

9.2 NO. 4 (LOT: 235; D/P: 1237) ETHEL STREET, NORTH PERTH - PROPOSED TWO GROUPED DWELLINGS

Ward: South

- Attachments:**
1. Consultation and Location Map
 2. Lodged Development Plans
 3. Final Development Plans
 4. Administration Streetscape Analysis
 5. Administration Shadow Diagram
 6. Urban Design Study
 7. Environmentally Sustainable Design Report and Template
 8. Summary of Submissions - Administration's Response
 9. Summary of Submissions - Applicant's Response
 10. 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 Two Grouped Dwellings at No. 4 (Lot: 235; D/P: 1237) Ethel Street, North Perth in accordance with the plans shown in Attachment 3, subject to the following conditions, with the associated determination advice notes in Attachment 10:

1. Development Plans

This approval is for Two Grouped Dwellings as shown on the approved plans dated 21 February 2022 and 31 March 2022. 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

5.1 Prior to first occupation or use of the development, the colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City; and

5.2 The metre boxes are to be painted the same colour as the wall they are attached to so as to not be visually obtrusive, to the satisfaction of the City;

6. Landscaping

All landscaping works shall be undertaken in accordance with the approved plans dated 21 February 2022 and 31 March 2022;

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

Walls, fences and other structures truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where two streets intersect, with the exception of:

- One pier at max width of 0.4 metres x 0.4 metres and height of 1.8 metres, with decorative capping permitted to 2.0 metres;
- Infill that provides a clear sight line; and
- If a gate is proposed:
 - When closed: a minimum of 50 percent unobstructed view;
 - When open: a clear sightline;

Unless otherwise approved by the City of Vincent; and

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 shall be 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 areas, where provided.

PURPOSE OF REPORT:

To consider an application for development approval for two grouped dwellings at No. 4 Ethel Street, North Perth (subject site).

PROPOSAL:

Details of the proposed two grouped dwellings are as follows:

- Unit 1 is oriented to face Ethel Street, with vehicle access provided via a single width crossover. A mature tree is located within the verge and is to be retained;
- Unit 2 is oriented to face the right of way (ROW) to the rear, with a single width crossover for access. Unit 2 is located at the end of the ROW, which terminates at the rear of the subject site;
- A 1.5 metre wide common property pedestrian access leg is provided along the northern lot boundary for pedestrian access and servicing to Unit 2; and
- Each dwelling is two storeys in height, has one car parking garage, and contains three bedrooms.

Following the Council Briefing on 29 March 2022, the applicant modified the development as follows:

- Addition of a Capital Pear tree to the front setback area of Unit 1;

- Addition of two Cottonwood Hibiscus trees to the ROW setback of Unit 2 in front of the first floor living/dining room window; and
- Provision of a 1.6 metre high fixed obscure glass balustrading in front of the living/dining room opening to the first floor of Unit 2, facing the ROW.

These changes were proposed by the applicant to provide greater on site canopy coverage and to ameliorate perceived overlooking across the ROW.

The proposed development plans have been included as **Attachment 3**.

BACKGROUND:

Landowner:	Mimi Ferguson
Applicant:	Steve Irvine
Date of Application:	23 March 2021
Zoning:	MRS: Urban LPS2: Residential R Code: Residential R40
Built Form Area:	Residential
Existing Land Use:	Vacant
Proposed Use Class:	Grouped Dwelling
Lot Area:	534m ²
Right of Way (ROW):	4 metres, City of Vincent owned
Heritage List:	No

Site Context and Zoning

The subject site is bound by Ethel Street to the west, single houses to the north and south, and a 4.0 metre ROW to the east. The land of the subject site is currently cleared and vacant. A copy of the location plan is included as **Attachment 1**.

The subject site and all adjoining properties are zoned Residential R40 under the City's Local Planning Scheme No. 2 (LPS2). The subject site and all adjoining properties are within the Residential built form area and have a building height standard of two storeys under the City's Policy No. 7.1.1 – Built Form (Built Form Policy). The site is also subject to Clause 26(6) of LPS2 which permits a maximum of two dwellings per lot.

The prevailing streetscape context is a series of 13.3 metre to 14.1 metre wide lots to Ethel Street. These dwellings are single and two storeys in height with double garages which are accessed from the ROW. The 4 metre ROW at the rear provides vehicle access for properties on Ethel Street, Raglan Road and Grosvenor Road, with open space areas for these properties located adjacent to the ROW also.

Properties along the Ethel Street streetscape are over 400 square metres in area and would be capable of meeting the 180 square metre minimum and 220 square metre average lot sizes for subdivision under the R Codes to accommodate two dwellings. The streetscape is transitioning with subdivision to create two lots and new dwellings occurring at Nos. 3, 5 and 7 Ethel Street within the last 15 years.

The subject site is oriented east to west. Three lots with a north-south orientation are located immediately to the south of the site, with Grosvenor Road located further to the south serving as their primary frontage. Existing houses on these three lots are single and two storeys in height. Due to the orientation, the backyards of these three properties are located immediately to the south of the subject site.

Demolition

A demolition permit was issued by the City on 20 August 2021 for the demolition of the previous single storey dwelling and associated structures on the site. The subject site is now cleared. The previous dwelling was not heritage-listed and was exempt from the need to obtain development approval for its demolition.

Subdivision

No subdivision application has been lodged with or approved by the Western Australian Planning Commission (WAPC) for the creation of two lots to accommodate the proposed two dwellings. The applicant has confirmed that a subdivision application would be lodged with the WAPC following development approval.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Local LPS2, the City's Built Form Policy and the State Government's Residential Design Codes (R Codes). In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	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	✓	
Sight Lines		✓
Solar Access	✓	
Site Works/Retaining Walls	✓	
Essential Facilities		✓
External Fixtures	✓	
Surveillance		✓

Detailed Assessment

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

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

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

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

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

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

Street Setback	
Deemed-to-Comply Standard	Proposal
Built Form Policy Volume 1 Clause 5.1 <u>Upper Floors</u> Walls on upper floors setback a minimum of 2 metres behind the ground floor predominant building line <u>Balconies</u>	The first floor of Unit 1 is setback 1.6 metres behind the ground floor

Balconies on upper floors setback a minimum of 1 metre behind the ground floor predominant building line	The balcony on the first floor of Unit 1 projects 0.7 metres forward of the ground floor
Street Walls and Fences	
Deemed-to-Comply Standard	Proposal
Built Form Policy Volume 1 Clause 5.9	
Solid walls permitted to 1.2 metres in height above natural ground level	Fence to Unit 2 facing the ROW incorporates solid portions of wall 1.8 metres in height
Outdoor Living Areas	
Deemed-to-Comply Standard	Proposal
R Codes Clause 5.3.1	
Located behind front setback area	The outdoor living area of Unit 1 would be located within the front setback area
Sight Lines	
Deemed-to-Comply Standard	Proposal
Built Form Policy Volume 1 Clause 5.8	
Walls, fences and other structures truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points	Units 1 and 2 provide sightlines of 0.5 metres by 1.5 metres to Ethel Street and ROW
Utilities and Facilities	
Deemed-to-Comply Standard	Proposal
R Codes Clause 5.4.4	
Store room for each grouped dwelling that is 4 square metres minimum area and 1 metre minimum dimension	Units 1 and 2 do not provide designated store rooms
Street Surveillance	
Deemed-to-Comply Standard	Proposal
Built Form Policy Volume 1 Clause 5.6	
The primary street elevation of the dwelling is to address the street and shall include the main entry (front door) of the dwelling	Main entry of Unit 2 does not address the ROW
The street elevation of the dwelling to address the street with clearly defined entry points visible and accessed from the street	Entry of Unit 2 partially concealed from Ethel Street pedestrian access leg

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

CONSULTATION/ADVERTISING:

Community consultation was undertaken for the plans as originally lodged and included as **Attachment 2** in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days from 14 May 2021 to 27 May 2021. The method of consultation included a notice on the City's website and letters sent to all owners and occupiers adjoining the subject site, as shown in **Attachment 1** and in accordance with the City's (former) Policy No. 4.1.5 – Community Consultation.

31 submissions were received at the conclusion of the community consultation period, all of which objected to the proposal.

Second, third and fourth rounds of community consultation were subsequently undertaken in accordance

with the City's Community Engagement and Stakeholder Policy. This was based on amended plans and supporting information submitted by the applicant to address concerns raised. These amended plans were re-advertised to owners/occupiers who had previously provided a submission. In respect to this:

- The second community consultation period was for 14 days from 20 August 2021 to 2 September 2021. 19 submissions were received, all of which objected to the proposal.
- The third community consultation period was from 3 December 2021 to 31 January 2022. This was an extended advertising period to account for the City's advertising black out period that occurs over the Christmas and New Year period from 18 December to 8 January, as specified in the Community and Stakeholder Engagement Policy. Where any consultation falls within this period, the number of days is to be added on to the required consultation period. Administration mail out and notification errors also resulted in this advertising period being extended. 10 submissions were received, all of which objected to the proposal.
- The fourth and final community consultation period was for 14 days from 23 February 2022 to 8 March 2022. Five submissions were received, all objecting to the proposal.

A summary of the key concerns raised with the proposed development across all four community consultation periods is as follows:

- Balconies overlook directly into neighbouring properties;
- Adverse amenity impacts to adjoining properties, including overlooking and overshadowing which falls to outdoor living areas and reduces access to sunlight for the dwellings;
- The proposed shadow would impact current and future occupants and liveability of their homes by further reducing limited access to natural sunlight. The shadow impacts would be exacerbated by the impact from boundary walls, setbacks and a lack of open space;
- Development scale and bulk is not in keeping with the established built form character of North Perth and the areas R40 density coding;
- There is a lack of deep soil zones and canopy cover which indicates that the site is being overdeveloped;
- Precedent would be set for future two storey development and long-term impacts on the precinct; and
- Setback of development to the ROW does not provide adequate privacy, sound proofing or security for neighbours.

A summary of submissions received across the four consultation periods along with Administration's responses to each comment is provided in **Attachment 8**. The applicant's response to the submissions received are provided as **Attachment 9**.

Prior to Council's Briefing Session, the City received a late submission of support for the final development plans was received from the neighbour to the north. No comments were provided in this submission.

Following Council's Briefing Session on 29 March 2022, amended plans were submitted to provide additional landscaping and window glazing treatment. The changes were not re-advertised for the following reasons:

- The landscaping would increase canopy coverage for Units 1 and 2 from that previously proposed; and
- The obscure screening introduced to the first floor opening of Unit 2 facing the ROW would provide fixed screening to address perceived overlooking.

The modifications do not result in any new or further departures to the deemed-to-comply standards, and would not have an impact on the community or the amenity of the locality. This is consistent with the City's Community and Stakeholder Engagement Policy.

A copy of the final set of development plans to be determined by Council is included within **Attachment 3**.

Design Review Panel (DRP):

Referred to DRP: Yes

The proposal was referred to the City's DRP member on four occasions for comment on the development plans. These referrals were for the plans originally lodged and each set of amended plans submitted by the applicant.

The DRP member also met with the applicant and the City's officers during the course of the application on two occasions to elaborate on their comments.

A summary of all of the DRP member's comments on the proposal are included below.

- The front and side balconies make sense for amenity to the occupants but see a loss of privacy to the neighbours to the south and north;
- The projection forward of the upper floor alignment appears inconsistent with existing surrounding upper storey development;
- The muted/darker tones of the upper floor should help the dwellings recede a little within the streetscape to counteract the balcony projections;
- Development is at odds stylistically with surrounding development but materials proposed are appropriate and assist in tying back to surrounding context;
- Opportunity to reduce scale of the rooms to improve setbacks to side boundaries;
- Recessed walls should be explored to further improve articulation and assist with reducing perceived bulk;
- Well-articulated and landscaped courtyards with substantial tree canopy are proposed in front of the streetscape massing;
- There is sufficient surveillance and streetscape interaction from the development;
- The separation of the two units in the middle by the roof terrace allows light and air to permeate into the southern adjoining neighbouring lots;
- Landscaping buffers soften impact of development to adjoining dwellings;
- The concealed roof forms are tempered by the use of traditional materials such as face brickwork, timber cladding and metal roof claddings. Roof forms reduce perceptions of bulk and scale through reductions in overall height; and
- The front and rear units have been given a slightly different appearance in relation to both size and material use to provide a separate identity and read as separate dwellings.

In response to comments and recommendations received from the DRP member from referrals, the applicant made the following key changes over the course of the application process:

- Lot boundary wall heights reduced to 3.5 metres or less;
- Lot boundary setbacks increased;
- Boundary wall length reduced by 6.6 metres;
- Removal of internal two storey boundary walls;
- 3.3 metre internal building separation of Unit 1 and Unit 2;
- Open space to Unit 1 increased by 8 percent and open space to Unit 2 increased by 7.3 percent;
- Dimensions of Unit 2 outdoor living area increased;
- Deep soil area to Unit 1 increased by 8.5 percent;
- Balconies to the southern and northern elevations of Unit 1 and Unit 2 removed;
- Unit 2 balcony to ROW removed; and
- Pedestrian access leg relocated to northern lot boundary.

The DRP member provided the following comments in respect to the final set of amended plans:

- A full separation of dwellings and the introduction of more internal landscaping assists with reducing the perceived bulk, scale and massing of the proposed development;
- The rear dwelling is lower than the front and this stepping of height further assists with articulation and separation of form;
- Variations in cladding and articulation between the two dwellings provides individual design expression;
- Consider increased setback to the ground floor of Unit 2 to allow for a strip of garden to the eastern boundary to still be available to the dwelling after future ROW widening; and
- Consider maintaining face brickwork to the eastern boundary wall of Unit 1 on the ground floor. On the upper floor, consider wrapping painted render to the bed 3 to WIR portion of the wall and cladding detail on the balcony to create a more interlocking material palette to improve articulation.

In response to these final recommendations from the DRP member, the applicant made the changes in the materiality of the boundary wall of Unit 1. The final set of development plans that reflect this change and that is the subject of Council's determination has been included as **Attachment 3**.

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;*
- *Planning Bulletin 33/2017: Rights of Ways or Laneways in Established Areas;*
- *Community Engagement and Stakeholder Policy (formerly Policy No. 4.1.5 – Community Consultation); and*
- *Policy No. 7.1.1 – Built Form.*

Planning and Development Act 2005

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

Planning and Development (Local Planning Scheme) Regulations 2015

The City is to have due regard to the matters set out in Schedule 2, Clause 67 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) in determining an application. The due regard matters relevant to this application are:

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (g) *any local planning policy for the Scheme area;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following –*
 - (i) *environmental impacts of the development;*
 - (ii) *the character of the locality; and*
 - (iii) *social impacts of the development;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (y) *any submissions received on the application;*
- (zb) *any other planning consideration the local government considers appropriate; and*
- (zc) *any advice of the Design Advisory Committee.*

Consideration of these matters is provided included in the Comments section of this report

Local Planning Scheme No. 2

The objectives of the Residential zone under LPS2 are a relevant consideration for the application. These objectives are:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the*

community;

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

Delegation to Determine Applications:

This matter is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments. This is because the delegation does not extend to applications for development approval that received more than five objections during the City's community consultation period.

RISK MANAGEMENT IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

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

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

The City has assessed the application against the environmentally sustainable design provisions of the City's Built Form Policy. These provisions are informed by the key sustainability outcomes of the City's Sustainable Environment Strategy 2019-2024, which requires new developments to demonstrate best practice in respect to reductions in energy, water and waste and improving urban greening.

PUBLIC HEALTH IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

There are no finance or budget implications from this report.

COMMENTS:

An assessment against the discretionary aspects of the application is set out below. These relate to consideration against the State Government's R Codes and City's Built Form Policy, as well as other matters under the LPS Regulations to be considered by local government.

Street Setback

The Built Form Policy street setback deemed-to-comply standard is for upper floor walls to be setback a minimum of 2 metres behind the ground floor building line and balconies to be setback 1 metre behind the building line.

The first floor of Unit 1 would be setback 1.6 metres behind the ground floor predominant building line and the balcony would project 0.7 metres forward of the ground floor.

Applicant's Justification

- The stepping and projections are consistent with the surrounding properties along Ethel Street;
- Upper floor of Unit 1 is appropriately stepped back from the street boundary in comparison to neighbouring development at No. 164 Grosvenor Road. This provides a graduated development outcome from the street corner;
- Differences in the materiality and colours of significant sections of the upper floor compared with the ground floor creates visual interest within the streetscape. The materials and colours proposed for the design of the dwellings are consistent with those within the surrounding locality;
- The proposed encroachments and projections provide for an articulated façade that engages with the streetscape in a positive manner that contributes to the overall improvement of the streetscape; and
- The existing tree at the front of the property along Ethel Street will conceal the dwelling. This means any perceived impact of the bulk and scale of the streetscape will be mitigated by the street tree.

