local planning scheme, in this case TPS1, even if it does not accept the recommendations of the Department.

#### **RISK MANAGEMENT IMPLICATIONS:**

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

#### **STRATEGIC IMPLICATIONS:**

The City's Strategic Plan 2013-2023 states:

##### "Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure."*

#### **SUSTAINABILITY IMPLICATIONS:**

Nil.

#### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

#### **COMMENTS:**

##### Street Setback

The application proposes a primary street setback of 4.6 metres in lieu of the deemed-to-comply standard set by the Built Form Policy of 4.92 metres, being the average of the five properties either side of the development. The subject site is located near the corner of Vincent and Charles Street and is alongside properties that have a lesser setback to the primary street, with the adjoining property to the east setback 2 metres from the front boundary and the property to the west having a carport structure at 1 metre from the front lot boundary. The development is adjacent to Vincent Street which is four lanes wide, with Beatty Park directly opposite.

Given the adjoining setbacks and the surrounding locality, the development is not considered to have an adverse impact in terms of building bulk as viewed from the street.

The proposal incorporates a range of materials and finishes including red face brick and elements of render. The incorporation of the face brick element considers the existing developments along the streetscape and the proposed render is considered to add an element of contemporary architecture which is also seen in the existing dwellings to the east of the subject site. The applicant proposes to plant Jacaranda Trees and Chinese Tallow trees within the front setback area which at maturity will screen the development and reduce potential visual impact caused by the setback. Given this, the proposal is considered to be appropriate to the site context.

#### Parking and Access

The vehicle access to the subject site is from the primary street for Units 1 and 4 in lieu of the ROW, with vehicle access to Units 2 and 3 from the ROW. The primary street (Vincent Street) is a district distributor road and as such requires all vehicles to exit in forward gear. Access to Vincent Street has been designed to achieve this, with a common property paved access area incorporated into the front setback so that each dwelling can use this space to manoeuvre into forward gear when existing.

Vincent Street is a Category 2 Other Regional Road and as such required referral for comment by The Department. The Department did not support the access to Vincent Street as it does not align with the Department's internal Policy, *Development Control Policy 5.1- Regional Road (Vehicular Access)* (DC Policy 5.1), which seeks to minimise the number of crossovers to regional roads and rationalise existing access arrangements. The Department also cited the proximity of the proposed crossover from the Vincent Street and Charles Street intersection as another reason for not supporting the access.

DC Policy 5.1 outlines the following provisions to be considered in determining developments proposing access from regional roads:

- The effects of the development on traffic flow and safety, the character and function of the road, the volume and speed of traffic, the width of the carriageway and visibility; and
- The volume and type of traffic generated by the development.

DC Policy 5.1 identifies regional roads as principally being for traffic movement and having no vehicle access to or from abutting properties, however also notes that the traffic from residential properties attracts less volumes of traffic than commercial uses which are common along regional roads. DC Policy 5.1 recognises the continued growth of traffic in the metropolitan region and that the provision of access is not compatible with the requirement for vehicle movement, as traffic causes conflict and junctions and driveways contribute to delay and congestion as turning vehicles will slow and interrupt the free flow of traffic, in particular commercial developments which generate more turning traffic than residential developments.

Whilst DC Policy 5.1 intends to minimise and rationalise the number of crossovers to regional roads, the proposed crossover seeks to replace an existing crossover to be more centralised to allow both units to have access to the street, and does not propose any additional crossovers at the subject site. Whilst the crossover is 5.0 metres wide, the access has been designed to ensure that vehicles entering and exiting the site will be able to do so in a safe manner and have minimal impact on the safety of both vehicles on Vincent Street and that of pedestrians, particularly as vehicles are able to exit the subject site in forward gear.

The existing developments to the west of the subject site have vehicle crossovers to Vincent Street, with both having developed to the rear, which restricts any future access from the ROW for the developments fronting Vincent Street. As such these properties will continue to access Vincent Street in perpetuity and the proposed relocation of the crossover at the subject site to service only two grouped dwellings is not considered to have any significant impact on traffic flow, safety or the character of the road given this context.

The subject site is setback 45 metres from the Vincent Street and Charles Street intersection, and is adjacent to a median island which will restrict vehicles entering and exiting Vincent Street to left in left out. The restriction of a left in and left out to the subject site will ensure safety for vehicles travelling west along Vincent Street and the vehicles entering the street. The signal controlled intersection of Vincent Street and Charles Street will assist in providing clear visibility and will allow for vehicles to enter the street safely and have minimal impact on the oncoming traffic. The subject site contains two on site car bays, with adequate room for stopping and manoeuvring for vehicles to exit in forward gear. The number of cars proposed is not considered to be detrimental to the traffic flow of Vincent Street, nor significantly increase the volume of traffic.

Administration does not accept the recommendation of the Department to refuse the proposed access to Vincent Street and considers that the retention of one crossover in a consolidated arrangement is acceptable and will provide safe vehicle access to the site. As the City does not accept the Department's recommendations, it is recommended that the Council forward the application to the WAPC for determination under the MRS for the reasons set out above.

#### Lot Boundary Setbacks/ Boundary Walls

##### *Eastern Boundary*

The first floor of Units 1 and 2 propose a 1.2 metre setback to the eastern lot boundary in lieu of the required 2.1 metres. The reduced setback adjoins three two storey grouped dwellings to the east, which present boundary walls, side setback and outdoor living areas to this boundary. The proposed development does not include any major openings and therefore will not result in any overlooking into the adjoining properties. The proposal incorporates a range of finishes which is considered to reduce the perception of building bulk to the adjoining landowners. The orientation of the site ensures that the shadow cast on 21 June 2017 falls within the subject site and to the ROW and is consistent with the deemed-to-comply requirements.

The proposed boundary wall to Unit 1 on the eastern elevation of the subject site exceeds the average permitted height by 0.2 metres, and the boundary wall to Unit 2 on the eastern elevation exceeds the maximum height by 0.5 metres and the average by 0.8 metres. The proposed boundary walls abut adjoining boundary walls, side setback areas of the adjoining grouped dwellings to the east, as well as the length of the outdoor living area of the rear grouped dwelling to the east. The development provides contrasting materials and finishes to the external walls of the dwellings which will assist in mitigating the impact of building bulk to the adjoining properties. The proposed boundary walls will not result in significant overshadowing onto the adjoining properties as the orientation of the subject site will allow for the shadow to mainly be cast into the subject site and the ROW. The design allows the habitable areas of the dwelling, including the open space and the designated outdoor living area, to be open to direct sun and ventilation.

Given the above, the setbacks to the eastern boundary are considered to meet the design principles of the R Codes.

