

9.3 NO. 242 (LOT: 2; D/P: 1641) LAKE STREET, PERTH - PROPOSED ALTERATIONS AND ADDITIONS TO A SINGLE HOUSE AND SHOP

Ward: South

- Attachments:**
1. Consultation and Location Map
 2. Development Plans
 3. 3D Perspectives
 4. Overshadowing Diagram
 5. Applicant's Cover Letter
 6. Detailed Streetscape Analysis
 7. Summary of Submissions - Applicant's Response
 8. Summary of Submissions - Administration's Response
 9. 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 and Alterations and Additions to a Single House and Shop at No. 242 (Lot: 2; D/P: 1641) Lake Street, Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 9:

1. Development Plans

This approval is for Alterations and Additions to a Single House and Shop as shown on the approved plans dated 14 April 2022. No other development forms part of this approval;

2. Amended Plans

Prior to development commencing, revised plans shall be submitted and approved demonstrating the following:

- a) The mid level bedroom 2 window shroud shall be extended to ensure that a 4.5 metre cone of vision setback is provided from this window to the south eastern lot boundary, in accordance with the deemed-to-comply standards of the Residential Design Codes Volume 1, Clause 5.4.1 (Visual Privacy), to the satisfaction of the City; and
- b) The height of the solid balustrading along the south eastern side of the upper floor roof deck shall be increased from 1 metre to 1.6 metres above the finished floor level of the roof deck, in accordance with the deemed-to-comply standards of the Residential Design Codes Volume 1, Clause 5.4.1 (Visual Privacy), to the satisfaction of the City.

The revised plans shall not result in any greater non-compliance with the deemed-to-comply standards of the Residential Design Codes or the City's Policy No. 7.1.1 – Built Form.

3. Boundary Walls

The surface finish of boundary walls facing adjoining property shall be of a good and clean condition, prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City;

4. 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;

5. 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;

6. Landscaping

- 6.1 All landscaping works shall be undertaken in accordance with the approved plans dated 14 April 2022;
- 6.2 One new verge tree shall be planted within the Lake Street verge adjacent to the subject site, at the expense of the applicant/owner, to the satisfaction of the City. The species of the new street tree shall be *Agonis flexuosa* (Weeping Peppermint) and shall be a minimum of 90 litre capacity; and
- 6.3 One new verge tree shall be planted within the Bulwer Street verge adjacent to the subject site, at the expense of the applicant/owner, to the satisfaction of the City. The species of the new street tree shall be *Melaleuca quinquenervia* (Broad Leaved Paperbark) and shall be a minimum of 90 litre capacity;

7. 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;

8. Car Parking and Access

- 8.1 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1;
- 8.2 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City; and
- 8.3 One new short-term bicycle bay shall be provided within the verge adjacent to the subject site. The bicycle bay shall be designed in accordance with AS2890.3 and installed prior to occupation or use of the development, at the expense of the owner/applicant, to the satisfaction of the City;

9. Building Design

- 9.1 The Shop shall maintain an active and interactive relationship with Bulwer Street and Lake Street during the hours of operation, to the satisfaction of the City. Darkened, obscured, mirrored or tinted glass, roller shutters or the like are prohibited. Curtains, blinds and other internal treatments that obscure the view of the internal area from Bulwer Street and Lake Street are not permitted to be used during the hours of the Shop's operation;
- 9.2 Ground floor glazing and/or tinting to the Shop shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City are prohibited; and
- 9.3 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; and

10. Construction Management Plan

Prior to the development commencing a Construction Management Plan shall be lodged with and approved by the City (including demolition and/or forward works). The Construction

Management Plan is required to detail how the construction will be managed to minimise the impact on the surrounding area and shall include the following:

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

PURPOSE OF REPORT:

To consider an application for development approval for alterations and additions to an existing shop and single house at No. 242 Lake Street, Perth (the subject site).

PROPOSAL:

Details of the proposed alterations and additions to the existing shop are as follows:

- The existing shop on the corner of Lake and Bulwer Streets would be retained. A new studio and roof terrace would be constructed above the existing shop for use in conjunction with the shop;
- The shop would continue to be used as a millinery, making and selling hats;
- Pedestrian access to the shop would continue to be from the existing door at the corner truncation; and
- There would continue to be no on-site car parking associated with the shop.

Details of the proposed alterations and additions to the existing single house are as follows:

- The existing dwelling at the rear of the shop would be retained. A new two storey addition would be constructed above the existing dwelling and would result in the dwelling having a total height of three storeys;
- The dwelling would have four bedrooms and three bathrooms;
- Pedestrian access to the dwelling would be from Lake Street;
- The existing single car garage at the rear of the site accessed from Lake Street would be widened to accommodate two cars;
- The primary outdoor living area would be located on the ground floor, accessed via the living room. A roof deck is also proposed on the upper floor level; and
- The external materials would include light grey flat profile colourbond, charred timber cladding, Venetian plaster with a dado finish, painted render, painted brick and face brick.

The development plans are included in **Attachment 2** and the applicant's 3D renders are included in **Attachment 3** with their overshadowing diagram included as **Attachment 4**.

The applicant has provided a cover letter in support of the proposed development which is included in **Attachment 5**. It is intended that the residence would continue to be occupied by the owner/operator of the shop, with the proposed upper floors addition to the residence intended to accommodate a growing family and modern living standards.

BACKGROUND:

Landowner:	Kesit Pty Ltd
Applicant:	John Kestel Architect Pty Ltd
Date of Application:	17 September 2021

Zoning:	MRS: Urban LPS2: Zone: Residential R Code: R50
Built Form Area:	Residential
Existing Land Use:	Shop – A
Proposed Use Class:	Shop – A Single House – P
Lot Area:	205m ²
Right of Way (ROW):	3.7 metres wide, unsealed, State of WA owned
Heritage List:	No

Site Context and Zoning

The subject site is bound by Lake Street to the north west, Bulwer Street to the south west and two storey single houses to the south east and north east.

The subject site is 6.0 metres wide and has a depth of 34.1 metres.

The subject site and adjoining properties to the north west, north east and south east are zoned Residential R50 under the City's Local Planning Scheme No. 2 (LPS2). The subject site and these adjoining properties are within the Residential built form area and have a building height standard of two storeys under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

The properties on the opposite side of Bulwer Street to the south west are zoned Local Centre under LPS2. These properties are within the Mixed Use built form area and have a building height standard of four storey under the Built Form Policy.

The subject site and all Residential R50 zoned adjoining properties are subject to Clause 32(1) of LPS2 that sets out Multiple Dwellings (apartments) are not permitted.

A 3.7 metre wide right of way (ROW) terminates at the rear of the subject site. The ROW is unsealed, owned by the State of Western Australia and does not provide any vehicle access to the subject site.

Lake Street is characterised by two and three storey townhouse style residential developments, with some examples of single storey residences.

Bulwer Street is characterised by traditional style single storey residential and commercial developments with some examples of more modern two storey commercial developments.

A location plan is included as **Attachment 1**. A detailed streetscape analysis prepared by Administration is included in **Attachment 6**.

Previous Approvals

The table below details the previous approvals and history for the subject site.

Date	Details
October 1978	The subject site was operating as a shop, selling and repairing bicycles. It is also noted at this time that there is record of the site operating as a shop in 1967.
1994	The property owner provided a statutory declaration to the City stating that the site had been continually used as a Shop since they purchased it in 1982. This was provided in order to secure non-conforming use rights under the City's (former) Town Planning Scheme No. 1 (TPS1).
26 April 1995	Correspondence from the City of Vincent CEO in relation to the site advised that "Council records indicate that the subject property has been occupied by a non-conforming use for many years...".
10 June 2011	The City provided planning advice via email relating to the site stating that "Council records indicate that the subject property has been occupied by a non-conforming use for many years, ranging from bicycle retail and repair shop to photographic studio and retail of photographic works of art. There have been no recent approvals for the site. So if you were to use the site as a 'use' that is a differing use to the last known uses of the site, it would require a change of use application".

Date	Details
11 May 2012	A development application for Caretaker's Residence Addition to Existing Shop approved under delegated authority. This approval was never substantially commenced.
18 September 2014	<p>A development application for a garage to existing shop was approved under delegated authority.</p> <p>The application was initially lodged as an amendment to the previous approval dated 11 May 2012 for a Caretaker's Residence Addition to Existing Shop.</p> <p>The City sought legal advice which determined that the proposal constituted a Multiple Dwelling which was a prohibited use at the subject site under Clause 40 of TPS1.</p> <p>The applicant submitted amended plans for a scaled back single storey addition. The application was approved and included a bedroom and kitchen as part of the residence.</p>

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2), the City's Built Form Policy 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
Land Use		✓
Street Setback		✓
Lot Boundary Setbacks/Boundary Walls		✓
Building Height/Storeys		✓
Open Space		✓
Street Surveillance	✓	
Street Walls and Fences	✓	
Outdoor Living Areas	✓	
Landscaping		✓
Car and Bicycle Parking		✓
Vehicle Access	✓	
Site Works/Retaining Walls	✓	
Visual Privacy		✓
Solar Access for Adjoining Sites		✓
External Fixtures, Utilities and Facilities	✓	
Outbuildings	✓	
Environmentally Sustainable Design		✓

Detailed Assessment

The proposal requires assessment against two separate volumes of the City's Built Form Policy because the application proposes both a single house and alterations and additions to an existing commercial development on the same site.

The Single House has been assessed against the provisions of the Built Form Policy Volume 1, Section 5 and the provisions of the R Codes Volume 1.

The Commercial additions have been assessed against the provisions of the Built Form Policy Volume 3, Section 5. This section prescribes acceptable outcomes rather than deemed-to-comply standards.

The Built Form Policy and R Codes have two pathways for assessing and determining a development application. These are through design principles and local housing objectives, or through deemed-to-comply standards.

Design principles and local housing objectives are qualitative measures which describe the outcome that is sought rather than the way that it can be achieved.

The deemed-to-comply standards are one way of satisfactorily meeting the design principles or local housing objectives and are often quantitative measures.

If an element of an application does not meet the applicable deemed-to-comply standard/s then Council's discretion is required to decide whether this element meets the design principles and local housing objectives.

If an element of an application does meet the applicable deemed-to-comply standard/s then it is satisfactory and not subject to Council's discretion for the purposes of assessment against the Built Form Policy and R Codes.

The planning elements of the application that do not meet the applicable deemed-to-comply standards and require the discretion of Council are as follows:

Land Use	
Use Class Permissibility	Proposal
LPS2 – Zoning Table	
'P' Use	Shop – 'A' Use
Street Setback	
Deemed-to-Comply Standard and/or Acceptable Outcome	Proposal
<p>Built Form Policy Volume 1, Clause 5.1 - Street Setback</p> <p><u>Ground Floor</u> The primary street setback is to be calculated by averaging the setback of the five adjoining properties, either side of the proposed development, being 4.7 metres.</p> <p><u>Upper Floor Walls</u> Walls on upper floors setback a minimum of 2 metres behind the ground floor predominant building line</p> <p><u>Upper Floor Balconies</u> Balconies on upper floors setback a minimum of 1 metre behind the ground floor predominant building line.</p> <p>Built Form Policy Volume 3, Clause 5.2 – Street Setback</p> <p>Secondary street setbacks for upper floors is to be 1.5 metres behind each portion of the ground floor setback for walls on upper floors.</p>	<p>Built Form Policy Volume 1, Clause 5.1 - Street Setback</p> <p><u>Ground Floor</u> Nil (as existing)</p> <p><u>Upper Floor Walls</u> The proposed upper floor walls would be in line with the ground floor building line.</p> <p><u>Upper Floor Balconies</u> The proposed upper floor roof deck would be in line with the ground floor building line.</p> <p>Built Form Policy Volume 3, Clause 5.2 – Street Setback</p> <p>The proposed upper floor level would be in line with the ground floor building line.</p>
Lot Boundary Setbacks/Boundary Walls	
Deemed-to-Comply Standard and/or Acceptable Outcome	Proposal
<p>R Codes Volume 1, Clause 5.1.3 – Lot Boundary Setbacks</p> <p><u>South East Boundary Wall</u></p> <ul style="list-style-type: none"> • Aggregate Length: 12.8 metres • Maximum Height: 3.5 metres 	<p>R Codes Volume 1, Clause 5.1.3 – Lot Boundary Setbacks</p> <p><u>South East Boundary Wall</u></p> <ul style="list-style-type: none"> • Aggregate Length: 15.2 metres • Maximum Height: 9.3 metres

Built Form Policy Volume 3, Clause 1.3 – Side and Rear Setbacks	Built Form Policy Volume 3, Clause 1.3 – Side and Rear Setbacks
The upper floor addition to the existing shop shall be setback 1.7 metres from the south eastern lot boundary.	Nil setback.
Open Space	
Deemed-to-Comply Standard and/or Acceptable Outcome	Proposal
R Codes Volume 1, Clause 5.1.4 – Open Space	
40 percent open space provision.	22.1 percent open space proposed.
Building Height/Storeys	
Deemed-to-Comply Standard and/or Acceptable Outcome	Proposal
Built Form Policy Volume 1, Clause 5.3 – Building Height	Built Form Policy Volume 1, Clause 5.3 – Building Height
Storeys: 2	Storeys: 3
Maximum Concealed Roof Height: 8 metres	Maximum Concealed Roof Height: 9.3 metres.
Built Form Policy Volume 3, Clause 5.1 – Building Height	Built Form Policy Volume 3, Clause 5.1 – Building Height
Maximum Concealed Roof Height: 7 metres.	Maximum Concealed Roof Height: 8.2 metres.
Landscaping	
Deemed-to-Comply Standard and/or Acceptable Outcome	Proposal
Built Form Policy Volume 3, Clause 5.3 – Landscaping	
Deep Soil Zones: 12 percent of site	Deep Soil Zones: 1.6 percent of site.
Planting Areas: 3 percent of site	Planting Areas: 4.5 percent of site.
Canopy Coverage at Maturity: 30 percent of site	Canopy Coverage at Maturity: 6.5 percent of site.
Visual Privacy	
Deemed-to-Comply Standard and/or Acceptable Outcome	Proposal
R Codes Volume 1, Clause 5.4.1 – Visual Privacy	
The mid level bedroom 2 window cone of vision setback to the south eastern lot boundary shall be 4.5 metres.	4.4 metre cone of vision setback.
The upper level roof deck cone of vision setback to the south eastern lot boundary shall be 7.5 metres.	Nil setback.
Solar Access for Adjoining Properties	
Deemed-to-Comply Standard and/or Acceptable Outcome	Proposal
R Codes Volume 1, Clause 5.4.2 – Solar Access to Adjoining Properties; and Built Form Policy Volume 3, Clause 1.4 – Orientation	
The development is permitted to cast shadow of 50 percent of the adjoining property to the south east.	72.3 percent.