Administration's Assessment

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

- Varied Street Setbacks in Established Streetscape: The Ethel Street streetscape is characterised by older existing single storey dwellings with varied street setbacks. A copy of Administration's streetscape review is included as **Attachment 4**. The proposed dwellings would sit appropriately within the established streetscape and would not detract from the street as:
 - Setbacks in Immediate Streetscape: There are varied street setbacks for dwellings in the immediate streetscape. The immediate streetscape for Ethel Street extends from Grosvenor Street to Raglan Road. There are five properties on either side of Ethel Street that have a frontage to this street.
 - On the eastern side of Ethel Street, the street setback of dwellings for Nos. 6, 8 and 10 Ethel Street that face this street vary from 3.4 metres to 5.4 metres. No. 164 Grosvenor Road sides onto Ethel Street and the dwelling has a nil setback to Ethel Street. The subject site is the fifth property on this side of the road; and
 - On the western side of Ethel Street, the street setback of dwellings for Nos. 3, 5, 7 and 9 Ethel Street that face this street vary from 1.5 metres to 4.5 metres. No. 166 Grosvenor Road sides onto Ethel Street and the dwelling has a 1.0 metre setback to Ethel Street;
 - Stepping of Building Setbacks: The street setback of the first floor of the Unit 1 dwelling provides an appropriate streetscape transition and stepping between the properties immediately to the north and south of the site. The dwelling on the property immediately to the south of the site at No. 164 Grosvenor Road has a nil dwelling setback to Ethel Street that occupies 11.7 metres of its frontage and a 1.0 metre garage setback to Ethel Street that occupies 5.6 metres of its frontage. The dwelling on the property immediately to the north of the site at No. 6 Ethel Street has a 5.4 metre setback to Ethel Street that occupies 11.7 metres of its frontage;
 - Street Setback of Southern Property: The nil setback of the dwelling immediately to the south at No. 164 Grosvenor Road was not factored into the five properties aside used to calculate the average street setback deemed-to-comply standard for the ground floor that then establishes the setting back of upper floors. This is because the dwelling setback of the property immediately to the south of the site sides onto Ethel Street which is its secondary street frontage. This adjoining property has its primary frontage instead oriented towards Grosvenor Road. The ground floor of Unit 1 meets the deemed-to-comply average street setback. The dwelling is proposed to be setback 4.5 metres from Ethel Street in lieu of the 4.3 metre average setback deemed-to-comply standard;
 - Upper Floor Alignment: The 1.6 metre stepping back of the upper floor and projection of the balcony would not result in visual bulk to the street that is commonly associated with unarticulated and blank two storey walls. There are two, two storeys dwellings within the immediate streetscape between Grosvenor Road and Raglan Road.
 - No. 3 Ethel Street across the road has an upper floor in line with the ground floor below and does not provide any articulation; and
 - No. 164 Grosvenor Road immediately to the south of the site has an upper floor in line with the ground floor. This is a nil setback of both the ground and upper floors to Ethel Street and does not provide articulation;

- **Broader Streetscape:** The broader streetscape of Ethel Street to the south of the site from Grosvenor Road to Vincent Street consists of eight dwellings that are predominantly single storey. These dwellings side onto Ethel Street with it serving as their secondary street. This portion of the street is characterised by garages and street walls with a nil to 1 metre setback. To the north of the site from Raglan Road to Alma Road, Ethel Street is characterised by predominantly single storey homes that face onto this street with varying setbacks, parking in the front setback area and low street walls and fences;
- **Open Streetscape:**
 - Ethel Street is characterised by single storey dwellings with open front yards and landscaping. The open nature of the first floor balcony and its glass balustrade would contribute towards the open and interactive frontages within the established streetscape;
 - Streetscape interaction and engagement of the dwelling would be unimpeded due to the provision of open fencing. Ancillary structures and projections, such as carports, porches and solid walls are provided within the front setback area of neighbouring properties. These structures contribute massing closer to the street;
- **Mitigating Building Bulk:**
 - The first floor is clearly distinguishable from the ground floor through the balcony overhang and the use of different colours and materials. The ground floor is proposed to be finished with face brick and the first floor finished with vertical cladding. The use of varying colours and materials and the inclusion of major openings proposed to the living/dining and master rooms ensures that Unit 1 would not present to Ethel Street with unarticulated and blank solid double storey walls;
 - The front setback area provides 33.9 square metres of deep soil area and a Chinese Elm and a Captial Pear tree. This is consistent with the landscaped front setback areas of surrounding properties. The landscaping as proposed within the front setback area would assist in reducing the impact of building bulk from the first floor on the streetscape;
- **Definable Entry Point:** The upper floor does not affect legibility of the entry to the dwelling. The entry point to Unit 1 would be clearly visible from Ethel Street;
- **Surveillance and Interaction:** The open aspect to the balcony together with major openings from the living/dining spaces on the ground floor and master bedroom on the first floor providing visual connectivity and surveillance with the street;
- **Urban Design Study:** The applicant has submitted an urban design study included as **Attachment 6**. This sets out how the proposed dwellings have been designed to reflect the architectural language of Ethel Street. Stepping of ground and upper floors and a mix of materials such as contrasting render, face brick and cladding reflect a development form that is consistent with the street and neighbouring properties; and
- **Design Review Panel:** The City's DRP member noted the balcony projection was not a predominant streetscape feature however was appropriate. This is due to the colour and material selection which assists in tying the development back to the surrounding context and established streetscape rhythm.

Street Walls and Fences

The deemed-to-comply standards of the Built Form Policy permit solid street walls and fences to 1.2 metres in height.

The fence to Unit 2 that faces the ROW has portions of solid wall to 1.8 metres in height.

Applicant's Justification

- The partially solid walls are appropriate to the right of way boundary to mitigate noise impacts and privacy issues;
- Fencing style maintains privacy to the dwelling whilst also providing passive surveillance to the streetscape associated with the right of way. The design of the front fence design ensures that the relationship between the public and private realm is maintained; and
- Solid walls to the boundary are already evident within the right of way due to existing solid fencing and garage structures.

Administration's Assessment

The street wall and fence satisfies the local housing objectives of the Built Form Policy for the following reasons:

- **Visual Permeability:** The proposed fence would be constructed using concrete panelling while the remainder of the fence would be permeable wrought iron detailing. The use of mixed materials would

ensure that portions of the wall are visually permeable to allow for surveillance and interaction. These material finishes would also contribute positively to the existing ROW streetscape which is characterised by solid fibre cement fences, garage doors and vehicle access points; and

- **Privacy:** Areas of usable open space and outdoor living areas for the future occupants of Unit 2 are located adjacent to the ROW. This is to maximise access to the northern aspect of the site and winter sunlight. The portion of the 1.8 metre high wall would occupy 3.9 metres of the lot's 13.3 metre ROW frontage. The proposed solid portions of wall would provide adequate privacy for the occupants of the dwelling when using this space, whilst still allowing for surveillance and interaction with visually permeable portions of the fence.

Outdoor Living Areas

The deemed-to-comply standards of the R Codes requires 20 square metres of outdoor living area with a minimum dimension of 4 metres to be provided behind the street setback area. The primary outdoor living area of Unit 1 is proposed within the front setback area.

Applicant's Justification

- The outdoor living area for the front dwelling is capable of use in conjunction with the living and dining area of the dwelling as it located adjacent to these areas. The outdoor living area is accessible from the living/dining area via a door and acts as an extension to these habitable rooms;
- The location of the outdoor living area within the front setback allows for a larger, more useable outdoor area for the dwelling; and
- Location of the outdoor living area within the lot provides for access to northern sunlight and provides for passive surveillance to the street.

Administration's Assessment

The proposed outdoor living area satisfies the relevant design principles of the R Codes for the following reasons:

- **Functionality:** The primary outdoor living area is accessible from habitable rooms of the dwelling, being the kitchen, living and dining to optimise its function and use;
- **Surveillance:** The outdoor living area within the front setback area provides engagement of the dwelling with the public realm. The outdoor living area increases actual and perceived passive surveillance of the street;
- **Size:** The size of the outdoor living area is a usable extension of the habitable rooms. The outdoor living area minimum dimension is 4.5 metres which meets the 4 metre minimum dimension under the R Codes deemed-to-comply standard. The outdoor living area is 33.6 square metres in area, satisfying the minimum 20 square metres R Codes deemed-to-comply standard;
- **Second Outdoor Living Area:** The balcony serves as a second outdoor living area. It is accessible from the master bedroom and is 11.4 square metres in area. The total area of the ground and upper floor outdoor living areas for active and passive use would be 45.0 square metres;
- **Weather Protection:** The balcony from the first floor above cantilevers 0.7 metres forward of the ground floor, providing 14.1 square metres of covered outdoor living area. This would support the use of the space all year round. The remainder of the outdoor living area is open to allow for sufficient access to sunlight and ventilation to the dwelling and its occupants, enhanced by the northern aspect of the space; and
- **Privacy:** The primary outdoor living area is not raised above natural ground level and meets the visual privacy deemed-to-comply standards of the R Codes.

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 sets out deemed-to-comply standards. The deemed-to-comply landscaping standards set out in the Built Form Policy have not yet been approved by the WAPC and as such, these provisions are given regard only in the assessment of the application and do not have the same weight as other policy provisions.

The Built Form Policy deemed-to-comply standard requires 30 percent of lots to be provided as canopy coverage at maturity. Unit 1 initially proposed 14.7 percent canopy coverage at maturity. After the 29 March 2022 Council Briefing Session, the applicant submitted amended plans with an additional Capital

Pear tree in the front setback area of Unit 1. Unit 1 would now provide 18.6 percent canopy coverage at maturity.

Applicant's Justification

- The proposed tree within the front setback is co-located with the dwelling's outdoor area and will make a positive contribution to the streetscape.
- Landscaping to Unit 1 not only provides for shade and softscape for the dwelling but will grow to a height that is consistent with existing trees within the street; and
- The provision of a large tree within the front setback also compliments the existing street tree at the front of the property along Ethel Street.

Administration's Assessment

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

- Deep Soil Zones and Planting Areas: Unit 1 provides 21.2 percent deep soil zones and planting areas, greater than the 12 percent and 3 percent required respectively by the Built Form Policy. The deep soil zones and planting areas offer additional opportunities for canopy and smaller planting across the site by the occupants;
- Canopy Coverage: Tree species proposed are capable of providing between 3 and 6 metres of canopy width each at maturity. The width, spacing and location of deep soil zones and canopy trees would ensure landscaping proposed is capable of growing to full maturity, which has also been reviewed and supported by the City's Parks team;
- Canopy Opportunities: The existing canopy of the established Queensland Box tree in the verge already extends into within the front setback area of Unit 1. Tree planting would not be practical in the deep soil areas on the northern boundary of the dwelling next to the living/dining due to the balcony and void area above. Additional canopy would also not be practical to the south from the laundry and ensuite due to the 1.5 metre minimum dimension and hardstand required for the functionality of the drying court area;
- Species Selection: The deciduous nature of the Chinese Tallow and Frangipani trees would allow for increased light filtration to openings and neighbouring development during the winter and autumn months to support access to sunlight and ventilation; and
- Streetscape Benefits: The mature verge tree to Ethel Street is retained and planting of a Chinese Elm provides landscaping in the front setback that would be consistent with the streetscape.

Sight Lines

The deemed-to-comply standards of the Built Form Policy require a 1.5 metre by 1.5 metre truncation to be provided where a driveway intersects a street or right of way. Unit 1 and Unit 2 provides 0.5 metre by 1.5 metre sight lines from the respective access points.

Units 1 and 2 provide 0.5 metre by 1.5 metre sightlines from the respective access points.

Applicant's Justification

- The existing solid fence of the adjacent properties obstruct the views of the driveway from both Ethel Street and the ROW. The space between the driveway and fence is limited; and
- Due to the nature of Ethel Street and the ROW, manoeuvring in and out of the driveway will occur at low speed which allows for safe vehicle movement between the driver and pedestrians along the path.

Administration's Assessment

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

- Safety: The garages of the dwellings are setback adequately from the street and ROW. This ensures safe vehicle movements out of the site are provided with adequate opportunities to view oncoming vehicles and pedestrians on the footpath;
- Reduced Traffic Volumes to ROW: The accepted engineering practice within the City for sightlines to ROWs is a 1.0 metre by 1.0 metre truncation area. This is due to reduced traffic volumes. The ROW to access Unit 2 terminates at the southern boundary of the subject property. This means that this section of this ROW would be primarily used by the occupants of Unit 2 to access the dwelling and can only be

approached from the north of the ROW. Unit 2 provides a 2.0 metre by 2.0 metre truncation area to the northern side of the driveway for sightlines. 0.5 metre by 1.5 metre truncation area to the southern side of the driveway would be acceptable given that there would be no vehicles approaching from the south of the ROW; and

- Manoeuvring: The setback of the garage meets the vehicle manoeuvring requirements, as per the Australian Standards (AS2890.1). The City's Engineering team has confirmed vehicles could safely enter and exit from the vehicle access points.

Street Surveillance

The deemed-to-comply standards of the Built Form Policy and the R Codes require the primary street elevation of the dwelling, inclusive of the front door, to address the street. The street elevation of the dwelling is also required to provide clearly defined entry points visible and accessed from the street.

The main entry of Unit 2 is provided via a 1.5 metre wide pedestrian access leg from Ethel Street, and a front door which is partially not visible on approach.

Applicant's Justification

- The awning/canopy provides a feature for the entry of Unit 2; and
- The width of the pathway to Unit 2 and landscaping provides an attractive pedestrian setting.

Administration's Assessment

The proposal satisfies the design principles and local housing objectives of the Built Form Policy and R Codes relating to street surveillance for the following reasons:

- Entry Canopy: The entry canopy of Unit 2 provides a defined entry feature which is legible as viewed on approach from Ethel Street;
- Unimpeded Pedestrian Access: No fencing is proposed to the pedestrian access leg to Unit 2, providing unimpeded access and line of sight to the rear dwelling. This would reduce opportunities for concealment and entrapment; and
- Visitor Access: Visitors to Unit 2 would not be able to park on the driveway of Unit 2 or park along the ROW. The 4 metre width and configuration of the ROW does not support parking of vehicles along the ROW, and the 2.0 metre driveway length of Unit 2 does not provide sufficient depth to accommodate the parking of a vehicle. Visitors would park on Ethel Street and use the pedestrian access leg to visit Unit 2. Pedestrian access from Ethel Street and orientation of the main entry would support this arrangement.

Utilities and Facilities

The R Codes deemed-to-comply standard sets out a 4 square metre dedicated store room is to be provided to each grouped dwelling that are externally accessible.

Units 1 and 2 do not propose dedicated store rooms that are externally accessible.

Applicant's Justification

- Internal storage areas are provided to each dwelling. This enhances the usability of the outdoor living areas by creating space for deep soil areas for trees. This in turn enhances the amenity of both streetscapes;
- The front dwelling is provided with a cumulative storage area of 4.0 square metres and the rear dwelling is provided with a cumulative storage area of 4.0 square metres, within each dwelling. This means that each dwelling is provided with sufficient space to store items; and
- The provision of internal storage areas allows for a reduction in the overall bulk for each development.

Administration's Assessment

The proposal would satisfy the design principles of the R Codes for the following reason:

- Garage Area: The internal dimensions of the garages to Units 1 and 2 exceed the minimum Australian Standards. This would provide approximately 1 square metre of storage within the garage for occupants

to use.

It is noted that the provision of an external store would not be required under the R Codes should the site be subdivided to create two single houses. Separately, the applicant's justification that there are storage areas internal to the dwellings to cater to the needs of future occupants is noted.

Developments to Rights of Way

Clause 5.13 of the Built Form Policy relating to development to ROWs sets out local housing objectives to be achieved and does not prescribe deemed-to-comply standards.

The local housing objectives seek for development on ROW's to be setback 1.0 metre. This setback is measured from the lot boundary following any road widening being applied.

The ground floor of Unit 2 would have a nil setback from the ROW, assuming that a 1.0 metre widening is applied.

The WAPC's Planning Bulletin No. 33 Right of Ways or Laneways in Established Areas (PB33) provides guidance on the ceding of land for ROW widening. The extent of any ROW widening needed is determined by the WAPC during the subdivision process having regard to PB33.

For a 4 metre wide ROW and where widening is required, this varies between 0.5 metres and 1.0 metre to achieve a 5.0 metre or 6.0 metre width. This requirement would be applied as a condition of subdivision approval for the land to be ceded for widening purposes.

There is no current subdivision application or approval for the subject site.

Applicant's Justification

- Street and lot boundary setbacks are in compliance with the deemed-to-comply standards of the R Codes. The rear building has been positioned closer to the ROW boundary in order to create a clear break between the two proposed units, which helps to reduce bulk/scale/mass and reduce overshadowing to the adjoining properties;
- There are numerous local examples of buildings fronting the ROW with nil or minimal setbacks;
- Visual privacy provisions are in accordance with deemed-to-comply standards of the R Codes; and
- The rear building site introduces significant landscaping provision.

Administration's Assessment

The proposed ROW setbacks satisfy the local housing objectives of the Built Form Policy and are acceptable for the following reasons:

- Vehicle Access: Vehicle access to Unit 2 is provided via the ROW located to the east of the subject site. This ROW is 4 metres in width and accounting for a 2.0 metre garage entrance setback, there would be sufficient vehicle manoeuvring space;
- Dwelling Setback: Should a maximum 1.0 metre of ROW widening be applied, there would be a nil setback to the bed 2 and ensuite portion of the Unit 2 dwelling. Landscaping, the garage and the upper floor would provide for a 1.0 metre setback in this scenario of ROW widening;
- Existing ROW Development: The ROW setbacks would be consistent with the nil setbacks of adjacent properties and outbuildings to the ROW boundary;
- Service Access: The proposed development provides necessary pedestrian access to Ethel Street for postal, rubbish collection and public utilities, and would not be affected by any future ROW widening; and
- Future Subdivision: Preliminary comments from the Department of Planning, Lands and Heritage note that as the portion of the ROW would be limited in servicing the subject lot, it would likely not require any ROW widening subject to the dwelling providing the appropriate setback and turning circles. The merits of a subdivision application would be considered and determined by the WAPC on receipt of a complete application.

Environmentally Sustainable Design

Clause 5.11 of the Built Form Policy relating to environmentally sustainable design sets out local housing objectives to be achieved and does not prescribe deemed-to-comply standards.

The applicant has submitted a life cycle assessment report which is included in **Attachment 7**. The report and development plans identify the following built form and site planning measures that would be implemented to satisfy the local housing objectives of the Built Form Policy:

- Unit 1 would provide a 51 percent net use of fresh water saving that meets the target of 50 percent, an 81 percent global warming potential reduction exceeding the target of 50 percent, and a 6 star NatHERS rating through the sustainable design measures;
- Unit 2 would provide a 50 percent net use of fresh water saving that meets the target of 50 percent, an 86 percent global warming potential reduction exceeding the target of 50 percent, and a 6 star NatHERS rating through the sustainable design measures;
- Deciduous trees to be provided for natural shading during summer months, and to allow for low winter sun to penetrate and heat internal spaces in the winter months;
- Upper floors constructed of lightweight timber framed construction and lightweight cladding;
- Openable windows on opposing walls to facilitate cross ventilation;
- Roof overhangs and eave details to minimise excess solar gains in summer; and
- North facing habitable rooms and outdoor spaces for access to natural sunlight.

The applicant has confirmed that the recommendations of the report would be implemented into the development.

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.

Matters to be Considered by Local Government

Clause 67(2) of the LPS Regulations contains matters that must be given due regard in considering this application. Administration has undertaken an assessment of these matters below.

Impact on Amenity and Community – LPS2 Residential Zone Objectives and Clauses 67(2)(m), (n) and (x) of the LPS Regulations

The LPS Regulations defines amenity as ‘*means all those factors which combine to form the character of an area and include the present and likely future amenity*’.

The Residential Zone objectives of LPS2 seek ‘*to enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas*’.

The character and existing amenity of Ethel Street is reflective of its location as an inner city residential setting that provides a mix of single and grouped dwelling development. The area is located between the commercial and district centre settings of Fitzgerald Street and Beaufort Street and is also within close proximity to the North Perth town centre.

The following comments are provided in relation to the compatibility of the development and its impact on the amenity of the adjoining properties:

Compatibility of Development

The proposal provides for a development that is consistent with the objectives of LPS2 by achieving a high quality design outcome in relation to its setting and to tie in with the established and emerging Ethel Street streetscape context.

