

**5.1 NO. 81 (LOT: 117; D/P: 2099) EAST STREET, MOUNT HAWTHORN - PROPOSED ALTERATIONS AND ADDITIONS TO SINGLE HOUSE**

**Ward:** North

**Attachments:**

1. Consultation and Location Map
2. Development Plans
3. Summary of Submissions - Applicant's Response
4. Summary of Submissions - Administration's Response
5. 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 Single House at No. 81 (Lot: 117; D/P: 2099) East Street, Mount Hawthorn, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

**1. Development Plans**

This approval is for Alterations and Additions to a Single House as shown on the approved plans dated 16 March 2023. No other development forms part of this approval;

**2. External Fixtures**

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

**3. Colour and Materials**

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, to the satisfaction of the City;

**4. 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 face brick consistent with the approved plans dated 16 March 2023, or material as otherwise approved, to the satisfaction of the City;

**5. 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; and

**6. Landscaping**

Prior to occupation of the development, all landscaping works shall be undertaken in accordance with the approved plans dated 16 March 2023, to the satisfaction of the City.

**PURPOSE OF REPORT:**

To consider an application for development approval for alterations and additions to a single house at No. 81 East Street, Mount Hawthorn (the subject site).

**PROPOSAL:**

The application proposes the partial demolition of the existing dwelling on the subject site and construction of a two-storey rear extension to the existing single house.

The proposed demolition works relate to the existing sleepout, laundry and patio to the rear of the dwelling. The proposed extension would include a kitchen, living areas and outdoor alfresco on the ground floor as well as a master bedroom, walk in robe, ensuite and home office on the upper floor.

The application proposes additional landscaping to the northern and southern boundaries as well as within the street setback area.

Apart from additional tree planting, the application does not propose any modifications to the front portion of the existing dwelling, to the street setback area or to the existing vehicle access and parking arrangements.

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

**BACKGROUND:**

<b>Landowner:</b>	Hannah Ruprecht & Jackson Wheeler
<b>Applicant:</b>	Addstyle Construction
<b>Client:</b>	Hannah Ruprecht & Jackson Wheeler
<b>Date of Application:</b>	28 October 2022
<b>Zoning:</b>	MRS: Urban LPS2: Zone: Residential R Code: R30
<b>Built Form Area:</b>	Residential
<b>Existing Land Use:</b>	Dwelling (Single House)
<b>Proposed Use Class:</b>	Dwelling (Single House)
<b>Lot Area:</b>	377m <sup>2</sup>
<b>Right of Way (ROW):</b>	No
<b>Heritage List:</b>	No

Site Context and Zoning

The subject site is bound by East Street to the east and single houses to the north, west, and south. A location plan is provided as **Attachment 1**.

The subject site and all surrounding and adjoining properties are zoned Residential R30 under the City's Local Planning Scheme No. 2 (LPS2) and are located within the Residential Built Form Area with a building height standard of two storeys under the City's Policy No. 7.1.1 – Built Form (Built Form Policy).

East Street is characterised by traditional style predominately single storey single houses with some examples of two storey dwellings within the street. Two-storey elements within the immediate East Street streetscape are predominately setback behind the respective ground floor building lines while being visible from the street.

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

The table below summarises the planning assessment of the proposal against the provisions of the LPS2, the City's Built Form Policy and the State Government's Residential Design Codes Volume 1 (R 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	Deemed-to-Comply/ As Existing	Requires the Discretion of Council
Street Setbacks	✓	
Lot Boundary Setbacks		✓
Boundary Wall	✓	
Building Height/Storeys	✓	
Open Space	✓	
Outdoor Living Areas	✓	
Street Surveillance	✓	
Vehicle Access & Parking	✓	
Landscaping (R Codes)	✓	
Visual Privacy	✓	
Solar Access	✓	
Site Works/Retaining Walls	✓	
External Fixtures	✓	

**Detailed Assessment**

The Built Form Policy and R Codes provide two pathways for assessing and determining development applications. 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 a planning element of an application meets 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.

If a planning 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.

Lot Boundary Setbacks	
Deemed-to-Comply Standard	Proposal
<p><b>R Codes Volume 1, Clause 5.1.3 – Lot Boundary Setbacks</b></p> <p><u>Southern Boundary</u> Ground Floor - Existing Dwelling: 1.5 metres*</p> <p>Ground Floor – Family Room: 1.5 metres</p> <p><i>*Note: this existing wall is required to be assessed. This is because the addition of the proposed southern boundary wall would be adjacent to this existing wall and the cumulative wall length increases.</i></p>	<p><u>Southern Boundary</u> Ground Floor – Existing Dwelling: 0.8 metres*</p> <p>Ground Floor – Family Room: 1.4 metres</p>

Where the above planning elements of the proposal do not meet the specified deemed-to-comply standards, these have been assessed against the applicable design principles and local housing objectives in the Comments section below.

**CONSULTATION/ADVERTISING:**Development Plans as Originally Submitted

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 31 days between 9 January 2023 and 9 February 2023.

During the first 14 days of the consultation period, Administration became aware by community members that letters had not been posted to adjacent and adjoining properties as required by the City's Community & Stakeholder Engagement Policy. This was due to an unintentional administrative error.

Once this error was recognised, Administration sent letters to all adjoining and adjacent landowners and occupiers and extended the consultation period for an additional 17 days to ensure the consultation occurred in accordance with the Community & Stakeholder Engagement Policy. All community members who had already provided submissions were notified via email of the extension to the consultation period and advised of the error that occurred.

The method of consultation included a notice on the City's website as well as a total of 17 letters being sent, as shown in **Attachment 1**. Six (6) letters were sent to adjoining and adjacent properties and 11 letters were sent to properties in the surrounding area.

A total of 12 submissions were received at the conclusion of the advertising period including 11 objections and one submission that neither supported nor objected to the proposal but raised concerns.

All submissions received raising issues with the consultation process also raised valid planning considerations regarding the proposed development.

The key concerns raised are summarised as follows:

- The building bulk of the development encroaches onto other properties and the two-storey box design is significantly imposing to single story homes adjacent.
- The reduced lot boundary setbacks and boundary walls result in overshadowing, and loss of natural northern light and ventilation to adjoining properties.
- The setbacks will set a negative precedence for future developments in the area in relation to design and building bulk.
- The shipping box design and black colour of the development is inconsistent with the character of the street and surrounding area, and will significantly impact the street and adjoining properties.
- The development encroaches on the neighbouring properties privacy as overlooking will occur from the upper floor windows to adjoining properties rear yards.
- There is insufficient landscaping and the landscaping provided does not provide a sense of open space between dwellings.
- The lack of open space provided reduces the ability for future landscaping and planting; and
- The black colour of the additions is not environmentally sustainable and would require more cooling and result in radiation of heat due to colour and scale of the additions.

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

Amended Plans

The applicant prepared amended plans to respond to community consultation submissions as well as comments provided from the Design Review Panel (DRP) and the City. Amended plans were submitted on 3 March 2023. Details of the modifications in the amended plans are included in the Design Review Panel section below.

The amended plans were advertised for community consultation for a period of seven days from 8 March 2023 to 14 March 2023. Previous submitters were notified, and a notice placed on the City's website. This is consistent with the City's Community & Stakeholder Engagement Policy.

Following the conclusion of the second round of community consultation, the City received one (1) submission from previous submitters reiterating their objection to the proposal.

Further amended plans were submitted on 16 March 2023. These plans included refinements to colours and materials to improve environmental sustainability performance. These refinements are also described below in the Design Review Panel section.

The amended plans dated 16 March 2023 were not readvertised. This is consistent with the City's Community and Stakeholder Engagement Policy because the plans did not alter elements that would affect the amenity of adjoining properties. Additionally, advertising the plans would compromise Administration's ability to present the application to Council in accordance with its statutory obligations under the Planning Regulations. Previous submitters have been notified of the refinements to the plans.

### Design Review Panel:

Referred to DRP: Yes

The proposed development was referred to the City's DRP Chairperson for comment on three occasions.

### Development Plans as Originally Submitted

The DRP Chairperson noted the following positive aspects of the proposal:

- The front streetscape interface remains largely the same as existing.
- The new addition and upper-level massing are located at the rear of the site behind the retained original house and set back a significant distance from the streetscape.
- The proposal utilises a common approach demolishing later additions or rear outhouse toilet areas to character houses and inserting a contemporary addition at the rear.
- A contemporary rear addition to a character house is a commonly recognised approach, visually representing the time periods in which both elements were constructed rather than trying to replicate the style of the character house that can often result in faux or 'mock' outcomes.
- The main living areas, alfresco space and upper-level rooms are all orientated towards northern light access.
- The applicant has thought through the visual privacy aspect which is fully compliant.
- The external Maxline and James Hardie Axon cladding products used on the rear addition are both high quality materials with a sense of depth and texture to them.

The DRP Chairperson noted the following areas for further improvement:

- External colours and materials should be nominated on the plans. An opportunity exists to differentiate the massing of the development, generate a level of visual interest, and visually break down the bulk and scale of the development through use of a diversity of colours and/or materials.
- The south elevation of the rear addition appears quite boxy in form, with a lack of diversity of colour and materiality predominantly employing a painted render finish. Given the high-quality materiality on all other elevations the applicant is encouraged to increase the use of the Maxline or James Hardie Axon cladding products on this façade to break down the scale of the development to the south.
- The southern side setback at ground floor level does not meet deemed to comply standards. The applicant should consider introducing a recess in the ground level facade where the laundry/butler's kitchen is located to articulate this façade.

### *Amended Plans (dated 28 February 2023)*

In response to community consultation and the DRP Chairperson comments, the applicant made the following changes to the proposal:

- The setback of ground floor and upper floor from the southern boundary increased from 1.2 metres to 1.3 metres.
- A portion of Maxline cladding was added the upper floor southern elevation to reduce visual bulk and increase articulation.
- The setback from the northern boundary of the upper floor Main Bed/Home Office wall decreased from 4.7 metres to 4.6 metres.
- The indicative location of deciduous trees was provided along the northern boundary to assist enhancing visual privacy between properties, along the southern boundary to assist in softening the visual bulk of the south-facing wall, and in the front setback area to East Street to improve streetscape canopy.
- Colours for the Maxline cladding and textured acrylic render were nominated. The colour of the Axon cladding was not confirmed but was noted to be a contrasting colour.

The amended proposal was referred to the DRP Chairperson on 28 February 2023. The DRP Chairperson was supportive of the proposal but noted the following:

- The addition of the Maxline cladding on the side elevation is positive but additional areas of cladding are required. The additional setback of the ground floor and upper floor did not sufficiently break up the bulk of the southern elevation.
- The indicative tree locations and the nominated colours for the cladding and render, which includes the 'Monument Matte Finish' for the Maxline cladding are supported.
- Tree species details and full details for finishes and materials are required to be provided.
- The suggestion of adding a recess in the southern elevation near the butler's kitchen has not been addressed.

