

**5.2 NO. 17 (LOT: 11; D/P: 2447) ST ALBANS AVENUE, HIGHGATE - PROPOSED ALTERATIONS AND ADDITIONS TO SINGLE HOUSE**

**Ward:** South Ward

**Attachments:**

1. Consultation and Location Map
2. Development Plans
3. Summary of Submissions - Administration's Response
4. Summary of Submissions - Applicant's Response
5. Applicant Justification
6. 3D Perspectives
7. Determination Advice Notes

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the application for Alterations and Additions to Single House at No. 17 (Lot: 11; D/P: 2447) St Albans Avenue, Highgate, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

**1. Development Plans**

This approval is for Alterations and Additions to a Single House as shown on the approved plans dated 27 October 2021. No other development forms part of this approval;

**2. Amended Plans**

Prior to the issue of a Building Permit, revised plans shall be submitted and approved demonstrating the following, as marked in red on the approved plans, to the satisfaction of the City:

Privacy screening shall be extended for the full length south eastern edge of the roof terrace. The privacy screening shall have a height of 1.6 metres above the floor level of the roof terrace to satisfy the deemed-to-comply provisions of the Residential Design Codes Clause 5.4.1 – Visual Privacy in relation to the property to the south east (refer to advice note 13).

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes, the City's Policy No. 7.1.1 – Built Form or the City's Character Retention Areas and Heritage Areas Policy - Appendix 1: St Albans Avenue Guidelines;

**3. Boundary Walls**

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the practical completion of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered, face brick or material as otherwise approved, to the satisfaction of the City (refer to advice note 12);

**4. External Fixtures**

All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive to the satisfaction of the City;

**5. Roof Terrace Planter Boxes**

Prior to occupancy or use of the development, the roof terrace planter boxes shall be installed, to the satisfaction of the City. The roof terrace planter boxes shall not be removed unless the further approval of the City is obtained or privacy screening with a height of 1.6

metres above the finished floor level of the roof terrace is installed to ensure compliance with the deemed-to-comply requirements of the Residential Design Codes Clause 5.4.1 - Visual Privacy in relation to the properties to the north west, to the satisfaction of the City;

**6. Visual Privacy**

Prior to occupancy or use of the development, all privacy screening shown on the approved plans shall be installed and shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City;

**7. Colours and Materials**

Prior to first occupation or use of the development, the colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City;

**8. Landscaping**

All landscaping works shall be undertaken in accordance with the approved plans dated 27 October 2021, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

**9. Front Fence**

The gate and/or fencing infill panels above the approved solid portions of wall shall be a minimum of 50 percent visually permeable in accordance with Clause 2.5 of the City's Character Retention Areas and Heritage Areas Policy - Appendix 1: St Albans Avenue Guidelines, to the satisfaction of the City (refer to advice note 13); and

**10. Stormwater**

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve (refer to advice note 14).

**PURPOSE OF REPORT:**

To consider an application for development approval for alterations and additions to a single house at No. 17 St Albans Avenue, Highgate (the subject site).

**PROPOSAL:**

The application proposes demolition of a portion of the existing dwelling at the rear and construction of a new two storey addition with a roof terrace, a front fence, associated landscaping and minor improvements to the front façade of the existing dwelling.

The minor improvements to the front façade of the dwelling are cosmetic. These improvements include installing new aluminium framed windows and repainting of rendered brickwork to a light grey render. All changes to the front façade of the existing dwelling do not result in any variations to the deemed-to-comply standards prescribed in the planning framework.

The proposed development plans are included as **Attachment 2**.

**BACKGROUND:**

<b>Landowner:</b>	Yasmin Lilu
<b>Applicant:</b>	Dalecki Design
<b>Date of Application:</b>	18 June 2021
<b>Zoning:</b>	MRS: Urban

	LPS2: Zone: Residential R Code: R50
<b>Built Form Area:</b>	Residential
<b>Existing Land Use:</b>	Single House
<b>Proposed Use Class:</b>	Single House
<b>Lot Area:</b>	413m <sup>2</sup>
<b>Right of Way (ROW):</b>	Yes  South west – 5 metres wide, sealed and drained, City owned. North west – 3 metres wide, sealed and drained, City owned.
<b>Heritage List:</b>	No

### Site Context and Zoning

The subject site is bound by St Albans Avenue to the north-east, a single storey single house to the south-east, three single storey single houses and two two-storey grouped dwellings across the ROW to the north west, and the car parking area of an apartment complex across the ROW to the south west.

The subject site accommodates a single storey dwelling.

A location plan is included as **Attachment 1**.

The subject site and all adjoining properties aside from the south west are zoned Residential R50 under the City's Local Planning Scheme No. 2 (LPS2). The adjoining property to the south west is zoned Residential R80 under LPS2.

The subject site and all adjoining properties aside from the south west are located within the Residential built form area and have a permitted building height of two storeys under the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The adjoining property to the south west is located within the Residential built form area and has a permitted building height of four storeys under the Built Form Policy.

The subject site is subject to Clause 32(1) of LPS2 which states that multiple dwellings are not permitted. This clause does not have any implications on the proposed development which would retain the existing single house.

The subject site is not listed on the State Register of Heritage Places or the City's Municipal Heritage Inventory.

### St Albans Avenue Character Retention Area

The subject site, the adjoining properties to the south east and the properties on the opposite side of St Albans Avenue are located within the St Albans Avenue character retention area and subject to assessment against the standards of the City's Local Planning Policy: Character Retention Areas and Heritage Areas – Appendix 1: St Albans Avenue Guidelines (St Albans Avenue Guidelines).

The key characteristics of the area under the Guidelines is that it is made up of single storey late nineteenth to early twentieth century residential dwellings constructed in the Federation period of architecture. These dwellings are characterised with consistent lot widths, street setbacks, verandahs and minimal primary street vehicle access.

The St Albans Avenue Guidelines prescribe different development standards depending on whether the existing dwellings is identified as contributing to the St Albans Avenue character streetscape.

The St Albans Avenue Guidelines designate the existing dwelling at the subject site as a non-contributing building.

### **DETAILS:**

#### **Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City's LPS2, the City's Built Form Policy, the State Government's Residential Design Codes Volume 1 (R Codes) and the City's St Albans Avenue Guidelines. 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
Street Setback	✓	
Lot Boundary Setbacks		✓
Open Space		✓
Building Height		✓
Outdoor Living Areas	✓	
Landscaping (R Codes)	✓	
Visual Privacy		✓
Solar Access	✓	
Site Works/Retaining Walls	✓	
External Fixtures, Utilities and Facilities	✓	
Surveillance	✓	
Outbuildings	✓	
St Albans Avenue Guidelines		✓

### Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Lot Boundary Setbacks	
Deemed-to-Comply Standard	Proposal
<b>Built Form Policy Volume 1 Clause 5.2 - Lot Boundary Setback</b>  <i>South Eastern Lot Boundary</i>  Ground Floor Window Seat to Stairs: 1.5 metres Ground Floor Scullery to Existing Porch: 1.5 metres  First Floor Ensuite to Bath: 1.7 metres First Floor Ensuite to Bedroom 3: 2.5 metres	<i>South Eastern Lot Boundary</i>  Ground Floor Window Seat to Stairs: 0.61 metres Ground Floor Scullery to Existing Porch: 1.2 metres  First Floor Ensuite to Bath: 1.5 metres First Floor Ensuite to Bedroom 3: 2.3 metres
Open Space	
Deemed-to-Comply Standard	Proposal
<b>R Codes Clause 5.1.4 - Open Space</b>  40 percent open space	38.5 percent open space
Building Height	
Deemed-to-Comply Standard	Proposal
<b>Built Form Policy Volume 1 Clause 5.6 - Building Height</b>  Top of skillion roof height: 8 metres  Bottom of skillion roof height: 7 metres	Top of skillion roof height: 9.4 metres  Bottom of skillion roof height: 7.2 metres
Visual Privacy	
Deemed-to-Comply Standard	Proposal
<b>R Codes Clause 5.4.1 – Visual Privacy</b>  <i>North Western Lot Boundary (across ROW)</i> Roof Terrace outdoor living area: 7.5 metres  <i>South Western Lot Boundary (across ROW)</i> Roof Terrace outdoor living area: 7.5 metres	<i>North Western Lot Boundary (across ROW)</i> Roof Terrace outdoor living area: 6.0 metres  <i>South Western Lot Boundary (across ROW)</i> Roof Terrace outdoor living area: 6.9 metres

St Albans Avenue Guidelines	
Deemed-to-Comply Standard	Proposal
<p><b>St Albans Avenue Guidelines Clause 2.5 Street Walls and Fences</b></p> <p>The maximum height of new fences facing the street shall be 1.2 metres above the adjacent footpath level.</p>	<p>1.8 metres above the adjacent footpath level.</p>

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 Schemes) Regulations 2015* for a period of 14 days commencing on 17 August 2021 and concluding on 31 August 2021. Community consultation was undertaken by way of written notification with 67 letters being sent to the surrounding owners and occupiers, including all owners and occupiers within the St Albans Avenue Character Retention Area, as shown in **Attachment 1** and a notice displayed on the City's website in accordance with the (then) Policy No. 4.1.5 – Community Consultation.

Following the conclusion of the advertising period the City received seven submissions, all of which were in objection to the proposal. The key concerns raised are as follows:

- The proposed front fence height would not be consistent with the St Albans Avenue character area;
- The building bulk would be extreme and the setbacks would do little to mitigate the effect on the surrounding properties and streetscape;
- The proposed building height and reduced lot boundary setbacks would have an impact on the amenity of the adjoining properties outdoor living areas and open spaces due to reduced access to direct sunlight;
- The proposed building height would not be consistent with the local area and would dominate the directly adjoining properties as well as the existing dwelling that is proposed to be retained;
- The proposal would lack aesthetic design when viewed from the adjoining properties and the street;
- The nature of the materials and height of the parapet wall on the ROW would have an adverse impact of bulk to adjoining properties;
- The proposed setbacks and screening for the roof top terrace would not be sufficient to prevent overlooking to the gardens of adjoining properties;
- Overlooking to the south eastern property from the first floor bedroom 3 would be direct and create an adverse impact to the occupants of the dwelling; and
- The rooftop terrace would result in sound and acoustic issues for adjoining properties.

A summary of the submissions received along with Administration's comments on each comment are provided in **Attachment 3**. The applicant's response to the submissions received are provided as **Attachment 4**.

#### Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred to a member on the City's Design Review Panel with heritage conservation expertise for comment on the development plans with particular emphasis on how the development would integrate with the surrounding St Albans Avenue character area.

The DRP member was generally supportive of the proposal and provided the following comments:

- The key characteristics of the St Albans Avenue Character Area are being retained and the desired development outcomes of the St Albans Avenue Guidelines are generally being satisfied;
- Although non-contributory to the character area, the existing dwelling that is proposed to be retained is sympathetic to the streetscape in terms of scale and form;

- The contemporary design elements of the proposed additions are acceptable and given that they would be located to the rear of the site, they would not have an adverse impact on the existing character streetscape;
- The north eastern street elevation of the proposed additions provides articulation with projecting through the use of projecting brickwork, different forms and colours;
- Concerns regarding survival and long term effectiveness of the proposed green wall as a method of reducing the bulk and scale of the two storey brick wall abutting the ROW to the north west. Recommendation that further articulation of this wall be provided to reduce bulk and scale;
- The impact of the proposed skillion staircase roof would be minimal given that it would be well setback within the site;
- The south east elevation of the proposed additions provides different forms and colours as well as windows that would effectively reduce the appearance of building bulk;
- Recommendation that the applicant consider changing the colour of the proposed white rendered finish of the existing dwelling to a colour that would be more in keeping with the predominately brick tones that exist within the streetscape; and
- The form of the proposed front fence is acceptable but the white colour finish should be amended to be more consistent with the existing streetscape.

The applicant provided amended plans in response to comments provided by the DRP member. The key modifications to the plans are as follows:

- Reducing the overall height of the two storey brick wall abutting the ROW to the north west from 7.3 metres to 6.5 metres and replacing the proposed green wall with feature projecting brickwork;
- Increasing the setback of the rooftop terrace built in planter boxes from the adjacent properties on the opposite side of the ROW to the north west from 4.6 metres to 6.0 metres as well as increasing the width of the built in planter box from 1.4 metres to 1.5 metres. These modifications subsequently increased the setback of the accessible portion of the rooftop terrace from the adjacent properties on the opposite side of the ROW to the north west from 6.0 metres to 7.5 metres. The accessible floor area of the rooftop terrace was reduced from 32.5 square metres to 22.8 square metres;
- Changing the colour of the existing dwelling brick render from white to a light grey render;
- Changing the colour of the proposed rendered front fence from white to dark grey; and
- Reducing the size of the first floor bedroom 3 window from 1.2 square metres to 0.9 square metres.