The proposal facilitates grouped dwelling development which is responsive to the size and geometry of the site, scale and design of neighbouring dwellings with the orientation of one lot to Ethel Street and the other to the ROW.

The proposed 255 square metre and 246 square metre lot sizes of the dwellings meet the minimum (180 square metres) and average (220 square metres) lot sizes for R40 development under the R Codes. As

per Clause 26(6) of the City's Local Planning Scheme No. 2 (LPS2) only two dwellings are permitted per lot. The proposed development is consistent with this.

As per comments from the DRP member, the development is compatible with the local context through the consideration of the height of the dwellings along with the site planning, and provision of landscaping and open space.

The development is sympathetic to the scale of the street and surrounding buildings in a predominantly single storey streetscape which is undergoing transition as a two storey built form area. The proposed development is compatible within its current setting, as well as existing and future amenity and character of the area.

Bulk & Scale

The lot boundary setbacks, lot boundary walls, building height and open space meet the deemed-to-comply standards of the R Codes and Built Form Policy. These matters are key considerations in informing the bulk and scale of the proposed development, and how it would present to adjoining properties and to the street.

The boundary wall length and heights are partially aligned with abutting outbuildings of neighbouring lots. The lot boundary setbacks meet the deemed-to-comply standards of the R Codes. The setbacks provide articulation of the buildings and landscaping to side boundaries. This assists with mitigating the perceived scale of the two storey development which would not overwhelm or dominate existing development.

Openings and balconies provide visual relief to the development and reduce the extent of blank, solid walls that are commonly associated with bulk and mass. The dwellings would provide visual interest to all elevations with vertical and horizontal cladding, muted grey and neutral tones, face brick and permeable fencing. The colours and materials of the dwellings are proposed to reference the built form cues and character of the area, and to mitigate bulk and scale of development.

The 6.5 metre building height would be less than the permitted 8.0 metre concealed height standard of the Built Form Policy. The 3.3 metre physical separation of Unit 1 and Unit 2 in the middle of the lot means the dwellings read as two separate developments as viewed from neighbouring properties.

Modulation of wall heights and lengths, physical separation of the two dwellings and stepping of development would not result in an adverse impact on the residential amenity of neighbouring dwellings and the street.

Visual Privacy

The proposed development meets the deemed-to-comply visual privacy standards of the R Codes. This is because openings to habitable rooms and raised active spaces such as balconies are setback to meet the cone of vision setbacks or provide appropriate screening to limit actual and perceived overlooking to the adjoining dwellings. This would not impact the privacy or amenity of adjoining properties.

After the 29 March 2022 Council Briefing Session, the applicant revised the plans to provide 1.6 metres high obscure glass balustrading to the opening of the living/dining room on the first floor of Unit 2 facing the right of way. The screening treatment would address perceived overlooking to neighbouring outdoor living areas and open space, and to increase the privacy of the occupants to Unit 2.

Solar Access

The R Codes permit 35 percent overshadowing to southern adjoining properties for residential development with a density code of R40. The proposed dwellings would result in a total shadow cast to the southern properties of 15.6 percent. The amount of shadowing to the southern properties comprises of:

- 13.2 percent of shadowing to No. 160 Grosvenor Road;
- 15.6 percent of shadowing to No. 162 Grosvenor Road; and
- 18.0 percent of shadowing to No. 164 Grosvenor Road;

The shadow cast by this development is within the deemed-to-comply standards.

Due to the east-west orientation of the subject lot, shadowing to the adjoining properties to the south is inevitable. Shadow cast from the dwellings would fall to the southern properties at Nos. 160, 162 and 164

Grosvenor Road that are coded R40. These properties each have their outdoor living areas located to the north of the site. This means that each of these areas would be affected by overshadowing from the proposed development. As per the R Codes, R40 development is required to provide a minimum of 20 square metres of outdoor living areas to each dwelling.

Administration has prepared shadow diagrams included as **Attachment 5**, which should be read in conjunction with the shadow commentary below. This details the extent and location of the shadow cast to the neighbours located to Nos. 160, 162 and 164 Grosvenor Road.

The shadow would not unreasonably impact the neighbouring properties because the shadow location and extent of the proposal allows neighbouring properties to maintain areas of open space and outdoor living areas that are unimpeded by the shadow at all times. All habitable rooms of neighbouring dwellings remain unshadowed by the development.

Shadow also falls to portions of existing covered open space, outdoor living areas and outbuildings of neighbouring development.

Overshadowing is assessed under the R Codes based on shadow cast to the south on 21 June during winter. This is when the sun is at its lowest in the sky and would cast the greatest shadow during the course of a year when the sun's angle is at 34 degrees.

The location and extent of the shadow cast onto the adjoining properties outdoor living areas, open space and habitable rooms is outlined below.

- No. 160 Grosvenor Road: The shadow falls to the covered alfresco and grassed open space at the rear of the lot. The outdoor living area of the lot is 102.6 square metres in area and includes paved and grassed open space, a 7.7 square metre verandah and 21.5 square metre alfresco area which is accessible from the dining and living rooms. The alfresco and verandah spaces are covered. 5.9 square metres of the covered alfresco would be shadowed. The proposed dwellings would result in 64.7 square metres of shadow fall to the outdoor living area which equates to 63 percent of the total outdoor living area at winter solstice. The worst case shadow from the dwellings would provide 37.9 square metres of uncovered outdoor living and open space that would not be in shadow, ensuring sufficient access to direct sun and ventilation for the neighbouring occupants;
- No. 162 Grosvenor Road: Shadow falls to the outbuilding and grassed open space at the rear of the lot. The outdoor living area of the lot is 118 square metres in area and includes grass, paving and a covered verandah accessed from the kitchen which is 17 square metres in area. 65.9 square metres of shadow or 55 percent of the property's total outdoor living area at winter solstice would be shadowed. The worst case shadow from the proposed dwellings would provide 52.1 square metres of uncovered outdoor living and open space that would be without shadow; and
- No. 164 Grosvenor Road: Shadow falls to the double garage (outbuilding) and paved open space at the rear of the lot. The open space and extent of outdoor living area at the rear of the lot is 129 square metres in area. No covered outdoor living areas are affected by the shadow. 61.3 square metres or 47.5 percent of the rear open space would be shadowed at winter solstice.

The proposed development provides for building heights, building setbacks and boundary walls to the southern elevation that satisfy the deemed-to-comply standards of the R Codes. The physical break between the proposed two dwellings with tree planting along the southern lot boundary of the dwellings would also aid in reducing the shadow cast from the proposal. The proposed development has been designed to reduce impacts of the location and extent of shadow cast to neighbouring development.

The proposed development takes into account north facing major openings and active habitable spaces of neighbouring dwellings, and this access to northern sunlight would be maintained. No solar collectors would be affected by the dwellings. Installation of solar panels to neighbouring dwellings in future would not be inhibited by shadow cast.

The resultant outcome is a development which results in unshadowed portions of the northern aspect and outdoor living areas of Nos. 160, 162 and 164 Grosvenor Road. The extent of the shadow would not result in an unacceptable amenity impact on these adjoining properties.

Aims and Objectives of LPS2 and Local Planning Strategy – Clause 67(2)(a) of the LPS Regulations

LPS2 provides broader aims applicable to the entire Scheme area and aims applicable to the Residential zone.

The proposal would provide for a development that is consistent with the objectives of LPS2 by achieving high quality design in its setting. The street setbacks, lot boundary setbacks, site cover and overall scale of the proposal are the key considerations in the appropriateness of the scale of the proposed dwellings. The complimentary built form of the proposal is supported by the comments from the DRP member.

The R40 density coding and two storey building height provides opportunities for grouped dwelling developments within North Perth. The proposed grouped dwelling development would contribute to infill dwelling type and choice for the community.

Orderly and Proper Planning – Clause 67(2)(b) of the LPS Regulations

Orderly and proper planning requires the consideration of whether an application is consistent with the objectives of the Scheme and relevant planning policies.

The Development Assessment Panel Practice Notes: Making Good Planning Decisions 2017 in referencing a State Administrative Tribunal decision provides the following clarification on the basis of which orderly and proper planning decisions should be made:

'...considerations are irrelevant unless they manifest in a physical impact on amenity. If a use is permitted under the scheme, and is not illegal in a general sense, then there are no grounds to refuse it on that basis alone. That said, a development application can be refused provided the decision is made on proper planning grounds.... it should [not] turn its back on considerations of urban amenity and aesthetics'

As detailed in this report, the suitability of the proposed development has been considered against the relevant scheme objectives, the City's local planning framework and the impact of the proposed development on the local amenity and neighbouring properties, consistent with the principles of orderly and proper planning.

Local and State Planning Policies – Clause 67(2)(c) and (g) of the LPS Regulations

The proposal has been assessed in accordance with the R Codes and the City's Built Form Policy and the development is consistent with the deemed to comply standards, design principles and local housing objectives, as detailed in this report.

Landscaping – Clause 67(p) of the LPS Regulations

The landscaping has been considered against the deemed-to-comply standards of the R Codes and the City's Built Form Policy. The landscaping meets the deemed-to-comply standards of the R Codes, and the design principles and local housing objectives of the Built Form Policy. This is detailed earlier in this report.

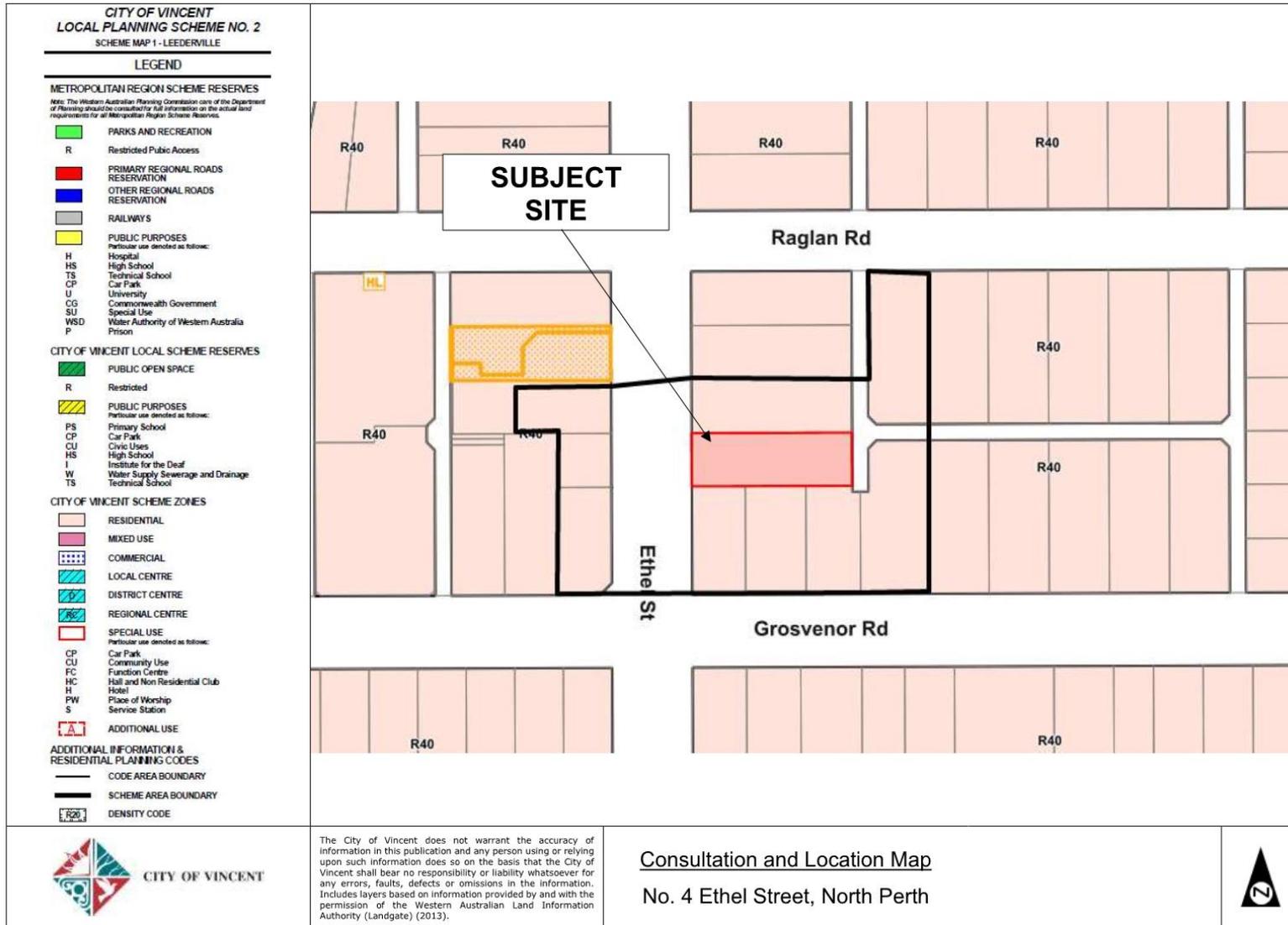
Submissions Received – Clause 67(y) of the LPS Regulations

The City received submissions during the four community consultation periods. A summary of submissions is provided as **Attachment 8** and Administration has provided a response to the each of the issues raised. The issues raised in the submissions have been considered as part of Administration's assessment of the application.

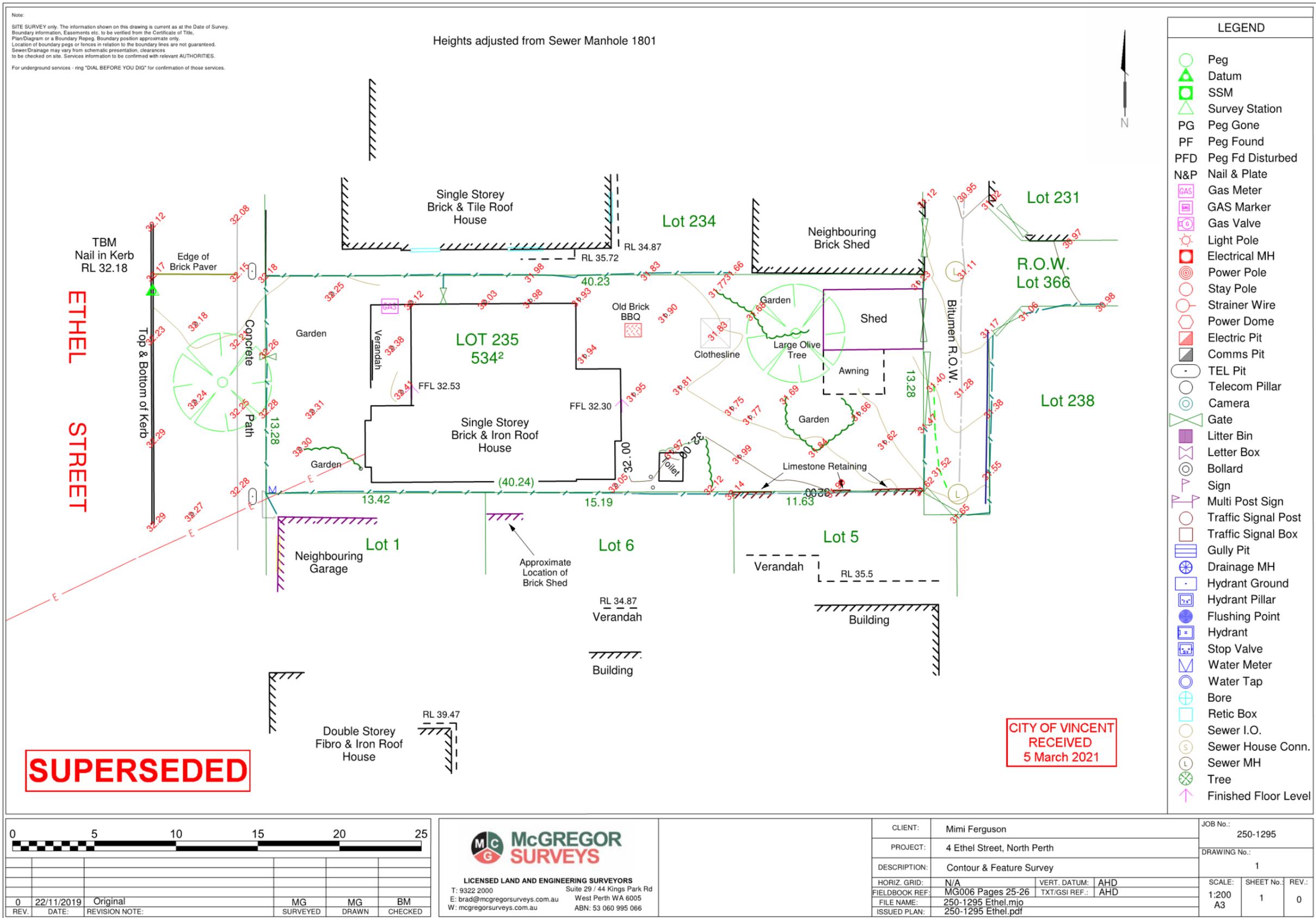
DRP Advice – Clause 67(zc) of the LPS Regulations

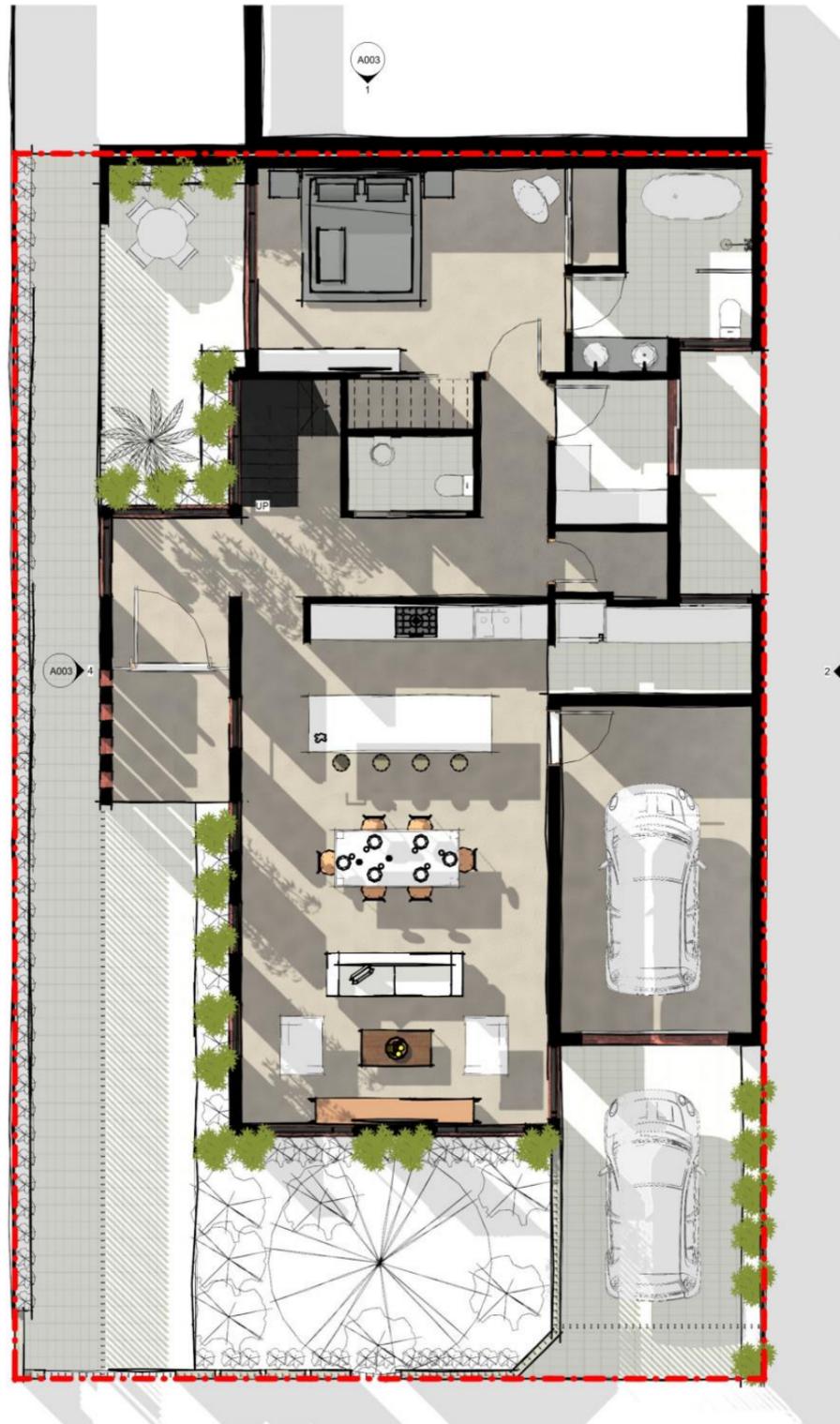
The proposal has been referred to the DRP member throughout the assessment process to seek feedback in order to ensure that the proposed development would be responsive and appropriate to the site context and its impact on the streetscape and adjoining properties.

