

9.3 NO. 48A (LOT: 201; D/P: 413236) EGINA STREET, MOUNT HAWTHORN - PROPOSED SINGLE HOUSE

- Attachments:**
1. Consultation and Location Map
 2. Lodged Development Plans
 3. Development Plans
 4. Environmentally Sustainable Design Report and Template
 5. Urban Design Study
 6. Administration Streetscape Analysis
 7. Summary of Submissions - Administration's Response
 8. 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 development application for Single Dwelling at No. 48A (Lot: 201; D/P: 413236) Egina Street, Mount Hawthorn in accordance with the plans in Attachment 3, subject to the following conditions, with the associated advice notes in Attachment 8:

1. Development Plans

This approval is for a Single House as shown on the approved plans dated 4 February 2021. No other development forms part of this approval;

2. Boundary Walls

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

3. 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;

4. Visual Privacy

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

5. Colours and Materials

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;

6. Landscaping

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

6.2 A minimum of one Weeping Peppermint Tree of a 45 litre capacity shall be planted within the road verge adjacent to the subject site as shown in the approved plans at the expense of the owners/occupiers, prior to occupancy or use of the development and to the City's satisfaction;

7. Stormwater

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

8. Sight Lines

No walls, letterboxes or fences above 0.75 metres in height to be constructed within 1.5 metre of where ~~the driveway meets the right of way, unless the further approval of the City is obtained.:~~

- Walls, letterboxes or fences adjoin vehicular access points to the site; or
- A driveway meets a public street; or
- two streets intersect;

Unless otherwise approved by the City of Vincent;

9. Car Parking and Access

9.1 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1;

9.2 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City; and

9.3 No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within the access driveways. All goods and materials are to be stored within the buildings or storage yards, where provided; and

10. Construction Management Plan

A Construction Management Plan shall be lodged with and approved by the City prior to issue of a building permit. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:

- Storage of materials and equipment on site;
- Parking arrangements for contractors and sub-contractors;
- The impact on traffic movement;
- Notification to affected land owners; and
- Construction times.

The approved Construction Management Plan shall be complied with for the duration of the construction of the development

PURPOSE OF REPORT:

To consider an application for development approval for a two storey single house at No. 48A Egina Street, Mount Hawthorn (subject site).

PROPOSAL:

The application proposes the construction of a two storey single house at the subject site.

BACKGROUND:

Landowner:	Colin and Corinne Roe
Applicant:	Integrity Developments (WA) Pty Ltd

Date of Application:	4 January 2021
Zoning:	MRS: Urban LPS2: Zone: Residential R Code: R30
Built Form Area:	Residential
Existing Land Use:	Vacant
Proposed Use Class:	Single House
Lot Area:	307m ²
Right of Way (ROW):	No
Heritage List:	No

The subject site is bound by Egina Street to the west, single dwellings to the north and east and a vacant green title lot to the south (No. 48 Egina Street), as shown on the location plan included as **Attachment 1**. Egina Street and the broader area surrounding the subject site is characterised by one and two-storey single houses.

The subject site is currently a vacant lot that has been cleared in preparation for development. The site forms part of two parallel green title lots created as part of a subdivision approval issued by the Western Australian Planning Commission (WAPC) in 2017. The lots have since been created.

Previous Development Applications

At its meeting on 16 October 2018, Council refused a development application for two grouped dwellings to the parent lot of the subject site (No. 48 Egina Street). The reasons for refusal related to the impact of the proposed primary street setback and visual dominance of the proposed garages on the existing streetscape.

The applicant sought a review of this decision by the State Administrative Tribunal (SAT), and through this process the SAT invited Council to reconsider its decision. Prior to the application for reconsideration being presented to Council, Administration was provided with a copy of the Deposited Plan and Certificate of Title for the subdivided lots (Nos. 48 and 48A Egina Street) by the applicant. As a result, the application presented to Council for reconsideration was for two single houses, rather than two grouped dwellings.

Council reconsidered amended plans at its meeting on 5 February 2019 where it resolved to refuse the application. The refusal reasons related to:

- The bulk, scale and visual dominance of the garages on the existing streetscape,
- Compromised solar access to the subject and adjoining property as a result of the proposed landscaping and two storey boundary walls; and
- Inadequate landscaping to reduce the impact of the proposal on the adjoining properties and streetscape.