##### *Western Boundary*

The first floor of Units 3 and 4 propose a 1.2 metre setback to the eastern lot boundary in lieu of the required 2.1 metres for Unit 3, and 1.9 metres to Unit 4. This elevation does not include any major openings and therefore does not result in any overlooking into the adjoining properties. The proposal incorporates a range of finishes which is considered to reduce the perception of building bulk to the adjoining landowners. The orientation of the site ensures that the shadow cast on 21 June 2017 falls within the subject site and to the ROW.

The proposed boundary wall to Unit 3 on the western elevation of the subject site exceeds the average deemed-to-comply height by 0.35 metres. The boundary wall does not abut any major openings or active outdoor spaces of the adjoining property and is therefore considered to have minimal impact in terms of bulk. The proposed wall does not result in overshadowing onto the adjoining properties as the orientation of the subject site will allow for the shadow to be cast within the subject site and towards the ROW. The design allows the habitable areas of the dwelling, including the open space and the designated outdoor living area, to be fully open to direct sun and ventilation.

Given the above the setbacks to the western boundary are considered to meet the design principles of the R Codes.

#### Building Height and Site Works

Units 1 and 2 propose a maximum concealed roof height of 7.1 metres in lieu of the maximum 7.0 metres set as a deemed-to-comply standard under the City's Built Form Policy. The area above the deemed-to-comply height for Unit 1 is on the eastern portion of wall facing Vincent Street and is a result in the natural ground level of the site which gradually falls from the western to the eastern boundary. As viewed from the street, Unit 1 will be level with Unit 4 which is a maximum height of 7.0 metres, and as such is not considered to compromise overall streetscape. The portion of wall exceeding 7.0 metres in height for Unit 2 is located towards the middle of the property and will front the proposed dwellings on site and therefore will have little impact on the streetscape. Furthermore, Unit 2 is located behind Unit 1 and setback from the Vincent Street frontage.



The proposal does not result in any overlooking into the adjacent properties. The favourable orientation of the site ensures that the shadow cast from the properties fall within the subject site itself and onto the ROW.

The proposed development has incorporated a range of materials that includes brickwork and render. The materials and finishes of the development are considered to appropriately address the character of the site context and is complimentary to the existing developments. The increased height is also considered to be consistent with the established streetscapes in terms of height, with the development adjacent to two storey dwellings to the east of the site.

The development proposes fill and associated retaining to a maximum height of 0.6 metres in lieu of 0.5 metres, which results from a proportion of cut and fill works for a section of the site to account for the current slope on the property. The proposed site works and retaining are considered to be minor in nature and to not have a detrimental impact on the adjoining dwellings.

#### Landscaping

The application proposed 32.6 percent of the front setback area as hard stand in lieu of the maximum 50 percent set as a deemed-to-comply standard under the R-Codes. This is due to the significant portion of the front setback area that is required to be paved for vehicle manoeuvring purposes so that vehicles can exit the site in forward gear.

The application has also been assessed against the proposed landscaping deemed-to-comply standards in the City's Built Form Policy. The development proposes eight (8) percent of the site as deep soil zone in lieu of the 15 percent set as a deemed-to-comply standard in the Built Form Policy. The applicant has not provided a landscaping plan designed by a landscape architect and so has not proposed a canopy coverage percentage. However, the deep soil zones proposed are strategically located to maximise the potential for mature trees and canopy coverage on site, including four separate deep soil zones in the front setback area, one deep soil zone in each of the central courtyards and two deep soil zones at the rear fronting the laneway. The applicant has advised that they are proposing two Jacaranda trees and four Chinese Tallow trees in the front setback area, six Chinese Tallows in the central courtyards, and two more Chinese Tallows at the rear fronting the ROW. The City has assessed the canopy coverage of this landscaping configuration and considers that the canopy coverage created would be well over 40 percent.

The area of landscaping that is proposed is considered to positively contribute to the streetscape and the appearance of the development to the residents, particularly as the trees proposed will allow for a significant canopy cover and as the landscaping is not concentrated in one location. The landscaping on the front lot boundary will not hinder the security and safety of the residents. The intent of the City's Built Form Policy is also considered to be met, with well over 40 percent canopy coverage being achieved by the proposal. The proposed landscaping is considered to be appropriate as the areas have been located to allow for greater coverage within the subject site which is reflected in the canopy coverage.

#### Outdoor Living Areas

The reduced dimension of 3.8 metres to the outdoor living areas of each of the proposed dwellings does not restrict the overall use of the area. The outdoor living areas are located centrally together, which increases the availability of light and sense of space for these areas. As there is no covered area, the outdoor living areas will have sufficient access to norther sun and open to winter sun and ventilation. The outdoor living areas also adjoin habitable rooms of the dwellings, which open onto these areas and allow the size of these spaces to be extended.