The recommendations and comments from the DRP member have been implemented by the applicant as outlined earlier in this report, and the development would achieve an appropriate built form response to its setting.









1 Ground Floor Plan - Colour
1 : 50



2 Ground Floor Plan
1 : 50

SUPERSEDED

Rev	Description	By	Date

STATUS Issued For Planning



WA HOUSING GROUP

PROJECT

New House at Ethel St, North Perth

TITLE

Proposed Ground Floor Plan - Front Lot

CLIENT

Mimi Ferguson

DRAWN BY swi CHECKED BY swi DATE 10/11/20

SCALE (@ A1) 1 : 50 PROJECT NUMBER 20.0013

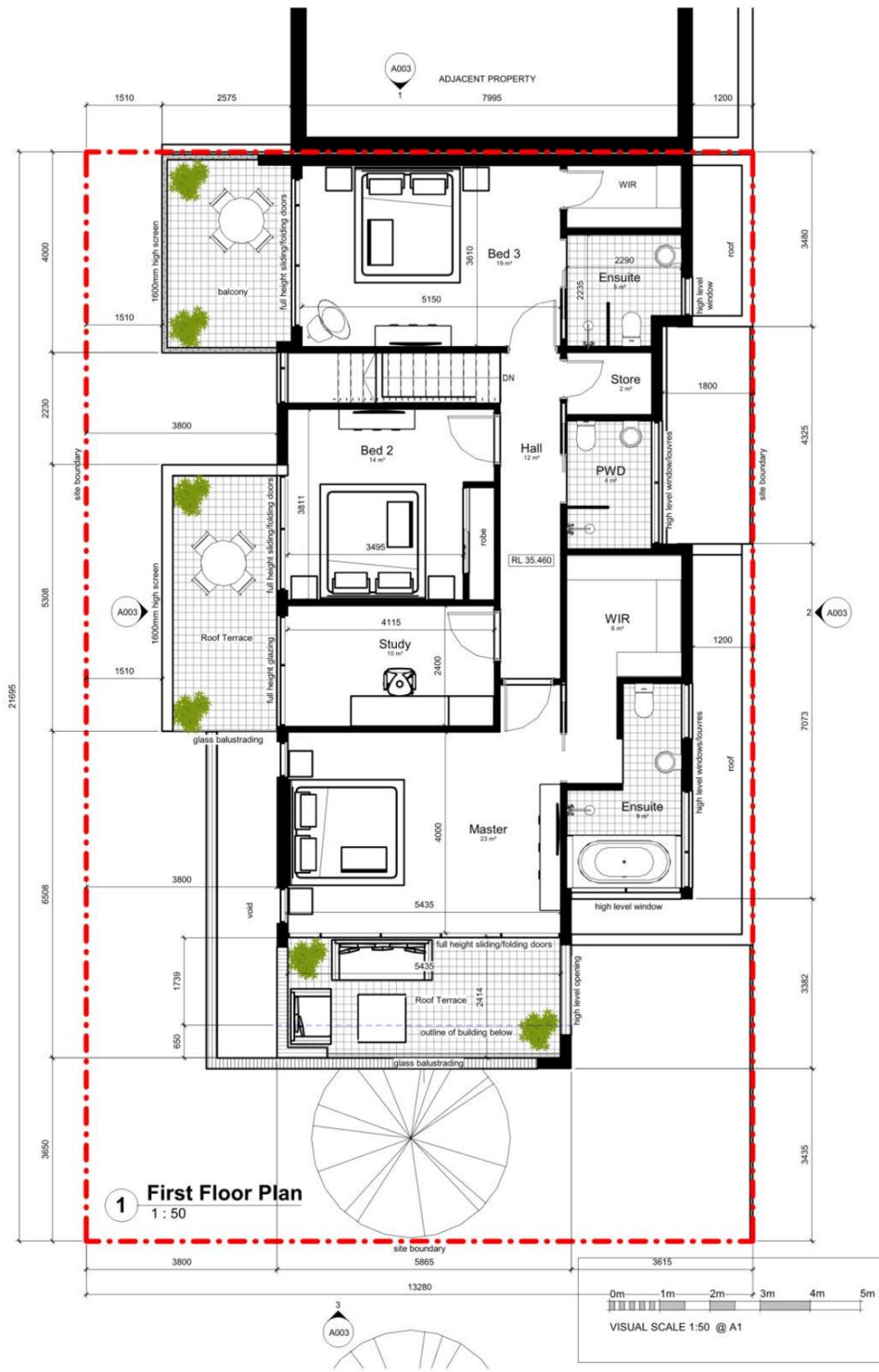
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2 First Floor Pan - Colour
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5 March 2021



1 First Floor Plan
1 : 50



SUPERSEDED

Rev	Description	By	Date

STATUS Issued For Planning



WA HOUSING GROUP

PROJECT
New House at Ethel St, North Perth

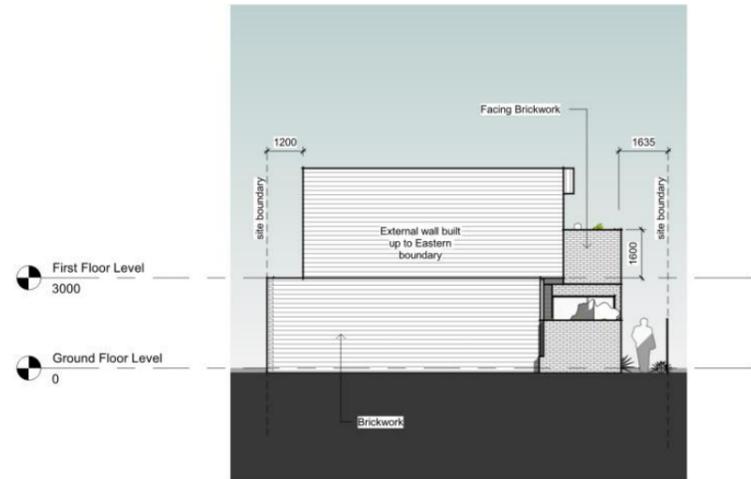
TITLE
Proposed First Floor Plan - Front Lot

CLIENT
Mimi Ferguson

DRAWN BY swi	CHECKED BY swi	DATE 10/11/20
SCALE (@ A1) 1 : 50	PROJECT NUMBER 20.0013	
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5 March 2021



1 East Elevation
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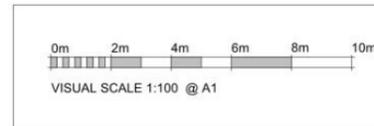
2 South Elevation
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3 West Elevation
1 : 100



4 North Elevation
1 : 100

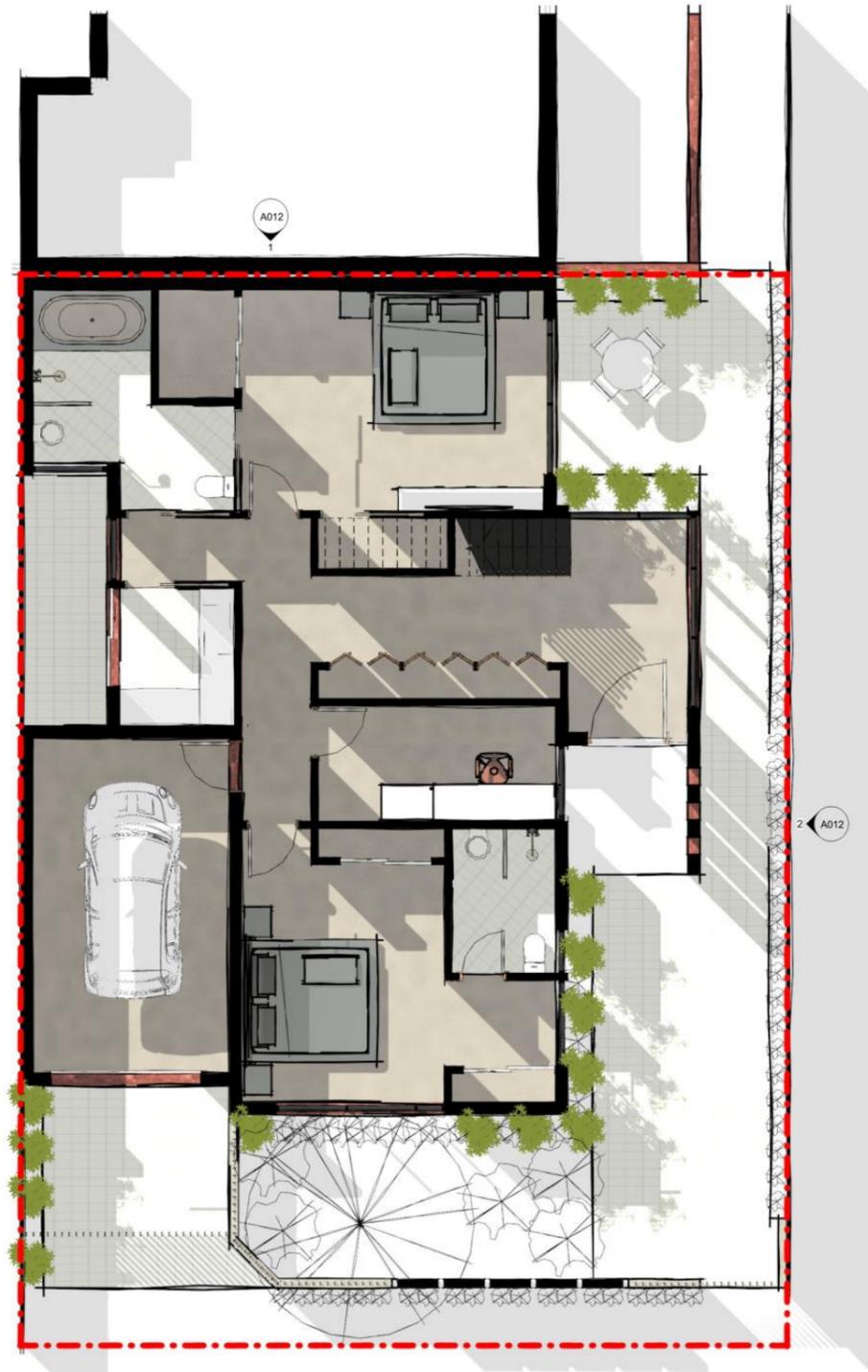


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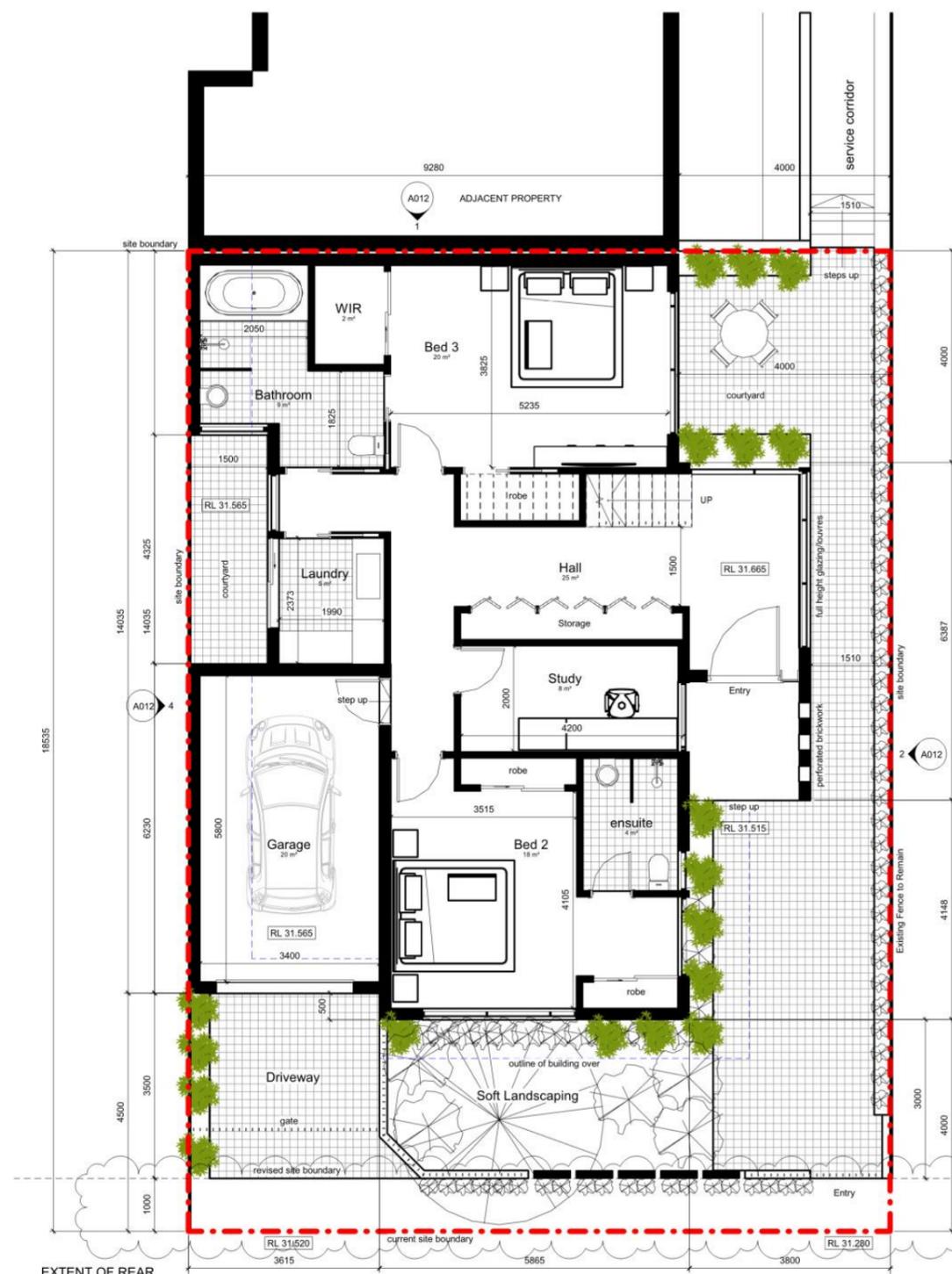
Rev	Description	By	Date

STATUS		Issued For Planning	
			
PROJECT			
New House at Ethel St, North Perth			
TITLE			
Proposed Elevations - Front Lot			
CLIENT			
Mimi Ferguson			
DRAWN BY	CHECKED BY	DATE	
swi	swi	10/11/20	
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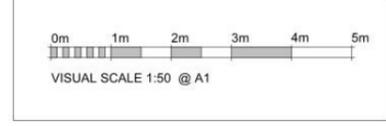
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2 Ground Floor Plan
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5 March 2021

SUPERSEDED

Rev	Description	By	Date
1	Revision 1		Date 1

STATUS Issued For Planning



PROJECT
New House at Ethel St, North Perth

TITLE
Proposed Ground Floor Plan - Rear Lot

CLIENT
Mimi Ferguson

DRAWN BY swi	CHECKED BY swi	DATE 10/11/20
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DRAWING NUMBER A010	REV 1	