Car and Bicycle Parking	
Deemed-to-Comply Standard and/or Acceptable Outcome	Proposal
<p>Built Form Policy Volume 3, Clause 1.10 – Car and Bicycle Parking</p> <p><u>Car Parking</u> The Shop requires 5 car bays per 100 square metres of Net Lettable Area (NLA). The Shop would have an NLA of 113.9 square metres, requiring 6 bays.</p>	<p><u>Car Parking</u> The development does not propose any on-site car parking for the Shop (as existing).</p> <p>The shop requires five on-site car bays based on the existing NLA. The development requires in a further shortfall of one bay.</p>
Environmentally Sustainable Design	
Deemed-to-Comply Standard and/or Acceptable Outcome	Proposal
<p>Built Form Policy Volume 3, Clause 1.17 – Environmentally Sustainable Design</p> <p>The proposed alterations and additions to the existing shop should be accompanied by a report demonstrating that it achieves a 5 star green star rating or 30 and 25 percent reduction in global warming potential and net fresh water use against the Perth statistic average respectively.</p>	<p>The application is not accompanied by an environmentally sustainable design report.</p>

The above elements of the proposal do not meet the specified deemed-to-comply and/or acceptable outcome 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 35 days commencing on 13 December 2021 and concluding on 17 January 2022. Ordinarily the application would have been required to be advertised for a period of 14 days but the extended timeframe was required because a portion of the consultation period fell within the Christmas and New Year excluded advertising period stipulated under the City's Community and Stakeholder Engagement Policy.

Community consultation was undertaken by way of written notification with 239 letters being sent to surrounding land owners and occupiers within a 100 metre radius of the subject site, as shown in **Attachment 1**, and a notice on the City's website in accordance with the City's Community and Stakeholder Engagement Policy.

The City received seven submissions with one in support, five in objection and one neither in support or objection but expressing some concerns. The key concerns raised are as follows:

- The dominance of the upper floors with reduced setbacks on the streetscape;
- The appearance of the three storey parapet wall adjacent to the south eastern lot boundary from Bulwer Street;
- The impact of the three storey parapet wall on the adjoining south eastern property's access to direct sunlight and ventilation;
- The impact of bulk as a result of the three storey parapet wall on the adjoining south eastern property's rear balcony;
- The impact of the height and bulk of the development on the surrounding neighbourhood;
- The lack of street surveillance to Lake Street;
- The lack of on-site landscaping;
- The impact of the increased size of the shop on the availability of on-street car parking bays in the surrounding area;
- The increased crossover width resulting in the removal of a Lake Street on-street parking bay;

- The mid level bedroom 2 window cone of vision would fall on the adjoining south eastern property's primary outdoor living area, resulting in a loss of privacy; and
- Dilapidation of adjoining dwellings.

A summary of all the submissions received and the applicant's comments with respect to these is included in **Attachment 7**. A summary of all the submissions received and Administration's comments with respect to these are provided in **Attachment 8**.

Design Review Panel (DRP):

Referred to DRP: Yes

The proposed development was referred to the City's DRP Chairperson.

The comments provided by the DRP Chairperson noted the following positive aspects of the proposal:

- There are a number of existing three storey dwellings and mixed use buildings in close proximity to the subject site which support the proposed building height;
- The continued operation of the independent millinery shop use adds to the diversity of creative uses in the area; and
- A contemporary addition to a property with a traditional corner shop is supported as it is a commonly accepted approach to differentiate between the different uses and periods of construction on the site.

The DRP Chairperson noted the following areas for further improvement of the proposal:

- The perspective images should be updated to include the immediate adjoining residences to illustrate the relationship between the proposal and its surrounding context;
- Additional windows facing Lake Street should be added at the upper level to increase the level of passive surveillance of the streetscape;
- Confirmation should be provided regarding how the mid level terrace planter would be accessed and maintained;
- There are further opportunities for meaningful on-structure planting on the mid level terrace and upper level roof deck;
- Consider providing a setback to the south eastern lot boundary at the upper level to reduce the bulk, scale and overshadowing impact on the adjacent property;
- The bright blue and yellow colours would not be compatible with the surrounding context. The application should consider more contextually appropriate materials such as face brick or blockwork; and
- The south eastern elevation plan should be updated to include details of colours and materials. The applicant should consider providing a 1 metre setback to the south eastern lot boundary at the upper level, with the metal cladding incorporated at this level to add a level of articulation and diversity of materiality.

The applicant submitted amended plans in response to the DRP comments with the following changes:

- The perspective images were updated to include the adjoining properties to the south east as well as the development as viewed when travelling in a north-easterly direction along Bulwer Street;
- A larger window with a perforated sliding screen was added to the mid level lounge and kitchen facing Lake Street;
- Additional landscaping was incorporated in the design:
 - A new 6.5 square metre planting area and associated tree within the ground floor courtyard; and
 - A new 6.2 square metre planting area and associated tree on the roof deck.
- The bright blue and yellow colours and materials were replaced with charred timber cladding and face brick;
- A 4.8 metre portion of the south eastern boundary wall at the upper floor level was chamfered (or cut away at a 45 degree angle) to provide a 0.75 metre setback; and
- Charred timber cladding was incorporated into the boundary wall design.

The amended proposal was referred back to the DRP Chairperson who noted that passive surveillance to Lake Street has been improved, the incorporation of ground floor deep soil areas and on-structure planting were positive, and the materiality and colours were improved and supported.

The only remaining concern of the DRP Chairperson was the extent of overshadowing cast to the adjoining south eastern property's front and rear open spaces.

The applicant submitted further amended plans which are included in **Attachment 2** in response which reduced the overall amount of shadow cast by the proposed development by a further 7.3 square metres. The acceptability of the impact of the development on solar access to adjoining dwellings is discussed in the Comment section of this report.

The table below outlines the application's progress through the DRP process in accordance with the Ten Principles of Good Design.

Design Review Progress			
	<i>Supported</i>		
	<i>Pending further attention</i>		
	<i>Not supported</i>		
	<i>No comment provided/Insufficient information</i>		
	<i>DRP Chair Comments – 11 Dec 2022</i>	<i>DRP Chair Comments – 22 Mar 2022</i>	<i>DRP Chair Comments – 1 Jun 2022</i>
Principle 1 – Context & Character			
Principle 2 – Landscape Quality			
Principle 3 – Built Form and Scale			
Principle 4 – Functionality & Built Quality			
Principle 5 – Sustainability			
Principle 6 – Amenity			
Principle 7 – Legibility			
Principle 8 – Safety			
Principle 9 – Community			
Principle 10 – Aesthetics			

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;*
- *Community and Stakeholder Engagement Policy;*
- *Policy No. 7.1.1 – Built Form;*
- *Policy No. 7.5.23 – Construction Management Plans;*
- *Policy No. 7.7.1 – Non-Residential Development Parking Requirements.*

Local Planning Scheme No. 2

The objectives of the Residential zone in accordance with Clause 16(1) of LPS2 are:

- To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
- To promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling.
- To enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas.
- To manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles.
- To ensure the provision of a wide range of different types of residential accommodation, including affordable, social and special needs, to meet the diverse needs of the community.

Delegation to Determine Applications:

This matter is being referred to Council for determination as the proposal involves a three storey building in a two storey building height area.

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:Land Use

Shop is an 'A' use within the Residential zone which requires discretion to be exercised in order to operate at the subject site. The subject site has been previously approved for use as a Shop but the proposed mid level studio addition to the existing shop would result in an increase in a 15.0 square metre increase in NLA, from 98.9 square metres to 113.9 square metres.

In considering the appropriateness of the increase in floor area of the land use, due regard is to be given to the objectives of the Residential zone under LPS2. The proposal would be consistent with the objectives of the Residential zone under LPS2 for the following reasons:

- Residential Development: The proposed development includes a significant residential component and would continue to provide an alternative housing option which may be appealing to a range of people including small business owners due to its association with the existing shop.
- Compatible Commercial Development: The existing shop land use has operated from the subject site since at least 1978 and contributes positively to the surrounding streetscape. The proposed alterations and additions to the existing shop would not result in a significant increase in the intensity of the use or have an adverse impact on the amenity of the surrounding residential area. The additional 15 square metres of shop space that is proposed would be used as a studio for the production of millinery items rather than additional retail floor space.
- Location: The subject site is located in close proximity to other non-residential land uses. The properties on the opposite side of Bulwer Street are zoned Local Centre and Commercial under the City's LPS2.
- Quality of Built Form: The proposed additions use glazing, contrasting colours and materials and different roof heights and forms that provide horizontal and vertical articulation as viewed from the street and adjoining properties. The proposed built form has been reviewed by the City's DRP Chairperson who advised that the contemporary addition to the property with a traditional corner shop is supported

as it is a commonly accepted approach to differentiate between the different uses and periods of construction on the site.

Street Setbacks to Lake Street

The existing single storey building at the subject site has a nil setback to Lake Street which is proposed to remain unchanged. The proposed development would have a nil setback to Lake Street at all three levels and the overall length of the building with a nil setback to Lake Street is proposed to increase by 6.8 metres in length, from 25.2 metres to 32.0 metres.

Community Consultation and Applicant's Justification

The City received submissions during the community consultation period raising concerns regarding the impact of the proposed upper floor setbacks on the Lake Street streetscape.

The applicant's written response to the submissions received which is included in **Attachment 7** outlines that whilst the narrow width of the site has resulted in the proposed nil setbacks to Lake Street, the additions would sit comfortably with the surrounding context. This is because it would be setback from the street corner to reduce bulk and the design of the façade has been carefully detailed to incorporate texture, articulation and landscaping.

Administration's Assessment

The setbacks of the development to Lake Street would satisfy the relevant design principles of the R Codes and local housing objectives and element objectives of the Built Form Policy for the following reasons:

- **Mitigating Building Bulk:** Lake Street acts as the secondary street based on the dimensions of the subject site. The subject site is constrained in its ability to provide setbacks to Lake Street at the upper floor levels whilst still delivering functional internal spaces due to its 6 metre width. The overall building design would provide an effective balance between high quality internal amenity for its residents and appropriate visual interest as viewed from the street. The proposed development uses glazing, contrasting colours and materials and different roof heights and forms which provide horizontal and vertical articulation, effectively reducing the appearance of building bulk distinguishing between the ground and upper floor levels.
- **Access to Natural Light and Ventilation:** The proposed development provides external windows and open plan living spaces with a northern aspect to maximise access to natural light and ventilation.
- **Streetscape:** The existing development along Lake Street is characterised by two and three storey townhouses that have minimal street setbacks and limited articulation between the ground and upper floors. This is demonstrated in the detailed streetscape analysis included in **Attachment 6**. The existing development at the subject site with a nil setback to Lake Street forms part of this prevailing streetscape. The proposed alterations and additions that would be consistent with, and contribute positively to the existing and future streetscape context as it incorporates glazing, contrasting colours and materials, and different roof heights and forms to provide horizontal and vertical articulation as viewed from Lake Street.
- **Street Surveillance and Activation:** The proposed development enables passive surveillance and outlook to Lake Street. This is because it retains all existing ground floor openings and provides new windows and terraces at the upper floor levels. The existing shop would continue to provide high quality streetscape activation.
- **DRP Comments:** The City's DRP Chairperson has reviewed the proposed development and is supportive of the setback and design of the building with respect to the Lake Street streetscape.

Boundary Wall to South East

The existing single storey building on the subject site has a 23.4 metre long wall built up to the south eastern lot boundary. The proposed development would have a nil setback to the south eastern lot boundary at all three levels and the overall length of the building with a nil setback to this boundary is proposed to increase by 3.7 metres from 23.4 metres to 27.1 metres.

Community Consultation and Applicant's Justification

The City received submissions during the community consultation period raising concerns regarding the impact of the proposed boundary wall on the adjoining south eastern property in relation to building bulk and access to sun and ventilation.

The applicant's written response to the submissions received which is included in **Attachment 7** outlines that boundary walls are often utilised on narrow inner City lots, with similar design outcomes evident in the immediate streetscape including the interface between Nos. 245 and 247 Lake Street. The applicant's response also outlines that there would be no adverse impact on the adjoining south eastern property's access to sunlight and ventilation because the rear courtyard remains open to the northern aspect and the front courtyard is already cast in shadow by the existing building on the subject site.