The amended plans were referred back to the DRP member and it was confirmed that the amended plans are supported for the following reasons:

- The reduction in overall height of the two storey brick wall and the additional feature brickwork rather than the green wall provides further articulation to reduce the bulk and scale;
- The change of the existing dwelling rendered brick to a light grey is more in keeping with the tones of the streetscape; and
- The change of front fence colour from white to dark grey is more consistent with the streetscape and is appropriate.

#### **LEGAL/POLICY:**

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- State Planning Policy 7.3 – Residential Design Codes Volume 1;
- Policy No. 7.1.1 – Built Form;
- Local Planning Policy: Character Retention Areas and Heritage Areas – Appendix 1: St Albans Avenue Guidelines; and
- Community and Stakeholder Engagement Policy (formerly Policy No. 4.1.5 – Community Consultation).

#### *Planning and Development (Local Planning Schemes) Regulations 2015*

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 will have the right to apply to the State Administrative Tribunal for a review of Council's determination.

**Delegation to Determine Applications:**

This matter is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments, as the application received more than five objections during the community consultation period.

**RISK MANAGEMENT IMPLICATIONS:**

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:**

This is in keeping with the City's Strategic Community Plan 2018-2028:

Innovative and Accountable

*We are open and accountable to an engaged community.*

**SUSTAINABILITY IMPLICATIONS:**

The City has assessed the application against the environmentally sustainable design provisions of the City's Policy No. 7.1.1 – Built Form. These provisions are informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024, which requires new developments to demonstrate best practice in respect to reductions in energy, water and waste and improving urban greening.

**PUBLIC HEALTH IMPLICATIONS:**

This report has no implication on the priority health outcomes of the City's *Public Health Plan 2020 – 2025*.

**FINANCIAL/BUDGET IMPLICATIONS:**

There are no finance or budget implications from this report.

**COMMENTS:**Lot Boundary Setbacks*South East*

The ground floor scullery to existing porch wall is proposed to be setback 1.2 metres from the south eastern lot boundary in lieu of 1.5 metres as set out under the R Codes deemed-to-comply standards relating to lot boundary setbacks.

Due to the angle of the proposed wall relative to the lot boundary, the ground floor window seat wall is proposed to be setback a minimum of 0.61 metres from the south eastern lot boundary in lieu of 1.5 metre as set out under the R Codes deemed-to-comply standards relating to lot boundary setbacks. There is a portion of this wall which is setback less than 0.61 metres from the boundary and that is defined as a boundary wall under the R Codes. This boundary wall portion is subject to separate deemed-to-comply provisions which it complies with.

The first floor ensuite to bath wall is proposed to be setback 1.5 metres from the south eastern lot boundary in lieu of 1.7 metres as set out under the R Codes deemed-to-comply standards relating to lot boundary setbacks.

The first floor ensuite to bedroom 3 wall is proposed to be setback 2.3 metres from the south eastern lot boundary in lieu of 2.5 metres as set out under the R Codes deemed-to-comply standards relating to lot boundary setbacks.

The lot boundary setback departures to the south eastern lot boundary would satisfy the design principles of the R Codes and local housing objectives of the Built Form Policy for the following reasons:

- The angled window seat wall results in a departure to the lot boundary setback deemed-to-comply standard for a length of 0.5 metres. If the wall was not angled and instead continued as a boundary wall, being between nil and 0.6 metres from the boundary, then the wall would meet the deemed-to-comply standards of the R Codes as a boundary wall. The portion of wall angling away from the boundary would provide greater relief rather than being proposed on the boundary;
- The dwelling façade on both the ground and first floors orientating towards the south eastern lot boundary provides articulation, glazing and varying colours and materials to effectively reduce the appearance of blank solid walls and associated building bulk;
- The proposed wall length would be broken up through the use of varying colours and materials including white painted brickwork and a dark grey rendered brickwork for the staircase and boundary walls. The contrasting colours in conjunction with the proposed setbacks would effectively minimise the impact of building bulk as viewed from the adjoining property to the south east;
- The deemed-to-comply requirement of 1.7 metre setback for the upper floor ensuite to bath wall results from the 9.5 metre height of the proposed staircase servicing the roof terrace. This staircase extends for a 2.5 metre section of the 9.3 metre long wall length. The remainder of the proposed wall has a maximum height of 7.3 metres which would require a 1.5 metre setback as proposed;
- The proposed lot boundary setbacks do not result in any departures to the deemed-to-comply standards of the R Codes relating to visual privacy. The ground floor of the dwelling would not be raised more than 0.5 metres above natural ground level and the windows at the upper floor level are to non-habitable rooms or are adequately screened;
- The varied setbacks provided along the south eastern façade of the dwelling would allow for sufficient ventilation to the subject site and adjoining property;
- The proposed lot boundary setback variations would not have any adverse impact on the St Albans Avenue streetscape because they are located to the rear of, and would be obstructed from view by the existing dwelling; and
- The shadow cast by the proposed dwelling onto the adjoining south eastern property is effectively reduced due to the angled orientation of the lots. The deemed-to-comply standard of the R Codes relating to solar access for adjoining properties sets out that a shadow cast of 50 percent of the adjoining property's site area for properties coded R50 is acceptable. The proposed dwelling would cast a shadow over 14.7 percent of the adjoining property to the south east and would satisfy the R Codes deemed-to-comply standard. This shadow would fall to an existing brick shed, trees and planting area on the adjoining property rather than the primary outdoor living area. The proposal would not result in any adverse impact on the amenity of this property with respect to solar access.

### Open Space

The R Codes deemed-to-comply standards relating to open space set out that 40 percent of an R50 site is to be provided as open space. The application proposes 36.3 percent of the site be provided as open space.

The open space departure would satisfy the design principles of the R Codes for the following reasons:

- The outdoor living areas and primary living spaces of the dwelling would be open to the northern aspect of the lot which maximises access to natural sunlight;
- The application includes landscaping located within the primary street setback and ground floor outdoor living area as well as on-structure planting on the first floor and rooftop terrace. The proposed landscaping would provide an increased amenity for the residents and contribute to a sense of open space and overall urban greening;
- The design provides a functional outdoor living areas on the ground floor and rooftop terrace that can be accessed from the dwelling to provide the occupants with opportunities for outdoor pursuits;
- The application exceeds the deemed-to-comply standards relating to outdoor living area under the R Codes which ensures adequate area would be provided for private recreation for the occupants. The proposal includes a total outdoor living area of 56.4 square metres in lieu of the deemed-to-comply standard of 16 square metres for R50 properties. These areas are both covered and uncovered allowing the areas to be used all year round; and
- The site is able to facilitate all external fixtures and essential facilities on site including car parking, clothes drying and bin storage.

### Building Height

The Built Form Policy deemed-to-comply standards relating to building height set out that the development is to have a skillion roof with maximum heights of 8 metres and 7 metres to the top and bottom of the skillion



roof respectively. The application proposes a skillion roof to the rooftop terrace staircase with maximum heights of 9.4 metres and 7.2 metres to the top and bottom of the skillion roof respectively.

The building height departures would satisfy the design principles of the R Codes and local housing objective of the Built Form Policy for the following reasons:

- The departure to the building height deemed-to-comply standard relates to the staircase servicing the proposed rooftop terrace. The remainder of the proposed additions comply with the deemed-to-comply for building height. The staircase is well integrated into the overall design of the additions and would not result in excessive building bulk that would have an adverse impact on the adjoining properties or streetscape;
- The proposed opening located in the staircase wall facing the street would assist in breaking up the impact of the rendered brickwork façade and further mitigates the impact of the building height as viewed from the street;
- The staircase is proposed within the rear third area of the lot. The setback of the proposed staircase from the primary street means the building height would not overwhelm the street or detrimentally impact the visual character of the streetscape;
- The dwelling façade on both the ground and first floors provides articulation, glazing and varying colours and materials to effectively reduce the appearance of blank solid walls and associated building bulk;
- The shadow cast by the proposed dwelling onto the adjoining south eastern property is effectively reduced due to the angled orientation of the lots. The deemed-to-comply standard of the R Codes relating to solar access for adjoining properties outlines that a shadow of 50 percent of the adjoining property's site area for properties coded R50 is acceptable. The buildings on the site would cast a shadow over 14.7 percent of the adjoining property to the south east and further to this, the shadow would fall to an existing brick shed, trees and planting area on the adjoining property rather than the primary outdoor living area. The proposal would not adversely impact on the amenity of the adjoining property with respect to solar access;
- The skillion roof of the staircase mitigates the impact of bulk through design with a 25 degree pitch inclining towards the centre of the lot. This shifts the majority of the building height variation to deemed-to-comply standard towards the centre of the lot where it is setback further from the adjoining property to the south east. The top of the skillion roof is also located directly behind the existing roof which has a similar pitch of 30 degrees making it complimentary to the retained dwelling;
- The staircase is not a habitable space as defined in the R Codes and the increased building height would not result in any departures to the deemed-to-comply standards of the R Codes relating to visual privacy;
- The site is relatively flat with a total level difference of 0.59 metres across the 34.4 metre lot, inclining to the south west of the lot. The application would be respectful to the natural ground level and does not propose any site works or retaining walls that exacerbate the building height of the rear additions;
- The proposed development would not have an undue adverse impact on the access to views of significance for adjoining properties. The proposed staircase would have dimensions of 2.5 metres by 4.3 metres and is located centrally on the subject site. The top of the skillion roof with a height of 9.4 metres would be lower than the permitted deemed-to-comply height for the top of a pitched roof under the Built Form Policy of 10 metres and would have a similar appearance as viewed from the adjoining properties and streetscape;
- The proposed staircase would not constitute a third storey in accordance with the R Codes definition which sets out that a storey does not include a space that contains only a stairway. The proposed development would not exceed two storeys based on this R Codes definition which is the building height standard within the St Albans Avenue Guideline area; and
- There is an approved dwelling that is under construction at No. 9 St Albans Avenue that is a two storey building within the St Albans Avenue Guideline area. This property is also a non-contributing building with the same design objectives as the subject site. There is also a three storey apartment building located across the ROW to the rear of the subject site. The proposed development would not be inconsistent with the bulk and scale of these nearby developments.

### Landscaping

In addition to the deemed-to-comply standards of the R Codes, the application has also been assessed against the landscaping provisions of the Built Form Policy that sets out deemed-to-comply standards. The deemed-to-comply landscaping standards set out in the Built Form Policy have not yet been approved by the Western Australian Planning Commission and as such, these provisions are given regard only in the assessment of the application.

The Built Form Policy deemed-to-comply standards requires 12 percent of the site to be provided as deep soil areas, 3 percent of the site to be provided as planting areas, and 30 percent of the site to be provided as canopy coverage at maturity. The application proposes 12.7 percent deep soil areas, 5.1 percent planting areas, and 29.0 percent canopy coverage at maturity.

The proposed landscaping would satisfy the local housing objectives of the Built Form Policy for the following reasons:

- The application proposes four new trees within the primary street setback area. Whilst the application does not propose any modifications to the existing front façade of the dwelling, the proposed landscaping would improve the streetscape presence of the dwelling and would make a positive contribution to the landscape quality of the St Albans Avenue character area;
- The application proposes three new trees adjacent to the ROW boundaries which would effectively minimise the appearance of bulk and scale of the additions, and contribute positively to the amenity of the ROW. The ROW is currently dominated by solid brick walls and 1.8 metre high dividing fences;
- The application proposes four new native Frangipani trees adjacent to the south eastern lot boundary which would effectively minimise the appearance of bulk and scale of the proposed additions as viewed from the adjoining property;
- The application proposes a total of 11 trees at ground level with additional smaller plantings on the upper floor and roof terrace. The canopy coverage provided by the development would provide an increased contribution to the City's green canopy reducing the impact of the urban heat island effect, and result in increased urban air quality, sense of open space for future occupants and increased amenity of private outdoor areas;
- The design of the dwelling provides multiple water catchment areas in the form of deep soil zones that would support the proposed landscaping; and
- The subject site does not currently contain any existing mature trees. The current application proposes the following tree species that are all included on the City's recommended tree species list:
  - Native Frangipani;
  - Purple Leaved Plum; and
  - Jacaranda.

#### Visual Privacy

The R Codes deemed-to-comply standards relating to visual privacy outline that the rooftop terrace is to be setback 7.5 metres from the lot boundaries where it is not provided with a 1.6 metre high privacy screen. The application proposes for the rooftop terrace to be setback a minimum of 6.0 metres and 6.9 metres from the north western and south western lot boundaries respectively of properties located across the ROW's.

