

**5.5 LATE REPORT: NO. 48 (LOT 5; D/P: 14389) EGINA STREET, MOUNT HAWTHORN - SAT S.31 RECONSIDERATION - TWO GROUPED DWELLINGS**

**TRIM Ref:** D19/1624

**Author:** Stephanie Norgaard, Urban Planner

**Authoriser:** John Corbellini, Director Development Services

**Ward:** North

**Attachments:**

1. Attachment 1 - Location and Consultation Map
2. Attachment 2 - Minutes of Ordinary Council Meeting 16 October 2018
3. Attachment 3 - Development Plans
4. Attachment 4 - Letter to Council Confirming Construction Timing (address withheld)
5. Attachment 5 - Administration's Response to Summary of Submissions
6. Attachment 6 - Applicant's Response to Summary of Submissions
7. Attachment 7 - Determination Advice Notes

**RECOMMENDATION:**

That the Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, SETS ASIDE its decision of 16 October 2018 and APPROVES the application for the proposed Two Grouped Dwellings at No. 48 (Lot: 5; D/P: 14389) Egina Street, Mount Hawthorn, in accordance with plans provided in Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 7:

**1. Boundary Walls**

- 1.1 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 46 and No. 50 Egina Street in a good and clean condition prior to occupation or use of the development. The finish of the walls is to be fully rendered or face brickwork to the satisfaction of the City; and
- 1.2 The two dwellings are to be constructed simultaneously, in accordance with the applicant's advice and deemed-to-comply requirements of Clause 5.1.3, C3.2(i) of the Residential Design Codes (Lot Boundary Setback), to the satisfaction of the City;

**2. External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and shall be screened from view from the street, and surrounding properties to the satisfaction of the City;

**3. Stormwater**

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

**4. Landscaping**

4.1 A detailed landscape and reticulation plan for the development site and adjoining road verge to the City's satisfaction is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated

- A canopy cover of at least 25 percent; and

4.2 All works shown in the plans as identified in Condition 4.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers; and

## 5. Schedule of External Finishes

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development.

### PURPOSE OF REPORT:

To reconsider an application for development approval for two grouped dwellings at No. 48 Egina Street Mount Hawthorn (subject site) at the invitation of the State Administrative Tribunal (SAT).

### PROPOSAL:

The application proposes the construction of two grouped dwellings, in a side-by-side configuration. Each dwelling is two storeys and has primary access from Egina Street.

### BACKGROUND:

<b>Landowner:</b>	Colin Roe and Corinne Roe
<b>Applicant:</b>	Urbanista
<b>Date of Application:</b>	6 June 2018 (Development Application) 26 October 2018 (SAT Appeal)
<b>Zoning:</b>	MRS: Urban LPS2: Zone: Residential R Code: R30
<b>Built Form Area:</b>	Residential
<b>Existing Land Use:</b>	Vacant Land
<b>Proposed Use Class:</b>	Dwellings (Grouped)
<b>Lot Area:</b>	612m <sup>2</sup>
<b>Right of Way (ROW):</b>	No
<b>Heritage List:</b>	No

The subject site is located at No. 48 Egina Street, Mount Hawthorn, as shown on the location plan included as **Attachment 1**. The subject site is bound by Egina Street to the west and single dwellings to the north, east and south. Egina Street and the broader area surrounding the subject site is characterised by one and two-storey single dwellings.

The subject site comprises a vacant lot which has been cleared in preparation for development. The subject site has subdivision approval for two green title lots. The City has issued a clearance for the subdivision approval. The creation of the two green title lots is likely to occur in the near future.

At its Ordinary Council Meeting on 16 October 2018, Council resolved to refuse the development application for two grouped dwellings on the basis that it failed to satisfy the design principles of the Residential Design Codes (R Codes) and the City's Built Form Policy with respect to street setback, garage setback and canopy coverage. The minutes of the 16 October 2018 Ordinary Council Meeting are included as **Attachment 2**.

Following Council's refusal, the applicant submitted an application for review with the SAT. Administration attended a Mediation Session on 14 December 2018 and the City accepted reconsideration of the application, subject to amended plans being provided that addressed Council's reasons for refusal.

Following mediation, the applicant submitted amended plans for reconsideration, which are included as **Attachment 3**. The main changes from the refused plans are summarised as follows:

1. Increasing the street setback of the both dwellings to 7.11 metres. Noting the setback to the northern dwelling was increased to 7.11 metres following community consultation;
2. Increasing the protrusion of the portico on the northern dwelling by 0.7 metres and increasing the protrusion of the southern dwelling by 1.0 metre;
2. Changing the window of bedroom two of the southern dwelling from a major opening to a minor opening through obscure glazing;
3. Increasing the level of face brick on the ground floor of the southern dwelling;
4. Changing the garage finish of both dwellings by providing articulation and semi-translucent inserts, both of which serve to reduce the impact of the garage doors; and
5. Increasing the percentage of canopy cover from 20.75 percent to 26.3 percent.

The proposed amendments have brought the development into compliance with deemed-to-comply requirements of the R Codes with respect to street setbacks, boundary walls and lot boundary setbacks.

Council is now required to reconsider the proposal pursuant to Section 31 of the *State Administrative Tribunal Act 2004*.

#### DETAILS:

#### Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent LPS2, the City's Policy No. 7.1.1 – Built Form and the State Government's Residential Design Codes. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Street Setback	✓	
Building Setbacks/Boundary Wall	✓	
Building Height	✓	
Open Space	✓	
Outdoor Living Areas	✓	
Landscaping (R Codes)	✓	
Privacy	✓	
Parking & Access	✓	
Solar Access	✓	
Site Works/Retaining Walls	✓	
Utilities and Facilities		✓
External Fixtures	✓	
Surveillance	✓	

#### Detailed Assessment

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

External Fixtures, Utilities and Facilities	
Deemed-to-Comply Standard	Proposal
<b>R Codes Clause 5.4.4</b>  4m <sup>2</sup> storeroom, with a minimum dimension of 1.0m	4m <sup>2</sup> storeroom with minimum dimension of 1.1m, however the practical use of the storeroom is restricted by the stairs.

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

**CONSULTATION/ADVERTISING:**

Community consultation was undertaken in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, for a period of 14 days commencing on 9 January 2019 and concluding on 22 January 2019. Community consultation was undertaken by means of written notification being sent to surrounding landowners as well as the submitters of the previous development application, as shown in **Attachment 1** and a notice on the City's website. The location of the previous submitters has not been included in **Attachment 1**.

In response to community consultation, eight submissions were received in objection to the proposal. A summary of submissions received and Administration's response to these is included as **Attachment 5**. The applicant's response is provide in **Attachment 6**.

**Design Review Panel (DRP):**

Referred to DRP: No

**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 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 State Administrative Tribunal for a review of Council's determination.

**Delegation to Determine Applications:**

The matter is being referred to Council as the proposal relates to a matter previously determined by Council.

**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*:

"Sensitive Design

- *Our built form is attractive and diverse, in line with our growing and changing community."*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**Utilities and Facilities

The deemed-to-comply provisions of the R Codes requires each grouped dwelling to be provided with storage area of a minimum of 4.0 square metres and a minimum dimension of 1.0 metre. The northern dwelling proposes 4 square metres of storage with a minimum dimension of 1.1 metres, however the use of

the storage area will be restricted by the stairs. The subject site has subdivision approval and clearance for two green title lots in a configuration consistent with the current development proposal. Once Landgate issues the titles for these lots, the proposed dwellings will be considered two single houses and will not require separate storage facilities. Given this, the proposed storage area of northern dwelling, albeit restricted, is acceptable.