Administration's Assessment

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

- **Mitigating Building Bulk:** The existing single storey building on the subject site has a 23.4 metre long wall built up to the south eastern lot boundary. The adjoining property to the south east has an existing boundary wall on the shared boundary with the subject site with a maximum height of 6.8 metres. This is comprised of a single storey height for a 10 metre portion measured from the front façade of the building adjacent to Bulwer Street and a two storey height for the remainder of its length. This existing boundary wall on the adjoining property would continue to extend further towards the rear boundary than the proposed boundary wall on the subject site. The proposed boundary wall to the south eastern lot boundary has a single storey height for a 4 metre portion measured from Bulwer Street, then a two storey height for the next 10.2 metre portion and a three storey height for the remaining 11.3 metre portion. The lower boundary wall heights closer to Bulwer Street effectively respond to the existing boundary wall heights on the adjoining property to the south east.
- **Access to Sun and Ventilation:** The proposed boundary wall would not have an adverse impact on the adjoining property's access to sunlight and ventilation because it abuts an existing boundary wall and does not abut any major openings to habitable rooms or outdoor living areas. The adjoining property's primary outdoor living area is located to the northern portion of the site and would continue to be open to the northern aspect and associated winter sun.
- **Minimise Overlooking:** The proposed boundary wall does not contain any openings and would minimise direct overlooking to the adjoining property.
- **Streetscape:** The proposed building has been designed to step back from Bulwer Street at the upper floor levels. This would be an appropriate response to the setbacks of the existing dwellings along Bulwer Street and effectively reduce the appearance of the proposed boundary wall as viewed on approach from the south east. The boundary wall treatment would include painted brickwork, render and timber look cladding to provide visual interest and reduce the appearance of blank solid walls as viewed from the streetscape.

Open Space

The existing dwelling provides 35 percent of the subject site as open space. The proposed single house would provide 22.1 percent of the site as open space.

The proposed open space provided would satisfy the relevant design principles of the R Codes for the following reasons:

- **Streetscape Character:** The existing development at the subject site has nil setbacks to both Lake Street and Bulwer Street. With the exception of the proposed increased width to the carport, the ground floor footprint of the building would remain unchanged. The amount of open space provided on site would be consistent with the existing terrace style developments in the surrounding streetscape.
- **Access to Sunlight for the Dwellings:** The proposed development provides consolidated open space to the northern portion of the site which would be open to the northern aspect and associated winter sunlight. The proposed dwelling provides openings on the northern, western and southern facades which would ensure adequate access to natural sunlight and ventilation to the primary living spaces.
- **Building Bulk:** The proposed building bulk and scale would be consistent with the immediate streetscape which is characterised by two and three storey townhouses that have minimal street setbacks.

- Landscaping: The proposal includes the planting of a new lemon tree within the ground floor courtyard and a new crepe myrtle tree on the upper level roof deck which would contribute positively to both the development and the streetscape.
- Outdoor Living Spaces: The development provides a rear courtyard that exceeds the minimum deemed-to-comply outdoor living area dimensions for an R50 site under the R Codes, is directly accessible from the ground floor living room and is open to the northern aspect and associated winter sunlight. The development also provides a roof deck on the upper floor which can be utilised as a secondary outdoor living space by occupants of the dwelling.
- External Fixtures and Essential Facilities: The ground floor building envelope remains effectively unchanged and would continue to provide sufficient space to accommodate meter boxes and bin storage.

Building Height

The existing building on the subject site is single storey with a maximum height of approximately 4.1 metres. The proposed development would have a building height of three storeys and a maximum concealed roof height of 9.3 metres.

Community Consultation and Applicant's Justification

The City received submissions during the community consultation period raising concerns that all existing buildings along Bulwer Street are two storeys in height, existing dwellings along Lake Street are all setback from the street alignment and the proposed height and bulk of the building would significantly impact on the neighbourhood.

The applicant's written response to the submissions received which is included in **Attachment 7** outlines that the bulk, form and height of the development would be consistent with this area of Lake Street, and that the portion of the building on the corner of Lake and Bulwer Streets has been sympathetically designed to allow the historic corner shop element to maintain prominence within the street elevation.

Administration's Assessment

The proposed building height would satisfy the relevant design principles of the R Codes, and local housing objectives and element objectives of the Built Form Policy for the following reasons:

- Lake Street Streetscape: The existing development along Lake Street is characterised by two and three storey townhouses that have minimal street setbacks and limited articulation between the ground and upper floors. This is demonstrated in the detailed streetscape analysis included in **Attachment 6**. The existing development at the subject site with a nil setback to Lake Street forms part of this prevailing streetscape. The proposed alterations and additions that would be consistent with, and contribute positively to the existing and future streetscape context as it uses glazing, contrasting colours and materials, and different roof heights and forms to provide horizontal and vertical articulation as viewed from Lake Street. The proposed development would not be setting a new or undesirable precedent for the area.
- Bulwer Street Streetscape: The proposed building has been designed to step back from Bulwer Street at the upper floor levels which would be an appropriate response to the predominately single storey appearance of the existing dwellings to the south east along Bulwer Street.
- Mitigating Building Bulk: The proposed development would provide contrasting materials, glazing, articulation and landscaping to effectively reduce the appearance of blank solid walls and associated building bulk.
- Overlooking: The development has provided windows in locations that do not directly face the south eastern lot boundary and would not result in a loss of privacy for the adjoining property.
- Overshadowing: The proposed development would not have an adverse impact on the adjoining property's access to sunlight because it abuts an existing boundary wall and does not abut any major openings to habitable rooms or outdoor living areas. The adjoining property's primary outdoor living area is located to the northern portion of the site and would continue to be open to the northern aspect and associated winter sun.
- Views of Significance: The proposed development would not have any greater impact on views from adjoining properties of the City to the south or Hyde Park to the north than what currently exists on the subject site.

- DRP Comments: The City's DRP Chairperson has reviewed the proposed development and advised that there are a number of existing three storey dwellings and mixed use buildings in close proximity to the subject site which support the proposed three storey building height.

Landscaping

In addition to the deemed-to-comply standards of the R Codes, the proposed single house has also been assessed against the landscaping provisions of the Built Form Policy Volume 1, Clause 1.4 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 WAPC and as such, these provisions are given regard only in the assessment of the application and do not have the same weight as other policy provisions.

The Built Form Policy deemed-to-comply standards relating to landscaping for single houses and the Built Form Policy acceptable outcomes relating to landscaping for commercial developments both set out 12 percent of the site to be provided as deep soil areas, 3 percent as planting areas and 30 percent as canopy coverage at maturity. The application proposes 1.6 percent of the site provided as deep soil areas, 4.5 percent as planting areas and 6.5 percent as canopy coverage at maturity.

Community Consultation and Applicant's Justification

The City received submissions during the community consultation period raising concerns that there would be a lack of landscaping provided on site.

The application did not initially propose any on-site landscaping. The applicant submitted amended plans following the conclusion of the community consultation period which are included in **Attachment 2** that provides for deep soil and on-structure planting areas, and two new trees.

Administration's Assessment

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

- Contribution to Streetscape: The subject site provides limited opportunities for ground level deep soil zone areas due to the existing building footprint which is proposed to be retained. The development would provide two new trees, including one on structure that would be visible from the street and contribute to the appearance and amenity of the development for residents and the community.
- Canopy Coverage: The proposed development would maximise opportunities for canopy coverage on the site when considering the existing footprint which is proposed to be retained. This would contribute towards increased urban air quality and a sense of open space between buildings.
- Verge Planting: One new tree could be accommodated within the Lake Street verge and another within the Bulwer Street verge, adjacent to the subject site. Should the application be approved, it is recommended that a condition be imposed requiring the planting of a tree within each verge at the expense of the applicant/owner and to the satisfaction of the City. This would be appropriate due to the limited opportunities to provide landscaping on-site for the commercial development and would enhance the overall landscaping outcome delivered by the development;
- Tree Species: The development includes tree species that are consistent with the City's preferred tree species list.
- On-Structure Planting: The proposed development provides landscaped planter boxes on the mid level terrace and a 6 square metre planting area on the roof deck. This would contribute to the overall landscaping outcome, assist in reducing the impacts of building bulk and provide increased amenity for future occupants.

Visual Privacy

Mid Level Bedroom 2 Window

The R Codes deemed-to-comply standards relating to visual privacy outline that the mid level bedroom 2 window should provide a 4.5 metre cone of vision setback to the south eastern lot boundary and the application proposes a 4.4 metre setback.

The R Codes deemed-to-comply standards relating to visual privacy outline that the upper floor roof deck should provide a 7.5 metre cone of vision setback to the south eastern lot boundary and the application proposes a nil setback.

Community Consultation and Applicant's Justification

The City received submissions during the community consultation period raising concerns that:

- The mid level bedroom 2 window cone of vision would fall on the adjoining south eastern properties primary outdoor living area, resulting in a loss of privacy; and
- The upper floor deck area on the southern elevation would create a privacy issue for the adjoining properties to the south east.

The applicant's written response to the submissions received which is included in **Attachment 7** outlines that amended plans were submitted which incorporated a solid aluminium privacy screen to increase the mid level bedroom 2 cone of vision setback from the south eastern lot boundary to 4.5 metres.

Administration's Assessment

The proposed plans show a 4.5 metre cone of vision to the south eastern lot boundary from the mid level bedroom 2 window. Administration has identified that this setback measures to 4.4 metres rather than 4.5 metres.

The proposed mid level bedroom 2 and upper floor deck cones of vision would not satisfy the design principles of the R Codes. This is because it would result in direct overlooking to the adjoining south eastern property's primary outdoor living area.

Should the application be approved, it is recommended that a condition be imposed requiring the applicant to submit amended plans prior to the issue of a building permit which:

- Modify the mid level bedroom 2 window vertical screens to provide a 4.5 metre cone of vision setback to the south eastern lot boundary in order to satisfy the deemed-to-comply standards of the R Codes; and
- Increase the height of the solid balustrading along the south eastern side of the upper floor roof deck from 1 metre to 1.6 metres to mitigate direct overlooking to the adjoining property to the south.

The remainder of the upper floor roof deck cone of vision that would fall on the adjoining property to the south east would satisfy the design principles of the R Codes and be acceptable as it looks in the direction of Bulwer Street rather than back towards the adjoining property's primary outdoor living area. The area affected by the cone of vision is the roof of the adjoining property and the angle of view would be oblique rather than direct.

Solar Access to Adjoining Properties

The existing building on the subject site casts a shadow over the adjoining south eastern properties front courtyard, the remainder of the building abuts a boundary wall of similar or greater height on the adjoining property. The proposed development would cast a shadow over 72.3 percent of the adjoining south eastern property at winter solstice.

Community Consultation and Applicant's Justification

The City received submissions during the community consultation period raising concerns that the development would not be acceptable because it would exceed the deemed-to-comply standard by 22.3 percent.

The applicant's written response to the submissions received which is included in Attachment 7 outlines that although the development would result in some overshadowing of the roof of the adjoining south eastern dwelling, large portions would remain free of shadow due to the height of the adjoining dwelling's roof comparative to the proposed development.

Administration's assessment against the deemed-to-comply standards represents an overshadowing calculation where the adjoining site is vacant. The applicant has submitted an overshadowing diagram in support of the proposed development which is included in Attachment 4 and outlines that the actual extent of

overshadowing to the adjoining property when accounting for the heights and location of existing buildings is 37.8 percent.

Administration's Assessment

The proposed solar access for the adjoining property to the south east would satisfy the relevant design principles of the R Codes and element objectives of the Built Form Policy for the following reasons:

- Major Openings and Outdoor Living Areas: The proposed development would not have an adverse impact on the adjoining property's access to sunlight because it abuts an existing boundary wall and does not abut any major openings to habitable rooms or outdoor living areas. The adjoining property's primary outdoor living area is located to the northern portion of the site and would continue to be open to winter sun.
- Roof Mounted Solar Collectors: The adjoining dwelling to the south east does not have any existing roof mounted solar collectors that would be impacted by the shadow cast by the proposed development. The overshadowing diagram submitted by the applicant demonstrates that opportunities to install roof mounted solar collectors on the adjoining dwelling would remain. This is because of the angle of the lots with respect to north and because the two storey roof height of the existing dwelling to the south east would only be 3.2 metres lower than the roof height of the proposed additions on the subject site.

Car Parking

The Built Form Policy acceptable outcomes relating to roof design for commercial developments outline that car and bicycle parking shall be provided for the shop in accordance with the requirements of the City's Policy No. 7.7.1 – Non-Residential Development Parking Requirements (Parking Policy).

The City's Parking Policy outlines that a shop within the residential built form area shall be provided with 5 car bays per 100 square metres of Net Lettable Area (NLA). There are currently no on-site car parking spaces provided for the existing shop on-site. The proposed mid level studio addition to the existing shop would result in an increase in NLA from 98.9 square metres to 113.9 square metres. The shop requires five on-site car bays based on the existing NLA and six bays based on the proposed NLA, resulting in a further shortfall of one bay.

Community Consultation and Applicant's Justification

The City received submissions during the community consultation period raising concerns that the increased size of the shop would result in more customers and reduced availability of on-street parking bays in the area. The submissions also suggested that the development should better support alternate modes of transport through the provision of bicycle parking.

The applicant's written response to the submissions received which is included in **Attachment 7** outlines that the development would have no additional impact on the availability of on-street car bays. The applicant also indicated that whilst there is no ability to provide bicycle parking on-site, they would be in agreement with a condition to provide bicycle bays within the verge adjacent to the subject site if appropriate.