The application initially proposed that a 0.4 metre portion of the rooftop terrace setback 2.5 metres from the south eastern lot boundary would be unscreened. The City received objections during the community consultation period in relation to direct overlooking to the adjoining property to the south east from the rooftop terrace. Following the conclusion of the community consultation period, the applicant advised that they would be in agreement to a condition of approval requiring the remainder of the south eastern edge of the rooftop terrace to be provided with adequate privacy screening. Should the application be approved, it is recommended that a condition be imposed requiring amended plans with this additional screening to be provided prior to the issue of a building permit.

The visual privacy departures from the rooftop terrace would satisfy the design principles of the R Codes for the following reasons:

- The proposed rooftop terrace would be provided with privacy screening in accordance with the deemed-to-comply provisions of the R Codes where it abuts the adjoining property to the south east;
- The applicant is proposing a 1.5 metre wide built in planter box with a depth of 1.0 metre to the north western edge of the rooftop terrace. This planter would effectively increase the setback of the terrace from 6.0 metres to 7.5 metres. Further to the physical setback that this planter box would provide, it would also serve as a screening device to restrict the vertical cone of vision and limit the ability to look down into the rear backyards of the adjoining properties on the opposite side of the ROW, making any views oblique rather than direct. Should the application be approved, it is recommended that a condition be imposed requiring this planter box to be installed prior to occupation and not be removed unless further planning approval is granted;
- The planter boxes would be filled with a variety of landscaping species including lemon trees, lime trees and rosemary which would assist in providing screening of views to the north western properties; and

- The cone of vision from the rooftop terrace to the adjoining property on the opposite side of the ROW to the south west would overlook this property's covered car parking area that services the associated multiple dwellings. The area that is overlooked is not a sensitive area and is already visible from the ROW.

### St Albans Avenue Guidelines

The St Albans Avenue Guidelines desired development outcomes are to retain and conserve the existing Federation style dwellings and to retain the visual dominance of late nineteenth to early twentieth century residential development within the character retention area.

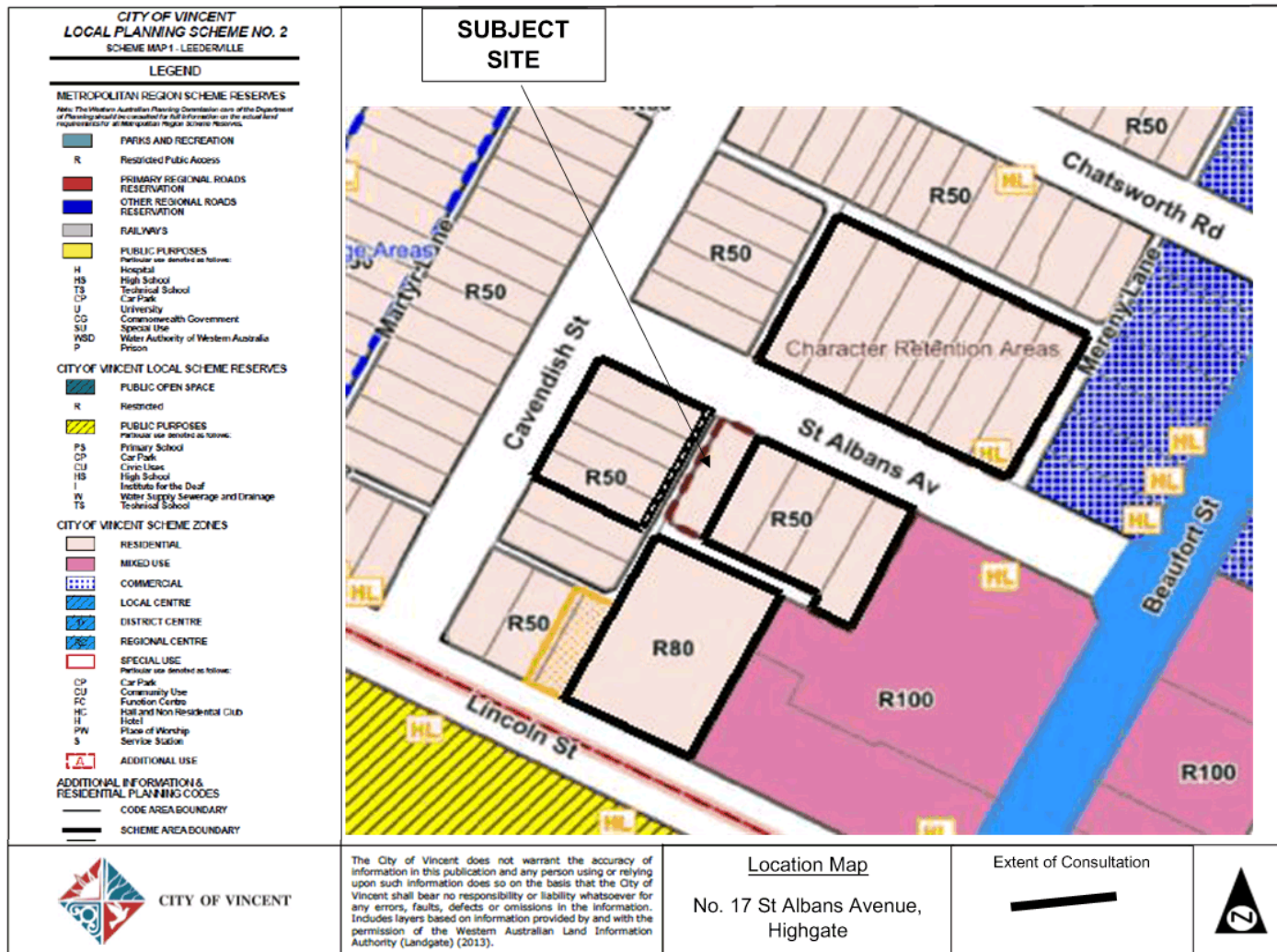
The St Albans Avenue Guidelines provide design objectives for developments within the St Albans Avenue character retention area. The guidelines provide different design objectives depending on whether the existing dwelling has been determined to be a contributing building or a non-contributing building to the character retention area.

The existing dwelling at the subject site is listed as a non-contributing building under the Guidelines.


The Guidelines provide design objectives for street walls and fences which outline that the maximum height for new fences facing the street are to be 1.2 metres above the adjacent footpath level. The application proposes to increase the maximum height of the existing fence from 1.1 metres to 1.8 metres.


The proposed front fence height would satisfy the objectives of the St Albans Avenue Guidelines for the following reasons:

- The proposed fence would be constructed from a dark grey rendered brick wall with visually permeable aluminium infill and gates. The dark grey finish would be consistent with the darker tones present in the streetscape. The DRP member advised that the form of the front fence would be appropriate in the context of the character retention area and existing streetscape;
- The proposed fence would contain four 0.5 metre wide piers with a solid height of 1.8 metres. The remainder of the proposed fence would be visually permeable above 0.7 metres high. This would effectively reduce the bulk and scale of the fence and allows for adequate street surveillance between the dwelling and the street; and
- There are five properties out of the total of 13 properties within the St Albans Avenue character retention area with existing front fences that are approximately 1.8 metres in height including:
  - No. 7 St Albans Avenue – solid blue rendered wall;
  - No. 9 St Albans Avenue – red face brick with visually permeable steel infill panels;
  - No. 11 St Albans Avenue - red face brick with visually permeable wrought iron infill panels;
  - No. 12 St Albans Avenue – limestone with visually permeable wrought iron infill panels; and
  - No. 18 St Albans Avenue – red face brick with visually permeable wrought iron infill panels.This represents a total of 45 percent of the properties within the character retention area and demonstrates that the proposed fence would not be inconsistent with the existing streetscape.







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# PROPOSED ALTERATIONS AND ADDITIONS

**Amended Plan**

DEVELOPMENT APPLICATION

FOR

MR EHSOON DARABI & MS YASMIN LILU

AT

LOT 11 (#17) ST ALBANS AVE., HIGHGATE

PAGE No	PAGE
A00	COVER SHEET
A01	EXISTING SITE PLAN
A02	EXISTING FLOOR PLAN
A03	EXISTING ELEVATIONS 1
A04	EXISTING ELEVATIONS 2
A05	SITE PLAN
A06	LANDSCAPING PLAN
A07	GROUND FLOOR PLAN
A08	FIRST FLOOR PLAN
A09	ROOF TERRACE FLOOR PLAN
A10	ELEVATIONS 1
A11	ELEVATIONS 2
A12	PERSPECTIVE
A13	PERSPECTIVE

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LOT 11 (#17) ST ALBANS AVE., HIGHGATE

REV.	DESCRIPTION	DATE
DD-03	DA AMENDMENTS	15/10/21
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**COTTAGE & ENGINEERING SURVEYS** Licensed Surveyors

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

**BUILDER:** Darabi  
**CLIENT:** Darabi  
**LOT 11 #17 St Albans Avenue, Highgate** Plan 2.447

J/N: 476498 DATE: 19 Aug 20 SCALE: 1:200 DRAWN: C. Weightman

OLD AREA	SFC Dome
FTG END	Power Pole
FTG END	Phone Poles
FTG END	Water Conn.
TF 10.00	Top Pillar Post
TR 10.00	Top Wall
TF 10.00	Top Retaining
TF 10.00	Top Fence



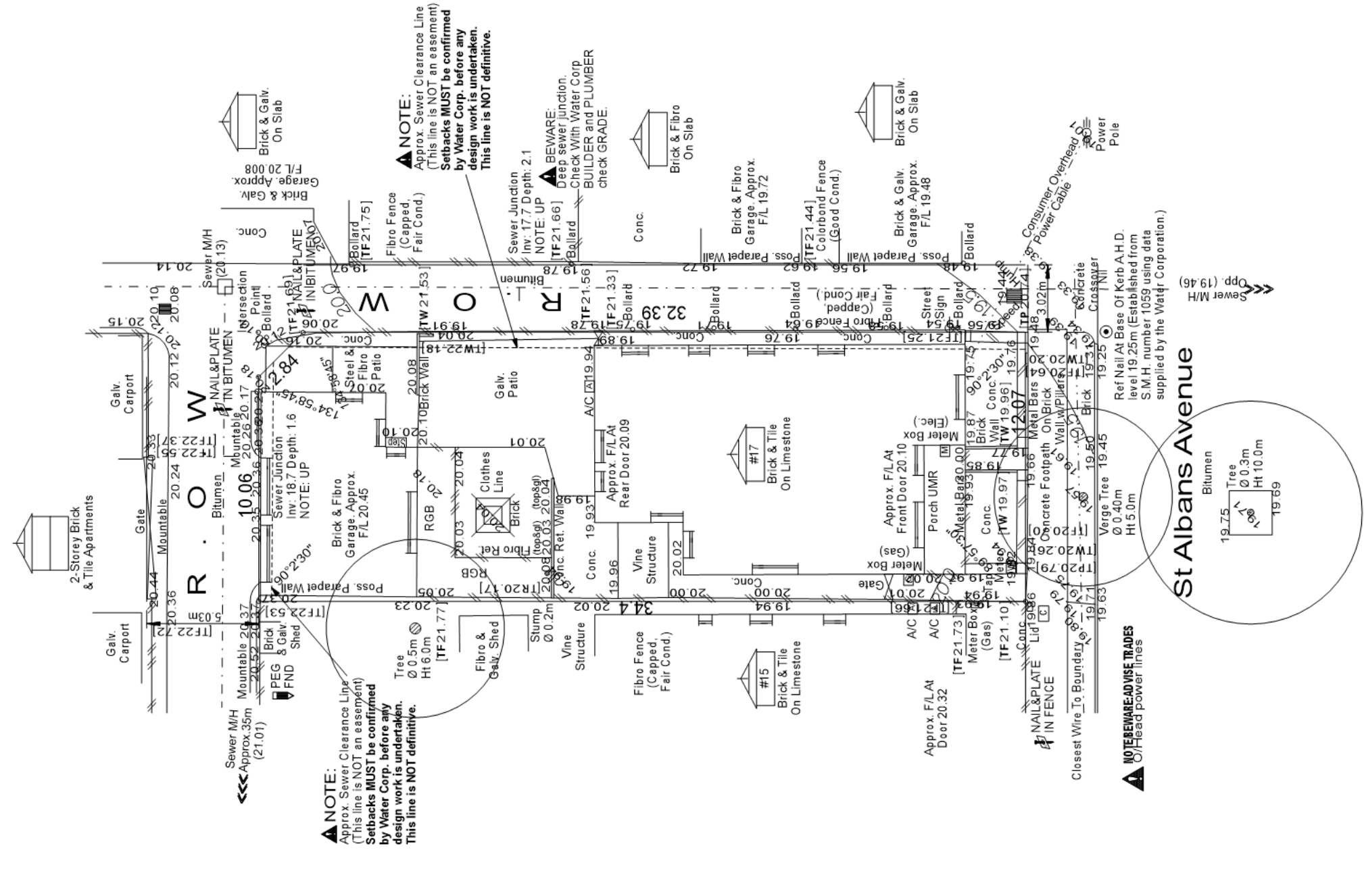
**DISCLAIMER:**  
Lot boundaries drawn on surveys are based on magnetic plan only. Survey does not include verification of cadastral boundaries. All features and levels shown are based on the information provided by the client. This should be checked to verify all details and for any easements or other 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 the information provided by the client. 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 unless specifically requested. 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. All features and levels shown are based on the information provided by the client after the date on this survey. All sewer details plotted from information supplied by Water Corporation.