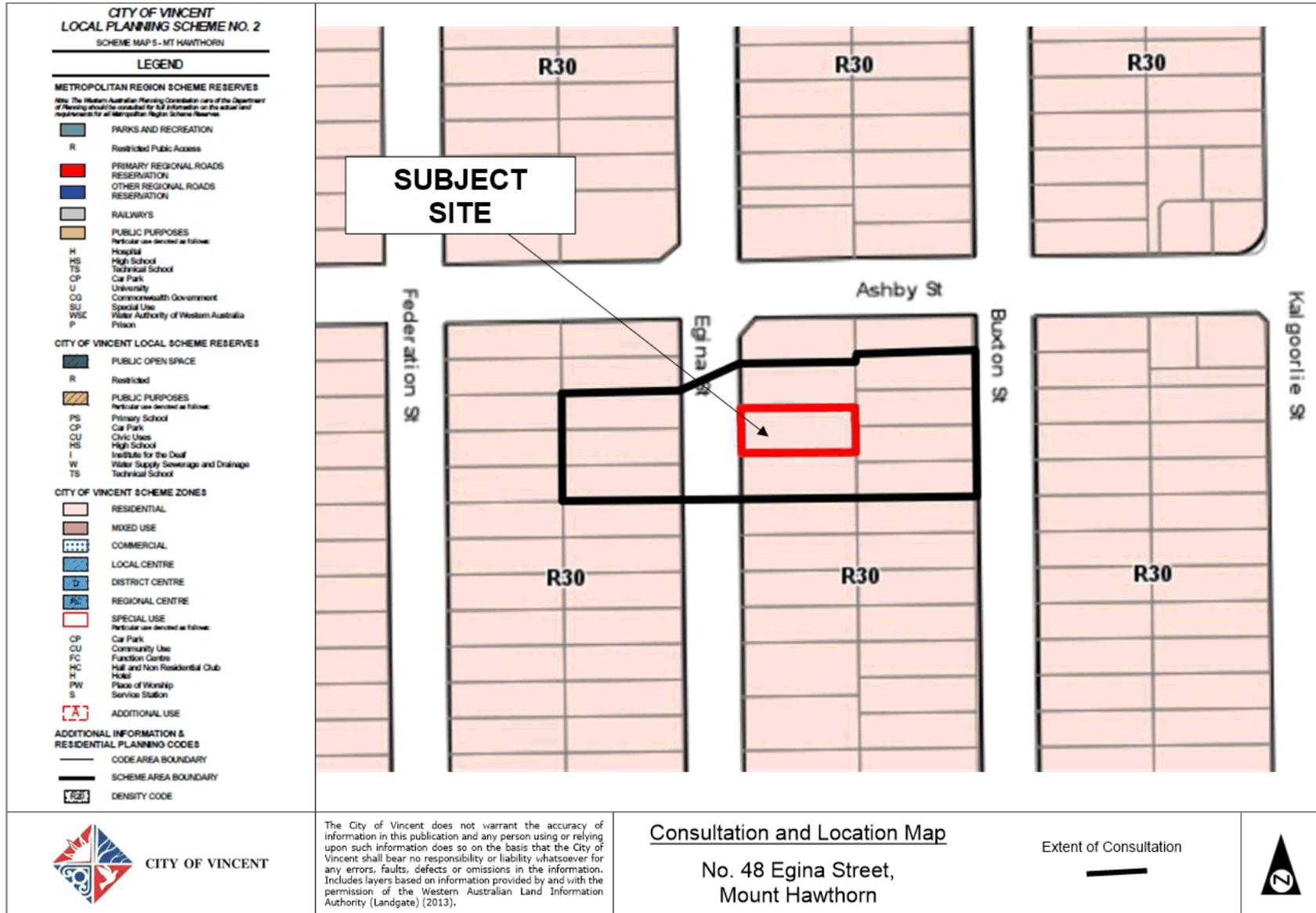
#### Landscaping

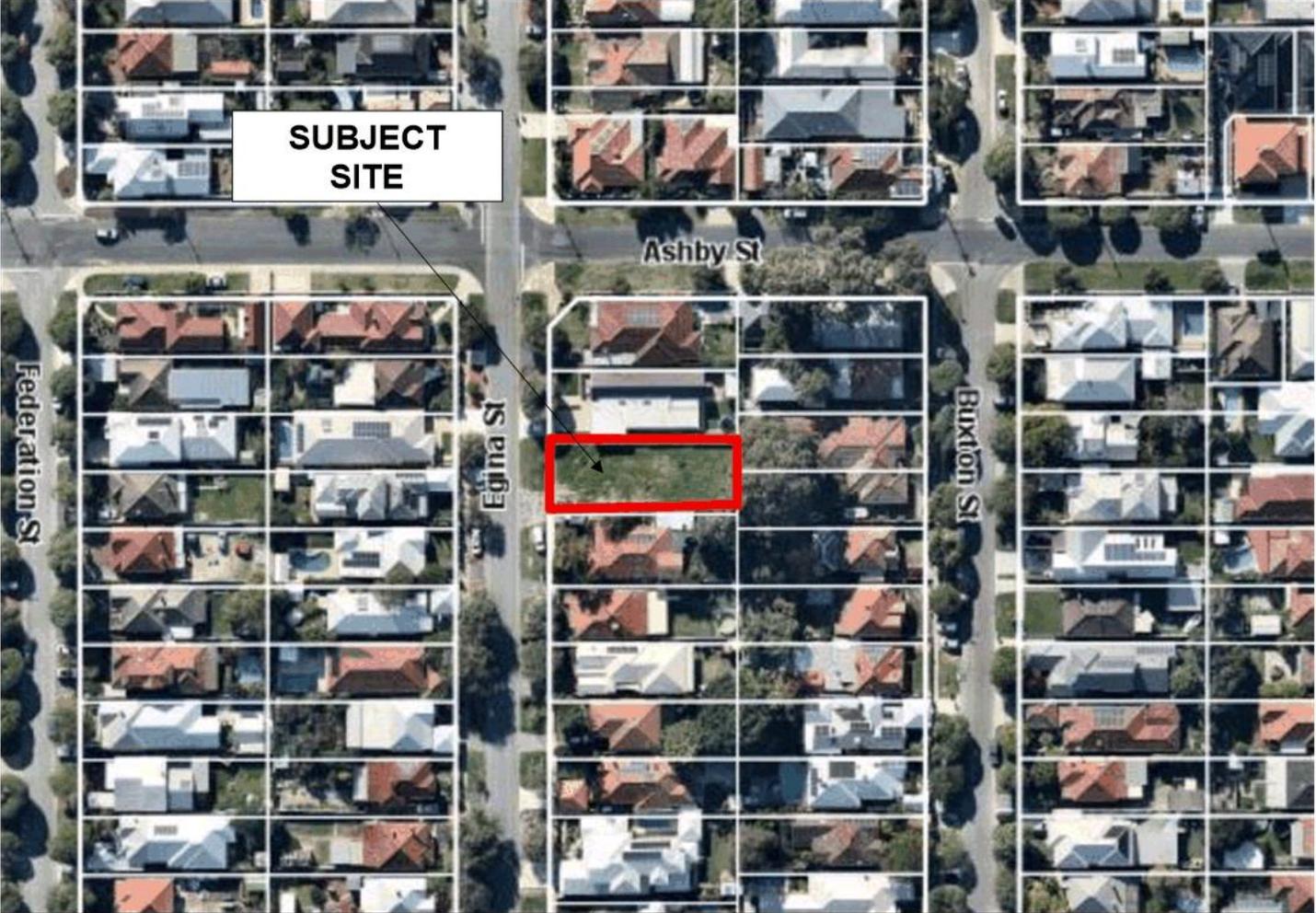
The Built Form Policy requires a minimum of 15 percent deep soil zones and 30 percent canopy cover within the lot boundaries. The development proposes 16.4 percent deep soil and approximately 25 percent canopy cover. The proposed tree species are consistent with the City's tree selection tool, however the City has concerns that the proposed species will grow to a substantially higher height and canopy than that shown on the development plans. This may impact on the viability of the trees as the trees are proposed to be planted within close proximity to each other.

The proposed landscaping responds to the relevant design principles through the provision of tree canopy and deep soil zones that would contribute to the City's green canopy and would reduce the impact of the development on the surrounding residential area. The proposal is acceptable from a landscaping perspective. A condition of development approval has been recommended requiring a revised landscaping plan to be submitted and approved by the City prior to the issuing of a building permit. The revised landscaping plan will allow the applicant to reconsider the placing of the proposed trees.

#### Internal Boundary Walls

The development involves internal two-storey boundary walls, which are proposed to be constructed simultaneously in accordance with the deemed-to-comply requirements of the R Codes. The subject site has subdivision approval and subdivision clearance for two green title lots and the City has concerns that the green title lots may be created and be and in separate ownership which may result in one of the dwellings not being constructed or there being staged construction. The applicant has provided a letter from the current landowners verifying that the internal boundary walls will be constructed simultaneously. A condition of approval is recommended to ensure that occurs.





**SUBJECT SITE**

Ashby St

Federation St

Egina St

Buxton St



CITY OF VINCENT

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No. 48 Egina Street,  
Mount Hawthorn



## 9 DEVELOPMENT SERVICES

### 9.2 NO. 48 (LOT 5; D/P: 14389) EGINA STREET, MOUNT HAWTHORN - TWO GROUPED DWELLINGS

TRIM Ref: D18/128558

Authors: Stephanie Norgaard, Urban Planner  
Kate Miller, Senior Urban Planner

Authoriser: Luke Gibson, A/Director Development Services

Ward: North

Attachments: 1. Attachment 1 - Location and Consultation Map   
2. Attachment 2 - Development Plans   
3. Attachment 3 - Letter to Council Confirming Construction Timing   
4. Attachment 4 - Administration's Response to Summary of Submissions   
5. Attachment 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 the Grouped Dwellings at No. 48 (Lot: 5; D/P: 14389) Egina Street, Mount Hawthorn, in accordance with plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 5:

#### 1. Boundary Walls

- 1.1 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 46 and No. 56 Egina Street in a good and clean condition prior to occupation or use of the development. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City;
- 1.2 The two dwellings are to be constructed simultaneously, in accordance with the applicant's advice and deemed-to-comply requirements of Clause 5.1.3, C3.2(i) of the Residential Design Codes (Lot Boundary Setback), to the satisfaction of the City:

#### 2. External Fixtures

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and shall be screened from view from the street, and surrounding properties to the satisfaction of the City;

#### 3. Stormwater

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

#### 4. Landscaping

- 4.1 A detailed landscape and reticulation plan for the development site and adjoining road verge to the City's satisfaction is to be lodged with and approved by the City prior to commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:
  - The location and type of existing and proposed trees and plants;
  - Areas to be irrigated or reticulated; and
  - The provision of a minimum 15 percent Deep Soil Zone and a minimum of 30 percent Canopy Coverage, as defined by the City's Policy No. 7.1.1 – Built Form;

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4.2 All works shown in the plans as identified in Condition 4.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

5. Schedule of External Finishes

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development; and

6. General

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

Moved: Cr Topelberg, Seconded: Cr Loden

That the recommendation be adopted.

LOST (0-7)

For: Nil

Against: Mayor Cole, Cr Gontaszewski, Cr Fotakis, Cr Hallett, Cr Loden, Cr Murphy and Cr Topelberg

(Cr Castle was an apology for the Meeting.)

(Cr Harley was absent from the Council Chamber and did not vote.)

PROPOSED ALTERNATIVE RECOMMENDATION

Moved: Cr Gontaszewski, Seconded: Cr Loden

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for the Grouped Dwellings at No. 48 (Lot: 5; D/P: 14389) Egina Street, Mount Hawthorn, for the following reasons:

1. The development does not satisfy the design principles of Clause 5.1.2 (Street Setback) of the Residential Design Codes or Clause P5.2.1 of the Built Form Policy, as the setback to the primary street is not consistent with, and will have a detrimental impact on, the established streetscape.
2. The development does not satisfy the design principles of Clause 5.2.1 (Setback of garages and carports) of the Residential Design Codes or Clause P5.7.2 of the Built Form Policy, as the visual dominance of the proposed garages compromise the character and the existing streetscape.

At 7:03 pm, Cr Roslyn Harley returned to the meeting.

