

5.5	LATE REPORT: NO. 131 (LOT 282; D/P: 2503) COOGEE STREET, MOUNT HAWTHORN - PROPOSED CARPORT AND AWNING ADDITION TO SINGLE HOUSE
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TRIM Ref: D18/38606
Author: Alice Harford, Senior Urban Planner
Authoriser: John Corbellini, Director Development Services
Ward: South
Precinct: 10 – Norfolk
Attachments:

1. Attachment 1 - Consultation and Location Map
2. Attachment 2 - Proposed Development Plans
3. Attachment 3 - Determination Advice Notes
4. Attachment 4 - Previously Considered Plans

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for a proposed carport and awning addition to a single house at No. 131 (Lot: 282; D/P: 2503) Coogee Street, Mount Hawthorn, in accordance with the plans included as Attachment 2 subject to the following conditions, with the associated determination advice notes in Attachment 3:

1. This approval is for the proposed Carport Addition to Single House only, as shown on the plans dated 19 March 2018. No other development forms part of this approval;
2. The proposed bullnose awning does not form part of this development approval;
3. No verge trees shall be removed without the prior written approval of the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the full satisfaction of the City;
4. All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City; and
5. The carport door/gate shall not exceed 1.2 metres in height and shall be a minimum of 50 percent visually permeable in accordance with Clause 5.2.1 of the Residential Design Codes.

PURPOSE OF REPORT:

To consider an application for development approval for a carport and awning addition to a single house at No. 131 Coogee Street, Mount Hawthorn (subject site).

BACKGROUND:

Landowner:	Arondina Van Der Feltz
Applicant:	Ric Van Der Feltz
Date of Application:	10 January 2018
Zoning:	MRS: Urban TPS1: Zone: Residential R Code: R30 TPS2: Zone: Residential R Code: R30
Built Form Area:	Residential
Existing Land Use:	Single House
Proposed Use Class:	Single House
Lot Area:	488m ²
Right of Way (ROW):	Yes
Heritage List:	No

The subject site is located on the western side of Coogee Street, Mount Hawthorn, between Ellesmere Street and Woodstock Street. The location of the subject site is included as **Attachment 1**. The site and adjoining properties are zoned Residential and are serviced by a right-of-way to the rear.

The application proposes a single vehicle carport located within the street setback area and setback 1.2 metres from the southern lot boundary, as well as the addition of a 2.5 metre deep bullnose awning located on the northern side of the dwelling that will replace the existing tile awning in this location. The development plans are included as **Attachment 2**.

The site currently has vehicle access to the existing single house from the right of way to the western boundary. There is no existing crossover that provides access to the site from Coogee Street.

The property has an 11.3 metre frontage to Coogee Street. A significant verge tree is located within the adjoining verge and the trunk of this tree trunk sits approximately four metres from the northern boundary and seven metres from the southern boundary. The verge tree is a mature Weeping Peppermint, estimated to be around 60 years old.

The City has previously considered applications on the subject lot as follows:

1. On 18 October 2016, Council resolved to refuse an application for a carport within the front setback area and located 0.5m from the northern lot boundary (ref: 5.2016.124.1). The reasons for refusal were as follows:
 - a. *Due to the proposed location of the carport, the development is not capable of providing a crossover with a minimum width of 3 metres (Australian Standards AS2890.1); and*
 - b. *Due to the proposed location of the crossover, the development is likely to impact the long-term health of the existing well established mature "Weeping Peppermint Tree", and potentially resulting in the tree having to be removed.*

Following refusal of this development application by Council, the applicant sought review of Council's decision by the State Administrative Tribunal (SAT). On 2 March 2017, the SAT made a determination to affirm the City's refusal of the development approval on the basis of the following:

- a. The proposed carport would not reduce the impact of access points on the streetscape or minimise crossovers to the primary street;
- b. The carport would intrude on sightlines along the street and partially obstruct views of the dwelling from the street and with the removal of the awning over the window of the front room involves a removal of a design element which makes some contribution to the streetscape; and
- c. The width of the crossover is likely to have an adverse impact on the health of the existing tree.

On 23 March 2017, the applicant lodged a development application (5.2017.100.1) for the same development as previously refused by Council and SAT. On 26 May 2017, the City refused this application under delegated authority.

Following refusal of this development application by the City, the applicant again sought review of the decision by the SAT. On 3 November 2017, the SAT decided to dismiss the application for review as an abuse of process.

See **Attachment 4** for the development plans previously considered by Council and the SAT.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 (TPS1), the City's Policy No. 7.1.1 – Built Form (Policy No. 7.1.1) and the State Government's Residential Design Codes (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	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Lot Boundary Setbacks		✓
Street Setbacks		✓
Setbacks of Garages and Carports		✓
Vehicular Access		✓