Administration's Assessment

The proposed car parking shortfall would satisfy the relevant local housing objectives of the Built Form Policy and policy objectives of the Parking Policy for the following reasons:

- Existing Shop Land Use: A shop land use has operated from the subject site since at least 1978 and contributes positively to the surrounding streetscape. Due to the narrow width of the site and existing building footprint to be retained there are limited opportunities to provide additional on-site car parking bays. The scale and intensity of the shop would remain low because the additional 15.0 square metres of shop space would be used as a studio for the production of millinery items rather than additional retail floor space. The development would not have an adverse impact on the surrounding area with respect to on-street car parking availability or traffic.
- Residential Parking Bays: The residential component of the development would provide two on-site car parking bays which would be in excess of the one bay deemed-to-comply standard of the R Codes and reduce the impact of the development on on-street car parking availability.
- Public Transport: The subject site is located 175 metres to the west of William Street which is a high frequency bus route. The available bus route connects the subject site directly to the Perth CBD and in

turn, the wider Perth Public Transport Network. The site's close proximity to public transport options would further reduce the reliance on the use of private vehicles.

- Perth Bicycle Network: The subject site is located 430 metres north of Forbes Street and 200 metres east of Palmerston Street. These are local bicycle friendly routes that connect to principle shared paths that travel in north-south and east-west directions. The site's close proximity to the Perth Bicycle Network would support a shift away from reliance on the use of private vehicles and provide an alternate mode of transport to access the site.

Should the application be approved it is recommended that a condition be imposed requiring the installation of one short term bicycle bay within the verge adjacent to the subject site, at the expense of the applicant/owner and to the satisfaction of the City. This would be appropriate due to the limited opportunities to provide car parking on-site for the commercial development and would support the use of active modes of transport.

The parking demand generated by the development would be reduced and can be accommodated without the need for a cash-in-lieu contribution from the applicant for the proposed parking shortfall of one bay. This is because the subject site is well serviced by alternate modes of transport, specifically its close proximity to the William Street high frequency bus route, as well as cycle path network.

Environmentally Sustainable Design (ESD)

The City did not request that the applicant submit an ESD report in this instance because the application proposes alterations and additions to the existing building.

The proposed development would satisfy the local housing objectives and element objectives of the Built Form Policy relating to environmentally sustainable design for the following reasons:

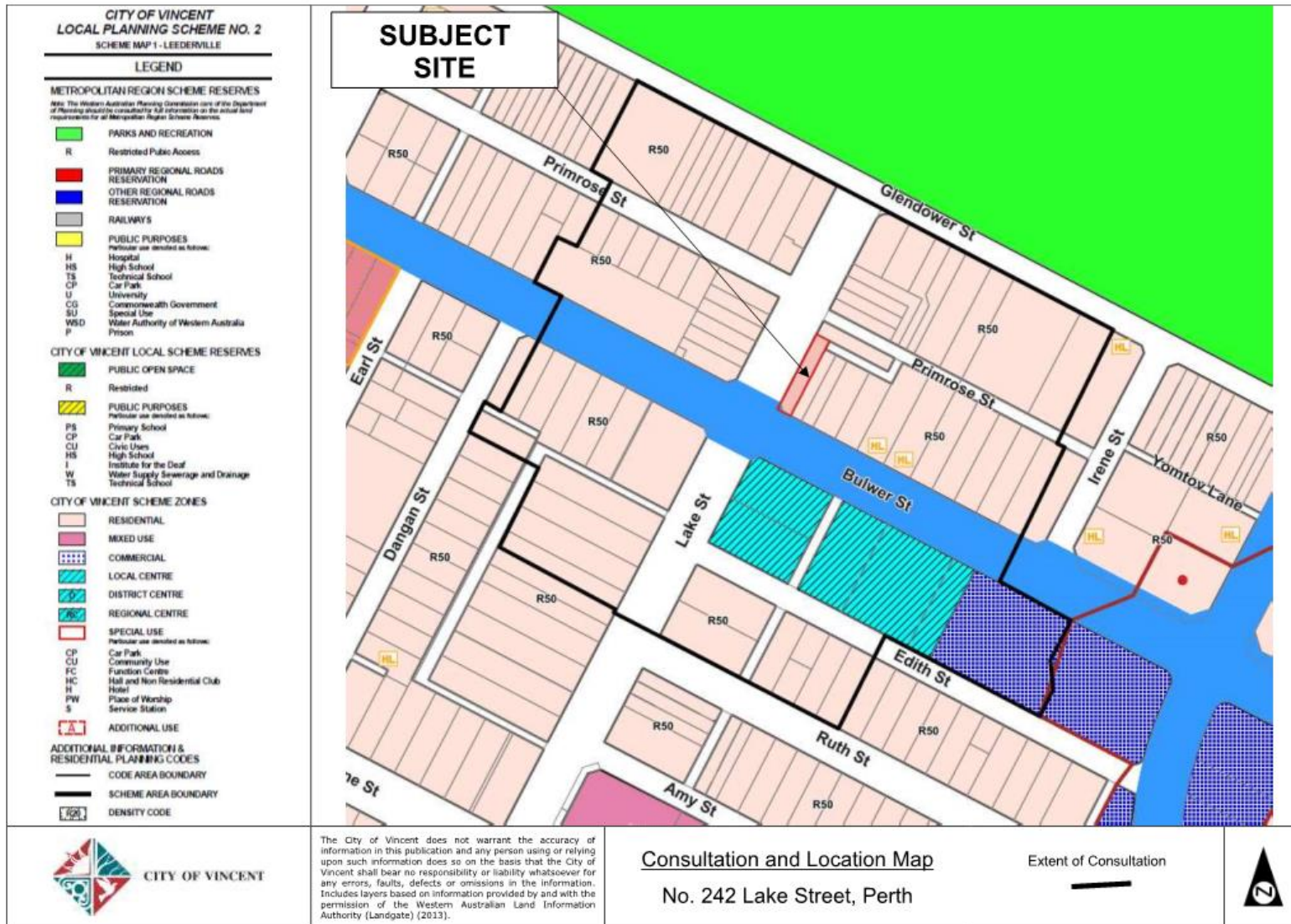
- Retention of Existing Building: The retention of the existing building is a positive environmentally sustainable outcome when compared to demolition and re-build due to the retention of the existing embodied energy in the building.
- Access to Sunlight: The outdoor living area and primary living spaces are provided with a northern aspect. The proposed development includes skylights at the upper floor level to provide additional access to natural sunlight.
- Shading Devices: The proposed upper floor building line would provide shade to the lower levels.
- Landscaping: The proposed development would maximise opportunities for planting areas and canopy coverage on the site when considering the existing building footprint which is proposed to be retained.

Construction Management Plan

A construction management plan would be required under the City's Policy No. 7.5.23 – Construction Management Plans. This is because the subject site is constrained from a construction perspective due to the narrow lot width and existing building envelope with nil setbacks to Lake and Bulwer Streets.

The careful management of the construction process and associated off-site impacts would be required to ensure that the development does not have an adverse impact on the amenity of the surrounding residential properties and traffic function of Lake and Bulwer Streets.

Should the application be approved, it is recommended that a condition be imposed requiring the submission of a construction management plan prior to the issue of a building permit.



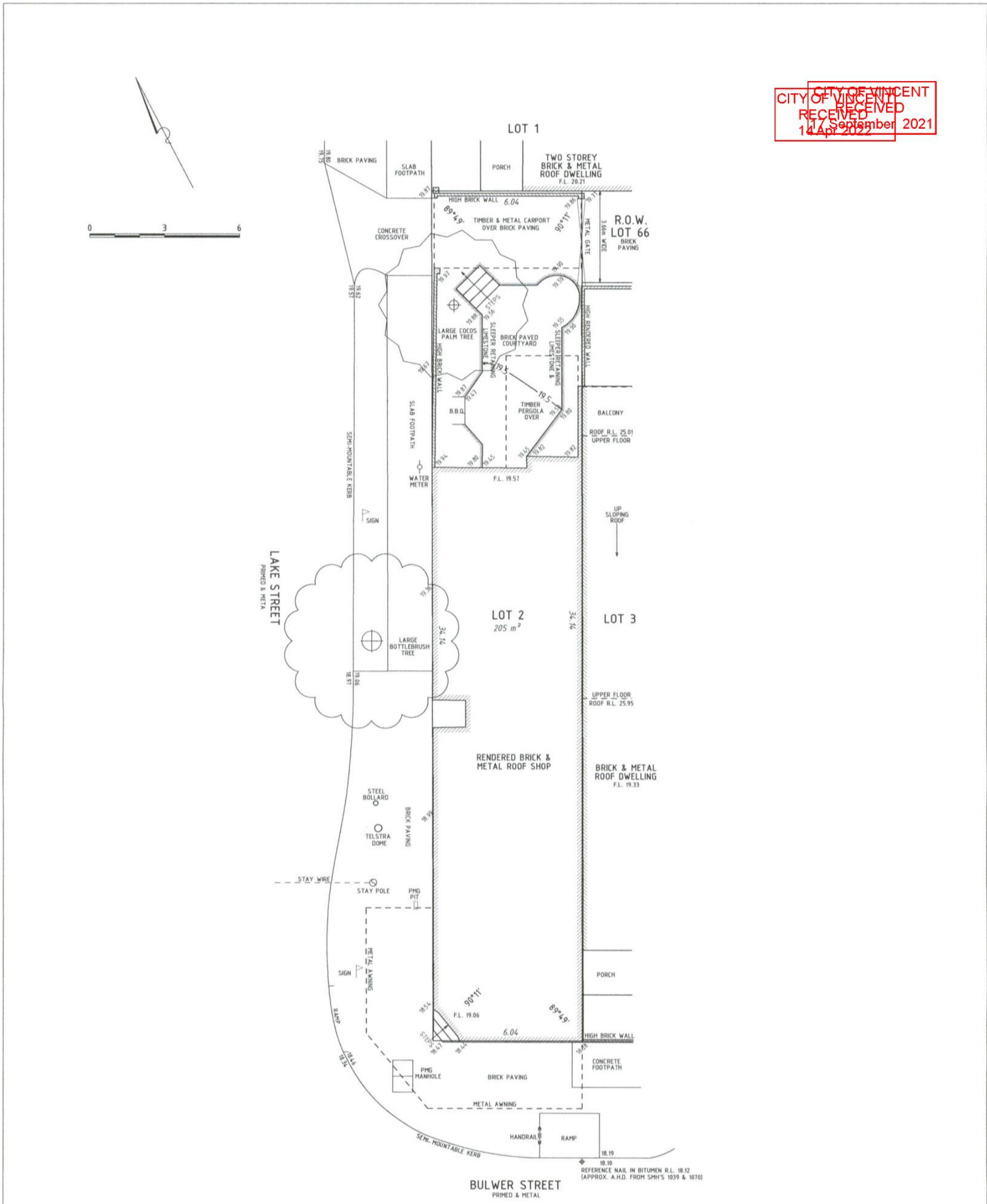
SUBJECT SITE

Hyde Park Public Toilets East (near stage)

CITY OF VINCENT

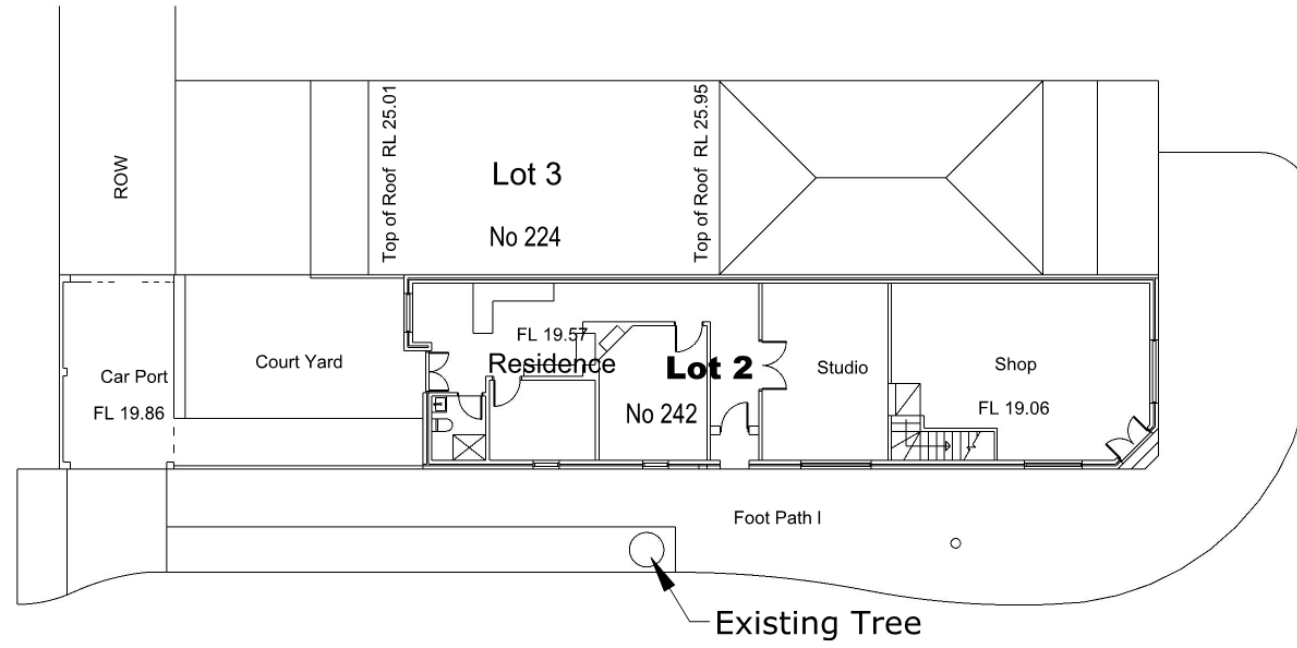
The City of Vincent does not warrant the accuracy of information in this publication and any person using or relying upon such information does so on the basis that the City of Vincent shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information. Includes layers based on information provided by and with the permission of the Western Australian Land Information Authority (Landgate) (2013).