**DISCLAIMER:**  
Due to lack of survey marks/poles, all building offset dimensions & features are approximate only and positioned from existing post/lines and walls. Designers are advised to verify any boundary design that includes additions to any structure, any show or portion of structures remaining after any demolition that taken place requires boundaries to be repegged and each offsets provided to your designer/architect before any plans are produced and before any work is started on site.



**St Albans Avenue**

**LOT MISCLOSE**  
0.002 m

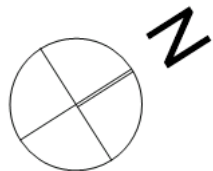
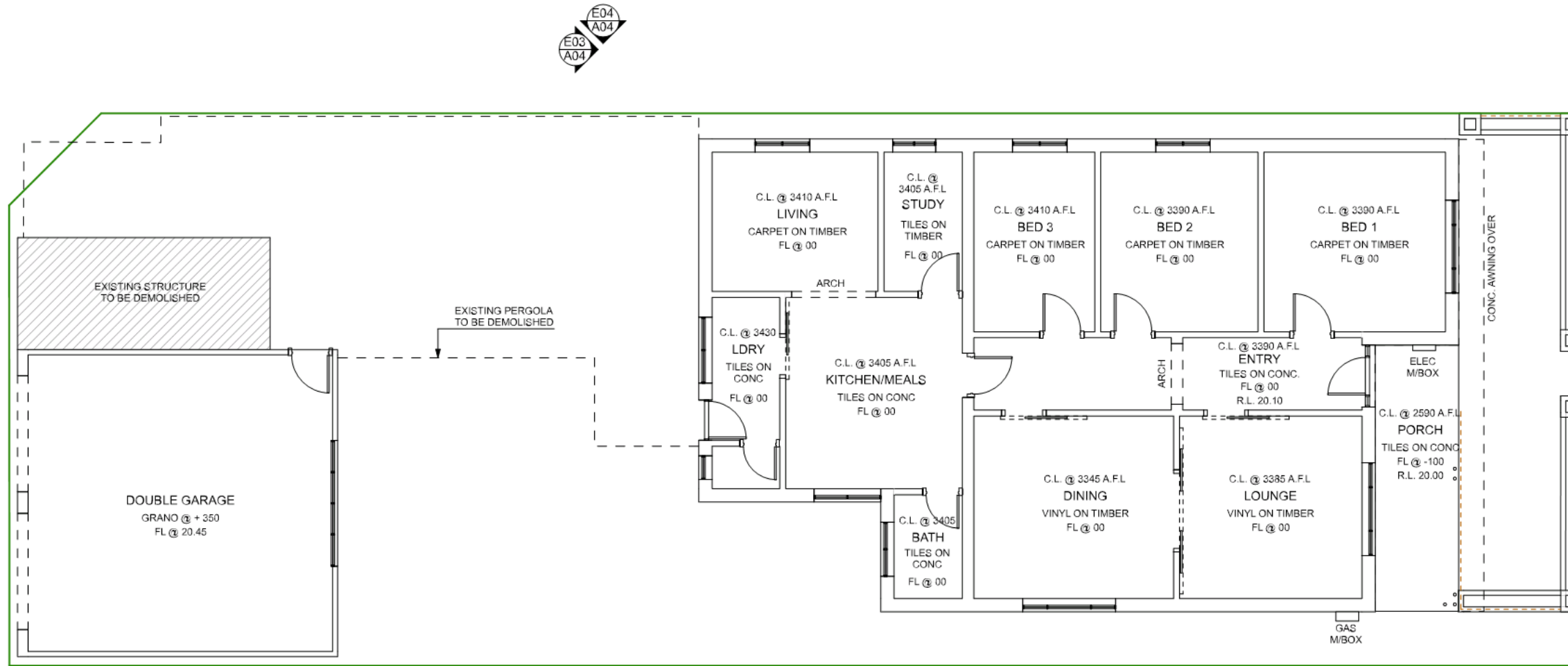
**SOIL DESCRIPTION**  
Sand  
Refer to Survey

Scale 1:200

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BUILDING AREAS	
GROUND FLOOR AREAS	
EXISTING GARAGE	46.94
EXISTING GROUND FLOOR	151.58
EXISTING PORCH	16.82
EXISTING STORE	13.55
<b>TOTAL BUILDING AREAS</b>	<b>228.89 m<sup>2</sup></b>



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REV:	DD-04	JOB NO.:	202-20
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SCALE @ A3:	AS SHOWN	A02 OF A13	



**Amended Plan**

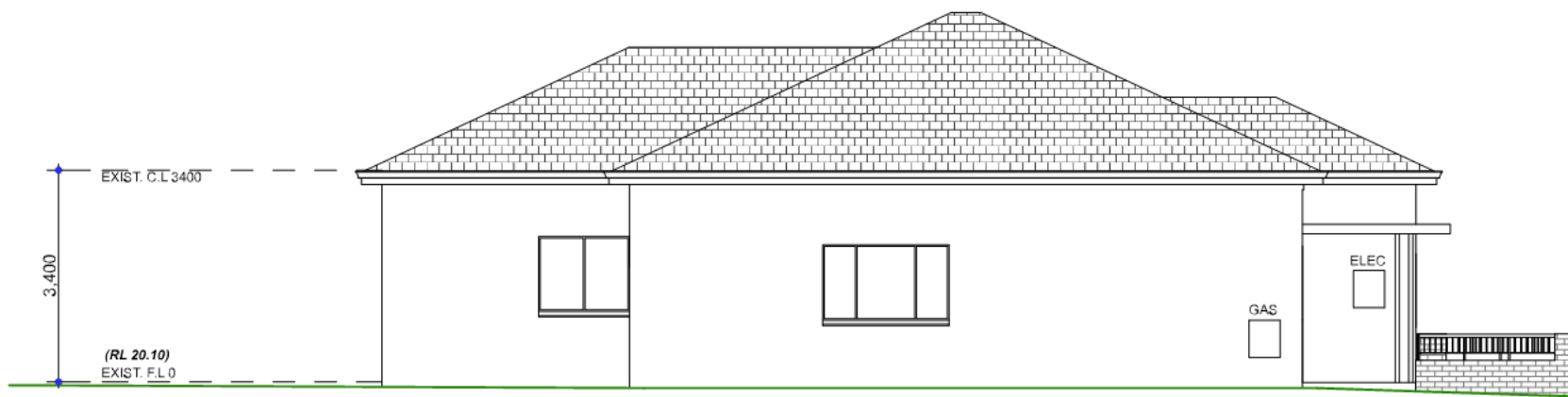
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**E01** ELEVATION 01 - NORTH EAST  
1:100



**E05** ELEVATION 5 - STREETSCAPE  
1:100



**E02** ELEVATION 02 - SOUTH EAST  
1:100

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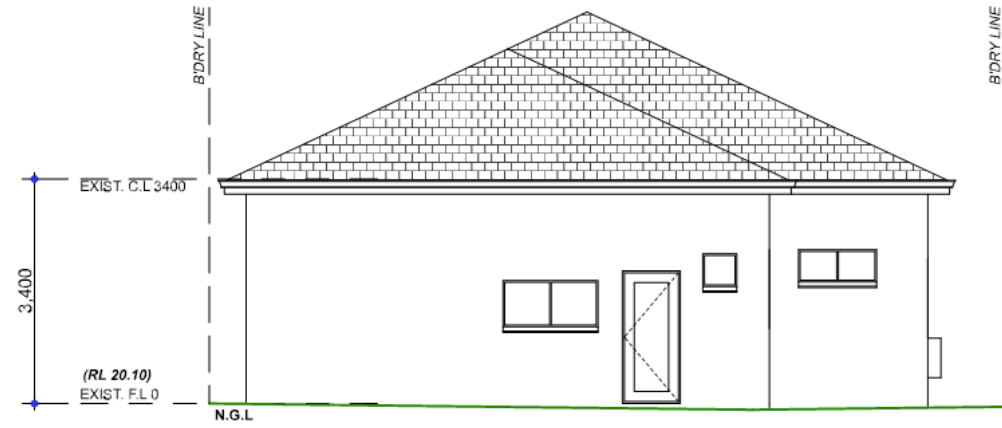
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LOT 11 (#17) ST ALBANS AVE., HIGHGATE

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**E03**  
**A02** **ELEVATION 03 - SOUTH WEST** 1:100



**E04**  
**A02** **ELEVATION 04 - NORTH WEST** 1:100

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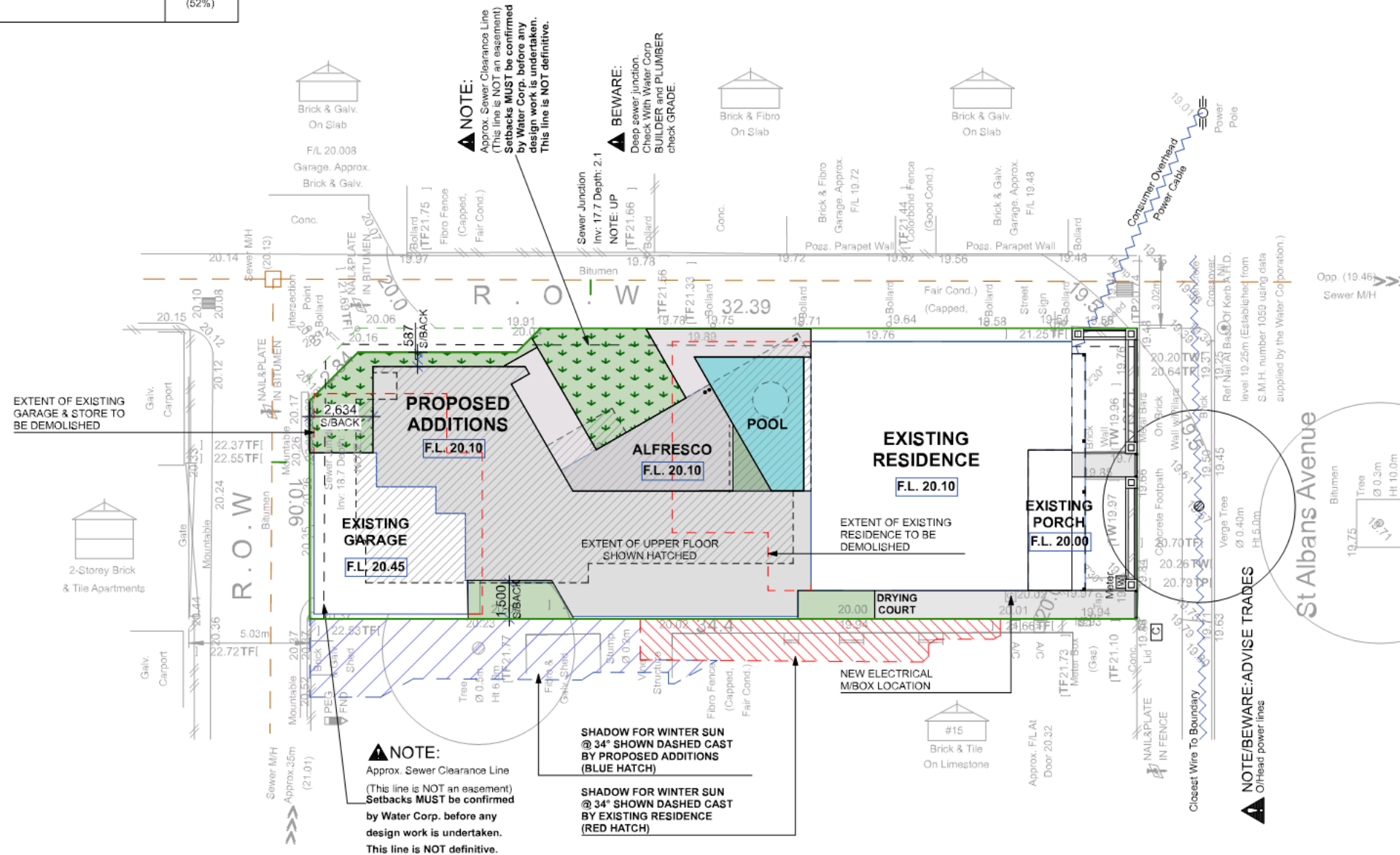
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SITE AREAS:	
EXISTING LOT AREA	413m <sup>2</sup>
<b>SITE COVER:</b>	
GROUND FLOOR	251.5m <sup>2</sup>
<b>OPEN SPACE:</b>	
GROUND FLOOR	161.2m <sup>2</sup>
ROOF TERRACE	52.04m <sup>2</sup>
<b>TOTAL OPEN SPACE</b>	<b>213.24m<sup>2</sup> (52%)</b>