Detailed Assessment

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

Lot Boundary Setbacks	
Deemed-to-Comply Standard	Proposal
Residential Design Codes – Clause 5.1.3 Carport required to be setback 1.5m from the southern lot boundary.	Carport setback 1.2m from the southern lot boundary.
Street Setbacks and Setbacks of Garages and Carports	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1 – Built Form – Clause 5.7 Residential Design Codes – Clause 5.2.1 Carport street setback is to be the average of the five properties adjoining the development. <ul style="list-style-type: none"> Average = 6.8m Carport setback can be reduced by up to 50% (minimum of 3.4m) provided that the area of the building intruding in to the street setback area is compensated for by at least an equal area of open space between the setback line and a line drawn parallel to it at twice the setback distance.	Carport setback 1m from the primary street boundary.
Vehicular Access	
Deemed-to-Comply Standard	Proposal
Residential Design Codes – Clause 5.3.5 Access to on-site car parking spaces is to be provided from a right of way where available.	Access to carport is proposed to be provided from Coogee Street.
Street Setback	
Deemed-to-Comply Standard	Proposal
Policy No. 7.1.1 – Built Form – Clause 5.2 Residential Design Codes – Clause 5.1.2 Awnings street setback – 5.8m Awning maximum width – 2.2m	Bullnose awning street setback – 5m Bullnose Awning maximum width – 4.1m

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

CONSULTATION/ADVERTISING:

The application was advertised for a period of 14 days in accordance with the *Planning and development (Local Planning Scheme) Regulations 2015*, from 9 February 2018 to 22 February 2018. The method of advertising included advertising the proposal on the City's website and 11 letters being mailed to owners and occupiers within close proximity to the subject site as shown in **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

During the advertising period there was one submission of support received.

Design Advisory Committee (DAC):

Referred to DAC: No

LEGAL/POLICY:

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

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

Delegation to Determine Applications:

This matter is being referred to Council for determination as the application for a carport addition at the subject property is a matter that has previously been considered and refused by Council.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

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

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:Lot Boundary Setbacks

The proposal seeks approval for a 1.2 metre setback to the southern lot boundary in lieu of the 1.5 metres set under the deemed-to-comply standards of Clause 5.1.3 of the R-Codes.

The setback of 1.2 metres is considered acceptable and meets the design principles of Clause 5.1.3 of the R-Codes and Clause 5.3 of Policy No. 7.1.1 for the following reasons:

- The carport is a single storey open structure and on this basis will not create impacts of building bulk on the adjoining property. This is confirmed by the R-Codes Explanatory Guidelines which indicates single storey buildings are usually not problematic in terms of impact on adjoining properties. The City did not receive any objections from the adjoining property to the setback proposed;
- As the carport is an open structure, it will not impact on the ability for the adjoining property to gain access to direct sun and ventilation to the building and open spaces; and
- The carport is not a habitable space and as such will not create any issues with regard to visual privacy or overlooking.

Setbacks of Garages and Carports

The proposal seeks approval for a 1 metre setback to the Coogee Street boundary in lieu of the minimum 3.4 metres required under the deemed-to-comply standards of Clause 5.2.1 of the R-Codes and Clause 5.7 of Policy No. 7.1.1.

The street setback of the proposed carport is considered to meet the corresponding design principles of the R-Codes and Policy No. 7.1.1 for the following reasons:

- The carport is fully open on the southern and northern boundary sides and open above 1.2 metres in height fronting the street. On this basis, clear sightlines will be maintained along the street;
- The door/gate to the carport is open above 1.2 metres in height and indicated to be 50 percent visually permeable. On this basis, the proposed carport will not obstruct views of the dwelling from the street or views of the street from the dwelling. A condition of approval is also recommended in order to ensure that the carport door is constructed no higher than the existing picket fence and to be a minimum of 50 percent visually permeable; and
- The carport is considered to preserve and enhance the visual character of the streetscape for the following reasons:
 - The carport is proposed to be constructed in materials which match those of the existing dwelling on the site;
 - Within the existing streetscape in close proximity to the subject site (consists of 33 dwellings) there are currently two carports and two garages located within the street setback area and one carport which is located behind the street setback area. The two carports located within the street setback area are the two adjoining properties to the north of the subject site. It is considered that on the basis of the existing carports and garages in close proximity to the subject, the addition of the proposed carport would not be inconsistent or detract from the existing streetscape; and
 - The existing street trees and vegetation within Coogee Street, are the dominating features of the streetscape and act as screening to parts of the development on properties along the street. The existing street tree located in the verge adjoining the subject site has a large, healthy leaf canopy and branch structure which will act as an element of screening of the proposed carport and remain the dominant feature of the property when viewing it from the street.

Vehicular Access

The proposal seeks access from Coogee Street in lieu of the rear right of way set as a deemed-to-comply standard under Clause 5.3.5 of the R-Codes.

The vehicular access from Coogee Street is considered to meet the corresponding design principles of the R-Codes for the following reasons:

- The location of the driveway, setback of the carport and proposed visually permeable carport door provides that there are adequate sightlines for cars exiting the property to ensure safety for pedestrians and vehicles;
- There are currently 11 dwellings of the 33 within immediate proximity to the subject site which gain access to their dwellings via a crossover on Coogee Street. It is considered that the addition of one more crossover with the minimum width of 3 metres where it meets the kerb will not create an increased impact on crossovers to the street; and
- As noted within the discussion for the Setbacks of Garages and Carports above, the existing street trees and vegetation within the street act as the dominating feature of the street and reduce the dominance of the crossovers and carports/garages on the streetscape.