#### Setback to ROW

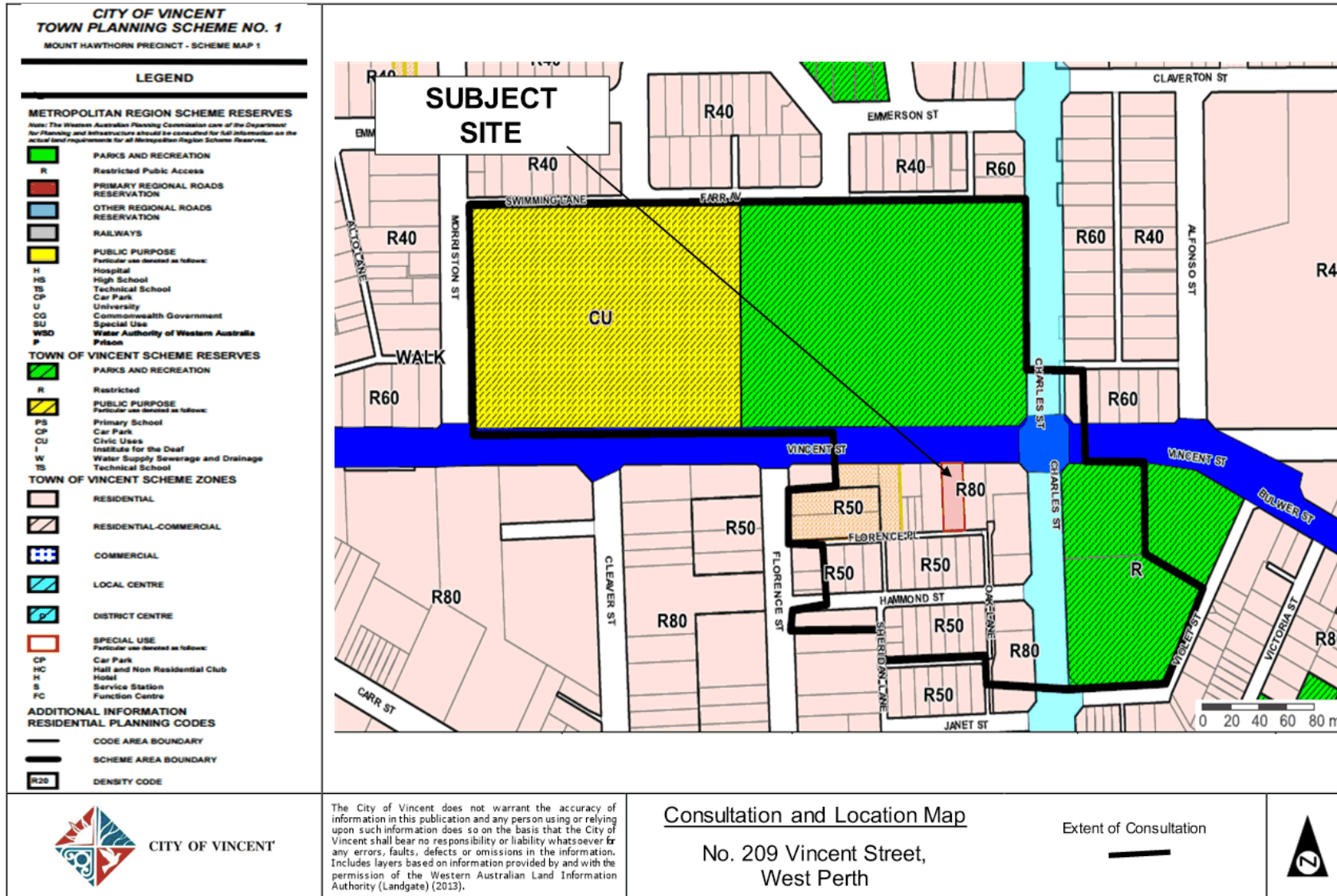
The rear nib wall of the development is setback of 0.3 metres in lieu of 1.0 metres to the ROW widening area. The portion of dwelling setback at 0.3 metres is the central parapet walls of the dwelling which act as a feature wall, with the overall upper floor setback 0.5 metres from the widening area. The reduced setbacks to the ROW are considered to provide an area that is welcoming and safe for residents and visitors.

The proposal does not propose pedestrian access from the ROW (Florence Place) to the primary street (Vincent Street). There is sufficient space fronting the ROW for service areas, including waste management and as such access is not required to the primary street.

Conclusion

The proposal requires Council to exercise its discretion in relation to the proposed development. For the reasons outlined in the body of the report, the departures from the deemed-to-comply standards of the City's Built Form Policy and the R Codes are considered to address the Local Housing Objectives and Design Principles respectively. The proposal has incorporated a range of materials and finishes which are considered to be consistent with the existing immediate streetscape and the significant landscaping proposed is considered to mitigate the perception of building bulk for adjoining residents and passers-by. The proposed access from Vincent Street is considered to address the design principles for the R-Codes and not impact on the character or functionality of the road given the ongoing single dwelling access that will continue to be provided to dwellings along the street.

In light of the above, it is recommended that the application be approved under the City's TPS1 only, subject to conditions. Given the Department did not support the access to Vincent Street, it is recommended that the MRS application be forwarded to the WAPC for determination for the reasons set out in this report.



**SUBJECT SITE**

Beatty Park

VINCENT ST

No. 209 Vincent Street, West Perth

CITY OF VINCENT

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 Licensed Surveyors

87-89 Guthrie Street, Osborne Park, Western Australia  
 Telephone: (08) 9446 7361 Facsimile: (08) 9445 2988  
 Email : perth@cottage.com.au Website: www.cottage.com.au

Builder : Avena Homes  
 CLIENT : KENWMN PROJECTS PTY LTD  
 LOT 213 #209 Vincent Street, West Perth  
 JOB N° : 2162 SHEET: 01a of 06 D.Plan33158

OLD AREA	SEC Dome
LEGEND	Power Pole
(T) (S)	Phone Pits
(W)	Water Conn.
(P)	Top Piller/Post
(TR 10.00)	Top Wall
(TR 10.00)	Top Retaining
(TF 10.00)	Top Fence

**DISCLAIMER:**  
 Lot boundaries drawn on survey are based on boundary plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. This should be checked to verify all lot details and for any easements or other interests which may affect building on the property.

**DISCLAIMER:**  
 Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any design based or dependent on the location of existing features should have those features location verified in relation to the true boundary.

**DISCLAIMER:**  
 Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.

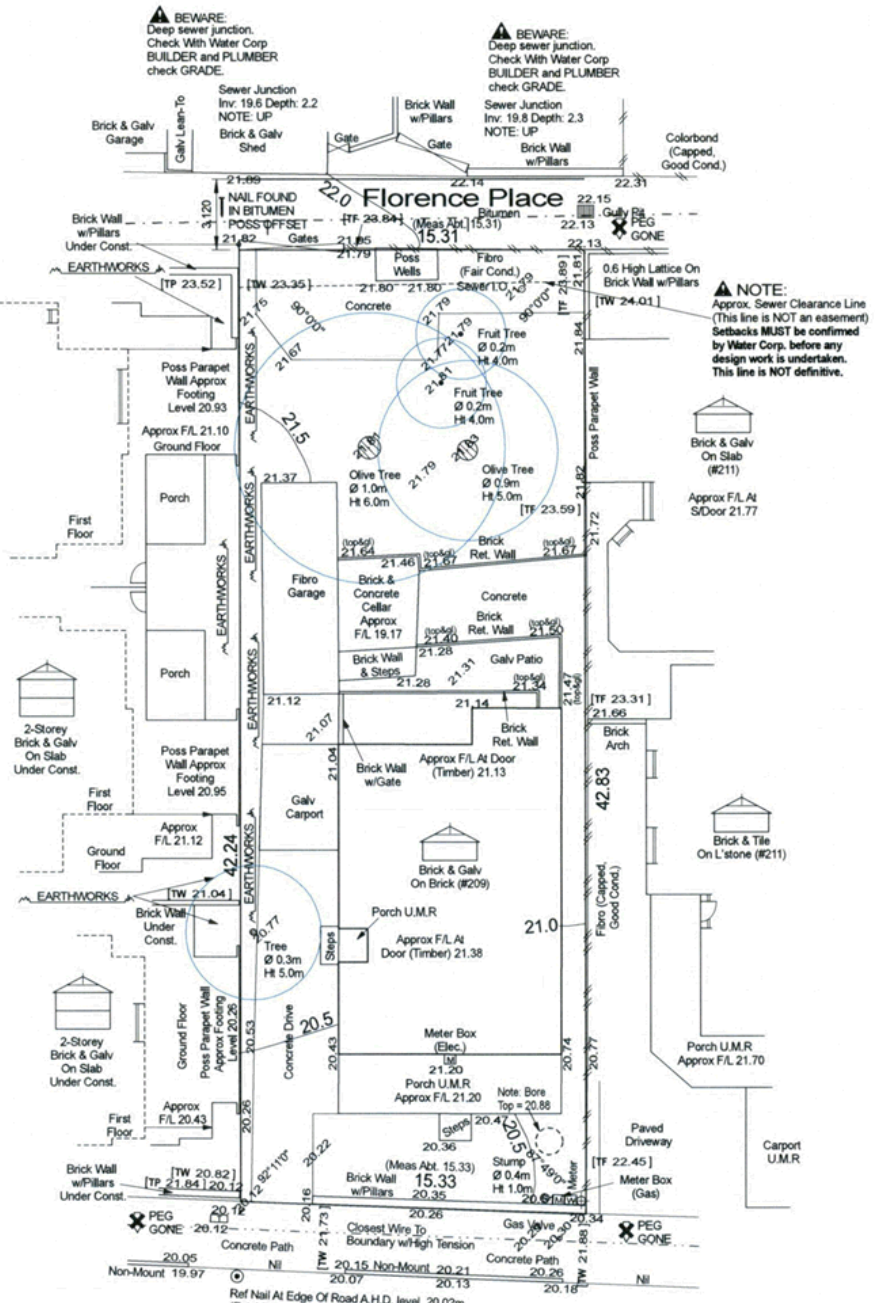
**DISCLAIMER:**  
 Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.