No. 242 Lake Street, Perth



NOTE: NO SEWER JUNCTION INFORMATION FOR THIS LOT AS SHOWN ON WATER CORPORATION E-PLAN.

<p>CONTOUR AND FEATURE SURVEY OF LOT 2 #242 LAKE STREET, PERTH</p>	PLAN : 1641 C/T : 1390-659 AUTHORITY : CITY OF VINCENT SCALE : 1 : 100 @ A2 SURVEY DATE : 9-9-2011 JOB : 11911	DRAFTED BY : GO DATE : 13-9-2011 CHECKED BY : GO & MSO	<p>CHECK TITLE FOR EASEMENTS, RESTRICTIVE COVENANTS ETC. THIS SURVEY DOES NOT GUARANTEE THE CORRECT POSITION OF BOUNDARY PEGS OR FENCES. ALL FEATURES AND BUILDING POSITIONS ARE APPROXIMATE ONLY, AS THEY HAVE BEEN POSITIONED FROM MEASUREMENTS TAKEN FROM EXISTING PEGS, FENCES & WALLS. A BOUNDARY RE-ESTABLISHMENT SURVEY IS RECOMMENDED PRIOR TO UNDERTAKING ANY SITE WORKS OR CONSTRUCTION INFORMATION SHOWN ON THIS SURVEY IS CURRENT AT THE DATE SHOWN. CARLTON SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES THAT HAVE OCCURRED AFTER THIS DATE, TO SITE LEVELS AND FEATURES OR BUILDINGS. CADASTRAL BOUNDARY DIMENSIONS SHOWN HAVE BEEN OBTAINED FROM SURVEY PLANS AND ARE SUBJECT TO FIELD SURVEY.</p>
	<p>CARLTON SURVEYS Licensed Surveyors SUITE 4, 180 BURSWOOD ROAD, BURSWOOD, W.A., 6100. TEL. 9361 5358 FAX 9361 3457 E-mail : carlton@carlton-surveys.com.au</p>		



Existing Site & Floor Plan scale 1 : 200

CITY OF VINCENT
RECEIVED
14 Apr 2022

Revision 2 8/4/22

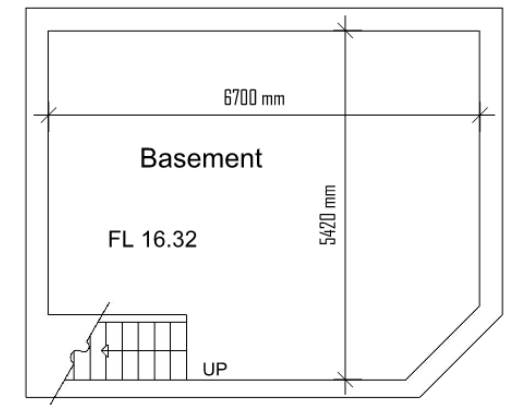
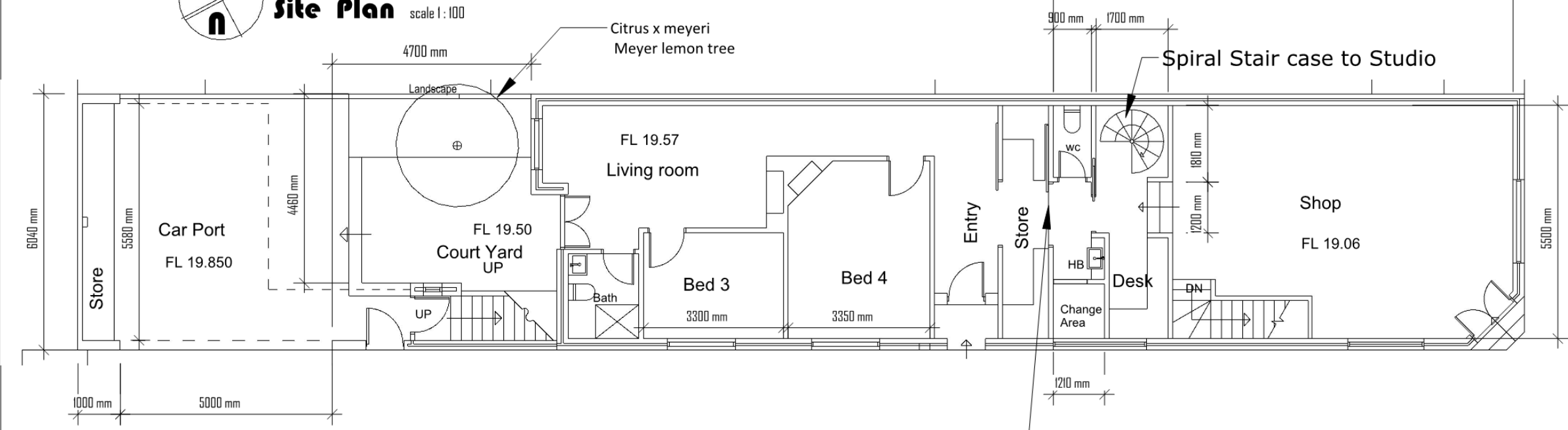
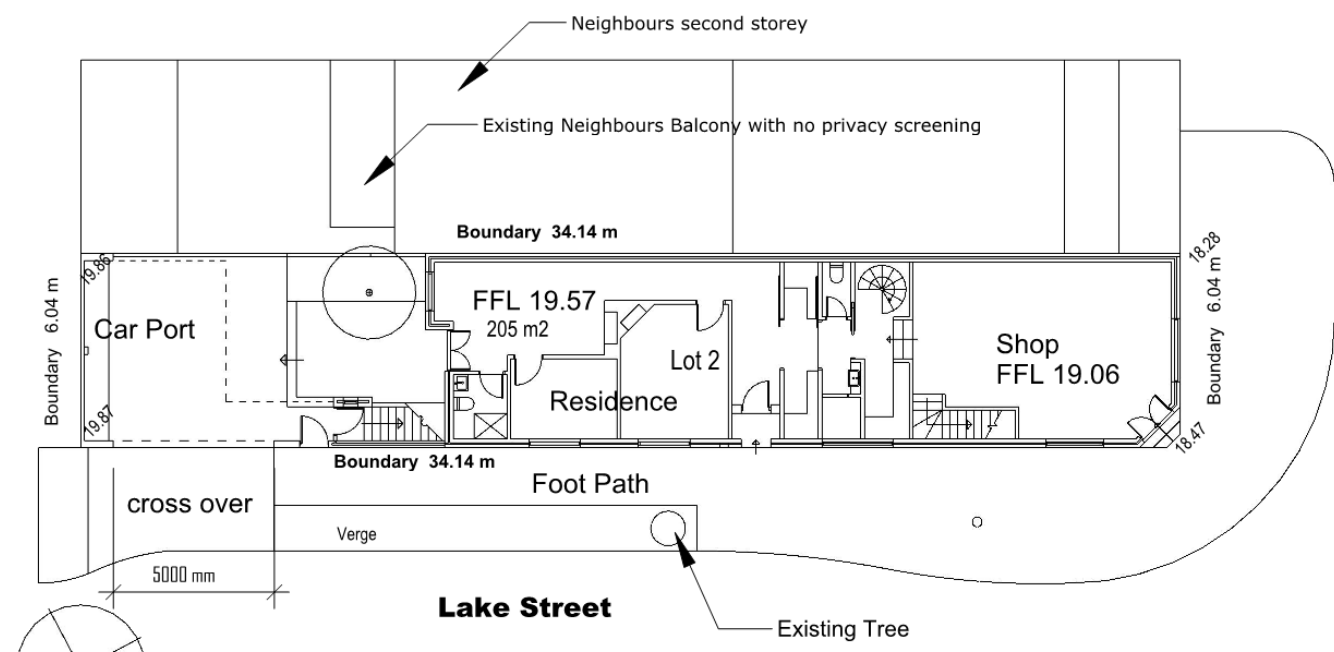
MM/DD/YY	REVISIONS
22/02/22	1 Revised Landscaping roof shape windows to Lake Street
8/4/22	2 privacy screen to rear trees noted & Dwg A 8
	3 Over shading notes
	4

Existing Floor Plan
242 Lake Street Perth

John Kestel Architect Pty Ltd
Unit 9 - 33 Mary Street Highgate WA 6003
E johnkestelarchitect@iinet.net.au M 0414 470 666

2 1

CITY OF VINCENT
RECEIVED
14 Apr 2022



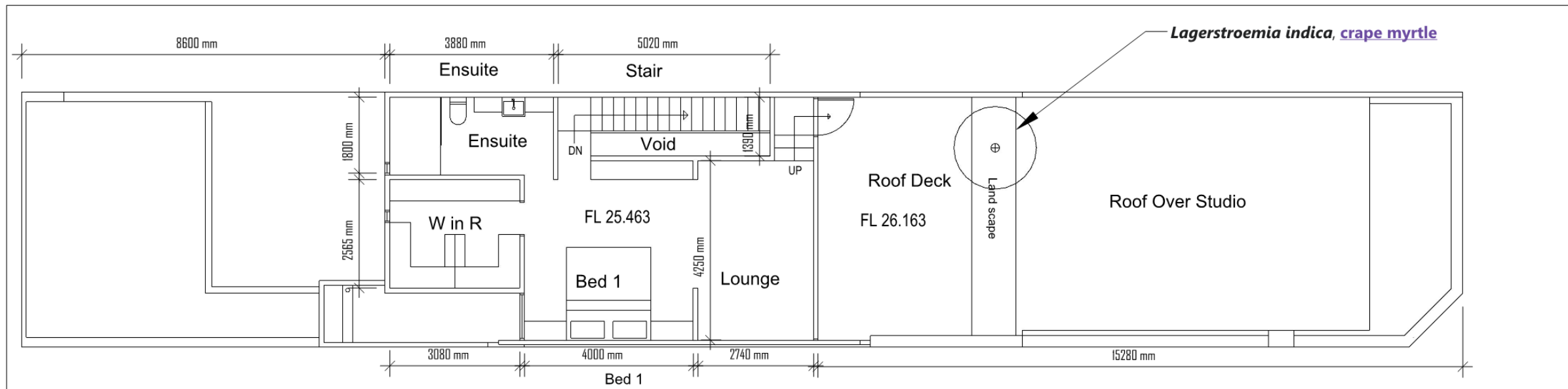
Revision 2 8/4/22

MM/DD/YY	REVISIONS
22/02/22	REMARKS
1	Revised Landscaping roof shape windows to Lake Street
2	privacy screen to rear trees noted & Dwg A 8
3	Over shading notes
4	...

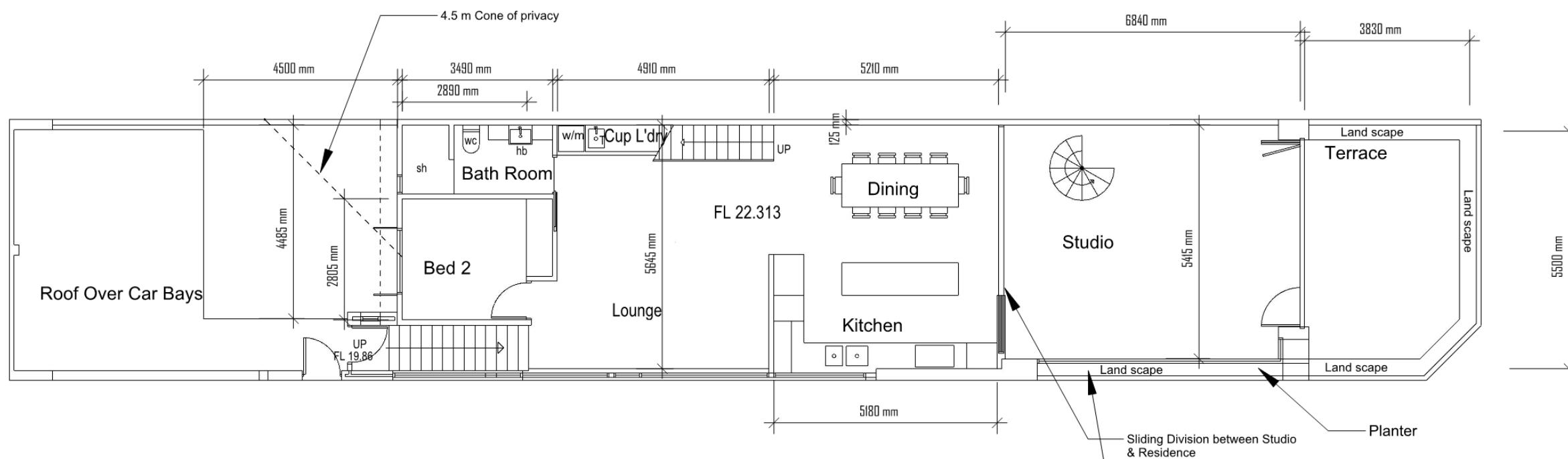
Site Plan Ground Floor & Basement
242 Lake Street Perth