Bullnose Awning

In addition to the proposed carport, the application is proposing the removal of an existing awning (approximately 0.5 metres deep and 3 metres wide) with a bullnose awning of 2.5 metres deep and 4.1 metres wide. The applicant has noted the reasons for removal of the existing awning and replacement with the bullnose awning as follows

- The existing awning is in a poor condition;
- The bullnose awning will match the house; and
- The bullnose awning will keep the weather off the existing lead light window and reduce the early morning sun penetrating through to the bedroom.

Policy No. 7.1.1 and the R-Codes permit the awning to project no more than 1 metre in to the street setback area provided that the total width of the projection does not exceed more than 20 percent of the frontage of the lot. On this basis, the awning is permitted to be setback a minimum of 5.8 metres from the street boundary provided it has a width of no more than 2.2 metres. The proposed awning is setback 5 metres from the street boundary with a width of 4.1 metres and as such does not meet the deemed-to-comply standards of Clause 5.1.2 of the R-Codes and Clause 5.2 of Policy No. 7.1.1. On this basis, the proposed setback of the bullnose awning is required to be considered against the corresponding design principles.

The proposed awning is not considered to meet the design principles of the R-Codes and Policy No. 7.1.1 for the following reasons:

- The proposed carport and bullnose awning will result in the removal of the existing tiled verandah roof and tiled awning located on the southern and northern side of the dwelling. These are considered to be significant design elements of the existing dwelling which contribute to the character of the established streetscape. In the SAT decision on the previous carport application for this site, the SAT noted that the removal of the existing awning over the window of the front room involves a removal of a design element which makes some contribution to the streetscape and cited this as one of the reasons for refusal;
- The materials used for the bullnose awning are not consistent with the materials of the existing dwelling or the dwellings of a similar type and character within the surrounding streetscape. As such, the bullnose awning is considered to detract from the character of both the dwelling and established streetscape; and
- The addition of both the bullnose awning and the proposed carport bring the street setbacks of the buildings to 1 metre and 5 metres in lieu of the 6.8 metre average that is maintained by the adjoining five dwellings. This creates an area of intrusion into the required street setback area of 36 square metres which is considered excessive. Should the existing tiled awning remain on-site, it will create a significant area of open space and landscaping adjoining the proposed carport which will reduce the scale and bulk of the development on the subject site as well maintaining a consistent street setback of the northern portion of the dwelling with the surrounding properties.

Administration agrees that the awning located on the northern side of the dwelling is a design feature that makes some contribution to the street and the removal and replacement of this awning with a larger bullnose awning that is not consistent with the character of the dwelling and intrudes into the only open space area in the front setback is not supported.

Verge Tree

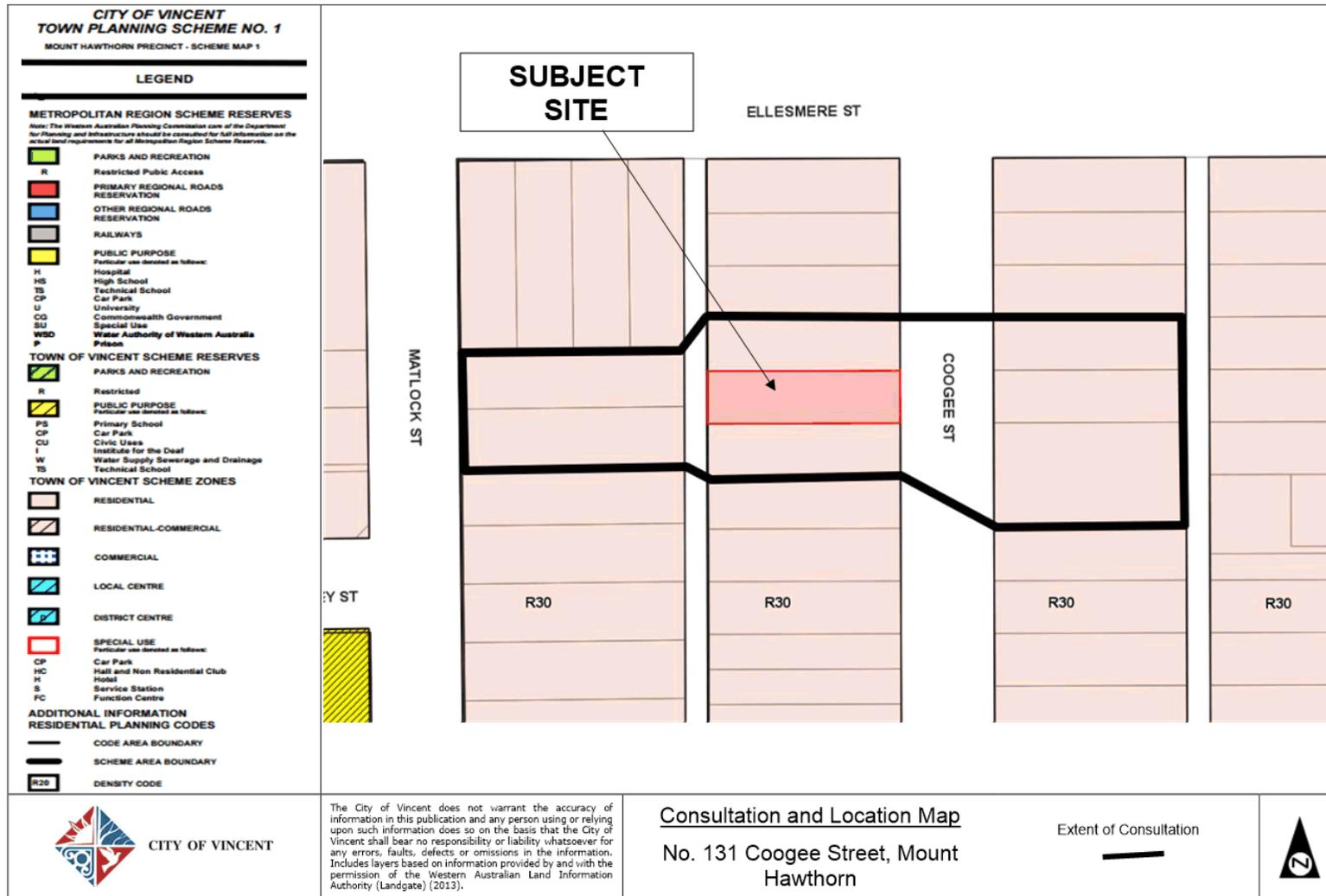
The refusal of the previous carport application was partly on the basis of the impact the proposed crossover would have on the health of the existing verge tree. The carport and crossover have been relocated as part of this application to the southern side of the lot. The crossover is now located 2.5 metres from the base of the existing verge tree. The City's Policy No. 2.2.4 – Verge Treatments, Plantings and Beautification, requires a minimum clearance of 0.5 metre to any existing tree in the verge and where an existing tree will be within 1.5 metres of a proposed crossover, advice shall be obtained on the future size of tree and the advisability of it being retained. On the basis of the above, the clearance of 2.5 metres between the proposed crossover and the base of the existing verge tree is considered sufficient to ensure the health of the tree.