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5 March 2021



SUPERSEDED

Rev	Description	By	Date
1	Revision 1		Date 1

STATUS Issued For Planning



WA HOUSING GROUP

PROJECT

New House at Ethel St, North Perth

TITLE

Proposed First Floor Plan - Rear Lot

CLIENT

Mimi Ferguson

DRAWN BY swi

CHECKED BY swi

DATE 10/11/20

SCALE (@ A1) 1 : 50

PROJECT NUMBER 20.0013

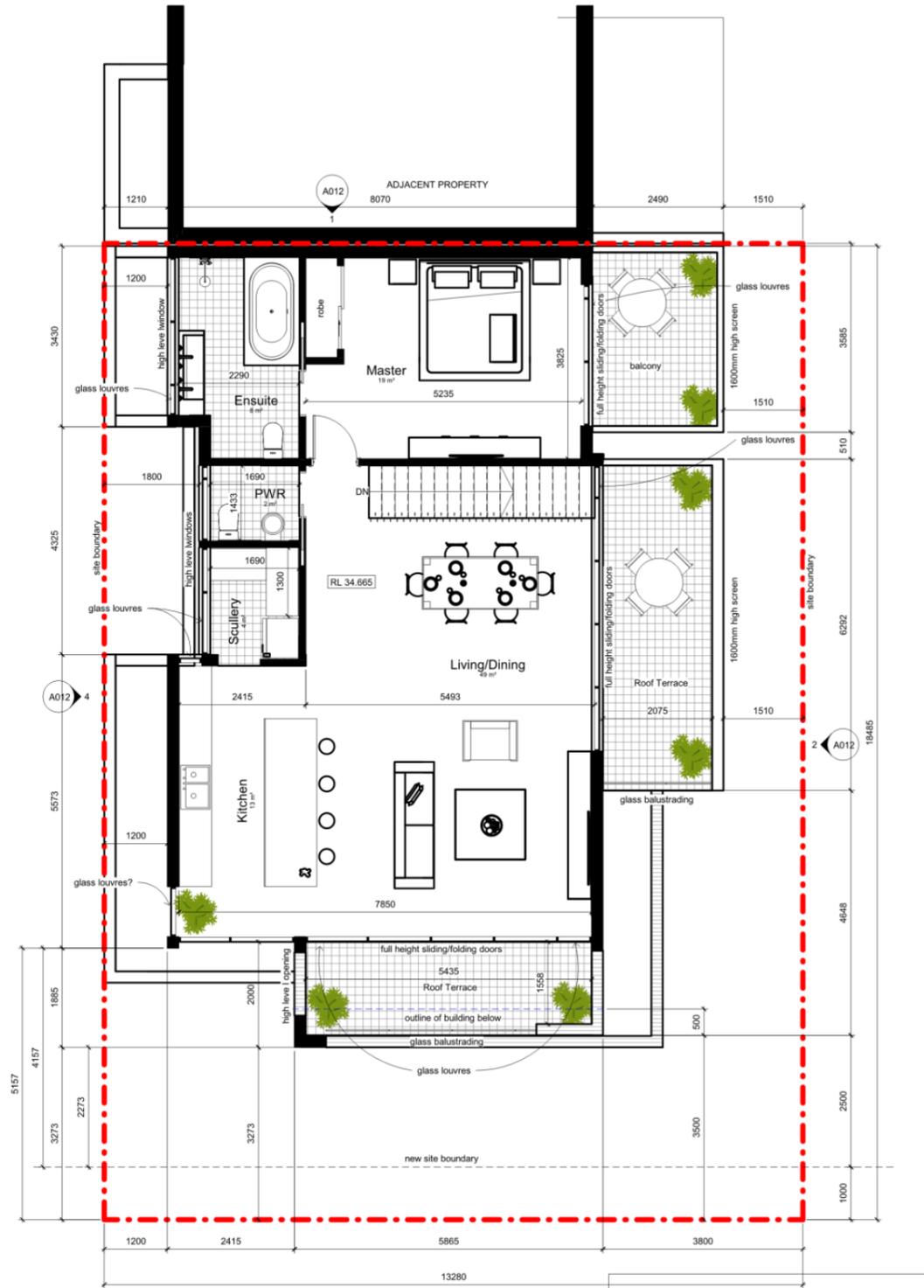
DRAWING NUMBER A011

REV 1

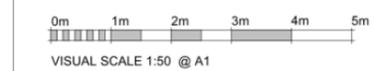
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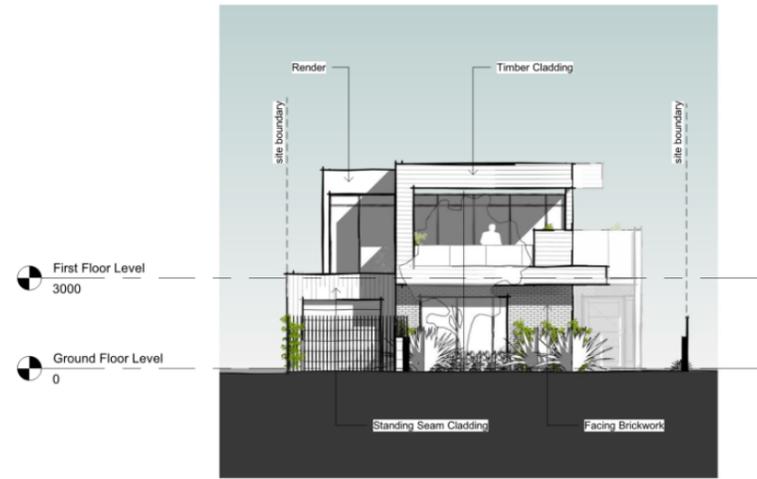


2 First Floor Plan - Colour
1 : 50



1 First Floor Plan
1 : 50

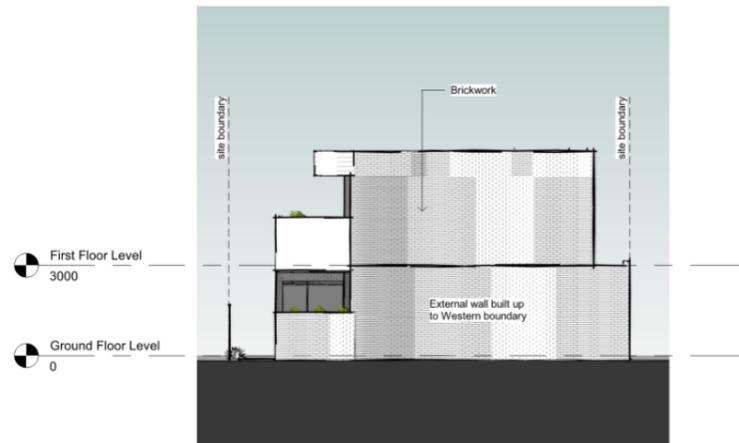




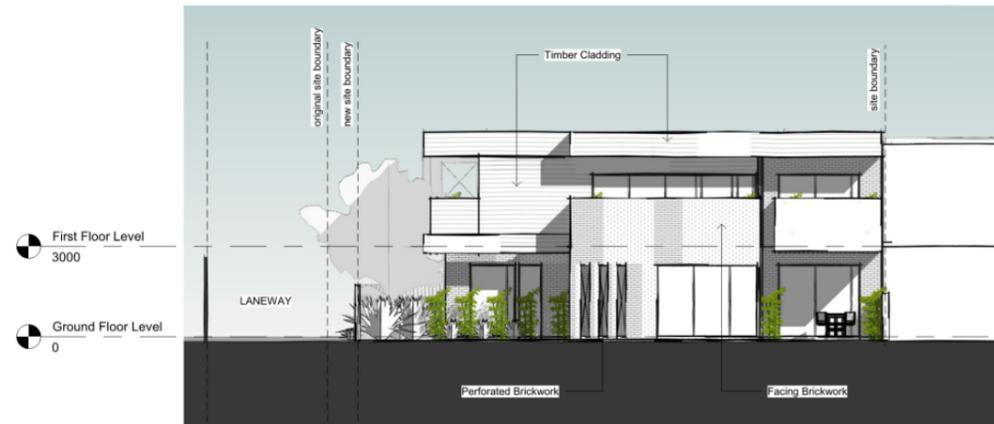
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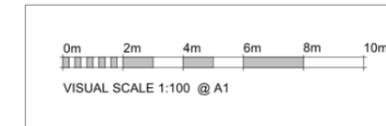
4 South Elevation
1 : 100



1 West Elevation
1 : 100



2 North Elevation
1 : 100



CITY OF VINCENT
RECEIVED
5 March 2021

SUPERSEDED

Rev	Description	By	Date

STATUS Issued For Planning



WA HOUSING GROUP

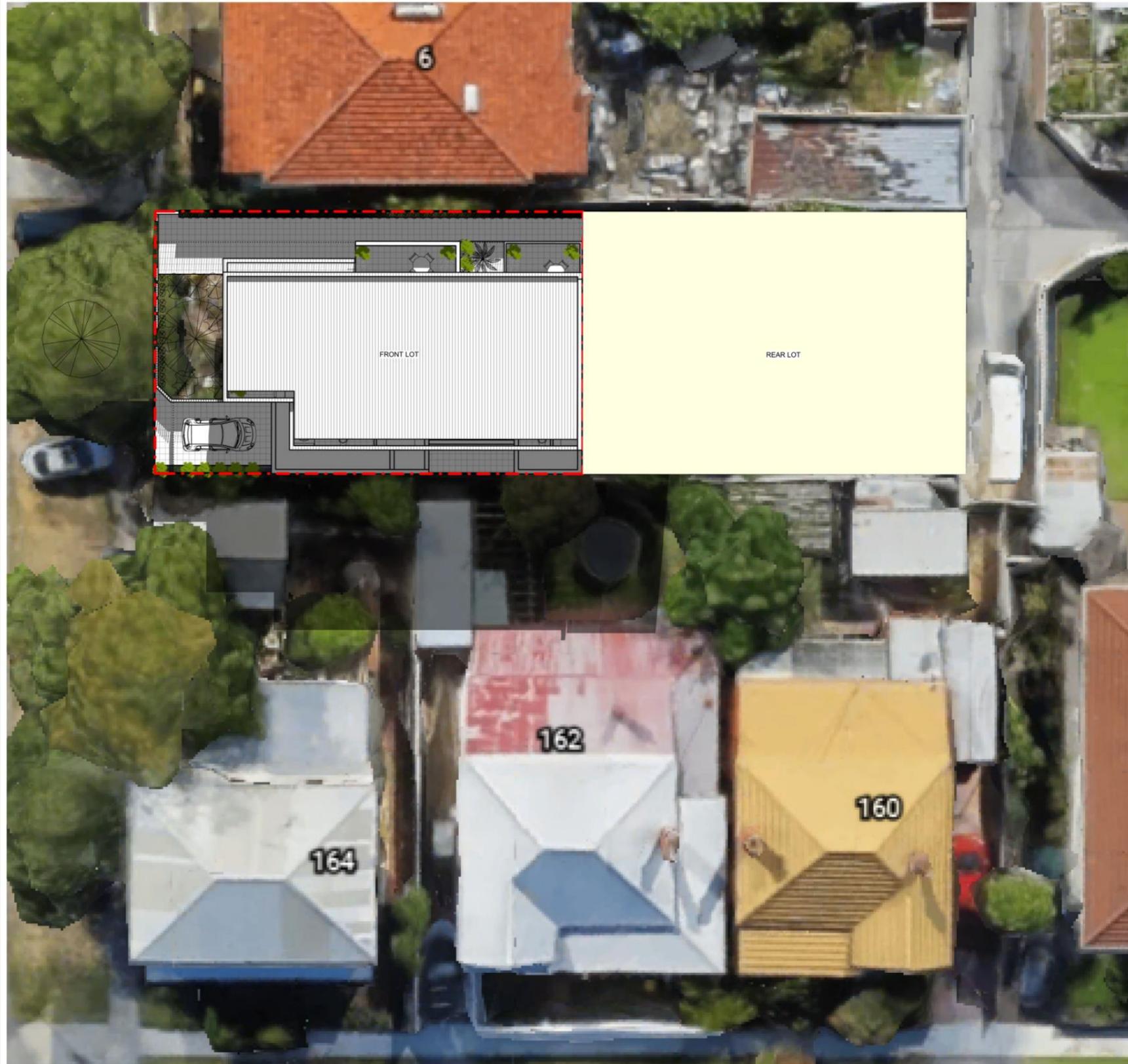
PROJECT
New House at Ethel St, North Perth

TITLE
Proposed Elevations - Rear Lot

CLIENT
Mimi Ferguson

DRAWN BY SWI	CHECKED BY SWI	DATE 10/11/20
SCALE (@ A1) 1 : 100	PROJECT NUMBER 20.0013	
DRAWING NUMBER A012	REV	

4/03/2021 12:08:08 PM



CITY OF VINCENT
RECEIVED
5 March 2021

SUPERSEDED



Rev	Description	By	Date

STATUS Issued For Planning



WA HOUSING GROUP

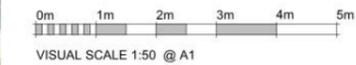
PROJECT
New House at Ethel St, North Perth

TITLE
Proposed Site Plan Showing
Shadows Cast at Midday on 21 June
FRONT LOT

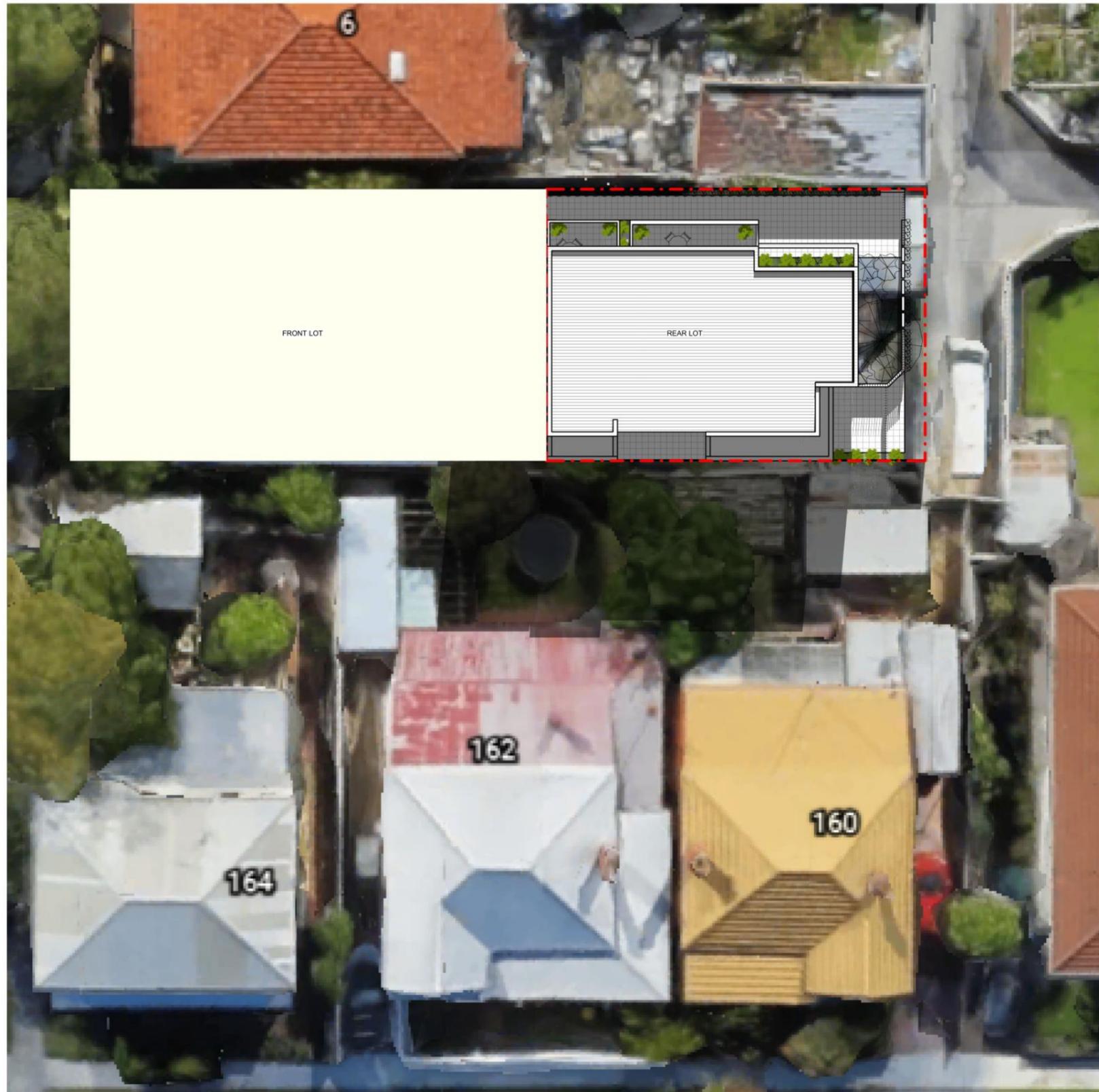
CLIENT
Mimi Ferguson

DRAWN BY SWI	CHECKED BY SWI	DATE 10/11/20
SCALE (@ A1) 1 : 100	PROJECT NUMBER 20.0013	
DRAWING NUMBER A200	REV	

1 Site Plan
1 : 100



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CITY OF VINCENT
RECEIVED
5 March 2021

SUPERSEDED



Rev	Description	By	Date

STATUS Issued For Planning



WA HOUSING GROUP

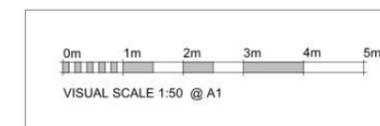
PROJECT
New House at Ethel St, North Perth

TITLE
Proposed Site Plan Showing
Shadows Cast at Midday on 21 June
REAR LOT

CLIENT
Mimi Ferguson

DRAWN BY SWI	CHECKED BY SWI	DATE 10/11/20
SCALE (@ A1) 1 : 100	PROJECT NUMBER 20.0013	
DRAWING NUMBER A201		REV

1 Site Plan
1 : 100



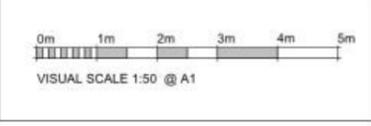
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CITY OF VINCENT
RECEIVED
31 March 2022

Amended Plan



2 Ground Floor Plan
1:50



Rev	Description	By	Date
3	Modifications following review with CoV	SWI	29/07/21
4	Minor Amendments	SWI	14/10/21
5	Rear Building layout modified	SWI	10/02/22
6	Tree added	SWI	30/03/22