*Amended Plans (dated 3 March 2023)*

In response to the 28 February 2023 DRP Chairperson comments, the applicant made the following changes to the proposal:

- The setback from the southern boundary of the ground floor family wall was further increased from 1.3 metres to 1.4 metres.
- Additional Maxline cladding added to a portion of the upper floor ensuite wall and an additional minor opening was added to the WIR wall.
- The material finish of the boundary wall to the southern boundary was amended from 'Textured Acrylic Render' to 'Face Brickwork'.
- Indicative trees species details for the proposed landscaping were provided with deciduous 'Magnolia Little Gem' trees along the northern boundary to allow northern winter light into the dwelling, fast growing 'Clumping Bamboo' planting along the southern boundary to provide visual screening in the shorter term, and a 'Jacaranda' tree in the front setback to East Street, consistent with existing street trees on East Street.

The revised development plans (dated 3 March 2023) were referred to the DRP Chairperson on 7 March 2023. The Chairperson provided the following comments in respect to the final set of amended plans:

- The changes made are supported including the additional materiality and the colours information, as well as the proposal in general.
- The additional renders provided from the southern neighbour's side illustrate the recess that has been requested in previous comments. The recess would not meaningfully reduce the impact of the southern elevation on the adjoining property and is not required to be provided.

*Final Set of Amended Plans (dated 16 March 2023)*

Following receipt of the 3 March 2023 plans, Administration sought additional comments from the DRP Chairperson in relation to the sustainability aspects of the development through a referral on 16 March 2023. The DRP Chairperson provided the following comments on the proposal:

- The addition to the house is positively oriented east-west resulting in a large north facing aspect and northern light access.
- The ground floor north and west facing doors and windows have high levels of passive shading over them.
- The addition to the house will receive good cross ventilation through large windows with a high proportion of openable windows.
- The north facing upper level windows have shading. This shading could be extended a little. The stairwell corner window and main bed window in the western elevation are not provided with passive shading devices.
- The project does not nominate any specific renewable energy systems such as solar panels on the roof.
- The 'Night Sky' colour wall cladding and roof sheeting is not preferred from a heat absorbance perspective, although is appropriate from an architectural perspective in providing a suitable contrasting colour.

The applicant made the following changes to the proposal:

- The stairwell corner window was provided with a fixed shading device.
- Indicative location of solar panels shown on the development plans.

The applicant also confirmed the following:

- The colour of the roof sheeting is to be 'Shale Grey' which meets the heat absorbance requirements of the Built Form Policy, and the perspectives have been updated to reflect this.
- The main bed window in the western elevation will not be provided with a permanent shading device and will instead feature Low-E glass to ensure suitable sustainability performance.

The DRP Chairperson is supportive of these changes made.

A summary of the DRP progress is shown in the table below:

<b>Design Review Progress Report</b>				
	<i>Supported</i>			
	<i>Pending further attention</i>			
	<i>Not supported</i>			
	<i>No comment provided / Insufficient information</i>			
	<i>DRP Chair Referral 1 - 17 February 2023</i>	<i>DRP Chair Referral 2 - 28 February 2023</i>	<i>DRP Chair Referral 3 - 7 March 2023</i>	<i>DRP Chair Referral 4 - 16 March 2023</i>
Principle 1 – <b>Context &amp; Character</b>				
Principle 2 – <b>Landscape Quality</b>				
Principle 3 – <b>Built Form and Scale</b>				
Principle 4 – <b>Functionality &amp; Built Quality</b>				
Principle 5 – <b>Sustainability</b>				
Principle 6 – <b>Amenity</b>				
Principle 7 – <b>Legibility</b>				
Principle 8 – <b>Safety</b>				
Principle 9 – <b>Community</b>				
Principle 10 – <b>Aesthetics</b>				

#### **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; and
- Policy No. 7.1.1 – Built Form Policy.

#### *Planning and Development Act 2005*

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

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

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions in the Planning Regulations and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

State Planning Policy 7.3 – Residential Design Codes Volume 1

On 23 February 2023, the State Government publicly released amendments to Volume 1 of the R Codes. The amendments split the R Codes into Part B – Low Density and Part C – Medium Density.

Part C – Medium Density will apply to grouped dwellings in areas coded R30 and above, such as the subject site.

A transitional period applies and the 2023 R Codes will be gazetted and come into operation on 1 September 2023.

During this transitional period, assessment is to be undertaken against the existing R Codes. Where deemed-to-comply provisions are not met, the assessment is required to be undertaken primarily against the design principles of the existing R Codes, with due regard given to relevant design principles of Part C – Medium Density also.

The design principles in Part C – Medium Density are generally consistent with the existing R Codes design principles.

**Delegation to Determine Applications:**

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

**RISK MANAGEMENT IMPLICATIONS:**

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

**STRATEGIC IMPLICATIONS:**

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

Innovative and Accountable

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

**SUSTAINABILITY IMPLICATIONS:**

The City has assessed the application against the environmentally sustainable design provisions of the Built Form Policy. 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.

The applicant has provided information about the environmental sustainability performance of the development which includes the following:

- The proposed addition is east-west oriented and achieves 57 percent open space minimising the extent of the building footprint.
- The proposed development utilises large areas of recessed/shaded glazing on the northern aspect with minimal openings to the west to reduce unwanted afternoon solar gain.
- Framed construction method with insulated R2.0 bats and lightweight, insulated cladding to be utilised for improved thermal performance.
- All proposed habitable rooms have access to two openable windows to allow for natural ventilation.
- Proposed roof sheeting is Colourbond in shale grey with a solar absorption rating 0.4, consistent with the standards of the Built Form Policy.

**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:**Summary Assessment

In assessing the application against the planning framework, it is recommended for approval. The following key comments are of relevance:

- The proposed development scale, height and form is consistent with that expected of a R30 coded site that has a two-storey height standard under the Built Form Policy and is supported by the City's DRP Chairperson.
- The proposed development meets visual privacy and overshadowing deemed-to-comply standards, and would not unduly impact on the amenity of the adjoining property located to the south.
- The proposed building setbacks from adjoining properties are appropriate and provide articulation, and a variation in colours and materials.
- The proposed development would provide a suitable landscaping outcome that would assist in reducing the impact of the development on the surrounding properties and the streetscape.

A more detailed assessment against the discretionary aspects of the application is set out below. These relate to consideration against the R Codes and Built Form Policy.

Lot Boundary Setbacks

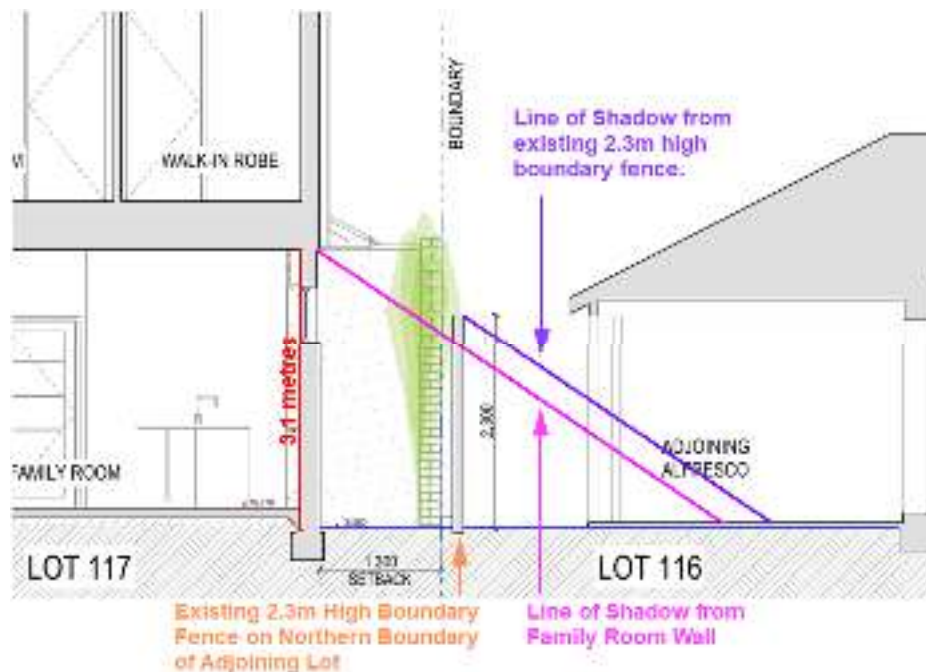
The existing dwelling has a wall that is setback 0.8 metres from the southern lot boundary and the proposed extension would result in a new kitchen wall built up to the southern lot boundary. The family room wall of the proposed addition would be setback 1.4 metres from the southern lot boundary.

Under the R Codes, the assessment of the setback of the existing wall would be required to consider the proposed kitchen wall and would have a setback requirement of 1.5 metres. This is to account for the combined length. The proposed family room wall would need to be setback 1.5 metres from the southern lot boundary.

The lot boundary setbacks would satisfy the [design principles](#) of the R Codes and [local housing objectives](#) of the Built Form Policy for the following reasons:

- Reducing Building Bulk: The visual bulk of the southern elevation is reduced through design elements that break up areas of solid blank wall, such as:
  - The use of a variety of colours and materials including the use of render, face brick and cladding;
  - Incorporating several openings;
  - Planting fast-growing bamboo on the southern lot boundary to assist with softening the development as viewed from the southern adjoining property;
  - Incorporating varying wall setbacks on the ground and upper floors for the existing house and proposed development; and
  - The alfresco is open sided.
- Existing Boundary Wall on Adjoining Property: There is an existing 2.3 metre high boundary wall on the adjoining southern property, with their outdoor living area adjacent to this. The proposed and existing walls are located adjacent to this boundary wall. This boundary wall of the adjoining property acts as a dividing fence and the portion of the proposed ground floor wall above this incorporates openings.
- Visual Privacy: The proposed lot boundary setbacks would not result in overlooking of the adjoining property because it relates to walls on the ground floor that would be screened by the dividing fence.
- Ventilation: The setbacks of the proposed dwelling would provide sufficient separation to allow space for air flow and cross-ventilation.
- DRP Support: The proposed design, materiality and its treatment has received support from the City's DRP Chairperson.

- Impact on Solar Access:** The total amount of overshadowing would comply with the deemed-to-comply standard of the R Codes. Notwithstanding this, the proposed wall to the Family Room that does not meet the lot boundary setback deemed-to-comply standard would not reduce the amount of sunlight provided to the southern adjoining property. This is because the shadow that would be cast by this wall would fall on the existing 2.3 metre high boundary wall. This existing boundary wall itself would cast a greater shadow compared to that from the Family Room wall, as shown below in **Figure 1**. This figure shows the shadow cast on 21 June at winter solstice when shadowing is at its worst, as per the deemed-to-comply standard in the R Codes.



**Figure 1 – Comparison of shadowing from Family Wall & existing dividing fence**

### Landscaping

In addition to the deemed-to-comply standards of the R Codes, the proposed additions to the single house have also been assessed against the landscaping provisions of the Built Form Policy Volume 1, Clause 5.9 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 subject site would provide 30.8 percent deep soil and planting areas, exceeding the 12 percent deep soil and three (3) percent planting areas deemed-to-comply standards under the Built Form Policy.