LEGEND	
	SEC Dome
	Power Pole
	Phone Pits
	Water Conn.
	Top Pillar/Post
	Top Wall
	Top Retaining
	Top Fence



**PROPOSED SITE PLAN**  
1:200



BUILDING AREAS	
<b>GROUND FLOOR AREAS</b>	
ADDITIONS ALFRESCO	21.90
ADDITIONS GROUND FLOOR	104.87
EXISTING GARAGE	35.79
EXISTING GROUND FLOOR	101.55
EXISTING PORCH	16.55
<b>TOTAL GROUND FLOOR AREAS</b>	<b>280.66 m<sup>2</sup></b>
<b>FIRST FLOOR AREAS</b>	
ADDITIONS ROOF GARDEN	19.31
ADDITIONS UPPER FLOOR	120.92
<b>TOTAL FIRST FLOOR AREAS</b>	<b>140.23 m<sup>2</sup></b>
<b>SECOND FLOOR AREAS</b>	
ADDITIONS ROOF TERRACE GARDEN	14.38
ADDITIONS ROOF TERRACE	26.71
ADDITIONS SECOND FLOOR	10.61
<b>TOTAL SECOND FLOOR AREAS</b>	<b>51.70 m<sup>2</sup></b>
<b>TOTAL LIVING AREAS</b>	<b>337.95 m<sup>2</sup></b>
<b>TOTAL BUILDING AREAS</b>	<b>472.59 m<sup>2</sup></b>

SHADOW AREAS :	
NEIGHBOURS LOT AREA (APPROX.)	415m <sup>2</sup>
SHADOW CAST (BY PROPOSED ADDITIONS)	46.41m <sup>2</sup>
SHADOW CAST (BY EXISTING RESIDENCE)	15.19m <sup>2</sup>
TOTAL SHADED AREA (OF NEIGHBOURING BLOCK)	61.6m <sup>2</sup> (14.8%)
TOTAL SHADED AREA ALLOWED	35%

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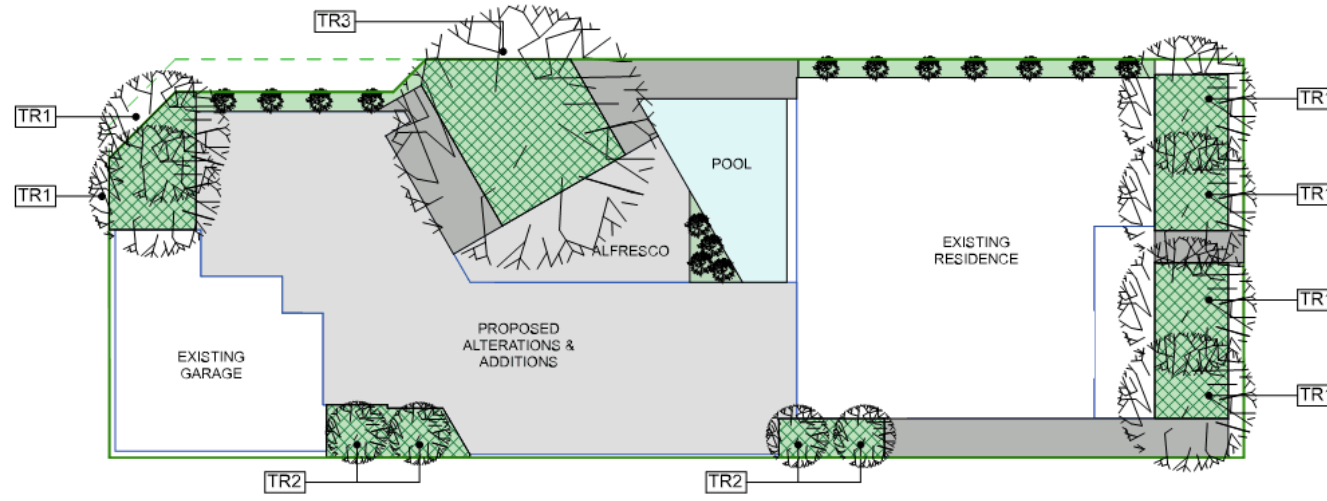
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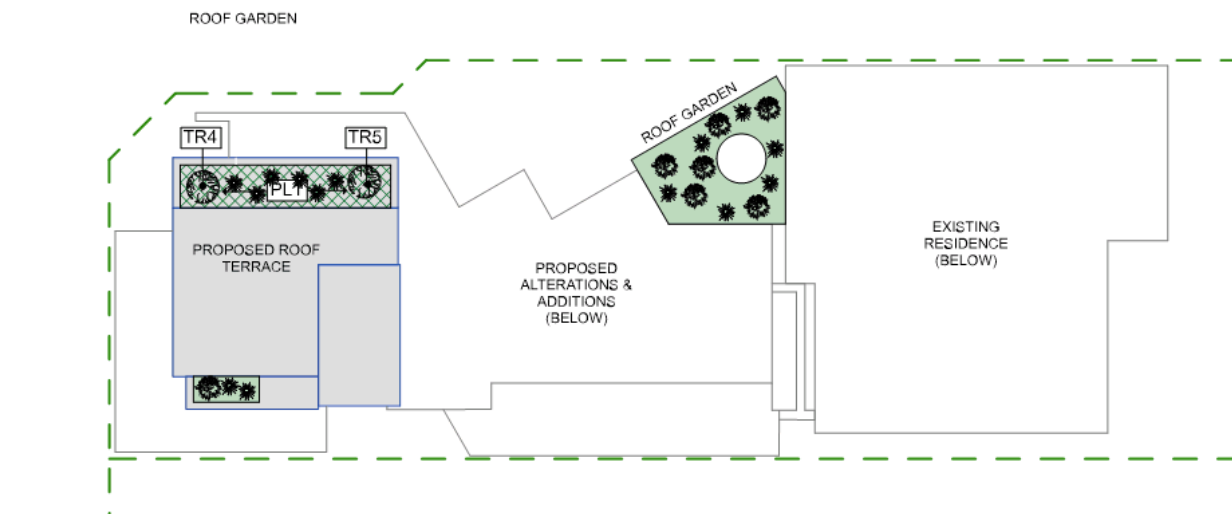
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**GROUND FLOOR LANDSCAPING PLAN**  
1:200



**UPPER FLOOR LANDSCAPING PLAN**  
1:200



CANOPY AND SOIL CALCULATIONS				
LEGEND		PROPOSED	REQUIRED	ADDITIONAL (U/F GARDENS)
	PLANTING COVERAGE	71.48m <sup>2</sup> (17.3%)	12.38m <sup>2</sup> (3%)	22.52m <sup>2</sup> (5.6%)
	DEEP SOIL AREA	59.39m <sup>2</sup> (14.7%)	48.5m <sup>2</sup> (12%)	9.7m <sup>2</sup> (2.3%)
	TREE CANOPY COVERAGE	122.33m <sup>2</sup> (30.3%)	121.2m <sup>2</sup> (30%)	-
	CANOPY COVERAGE OVER R.O.W & STREET	20.49m <sup>2</sup>	-	-

PLANT LIST		
LEGEND	PLANT NAME	COMMON NAME
TR1	HYMENOSPORUM FLAVUM	NATIVE FRANGIPANI
TR2	PRUNUS Cerasifera	PURPLE LEAVED PLUM
TR3	JACARANDA MIMOSIFOLIA	JACARANDA
TR4	CITRUS x MEYERI	DWARF LEMON
TR5	CITRUS x LATIFOLIA	DWARF TAHITIAN LIME
PL1	SALVIA ROSMARINUS	ROSEMARY

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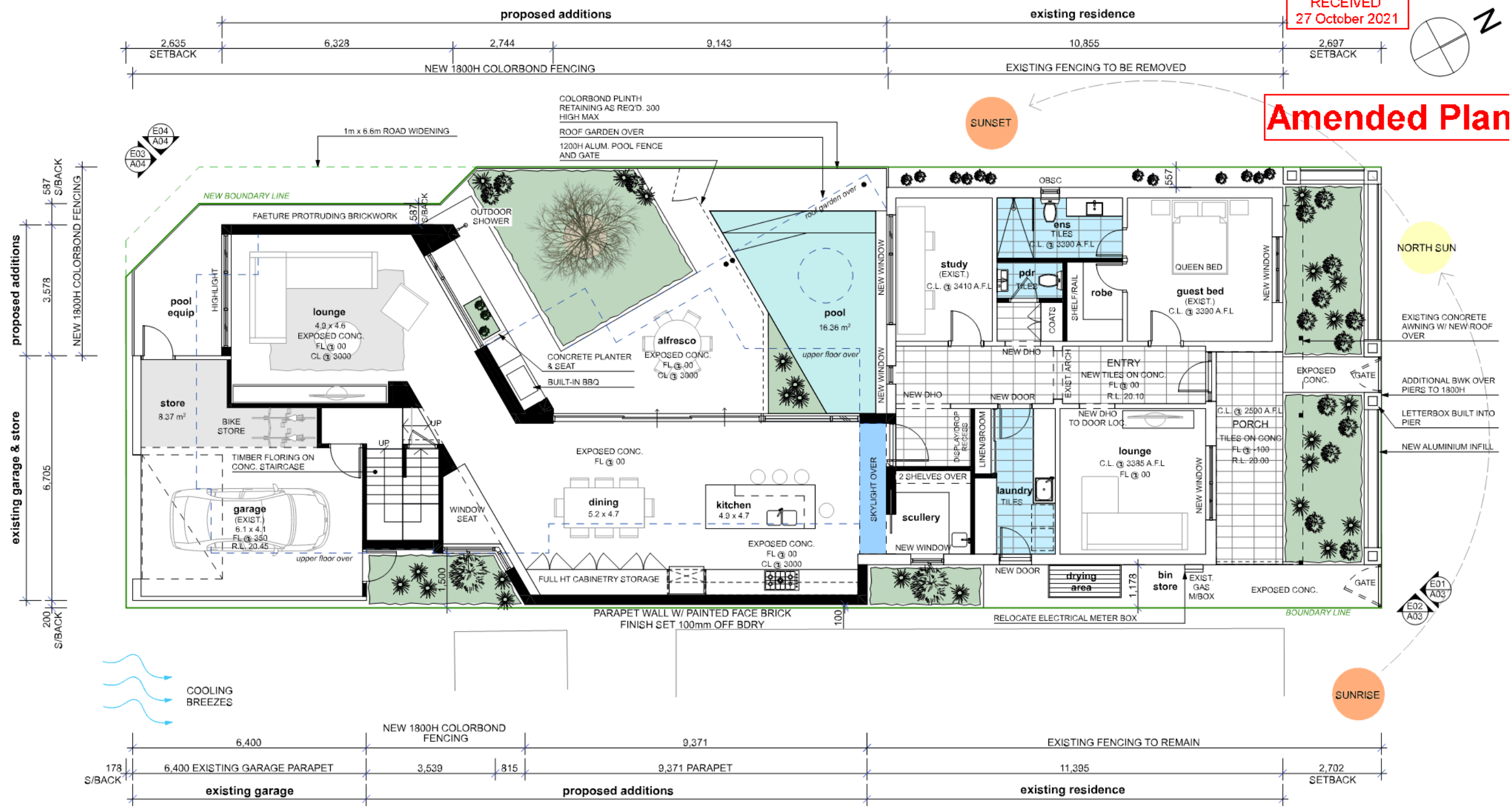
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**PROPOSED GROUND FLOOR PLAN**  
1:100