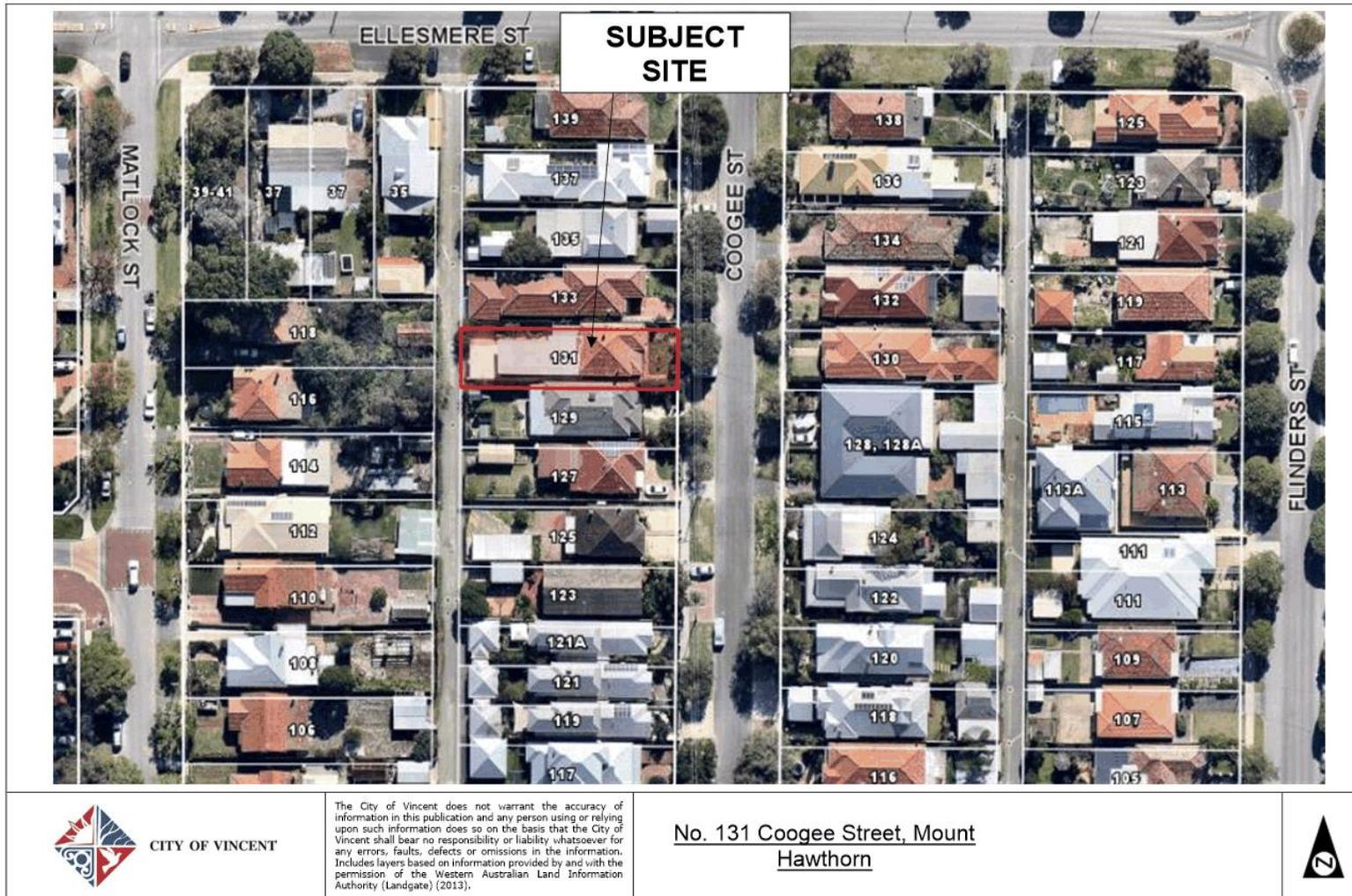
Conclusion

The proposal requires Council to exercise its discretion in relation to the lot boundary setbacks, setbacks of garages and carports and vehicular access with regard to the proposed carport addition, and street setbacks with regard to the proposed bullnose awning.

The proposed departures to the deemed to comply requirements of the R-Codes and Policy No. 7.1.1 in relation to the proposed carport are considered to provide minimal impact on the surrounding properties and streetscape and are considered to meet the corresponding design principles of the R-Codes and Policy No. 7.1.1, as discussed