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## ORDINARY COUNCIL MEETING MINUTES

16 OCTOBER 2018

PROPOSED AMENDMENT 1

Moved: Cr Topelberg, Seconded: Cr Loden

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for the Grouped Dwellings at No. 48 (Lot: 5; D/P: 14389) Egina Street, Mount Hawthorn, for the following reasons:

1. The development does not satisfy the design principles of Clause 5.1.2, (Street Setback), of the Residential Design Codes or Clause P5.2.1 of the Built Form Policy, as the setback to the primary street is not consistent with, and will have a detrimental impact on, the established streetscape.
2. The development does not satisfy the design principles of Clause 5.2.1 (Setback of garages and carports), 5.2.2 (Garage Width) Design Principle P2 of the Residential Design Codes or Clause P5.7.2 of the Built Form Policy, as the visual dominance of the proposed garages compromise the character and the existing streetscape.

AMENDMENT CARRIED UNANIMOUSLY (8-0)

**For:** Mayor Cole, Cr Gontaszewski, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

**Against:** Nil

(Cr Castle was an apology for the Meeting.)

PROPOSED AMENDMENT 2

Moved: Cr Loden, Seconded: Cr Hallett

That the recommendation be amended as follows:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for the Grouped Dwellings at No. 48 (Lot: 5; D/P: 14389) Egina Street, Mount Hawthorn, for the following reasons:

1. The development does not satisfy the design principles of Clause 5.1.2, (Street Setback), of the Residential Design Codes or Clause P5.2.1 of the Built Form Policy, as the setback to the primary street is not consistent with, and will have a detrimental impact on, the established streetscape.
2. The development does not satisfy the design principles of Clause 5.2.1 (Setback of garages and carports), 5.2.2 (Garage Width) Design Principle P2 of the Residential Design Codes or Clause P5.7.2 of the Built Form Policy, as the visual dominance of the proposed garages compromise the character and the existing streetscape.
3. The development does not satisfy the clause C5.14.2 of the Built Form Policy as the development cannot achieve 30% of the site area as a canopy coverage.

CARRIED UNANIMOUSLY (8-0)

**For:** Mayor Cole, Cr Gontaszewski, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

**Against:** Nil

(Cr Castle was an apology for the Meeting.)

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ORDINARY COUNCIL MEETING MINUTES16 OCTOBER 2018

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COUNCIL DECISION ITEM 9.2

## ALTERNATIVE MOTION

Moved: Cr Topelberg, Seconded: Cr Loden

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for the Grouped Dwellings at No. 48 (Lot: 5; D/P: 14389) Egina Street, Mount Hawthorn, for the following reasons:

1. The development does not satisfy the design principles of Clause 5.1.2, (Street Setback), of the Residential Design Codes or Clause P5.2.1 of the Built Form Policy, as the setback to the primary street is not consistent with, and will have a detrimental impact on, the established streetscape.
2. The development does not satisfy the design principles of Clause 5.2.1 (Setback of garages and carports) 5.2.2 (Garage Width) Design Principle P2 of the Residential Design Codes or Clause P5.7.2 of the Built Form Policy, as the visual dominance of the proposed garages compromise the character and the existing streetscape.
3. The development does not satisfy the clause C5.14.2 of the built form policy as the development cannot achieve 30% of the site area as a canopy coverage.

ALTERNATIVE MOTION CARRIED UNANIMOUSLY (8-0)

**For:** Mayor Cole, Cr Gontaszewski, Cr Fotakis, Cr Hallett, Cr Harley, Cr Loden, Cr Murphy and Cr Topelberg

**Against:** Nil

(Cr Castle was an apology for the Meeting.)

**REASON:**

The development achieves an insufficient setback from the front lot boundary, insufficient canopy coverage and due to the impact of the garage on the existing streetscape.



Telephone: (08) 9446 7361 Facsimile: (08) 9445 2998  
 Email: perth@cottage.com.au Website: www.cottage.com.au  
 J/N: 427619 DATE: 20 Nov 17 SCALE: 1:200 DRAWN: C. Bull

Builder : Integrity Developments (WA) Pty Ltd  
 CLIENT : Roe  
 LOT 5 #48 Egina Street, Mt Hawthorn

OLD AREA	Power Pole
	Phone Pile
	Water Conn.
TF 10.00	Top Pillar/Post
TW 10.00	Top Wall
TR 10.00	Top Retaining
TF 10.00	Top Fence

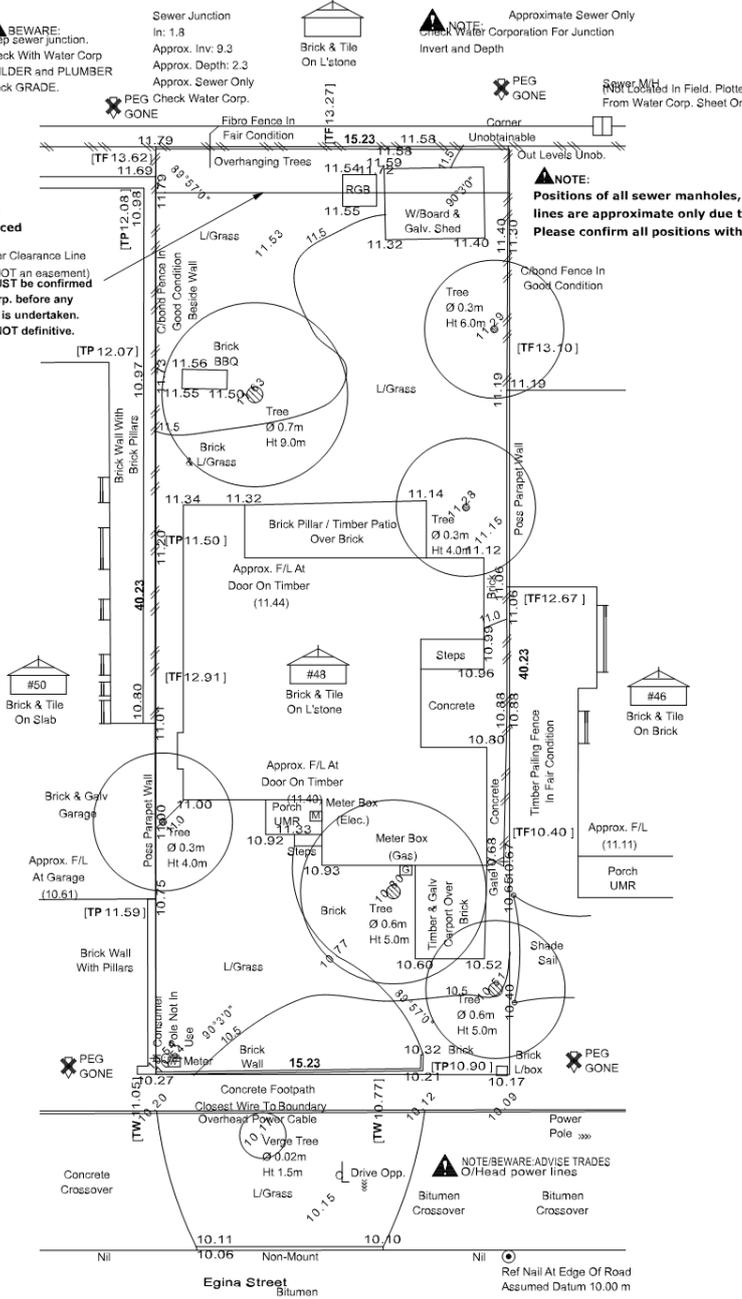
Diag. 14389

**DISCLAIMER:**  
 Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. Title should be checked to verify all lot details and for any easements or other interests which may affect building on the property.  
 Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any designs based or dependent on the location of existing features should have those features' location verified in relation to the true boundary.  
 Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design work.



**DISCLAIMER:**  
 Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the parcel of land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All Sewer details plotted from information supplied by Water Corporation.  
 Due to lack of survey marks/pegs, all building offset dimensions & features are approximate only and positioned from existing pegs/fences and walls which may not be on the correct alignment and are to be verified when repegged. Any design that involves additions to any structures shown or portion of structures remaining after any demolition has taken place requires boundaries to be repegged and exact offsets provided to your designer/architect before any plans are produced and before any work is started on site.

**BEWARE:**  
 Deep sewer junction. Check With Water Corp BUILDER and PLUMBER check GRADE.  
**NOTE:**  
 Approx. Sewer Clearance Line (This line is NOT an easement) Setbacks MUST be confirmed by Water Corp. before any design work is undertaken. This line is NOT definitive.