**DISCLAIMER:**  
 Due to lack of survey marks/pegs, all building offset dimensions & features are approximate only and positioned from existing walls/fences and walls which may not be on the correct alignment and are to be verified when required. Any design that involves additions to any structures shown or portion of structures remaining after any demolition has taken place requires boundaries to be re-surveyed and exact offsets provided to your designer/architect before any plans are produced and before any work is started on site.

**DISCLAIMER:**  
 HIGH TENSION POWER LINES. CHECK TITLE FOR EASEMENTS AND WESTERN POWER FOR SET-BACKS.

**BEWARE:**  
 Deep sewer junction. Check With Water Corp BUILDER and PLUMBER check GRADE.

**BEWARE:**  
 Deep sewer junction. Check With Water Corp BUILDER and PLUMBER check GRADE.



**NOTE:**  
 Approx. Sewer Clearance Line (This line is NOT an easement) Setbacks MUST be confirmed by Water Corp. before any design work is undertaken. This line is NOT definitive.

Ref Nail At Edge Of Road A.H.D. level 20.02m  
 (Established from S.S.M. LAWLEY 116 using data supplied by the Geodetic Section of Landgate)

**LOT MISCLOSE**  
 0.011 m

**SOIL DESCRIPTION**  
 Sand  
 Refer to Survey

Scale 1:200

**DISCLAIMER:**  
 HIGH TENSION POWER LINES. CHECK TITLE FOR EASEMENTS AND WESTERN POWER FOR SET-BACKS.





87-89 Guthrie Street, Osborne Park, Western Australia  
 Telephone: (08) 9446 7361 Facsimile: (08) 9445 2998  
 Email: perth@cottage.com.au Website: www.cottage.com.au

J/N: 421257 DATE: 19 Jul 17 SCALE: 1:200 DRAWN: T.Currey

Builder : Avera Homes  
 CLIENT : KENWIN PROJECTS PTY LTD  
 LOT 213 #209 Vincent Street, West Perth  
 SHEET: 01 of 06 (REV H: Dated 14-03-18)

LEGEND	+	SE-C Dome
	⊕	Power Pole
	⊕	Phone Pits
	⊕	Water Conn.
	⊕	Top Pillar/Post
	⊕	Top Wall
	⊕	Top Retaining
	⊕	Top Fence

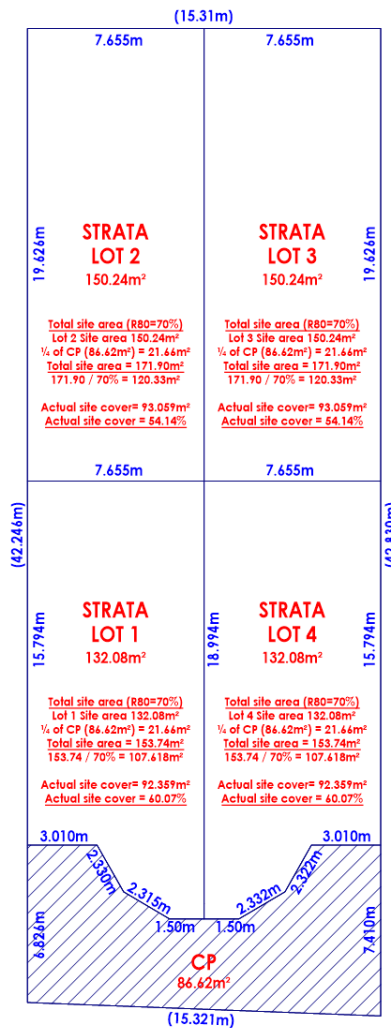
D.Plan33158

CITY OF VINCENT  
 RECEIVED  
 15 Mar 2018

- ▲ **DISCLAIMER:**  
 If boundaries drawn on survey are based on landscape plan only. Survey does not include title search and as such may not show easements or other interests not shown on plans. Title should be checked to verify all lot details and for any easements or other interests which may affect building on the property.
- ▲ **DISCLAIMER:**  
 Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.
- ▲ **DISCLAIMER:**  
 Survey shows visible features only and will not show locations of underground pipes or conduits or internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.
- ▲ **DISCLAIMER:**  
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- ▲ **DISCLAIMER:**  
 Due to lack of survey marks/pegs, all building offset dimensions & features are approximate only and positioned from existing pegs/fences and walls which may not be on the correct alignment and are to be verified when repegged. Any design that involves additions to any structures shown or portion of structures remaining after any demolition has taken place requires boundaries to be repegged and exact offsets provided to your designer/architect before any plans are produced and before any work is started on site.