within the report. On this basis, it is recommended the proposed carport be approved subject to conditions.

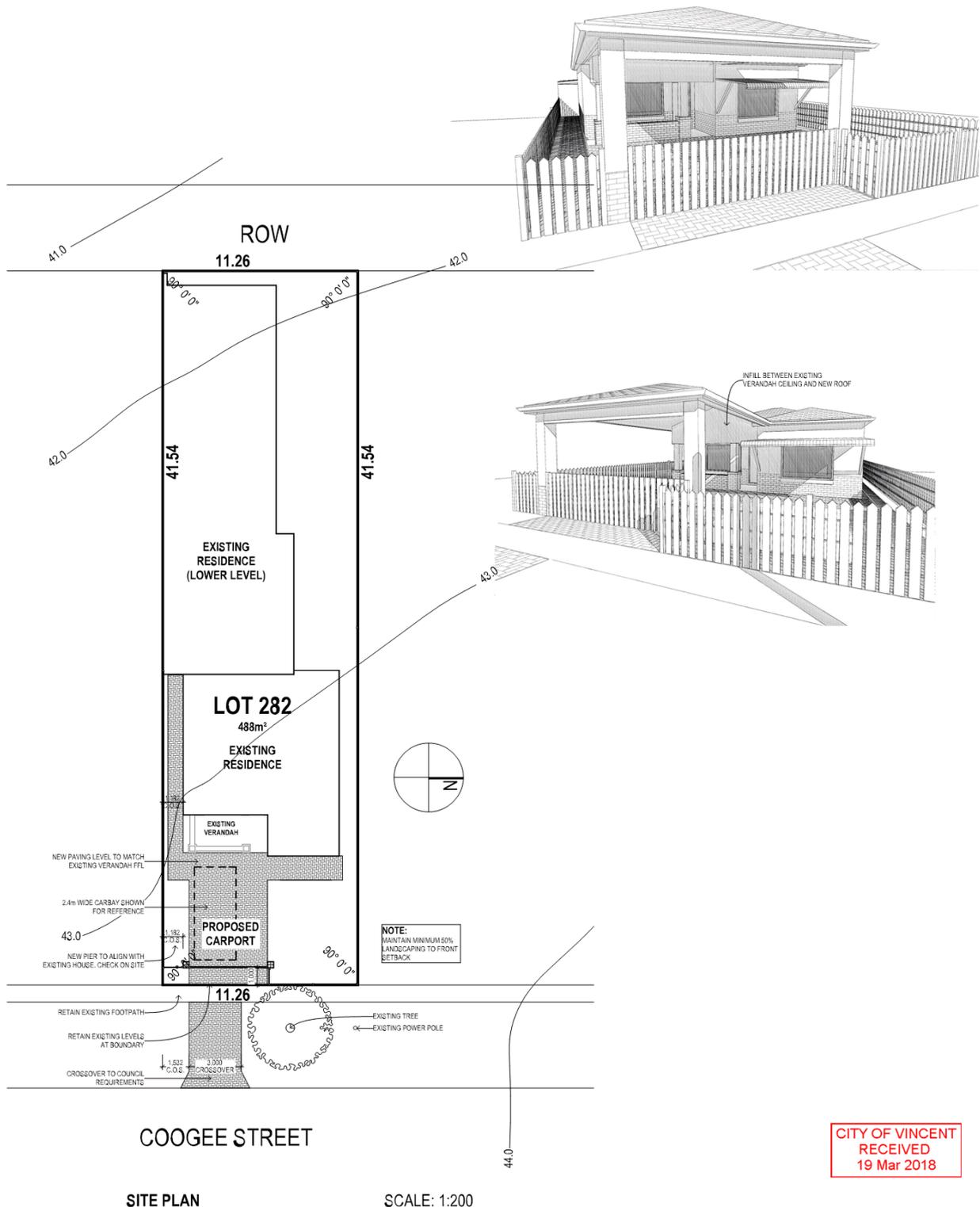
The proposed departure to the deemed to comply requirements of the R-Codes and Policy No. 7.1.1 in relation to the street setback of the proposed bullnose awning is not considered to meet the corresponding design principles and will not positively contribute to the existing streetscape as discussed within the report. On this basis, the proposed bullnose awning is not supported and it is recommended that it not be included within the development approval for the subject development application.