LOT MISCLOSE	0.000 m
SOIL DESCRIPTION	Sand Light Grass Cover

CITY OF VINCENT  
 RECEIVED  
 24 January 2019



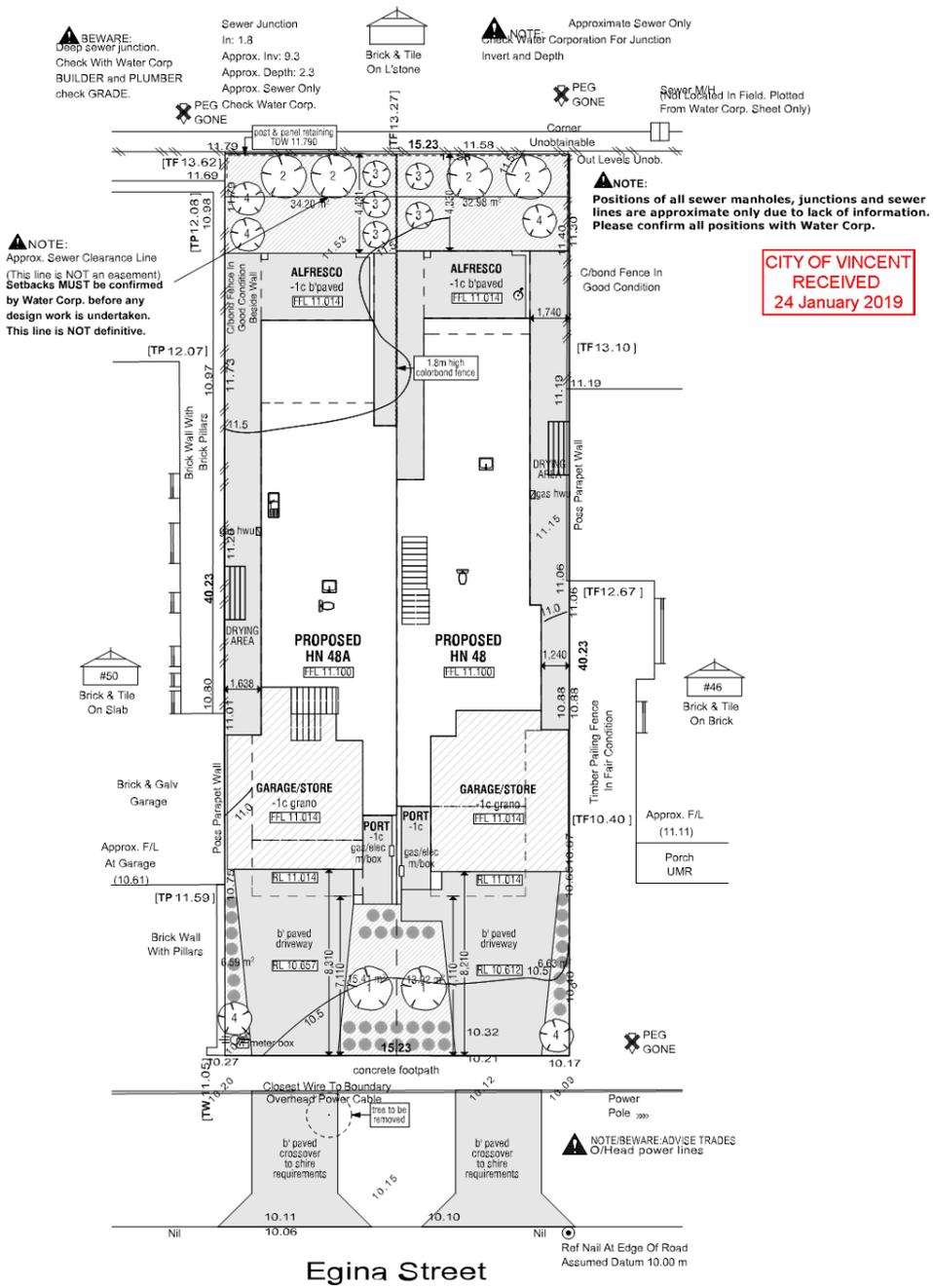


**LOT 5 HN 48 EGINA STREET  
MOUNT HAWTHORN 6016  
TOTAL SITE AREA 613m<sup>2</sup>  
R-30**

**NOTE:** FINAL LEVES AND EXTENT OF RETAINING TO BE CONFIRMED ON SITE AFTER THE COMPLETION OF SITEWORKS.

**NOTE:** ALL DOWNPIPES TO BE CONNECTED TO SOAKWELLS WITH PVC STORMWATER PIPE.

**NOTE:** NUMBER & LOCATION OF DOWNPIPES TO BE DETERMINED BY PLUMBER.



**CITY OF VINCENT  
RECEIVED  
24 January 2019**

**Egina Street**  
Bitumen

**LANDSCAPING**

COMMON NAME	QTY	CANOPY	TOTAL CANOPY
1 Chinese Tallow	02	6m	12m
2 Magnolia Grandiflora	04	10m	40m
3 Jacaranda	05	8m	40m
4 Crepe Myrtle	05	3m	15m
			107m

107m<sup>2</sup> canopy cover = 17.5% of site

Deep soil zone shown hatched  
Minimum 54m<sup>2</sup> per lot (17.6% of site)



**Site Plan**

	amendments: 05.06.18 a. submit to council for DA 28.08.18 b. DA amendments 22.10.18 c. front setback + upper floor areas changes 17.12.18 d. SAT changes - porches 24.01.19 e. HN48A upper floor setback 7.11m from front boundary	project: MALCOLM & MAY ROE'S RESIDENCES
	67 howe street, opborne park wa 6017 • po box 1118, opborne park wa 6016 p: 9202 8888 • f: 9202 8801	project address: LOT 5 HN 48 EGINA ST MOUNT HAWTHORN WA 6016

CITY OF VINCENT  
RECEIVED  
24 January 2019

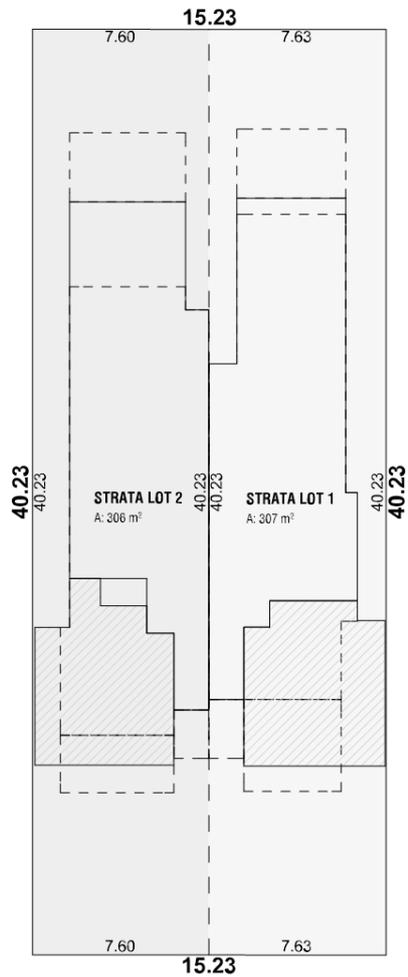
AREAS   STRATA LOTS (m2)	
STRATA LOT 1	307.0
STRATA LOT 2	306.0
	613.0 m <sup>2</sup>

**STRATA LOT 1**  
Area 307m<sup>2</sup>

HN 8A AREAS (m2)	
UPPER LIVING	118.5
GROUND LIVING	104.5
GARAGE/STORE	41.5
BALCONY	16.8
ALFRESCO	14.1
PORTICO	3.8
	299.2 m <sup>2</sup>
SITE COVER	149.8 m <sup>2</sup>
SITE COVER	49%

**STRATA LOT 2**  
Area 306m<sup>2</sup>

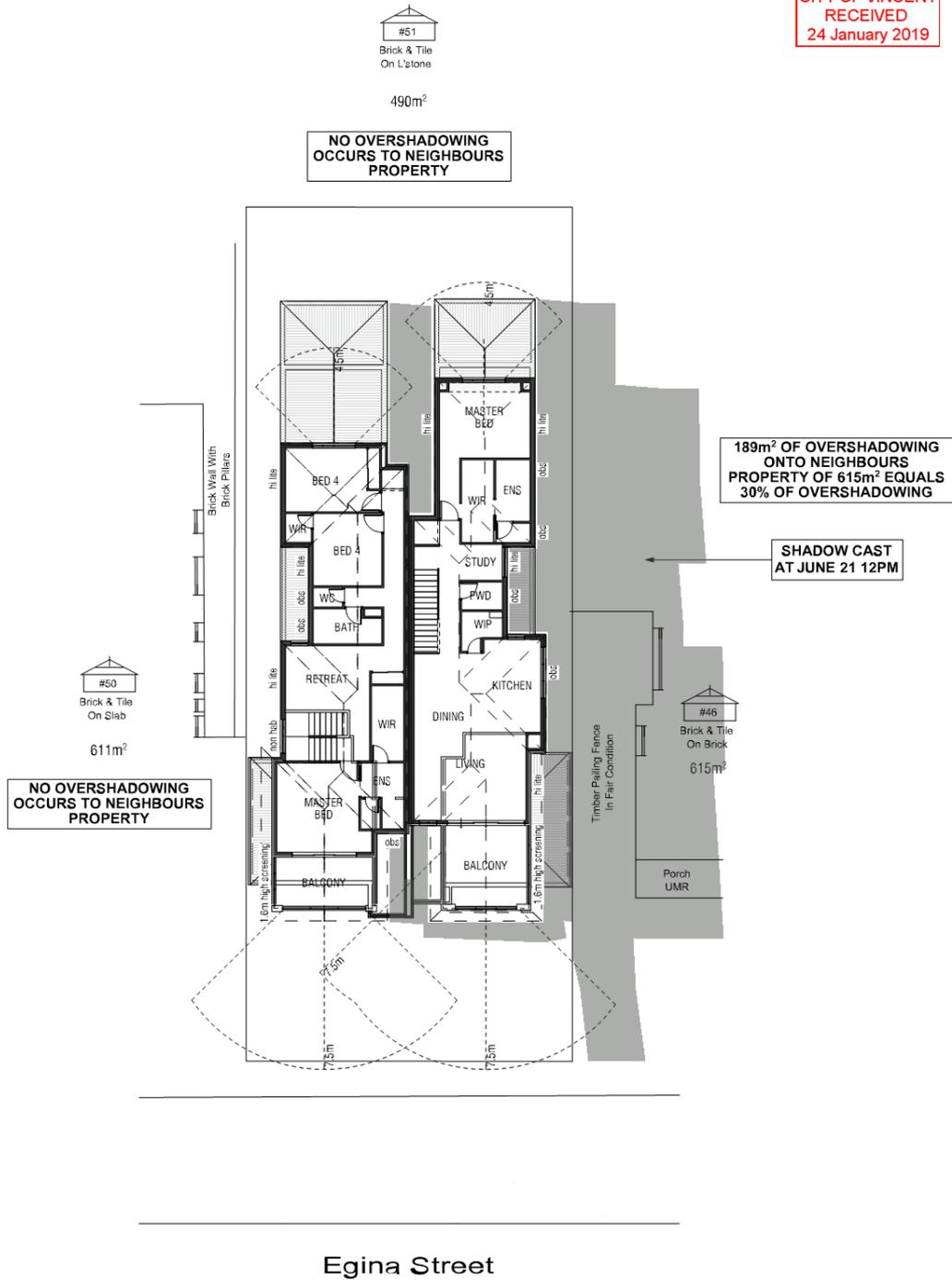
HN 8B AREAS (m2)	
UPPER LIVING	116.0
GROUND LIVING	104.7
GARAGE/STORE	40.3
ALFRESCO	15.0
BALCONY	12.2
PORTICO	3.2
	291.4 m <sup>2</sup>
SITE COVER	148.2 m <sup>2</sup>
SITE COVER	48%