John Kestel Architect Pty Ltd
Unit 9 - 33 Mary Street Highgate WA 6003
E johnkestelarchitect@iinet.net.au M 0414 470 666

A 2



Upper level floor Plan scale 1 : 100



Mid level floor Plan scale 1 : 100

Note : S/S drained containment vessel with holding reserve in base individual pot plants removable and replaceable as required access by sliding window from in side

Mid and upper wall framed construction to Australian standard and code

**CITY OF VINCENT
RECEIVED
14 Apr 2022**

Revision 2 8/4/22

MM/DD/YY	REVISIONS
22/02/22	REMARKS
8/4/22	Revised Landscaping roof shape windows to Lake Street privacy screen to rear trees noted & Dwg A 8
	Over shading notes

Site Plan Ground Floor & Basement
242 Lake Street Perth

John Kestel Architect Pty Ltd
Unit 9 - 33 Mary Street Highgate WA 6003
E johnkestelarchitect@iinet.net.au M 0414 470 666

2 3



CITY OF VINCENT
RECEIVED
14 Apr 2022

REVISIONS	
MM/DD/YY	REMARKS
22/02/22	Revised Landscaping roof shape windows to Lake Street
8/4/22	privacy screen to rear trees noted & Dwg A 8
	Over shading notes

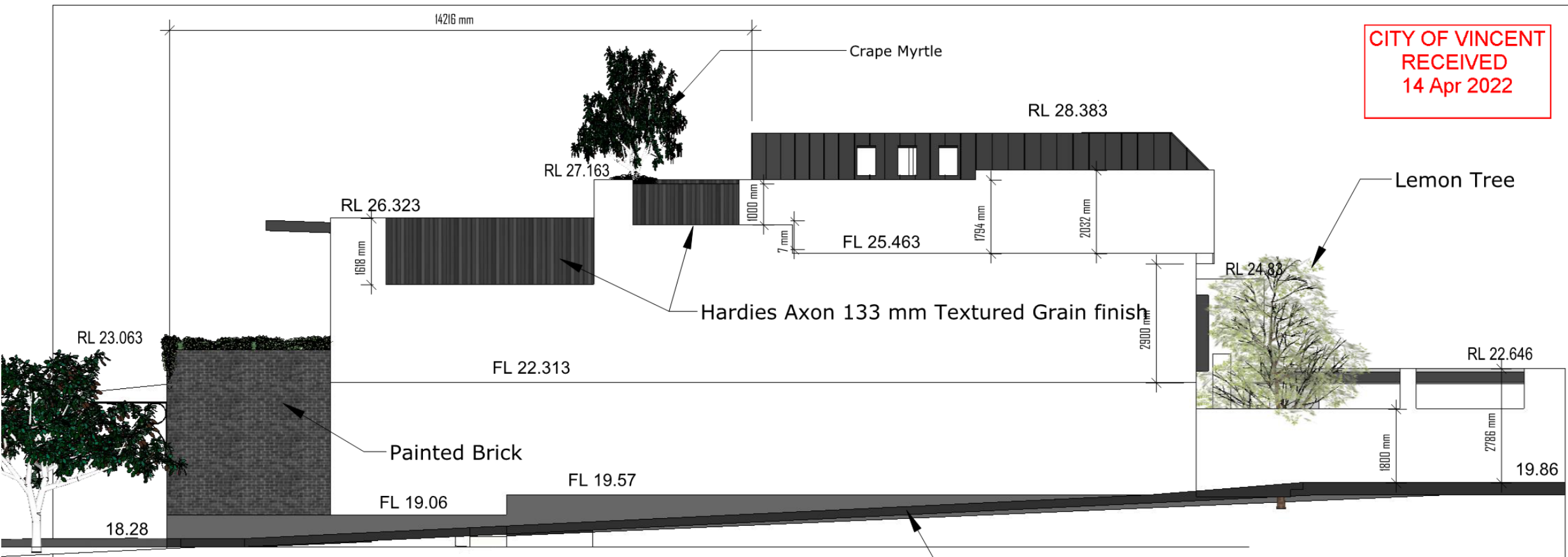
Elevations

242 Lake Street Perth

John Kestel Architect Pty Ltd
Unit 9 - 33 Mary Street Highgate WA 6003
e johnkestelarchitect@inet.net.au m 0414 470 666

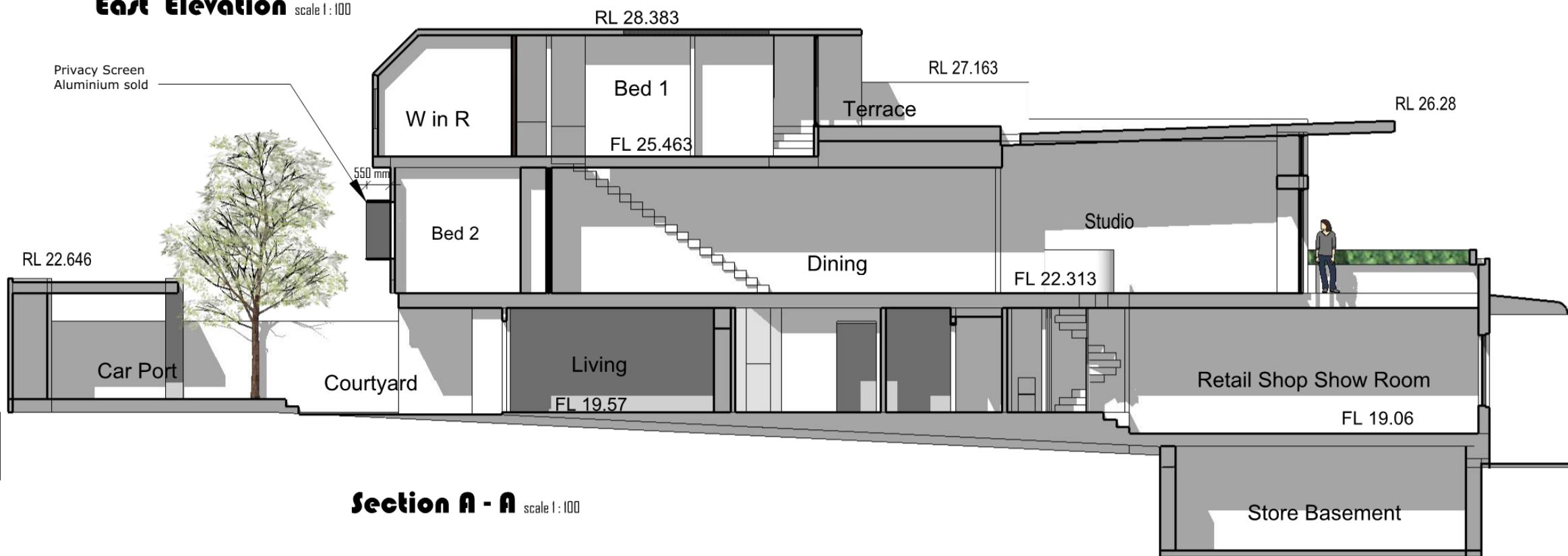
A 4

Revision 2 8/4/22



CITY OF VINCENT
RECEIVED
14 Apr 2022

East Elevation scale 1 : 100



Section A - A scale 1 : 100

MM/DD/YY	REVISIONS
22/02/22	1 Revised Landscaping roof shape windows to Lake Street
8/4/22	2 Privacy screen to rear trees noted & Dwg A 8
	3 Over shading notes
	4

Elevation & Section A - A
242 Lake Street Perth

John Kestel Architect Pty Ltd
Unit 9 133 Mary Street Highgate WA 6003
e johnkestelarchitect@iinet.net.au m 0414 470 666

2 5

Revision 2 8/4/22



View from South



View from Corner

Revision 1 22/2/22

CITY OF VINCENT
RECEIVED
14 Apr 2022

MM/DD/YY	REVISIONS
22/02/22	1 Revised Landscaping roof shape windows to Lake Street privacy screen to rear trees noted & Dwg A 8
8/4/22	2 Over shading notes
	3
	4

3 D views
242 Lake Street Perth

John Kertel Architect Pty Ltd
Unit 9 - 33 Mary Street Highgate WA 6003
E johnkertelarchitect@iinet.net.au M 0414 470 666

A 6



3 D of North East Corner of proposed addition

CITY OF VINCENT
RECEIVED
14 Apr 2022

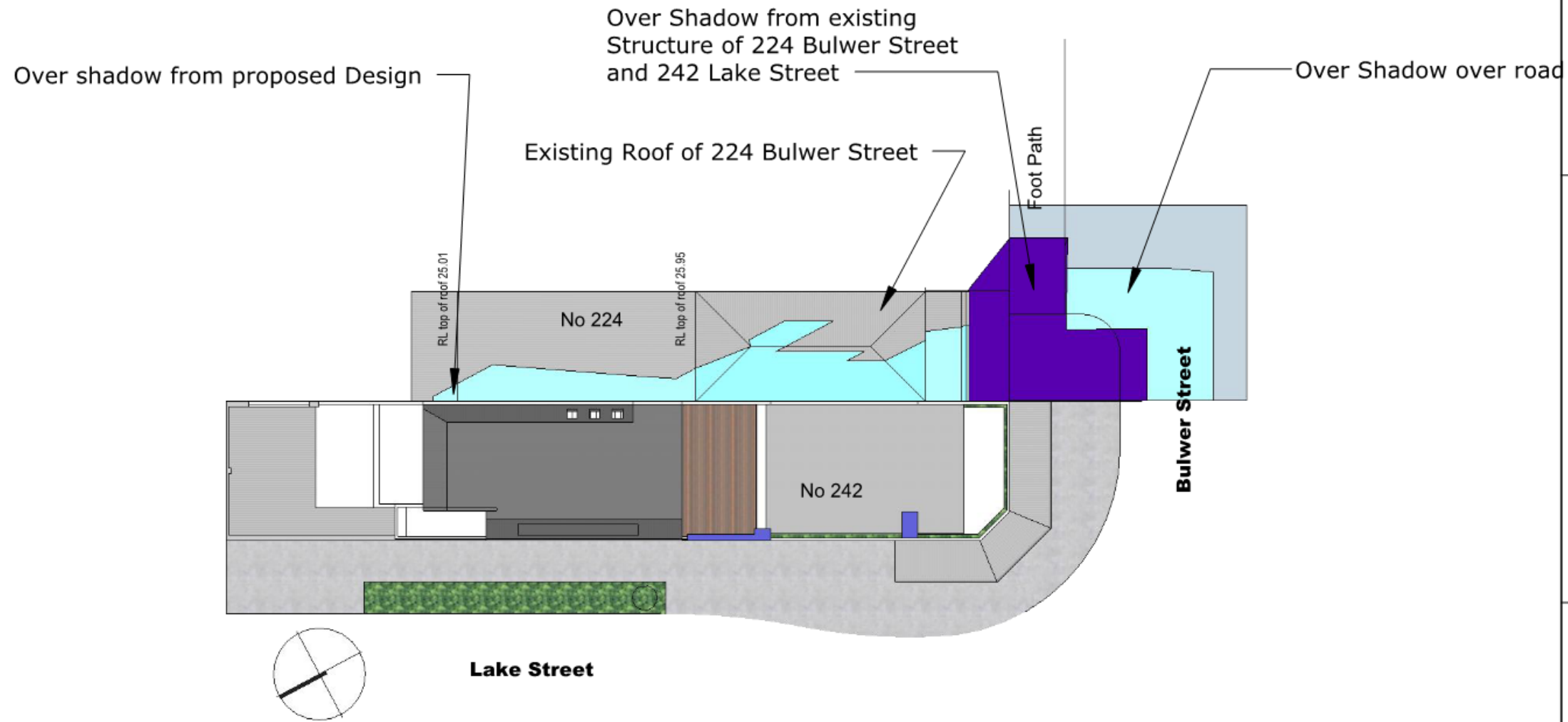
MM/DD/YY	REVISIONS
22/02/22	Revised Landscaping roof shape windows to Lake Street privacy screen to rear trees noted & Dwg A 8
8/4/22	Over shadowing notes

North East Corner in 3 D
242 Lake Street Perth

John Kestel Architect Pty Ltd
Unit 9 - 33 Mary Street Highgate WA 6003
E johnkestelarchitect@iinet.net.au M 0414 470 666

28

CITY OF VINCENT
RECEIVED
14 Apr 2022



Over Shadow Plan scale 1 : 200

21 June at Noon sun angle 33 Deg

Note : Existing over shadowing from 242 and neighbours own front veranda completely over shadows to neighbours front court and any additional over shadowing to street has no affect to the amenity of the neighbours property.

There is no overshadowing of the neighbours north facing court or effect on ventilation The only item that has additional over shadowing is the neighbours roof

Revision 1 22/2/22

REVISIONS	
MM/DD/YY	REMARKS
1	22/02/22 Revised Landscaping roof shape windows to Lake Street
2	29/4/22 privacy screen to rear trees noted & Dwg A.8
3	Over shadowing notes
4	

Over Shadow Plan
242 Lake Street Perth

John Kestel Architect Pty Ltd
Unit 9 - 33 Mary Street Highgate WA 6003
E johnke@iinet.net.au M 0414 470 666

A 7

CITY OF VINCENT
RECEIVED
17 September 2021

15.9.21

City of Vincent
Attention Planning Department
244 Vincent Street
Leederville WA
6007



Dear Sir,

Re : Proposed Additions to 242 Lake Street Perth

The property 242 Lake Street is a historical typical corner shop with attaching residence, one of many that existing with the City of Vincent.