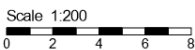


Florence Place



Vincent Street

**PROPOSED STRATA PLAN**



**COTTAGE & ENGINEERING SURVEYS**  
Licensed Surveyors

87-89 Guthrie Street, Osborne Park, Western Australia  
Telephone: (08) 9446 7361 Facsimile: (08) 9445 2988  
Email: perth@cottage.com.au Website: www.cottage.com.au  
J/N: 421257 DATE: 19 Jul 17 SCALE: 1:200 DRAWN: T.Currey

Builder : Avena Homes  
CLIENT : KENWIN PROJECTS PTY LTD  
LOT 213 #209 Vincent Street, West Perth  
SHEET: 01 of 06 (REV H: Dated 14-03-18)

LEGEND	SYMBOL	DESCRIPTION
SE-C	Circle with cross	SEC Dome
PL	Circle with dot	Power Pole
PF	Circle with cross	Phone Pils
WC	Circle with dot	Water Conn
TP 10.00	Circle with cross	Top Pillar/Post
TW 10.00	Circle with cross	Top Wall
TR 10.00	Circle with cross	Top Retaining
TF 10.00	Circle with cross	Top Fence

D:Plan33158

**SITE COVER AREA CALCULATIONS ZONING R80 (MAX 70% ALLOWED)**

UNIT 1	= 92.359m <sup>2</sup>
UNIT 2	= 93.059m <sup>2</sup>
UNIT 3	= 93.059m <sup>2</sup>
UNIT 4	= 92.359m <sup>2</sup>
<b>TOTAL</b>	<b>= 370.836m<sup>2</sup></b>
<b>SITE AREA</b>	<b>= 643.207m<sup>2</sup></b>
<b>CALC m<sup>2</sup></b>	<b>= 370.836 / 643.207</b>
<b>CALC %</b>	<b>= 57.65% (Max 70%)</b>

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- DISCLAIMER:** If boundaries drawn on survey are based on landscape plan only. Survey does not include title search and as such may not show easements or other interests not shown on plans. Title should be checked to verify all lot details and for any easements or other interests which may affect building on the property.
- DISCLAIMER:** Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.
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**DISCLAIMER:** HIGH TENSION POWER LINES. CHECK TITLE FOR EASEMENTS AND WESTERN POWER FOR SET-BACKS.

**BEWARE:** Deep sewer junction. Check With Water Corp BUILDER and PLUMBER check GRADE. Sewer Junction Inv: 19.6 Depth: 2.3 NOTE: UP

**EXTENT OF OVERSHADOWING ON LOT 9 HAMMOND STREET 36.08m<sup>2</sup> / 324m<sup>2</sup> LOT = 11.13% (SHOWN HATCHED)**

**EXTENT OF OVERSHADOWING ON LOT 8 HAMMOND STREET 10.28m<sup>2</sup> / 324m<sup>2</sup> LOT = 3.17% (SHOWN HATCHED)**

**FUTURE ROAD WIDENING SUBJECT TO SHIRE APPROVAL / REQUIREMENTS**

**NOTE:** Approx. Sewer Clearance Line (This line is NOT an easement) Setbacks MUST be confirmed by Water Corp. before any design work is undertaken. This line is NOT definitive.

**EXTENT OF FIRST FLOOR LEVEL (SHOWN SHADED)**

**PROPOSED UNIT 2 LOWERED FLOOR FFL 21.829 (00c) SPL 21.729 (SHOWN HATCHED)**

**PROPOSED UNIT 3 LOWERED FLOOR FFL 21.829 (00c) SPL 21.729 (SHOWN HATCHED)**

**2 x 1200 x 1500 CONG SOAKWELLS WITH TRAFFIC LID**

**NEW PANEL & POST RETAINING WALL AS SHOWN HATCHED**

**NEW PANEL & POST RETAINING WALL AS SHOWN HATCHED**

**PROPOSED UNIT 1 LOWERED FLOOR FFL 20.80 (00c) SPL 20.70 (SHOWN HATCHED)**

**EXTENT OF FIRST FLOOR LEVEL (SHOWN SHADED)**

**PROPOSED UNIT 4 LOWERED FLOOR FFL 20.80 (00c) SPL 20.70 (SHOWN HATCHED)**

**2 x 1200 x 1500 CONG SOAKWELLS WITH TRAFFIC LID**

**DMM BOX BUILT INTO 23c HIGH ISOLATED BRICK PIER**

**EXISTING BORE TO BE REMOVED AT DEMOLITION STAGE**

**EXISTING POWER DOME LOCATION, CONNECTION REQUIREMENTS SUBJECT TO WESTERN POWER APPROVAL**

**EXISTING WATER METER PLUS THREE NEW W/METER CONNECTIONS SUBJECT TO WAWA APPROVAL**

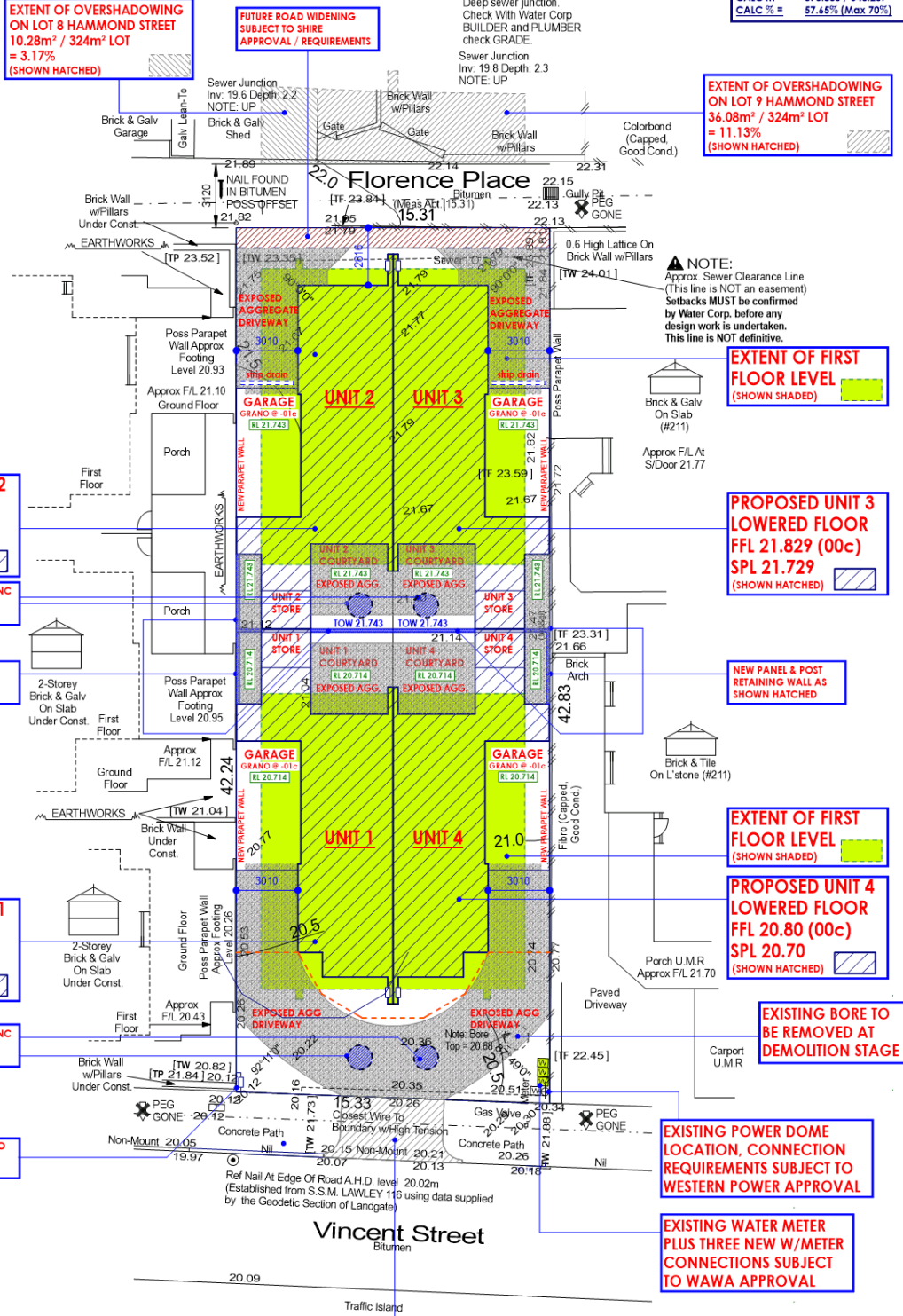
**5m WIDE CONCRETE CROSSOVER TO COUNCIL REQUIREMENTS**