**Strata Plan**

	amendments: 05.06.18 a. submit to council for DA 28.08.18 b. DA amendments 22.10.18 c. front setback + upper floor areas changes 17.12.18 d. SAN changes - portico 24.01.19 e. HN8BA upper floor setback 7.11m from front boundary	project: MALCOLM & MAY ROE'S RESIDENCES		
	project address: LOT 5 HN 48 EGINA ST MOUNT HAWTHORN WA 6016	scale: 1:200	date: 23 APR 2018	drawn by: AVN

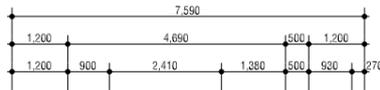
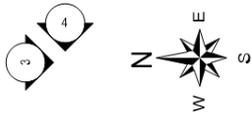
CITY OF VINCENT  
RECEIVED  
24 January 2019



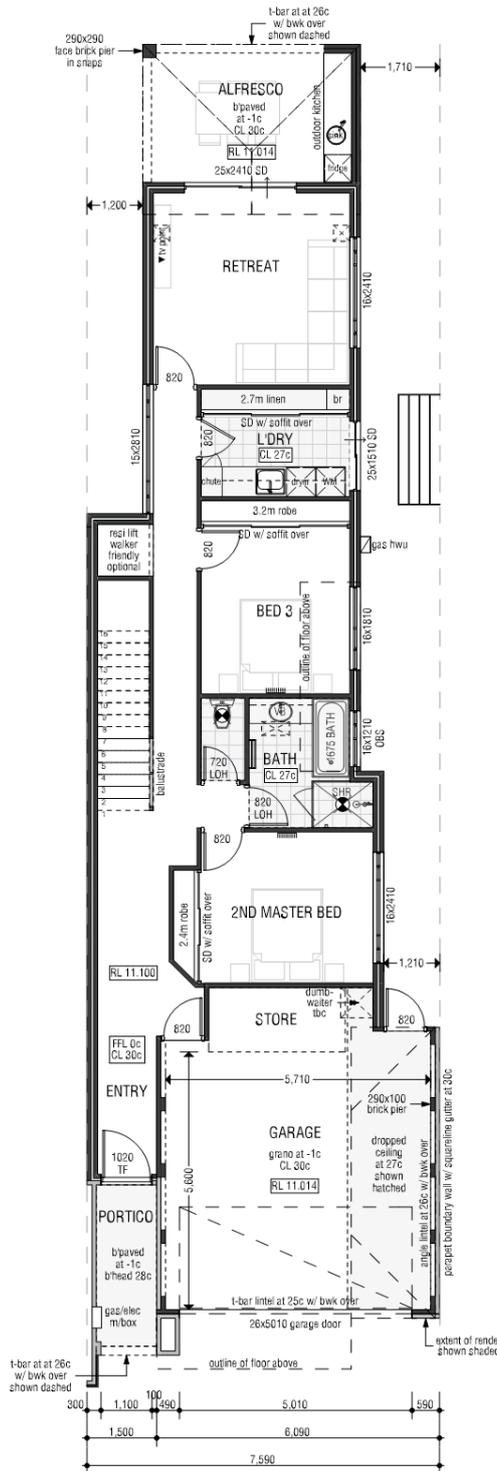
Egina Street

**Overshadowing & Privacy**

<p>67 howe street, Osborne park wa 6017 • po box 1118, Osborne park wa 6016 p: 9202 8888 • f: 9202 8801</p>	<p><b>amendments:</b></p> <table border="1"> <tr><td>05.06.18</td><td>a</td><td>submit to council for DA</td></tr> <tr><td>28.08.18</td><td>b</td><td>DA amendments</td></tr> <tr><td>22.10.18</td><td>c</td><td>front setback - upper floor areas changes</td></tr> <tr><td>17.12.18</td><td>d</td><td>DAV changes - porches</td></tr> <tr><td>24.01.19</td><td>e</td><td>HN48A upper floor setback 7.11m from front boundary</td></tr> </table>	05.06.18	a	submit to council for DA	28.08.18	b	DA amendments	22.10.18	c	front setback - upper floor areas changes	17.12.18	d	DAV changes - porches	24.01.19	e	HN48A upper floor setback 7.11m from front boundary	<p>project: MALCOLM &amp; MAY ROE'S RESIDENCES</p> <p>project address: LOT 5 HN 48 EGINA ST MOUNT HAWTHORN WA 6016</p>
	05.06.18	a	submit to council for DA														
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24.01.19	e	HN48A upper floor setback 7.11m from front boundary															
<p>scale: 1:200</p> <p>date: 23 APR 2018</p> <p>drawn by: AVN</p> <p>drawing no.: 1580_DA 3 of 10</p>																	



HN 48A AREAS	
UPPER LIVING	118.54
GROUND LIVING	104.51
GARAGE/STORE	41.47
BALCONY	16.76
ALFRESCO	14.07
PORTICO	5.55
<b>TOTAL</b>	<b>300.90 m<sup>2</sup></b>



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RECEIVED  
24 January 2019

**NOTE:** ANY MECHANICAL VENTILATION TO BE BOXED THROUGHOUT AND FLUMED TO THE EXTERNAL AIR.

**NOTE:** MECHANICAL EXTRACTION IN KITCHEN, THE EXHAUST AIR SHALL BE CONVEYED TO THE OUTSIDE AIR AS DIRECTLY AS POSSIBLE AND BOXED THROUGHOUT.

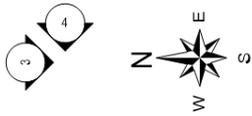
**NOTE:** SMOKE ALARMS TO BE HARD WIRED AND INTERCONNECTED WHERE THERE IS MORE THAN ONE ALARM, IN ACCORDANCE WITH PART 3.7.2 OF THE NCC.

side a/c vent



## HN 48 Ground Floor Plan

	<b>amendments:</b> 05.06.18 a submit to council for DA 28.08.18 b DA amendments 22.10.18 c front setback + upper floor areas changes 17.12.18 d SAT changes - portico 24.01.19 e HN48A upper floor setback 7.11m from front boundary	project: MALCOLM & MAY ROE'S RESIDENCES
	project address: LOT 5 HN 48 EGINA ST MOUNT HAWTHORN WA 6016	scale: 1:100
67 howe street, oqbarne park wa 6017 • po box 1118, oqbarne park wa 6016 p: 9202 8888 • f: 9202 8801	date: 23 APR 2018	drawn by: AVN
		drawing no.: 1580_DA 4 of 10

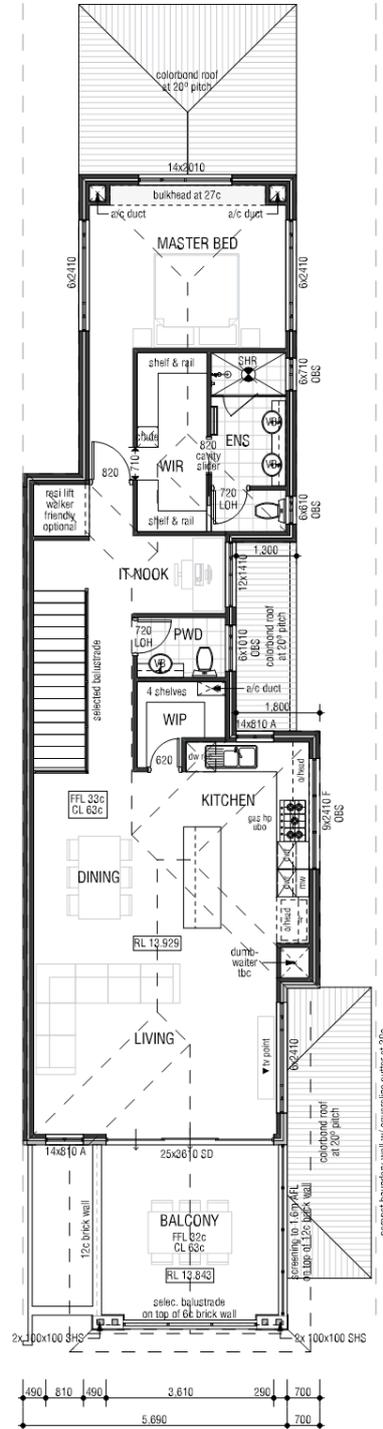


5.890		1.500
1.200	4.690	500
1.200	1.290	2.010
		1.390
		500

HN 48A AREAS	
UPPER LIVING	118.54
GROUND LIVING	104.51
GARAGE/STORE	41.47
BALCONY	16.76
ALFRESCO	14.07
PORTICO	5.55
<b>TOTAL</b>	<b>300.90 m<sup>2</sup></b>

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21.050
14.590
14.590
6.500
3.100
2.410
990



990
2.410
710
1.450
2.290
610
1.410
1.010
1.010
1.300
1.800
2.410
2.590
300
2.410
3.400
4.110
7.990