BUILDING AREAS	
GROUND FLOOR AREAS	
ADDITIONS ALFRESCO	21.90
ADDITIONS GROUND FLOOR	104.87
EXISTING GARAGE	35.79
EXISTING GROUND FLOOR	101.55
EXISTING PORCH	16.55
<b>TOTAL GROUND FLOOR AREAS</b>	<b>280.66 m²</b>
FIRST FLOOR AREAS	
ADDITIONS ROOF GARDEN	19.31
ADDITIONS UPPER FLOOR	120.92
<b>TOTAL FIRST FLOOR AREAS</b>	<b>140.23 m²</b>

SECOND FLOOR AREAS	
ADDITIONS ROOF TERRACE GARDEN	14.38
ADDITIONS ROOF TERRACE	26.71
ADDITIONS SECOND FLOOR	10.61
<b>TOTAL SECOND FLOOR AREAS</b>	<b>51.70 m²</b>
<b>TOTAL LIVING AREAS</b>	<b>337.95 m²</b>
<b>TOTAL BUILDING AREAS</b>	<b>472.59 m²</b>

REV.	DESCRIPTION	DATE
DD-03	DA AMENDMENTS	15/10/21
DD-04	DA AMENDMENTS	28/10/21

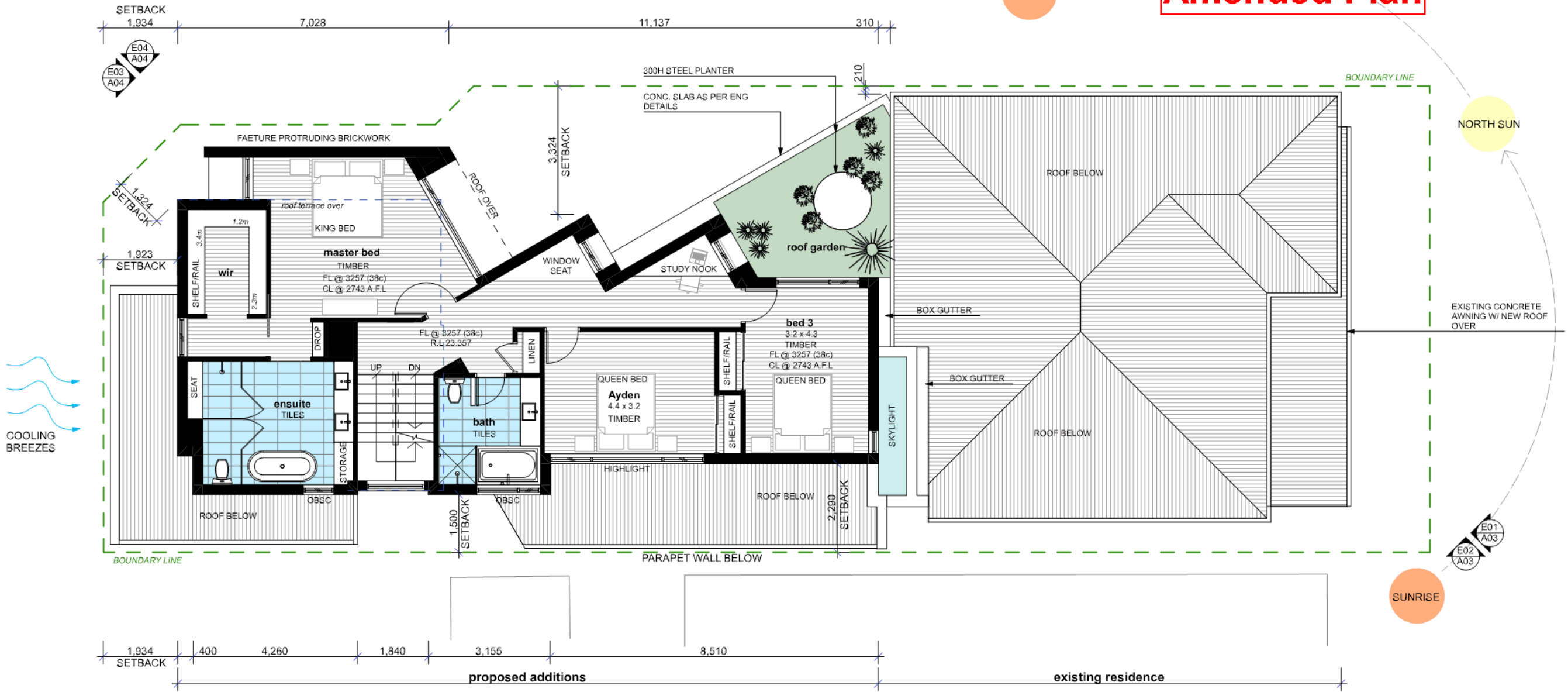
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**PROPOSED FIRST FLOOR PLAN**  
1:100



BUILDING AREAS	
<b>GROUND FLOOR AREAS</b>	
ADDITIONS ALFRESCO	21.90
ADDITIONS GROUND FLOOR	104.87
EXISTING GARAGE	35.79
EXISTING GROUND FLOOR	101.56
EXISTING PORCH	16.55
<b>TOTAL GROUND FLOOR AREAS</b>	<b>280.66 m<sup>2</sup></b>
<b>FIRST FLOOR AREAS</b>	
ADDITIONS ROOF GARDEN	19.31
ADDITIONS UPPER FLOOR	120.92
<b>TOTAL FIRST FLOOR AREAS</b>	<b>140.23 m<sup>2</sup></b>

SECOND FLOOR AREAS	
ADDITIONS ROOF TERRACE GARDEN	14.38
ADDITIONS ROOF TERRACE	26.71
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<b>TOTAL SECOND FLOOR AREAS</b>	<b>51.70 m<sup>2</sup></b>
<b>TOTAL LIVING AREAS</b>	<b>337.95 m<sup>2</sup></b>
<b>TOTAL BUILDING AREAS</b>	<b>472.59 m<sup>2</sup></b>

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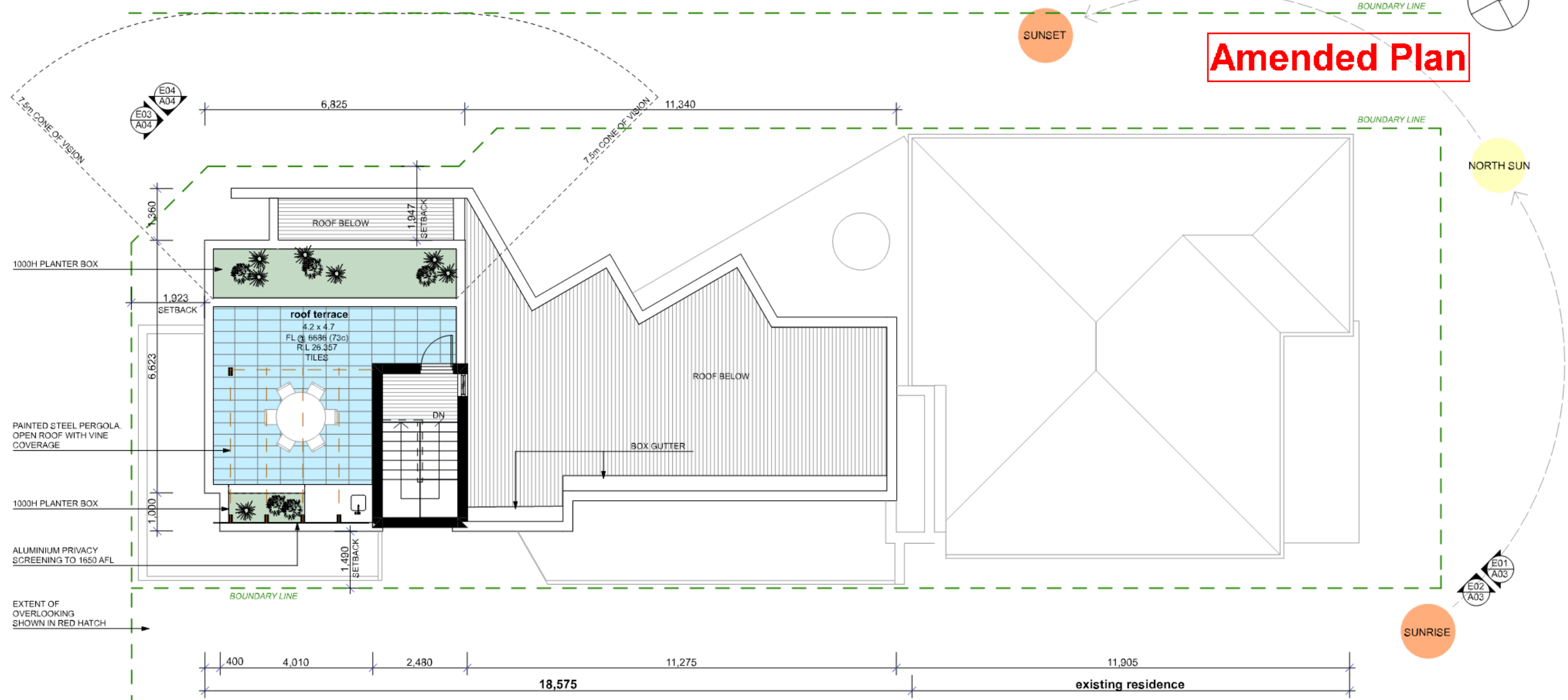
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**PROPOSED ROOF TERRACE FLOOR PLAN**  
1:100

BUILDING AREAS	
<b>GROUND FLOOR AREAS</b>	
ADDITIONS ALFRESCO	21.90
ADDITIONS GROUND FLOOR	104.87
EXISTING GARAGE	35.79
EXISTING GROUND FLOOR	101.55
EXISTING PORCH	16.55
<b>TOTAL GROUND FLOOR AREAS</b>	<b>280.66 m<sup>2</sup></b>
<b>FIRST FLOOR AREAS</b>	
ADDITIONS ROOF GARDEN	19.31
ADDITIONS UPPER FLOOR	120.92
<b>TOTAL FIRST FLOOR AREAS</b>	<b>140.23 m<sup>2</sup></b>

SECOND FLOOR AREAS	
ADDITIONS ROOF TERRACE GARDEN	14.38
ADDITIONS ROOF TERRACE	26.71
ADDITIONS SECOND FLOOR	10.61
<b>TOTAL SECOND FLOOR AREAS</b>	<b>51.70 m<sup>2</sup></b>
<b>TOTAL LIVING AREAS</b>	<b>337.95 m<sup>2</sup></b>
<b>TOTAL BUILDING AREAS</b>	<b>472.59 m<sup>2</sup></b>

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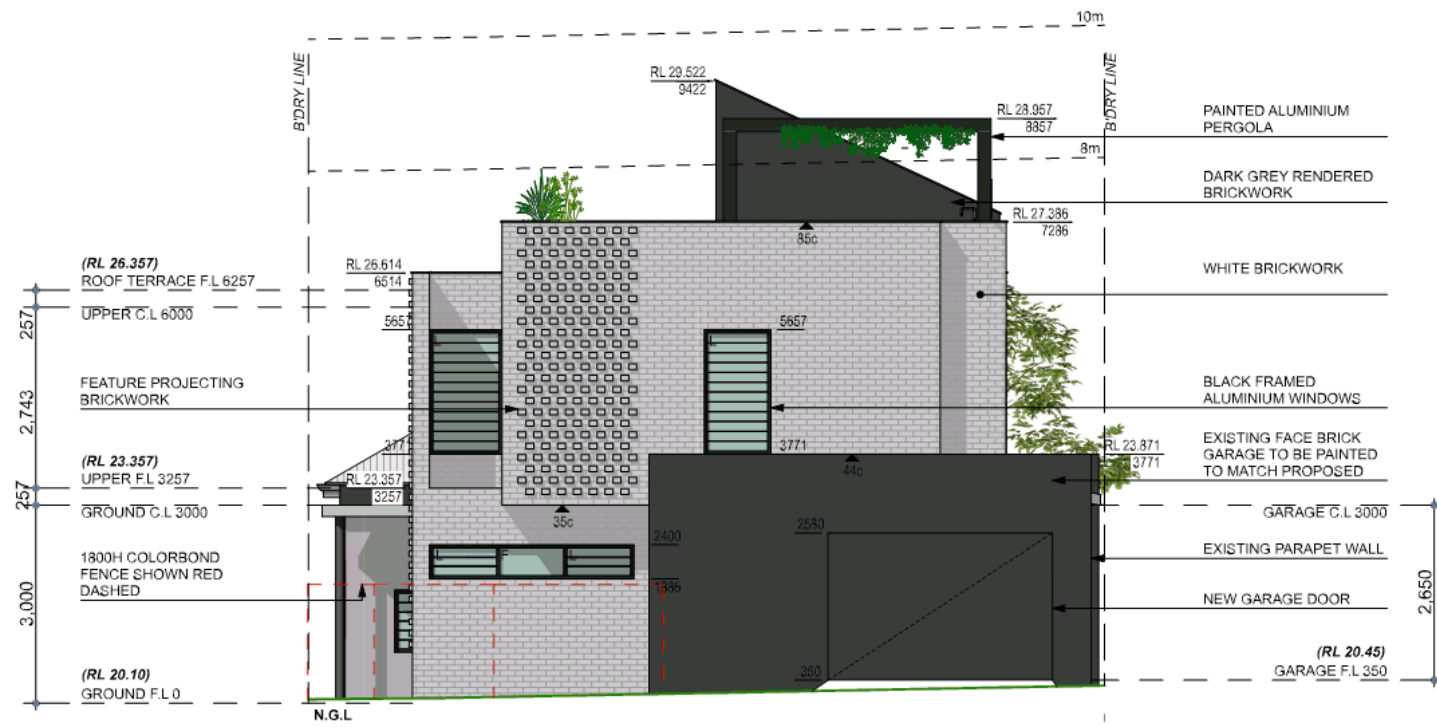
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DRAWN:	KA	DRAWING NO.:	
SCALE @ A3:	AS SHOWN	A09 OF A 13	