This particular one has a nonconforming use attached to the property that allows for the use of the shop portion as retail facility. The current owner, use the shop portion for her millinery business known as the Hat Box. Also the owners are raising two young children in rather confined living space.

The owner love living in this location and the shop allows for the millinery business to maintain quality client participation with display of product and consultation.

The proposal is to extend both the shop facility and residential portion of the property, to include an additional studio space for the shop for the production of millinery items. On the residential side the proposal is to add new kitchen, dining, lounge and bedroom with bathroom at midlevel. Plus master bedroom suite on upper level.

It has been the intent of the design to be respectful to the heritage nature of the corner shop while incorporating a new contemporary element away from the corner. The bulk of the upper floors, has been positioned away from Bulwer Street, allowing the corner to hold on to its historic proportions. The third storey portion sits well back from the corner and is opposite from the existing 3 storey town houses in Lake Street. We believe the proposal is in keeping with existing street amenity. The third storey element has been designed to site within the roof form of the addition, softening the scale and adding to the contemporary quality.

The proposal will have some over shadowing of the neighbouring property of 224 Bulwer Street, but the addition shadowing is over roof only. As the front entry court yard of 224 Bulwer Street is currently fully shaded by the existing built form of 224 Bulwer Street and 242 Lake Street (see over shadow Plan).

The layout of the design ensures that no portion of the shop or residence sits over each other ensuring compliance the City's Planning Scheme.

We trust that Council can see the quality of the proposal and can be supportive of my client's aspirations to provide a more accommodating and liveable property for them and their family.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'John Kestel', with a long horizontal stroke extending to the right.

John Kestel

Detailed Streetscape Analysis

Proposed Single House & Alterations and Additions to Shop



245-249 Lake Street – Three Storey Townhouses



253 Lake Street and 1B Primrose Street – Three Storey Townhouses



253 Lake Street and 1B Primrose Street – Three Storey Townhouses



257 Lake Street – Three Storey Dwelling



248-254 Lake Street – Two Storey Terrace Houses



215-229 Bulwer Street – Traditional Single Storey Commercial Development



231-233 Bulwer Street – Single Storey Commercial Development



231-233 Bulwer Street – Two Storey Commercial Development



Subject Site (left) and Single Storey Residential Dwellings (middle and right)



213 – 205 Bulwer Street – Modern Two Storey Mixed Use Developments

Summary of Submissions:

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

Comments Received in Support:	Administration Comment
<ul style="list-style-type: none"> No comments provided. 	<p>N/A</p>
Comments Received in Objection:	Administration Comment
<p><u>Street Setbacks</u></p> <ul style="list-style-type: none"> The upper floor street setbacks need to abide by the regulations. The proposed upper floor street setbacks would be detrimental to the existing streetscape. Suggest that the development incorporate staggered setbacks at the upper floor levels. The Lake Street appearance would be a three storey parapet wall which does not exist anywhere else in the streetscape. 	<p>Given the constraints of a very narrow site we had little option but to propose a solution with a nil set back to Lake Street.</p> <p>The design layers back from the corner in the same way as the opposite side of Lake Street. This ensures the bulk and scale of the built form is in keeping with the existing built form of the street.</p> <p>The design of the facade has been carefully detailed to incorporate texture, articulation with landscaping, variation in finishes and elements set back where possible. We feel the proposed result, while large in scale would sit very comfortably within the existing street scape and improve the general quality of the area.</p>
<p><u>Lot Boundary Setbacks / Boundary Walls</u></p> <ul style="list-style-type: none"> The boundary wall lengths and heights should keep to the regulations. The proposed boundary walls would affect the adjoining properties access to sun and ventilation. Concerns in relation to the bulk of the boundary wall which extends out past the rear of the existing building on the property to the south east, blocking the existing balcony at this property. Query what the proposed material and finish for the south eastern lot boundary wall. Suggest that the finish should match the proposed walls facing Lake Street. Concerns that the proposed boundary wall height would be 3 metres higher than the building on the adjoining property to the south east. 	<p>The boundary wall as proposed does not conform to deemed to comply, but is not uncommon within the small narrow sites of the inner city as in the 245 and 247 Lake Street and is supportable under as it meets the design principles objectives.</p> <p>The proposed design has no effect on either sun or ventilation to the northern rear elevation of neighbouring properties, as can be seen on the shadow plan provided. Also please note that the front courtyard of the adjoining neighbour is completely overshadowed by the existing built form and the proposed built form has no additional impact on overshadowing of the neighbour’s front courtyard on Bulwer Street.</p> <p>The proposal design is 1.0m short of the northern end of the neighbour’s balcony and does not diminish in any way their view from the balcony unless</p>

Comments Received in Objection:	Administration Comment
	<p>they mean the view into the rear courtyard of 242 Lake Street.</p> <p>The finishes to the boundary wall to the southeast side will match some of the finishes to the lake street side.</p> <p>The additional height of boundary to the southeast side has been lowered after discussion with Planning representatives to minimise impact to the adjoining neighbour and the amenity of Bulwer Street.</p>
<p><u>Building Height</u></p> <ul style="list-style-type: none"> • Concerns that all existing buildings along Bulwer Street are two storeys in height and existing properties along Lake Street are all setback from the street alignment. • Suggest that if the requirement for the area is a maximum of two storeys, this must be maintained. • Concerns that the proposed height and bulk of the building would significantly impact on the neighbourhood by detracting from the area and creating an imposing building. 	<p>The bulk form and height are consistent with this area of Lake Street and the corner has been sympathetically designed to allow the historic corner shop element to maintain prominence within the street elevation.</p>
<p><u>Street Surveillance</u></p> <ul style="list-style-type: none"> • The Lake Street façade would look like a prison wall, suggest incorporating a window in this façade. 	<p>The mid-level window to lake street have been increase in size to allow surveillance from kitchen and lounge.</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> • Suggest that the development retain all existing trees on site. • Concern in relation to the lack of landscaping proposed on site. 	<p>Additional landscaping details have be provided which as seen in revised 3D view of the proposal.</p>
<p><u>Car and Bicycle Parking</u></p> <ul style="list-style-type: none"> • Concerns that the increased size of the shop component would bring more clients when there is no on-site car parking available, resulting in reduced availability of on-street parking bays in the area. • Concerns that the increased crossover width would result in the removal of an existing on-street car parking bay along Lake Street. • Suggest that applicant pay cash-in-lieu for proposed car parking shortfall. • Whilst there would be few customers that would bike to the shop, all new developments should support alternate modes of transport, 	<p>The shop area of the premises has not been increased and will have no additional impact on the on-street parking bays.</p> <p>The small increase in crossover would have minimal effect on the on-street parking.</p> <p>While there is no ability to provide bicycle parking for visitors on-site. We would be happy to contribute to a council bicycle rack within the verge if felt appropriate.</p>

C:\Users\Dan.McCluggage\AppData\Local\Hewlett-Packard\HP TRIM\TEMP\HPTRIM.17764\D22 92638 Attachment 7 - Summary of Submissions and Applicant s Response - 242 Lake Street PERTH.DOC

Comments Received in Objection:	Administration Comment
especially where a car parking shortfall exists.	
<u>Visual Privacy</u> <ul style="list-style-type: none"> • Concerns that the mid-level bedroom 2 window cone of vision would fall on the adjoining south eastern properties primary outdoor living area, resulting in a loss of privacy. • Concerns that the additional building height and proposed roof deck would allow views into the properties on the opposite side of Lake Street. 	The window of mid-level bed 2 is now compliant with regulation. Any over viewing from roof deck is within regulation.
<u>Solar Access to Adjoining Properties</u> <ul style="list-style-type: none"> • The development would be 22.3 percent over the requirement and would not be acceptable. 	While there is some over shadowing of the neighbour's roof there is still large areas of their roof not compromised by the proposed additions.
<u>Open Space</u> <ul style="list-style-type: none"> • Concerns that the lack of open space would impact on the flow of air and detract from the streetscape. 	The open space has no effect on air flow or street scape.
<u>Streetscape</u> <ul style="list-style-type: none"> • Approval of the proposal would set a precedent that would be out of touch with the heritage buildings of the area that are unlikely to change. • The proposed development would be the most dominant building at the intersection of Lake Street and Bulwer Street. 	Whilst increasing built form and floor area, well designed proposals with good attention to detail, respectfulness to historic elements of the existing structure, add to the amenity of the area and set good precedents for future development.
<u>Dilapidation of Adjoining Properties</u> <ul style="list-style-type: none"> • These houses are very old and the original brickwork is brittle. Concerns that the scale of the proposed build would damage both the existing building at the site and the surrounding buildings. Request that a dilapidation report be carried out before work commences. • Concerns regarding potential for damage to the adjoining property to the east during the construction period. 	The proposed designed is predominately a framed construction technique with minimal impact on the existing and adjoining structure. Final documentation will include structural engineering detail and certification. Also as part of the construction process, a dilapidation survey would be conducted on the neighbouring property.
<u>Construction Management</u> <ul style="list-style-type: none"> • Concerns that the area surrounding the site has very little space to work from. Request that a construction management plan be required before work commences. 	As part of the building license process, we would provide a complete construction management plan for review.
<u>Sewerage Connection</u>	

C:\Users\Dan.McCluggage\AppData\Local\Hewlett-Packard\HP TRIM\TEMP\HPTRIM.17764\D22 92638 Attachment 7 - Summary of Submissions and Applicant s Response - 242 Lake Street PERTH.DOC

Comments Received in Objection:	Administration Comment
<ul style="list-style-type: none"> The existing sewer line servicing the site runs across three properties (242 Lake Street, 244 and 246 Bulwer Street) before connecting to the right of way. Concerns that the proposed development could result in backflow of sewerage into adjoining properties if a new connection is added, the existing line is damaged or further strain is placed on the connection point. Request that a plumbing management plan be required before works commence. 	<p>No comments provided by the applicant.</p>
<p><u>General</u></p> <ul style="list-style-type: none"> The development should keep to the regulations. 	<p>No comments provided by the applicant.</p>

Comments Received Expressing Concern:	Administration Comment
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> Concerns that the upper floor deck area on the southern elevation would create a privacy issue for the adjoining properties to the south east. 	<p>Refer to comments in table above relating to visual privacy.</p>
<p><u>Dilapidation of Adjoining Properties</u></p> <ul style="list-style-type: none"> 242 Lake, 224 Bulwer and 222 Bulwer were all constructed at the same time and share party walls, roofing systems and a sewer line, all of which are very fragile. Concerns regarding the large scale of the proposed additions in relation to possible damage to the existing building at the site and the surrounding buildings. 	<p>Refer to comments in table above relating to dilapidation of adjoining properties</p>
<p><u>Solar Access to Adjoining Properties</u></p> <ul style="list-style-type: none"> Concerns that future plans to install solar panels on the adjoining properties to the south east would be adversely impacted by the proposed development. Request for an overshadowing plan to be provided. 	<p>Refer to comments in table above relating to solar access for adjoining properties.</p>
<p><u>Car and Bicycle Parking</u></p> <ul style="list-style-type: none"> Concerns that the increased crossover width would result in the removal of an existing on-street car parking bay along Lake Street. Request that the two existing two on-street car parking spaces along Lake Street be relocated to ensure that no bays are lost. 	<p>Refer to comments in table above relating to car and bicycle parking.</p>

C:\Users\Dan.McCluggage\AppData\Local\Hewlett-Packard\HP TRIM\TEMP\HPTRIM.17764\D22 92638 Attachment 7 - Summary of Submissions and Applicant s Response - 242 Lake Street PERTH.DOC

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

C:\Users\Dan.McCluggage\AppData\Local\Hewlett-Packard\HP TRIM\TEMP\HPTRIM.17764\D22 92638 Attachment 7 - Summary of Submissions and Applicant s Response - 242
Lake Street PERTH.DOC

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 Support:	Administration Comment:
No comments provided.	Not applicable.