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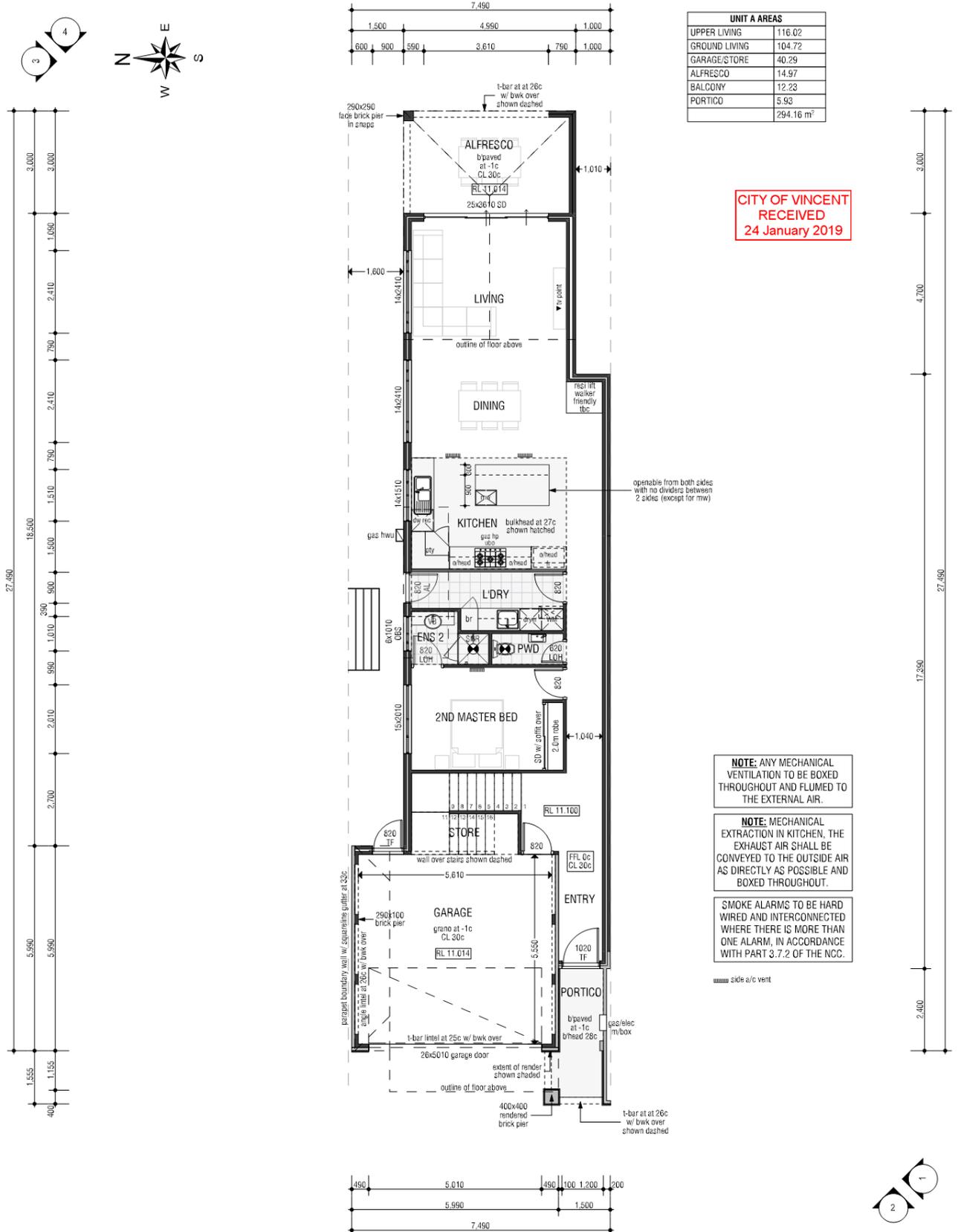
## HN 48 Upper Floor Plan

67 howe street, Osborne park wa 6017 • po box 1118, Osborne park wa 6016  
p: 9202 8888 • f: 9202 6801

amendments:	
05.06.18	a. submit to council for DA
28.08.18	b. DA amendments
22.10.18	c. front setback + upper floor areas changes
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24.01.19	e. HN48A upper floor setback 7.11m from front boundary

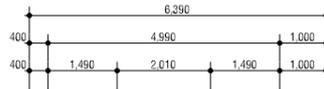
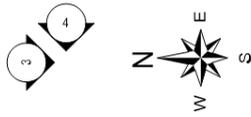
project:			
MALCOLM & MAY ROE'S RESIDENCES			
project address:			
LOT 5 HN 48 EGINA ST MOUNT HAWTHORN WA 6016			
scale:	date:	drawn by:	drawing no.:
1:100	23 APR 2018	AVN	1580_DA 5 of 10





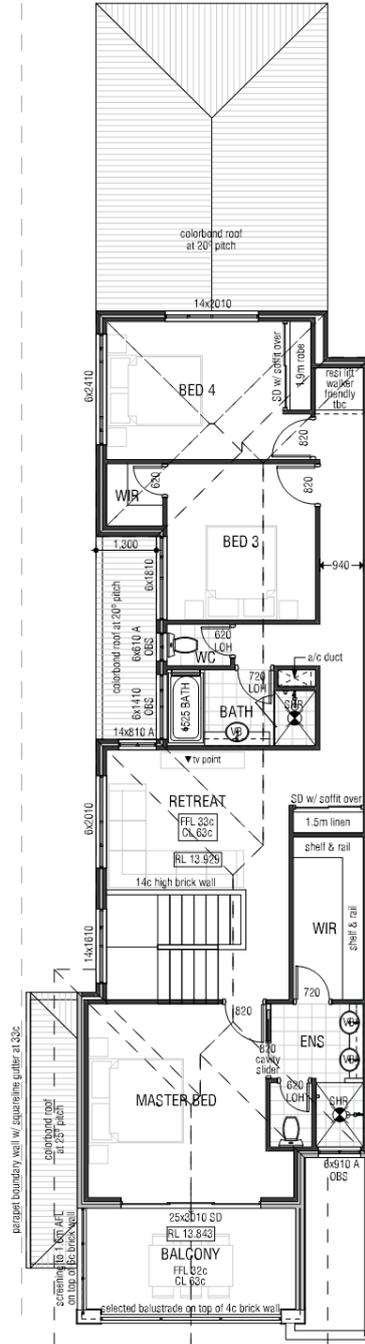
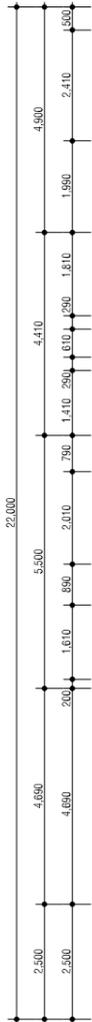
**HN 48A Ground Floor Plan**

	<b>amendments:</b> 05.06.18 a submit to council for DA 28.08.18 b DA amendments 22.10.18 c front setback + upper floor areas changes 17.12.18 d SAT changes - portico 24.01.19 e HNA&A upper floor setback 7.11m from front boundary	<b>project:</b> MALCOLM & MAY ROE'S RESIDENCES
	67 howe street, oqbarne park wa 6017 • po box 1118, oqbarne park wa 6016 p: 9202 8888 • f: 9202 6801	<b>project address:</b> LOT 5 HN 48 EGINA ST MOUNT HAWTHORN WA 6016
	<b>scale:</b> 1:100	<b>date:</b> 23 APR 2018
	<b>drawn by:</b> AVN	<b>drawing no.:</b> 1580_DA 7 of 10

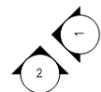
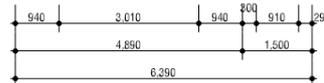


UNIT A AREAS	
UPPER LIVING	116.02
GROUND LIVING	104.72
GARAGE/STORE	40.29
ALFRESCO	14.97
BALCONY	12.23
PORTICO	5.93
	294.16 m <sup>2</sup>

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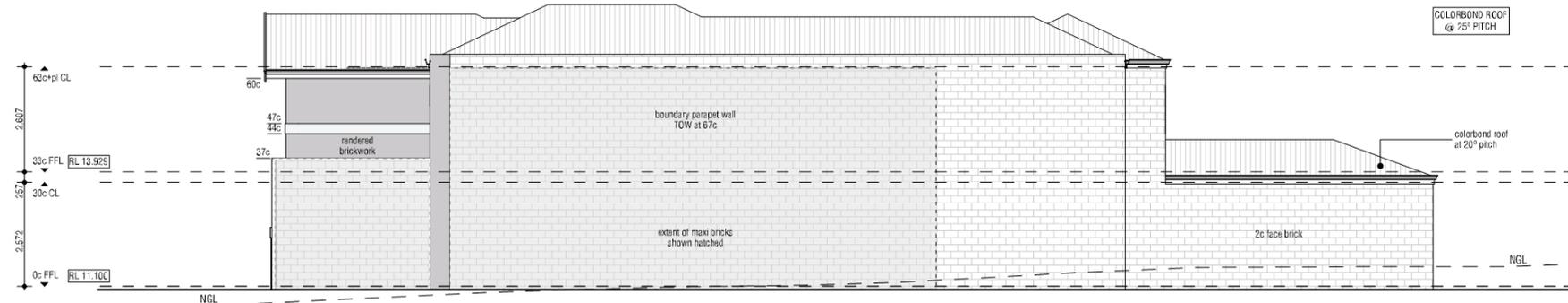


## HN 48A Upper Floor Plan



amendments:	
05.06.18	a. submit to council for DA
28.08.18	b. DA amendments
22.10.18	c. front setback - upper floor areas changes
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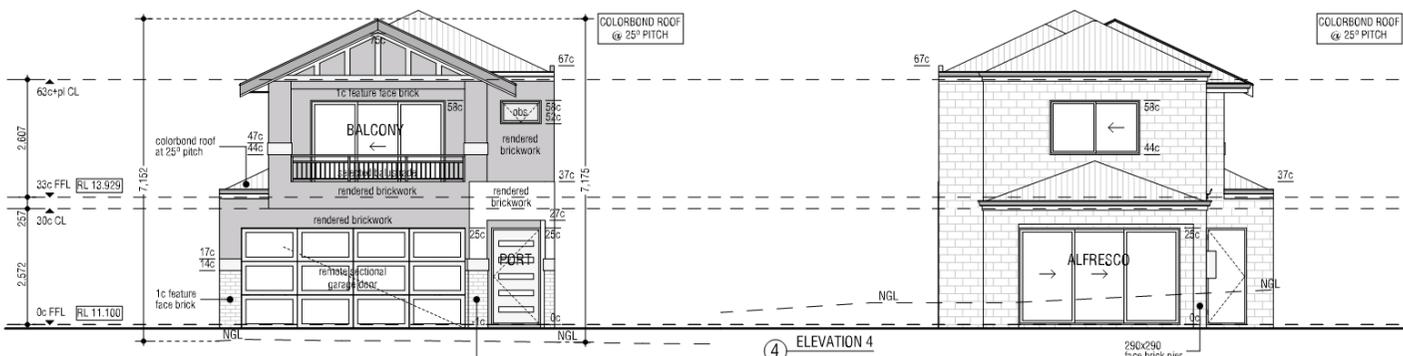
project: MALCOLM & MAY ROE'S RESIDENCES			
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scale:	date:	drawn by:	drawing no.:
1:100	23 APR 2018	AVN	1580_DA 8 of 10