Following Council's decision, the SAT dismissed the applicant's application for review. This was on the basis that Landgate had issued the Deposited Plan and Certificate of Title for the two green title lots at No. 48A (Lot 201) Egina Street and No. 48 (Lot 202) Egina Street. SAT determined that this meant that Lot 5 (being the parent lot) no longer existed and a decision could not be made on the development application.

The applicant subsequently lodged two separate single house development applications for Nos. 48 and 48A Egina Street. Council refused the applications at its meeting on 20 August 2019 for reasons related to:

- The bulk, scale and visual dominance of the garages on the existing streetscape;
- Inadequate landscaping to reduce the impact of the proposal on the adjoining properties and streetscape and resulting in compromised solar access to the subject and adjoining properties;
- The bulk and scale impacts of the proposed two storey boundary wall and resulting restricted solar access; and
- Compromised solar access to the adjoining property at No. 48 Egina Street.

The applicant lodged applications for review of Council's decisions made on 20 August 2019 to the SAT. The matters proceeded to full SAT hearing on 6 November 2019 where the SAT affirmed Council's decision to refuse the applications and dismissed the applicant's application for review.

An application for review of SAT's decision by a judicial member of the SAT under section 244 of the *Planning and Development Act 2005* to deal with questions of law was sought by the landowners. The SAT refused the application and affirmed Council's refusal on 29 July 2020.

Current Development Applications

The applicant has submitted two separate development applications for single houses at both the subject site and No. 48 Egina Street, Mount Hawthorn.

The plans for the single house proposed for the subject site as part of this application are contained in **Attachment 3**.

The development application for a single house on No. 48 Egina Street is also on this Ordinary Meeting agenda for Council's determination. Administration has assessed each application separately.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Local Planning Scheme No. 2 (LPS2), the City's 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	✓	
Front Fence	✓	
Building Setbacks/Boundary Wall		✓
Building Height/Storeys	✓	
Open Space	✓	
Outdoor Living Areas	✓	
Landscaping (R Codes)	✓	
Privacy	✓	
Parking & Access	✓	
Solar Access		✓
Site Works/Retaining Walls	✓	
External Fixtures	✓	
Surveillance	✓	
Environmentally Sustainable Design	✓	

Detailed Assessment

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

Lot Boundary Setbacks/Walls	
Deemed-to-Comply Standard	Proposal
Built Form Policy Clause 5.2 <u>Lot Boundary Setbacks</u> Dining – Alfresco: 1.5 metres <u>Lot Boundary Walls</u> Boundary walls to two side boundaries to a maximum height of 3.5m and average height of 3 metres for up to two-thirds (22.08 metres) of the lot boundaries behind the front setback.	Dining – Alfresco: 1.2 metres Average Height – 3.15 metres Maximum Height – 3.3 metres Length – 6.0 metres
Solar Access for Adjoining Sites	
Deemed-to-Comply Standard	Proposal
R Codes – Volume 1 Clause 5.4.2 35% overshadowing	48.2% overshadowing onto southern adjoining property

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 10 February 2021 and concluding on 23 February 2021. Community consultation was undertaken by means of written notification being sent to surrounding landowners, as shown in **Attachment 1** and a notice on the City's website.

At the conclusion of the community consultation period, five submissions were received – four objecting to the proposed development and one expressing concern. Concerns raised during the community consultation period relating to the proposed single house are summarised as follows:

- The length and extent of boundary walls;
- The adequacy of landscaping provided, including the amount of canopy coverage and ability for this to reach maturity;
- The precedent for future development in respect to the lot configuration and corresponding built form outcomes; and
- Construction management.

A summary of the submissions received along with Administration's comments on each are provided in **Attachment 7**.