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ID	NAME
A.01	SITE PLAN AND PERSPECTIVES
A.02	FLOOR PLAN ELEVATIONS

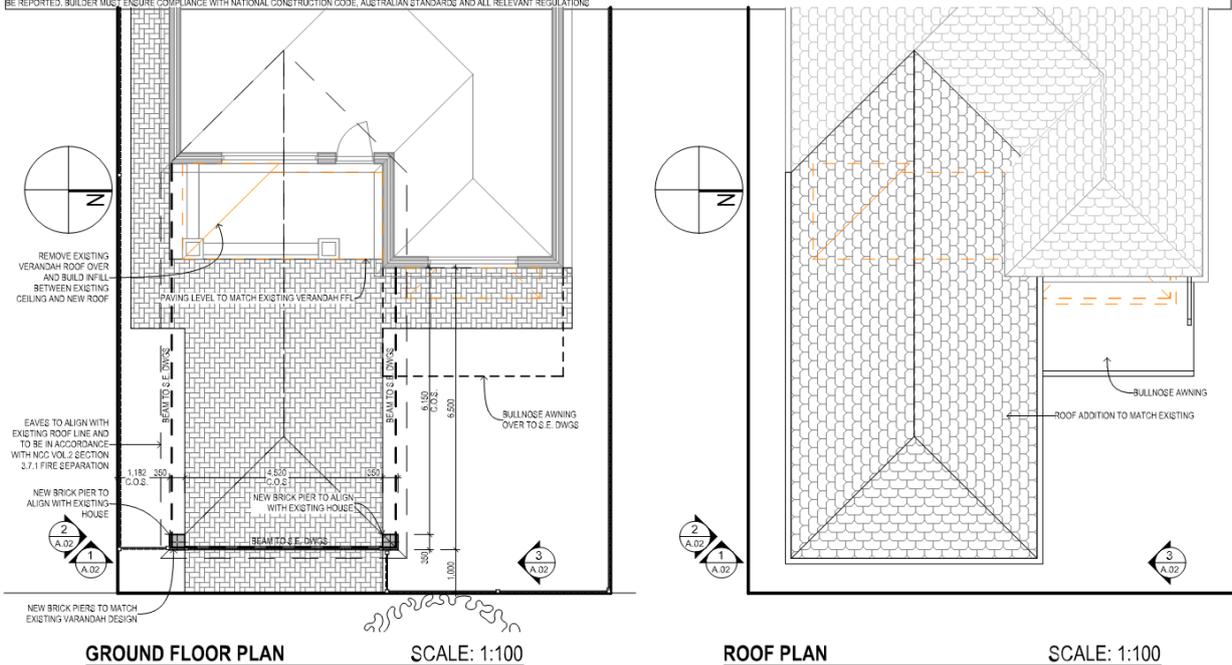


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Project # 1608	Project Name MOUNT HAWTHORN CARPORT	Project Status PLANNING PERMIT	Rev / Page ID / Name D - A.01 - SITE PLAN AND PERSPECTIVES	JC DESIGN AND DRAFTING 3 northwood street, west leederville
Project Address LOT 282 (#131) COOGEE STREET MOUNT HAWTHORN, WA 6016		Drawn by JC	D CARPORT DOOR / GATE HEIGHT REDUCED. VERANDAH ROOF REMOVED	15/02/2018
Local Authority: CITY OF VINCENT / Zoning: R30 / Wind Class: TBC		Drawing scale @ A3 1:200	C REVISED PLANNING PERMIT	10/01/2018
		Plotted on 15/03/2018 at 2:01 PM	Rev	Date

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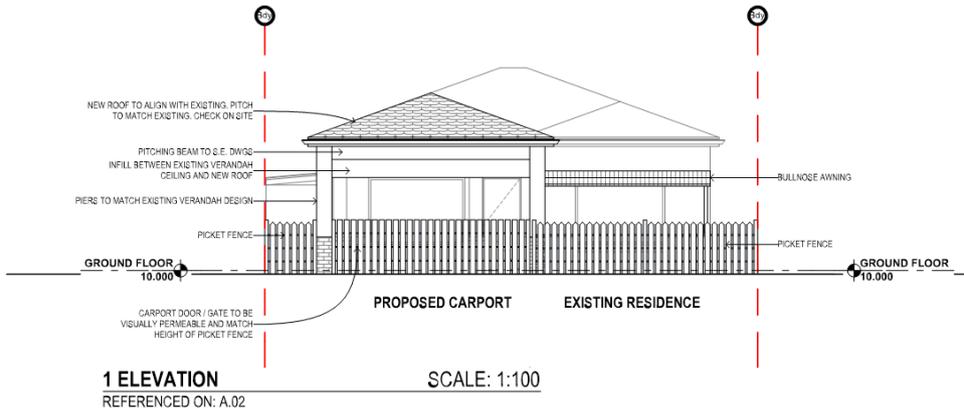