1 ELEVATION 1



3 ELEVATION 3



2 ELEVATION 2

4 ELEVATION 4

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24 January 2019

HN 48A Elevations

 <p>67 have street, Osborne park wa 6017 • po box 1118, Osborne park wa 6016 p: 9202 6888 • f: 9202 6881</p>	<p>amendments:</p> <ul style="list-style-type: none"> <li>05.06.18 a submit to council for DA</li> <li>28.08.18 b DA amendments</li> <li>22.10.18 c front setback - upper floor areas changes</li> <li>17.12.18 d SAT changes - porches</li> <li>24.01.19 e HN48A upper floor setback 7.11m from front boundary</li> </ul>	<p>project:</p> <p>MALCOLM &amp; MAY ROE'S RESIDENCES</p> <p>project address:</p> <p>LOT 5 HN 48 EGINA ST MOUNT HAWTHORN WA 6016</p>
	<p>scale:</p> <p>1:100</p>	<p>date:</p> <p>23 APR 2018</p>

**HN 48A MATERIAL SELECTION**

- LIGHT RENDER COLOUR:  
HIGHGATE OR SIMILAR
- MEDIUM RENDER COLOUR:  
DULUX FLOODED GUM OR SIMILAR
- WINDOW FRAMES COLOUR:  
WHITE
- ROOF COLOUR:  
BASALT
- FACE BRICK:  
RED VINTAGE OR SIMILAR



**HN 48 MATERIAL SELECTION**

- LIGHT RENDER COLOUR:  
HIGHGATE OR SIMILAR
- MEDIUM RENDER COLOUR:  
DULUX COLORBOND DUNE OR SIMILAR
- WINDOW FRAMES COLOUR:  
WHITE
- ROOF COLOUR:  
SURFMIST
- FACE BRICK:  
RED VINTAGE OR SIMILAR



CITY OF VINCENT  
RECEIVED  
24 January 2019



**3D Views**

	amendments: 05.06.18 a. submit to council for DA 28.08.18 b. DA amendments 22.10.18 c. front setback + upper floor area changes 17.12.18 d. SATY changes - porfice 24.01.19 e. HN48A upper floor setback 7.11m from front boundary	project: MALCOLM & MAY ROE'S RESIDENCES project address: LOT 5 HN 48 EGINA ST MOUNT HAWTHORN WA 6016
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City of Vincent  
244 Vincent Street  
Leederville

27<sup>th</sup> August 2018

ATTN: Planning Department

**RE: Proposed Development at Hn 48 Egina Street, Mount Hawthorn**

We, the land owners of 48 Egina Street, Mount Hawthorn, confirm that, upon receiving all relevant approvals, will be building both houses at 48 Egina Street at the same time.

This being the case, the two double storey boundary walls will be simultaneously constructed.

Kind Regards,



Colin Malcolm Roe and Corinne May Roe  
Woodvale 6026

**Summary of Submissions:**

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

Comments Received in Objection:	Officer Technical Comment:
<p><u>Street Setback</u></p> <p>The amended street setback pushes the development further back and visually imposes on the properties to the rear and increases overshadowing.</p> <p>Submission notes that the street setback has largely been addressed through the amended plans.</p>	<p>The development meets the deemed-to-comply requirements of the Residential Design Codes (R Codes) with respect to the rear lot boundary setback.</p> <p>Noted.</p>
<p><u>Colours and Materials</u></p> <p>The amended plans show little material change.</p>	<p>The proposal incorporates a range of materials and finishes including face brick banding, timber detailing and elements of render. The incorporation of a face brick element and the timber detailing responds to the existing developments along the Egina Street and within the broader Mount Hawthorn area.</p>
<p><u>Garages Width</u></p> <p>The double garages set side by side are considered to dominate the frontage of the development and is highly inconsistent with the built form character of Egina Street.</p> <p>The proposed garages do not contribute to, preserve or enhance the visual character of the existing streetscape.</p> <p>Increasing the street setback of the double garages and the material changes has not mitigated the visual and detrimental impact of the garages on the streetscape.</p> <p>The proposed garages do not satisfy the design principles of the R Codes (P2).</p> <p>The proposed garage width is between 78 and 80 percent of the lot frontage. This does not comply with C5.7.7 of the City's Built Form Policy.</p>	<p>The deemed-to-comply requirements of the R Codes outlines that the garage width requirements only applies where the garage is located in front of within 1.0 metres of the building. The R Codes definition of a building includes structures that are appurtenant to a dwelling, such as a balcony. As the garages are located 1.1 and 1.2 metres behind the balconies, this provision of the R Codes does not apply and the development is not subject to the deemed to comply requirements of design principles of the R Codes (5.2.2 Garage Width).</p> <p>Clause C5.7.7 of the City's Built Form Policy relates to carports only.</p>
<p><u>Landscaping</u></p> <p>The landscaping appears unrealistic and not implementable. Concerns in regards to the viability of the mature trees being located within such proximity to each other.</p>	<p>Agreed, the City has concerns that the proposed species will grow to a substantially higher height and canopy than that shown on the development plans. This may impact on the viability of the trees as the trees are proposed to be planted within close proximity to each other. A condition of approval has</p>

**Summary of Submissions:**

Comments Received in Objection:	Officer Technical Comment:
<p>The proposed development does not comply with Council's Built Form Policy and does not meet the design principles for the following reasons:</p> <ul style="list-style-type: none"> <li>• P5.14.2 in that there is little tree and vegetation coverage to create a sense of open space between buildings.</li> <li>• P5.14.3 the development does not comply with the 30% of site to be covered at canopy maturity</li> <li>• The proposed development does not integrate sustainable landscape design with the building creating a greater landscaping amenity for residents and occupants and the community, make an effective and demonstrated contribution to the City's green canopy or reduce the impact of the urban heat island effect and therefore does not comply with 5.14 of Built Form Policy. It is not sympathetic to surrounding residents.</li> </ul> <p>The resubmission is considered to create a worse landscaping outcome. Concerns in regards to how the City will enforce the landscaping condition. Landscaping should be addressed upfront rather than as a condition of approval.</p>	<p>been recommended which requires a minimum of 25 percent canopy cover for the site, which is considered a realistic percentage.</p> <p>The proposed landscaping responds to the relevant design principles through the provision of tree canopy and deep soil zones that would contribute to the City's green canopy and would reduce the impact of the development on the surrounding residential area. The proposal is acceptable from a landscaping perspective.</p> <p>The City will not issue a building permit until an amended landscaping plan is provided that satisfies the condition of approval.</p>
<p><u>Built Form</u></p> <p>The developer has already shown disregard for due process by demolishing the previous dwelling without having planning approval.</p>	<p>The demolition of a single house that is not listed on the local or State municipal heritage list is not subject to development approval. The City's building services issued a demolition permit for the demolition of the single house and due process was followed.</p>
<p>The development appears to greatly exceed the 45% minimum outdoor requirement and provides little green space.</p> <p>The proposed development does not provide adequate ventilation and direct sun to building and open spaces on adjoining property. The proposed 30% shading is significant and will impact on the open space/entertainment area of the adjoining property. The living areas of the adjoining property will also not have access to natural light for substantial part of winter. The development does not mitigate the negative impacts on the amenity of the neighbouring property.</p>	<p>The proposal provides 46 percent open space which meets the deemed-to-comply requirements of the R Codes for 45 percent open space.</p> <p>The development provides 30.8 percent overshadowing to the adjoining property located to the south. The R Codes permits a maximum of 35 percent overshadowing to the adjoining property under the R30 density coding. The development complies with the deemed-to-comply for overshadowing under the R Codes.</p>
<p>The proposed boundary wall of 3.6m to 3.7m in height will create an unacceptable building bulk and mass to the adjoining property (south), which</p>	<p>The boundary wall adjoining No. 46 Egina Street has a maximum height of 3.1 metres and an average height of 3.0 metres. This meets the deemed-to-</p>

**Summary of Submissions:**

Comments Received in Objection:	Officer Technical Comment:
<p>will impact on the amenity of the adjoining properties outdoor living area.</p> <p>The proposed development's southern lot boundary setback is over 200m closer to the adjoining lot, which seems unnecessary given the dominance onto the property.</p> <p>The massing and height is not appropriate to its setting.</p>	<p>comply requirements of the City's Built Form Policy, which allows for a maximum height of 3.5 metres and an average height of 3.0 metres. The applicant has provided amended plans changing the bedroom window from a 'major opening' to a 'minor opening' which reduces the deemed-to-comply setback requirement to 1.0 metres for this section of wall. The development provides a 1.2 metres setback which meets the deemed-to-comply requirement.</p> <p>The development meets the deemed-to-comply building height requirements of the City's Built Form Policy, which allows a maximum wall height of 6.0 metres and roof height of 9.0 metres.</p>
<p><u>Other</u></p> <p>Pre-demolition comment of "Timber pailing fence in fair condition" was accurate prior to demolition, however fence was damaged during demolition and needs replacing as part of development.</p> <p>Concerns that Council's reasons for refusal have not been addressed through the amended plans.</p> <p>The developer has already shown disregard for due process by demolishing the previous dwelling without having planning approval.</p>	<p>Boundary fences are not subject to development approval and therefore outside of the scope of this development applications.</p> <p>The City is satisfied the amended plans have increased the development's compliance with the deemed-to-comply requirements of the R Codes and Built Form Policy. The development requires Council to exercise its discretion in relation to landscaping and stores. The City is satisfied the development meets the relevant design principles of the R Codes and Built Form Policy in respect to these items. Further discussion on the City's rational is provided in the report to Council.</p> <p>The demolition of a single house that is not listed on the local or State municipal heritage list is not subject to development approval. The City's building services issued a demolition permit for the demolition of the single house and due process was followed.</p>