**DISCLAIMER:** HIGH TENSION POWER LINES. CHECK TITLE FOR EASEMENTS AND WESTERN POWER FOR SET-BACKS.

**LOT MISCLOSE**  
0.011 m

**SOIL DESCRIPTION**  
Sand  
Refer to Survey

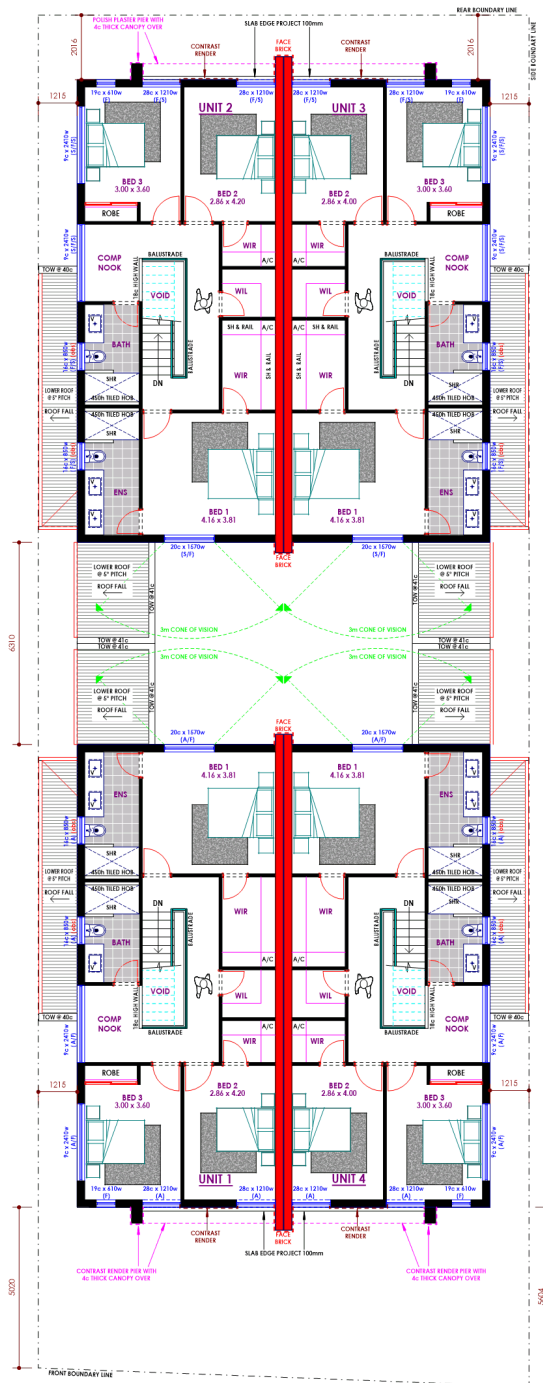
Scale 1:200







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**AREAS (Unit 1 & 4)**

Ground Floor House/2l Area	= 72.420m <sup>2</sup>
Garage Area	= 19.758m <sup>2</sup>
First Floor House Area	= 93.216m <sup>2</sup>
<b>TOTAL AREA</b>	<b>= 185.394m<sup>2</sup></b>
Ground Floor House Perm	= 54.53m
First Floor House Perm	= 43.61m

**AREAS (Unit 2 & 3)**

Ground Floor House/2l Area	= 73.320m <sup>2</sup>
Garage Area	= 17.738m <sup>2</sup>
First Floor House Area	= 93.216m <sup>2</sup>
<b>TOTAL AREA</b>	<b>= 184.274m<sup>2</sup></b>
Ground Floor House Perm	= 56.53m
First Floor House Perm	= 43.61m

**CLIENT NOTE:**  
Design concepts are subject to developer & council approvals, engineers details, site survey and energy efficiency requirements. Design based on Class 1 Building classification.



Business Registration No. 12240  
Telephone: 081 923 3799  
Suite 3, First Floor, 54 Belgrove Street, Belmont, W.A. 1104  
PO Box 518, Crows Nest, W.A. 6002

**CLIENT:** Kenwin Projects Pty Ltd  
**PROJECT:** Lot 213 (#209) Vincent Street West Perth  
**DESIGNED BY:** Mark Pavlich  
**DATE:** November - 2017  
**SCALE:** 1:100 (A3) / NOT TO SCALE (A3)  
**REVISION:** ISSUE FOR DAREVH - 14/03/2018