STATUS Issued For Planning



PROJECT

New House at Ethel St, North Perth

TITLE

Proposed Ground Floor Plan - Front Lot

CLIENT

Mimi Ferguson

DRAWN BY swi CHECKED BY swi DATE 10/11/20

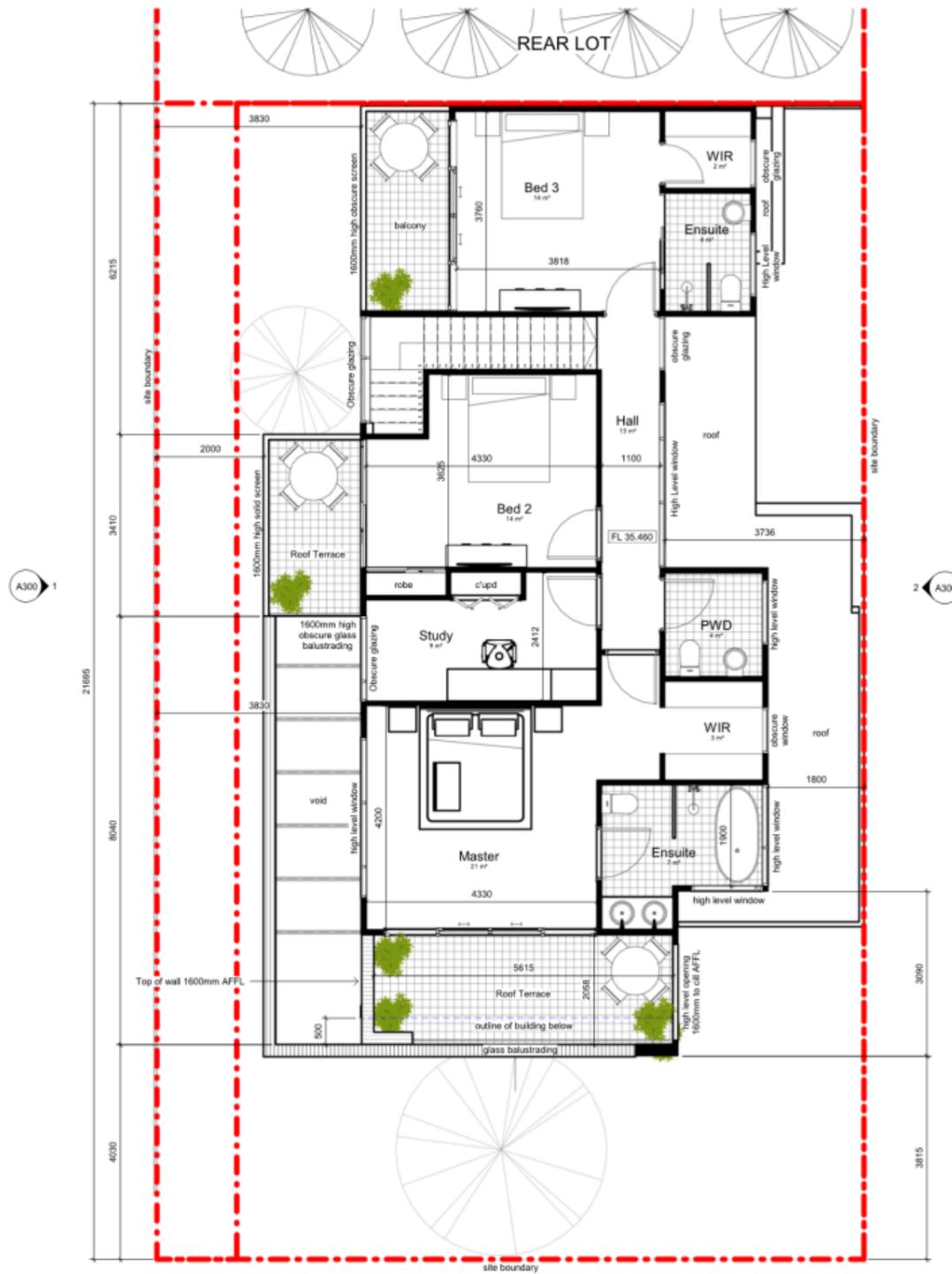
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DRAWING NUMBER A001 REV 6

30/03/2022 10:06:34 PM

Amended Plan

CITY OF VINCENT
RECEIVED
21 February 2022



1 First Floor Plan
1 : 50

Rev	Description	By	Date
3	Modifications following review with CoV	SWI	29/07/21
4	Minor Amendments	SWI	14/10/21
5	Rear Building layout modified	SWI	10/02/22

STATUS Issued For Planning



PROJECT

New House at Ethel St, North Perth

TITLE

Proposed First Floor Plan - Front Lot

CLIENT

Mimi Ferguson

DRAWN BY swi	CHECKED BY swi	DATE 10/11/20
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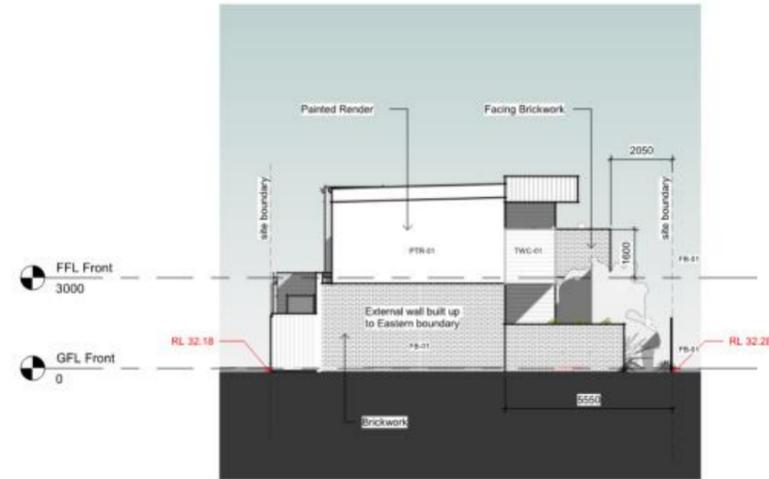
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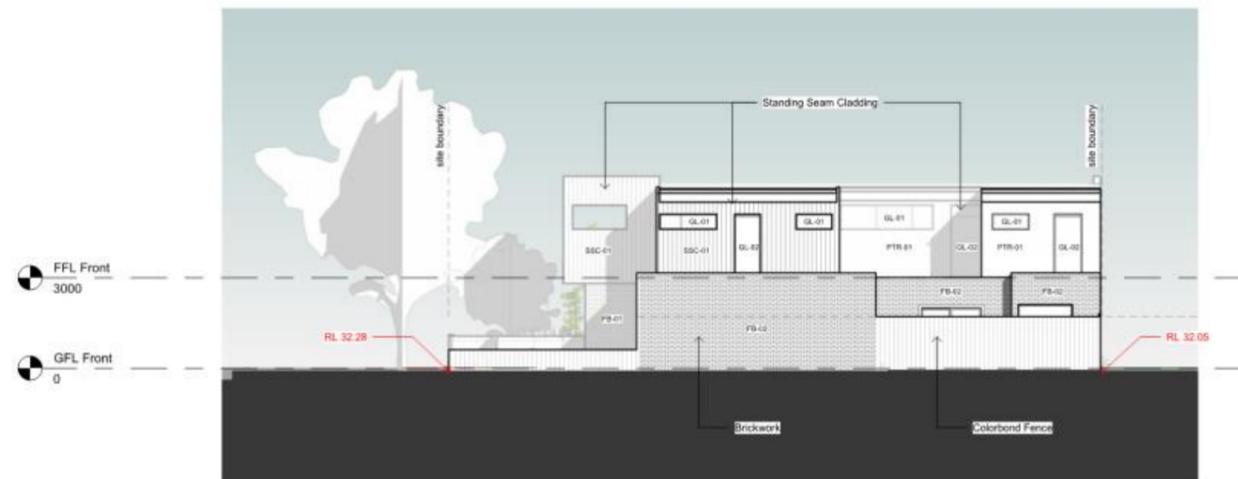
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CITY OF VINCENT
RECEIVED
31 March 2022

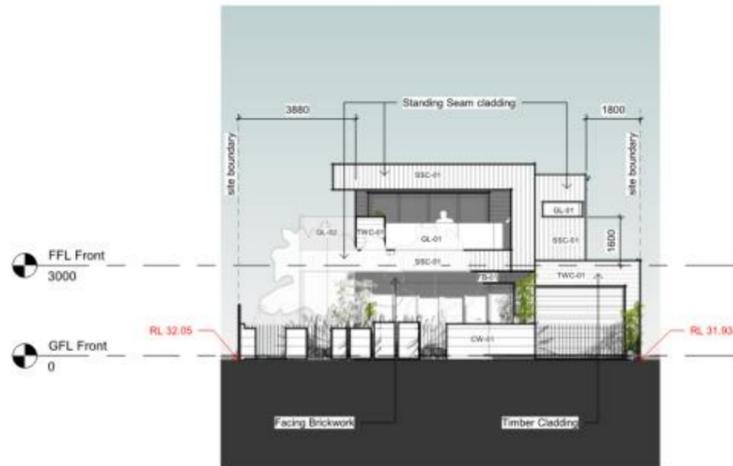
Amended Plan



1 East Elevation
1 : 100



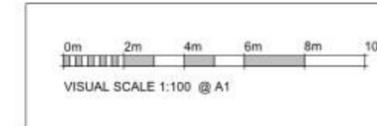
2 South Elevation
1 : 100



3 West Elevation
1 : 100



4 North Elevation
1 : 100



Rev	Description	By	Date
4	Rear Building layout modified	SWI	10/02/22
5	Facade treatment to east elevation amended	SWI	08/03/22
6	Tree added	SWI	30/03/22

STATUS Issued For Planning



PROJECT

New House at Ethel St, North Perth

TITLE

Proposed Elevations - Front Lot

CLIENT

Mimi Ferguson

DRAWN BY swi CHECKED BY swi DATE 10/11/20

SCALE (@ A1) 1 : 100 PROJECT NUMBER 20.0013

DRAWING NUMBER A003 REV 6

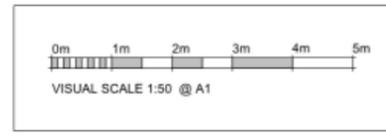
30/03/2022 10:10:08 PM

CITY OF VINCENT
RECEIVED
31 March 2022

Amended Plan



2 Ground Floor Plan
1 : 50



Rev	Description	By	Date
9	Garage setback revised and canopy introduced over entry	SWI	21/02/22
10	Trees added and 1.6m high obscure glass balustrading shown.	SWI	30/03/22

STATUS Issued For Planning



PROJECT
New House at Ethel St, North Perth

TITLE
Proposed Ground Floor Plan - Rear Lot

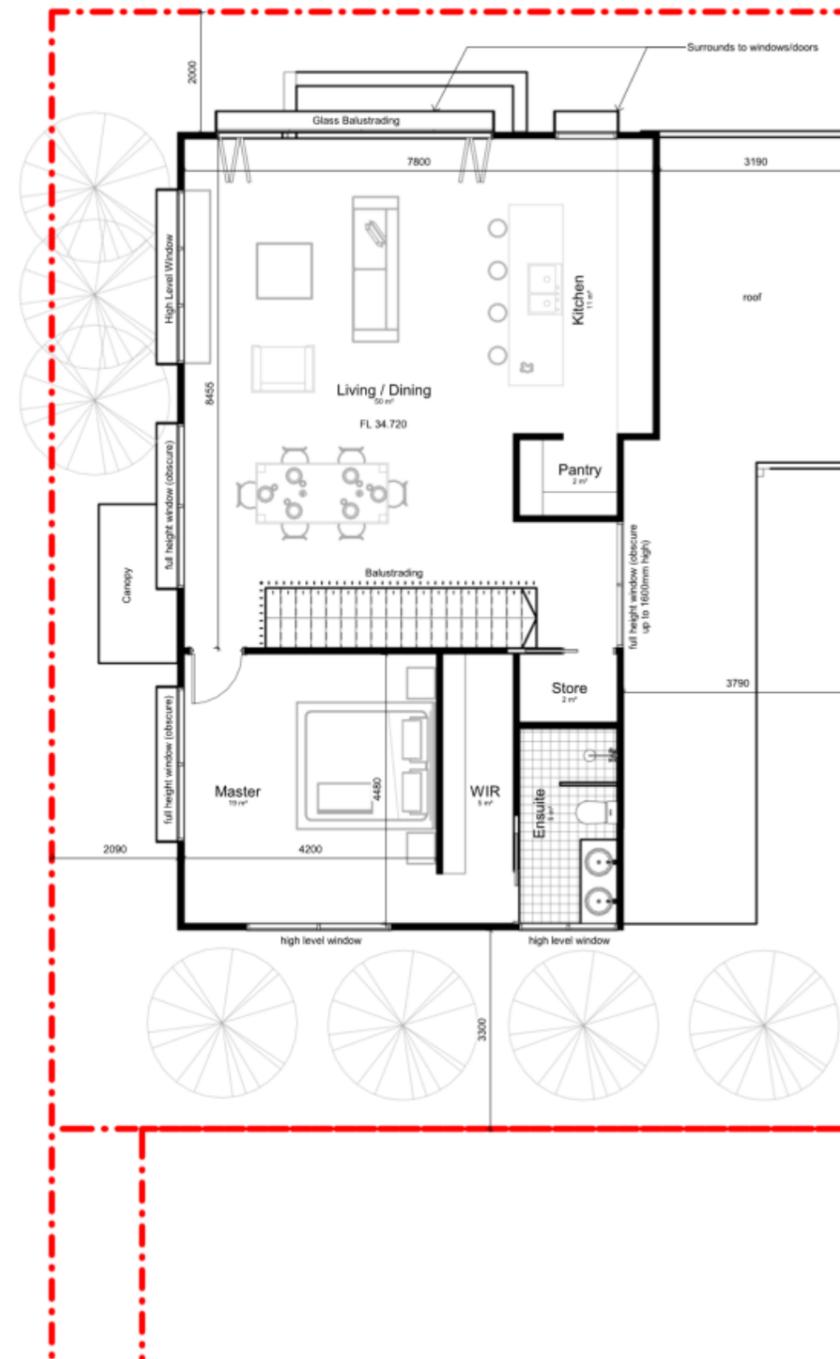
CLIENT
Mimi Ferguson

DRAWN BY swi	CHECKED BY swi	DATE 10/11/20
SCALE (@ A1) 1 : 50	PROJECT NUMBER 20.0013	
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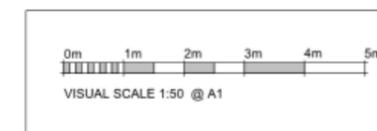
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Amended Plan

CITY OF VINCENT
RECEIVED
21 February 2022



1 First Floor Plan
1 : 50



Rev	Description	By	Date
7	Note added re obscure glazing	Swi	30/11/21
8	Amended Building Layout	Swi	10/02/22
9	Garage setback revised and canopy introduced over entry	Swi	21/02/22

STATUS Issued For Planning



PROJECT

New House at Ethel St, North Perth

TITLE

Proposed First Floor Plan - Rear Lot

CLIENT

Mimi Ferguson

DRAWN BY swi CHECKED BY swi DATE 10/11/20

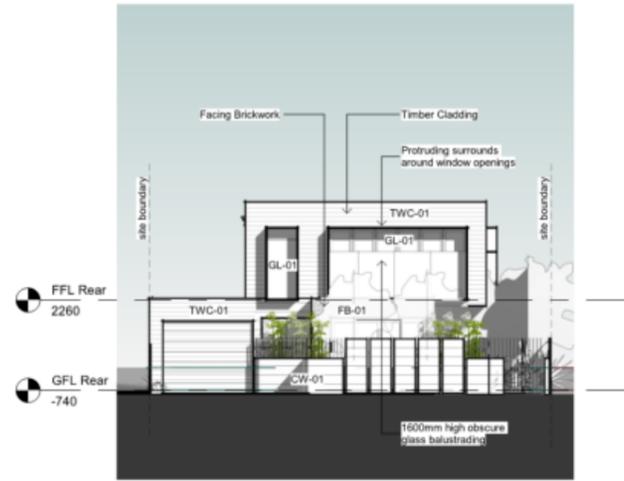
SCALE (@ A1) 1 : 50 PROJECT NUMBER 20.0013

DRAWING NUMBER A011 REV 9

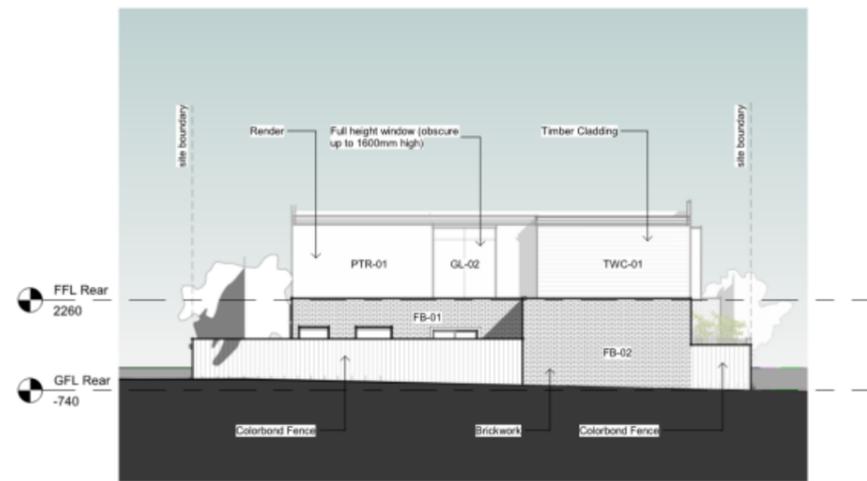
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CITY OF VINCENT
RECEIVED
31 March 2022

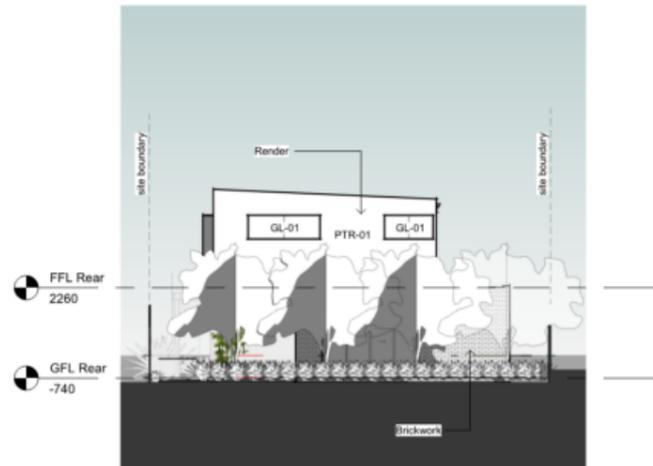
Amended Plan



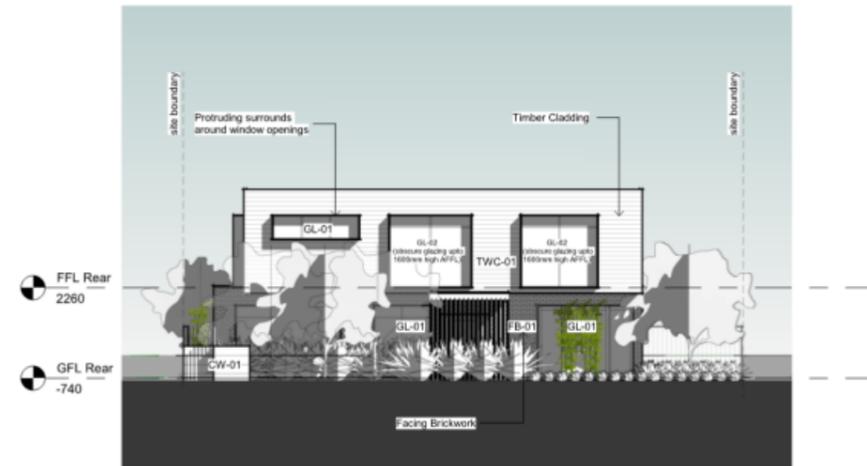
1 East Elevation
1 : 100



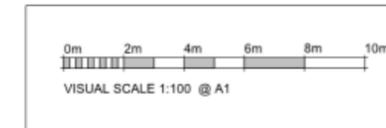
2 South Elevation
1 : 100



3 West Elevation
1 : 100



4 North Elevation
1 : 100



Rev	Description	By	Date
9	Garage setback revised and canopy introduced over entry	SWI	21/02/22
10	Trees added and 1.6m high obscure glass balustrading shown.	SWI	30/03/22