Design Review Panel (DRP):

Referred to DRP: Yes

The development plans that were submitted originally with the application, included as **Attachment 2**, were referred to a member of the City's Design Review Panel for comment. The following comments and recommendations were provided:

- Greater setback or indentation should be provided to the dining room to break up the wall length and improve solar access/ventilation to adjoining property;
- The single storey nature of development at the rear of the dwelling to the living, dining and alfresco areas minimises the extent of overshadowing which falls onto the neighbouring property's living spaces, which is supported;
- The stepping of the upper floor back from the ground level is supported, and the stepping of the garage back from the main dwelling alignment is also positive and supported. Garage should be recessed further to 1 metre;
- Consider improvements to the landscape and entry sequence to allow increased legibility to front entry areas. Delineate pedestrian and vehicle access;
- Upper level walls clad with weatherboard may further differentiate ground and upper floors to one house for a more individual reading of the homes and to differentiate the design aspects;
- Window proportions to the upper floor facing Egina Street are to be considered, taking cues from existing character homes;
- Surface treatment/landscape does not differentiate between pedestrian entry and cars. Applicant to consider separate pedestrian entry to the dwelling and additional planting areas; and
- The proposed colours/materials appear to be consistent with the palette of materials within the surrounding established streetscape.

The applicant submitted amended plans in response to the abovementioned DRP comments. These are the plans that the applicant is seeking approval for as included in **Attachment 3** and incorporate the following key changes:

- Removed the solid wall to the alfresco;
- Increased setback of the garage additional 0.5 metres, to facilitate a 1.0 metre stepping of the garage behind the building line;
- Revised window forms to demonstrate building form relationship with adjacent properties; and
- Reduced hardstand area associated with driveway in the front setback.

These changes made by the applicant as well as other changes made to the adjoining proposed dwelling at

No. 48 Egina Street respond to the comments and recommendations made by the Design Review Panel member and create a legible distinction between the subject and proposed neighbouring dwelling at No. 48 Egina Street.

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- State Planning Policy 7.3 – Residential Design Codes Volume 1;
- Policy No. 4.1.5 – Community Consultation;
- Policy No. 7.1.1 – Built Form Policy; and
- Policy No. 7.5.22 – Construction Management Plans.

Planning and Development Act 2005

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

Delegation to Determine Applications:

The matter is referred to Council for determination as it relates to a matter previously considered 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:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

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

PUBLIC HEALTH IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications of this report.

COMMENTS:*Lot Boundary Setbacks*

The application proposes a 1.2 metre setback from the southern lot boundary to the dining – alfresco portion of the ground floor of the dwelling, in lieu of the deemed-to-comply standard of 1.5 metres.

The proposed lot boundary setback satisfies the relevant design principles of the R Codes and local housing objectives of the Built Form Policy for the following reasons:

- The southern elevation is well articulated and incorporates multiple large openings to break up the impact of building bulk when viewed from the adjoining property. The elevation incorporates contrasting colours and materials including face brick and render that assists in breaking up the ground and first floor walls when viewed from the adjoining property;
- The upper floor of the dwelling is satisfies the deemed-to-comply lot boundary setback requirements, and is articulated so as to provide actual and perceived vertical and horizontal stepping of the dwelling. Building bulk is further alleviated by openings to bed 4/study, dining and alfresco to reduce the extent of solid walls;
- In response to recommendations from the City's Design Review Panel member, the applicant revised the proposal to an open alfresco on the south to mitigate the extent of solid walls as viewed from the neighbouring property;
- Major openings to the southern façade are appropriately screened to alleviate direct overlooking and subsequent loss of privacy to the adjoining property;
- A two storey single dwelling is proposed to the adjoining property to the south at No. 48 Egina Street, which is also listed on this Ordinary Meeting agenda for determination. The reduced lot boundary setback proposed would be located adjacent to the proposed outdoor living area at No. 48 Egina Street. A dividing fence would provide adequate screening to maintain privacy between the neighbouring properties; and
- The single storey nature of the dining-alfresco would not have an adverse impact on the adjoining property's access to direct sunlight or ventilation or impose bulk and scale to neighbouring development.

Lot Boundary Walls

The deemed-to-comply provision of the Built Form Policy pursuant to the R Codes permits boundary walls to an average height of 3 metres. The garage boundary wall proposed to the northern boundary would have an average height of 3.15 metres.