Comments Received in Objection:	Administration Comment:
<p><u>Street Setbacks</u></p> <ul style="list-style-type: none"> • The proposed upper floor street setbacks would be detrimental to the existing streetscape. • Suggest that the development incorporate staggered setbacks at the upper floor levels. • The Lake Street appearance would be a three storey parapet wall which does not exist anywhere else in the streetscape. • The upper floor street setbacks need to abide by the regulations. 	<p>The overall building design would provide an effective balance between high quality internal amenity for its residents and appropriate visual interest as viewed from the street.</p> <p>The existing development along Lake Street is characterised by two and three storey townhouses that have minimal street setbacks and limited articulation between the ground and upper floors. This is demonstrated in the detailed streetscape analysis included in Attachment 6.</p> <p>The existing development at the subject site with a nil setback to Lake Street forms part of this prevailing streetscape. The proposed alterations and additions that would be consistent with, and contribute positively to the existing and future streetscape context as it uses glazing, contrasting colours and materials and different roof heights and forms to provide horizontal and vertical articulation as viewed from Lake Street.</p> <p>The development would satisfy the relevant design principles of the R Codes and local housing objectives of the Built Form Policy relating to street setbacks.</p>
<p><u>Lot Boundary Setbacks/Boundary Walls</u></p> <ul style="list-style-type: none"> • The proposed boundary walls would affect the adjoining properties access to sun and ventilation. • Concerns in relation to the bulk of the boundary wall which extends out past the rear of the existing building on the property to the south east, blocking the existing balcony at this property. • Query what the proposed material and finish for the south eastern lot boundary wall. Suggest that the finish should match the proposed walls facing Lake Street. 	<p>The proposed boundary wall would not have an adverse impact on the adjoining property’s access to sunlight and ventilation because it abuts an existing boundary wall and does not abut any major openings to habitable rooms or outdoor living areas. The adjoining property’s primary outdoor living area is located to the northern portion of the site and would continue to be open to the northern aspect and associated winter sun.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> Concerns that the proposed boundary wall height would be 3 metres higher than the building on the adjoining property to the south east. The boundary wall lengths and heights should keep to the regulations. 	<p>The boundary wall treatment would include painted brickwork, render and timber look cladding to provide visual interest and reduce the appearance of blank solid walls as viewed from the streetscape.</p> <p>The proposed boundary wall to the south eastern lot boundary has a single storey height for a 4 metre portion measured from Bulwer Street, then a two storey height for the next 10.2 metre portion and a three storey height for the remaining 11.3 metre portion. The lower boundary wall heights closer to Bulwer Street effectively respond to the existing boundary wall heights on the adjoining property to the south east.</p> <p>The development would satisfy the relevant design principles of the R Codes and local housing objectives of the Built Form Policy relating to street setbacks.</p>
<p><u>Building Height</u></p> <ul style="list-style-type: none"> Concerns that all existing buildings along Bulwer Street are two storeys in height and existing properties along Lake Street are all setback from the street alignment. Suggest that if the requirement for the area is a maximum of two storeys, this must be maintained. Concerns that the proposed height and bulk of the building would significantly impact on the neighbourhood by detracting from the area and creating an imposing building. 	<p>The existing development along Lake Street is characterised by two and three storey townhouses that have minimal street setbacks and limited articulation between the ground and upper floors. This is demonstrated in the detailed streetscape analysis included in Attachment 6.</p> <p>The proposed building has been designed to step back from Bulwer Street at the upper floor levels which would be an appropriate response to the predominately single storey appearance of the existing dwellings to the south east along Bulwer Street.</p> <p>The proposed development would provide contrasting materials, glazing, articulation and landscaping to effectively reduce the appearance of blank solid walls and associated building bulk.</p>
<p><u>Street Surveillance</u></p> <p>The Lake Street façade would look like a prison wall, suggest incorporating a window in this façade.</p>	<p>The applicant has provided amended plans with a window to the mid-level lounge and kitchen orienting Lake Street.</p> <p>The proposed development satisfies the deemed-to-comply standards of the R Codes Volume 1 relating to street surveillance.</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> Suggest that the development retain all existing trees on site. Concern in relation to the lack of landscaping proposed on site. 	<p>The application did not initially propose any on-site landscaping. The applicant submitted amended plans following the conclusion of the community consultation period which are included in Attachment 2 that provides for deep soil and on-structure planting areas, and two new trees.</p> <p>The proposed development would maximise opportunities for canopy coverage on the site when considering the existing footprint which is proposed to be retained.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Car and Bicycle Parking</u></p> <ul style="list-style-type: none"> Concerns that the increased size of the shop component would bring more clients when there is no on-site car parking available, resulting in reduced availability of on-street parking bays in the area. Concerns that the increased crossover width would result in the removal of an existing on-street car parking bay along Lake Street. Suggest that applicant pay cash-in-lieu for proposed car parking shortfall. Whilst there would be few customers that would bike to the shop, all new developments should support alternate modes of transport, especially where a car parking shortfall exists. 	<p>The scale and intensity of the shop would remain low because the additional 15 square metres of shop space would be used as a studio for the production of millinery items rather than additional retail floor space. The development would not have an adverse impact on the surrounding area with respect to on-street car parking.</p> <p>The City's Technical Services team have reviewed the proposed development and the existing on-street car parking layout and confirmed that the widening of the crossover would not impact on the one on-street parking bay that currently exists on Lake Street between the existing crossover and the Bulwer Street intersection.</p> <p>The parking demand generated by the development can be accommodated without the need for a cash-in-lieu contribution from the applicant for the proposed parking shortfall of one bay. This is because the subject site is well serviced by alternate modes of transport, specifically its close proximity to the William Street high frequency bus route, as well as cycle path network.</p> <p>Should the application be approved it is recommended that a condition be imposed requiring the installation of one short term bicycle bay within the verge adjacent to the subject site, at the expense of the applicant/owner and to the satisfaction of the City. This would be appropriate due to the limited opportunities to provide car parking on-site for the commercial development and would support the use of active modes of transport.</p>
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> Concerns that the mid-level bedroom 2 window cone of vision would fall on the adjoining south eastern properties primary outdoor living area, resulting in a loss of privacy. Concerns that the additional building height and proposed roof deck would allow views into the properties on the opposite side of Lake Street. 	<p>The R Codes deemed-to-comply standards relating to visual privacy outline that the mid level bedroom 2 window should provide a 4.5 metre cone of vision setback to the south eastern lot boundary. The application proposes a 4.4 metre setback.</p> <p>The proposed plans show a 4.5 metre cone of vision to the south eastern lot boundary from the mid level bedroom 2 window. Administration has identified that this setback measures to 4.4 metres rather than 4.5 metres.</p> <p>Administration agrees with the submissions received during the consultation period outlining that the proposed mid level bedroom 2 cone of vision would result in direct overlooking to the adjoining south eastern properties primary outdoor living area and as a result, would not satisfy the design principles of the R Codes.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
	<p>Should the application be approved, it is recommended that a Condition be imposed requiring the applicant to submit amended plans prior to the issue of a building permit which increase the midlevel bedroom 2 cone of vision setback from the south eastern lot boundary to 4.5 metres in order to satisfy the deemed-to-comply standards of the R Codes.</p> <p>The proposed development is separated from the adjoining properties on the opposite side of Lake Street by the 20 metre wide road reserve which is sufficient to ensure privacy is maintained.</p>
<p><u>Solar Access to Adjoining Properties</u></p> <p>The development would be 22.3 percent over the requirement and would not be acceptable.</p>	<p>Administration’s assessment against the deemed-to-comply standards represents a worst case scenario where the adjoining site is vacant.</p> <p>The applicant has submitted an overshadowing diagram in support of the proposed development which is included in Attachment 4 and outlines that the actual extent of overshadowing to the adjoining property when accounting for the heights and location of existing buildings is 37.8 percent.</p> <p>The proposed shadow cast by the development would be acceptable because it would not have an adverse impact on the adjoining properties major openings to habitable rooms, primary outdoor living area or roof mounted solar collectors.</p>
<p><u>Open Space</u></p> <p>Concerns that the lack of open space would impact on the flow of air and detract from the streetscape.</p>	<p>The proposed development provides consolidated open space in the northern portion of the site which would be open to the northern aspect and associated winter sunlight. The proposed dwelling provides openings on the northern, western and southern facades which would ensure adequate access to natural sunlight and ventilation to the primary living spaces.</p> <p>The existing development at the subject site has nil setbacks to both Lake Street and Bulwer Street. With the exception of the proposed increased width to the carport, the ground floor footprint of the building would remain unchanged. The amount of open space provided on site would be consistent with the existing terrace style developments in the surrounding streetscape.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Streetscape</u></p> <ul style="list-style-type: none"> Approval of the proposal would set a precedent that would be out of touch with the heritage buildings of the area that are unlikely to change. The proposed development would be the most dominant building at the intersection of Lake Street and Bulwer Street. 	<p>The existing development along Lake Street is characterised by two and three storey townhouses that have minimal street setbacks and limited articulation between the ground and upper floors. The proposed development would not be setting a new or undesirable precedent for the area.</p> <p>There are existing three storey buildings visible from the Lake and Bulwer Street intersection and the proposed development would not be inconsistent with this existing streetscape.</p>
<p><u>Construction Management & Dilapidation of Adjoining Properties</u></p> <ul style="list-style-type: none"> Concerns that the area surrounding the site has very little space to work from. Request that a construction management plan be required before work commences. These houses are very old and the original brickwork is brittle. Concerns that the scale of the proposed build would damage both the existing building at the site and the surrounding buildings. Request that a dilapidation report be carried out before work commences. Concerns regarding potential for damage to the adjoining property to the east during the construction period. 	<p>A construction management plan would be required under the City's Policy No. 7.5.23 – Construction Management Plans. This is because the subject site is constrained from a construction perspective due to the narrow lot width and existing building envelope with nil setbacks to Lake and Bulwer Streets.</p> <p>The careful management of the construction process and associated off-site impacts would be required to ensure that the development does not have an adverse impact on the amenity of the surrounding residential properties and traffic function of Lake and Bulwer Streets.</p> <p>Should the application be approved, it is recommended that a Condition be imposed requiring the submission of a construction management plan prior to the issue of a building permit.</p> <p>The applicant has confirmed in their response to the summary of submissions included in Attachment 7 that they will provide a construction management plan and accompanying dilapidation reports of adjoining properties with the building permit.</p>
<p><u>Sewerage Connection</u></p> <p>The existing sewer line servicing the site runs across three properties (Nos. 242 Lake Street, 244 and 246 Bulwer Street) before connecting to the right of way. Concerns that the proposed development could result in backflow of sewerage into adjoining properties if a new connection is added, the existing line is damaged or further strain is placed on the connection point. Request that a plumbing management plan be required before works commence.</p>	<p>The concerns raised have been reviewed by the City's Building Services and Technical Services teams and the following information has been provided.</p> <p>The proposed development would be required to be certified by a hydraulic engineer prior to the building permit being issued. Water Corporation would be consulted with to ensure that the existing/proposed infrastructure is suitable and then the works would be undertaken by a licensed plumber who would submit a notice of major plumbing works to the Water Corporation.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Extent of Discretion Sought</u></p> <p>The development should keep to the regulations.</p>	<p>The Built Form Policy and R Codes have two pathways for assessing and determining a development application. These are through design principles and local housing objectives, or through deemed-to-comply standards.</p> <p>Design principles and local housing objectives are qualitative measures which describe the outcome that is sought rather than the way that it can be achieved.</p> <p>The deemed-to-comply standards are one way of satisfactorily meeting the design principles or local housing objectives and are often quantitative measures.</p> <p>If a planning element of an application meets the applicable deemed-to-comply standard/s then it is satisfactory and not subject to the discretion of the decision maker for the purposes of assessment against the Built Form Policy and R Codes.</p> <p>If a planning element of an application does not meet the applicable deemed-to-comply standard/s then decision maker's discretion is required to decide whether this element meets the design principles and local housing objectives.</p>
Comments Received Expressing Concern:	Administration Comment:
<p><u>Visual Privacy</u></p> <p>Concerns that the upper floor deck area on the southern elevation would create a privacy issue for the adjoining properties to the south east.</p>	<p>The R Codes deemed-to-comply standards relating to visual privacy outline that the upper floor roof deck should provide a 7.5 metre cone of vision setback to the south eastern lot boundary and the application proposes a nil setback.</p> <p>Administration agrees with the submissions received during the consultation period outlining that the proposed upper floor roof deck cone of vision would result in direct overlooking to the adjoining south eastern properties primary outdoor living area and as a result, would not satisfy the design principles of the R Codes.</p> <p>Should the application be approved, it is recommended that a condition be imposed requiring the applicant to submit amended plans prior to the issue of a building permit which increases the height of the balustrading along the south eastern side of the upper floor roof deck from 1 metre to 1.6 metres to mitigate direct overlooking to the adjoining property to the south.</p>

Summary of Submissions:

Comments Received Expressing Concern:	Administration Comment:
	The remainder of the upper floor roof deck cone of vision that would fall on the adjoining property to the south east would be acceptable as it looks in the direction of Bulwer Street rather than back towards the adjoining properties primary outdoor living area. The area affected by the cone of vision is the roof of the adjoining property and the angle of view would be oblique rather than direct.
<p><u>Dilapidation of Adjoining Properties</u></p> <p>Nos. 242 Lake, 224 Bulwer and 222 Bulwer were all constructed at the same time and share party walls, roofing systems and a sewer line, all of which are very fragile. Concerns regarding the large scale of the proposed additions in relation to possible damage to the existing building at the site and the surrounding buildings.</p>	Refer to the response provided in the table above regarding construction management and dilapidation reports for adjoining properties.
<p><u>Solar Access to Adjoining Properties</u></p> <ul style="list-style-type: none"> • Concerns that future plans to install solar panels on the adjoining properties to the south east would be adversely impacted by the proposed development. • Request for an overshadowing plan to be provided. 	The adjoining dwelling to the south east does not have any existing roof mounted solar collectors that would be impacted by the shadow cast by the proposed development. The overshadowing diagram submitted by the applicant and included in Attachment 4 effectively demonstrates that sufficient opportunities to install roof mounted solar collectors on the roof of the adjoining dwelling would remain due to the height of the adjoining dwellings roof comparative to the proposed development.
<p><u>Car and Bicycle Parking</u></p> <p>Concerns that the increased crossover width would result in the removal of an existing on-street car parking bay along Lake Street. Request that the two existing on-street car parking spaces along Lake Street be relocated to ensure that no bays are lost.</p>	Refer to the response provided in the table above regarding car and bicycle parking.

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

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 3, Clause 3.1 of the Clause 78H Notice of Exemption from Planning Requirements During State of Emergency signed by the Minister for Planning on 4 March 2022.
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 unless approved by the City. 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 1.5 metres) 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 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.
12. With reference to Condition 4 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.*

Determination Advice Notes:

13. In regards to Condition 7, 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.
14. All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the Footpath being in good condition as determined by the Infrastructure and Environment Services Directorate), must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not 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.