STATUS Issued For Planning



PROJECT

New House at Ethel St, North Perth

TITLE

Proposed Elevations - Rear Lot

CLIENT

Mimi Ferguson

DRAWN BY swi CHECKED BY swi DATE 10/11/20

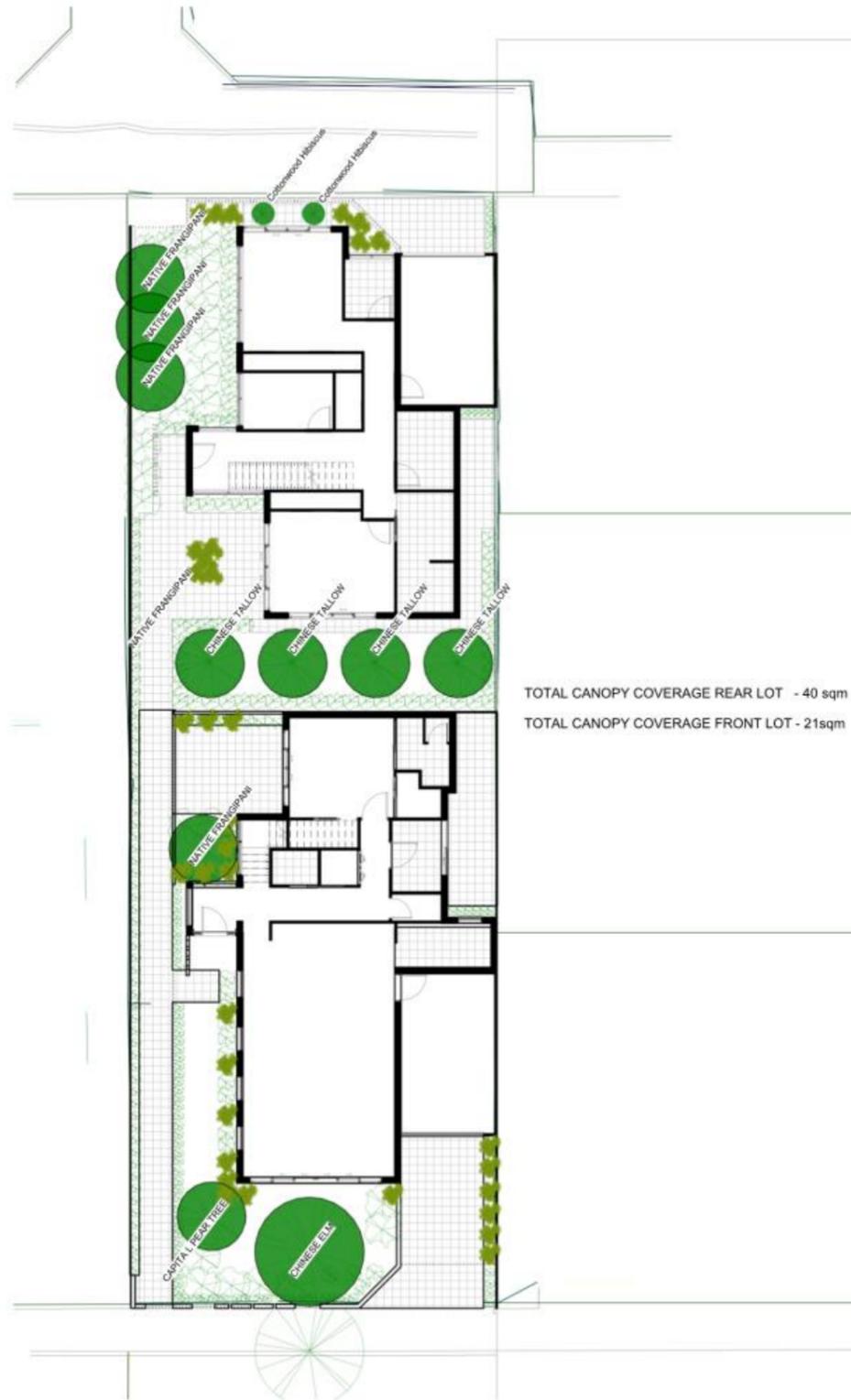
SCALE (@ A1) 1 : 100 PROJECT NUMBER 20.0013

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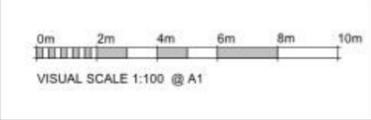
30/03/2022 9:49:06 PM

CITY OF VINCENT
RECEIVED
31 March 2022

Amended Plan



1 Landscape Plan - Tree Canopy Coverage
1 : 100



Rev	Description	By	Date
1	Tree Species added	SWI	30/1/21
2	Rear Building layout modified	SWI	10/02/22
3	Garage setback to rear building amended	SWI	21/02/22
4	Tree added	SWI	30/03/22

STATUS Issued For Planning



PROJECT

New House at Ethel St, North Perth

TITLE

Landscape Plan - Tree Canopy Coverage

CLIENT

Mimi Ferguson

DRAWN BY Author	CHECKED BY Checker	DATE 11/08/21
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SCALE (@ A1) 1 : 100	PROJECT NUMBER 20.0013
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DRAWING NUMBER A401	REV 4
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Ethel Street Streetscape Review	
<p>A number of dwellings are oriented with their primary frontage to other streets, these include Grosvenor Road, Raglan Road and Alma Road which are permitted a 1m setback to the secondary street.</p>	
<p>3 Ethel Street</p> <ul style="list-style-type: none"> • Primary Street setback: 1.5m (former secondary street from 166 Grosvenor) • Street walls and fences to boundary • Garage aligned with ground floor • Upper floor aligned with ground floor • Grey/muted tones 	

<p>5 Ethel Street</p> <ul style="list-style-type: none">• Primary – 3.8m setback• Street walls and fences to boundary• Single storey dwelling• No on site carports/ garages• Red brick material• Gable and finial details	
---	--

6 Ethel Street

- Single storey pitched roof
- Red face brick and neutral render



<p>7 Ethel Street</p> <ul style="list-style-type: none">• Single storey dwelling• Horizontal cladding• Light colour palette and face brick detailing• Low fencing / walls	 A photograph of a single-storey dwelling at 7 Ethel Street. The house is partially obscured by a large, leafy tree in the foreground. A low brick wall runs across the front of the property. The house has horizontal cladding and light-colored walls with face brick detailing. The scene is set in a residential area with a paved driveway and a clear sky.
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8 Ethel Street

- Pitched roof
- Solid and permeable
- fencing
- Gable and roof awning details
- Neutral colour palette



<p>9 Ethel Street</p> <ul style="list-style-type: none">• Single storey development• Bullnose verandah and window awnings• Light / cream colour palette	 A photograph showing a well-maintained garden. In the foreground, there are various green plants, including a large, dark green, fan-shaped plant and several smaller plants with bright pink and red flowers. A white picket fence runs across the middle ground. Behind the fence, a single-story house with a light-colored exterior is visible, partially obscured by the branches of a large, mature tree with thick, gnarled bark and dense green foliage. The scene is brightly lit, suggesting a sunny day.
--	--

10 Ethel Street

- Face brick finish
- Bullnose verandah
- Contrast window detailing and finials
- Solid walls to the street



13 Ethel Street

- Horizontal cladding
- Darker tones / materiality
- Contrast window detailing



16 Ethel Street

- Pitched roof and gable details
- Dark charcoal colour palette
- Open and interactive frontage



24 Ethel Street

- Single storey pitched roof dwelling
- Light grey colour palette
- Roof awning details
- Open and interactive street façade / setback



<p>18 Ethel Street</p> <ul style="list-style-type: none">• Solid street walls• Limited streetscape surveillance• Neutral colour palette	
--	--

164 Grosvenor Road

- Secondary street
- Development to boundary
- Garage to 1m setback
- Upper floor aligned
- White and light grey colour palette
- Pitched roof
- Cladding to all facades



165 Grosvenor Road

- Nil setback to primary and secondary street
- Concrete materiality
- Concealed roof

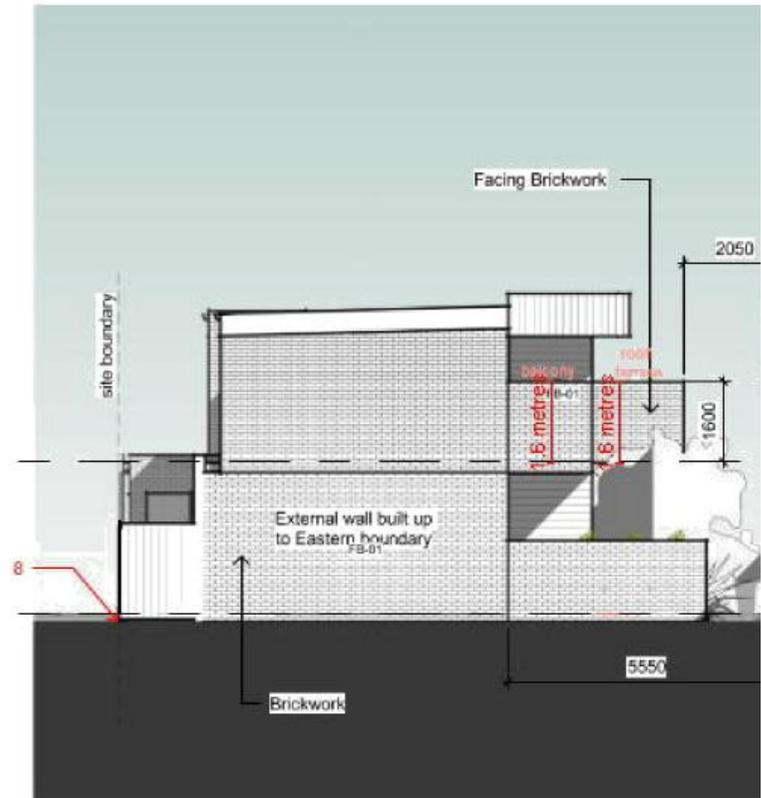
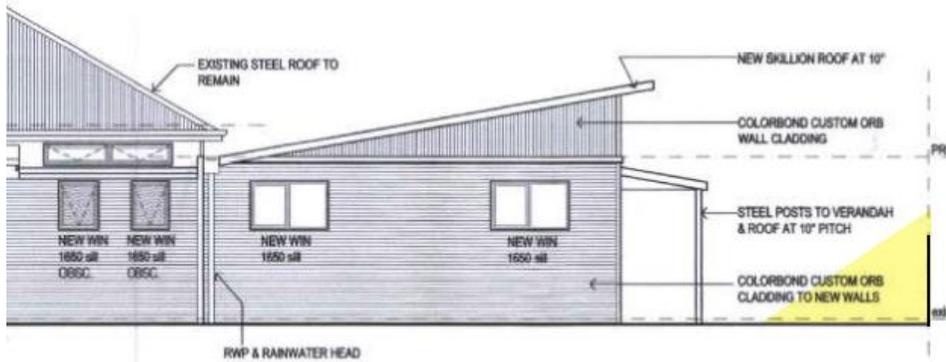


166 Grosvenor Road

- Single storey
- Pitched roof and red brick elements
- Porch/verandah detailing

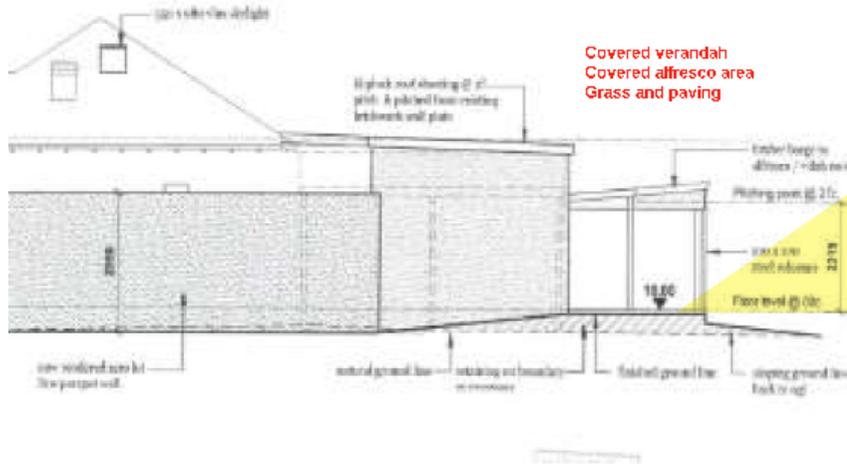


160 Grosvenor Road, North Perth



CITY OF VINCENT VERTICAL SHADOW DIAGRAMS

162 Grosvenor Road, North Perth

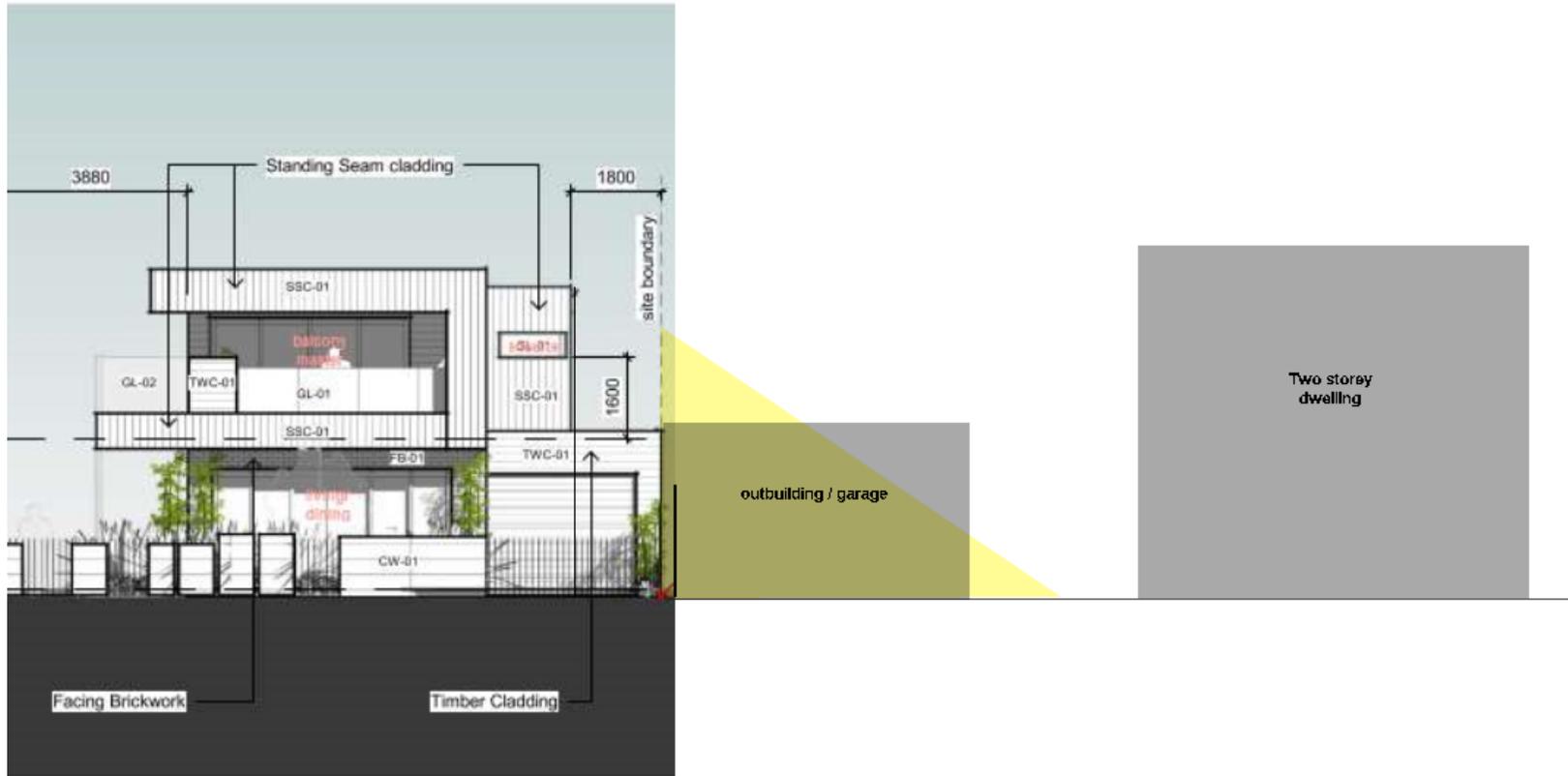


Covered verandah
Covered alfresco area
Grass and paving



CITY OF VINCENT VERTICAL
SHADOW DIAGRAMS

164 Grosvenor Road, North Perth



Urban Design Study:

Please outline how each of the following elements have been addressed and attach any relevant or supporting photos, images, diagrams or drawings where applicable.

Description	Applicant comment
Context & Character <i>Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</i>	
Demonstrate how you have reviewed the natural environment including topography, local flora and fauna.	The proposed development proposes generous landscaping, including the provision of a tree in the front garden of both site. The buildings are situated as close as possible to the southern boundary in order to maximise the open space/vegetation to the east, west and north frontages.
Demonstrate consideration of the site's streetscape character.	The contemporary design has a simple architectural language, utilising a complimentary pallet of materials.
Demonstrate review of the built and natural environment of the local context to a radius of 400m – 1000m.	A desktop study was initially carried out using google earth street view to get an understanding of the local characteristics and context. This was then followed up with a site visit which included a review and analysis of the local environ.
Demonstrate how the site's context and character influenced the development.	Whilst the historical North Perth vernacular typically comprises single storey pitched tiled roofs, brick walls and picket fences, it is evident that newer developments are of a more contemporary style.
Consider the following: <ul style="list-style-type: none"> • History of the local area; • Heritage listed buildings in the area; • High quality contemporary buildings in the area; • Materials, textures, patterns from high quality heritage / character as well as contemporary buildings in the area; and • Movement patterns / laneways. 	The high quality contemporary building designs proposed have a simple, understated architectural language, which is in-keeping with the character of the local environment. The use of a small pallet of modern complimentary materials, high quality landscaping to the front courtyards, and generous roof terracing, creates activated, vibrant green frontages, which will compliment and enhance the current streetscape.
Landscape quality <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</i>	
Demonstrate review of the existing landscaping of the site and the street including mature trees, species and natural features	The existing vegetation will be removed to accommodate the new buildings. However, the new building designs integrates the landscaping much better than previous and strategically places new trees to enhance passive solar design initiatives.
Demonstrate how the landscape quality of the streetscape and surrounding context has been incorporated into the building and landscape design.	The provision of a mature deciduous tree in both front and rear courtyards as well as high levels of soft landscaped areas ensure a 'green' streetscape. Roof terracing and balconies have been introduced at upper levels which provide opportunity for the placement of potted plants, which will further enhance the streetscape, which is supplemented by the existing large mature trees currently located on the verge directly in front of the Ethel Street frontage.