**E03**  
**A07** **ELEVATION 03 - SOUTH WEST**  
1:100

**PROPOSED MATERIAL PALLETTE**



**E04**  
**A07** **ELEVATION 04 - NORTH WEST**  
1:100

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SCALE @ A3:	AS SHOWN	A11 OF A 13	

**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.

Comments Received in Objection:	Administration Comment:
<p><u>Front Fence</u></p> <ul style="list-style-type: none"> <li>The front fence height is not consistent with the requirements of Local Planning Policy No. 7.1.15 – Character Retention Areas and Heritage Areas for the St Albans area.</li> <li>Does not maintain the aesthetic value of character area and detracts from historic amenities such as the St Albans Church and Highgate Primary School.</li> <li>Creates an unwanted precedent for the street.</li> </ul>	<p>The proposed fence would be constructed from a dark grey rendered brick wall with visually permeable aluminium infill and gates. This colour would be consistent with the dark grey tone of fences present in the streetscape as confirmed by the City’s DRP member and would positively contribute to the prevailing streetscape. The DRP member supports the form of the front fence and that it would be acceptable with respect to the character of the area and existing streetscape.</p> <p>Five out of the 13 properties within the character area on the street have front fences that are approximately 1.8 metres in height. These fences all share a similar design with visually permeable fencing that does not detract from the visual character of the area.</p>
<p><u>Lot Boundary Setbacks</u></p> <ul style="list-style-type: none"> <li>Reduced setbacks will result in overlooking concerns to the east. Requests that the windows be highlight/obscured.</li> <li>The building bulk is extreme and the setbacks do little to mitigate the effect on the adjoining property and the neighbour’s amenity.</li> <li>Impact to the neighbouring properties outdoor living areas and habitable spaces due to the bulk as a result of the reduced setbacks.</li> <li>The setbacks proposed do not mitigate the impact of reduced natural light to the adjoining property.</li> </ul>	<p>There are no major openings to habitable rooms proposed to the first floor of the development and no overlooking from windows as a result of reduced setbacks. The bedroom 3 window on the first floor that is oriented 90 degrees to the eastern boundary has oblique views to the east and has been reduced in size following the advertising period so that it is no longer a major opening. The remainder of non-major opening windows on the first floor facing the east are either obscured, highlight or to the staircase. First floor windows comply with the deemed-to-comply standards relating to Visual Privacy in the R Codes.</p> <p>The proposed setbacks together with the building design and treatment would not result in excessive bulk. The impacts of building bulk are ameliorated through the use of window openings, articulation, and varying materials and colours to effectively reduce the appearance of blank solid walls.</p> <p>The proposed development inclusive of building height and setbacks to lot boundaries would result in a shadow cast that complies with the deemed-to-comply standards of the R Codes relating to solar access for adjoining sites. The adjoining property is located to the south east of the subject site. This orientation means that the impacts from overshadowing are lessened because shadows are cast in a southern direction. The shadows cast by the proposed development would fall on areas that are not the adjoining property’s primary living spaces or primary outdoor living areas, and would not detrimentally impact the amenity of the adjoining property.</p>

**Summary of Submissions:**

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> <li>Concerns regarding the reduced setbacks, particularly the impact of construction of the additions to the neighbouring property occupants.</li> <li>The lack of aesthetic design when viewed from the adjoining properties and the street. The setbacks proposed do not reduce the impact of this.</li> </ul>	<p>Notice to and consent from the adjoining property owners (BA20 form) would be required in order to undertake the works to the eastern boundary given its proximity. Works would be required to be undertaken in accordance with the Building Permit issued.</p> <p>The proposed development incorporates contemporary design elements including articulation through the use of projecting brickwork, different forms and colours that are in keeping with tones in the streetscape. The built form and setbacks would be appropriate as viewed from adjoining properties and the public realm. The City's DRP member has reviewed the proposal and is supportive of the built form outcome in the setting.</p>
<p><u>Building Height</u></p> <ul style="list-style-type: none"> <li>The building height proposed will have an impact on the amenity of the adjoining properties due to reduced direct sunlight of outdoor living areas and open spaces.</li> <li>The maximum height of the skillion roof will not minimise overlooking and overshadowing of adjoining properties.</li> <li>The building height is not in keeping with the local built forms and adversely impacts the immediate adjoining properties in the street.</li> <li>The height does not preserve or enhance the visual character of the street when considering the bulk and scale of the development.</li> <li>The height dominates the retained existing dwelling at the front.</li> <li>The proposed height is not consistent with the streetscape with many properties not exceeding the allowed 8m.</li> </ul>	<p>Due to the orientation of the properties, the proposed development would cast a shadow to an existing brick shed, trees and planting area on the adjoining property rather than the primary outdoor living area. The proposal complies with the deemed-to-comply standard of the R Codes relating to solar access for adjoining properties, casting a shadow of 14.7 percent of the adjoining property in lieu of a maximum of 50 percent permitted. The proposal would not adversely impact on the amenity of the adjoining property with respect to solar access. The staircase skillion roof does not incorporate any window openings and would not contribute to overlooking of adjoining properties. Privacy screening setbacks are proposed for the rooftop terrace to protect the amenity of sensitive areas on adjoining properties.</p> <p>The proposed development steps up from the existing dwelling at the front of the site to the rear. The height of the pitched roof of the existing dwelling is 6.1 metres. This would step up to 6.5 metres in height to the concealed roof of the proposed building located to the middle of the site and a maximum of 9.4 metres to the top of the skillion roof of the staircase to the rooftop terrace located to the rear of the site, away from the primary street to assist in reducing its dominance on the streetscape. This skillion roof height would be less than the deemed-to-comply permitted height for a pitched roof of 10 metres under the R Codes. The angle of the skillion roof is such that it is located towards the centre of the lot, away from the adjoining property. This staircase also has dimensions of 2.5 metres by 4.3 metres and would not occupy a large footprint. There is an approved dwelling that is under construction at No. 9 St Albans Avenue that is two storeys within the St Albans Avenue Guideline area and an existing three storey apartment building located across the ROW to the rear of the subject site. The proposed development would not be inconsistent with the bulk and scale of these nearby developments.</p>

**Summary of Submissions:**

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> <li>The nature of the materials and height of the parapet wall on the ROW has an adverse impact of bulk to adjoining properties.</li> </ul>	<p>The applicant has reduced the overall height of the two storey parapet wall from 7.3 metres to 6.5 metres and replaced the green wall with a feature projecting brickwork. The length of the wall would be 6.3 metres. The ROW that the proposed parapet wall faces can be characterised as high boundary fencing and garage doors. The reduction in height and addition of a feature wall would reduce the impact of building bulk to the ROW and adjoining properties from this portion of wall.</p>
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> <li>The proposed roof top terrace does not consider the privacy of the adjoining properties with many properties open space/outdoor living areas being visible from the terrace.</li> <li>The setback and screening proposed on the rooftop terrace is not sufficient to prevent overlooking of adjoining properties gardens.</li> <li>The screening proposed on the rooftop terrace does not provide satisfactory screening to the adjoining residents.</li> </ul> <ul style="list-style-type: none"> <li>Overlooking to the eastern property will be direct and create an adverse impact to the occupants from the overlooking proposed out of bedroom 3.</li> </ul>	<p>The proposed rooftop terrace would be provided with privacy screening to a height of 1.6 metres in accordance with the deemed-to-comply provisions of the R Codes where it abuts the adjoining property to the south east. To the north west, a 1.5 metre wide built in planter box with a depth of 1.0 metre to the north western edge of the rooftop terrace is proposed. This would effectively increase the setback of the rooftop terrace from 6.0 metres to 7.5 metres to the north western properties across the ROW, consistent with the deemed-to-comply setbacks associate with visual privacy. Should the application be approved, it is recommended that a condition be imposed requiring this planter box to be installed prior to occupation and not be removed unless further planning approval is granted.</p> <p>The bedroom 3 window on the first floor is oriented 90 degrees to the eastern boundary which means that it would have oblique and restricted views to the east. It has also been reduced in size following the advertising period so that it is no longer a major opening and satisfies the deemed-to-comply standards of the R Codes.</p>
<ul style="list-style-type: none"> <li>Sound and acoustic concerns from the use of the rooftop terrace living area.</li> </ul>	<p>Owners/occupiers of residential properties are responsible for managing noise associated with activities so that they do not create noise issues or disturbances to neighbours. This would also apply to the use of the proposed rooftop terrace area.</p>

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

**Summary of Submissions:**

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

Comments Received in Support:	Applicant Comment
<ul style="list-style-type: none"> <li>No comments provided</li> </ul>	

Comments Received in Objection:	Applicant Comment
<p><u>Front fence</u></p> <ul style="list-style-type: none"> <li>The front fence height is not consistent with the requirements of Local Planning Policy 7.1.15 – Character Retention Areas and Heritage Areas for the St Albans area.</li> <li>Does not maintain the aesthetic value of character area and detracts from historic amenities such as the St Albans Church and Highgate Primary School.</li> <li>Creates an unwanted precedent for the street.</li> </ul>	<p>The design review panel member's comments were:</p> <p><i>"The form of the fence is considered acceptable; however, the white colour should be reconsidered."</i></p> <p>We have changed the white render to a light grey in order to break up the white of dwelling.</p> <p>The precedent of front fences not consistent with the requirements of the St Albans Character Retention policy has already been set. Five of the 11 properties within the St Albans character retention area have non-compliant fencing.</p> <p>As a non-contributing property within the St Albans character retention area the impact of a non-compliant fence is far less than one to a contributing property.</p>
<p><u>Lot Boundary Setbacks:</u></p> <ul style="list-style-type: none"> <li>Reduced setbacks will result in overlooking concerns to the east. Requests that the windows be highlight/obscured.</li> <li>The building bulk is extreme and the setbacks do little to mitigate the effect on the adjoining property.</li> <li>The resultant bulk of the reduced setbacks will impact the eastern neighbour's amenity.</li> <li>The setbacks propose do not mitigate the impact of reduced natural light to the adjoining property.</li> <li>Concerns regarding the reduced setbacks particularly the impact of construction of the additions to the neighbouring property occupants.</li> </ul>	<p>There is no overlooking from habitable rooms to the eastern property as a result of the reduced setbacks.</p> <p>A portion of the eastern elevation walls have been changed to render in order to provide some articulation and break up the solid mass of the brickwork.</p> <p>The 200mm variation of the deemed to comply setbacks are minimal. Should the setbacks be increased to comply there would be marginal impact on the perceived bulk and amenity.</p> <p>Overshadowing to the eastern property is compliant with the acceptable development requirements of the R-Codes.</p> <p>It's important to note that the reduced setback to the western ROW has been assessed on the new 1m road widening. The setback to the current boundary line is over 1.5m. While this doesn't change in the impact on neighbouring properties, the setback to the</p>