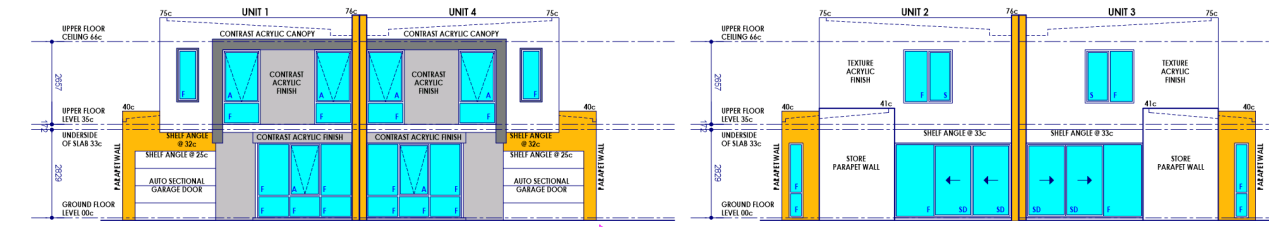
UPPER FLOOR PLANS

Proposed KENWIN PROJECTS PTY LTD  
Lot 213 (#209) Vincent Street West Perth



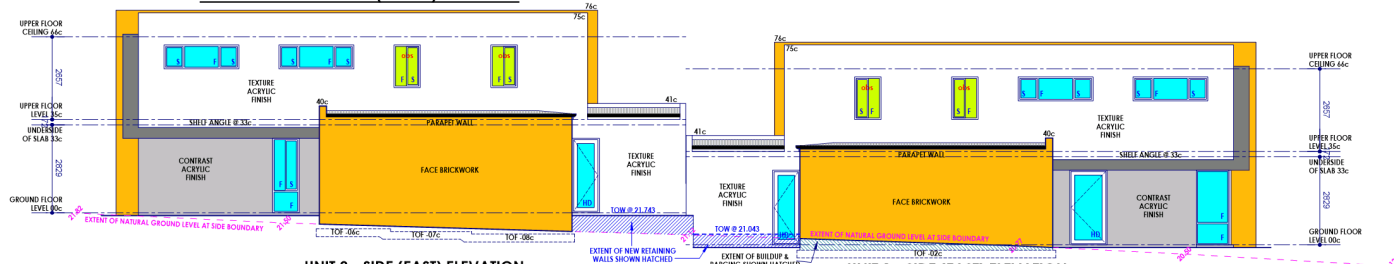
**ELEVATIONS**

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15 Mar 2018



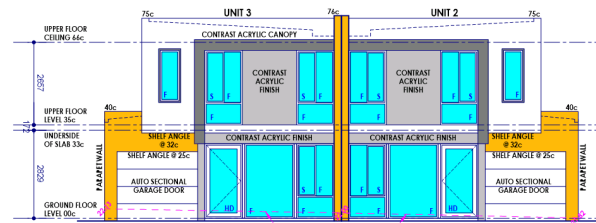
VINCENT STREET - FRONT (NORTH) ELEVATION

REAR (NORTH) ELEVATION

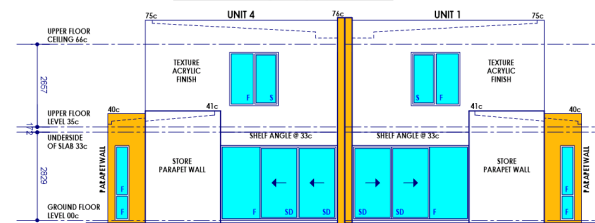


UNIT 2 - SIDE (EAST) ELEVATION

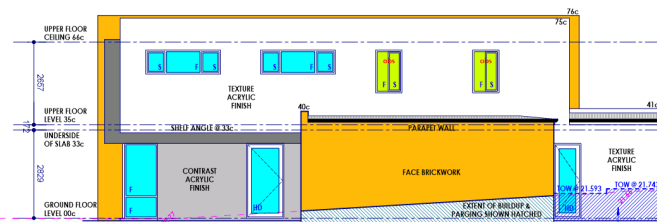
UNIT 1 - SIDE (EAST) ELEVATION



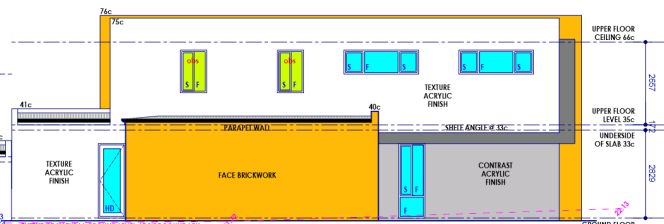
FLORENCE PLACE - FRONT (SOUTH) ELEVATION



REAR (SOUTH) ELEVATION



UNIT 4 - SIDE (WEST) ELEVATION



UNIT 3 - SIDE (WEST) ELEVATION



Scale 1:100 (SEE ARCHITECTURAL DRAWINGS FOR DIMENSIONS)



<b>CLIENT</b>	Kennin Projects Pty Ltd
<b>PROJECT</b>	West French
<b>DATE</b>	November 2017
<b>DESIGNED BY</b>	West French
<b>SCALE</b>	1:100 (SEE ARCHITECTURAL DRAWINGS FOR DIMENSIONS)
<b>PERFORMED BY</b>	REGISTERED ARCHITECT
<b>DATE</b>	15/03/2018

Proposed KENNIN PROJECTS PTY LTD  
Lot 2/13 Florence Place, West French

**R. VERRA**  
REGISTERED ARCHITECT



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02 Mar 2018

VINCENT STREET NORTH-EAST FRONT ELEVATION



VINCENT STREET NORTH-EAST SIDE ELEVATION



VINCENT STREET NORTH-WEST FRONT ELEVATION



FLORENCE PLACE SOUTH-WEST REAR STREET ELEVATION

AREAS (Unit 1 & 4)	
Ground Floor House/2l Area	= 74.15sqm <sup>2</sup>
Garage Area	= 19.75sqm <sup>2</sup>
1st Floor House Area	= 93.21sqm <sup>2</sup>
<b>TOTAL AREA</b>	<b>= 187.10sqm<sup>2</sup></b>
Ground Floor House Perim.	= 55.53m
1st Floor House Perim.	= 43.61m

AREAS (Unit 2 & 3)	
Ground Floor House/2l Area	= 73.32sqm <sup>2</sup>
Garage Area	= 17.73sqm <sup>2</sup>
1st Floor House Area	= 93.21sqm <sup>2</sup>
<b>TOTAL AREA</b>	<b>= 184.27sqm<sup>2</sup></b>
Ground Floor House Perim.	= 56.02m
1st Floor House Perim.	= 43.61m

**CLIENT NOTE:**  
Design Concepts are subject to developer & council approvals, engineers details, site survey and energy efficiency requirements. Design loaded of class 1 Building classification.