The Built Form Policy deemed-to-comply standard is for 30 percent of a lot to be provided as canopy coverage at maturity. The application initially did not propose any canopy coverage to the site. Following the initial community consultation period, the applicant submitted amended plans proposing six (6) trees and bamboo planting. The proposed development would provide 15.6 percent of the subject site as canopy coverage at maturity.

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

- Tree Planting Location:** The proposed five (5) trees and bamboo planting along the northern and southern lot boundaries, along with other existing smaller plantings would make an effective contribution to the landscaping outcome and canopy coverage on site. This would also assist in reducing the impact of the development on the adjoining residential properties.
- Nature of the Proposal:** The additional tree planting and canopy cover is appropriate and would be commensurate with the nature of the proposal which is an addition to an existing single house. This would provide for tree planting opportunities around the existing dwelling.
- Streetscape:** A jacaranda tree is proposed to be planted within the front setback area that would assist in softening the view of the development as viewed from East Street. There is also one (1) tree in the East Street verge adjacent to the property.






- Environmental Benefits: The proposed plantings and deep soil areas would contribute towards increased urban air quality, tree and vegetation coverage and a sense of open space between the subject site and adjoining properties. This would create a greater landscaping amenity for residents and would make an effective contribution to the City's green canopy to reduce the impact of the urban heat island effect.

**CITY OF VINCENT  
LOCAL PLANNING SCHEME NO. 2  
SCHEME MAP 1 - LEEDERVILLE**



**LEGEND**

**METROPOLITAN REGION SCHEME RESERVES**








*Note: The Western Australian Planning Commission care of the Department of Planning should be consulted for full information on the actual land requirements for all Metropolitan Region Scheme Reserves.*

-  PARKS AND RECREATION
- R Restricted Public Access
-  PRIMARY REGIONAL ROADS RESERVATION
-  OTHER REGIONAL ROADS RESERVATION
-  RAILWAYS
-  PUBLIC PURPOSES  
Particular use denoted as follows:
- H Hospital
- HS High School
- TS Technical School
- CP Car Park
- U University
- CG Commonwealth Government
- SU Special Use
- WSD Water Authority of Western Australia
- P Prison




**CITY OF VINCENT LOCAL SCHEME RESERVES**

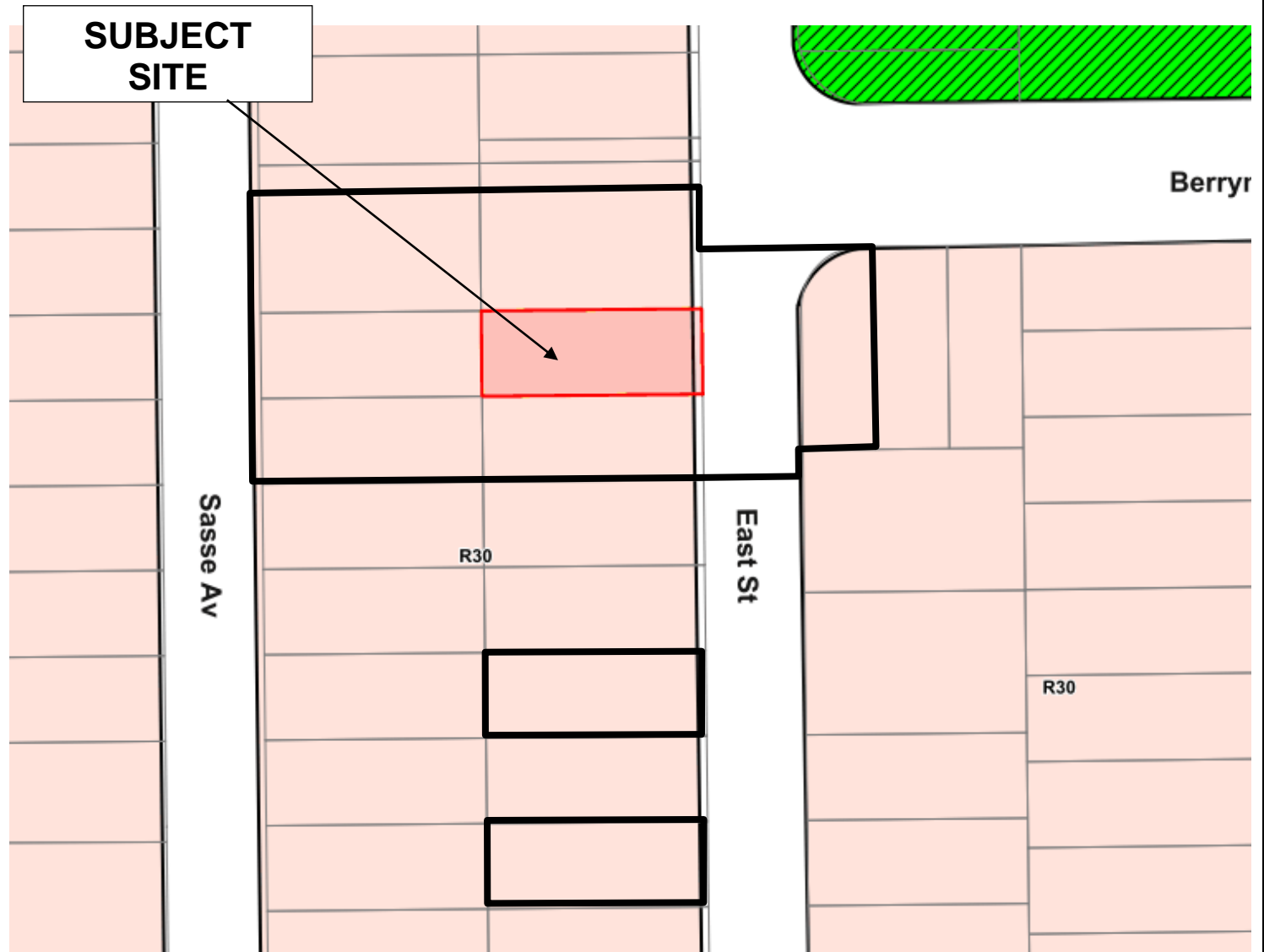
-  PUBLIC OPEN SPACE
- R Restricted
-  PUBLIC PURPOSES  
Particular use denoted as follows:
- PS Primary School
- CP Car Park
- CU Civic Uses
- HS High School
- I Institute for the Deaf
- W Water Supply Sewerage and Drainage
- TS Technical School

**CITY OF VINCENT SCHEME ZONES**

-  RESIDENTIAL
-  MIXED USE
-  COMMERCIAL
-  LOCAL CENTRE
-  DISTRICT CENTRE
-  REGIONAL CENTRE
-  SPECIAL USE  
Particular use denoted as follows:
- CP Car Park
- CU Community Use
- FC Function Centre
- HC Hall and Non Residential Club
- H Hotel
- PW Place of Worship
- S Service Station

**ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES**

-  CODE AREA BOUNDARY
-  SCHEME AREA BOUNDARY
-  DENSITY CODE



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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).

Consultation and Location Map

No. 81 East Street, Mount Hawthorn

Extent of Consultation





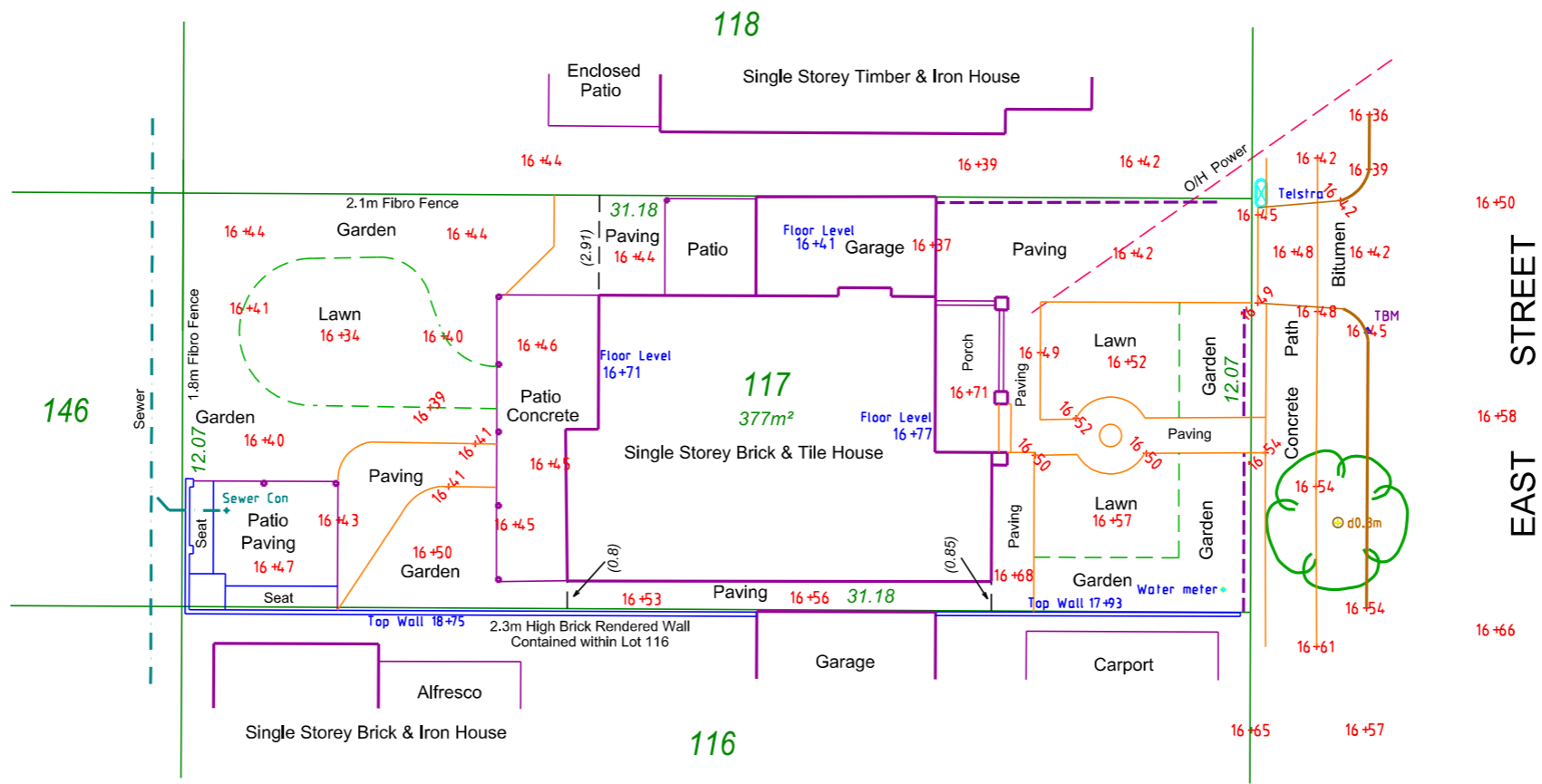
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No. 81 East Street, Mount Hawthorn



CITY OF VINCENT  
RECEIVED  
16 March 2023



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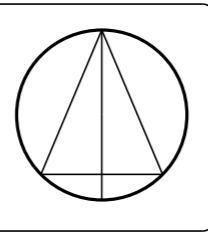
2/511 Wanneroo Road BALCATT A (Head Office)  
6/355 Stirling Highway CLAREMONT (Design Studio)  
PH: 9345 2333 FAX: 9345 3029  
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**REGULATION 25A RESURVEY CERTIFICATE**

I Michael Delamotte, Licensed Surveyor, certify that on the 17th Day of September 2022 I determined the boundary offsets for Lot 117 on Plan 2099 as shown on the sketch/plan and that the survey was performed in accordance with all the relevant written laws.