Comments Received in Objection:	Applicant Comment
<ul style="list-style-type: none"> <li>The lack of aesthetic design when viewed from the adjoining properties and the street. The setbacks proposed do not reduce the impact of this.</li> <li>Impact to the neighbouring properties outdoor living areas and habitable spaces due to the bulk as a result of the reduced setbacks.</li> </ul>	<p>ROW is compliant before our clients seceded their land to the council for the benefit of all the properties in the area.</p>
<p><u>Building Height:</u></p> <ul style="list-style-type: none"> <li>The building height proposed will have an impact on the amenity of the adjoining properties due to reduced direct sunlight of outdoor living areas and open spaces.</li> <li>The building height is not in keeping with the local built forms and adversely impacts the immediate adjoining properties in the street.</li> <li>The height dominates the retained existing dwelling at the front.</li> <li>The maximum height of the skillion roof will not minimise overlooking and overshadowing of adjoining properties.</li> <li>The height does not preserve or enhance the visual character of the street when considering the bulk and scale of the development.</li> <li>The nature of the materials and height of the parapet wall on the ROW has an adverse impact of bulk to adjoining properties.</li> <li>The screening proposed on the rooftop terrace does not provide satisfactory screening to the adjoining residents.</li> <li>The proposed height is not consistent with the streetscape with many properties not exceeding the allowed 8m.</li> </ul>	<p>Overshadowing to neighbouring properties is compliant with the acceptable development requirements of the R-Codes.</p> <p>The two storey additions have been sited to the rear of the property to avoid the existing single storey form of the streetscape. Adjacent to the rear ROW is a three-storey apartment block of considerable higher building height.</p> <p>The portion of proposed building that is over height is solely limited to the roof of the stairs that provide access to the roof terrace. The eastern side is 7.2m high in lieu of the acceptable development requirement of 7m. The over height portion is limited to a width of 2.5m. The higher side of the stair roof is in the middle of the block so the impact on surrounding properties is minimal.</p> <p>There is no overlooking from habitable rooms to the easter property as a result of the reduced setbacks.</p> <p>Part of the proposal includes significant work to the front façade that will enhance the streetscape by bringing more character elements back to the existing house. Unfortunately, all of the original character has been stripped from the dwelling during a major renovation in the 1960's making a restoration of the original façade not feasible. The works proposed include completely rebuilding the roof at the original pitch, new zincalume roof sheeting and new skillion verandah. Refer to renders on page A12 of the amended DA drawings that show the difference between proposed and existing.</p> <p>We have made amendments to the design that eliminates overlooking from the roof terrace to the west. The reduction in the size of the roof terrace has led to the western two storey wall being reduced by 772mm. This will reduce the bulk impact of the wall on adjoining properties.</p>
<p><u>Visual Privacy:</u></p> <ul style="list-style-type: none"> <li>The proposed roof top terrace does not consider the privacy of the adjoining properties with many properties open space/outdoor living areas being visible from the terrace.</li> </ul>	<p>We have made amendments to the design that eliminates overlooking from Bed 3 and from the roof terrace to the west.</p> <p>There is a small amount of overlooking from the roof terrace toward the rear of the eastern property as demonstrated on the roof terrace plan (page A09). This area is densely landscaped and would be quite awkward and can't be seen from normal use of</p>

Comments Received in Objection:	Applicant Comment
<ul style="list-style-type: none"><li data-bbox="371 320 1093 368">• The setback and screening proposed on the roof top terrace is not sufficient to prevent overlooking of adjoining properties gardens.</li><li data-bbox="371 411 1066 435">• Sound and acoustic concerns from the use of the rooftop terrace living area.</li><li data-bbox="371 462 1093 504">• Overlooking to the eastern property will be direct and create an adverse impact to the occupants from the overlooking proposed out of bedroom 3.</li></ul>	the roof terrace (sitting at the table or using the small bar area).

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



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17<sup>th</sup> June 2021

Planning Department  
City of Vincent  
PO Box 82, Leederville 6902

**Attention:** Planning Department

Project: Lot 11 (#17) St Albans Avenue, Highgate – Proposed two-storey with roof terrace residential alteration and additions

Application: Development approval

Please find attached the development approval application for a proposed two-storey plus roof terrace residential alteration and addition to an existing residence located at Lot 11 (#17) St Albans Avenue, Highgate.

Development Approval documents in this proposal includes;

- One set of A3 drawings;
  - A00 – Cover sheet – scale N.T.S
  - A01 – Existing site plan – scale 1:200
  - A02 – Existing ground floor plan – scale 1:100
  - A03 – Existing elevations – scale 1:100
  - A04 – Existing elevations – scale 1:100
  - A05 – Proposed site plan – scale 1:200
  - A06 – Proposed landscaping plan – scale 1:200
  - A07 – Proposed ground floor plan – scale 1:100
  - A08 – Proposed upper floor plan – scale 1:100
  - A09 – Proposed roof terrace floor plan – scale 1:100
  - A10 – Proposed elevations – scale 1:100
  - A11 – Proposed elevations – scale 1:100
  - A12 – Proposed perspective – N.T.S
  - A13 – Proposed perspective – N.T.S
  
- R-codes assessment document
- Signed Development Application checklist
- Signed Application for Development Approval
- Signed MRS Application
- Certificate of title

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**Background**

1. The site is 413m<sup>2</sup> in area and is zoned Residential, with a density code of R50. The site currently includes a single dwelling, which is proposed to be altered and extended.
2. The site falls under the St Albans Character Retention Area and is a 'Non-Contributing Building'.
3. The site is rectangular with a North-East facing frontage and right-of-ways to side and rear boundaries.
4. There is an approximate 500mm incline from the front of the property to the rear
5. The original house on No 17 underwent a significant renovation in the 1970's where a majority of the original character features were removed.
6. The property is subject to a 1m x 6.6m road widening to the Western corner as confirmed by the City's development engineer on 30/11/20.



Figure 1: Site Context

**Proposed Development**

The proposed development comprises the following:

- Demolition of the previous rear addition, store and portion of garage.
- Construction of a new living, dining and kitchen on the ground floor.
- Construction of a new scullery, laundry and bathroom within the footprint of the existing residence.
- Construction of new alfresco and pool at ground floor level.
- Construction of new bedroom zone on the first floor with roof garden.
- Construction of a roof top terrace with open pergola and built-in planter boxes
- New roof to the original portion of the dwelling at a pitch more suited to the streetscape.
- Overall landscaping and paving re works.



**Compliance**

We believe the proposed development is generally compliant with the City’s planning framework however two aspects of the proposal are considered below where discretion is sought.

5.1.3 Lot Boundary Setback

The proposed addition represents a variation to the deemed-to-comply requirements of the R-Codes as identified below:

Deemed to comply	Proposed	Difference
Lounge/Master Bed NW wall setback 1m	0.58m to future ROW widening. 1.58m to existing boundary	0.42m

The proposal satisfies design principles P3.1 due to the following:

Reduces impact of building bulk on adjoining properties.	<p>The proposed wall is adjacent to the right-of-way so there is no impact on the adjoining properties. The wall complies with the current boundary line and allows for the future ROW widening.</p> <p>The wall in question is relatively short and then returns 3.3m – 5m for the internal courtyard. This provides relief from bulk of the reduced setback wall. This is a better outcome than a wall that would run down the north eastern boundary at minimum deemed to comply setbacks.</p> <p>We have detailed a wire trellis to provide a climbing frame for landscaping on the proposed wall. The advantages of a creeping vine on this wall are two-fold; it provides some green relief to an otherwise barren laneway and also stops the thermal massing caused by the western sun.</p>
Provides adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties.	<p>The lounge and master bed have been pushed into the deemed to comply setback areas to allow us to capture northern sun into those living areas. The site’s orientation and existing structures have created a unique situation where capturing the northern exposure requires the setbacks to be reduced.</p> <p>The proposed creates no loss of sun and ventilation to the adjoining properties.</p>
Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.	<p>The location and height of the proposed wall provides screening to the neighbouring properties from the proposed roof terrace (refer to Figure 2).</p>

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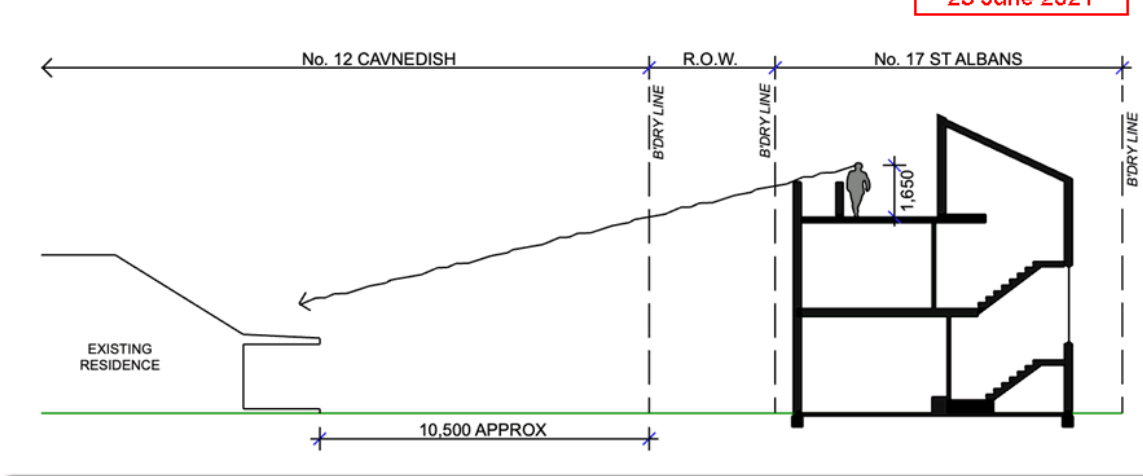


Figure 2: Site Section

5.4.1 Visual Privacy

The proposed addition represents a variation to the deemed-to-comply requirements of the R-Codes as identified below:

Deemed to comply	Proposed	Difference
Roof terrace setback: 7.5m	6.0m (to neighbouring boundary)	1.5m

The proposal satisfies design principles P1 due to the following:

<p>Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:</p> <ul style="list-style-type: none"> <li>• building layout and location;</li> <li>• design of major openings;</li> <li>• landscape screening of outdoor active habitable spaces; and/or</li> <li>• locations of screening devices.</li> </ul>	<p>The intention of the roof terrace is to provide a tranquil open-air space where our clients can escape to with views to the city and the trees of Hyde Park. It has been designed and located to minimise any overlooking into neighbouring properties without the need for 1.6m high screening around the whole terrace.</p> <p>The roof terrace has been designed with raised planter boxes that stop the view down while still allowing horizontal views out. Refer to Figure 2 for a section through the proposed and No. 12 Cavendish St.</p> <p>The other properties impacted by overlooking from the roof terrace are No. 10A Cavendish St where only garage can be seen and No. 15 St Albans where a very small section of the rear of the property can be seen.</p>
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Should you have any questions or require clarification during or following assessment of the application, please do not hesitate to contact the undersigned on 6154 2926 or via email on [scott@daleckidesign.com.au](mailto:scott@daleckidesign.com.au).

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PROPOSED



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MR EHSOON DARABI & MS YASMIN LILU  
LOT 11 (#17) ST ALBANS AVE., HIGHGATE

REV.	DESCRIPTION	DATE
DD-03	DA AMENDMENTS	15/10/21
DD-04	DA AMENDMENTS	27/10/21

REV:	DD-04	JOB NO.:	202-20
DRAWN:	KA	DRAWING NO.:	
SCALE	@ A3: AS SHOWN	A 12 OF A 13	



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LOT 11 (#17) ST ALBANS AVE., HIGHGATE

REV.	DESCRIPTION	DATE
DD-03	DA AMENDMENTS	15/10/21
DD-04	DA AMENDMENTS	27/10/21

REV:	DD-04	JOB NO.:	202-20
DRAWN:	KA	DRAWING NO.:	
SCALE @ A3:	AS SHOWN	A13 OF A13	

**Determination Advice Notes:**

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
3. 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.
4. If 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.
5. In relation to Advice Note 2 a further two years is added to the date by which the development shall be substantially commenced, pursuant to Schedule 4, Clause 4.2 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 8 April 2020.
6. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
7. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
8. No verge trees shall be REMOVED. The verge trees shall be RETAINED and PROTECTED from any damage including unauthorized pruning.
9. An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to commencement of all building/development works, and shall be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond must be made in writing. This bond is non-transferable.
10. 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.
11. With reference to Condition 2 Clause 5.4.1 C1.2 Visual Privacy requirements of the R codes states that *screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 percent obscure, permanently fixed, made of durable material and restrict view in the direction of the overlooking into any adjoining property.*
12. With reference to Condition 3, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls.

**Determination Advice Notes:**

13. In reference to Condition 9, visually permeable is defined as *“in reference to a wall, gate, door or fence that the vertical surface has continuous vertical or horizontal gaps of 50mm or greater width occupying not less than one third of the total surface area; continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or a surface offering equal or lesser obstruction to view; as viewed directly from the street”*.
14. In regards to Condition 10, all storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of storm water ‘off site’ without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water ‘off site’ be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.