The northern boundary wall satisfies the relevant design principles of the R Codes and local housing objectives of the Built Form Policy for the following reasons:

- The garage abuts an existing boundary wall of the neighbouring property at No. 50 Egina Street. The neighbouring boundary wall also forms part of a garage which is constructed to a 2.8 metre height and 7.0 metre length. Given the siting of the boundary wall on the adjoining property and its greater length, the proposed garage is wholly concealed from view from the street and the neighbouring property, and its associated building bulk would be mitigated;
- The proposed wall meets the deemed-to-comply requirements for the length and maximum height. The length of wall proposed is 6.0 metres in lieu of the permitted 22.08 metres as per the deemed-to-comply standard. The 3.3 metre maximum height of the wall remains below the 3.5 metre maximum permitted as per the deemed-to-comply standard. This assists with reducing the scale and impact of the boundary wall as viewed from the neighbouring property and street;
- The boundary wall is located behind the street setback to mitigate the extent of lot boundary walls visible upon approach to the dwelling. The face brick finish of the wall is consistent with the materials and finishes of neighbouring properties; and
- The proposed wall is located on the northern boundary and would not compromise access to direct sunlight for the subject dwelling. The adjoining property at No. 50 Egina Street located to the north of the subject site would also not be adversely impacted with respect to overshadowing the direction of shadow cast is to the south.

Solar Access for Adjoining Sites

The application proposes 48.2 percent overshadowing of No. 48 Egina Street, in lieu of the 35 percent deemed-to-comply standard under the R Codes.

The overshadowing satisfies the relevant design principles of the R Codes for the following reasons:

- The shadow cast would fall to the ground floor openings of the kitchen, dining, living and alfresco of the proposed dwelling at No. 48 Egina Street. A single storey single house that met the deemed-to-comply standards and the dividing fence would also result in overshadowing that exceeds the prescribed deemed-to-comply overshadowing requirement. This is because of the orientation of the lot and the narrow lot width. The proposed dwelling has been designed to reduce the impact of overshadowing;
- The extent of overshadowing would not impact major openings to habitable rooms on the upper floor of

the proposed adjoining dwelling. The southern elevation of the dwelling is articulated and a reduced building footprint to the upper floor that would reduce the extent of overshadowing to the neighbouring property;

- The proposed dwelling is reduced in height to single storey from the mid-point to rear of the site. This would minimise overshadowing impacts and would ensure the affected dwelling maintains good access to winter sunlight;
- The overshadowing assessment is taken based on shadow cast at midday on 21 June, being the time of year when overshadowing to the south would be at its worst. This is not reflective of the extent of overshadowing that would be experienced at the adjoining property at all times;
- The building height of the dwelling meets the deemed-to-comply requirements. The proposal does not seek discretion to the building height which would exacerbate the overshadowing and impact on the amenity of future occupants of No.48 Egina Street;
- Limited canopy cover is proposed to the southern aspect of the subject site to ensure landscaping does not further exacerbate the shadow cast to the adjoining property; and
- The proposed dwelling at No.48 Egina Street does not propose solar panels and therefore the overshadowing would not impact on any solar collectors.

Landscaping

In addition to the deemed-to-comply standards of the R Codes, the application has also been assessed against the landscaping provisions of the Built Form Policy that set out additional 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 due regard in the assessment of the application.

The Built Form Policy requires the provision of 30 percent canopy coverage, 12 percent deep soil zones and 3 percent planting areas. The application proposes 21.5 percent canopy cover and 17.1 percent deep soil zones that are also defined as planting areas under the Built Form Policy.