Date 17-9-2022  
Michael Delamotte  
Licensed Surveyor

REV	DATE	DESCRIPTION
0	17/09/2022	Issued to client



**ION SERVICES**  
LICENSED SURVEYORS

ION SERVICES PTY LTD  
U1423 Gibberd Road Balclutha WA 6021  
PO Box 309 Greenwood WA 6004  
Tel: 0408 946893  
Email: survey@ionservices.com.au

81 East Street, Mount Hawthorn  
Lot 117 on Plan 2099

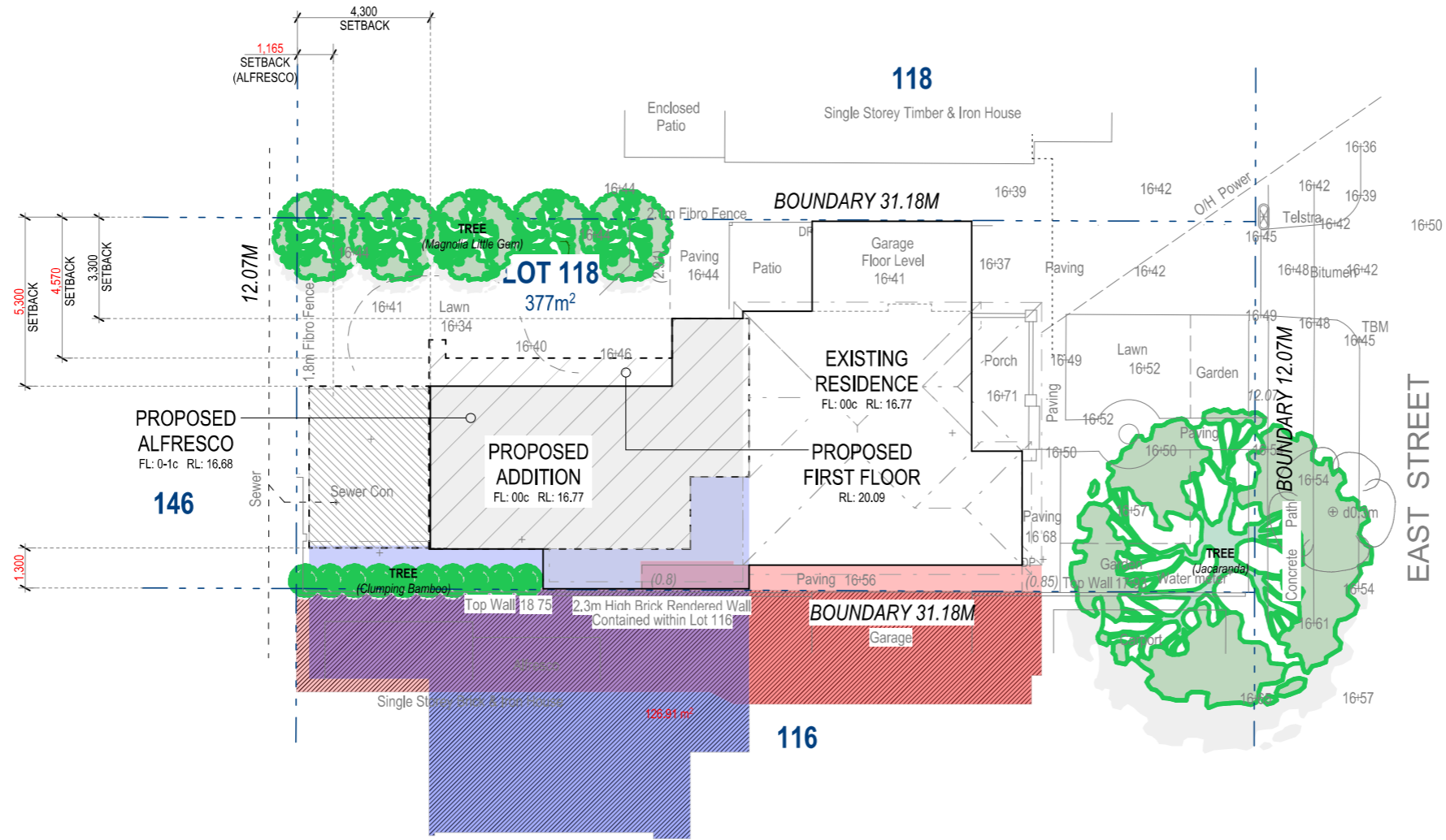
Detailed Site Survey

Addstyle Constructions Pty Ltd

SCALE: 1:200 @ A3  
DATUM: CAD AHD

7459/922 SS 0  
JOB PLAN REVISION

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**LEGEND**

	EXISTING GROUND FLOOR
	PROPOSED GROUND FLOOR
	PROPOSED FIRST FLOOR
	PROPOSED ALFRESCO

**SHADOW DIAGRAM**

	EXISTING SHADOW PROJECTION ON 21 JUNE AT 12 NOON	-84.38m²
	PROPOSED SHADOW PROJECTION ON 21 JUNE AT 12 NOON	-89.90m²
	TOTAL PROPOSED SHADOW PROJECTION ON 21 JUNE AT 12 NOON	-126.91m²
	ADJACENT LOT	-377m²
	SHADOW PERCENTAGE	-33.7%

**SITE COVERAGE**

TOTAL SITE AREA:	377m²
EXISTING GROUND FLOOR: (INCLUDING GARAGE)	105.42m²
PROP GROUND FL ADDITION:	67.92m²
PROP FIRST FL ADDITION:	63.70m²
PROP ALFRESCO:	21.10m²
EXISTING COVERAGE:	105.42m² - 27.96%
PROPOSED COVERAGE:	150.75m² - 39.98%
OPEN SPACE:	113.75m² - 60.02%

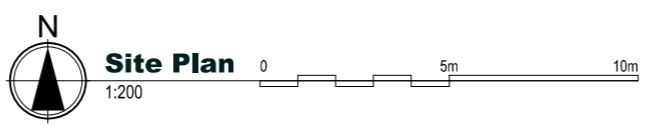
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IN THE INSTANCE OF OVERHEAD POWERLINES TAKE ALL NECESSARY PRECAUTIONS.

**WIND CLASSIFICATION:**  
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**LEGEND**

— DENOTES WALLS TO BE TAKEN DOWN AND REMOVED

- - - DENOTES DOOR & DOOR FRAME TO BE TAKEN DOWN AND REMOVED

**ELECTRICAL NOTE**

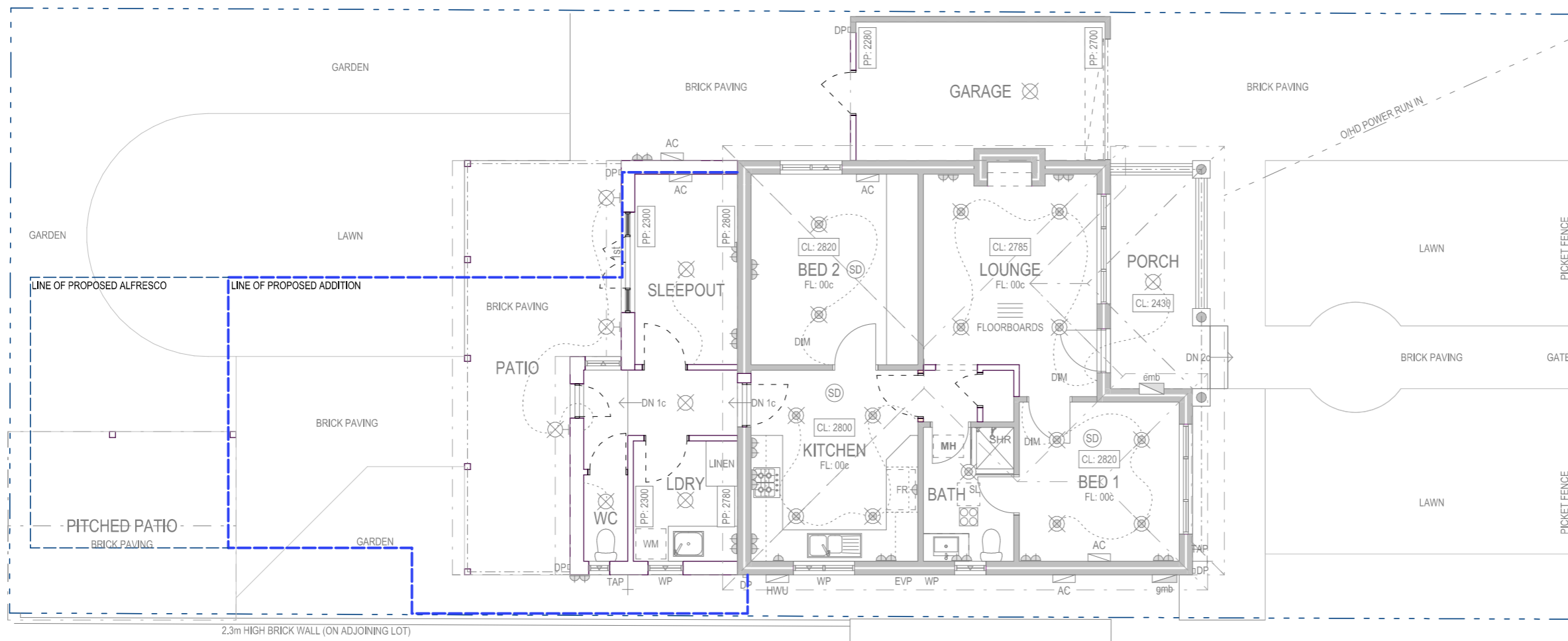
ELECTRICIAN TO CUT AND SEAL WIRING TO EXISTING AREA OF WORKS AS NECESSARY.