GROUND FLOOR PLAN

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ROOF PLAN

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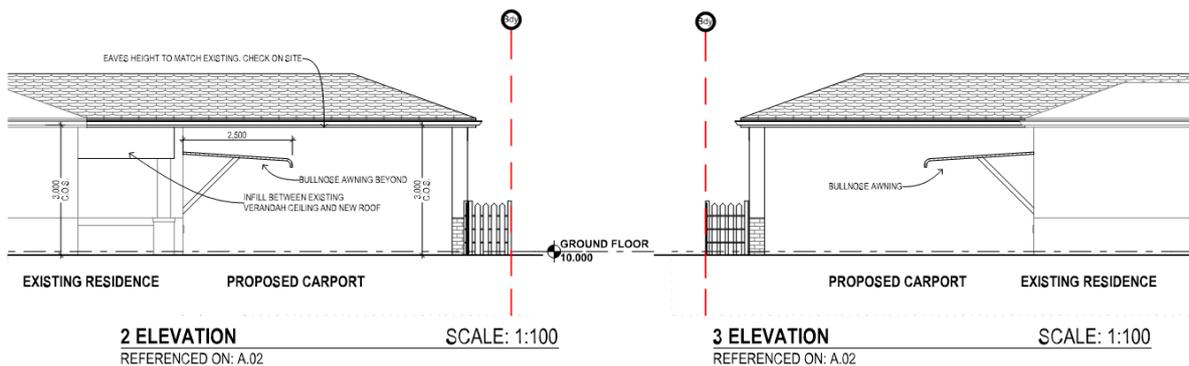


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1 ELEVATION

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REFERENCED ON: A.02



2 ELEVATION

SCALE: 1:100

REFERENCED ON: A.02

3 ELEVATION

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REFERENCED ON: A.02

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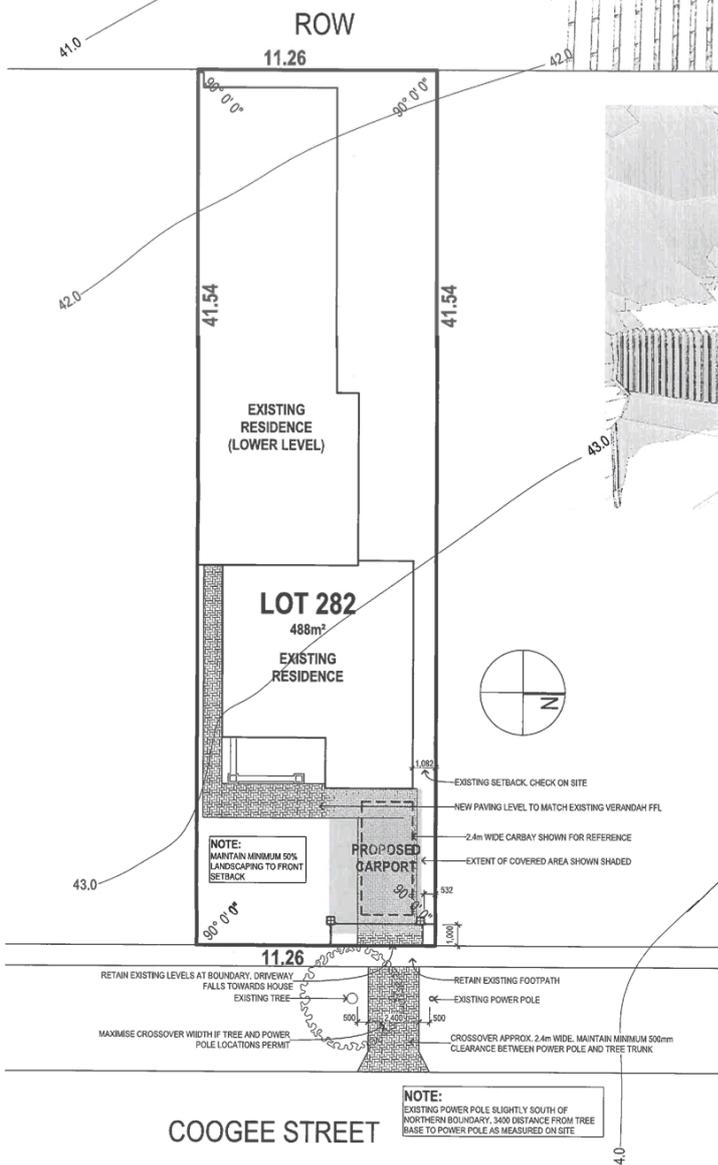
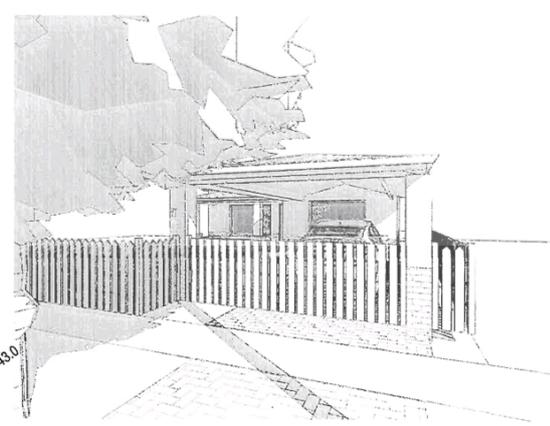
Determination Advice Notes:

1. **With reference to Condition 4, 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.**
2. **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.**
3. **This is a development approval issued under the City of Vincent Town Planning Scheme No. 1 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**
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.**

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A.01	SITE PLAN AND PERSPECTIVES
A.02	FLOOR PLAN ELEVATIONS

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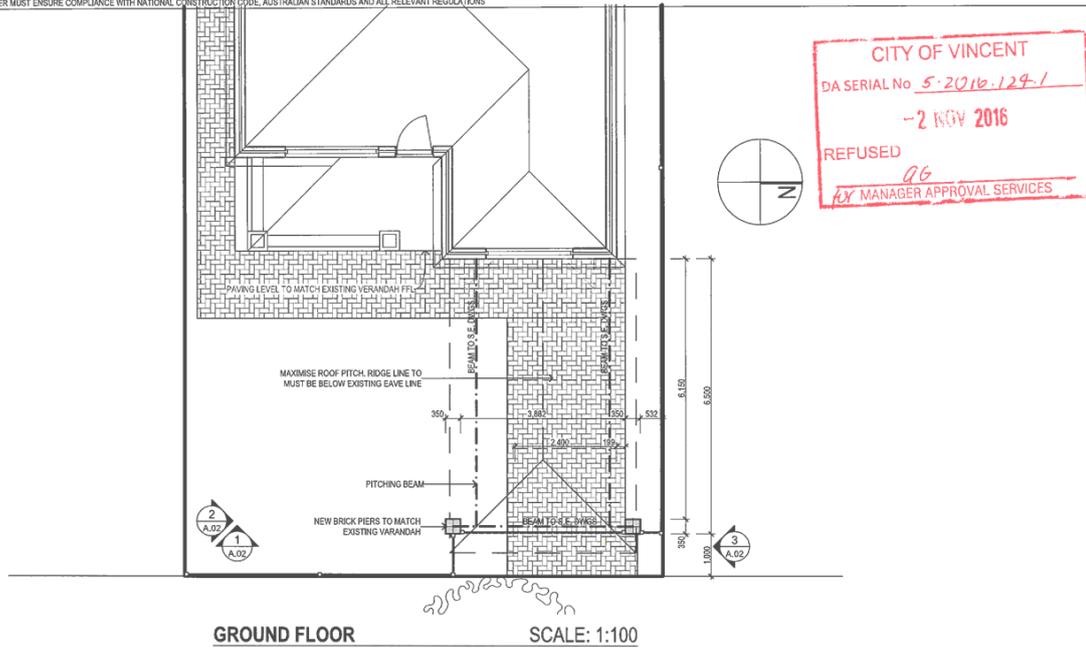
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 CITY OF VINCENT

SITE PLAN SCALE: 1:200

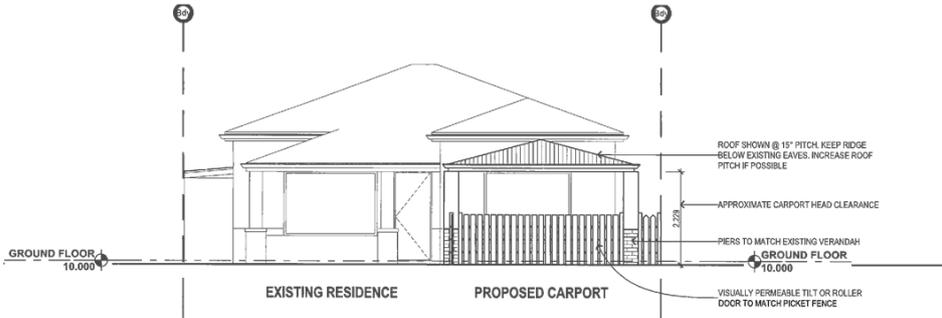
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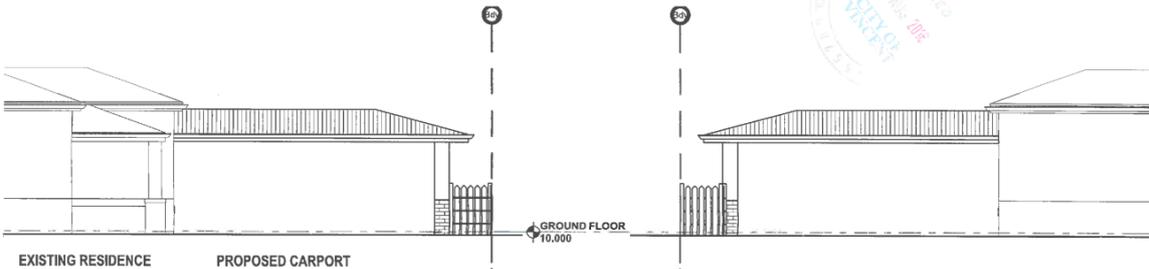
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GROUND FLOOR SCALE: 1:100



1 ELEVATION SCALE: 1:100 REFERENCED ON: A.02



2 ELEVATION SCALE: 1:100 REFERENCED ON: A.02

3 ELEVATION SCALE: 1:100 REFERENCED ON: A.02

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