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

- The application proposes three Flowering Plum trees, one Chinese Tallow and two Magnolia Trees on-site. The proposed tree species are capable of providing 3.0 to 6.0 metres of canopy each at maturity. Shrubs and plants proposed would also provide supplementary forms of landscaping to the site;
- The proposed tree species are consistent with the City's tree selection tool and are capable of growing to a greater height and canopy than that shown on the development plans. The City's Parks and Urban Greening team has reviewed the proposal and confirmed the species and their location would enable all canopy to grow to full maturity;
- The landscaping provided would soften the appearance of the proposed dwelling and reduce the overall impact of building bulk and scale when viewed from Egina Street and neighbouring properties. The landscaping proposed would contribute to the reduction of the urban heat island effect, increase urban air quality, provide a greater landscape amenity for the locality and create a sense of open space between the proposed dwelling and neighbouring properties;
- The application proposes planting areas and deep soil zones greater than those required under the deemed-to-comply standards of the Built Form Policy. Additional planting zones allows for the owner/occupier to plant additional landscaping areas in the future;
- The proposed landscaping to the lot does not inhibit vehicle use, with mature trees located away from proximity to the vehicle access point to maintain sufficient sight lines so as they are safe in use;
- The proposed landscaping includes portions of canopy which extends outside of the lot boundaries, contributing to the provision of landscaping within the broader locality; and
- The verge in front of the subject lot currently contains a Weeping Peppermint Tree which is proposed to be removed to facilitate the provision of a crossover. This tree was planted in January 2018 prior to creation of the green title lots through subdivision and therefore the tree is not mature. The City's Parks and Urban Greening team has advised the removal and replacement of the existing verge tree can be supported, provided the replacement of the tree is at the cost of the applicant. The new verge tree is to be planted in line with the existing verge trees on neighbouring properties. The landscaping plan submitted with the application includes the provision of a replacement verge tree. Administration has recommended a condition be imposed for the implementation of the landscaping plan.

Environmentally Sustainable Design

Clause 5.11 of the Built Form Policy provides local housing objectives for environmentally sustainable design. The applicant has submitted an energy efficiency report, demonstrating the dwelling achieves a minimum 8 star NatHERS rating (8.2 proposed) to satisfy local housing objective 1.8.6 of the Built Form Policy. A copy of the report and environmentally sustainable design template are included as **Attachment 4** and identify the following built form and site planning measures in the sustainable design of the dwelling:

- Limited stepping of rooms to the internal floor plan to ensure the dwelling is and remains universally accessible and can be easily modified to accommodate changing family size and circumstances. This would ensure the dwelling can evolve over time and remain in place for the future, rather than demolished should living arrangements and needs shift;
- The siting and floor plan layout of the proposed dwelling is established in line with the north-south orientation of the subject site;
- No additional structures, lot boundary walls or significant tree canopy is proposed to the northern elevation so as to not screen areas of north facing openings and open space for maximum natural light and access to winter sun;
- Upper level windows are provided for access to year round natural light;
- Climate moderation devices in the form of eaves and cantilevered upper floor to allow for winter solar penetration and summer shading;
- Openable windows for cross ventilation;
- North facing windows and living areas have been incorporated where practicable within the constraints of the site and R Codes provisions to aid in access to light;
- Reduced scale of openings on the western elevation to moderate internal temperatures;
- Living spaces and habitable rooms open to private open spaces for natural and cross ventilation, reducing the reliance on passive heating and cooling devices; and
- The dwelling is constructed of earthy and neutral tones which assist with mitigating solar absorptance and urban heat island effect for the broader locality.

Administration has reviewed the proposal against the Built Form Policy local housing objectives and is satisfied that the development has incorporated environmentally sustainable design features to meet the intended built form outcomes of development within the City.

Urban Design Study

Clause 5.12 of the Built Form Policy provides local housing objectives which applications are to consider as part of an urban design study. The applicant's urban design study is included as **Attachment 5** and details the key built form references and details of the streetscape and surrounding area considered in the design of the proposed development, including the following:

- Pitched roof form with gable details to the façade;
- Use of a light colour palette in the rendered finish of the dwelling façade and fixtures is consistent with the surrounding established streetscape;
- Detailing of the roof forms and windows provide a visual link to existing character dwellings along Egina Street; and
- Landscaping and canopy coverage provided in the front setback area.

Administration has undertaken a streetscape analysis of the site, included as **Attachment 6**, which demonstrates the variety of built form outcomes, colours and materials, and setbacks of existing dwellings within Egina Street.

The proposal satisfies the Built Form Policy local housing objectives relating to urban design study. The development has incorporated design features to ensure that it appropriately references the predominant streetscape and its built form context. This view has also been reflected in the DRP member's comments on the appropriateness of the development proposal.