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**EXISTING - Ground Floor Plan**

1:100

0 1m 5m

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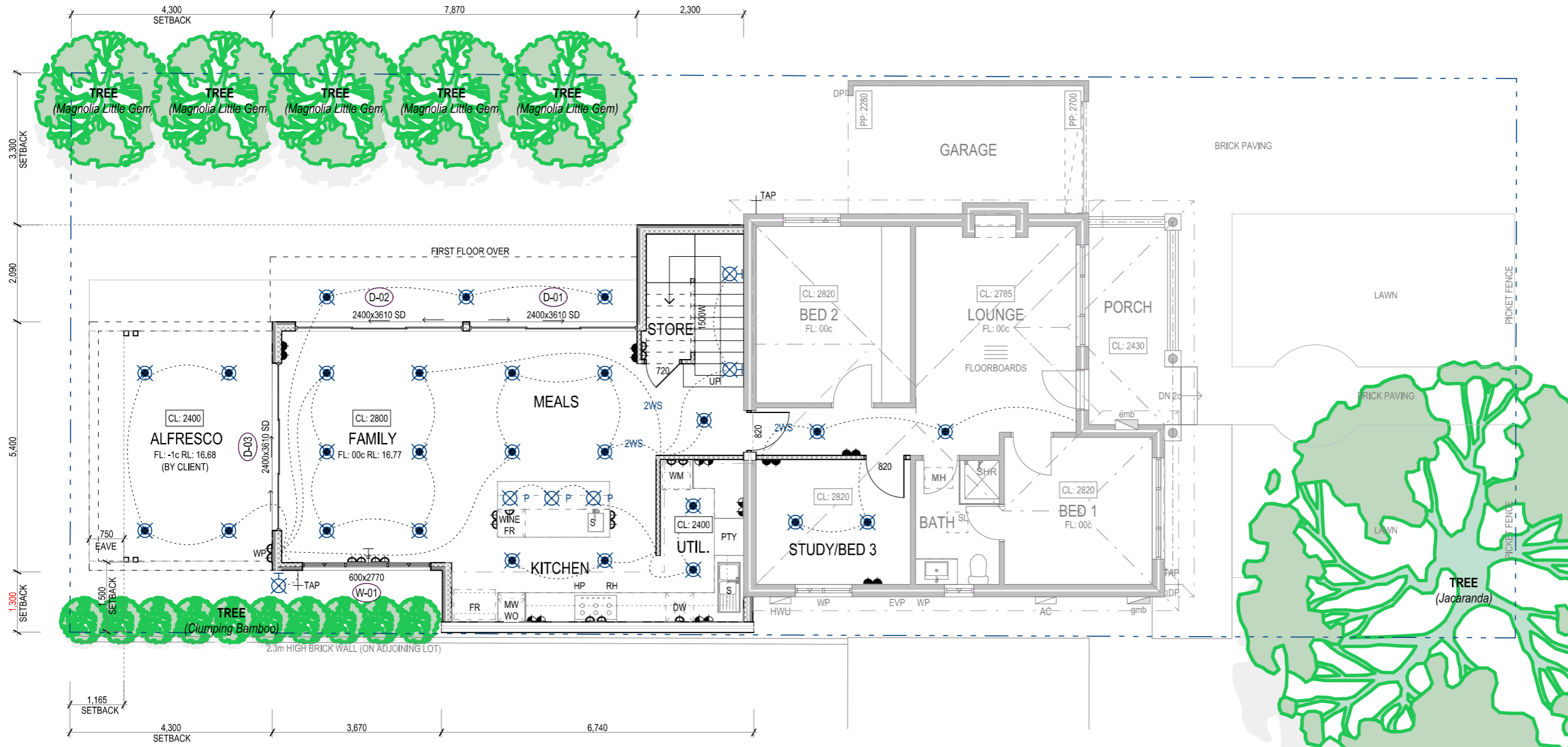
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N  
PROPOSED - Ground Floor Plan  
1:100  
0 1m 5m

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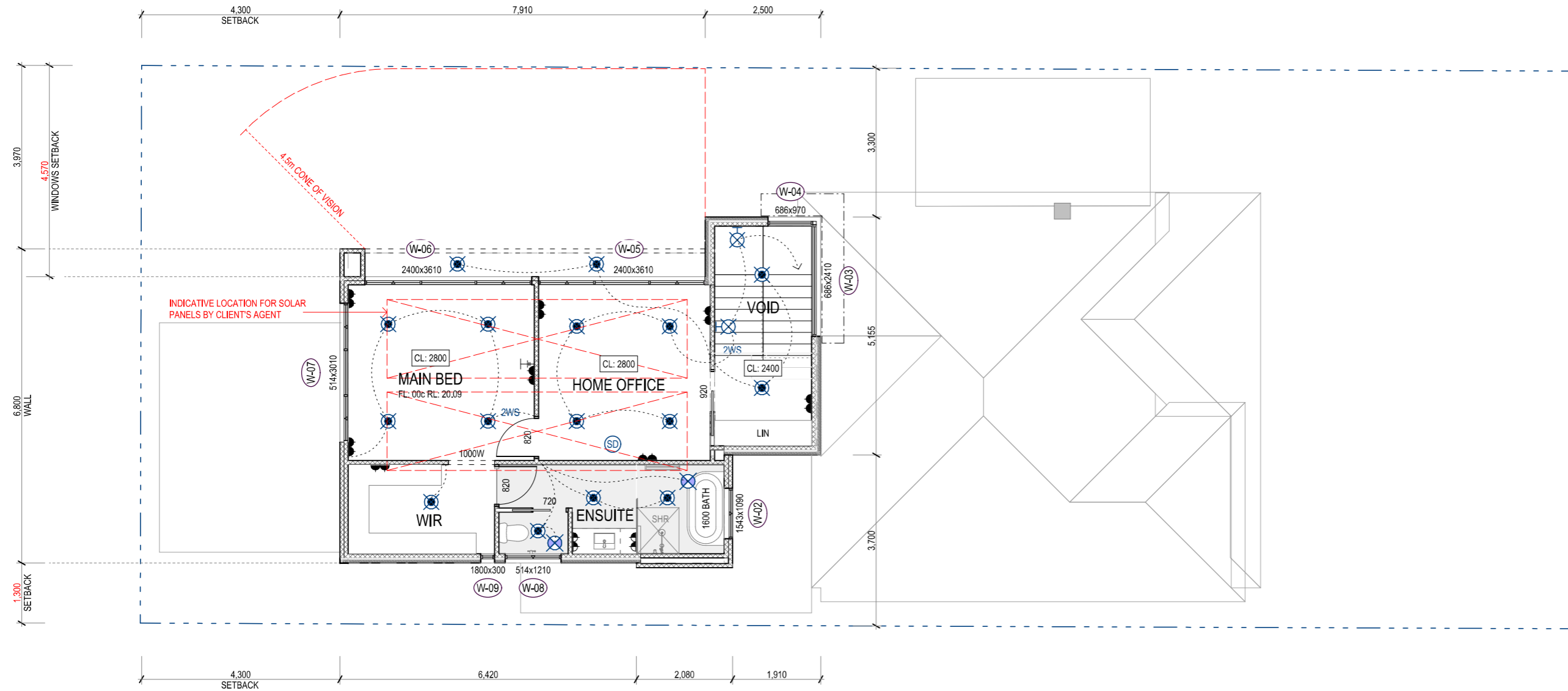
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**PROPOSED - First Floor Plan**  
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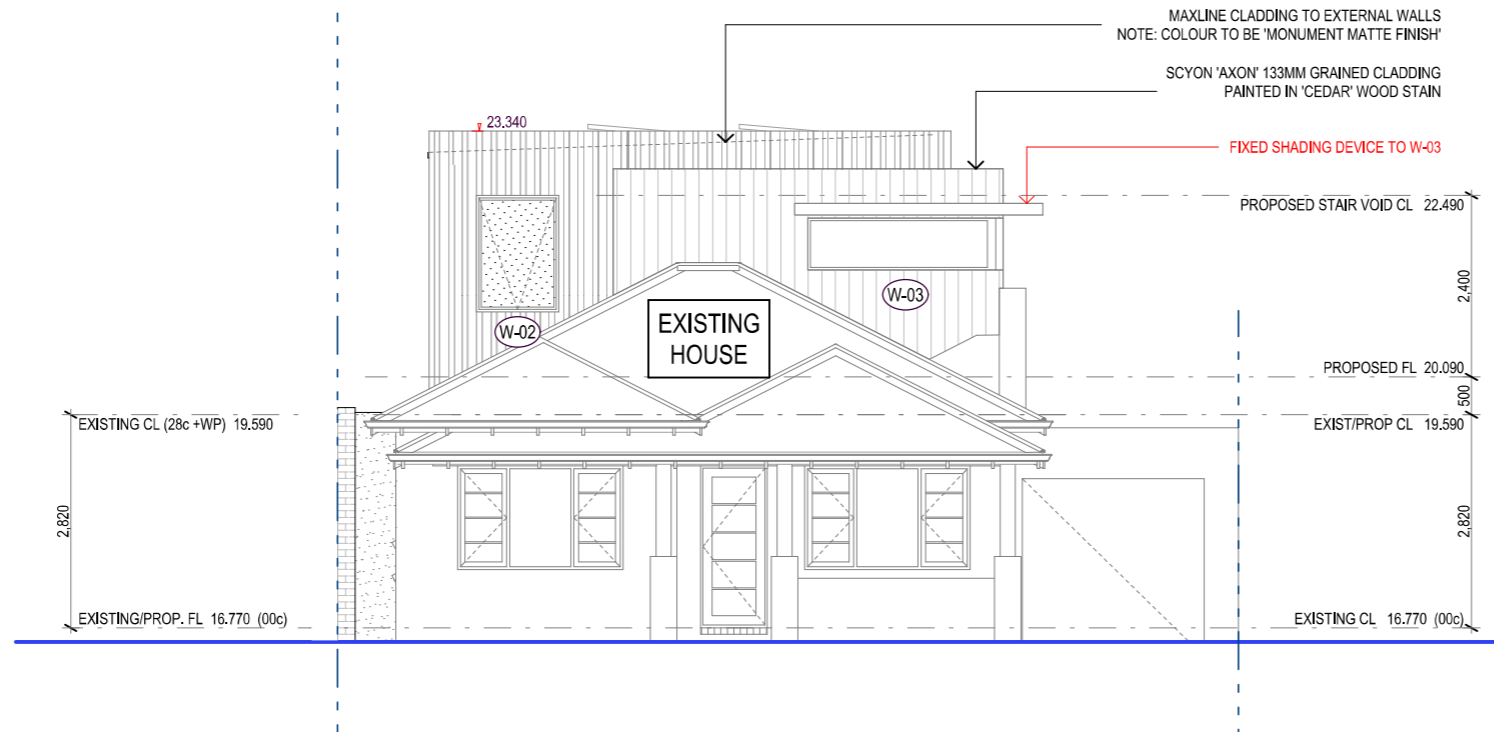
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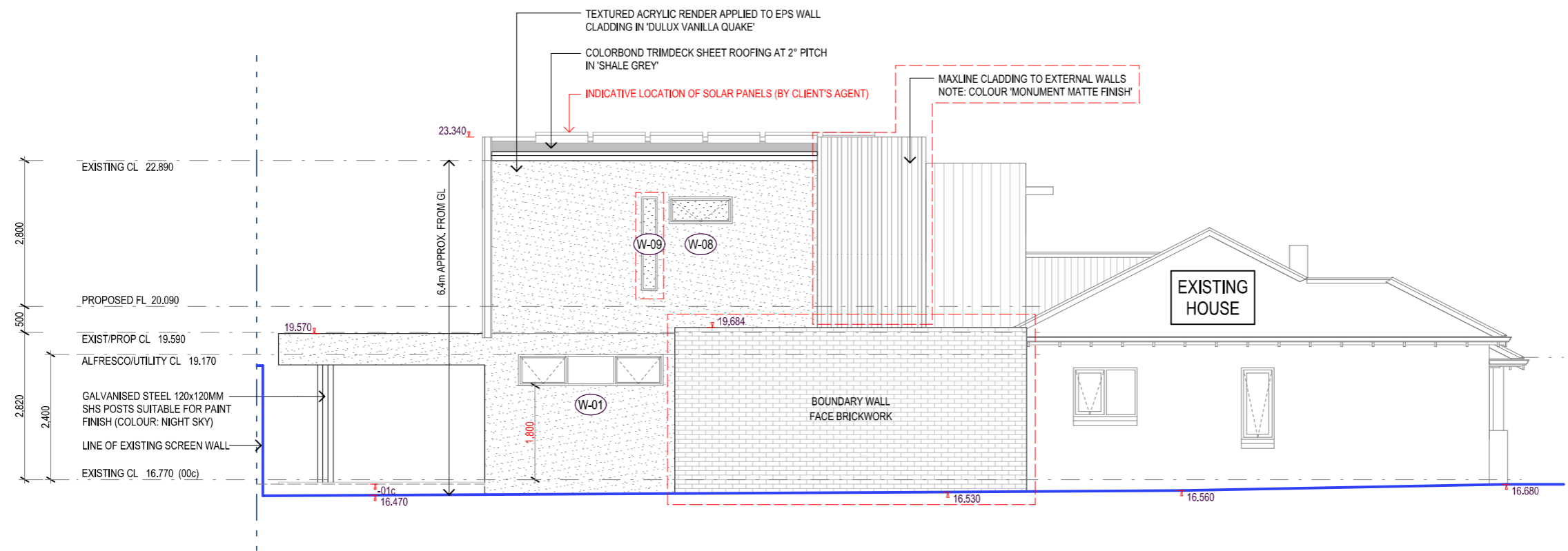
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**1 East Elevation**  
1:100