Business Registration No. 122360  
Telephone: 081 933 3799  
Suite 3, First Floor, 54 Kellogg Street, Belmont, W.A. 4104  
PO Box 198, Coomo, W.A. 6102

**CLIENT:** Kenwin Projects Pty Ltd  
**PROJECT:** Lot 213 (#209) Vincent Street West Perth  
**DESIGNED BY:** Mark Pavlich  
**DATE:** November - 2017  
**SCALE:** 1:100 (A3) / NOT TO SCALE (A3)  
**REVISION:** ISSUE FOR DAREV G - 01/03/2018

**3D IMAGES**

Proposed KENWIN PROJECTS PTY LTD  
Lot 213 (#209) Vincent Street West Perth



**Summary of Submissions:**

The tables below summarise the comments received during the advertising period of the proposal, together with the City's response to each comment.

<b>Comments Received in Support:</b>	<b>Officer Technical Comment:</b>
Support of the increase in height and the developments potential to increase numbers into the area.	Noted.
<b>Comments Received in Objection:</b>	<b>Officer Technical Comment:</b>
<u>Setbacks</u>  The reduced setbacks to the upper floor will block access to light.	The orientation of the lot ensures the overshadowing cast from the proposed development will fall within the subject site and to the right of way. The overshadowing proposed is as per the Residential Design Codes (R-Codes) requirements for an R80 site.
<u>Privacy</u>  Ensure no loss of privacy from the eastern windows into adjoining properties.	The openings at ground level are less than 0.5 metres above natural ground level and as such do not create any overlooking concerns. The openings to the upper floor are minor openings or to non habitable rooms of the dwelling and as such will ensure there is no loss of privacy in accordance with the R-Codes requirements.
<u>Vehicular Access</u>  <ul style="list-style-type: none"> <li>Proximity of access to intersection of Charles and Vincent Streets.</li> <li>Unsafe access and egress onto Florence Place and impact on sight lines.</li> <li>Access should not be permitted from Vincent Street.</li> </ul>	<p>The subject site is setback 45 metres from the Vincent Street and Charles Street intersection, and is adjacent to a median island which will restrict vehicles entering and exiting Vincent Street to left in left out. The restriction of a left in and left out to the subject site will ensure safety for vehicles travelling west along Vincent Street and the vehicles entering the street. The signal controlled intersection of Vincent Street and Charles Street will assist in providing clear visibility and will allow for vehicles to enter the street safely and have minimal impact on the oncoming traffic. The subject site contains two on site car bays, with adequate room for stopping and manoeuvring for vehicles to exit in forward gear. The number of cars proposed is not considered to be detrimental to the traffic flow of Vincent Street, nor significantly increase the volume of traffic.</p> <p>The access to Florence Place has been considered by the City's Engineers to be sufficient. The amended plans increased the visual sight lines from the site to the laneway.</p>

**Summary of Submissions:**

Comments Received in Objection:	Officer Technical Comment:
<p><u>Landscaping</u></p> <p>Landscaping proposed within the front setback is less than required.</p>	<p>The reduced landscaped area in the front setback is due to the significant portion of the front setback area that is required to be paved for vehicle manoeuvring purposes so that vehicles can exit the site in forward gear.</p> <p>The application has also been assessed against the proposed landscaping deemed-to-comply standards in the City's Built Form Policy. The development proposes eight percent of the site as deep soil zone in lieu of the 15 percent set as a deemed-to-comply standard in the Built Form Policy. The applicant has not provided a landscaping plan designed by a landscape architect and so has not proposed a canopy coverage percentage. However, the deep soil zones proposed are strategically located to maximise the potential for mature trees and canopy coverage on site, including four separate deep soil zones in the front setback area, one deep soil zone in each of the central courtyards and two deep soil zones at the rear fronting the laneway. The applicant has advised that they are proposing two Jacaranda trees and four Chinese Tallow trees in the front setback area, six Chinese Tallows in the central courtyards, and two more Chinese Tallows at the rear fronting the ROW. The City has assessed the canopy coverage of this landscaping configuration and considers that the canopy coverage created would be well over 40 percent.</p> <p>The proposed landscaping is considered to be appropriate as the areas have been located to allow for greater coverage within the subject site which is reflected in the canopy coverage.</p>

Note: Submissions are considered and assessed by issue rather than by individual submitter.

**Applicant's Response to Submissions:**

Comments Received in Objection:	Officer Technical Comment:
<p><u>Setbacks</u></p> <p>The reduced setbacks to the upper floor will block access to light.</p>	<p>I don't see any issue with blocking light as the front of our site faces north and the shadow will be cast to the rear boundary/laneway, so there is no real impact with regards to natural light to adjoining properties. Please note that the new adjoining development has 4 units running down along the boundary where we only have two running along the adjoining boundary.</p>
<p><u>Privacy</u></p> <p>Ensure no loss of privacy from the eastern windows into adjoining properties.</p>	<p>No overlooking issues as the bathroom and ensuite windows are obscure and the Bed 2 &amp; computer nook windows to the side boundary are highlight windows. Therefore there is no overlooking issues.</p>
<p><u>Vehicular Access</u></p> <ul style="list-style-type: none"> <li>• Proximity of access to intersection of Charles and Vincent Streets.</li> <li>• Unsafe access and egress onto Florence Place and impact on sight lines.</li> <li>• Access should not be permitted from Vincent Street.</li> </ul>	<p>This is a contradicting comment as there are concerns for access onto Vincent Street and Florence Place. As you can see we have addressed the planning policy of having the homes address the Vincent Street and Florence Place. Having all four homes accessing Florence Place will contravene the council Planning policy as well as increase the congestion to Florence Place. The homes facing Vincent street will have safe release and enter in a forward gear.</p>
<p><u>Landscaping</u></p> <p>Landscaping proposed within the front setback is less than required.</p>	<p>Landscape areas will be increased as per the amended plans.</p>
<p><u>Materials</u></p> <p>Materials should consider the surrounding buildings.</p>	<p>We believe that we have provided various colours/materials (Face brick to parapet walls and garage facing street/laneway. Contrasting texture to ground floor wall running down side of entry/stairs including feature pier and canopy to front elevation. We have also provided a contrast panel between the upper floor walls between the front windows. If you refer to the adjoining homes, there is not as many colour variations or materials selected. Therefore we believe we have provided enough variation.</p>

**Determination Advice Notes:**

1. With reference to Condition 5.2 the portion of the existing footpath traversing the proposed crossover must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
2. With reference to Condition 5.3 all new crossovers to the development site are subject to a separate application to be approved by the City.
3. A security bond for the sum of \$3,500 shall be lodged with the City by the applicant, prior to the issue of a building permit. This bond will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure in the Right of Way and the Verge along Bulwer Street, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the security bond shall be made in writing. The bond is non-transferable.
4. 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 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate.
5. With reference to Condition 3, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should 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.
6. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process.