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

Comments	Response
<b>Street Setback</b>	
<ul style="list-style-type: none"> <li>The amended street setback pushes the development further back and visually imposes on the properties to the rear and increases overshadowing.</li> </ul>	This comment is not supported. The development is compliant with respect to overshadowing and the rear setback requirements.
<ul style="list-style-type: none"> <li>Submission notes that the street setback has largely been addressed through the amended plans.</li> </ul>	Thank you and noted.
<b>Colours and Materials</b>	
<ul style="list-style-type: none"> <li>The amended plans show little material change.</li> </ul>	<p>State Administrative Tribunal mediation for the subject proposal occurred on 14 December 2018 in the presence of the SAT Member, City of Vincent officers and Mayor. At that meeting, it was agreed to make changes to the plans to increase the primary street setback distances of the buildings, to improve the presentation of the buildings by incorporating articulation through use of colour and staggering, improvements to landscaping through the tapering of the driveway to create less hardstand and changes to the garage door to make them more permeable.</p> <p>The full list of changes include:</p> <ol style="list-style-type: none"> <li>The primary street setback for each dwelling has been increased to No.48 Egina to 7.11m and 8.21m to the upper floor balcony and garage, respectively and to No.48A Egina to 7.11m and 8.245m to the upper floor balcony and garage door, respectively;</li> <li>The portico structures for each dwelling have been extended and now sit in front of the each unit. The proposed portico's are staggered and incorporate different colours to enhance the presentation of each dwelling;</li> </ol>



	<p>3. The garage door has been changed and now includes translucent portions to increase the permeability of each door; and</p> <p>4. The driveway areas have been tapered to reduce the amount of hardstand and to accommodate more soft landscaping.</p> <p>We have taken onboard the City's recommendations in relation to the design of the building to facilitate development approval and based on the above changes, we feel the development should be approved by Council.</p>
<p><b>Garages Width</b></p>	
<ul style="list-style-type: none"> <li>The double garages set side by side are considered to dominate the frontage of the development and is highly inconsistent with the built form character of Egina Street.</li> </ul>	<p>Garage width is compliant and therefore these comments should be dismissed.</p>
<ul style="list-style-type: none"> <li>The proposed garages do not contribute to, preserve or enhance the visual character of the existing streetscape.</li> </ul>	<p>Notwithstanding, the garage door has been changed and now includes translucent portions to increase the permeability of each door and to reduce its perceived dominance on the streetscape.</p>
<ul style="list-style-type: none"> <li>Increasing the street setback of the double garages and the material changes has not mitigated the visual and detrimental impact of the garages on the streetscape.</li> </ul>	
<ul style="list-style-type: none"> <li>The proposed garages do not satisfy the design principles of the R Codes (P2).</li> </ul>	
<ul style="list-style-type: none"> <li>The proposed garage width is between 78 and 80 percent of the lot frontage. This does not comply with C5.7.7 of the City's Built Form Policy.</li> </ul>	
<p><b>Landscaping</b></p>	
<ul style="list-style-type: none"> <li>The landscaping appears unrealistic and not implementable. Concerns in regards to the viability of the mature trees being located within such proximity to each other.</li> </ul>	<p>The driveway areas have been tapered to reduce the amount of hardstand and to accommodate more soft landscaping. Furthermore, the Magnolias have been removed from the landscape strip and will be replaced by more shrubs and soft landscaping area in order to address the potential conflict between the Magnolia's and Chinese Tallow's when the trees fully mature. We believe this is a better outcome for the development.</p>

<ul style="list-style-type: none"> <li>• The proposed development does not comply with Council’s Built Form Policy and does not meet the design principles for the following reasons:             <ul style="list-style-type: none"> <li>• P5.14.2 in that there is little tree and vegetation coverage to create a sense of open space between buildings.</li> <li>• P5.14.3 the development does not comply with the 30% of site to be covered at canopy maturity</li> <li>• The proposed development does not integrate sustainable landscape design with the building creating a greater landscaping amenity for residents and occupants and the community, make an effective and demonstrated contribution to the City’s green canopy or reduce the impact of the urban heat island effect and therefore does not comply with 5.14 of Built Form Policy. It is not sympathetic to surrounding residents.</li> </ul> </li> </ul>	<p>The proposed tree species are consistent with the City’s tree selection tool and the City has recommended that a condition be imposed on the development requiring an amended landscape plan demonstrating the provision of 30 percent canopy cover within the development site. It is considered compliance will provide amenity to the development and its occupants and would satisfy the local housing objectives and design principles of the City’s Built Form Policy.</p> <p>It should be noted that the City of Vincent Policy 7.1.1: Built Form Policy (Built Form Policy) is prepared under the Planning and Development (Local Planning Schemes) Regulations 2015, to supplement the adopted Town Planning Scheme.</p> <p>The Built Form Policy supersedes several sections of the R-Codes however despite not being able to do so and is therefore still in draft form.</p> <p>In addition to the above, the WAPC Statutory Planning Committee considered the City’s Built Form Policy on 30 January 2018. The SPC resolved:</p> <ol style="list-style-type: none"> <li>1. Pursuant to clause 7.3.2 of State Planning Policy 3.1 – Residential Design Codes, to approve the relevant provisions of the City of Vincent Local Planning Policy 7.1.1 Built Form policy subject to modifications as specified in the Schedule of Modifications appended as Attachment 4;</li> <li>2. to advise the City that the modified Built Form Policy should be regarded as interim pending the gazettal of draft State Planning Policy 7.3 Apartment Design Policy (SPP 7.3) which is anticipated in 2018. An holistic review of the Built Form Policy should be undertaken by the City in consultation with the Department of Planning,</li> </ol>
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	<p>Lands and Heritage, to achieve alignment with the gazetted SPP 7.3 Volume 2.”</p> <p>Given the required modifications relate to R-Code provisions which require WAPC consent to modify, the Built Form Policy provisions relating to landscaping cannot be given due regard. This is backed by WASAT 99 (2017) in the matter of O'Brien and the City of Vincent.</p> <p>The City is required to undertake the associated amendments to its built form policy prior to being able to enforce these provisions. Therefore, the subject site is not bound by the requirements.</p> <p>Notwithstanding, the development provides a high level of landscaping amenity for occupants, the community and the streetscape.</p>
<ul style="list-style-type: none"> <li>The resubmission is considered to create a worse landscaping outcome.</li> </ul>	<p>The amended plans improve the landscaping outcome for the development and in particular to the streetscape through the tapering of the driveway, less hardstand and more soft landscaping. This was an outcome that was agreed to at the mediation between the applicant and the City at SAT mediation on 14 December 2018.</p>
<p><b>Built Form</b></p>	
<ul style="list-style-type: none"> <li>The developer has already shown disregard for due process by demolishing the previous dwelling without having planning approval.</li> </ul>	<p>Planning approval is not required for demolition in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.</p>
<ul style="list-style-type: none"> <li>The development appears to greatly exceed the 45% minimum outdoor requirement and provides little green space.</li> </ul>	<p>Open space for the development is compliant.</p>
<ul style="list-style-type: none"> <li>The proposed development does not provide adequate ventilation and direct sun to building and open spaces on adjoining property. The proposed 30% shading is significant and will</li> </ul>	<p>Overshadowing resulting from the development is complaint and therefore the comments are dismissed.</p>

<p>impact on the open space/entertainment area of the adjoining property. The living areas of the adjoining property will also not have access to natural light for substantial part of winter. The development does not mitigate the negative impacts on the amenity of the neighbouring property.</p>	
<ul style="list-style-type: none"> <li>The proposed boundary wall of 3.6m to 3.7m in height will create an unacceptable building bulk and mass to the adjoining property (south), which will impact on the amenity of the adjoining properties outdoor living area.</li> </ul>	<p>This comment and assessment in relation to lot boundary walls is incorrect.</p> <p>The deemed-to-comply provisions of the City's Built Form Policy requires boundary walls to be located behind the street setback line and to have an average height of no more than 3.0 metres.</p> <p>The development provides boundary walls behind the front setback. The boundary walls have an average wall height of 3m metres and a maximum wall height of 3.1m and are therefore compliant with the length and height requirements for boundary walls.</p> <p>The northern boundary wall is located adjoining the boundary wall of the garage of No. 50 Egina Street. The boundary wall on the southern boundary is located adjoining the driveway of No. 46 Egina Street. The proposed boundary walls are not located abutting any habitable areas of the adjoining dwellings or active open spaces, and as such are not considered to pose an adverse impact on the amenity of the adjoining properties.</p> <p>The proposed garages have incorporated materials such as face brick that positively contributes to the streetscape, which assists in minimising the perception building bulk to the street. The overhanging positioning of the balconies on the upper floor above the garages is considered to further reduce the impact of building bulk through providing articulation within the front setback area.</p>

	The articulated design of the proposed dwellings and the incorporation of varying building materials is considered to reduce the overall impact of building bulk and scale of the development when viewed from neighbouring properties and the street. The proposed boundary walls are considered to satisfy the relevant design principles of the R Codes and the local housing objectives of the Built Form Policy and are supported.
<ul style="list-style-type: none"> <li>The proposed development's southern lot boundary setback is over 200m closer to the adjoining lot, which seems unnecessary given the dominance onto the property.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>The massing and height is not appropriate to its setting.</li> </ul>	This comment should be dismissed on the basis that it is subjective. The development complies with building height and is therefore appropriate to its setting from this perspective.
<b>Other</b>	
<ul style="list-style-type: none"> <li>Pre-demolition comment of "Timber paling fence in fair condition" was accurate prior to demolition, however fence was damaged during demolition and needs replacing as part of development.</li> </ul>	Noted.
<ul style="list-style-type: none"> <li>Concerns that Council's reasons for refusal have not been addressed through the amended plans.</li> </ul>	Council's reasons for refusal relate to the front setback and this has been addressed through the amended plans and is now compliant.

**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. All storm water produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of storm water 'off site' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of storm water 'off site' be subsequently provided, detailed design drainage plans and associated calculations for the proposed storm water disposal shall be lodged together with the building permit application working drawings.
3. In reference to Condition 1.2, simultaneous building permits for the proposed single houses on lots 201 and 202 are required.
4. An Infrastructure Protection Bond for the sum of \$3,000 together with a non-refundable inspection fee of \$100 shall be lodged with the City by the applicant, prior to 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.
5. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5m) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
6. 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.
7. 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.
8. 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.
9. Where conditions have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.