**2 South Elevation**  
1:100

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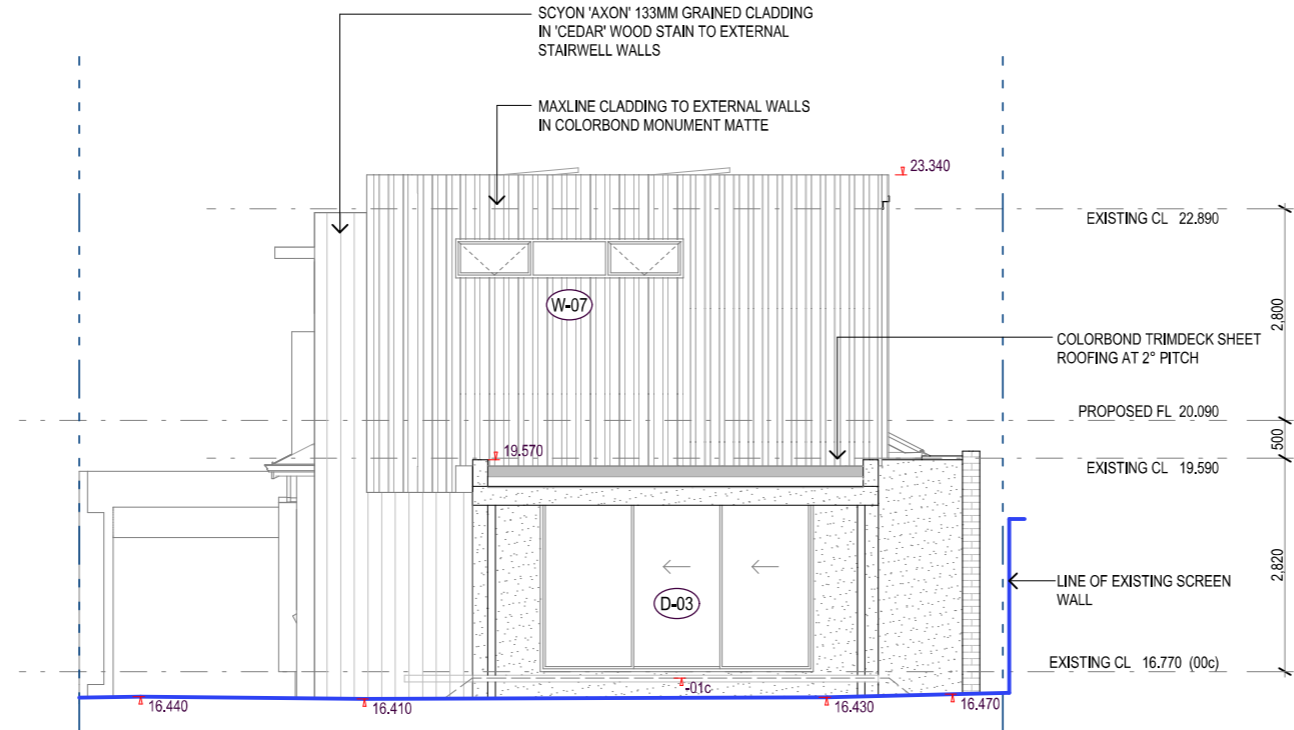
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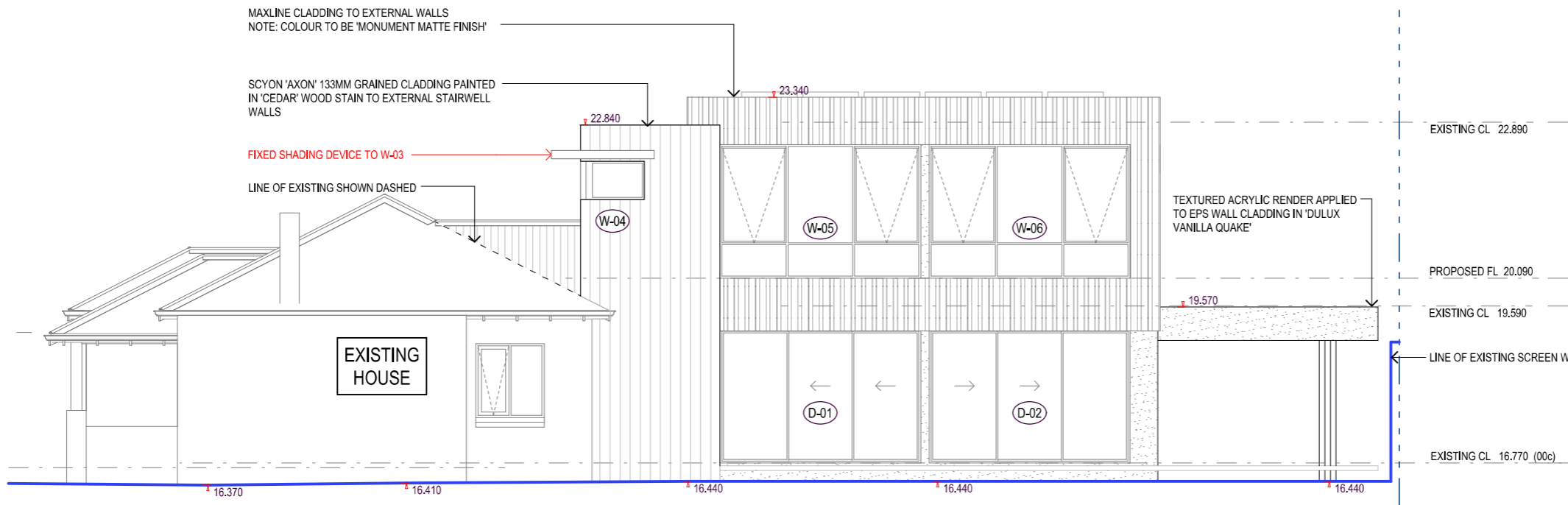
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**3 West Elevation**  
 1:100



**4 North Elevation**  
 1:100

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## Summary of Submissions:

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

Comments Received in Objection:	Applicant Comment:
<p><u>Open Space</u></p> <ul style="list-style-type: none"> <li>The lack of open space reduces the ability for future landscaping and planting</li> </ul>	<ul style="list-style-type: none"> <li>Site coverage is compliant with R-codes and LPS.</li> <li>Tree planting proposed along Northern boundary, as well as within front setback.</li> <li>Proposal achieves over 60% open space, that is 15% more than the minimum 45% required by the Residential Codes of WA, Table 1.</li> </ul>
<p><u>Lot Boundary Setbacks</u></p> <ul style="list-style-type: none"> <li>The building bulk of the development encroaches onto other properties</li> <li>The two-storey box design is significantly imposing to single story homes adjacent</li> <li>The reduced setbacks result in loss of sunlight to adjoining properties as well as reduced ventilation</li> <li>The reduced setbacks affect the outlook from the neighbouring backyards and windows</li> <li>Boundary wall heights will provide building bulk impacts to adjoining properties and reduce sunlight</li> <li>The reduced setbacks will set a negative precedence for future developments in the area.</li> </ul>	<ul style="list-style-type: none"> <li>South-elevation has been amended with increased setback and more articulation following comments from DRP chair and meeting with Scout Walsh.</li> <li>As demonstrated on shadow diagram, existing boundary wall on adjoining lot 116 already overshadows the courtyard.</li> <li>Height and setback of the 2-storey element are compliant.</li> <li>The element that constitutes "reduced setback" only refers to the lower portion of the wall, which is almost completely screened by the boundary wall on the adjoining lot. The upper floor portion is fully compliant. This is outlined and discussed in the letter of justification included in our initial submission.</li> <li>Please refer to shadow diagram and photographs included on the last few pages.</li> </ul>
<p><u>Noise &amp; Odour</u></p> <ul style="list-style-type: none"> <li>Concerns relating to increased noise due to AC locations which is adjacent to bedrooms and alfresco areas.</li> <li>Concerns relating to range hood emissions to adjoining properties</li> <li>Location of alfresco in close proximity to adjoining properties will impact noise and amenity of adjacent areas.</li> </ul>	<ul style="list-style-type: none"> <li>Air-con/HVAC is not within applicant's scope of works. External unit may be roof-mounted or located closer to the front of the dwelling, away from bedrooms/areas of concern. Commenter is welcome to discuss with landowner.</li> <li>Location of proposed new kitchen is not unusual. Range hood emission will be discharged in the conventional manner i.e. through the roof (not at door/window level), into the atmosphere above. Unfortunately we have no control over wind directions and the fate of said emission once expelled.</li> <li>Nothing in our proposal contravenes the current health regulations/by-laws.</li> </ul>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> <li>There is insufficient landscaping provided and minimal trees</li> <li>Landscaping is under the 30% canopy cover requirement</li> <li>Location of additions will damage adjoining properties existing trees and gardens that have existed for a long time.</li> <li>The landscaping provided does not provide a sense of open space</li> </ul>	<ul style="list-style-type: none"> <li>Additional tree planting proposed. There is currently zero tree on site.</li> <li>Most dwellings do not meet this 30% canopy cover requirement. We are showing genuine and reasonable attempt at increasing it from its current state.</li> <li>Unclear and doubtful how location of additions will damage trees on the adjoining properties. Footings will be constructed to engineer's detail and contained wholly within the lot.</li> <li>Proposed addition set back significantly from the street and located behind</li> </ul>

## Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p>between dwellings</p>	<p>existing dwelling. maintaining 'traditional' streetscape and preserving the "sense of open space".</p>
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> <li>• The development encroaches on the neighbouring properties privacy</li> <li>• Overlooking proposed from UF windows to adjoining properties rear yards. Request these windows are frosted</li> </ul>	<ul style="list-style-type: none"> <li>- All major openings are sufficiently set back and compliant in terms of privacy/overlooking requirement as per the R-Codes (4.5m for bedrooms and study/office). There is no need for visual screening and/or obscure glazing in this instance. Commenters' request for frosted glazing will not be accommodated.</li> </ul>
<p><u>Overshadowing</u></p> <ul style="list-style-type: none"> <li>• Concerns relating to overshadowing from boundary walls and reduced setbacks</li> <li>• Shadowing to the southern property will significant impact natural northern light in winter months</li> <li>• Concerns relating to lawn and plant growth due to vast shadowing proposed</li> <li>• Shadowing to adjoining properties will increase damp and moss/mould build-up</li> <li>• Concerns relating to solar power generation due to shadowing. Results in ongoing power loss and financial burden.</li> </ul>	<ul style="list-style-type: none"> <li>- Boundary wall is already in place, wholly contained within adjoining lot and extent of existing overshadowing demonstrated on shadow diagram.</li> <li>- Again, no "reduced setback" proposed regarding the element of the proposal responsible for potential overshadowing. Upper floor has been moved further from the South boundary to ameliorate overshadowing.</li> <li>- Additional shadow cast by proposed addition falls mainly over roof of the dwelling on adjoining lot.</li> <li>- There is sufficient roof area on adjoining dwelling unaffected by proposed addition in terms of overshadowing. Also noted as per 18 January 2023 there are no solar panels on the roof of adjoining dwelling. "Ongoing power loss and financial burden" is purely speculative and conjectural.</li> </ul>
<p><u>Design</u></p> <ul style="list-style-type: none"> <li>• The shipping box design and black colour of the development is inconsistent with the character of the street and surrounding area and will significantly impact the street and adjoining properties</li> <li>• The box design of the additions is not appealing to look at</li> <li>• The style is taking away from the federation style of Mt Hawthorn.</li> <li>• Design of the development provides an adverse precedence to the area and encourages "concrete jungle"</li> <li>• The black colour of the development will loom over adjoining properties.</li> </ul>	<ul style="list-style-type: none"> <li>- Contrasting a traditional dwelling with a modern/contemporary addition is not an uncommon approach and respects the integrity and character of what's currently in place. It is the standard practice when dealing with heritage-listed building fabric as it is important to distinguish original/significant elements from a latter-day addition. Doing a 'mock heritage' addition would devalue the original home as dwellings of such scale in such setting would be highly unusual in the 1940s.</li> <li>- 'Not appealing to look at' is highly subjective. While we do not claim to be arbiter of taste, we are well-regarded within the construction industry, being the most award-winning renovation builder in WA.</li> <li>- Appearance of original dwelling, including the main roof line is preserved. We recognise the character of the locality and opted to respect the original built form by not proposing to build over the original house.</li> <li>- The black metal cladding only appears on elevations that are set back from the boundary and not "loom over adjoining properties". On the South elevation, external walls would mostly be rendered in Dulux 'Vanilla Quake', a soft, warm neutral.</li> </ul>

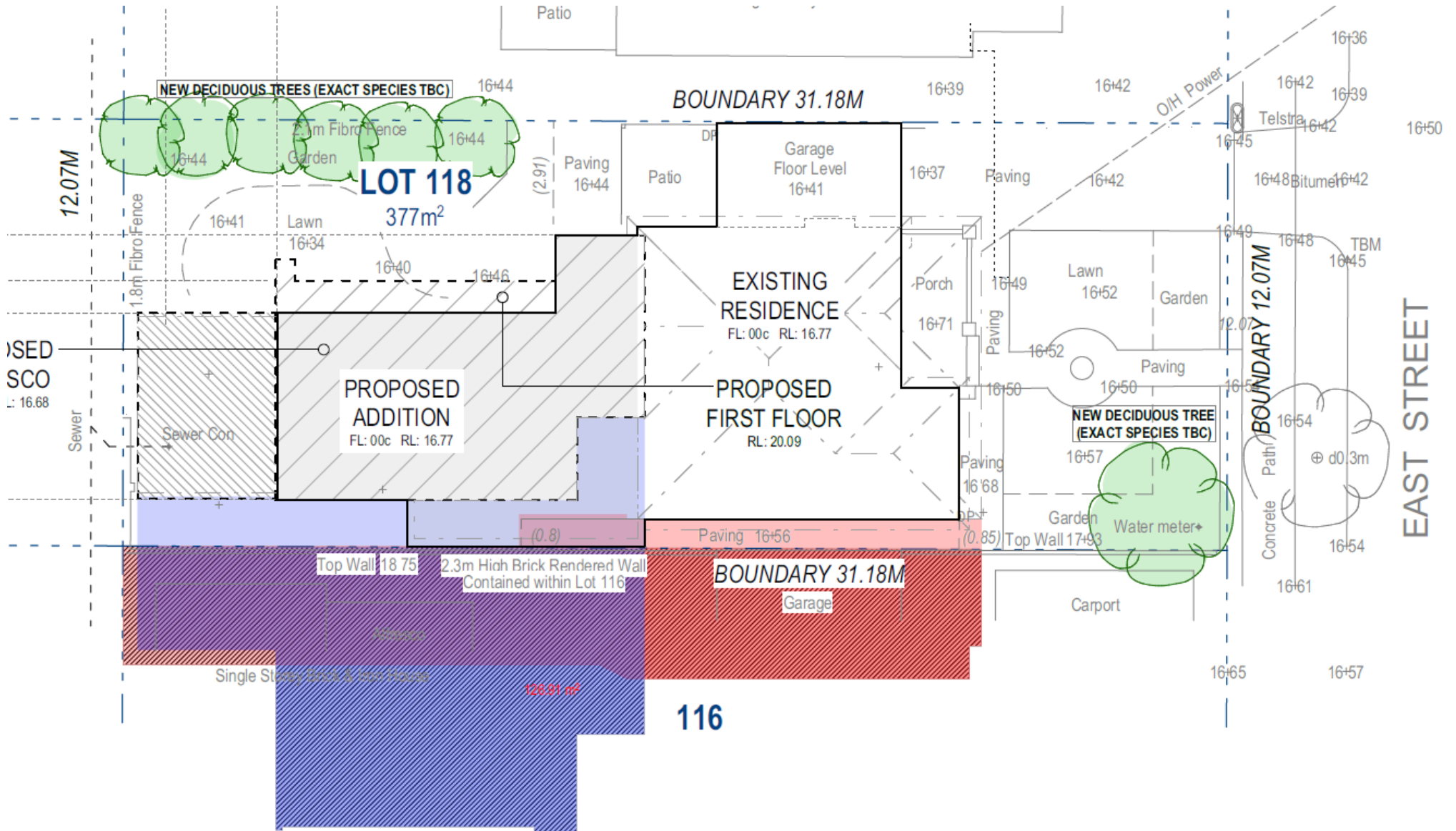
## Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p data-bbox="107 210 376 236"><u>Environmental Design</u></p> <ul data-bbox="107 274 1012 523" style="list-style-type: none"><li data-bbox="107 274 1012 331">• The black colour of the additions are not environmentally sustainable and would require more cooling</li><li data-bbox="107 338 1012 395">• Concerns regarding radiation of heat due to colour and scale of the additions.</li><li data-bbox="107 402 1012 459">• Concerns relating to radiation of heat and reflection due to mass of structure in summer months</li><li data-bbox="107 466 1012 491">• The black box will provide more urban heat than near any other design.</li><li data-bbox="107 497 1012 523">• The development will have a negative thermal performance.</li></ul>	<ul data-bbox="1093 242 2101 545" style="list-style-type: none"><li data-bbox="1093 242 2101 386">- Proposed addition will be subject to 6-star energy efficiency rating, and has been designed to leverage the northern aspect by means of North-facing openings, and minimal opening to the South and West. Metal cladding on framed structure has little thermal mass in comparison to masonry or concrete which will retain, reflect and radiate heat.</li><li data-bbox="1093 392 2101 545">- White cladding would create more glare and reflection onto neighbouring houses. Other local government bodies e.g. Town of Cambridge prohibit light-coloured roof/ cladding for this reason. While, on the surface, white/surfmist seem an ideal choice for thermal performance, its impact on the amenity of neighbouring dwelling is potentially greater.</li></ul>
<p data-bbox="107 561 197 587"><u>Fence</u></p> <ul data-bbox="107 625 922 683" style="list-style-type: none"><li data-bbox="107 625 922 683">• Concerns regarding the removal of dividing fences and financial implications of this for neighbouring properties</li></ul>	<ul data-bbox="1093 593 2101 737" style="list-style-type: none"><li data-bbox="1093 593 2101 737">- Portion of fence removed will be replaced by boundary wall, finished in either cement render or face brickwork to adjoining landowner's preference/satisfaction. Builder will make good dividing fence affected by works. Should landowner and neighbour choose to upgrade the existing fencing, any financial implication will be in accordance with Dividing Fence Act 1961.</li></ul>

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



**Summary of Submissions:**



Site plan/shadow diagram. Orange shading indicates existing overshadowing, predominantly caused by 2.3m high brick rendered wall contained within Lot 116. Proposed overshadowing in blue shows it'll mostly overlap with existing shadow, or cast over the roof of adjoining dwelling on Lot 116.

**Summary of Submissions:**



Existing 2.3m rendered brick boundary wall on Lot 11 -note the height in relation to top of doors/windows.

With this wall in place, it makes no perceptible difference whether the South-facing wall to proposed family room is set back 1.3m (proposed) or 1.5m (compliant) when viewed from adjoining lot. This is also discussed in the justification letter included in initial submission.

We feel some of the received comments focused on the “reduced setback” aspect of the variation without proper understanding that the proposed South-facing wall when viewed in its entirety is compliant.

Moreover, the setback to South boundary has been increased as reflected in the amended plans following meeting with Scout Walsh and subsequent RFI receipt.

Thank you for the opportunity to respond to the received submissions, and kindly contact the undersigned if further response/information is required.

Yours sincerely,

Anthony Pratama  
Addstyle Constructions

## Summary of Submissions:

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

Comments Received in Objection:	Administration's Comment:
<p><u>Open Space</u></p> <p>The lack of open space reduces the ability for future landscaping and planting.</p>	<p>The development proposes 57 percent open space which would exceed the minimum of 35 percent under the deemed-to-comply standards of the R Codes. This means that discretion is not being sought for this planning element.</p> <p>Deep soil and planting areas are provided within these open space areas that would enable future landscaping and planting opportunities, including five additional trees to the northern lot boundary, a tree within the front setback area and bamboo planting to the southern lot boundary.</p>
<p><u>Lot Boundary Setbacks</u></p> <ul style="list-style-type: none"> <li>• The building bulk of the development encroaches onto other properties.</li> <li>• The two-storey box design is significantly imposing to single story homes adjacent.</li> <li>• The reduced setbacks result in loss of sunlight to adjoining properties as well as reduced ventilation.</li> <li>• The reduced setbacks affect the outlook from the neighbouring backyards and windows.</li> <li>• Boundary wall heights will provide building bulk impacts to adjoining properties and reduce sunlight.</li> <li>• The reduced setbacks will set a negative precedence for future developments in the area.</li> </ul>	<ul style="list-style-type: none"> <li>• The scale, height and form of the proposed development is consistent with that of a R30 coded site that has a two-storey height standard under the Built Form Policy and which applies to the subject site and surrounding properties.</li> <li>• The proposed addition has been designed to incorporate contrasting colours and materials, and articulation provided through varying wall setbacks and openings to assist in reducing building bulk as it presents to adjoining properties and the street.</li> <li>• The ground floor wall of the southern elevation includes a family room wall and alfresco that is setback 1.4 metres in lieu of the 1.5 metre deemed-to-comply standard. This portion of wall would meet the deemed-to-comply building height and overshadowing, with its shadow cast entirely within the shadow that results from an existing 2.3 metre high wall on the boundary of the adjoining property. The majority of this portion of wall would also be obscured by the existing 2.3 metre high boundary wall on the adjoining property.</li> <li>• The ground floor wall that does not meet the deemed-to-comply standard incorporates varying colours and materials, and articulation through varying wall setbacks and openings to assist in reducing building bulk.</li> <li>• The proposed boundary wall to the southern lot boundary satisfies the deemed-to-comply standards.</li> <li>• Future development proposals are required to be assessed on their own merits against the applicable planning framework through the development application process.</li> </ul>

**Summary of Submissions:**

Comments Received in Objection:	Administration's Comment:
<p><u>Noise &amp; Odour</u></p> <ul style="list-style-type: none"> <li>Concerns relating to increased noise due to AC locations which is adjacent to bedrooms and alfresco areas.</li> <li>Concerns relating to range hood emissions to adjoining properties.</li> <li>Location of alfresco in close proximity to adjoining properties will impact noise and amenity of adjacent areas.</li> </ul>	<ul style="list-style-type: none"> <li>The location of any future air conditioning units has not been provided by the applicant. The location of any future air conditioning units would be required to comply with the standards of the City's Built Form Policy for air conditioning fixtures for single houses to be placed at the rear of the ground floor below the existing fence line.</li> <li>Odour can only be assessed by the City's Environmental Health Officers in consideration of a nuisance when the development has been constructed and should odour become an issue. Administration has no reason to believe that the proposed addition to a single house would result in an amenity impact by odour emission.</li> <li>All properties are required to maintain ongoing compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> which includes the location and noise associated with air conditioning units and outdoor living areas.</li> </ul>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> <li>There is insufficient landscaping provided and minimal trees.</li> <li>Landscaping is under the 30% canopy cover requirement.</li> <li>Location of additions will damage adjoining properties existing trees and gardens that have existed for a long time.</li> <li>The landscaping provided does not provide a sense of open space between dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>Six (6) trees are proposed to the northern lot boundary and the street setback area. Bamboo planting along the southern lot boundary would be provided in addition to existing smaller plantings. This landscaping would make an effective contribution to the landscaping outcome and canopy coverage on site.</li> <li>15.6 percent of the subject site as canopy coverage at maturity, noting that the City's Built Form Policy deemed-to-comply standard of 30 percent has not been approved by the Western Australian Planning Commission and are given regard only.</li> <li>All works are contained wholly within the lot boundaries to ensure there is no impact on adjoining properties.</li> <li>The landscaping outcome together with 57 percent open space which would exceed the minimum of 45 percent under the deemed-to-comply standards of the R Codes would ensure a sense of space between dwellings. The additional tree planting and canopy cover is appropriate and would be commensurate with the nature of the proposal which is an addition to an existing single house. This would provide for tree planting opportunities around the existing dwelling.</li> </ul>

## Summary of Submissions:

Comments Received in Objection:	Administration's Comment:
<ul style="list-style-type: none"> <li>Erosion issues, lack of mature landscapes and grassed areas leads to increased pollution and sedimentation in rivers and streams. Erosion also destroys fertile land and leads to more flooding. Landscaping, especially grass and shrubs, hold the soil together with their roots.</li> <li>Mature trees and landscaping assist in air purification which will be affected.</li> <li>Without mature coverage of 30 percent, the natural cooling properties and shade opportunities in the summer are eliminated and discourages natural wildlife and ecosystems.</li> </ul>	<ul style="list-style-type: none"> <li>The development proposes to maintain the existing grassed areas in the front setback area and is proposing deep soil throughout the site in excess of the requirements of the Built Form Policy which would be landscaped. The subject site is within an urban location and is not in proximity to rivers and streams.</li> <li>Landscaping and mature trees assist in improving air quality. The subject site does not include any large mature trees that are being removed. The proposal includes the provision of six trees on-site.</li> <li>The proposed landscaping would provide 15.6 percent canopy coverage, in addition to other soft landscaping on-site. The landscaping would contribute to the creation of microclimates which would support the reduction in the urban heat island effect and provide habitat for wildlife.</li> </ul>
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> <li>The development encroaches on the neighbouring properties privacy.</li> <li>Overlooking proposed from upper floor windows to adjoining properties rear yards. Request these windows are frosted.</li> </ul>	<ul style="list-style-type: none"> <li>The development proposes setbacks for major openings on the upper floor which meet the deemed-to-comply standards of the R Codes. This means that they are not subject to Council's discretion and are not required to be treated/obscured.</li> <li>The applicant has proposed five 'Magnolia Little Gem' trees on the northern side boundary which would assist in providing visual screening to the north facing upper floor major openings. The 'Magnolia Little Gem' is a commonly used tree species to provide visual screening due to its dense foliage and fast growing nature.</li> </ul>
<p><u>Overshadowing</u></p> <ul style="list-style-type: none"> <li>Concerns relating to overshadowing from boundary walls and reduced setbacks.</li> <li>Shadowing to the southern property will significant impact natural northern light in winter months.</li> <li>Concerns relating to lawn and plant growth due to vast shadowing proposed.</li> <li>Shadowing to adjoining properties will increase damp and moss/mould build-up.</li> <li>Concerns relating to solar power generation due to shadowing. Results in ongoing power loss and financial burden.</li> </ul>	<ul style="list-style-type: none"> <li>The overshadowing of the southern adjoining property that would result from the proposed development would satisfy the deemed-to-comply standards of the R Codes and is not subject to discretion.</li> <li>The shadow cast from the ground floor family room wall that is setback 1.4 metres in lieu of the deemed-to-comply 1.5 metres would fall entirely within the shadow already cast by the existing 2.3 metre high wall on the northern boundary of the adjoining property.</li> <li>The overshadowing assessment reflects a 'worst case scenario' at winter solstice (midday 21 June). Adjoining properties would retain access to direct sunlight for portions of the day.</li> <li>No solar panels are present on the properties to the south of the subject site and shadow would be cast to its southern aspect and would not impact on any future ability to install solar panels to take advantage of the northern aspect.</li> </ul>

## Summary of Submissions:

Comments Received in Objection:	Administration's Comment:
<p><u>Design</u></p> <ul style="list-style-type: none"> <li>The shipping box design and black colour of the development is inconsistent with the character of the street and surrounding area and will significantly impact the street and adjoining properties.</li> <li>The box design of the additions is not appealing to look at.</li> <li>The style is taking away from the federation style of Mt Hawthorn.</li> <li>Design of the development provides an adverse precedence to the area and encourages "concrete jungle".</li> <li>The black colour of the development will loom over adjoining properties.</li> <li>Decreases street aesthetic and value of properties.</li> </ul>	<ul style="list-style-type: none"> <li>The design of the proposed development is supported by the City's Design Review Panel (DRP) Chairperson. The DRP Chairperson noted that the development provides high quality materials with a sense of depth and texture to them.</li> <li>The DRP Chairperson also noted that a contemporary rear addition to a character house is a commonly recognised approach, visually representing the time periods in which both elements were constructed rather than trying to replicate the style of the character house.</li> <li>The upper level massing of the proposed development is located at the rear of the site reducing the visual impact on the streetscape.</li> <li>The development mitigates the impact of building bulk from adjoining properties through the variation of colours and materials. The DRP Chairperson noted that the 'Monument' cladding provides contrast to the design which is supported from an architectural perspective.</li> <li>Property values are not a relevant consideration under the planning framework.</li> </ul>
<p><u>Environmentally Sustainable Design</u></p> <ul style="list-style-type: none"> <li>The black colour of the additions are not environmentally sustainable and would require more cooling.</li> <li>Concerns regarding radiation of heat due to colour and scale of the additions.</li> <li>Concerns relating to radiation of heat and reflection due to mass of structure in summer months.</li> <li>The black box will provide more urban heat than any other design.</li> <li>The development will have a negative thermal performance.</li> </ul>	<ul style="list-style-type: none"> <li>The upper floor would be framed construction with reduced thermal mass, which would limit the potential to radiate heat to adjoining properties.</li> <li>The roof sheeting proposed is 'Shale Grey' in colour which has a solar absorption rating consistent with the standards of the City's Built Form Policy.</li> <li>The proposed development incorporates a mix of colours and materials including face brickwork, painted render and wood finish cladding. The extent of use of the 'Monument' colour is acceptable in considering the sustainability of the proposed addition in its entirety, noting that the Built Form Policy in itself does not prohibit the use of this colour for wall cladding. The DRP Chairperson also commented that a lighter colour cladding would have the potential to create more glare to adjoining property owners than the 'Monument' colour proposed.</li> </ul>
<p><u>Dividing Fence</u></p> <p>Concerns regarding the removal of dividing fences and financial implications of this for neighbouring properties.</p>	<p>Dividing fences are a civil matter to be resolved between the affected parties and governed by the <i>Dividing Fences Act 1961</i>. Dividing fences are not dealt with under the planning framework and no modifications to dividing fences are being considered as part of this application.</p>

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 two 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. 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.
6. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
7. NO verge trees shall be removed. The verge trees shall be RETAINED and PROTECTED from any damage including unauthorised pruning.
8. An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to the commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
9. 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.
10. 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.
11. All stormwater 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 stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.