Description	Applicant comment
Built Form & Scale	
<i>Good design provides development with massing and height that is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</i>	
What is the building massing and height of the streetscape? How has this been incorporated into the design?	The building height/massing/setbacks are in accordance with the R-Codes. The existing single storey dwelling is replaced with double storey buildings which is more in-keeping with the future character of the local area. Roof terracing and balconies have been introduced to provide architectural interest whilst providing additional outdoor living space and in turn enhancing activation to the street whilst providing natural surveillance.
How does the development respond and contribute to the built form and scale of the streetscape?	The proposed building architectural design will enhance the character of the streetscape. The form and scale of the buildings have been carefully considered to maximise the impact of Passive Solar Design, whilst maximising opportunities for outdoor living and provision of high levels of landscaping.
Demonstrate how the development encourages an activated and vibrant streetscape environment.	The provision of high quality landscaping to the front courtyards, and generous roof terracing, creates activated, green and vibrant frontages to Ethel Street and the rear laneway. The provision of garages and driveways contained within the site boundary helps to reduce the need for on-street parking and in turn enhances the attractiveness of the streetscape when compared to the current conditions.
Functionality & Build Quality	
<i>Good design meets the needs of users efficiently and effectively, balancing functional requirements to deliver optimum benefit and performing well over the full life-cycle.</i>	
Demonstrate how the proposed design complements the use of the building.	The existing building does not meet modern day operational requirements. The new 'open plan' building designs provides flexible, inclusive living. Maximising natural ventilation and light creates an inviting internal space whilst maintaining high levels of thermal comfort.
Sustainability	
<i>Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</i>	
Demonstrate how the building performance has been optimised using suitable orientation and layout of internal spaces.	The buildings have been orientated on an east-east axis which maximises the opportunities for Passive Solar Design principles. Generous provisions of glazing and glass louvres maximises natural light and cross ventilation. The provision of a mature deciduous tree in both courtyards provides natural shading for the high summer sun, and allows the lower winter sun to penetrate the internal spaces in the cooler months. Generous roof overhangs also provide high levels of shading.
Amenity	
<i>Good design optimises internal and external amenity for occupants, visitors and neighbours, contributing to living and working environments that are comfortable and productive.</i>	
Demonstrate how the development optimises amenity for occupants, adjoining neighbours and onlookers	The design comprises high levels of landscaping, generous outside living spaces (including balconies & roof terracing), open plan internal living arrangements and high levels of natural light and cross ventilation which provides high levels of amenity for occupants, visitors and neighbours.
Legibility	
<i>Good design results in buildings and places that are legible, with clear connections and memorable elements to help people find their way around.</i>	
Demonstrate how the design allow users and visitors to navigate through the development.	The building designs create a clear identity, with clear access points into the lots from both Ethel St and the rear laneway. The front entry portals are visible from the street/laneway and provide easy navigation from the respective lot boundaries. The boundary fence/wall to both Ethel Street and the laneway, create architectural interest as well as a good balance between privacy and permeability.
Safety	
<i>Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</i>	
Demonstrate how the layout of buildings on site provides safe and high level of amenity for residents.	Generous glazing provision, balcony and roof terracing space provides high levels of natural surveillance.

Description	Applicant comment
<p>Community <i>Good design responds to local community needs as well as the wider social context, providing buildings and spaces that support a diverse range of people and facilitate social interaction.</i></p>	
<p>Demonstrate how the development contributes to a sense of community, encouraging social engagement and enabling stronger communities.</p>	<p>The existing dwelling is not fit for modern inclusive use. The new building designs will be DDA compliant and provide inclusive access and circulation and promote modern day living. Provision of generous open balconies activates the street and laneway frontages and encourages social engagement and surveillance.</p>
<p>Aesthetics <i>Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</i></p>	
<p>Demonstrate how the surrounding context and character has been incorporated into the design of the development.</p>	<p>The proposed contemporary building design has a simplistic architectural language, which is in-keeping with the local environment. The use of a simple complimentary pallet of materials, high quality landscaping to the front courtyards, and generous roof terracing, creates activated, green frontages to Ethel Street and the rear laneway. The provision of garages and driveways contained within the site boundary helps to reduce the need for on-street parking and in turn enhances the attractiveness of the streetscape when compared to the current conditions.</p>

Please complete all sections of this application and send to mail@vincent.wa.gov.au along with all relevant attachments. Alternatively, you can submit your application in person at our **Administration Centre (244 Vincent Street, Leederville)** or post to **PO Box 82, Leederville, 6902**.

INFORMATION SHEET



What does this mean and how can I achieve this? **Applicant Comment – How I have achieved this objective**

Environmental Impact
Development that considers the whole of life environmental impact of the building and incorporates measures to reduce this impact.

The environmental impact of developments can be impacted by considerations such as building orientation, design and construction materials. Construction materials which are durable and are low maintenance generally have a low environmental impact.

Some examples of building materials and design choices with reduced environmental impacts include:

- Incorporating an east-west orientation (where possible);
- Minimising the extent of the building footprint;
- Incorporating good solar-passive design;
- Reverse brick veneer (internal thermal mass, external insulation);
- Low emission concrete;
- Lightweight, recycled, non-toxic, minimally processed and recyclable materials;
- Gabion walls filled with demolition waste;
- High quality (durable), energy and water saving fixtures and fittings (such as reversible ceiling fans, water efficient taps and toilets); and
- Installation of appropriate and effective insulation.

The dwellings are situated in an east-west orientation in order to maximise the effects of Passive Solar Design initiatives. The buildings have been situated as close to the southern boundary as possible in order to 'open up' the buildings to the west, east and northern frontages. The building designs are compact in order to minimise the footprint of the buildings. Large roof overhangs have been provided where possible to provide shading and to minimise excess solar gains in the summer. Provision of a deciduous tree in the front courtyards of both dwellings provides natural shading and allows the lower winter sun to penetrate and heat the internal spaces in winter months. Upper floors will consist of lightweight timber framed construction with high levels of insulation. Locally sourced, high quality, sustainable materials will be sourced wherever possible. Generous provision of glazing maximises natural daylight. Glass louvres are proposed in strategic location to maximise and natural cross ventilation. An open plan internal arrangement also encourages internal air flow. Energy efficient appliances and water efficient sanitary ware will be specified. Reversible ceiling fans are proposed.

Thermal Performance
Development that optimises thermal performance of the building throughout the year through design elements and material selection.

Thermal performance relates to the efficiency of buildings and materials to retain or transmit heat. In summer, a development with poor thermal performance will often absorb and retain more heat, resulting in the inside of the building feeling hotter.

Design elements which can assist with achieving a high level of thermal performance relate to solar-passive design and includes the orientation and layout of the building, the placement of thermal mass, and the use of insulation.

Material selection which can assist with achieving a high level of thermal performance can include those which have thermal mass (such as concrete, brick, tile, rammed earth) and insulation properties (such as lightweight cladding, wood, recycled plastic composite, range of insulation materials, strategic use of air gaps).

The dwellings are situated in an east-west orientation, and provided with generous roof overhangs, and cross ventilation in order to maximise the effects of Passive Solar Design initiatives.

Walls and roofs will be provided with high levels of insulation in order to enhance the thermal performance of the buildings.

The provision of concrete floors at ground and first floor levels and facing brickwork to the exterior walls to the lower levels will provide good levels of thermal mass.

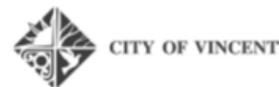
Upper floors will consist of lightweight timber framed construction with lightweight cladding.

INFORMATION SHEET



What does this mean and how can I achieve this?	Applicant Comment – How I have achieved this objective
<p>Solar Passive Design <i>Development shall incorporate site planning principles that maximise solar passive design opportunities for both summer and winter</i></p>	
<p>Where the long axis of building runs east-west, the majority of glazing being provided to the north, with limited glazing provided to the east and west; and/or</p> <p>The inclusion of a central light well or courtyard can help to maximise access to northern light.</p>	<p>The dwellings are situated in an east-west orientation to maximise access to northern light. Generous roof overhangs and natural cross ventilation maximise the effects of Passive Solar Design initiatives. Glazing facing east & west are shaded by generous roof overhangs and tree shading.</p>
<p>Sunlight and Ventilation <i>The provision of natural ventilation and daylight penetration to reduce energy consumption</i></p>	
<ul style="list-style-type: none"> • Rooms provided with ventilation openings on both sides to allow cross-flow of air; • Maximum glazing provided to north-facing living areas; • Bedrooms being located on the south; and/or • Utility rooms and garages being located on east and west sides of a dwelling. 	<p>Glass louvres and operable windows are provided where possible to encourage cross flow of air through internal spaces.</p> <p>The garages are located on the eastern and western sides of the dwellings.</p> <p>Glazing has been maximised to the northern facade.</p>
<p>Solar Heating <i>The provision of daytime areas with north-facing glazing to allow passive solar heating during winter</i></p>	
<ul style="list-style-type: none"> • Up to 80% of the glazing provided to north facing living areas being unshaded in winter, and fully shaded by external structures in summer. 	<p>Generous roof overhangs provides shading to the northern glazing in the summer months, whilst allow penetration of solar gains in the winter months.</p>
<p>Cross Ventilation <i>The provision of openable windows and/or ceiling fans to habitable rooms or occupied spaces that allow natural and cross ventilation</i></p>	
<ul style="list-style-type: none"> • Windows located on north and south side of the dwelling being openable to utilise cooling breezes in summer; and/or • Reversible ceiling fans facilitate cooling in summer and improve air dispersion for more efficient heating in winter. 	<p>Glass louvres and operable windows are provided where possible to encourage cross flow of air through internal spaces.</p> <p>Reversible ceiling fans are currently proposed.</p>
<p>Water Re-use <i>The provision of recovery and re-use of rainwater, storm water, grey water and/or black water for non-potable water applications</i></p>	
<ul style="list-style-type: none"> • Rainwater captured in tank/s above or below ground and plumbed into toilet and laundry; • Greywater used for garden irrigation, or hand basin draining into toilet cistern for flushing; and/or • Soft landscaping is maximised to increase on-site stormwater infiltration. 	<p>Soft landscaping is maximised to increase on-site stormwater infiltration.</p> <p>The rear dwelling has been set back considerably more than the minimum setbacks in order to maximise the soft landscaping between the dwelling and the property boundary.</p>

INFORMATION SHEET



What does this mean and how can I achieve this?	Applicant Comment – How I have achieved this objective
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Solar Gain <i>Incorporation of shading devices to reduce unwanted solar gain in summer and increase passive solar gain in winter</i>	
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<ul style="list-style-type: none"> Eaves, pergolas and other external shade structures designed to the correct depth to provide 0% shading in mid-winter and 100% shading in mid-summer. Such structures may also be movable, (e.g. mobile screens and adjustable pergolas) to allow increased control over light and heat gain. 	<p>Large roof overhangs have been provided where possible to provide shading and to minimise excess solar gains in the summer.</p> <p>Provision of a deciduous tree in the front courtyards of both dwellings provides natural shading and allows the lower winter sun to penetrate and heat the internal spaces in winter months.</p>
--	--

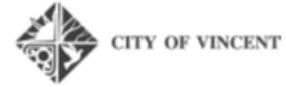
Energy Consumption <i>Integration of renewable energy and energy storage systems to optimise energy consumption.</i>	
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<ul style="list-style-type: none"> Solar photovoltaic system (with or without battery storage) for electricity generation; Solar or heat pump hot water system; and/or Smart-wired home to enable automated diversion of excess solar energy to power air conditioners and other appliances and reduce energy use at other times. 	<p>Specifications are still under review with the client.</p>
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Solar Absorptance <i>Flat roof structures that are not visible from the street or adjacent properties shall have a maximum solar absorptance rating of 0.4</i> or <i>Pitched roof structures or roof structures that are visible from the street or adjacent properties shall have a maximum solar absorptance rating of 0.5, unless a suitable alternative is identified in the Urban Design Study</i>	
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<p>Solar absorptance rating is a measure of how much solar energy a material absorbs and therefore how hot it gets when exposed to the sun. A rating of zero means no absorption and the material remains cool. A rating of 1 is 100% absorption and the material becomes very hot.</p> <p>As a general rule, light roof colours have lower absorptance values than dark roof colours. Roofing material suppliers can provide the absorptance values of their colour range.</p> <p>Roofs that are visible from the street or adjacent properties are permitted a higher absorptance value because lighter colours (which have lower absorptance values) may be visually less comfortable for some neighbours.</p>	<p>Light coloured roof materials will be specified to have low solar absorptance values. High levels of insulation will be provided in the roof build on to minimise solar absorptance.</p>
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INFORMATION SHEET



What does this mean and how can I achieve this?	Applicant Comment – How I have achieved this objective
<p>Environmental Performance</p> <p>Demonstrate that the development is capable of achieving the following performance standards when compared against the Perth statistical average for residences:</p> <ul style="list-style-type: none"> • 50% reduction in global warming potential (greenhouse gas emissions); and • 50% reduction in net fresh water use. <p>The acceptable method for demonstrating this is an independently reviewed EN15978 compliant Target Setting life cycle assessment (LCA) with a 20% factor of safety applied to improvement strategies</p> <p>Applications for new Single Houses and Grouped Dwellings should be accompanied by a target setting LCA which measures the environmental performance of the building over its lifetime, to understand how the design contribute towards reduced environmental impacts.</p> <p>You can find an LCA assessor by contacting the Australian Life Cycle Assessment Society (ALCAS) or by doing a general internet search. Please ensure that you or the assessor you engage use methodologies compliant with:</p> <ul style="list-style-type: none"> • Environmental standard EN15978 – Sustainability of construction works – Assessment of environmental performance of buildings – Calculation method; and • That the system boundary includes all Life Cycle Modules (A1-2, B1-7, C1-4 and D) in addition to non-integrated energy (plug loads). <p>As an alternative to the LCA for Single and Grouped Dwellings, the City may accept an 8 star NatHERS rating, in conjunction with the development meeting the other local housing objectives listed above.</p> <p>The City can also consider other environmental sustainable design reports, however it is recommended these be discussed with the City prior to engaging someone, to ensure that the report will be accepted by the City.</p>	<p>A specialist consultant is currently preparing the LCA for both dwellings. The assessment will be forwarded to the City upon completion.</p>

Please complete all sections of this template and send to mail@vincent.wa.gov.au along with all relevant attachments. Alternatively, you can submit your application in person at our **Administration Centre (244 Vincent Street, Leederville)** or post to **PO Box 82, Leederville, 6902**.



- ARCHITECTURAL DESIGNER
 - BUILDING SURVEYOR
 - BUILDING ENERGY CERTS
 - ENERGY CONSULTATIONS
 - COUNCIL SUBMISSIONS
- ABN: 9562 7621845

Life Cycle Assessment (LCA)

Date: 28.03.21

Compliance assessment of:
Single dwelling (NCC Class 1)

Project address:
#4a Ethel st, North Perth
BCA Climate Zone 5

Prepared BY: Luke Kellett

A handwritten signature in black ink that reads 'Luke Kellett'.

BSc. Architectural Design
MSc. CAD & Construction

U3, L1, #68 Erindale Rd, Balcatta
Luke@kdgwa.com.au
08 9446 8860

Compliance Checklist

Performance Summary



Global Warming Potential, GWP (Life Cycle)



81% Saving against a target of 50%



Net use of fresh water, FW (Life Cycle)



51% Saving against a target of 50%

Performance Detail

	Internal Material & Construction	Use Stage Materials & Construction	Integrated Energy Use	Plug Load Energy Use	Water Supply & Treatment	End of Life	Recycling & Energy Export	Total
Global Warming Potential, GWP (kg CO ₂ eq / occupant / year)								
Benchmark	865.7	542.9	939.5	822	165.5	135.2	-75.82	3395
Proposed Design	633.3	416.5	-313.9	625	90.11	116	-929.5	637.5
Difference	232.3	126.4	1253	197	75.48	19.16	853.7	2757
Life Cycle Savings	7%	4%	37%	0%	2%	1%	25%	81%
Net use of fresh water, FW (kg / occupant / year)								
Benchmark	3754	1804	1202	1757	83170	616	-286	92019
Proposed Design	2706	2008	-1037	1336	41993	465.7	-2471	45001
Difference	1047	-203.9	2240	421.3	41177	150.3	2185	47018
Life Cycle Savings	1%	0%	2%	0%	45%	0%	2%	51%

Building Attributes

Highlighted information denotes that changes were made from the "baseline design" and should be an area of focus for compliance checks.

Front Lot A Ethel St, North Perth



Dwellings:	1
Bedrooms:	4
Bathrooms:	4.5
Car parks:	1
Floors:	2
Type of carpark:	Garage
Ceiling Height:	2.65
Gross Floor Area:	312
Occupancy Date:	01/04/2022

Energy Supply and Efficiency Attributes

Electricity Supply:	Mains Connected
Thermal Rating:	NatHERS 6.0 Star
Energy Monitoring:	Integrated
Natural Lighting:	Limited

Water Supply and Efficiency Attributes

Water Supply:	Mains Supply
Water Treatment:	Mains Connected
Shower Heads:	4 star (4.5 - 6L/m plus spray force and coverage tests)
Toilets:	4 star (4.7L/flush, 3.2/half flush, 3.5L/average flush)
Tapware:	6 star (1.0 - 4.5L/min)
Washing Machine:	5.0 star (7.5L/kg clothing washed)
Dishwasher:	5.0 star (8.57L/wash for 10 place setting dishwasher)
Garden Type:	Dripper garden bed and sprinkler lawn irrigation
Rainwater Pump Type:	Medium or high pressure and flow with pressure vessel

Building Components

Highlighted information denotes that changes were made from the "baseline design" component type, or changes were made to the default quantities and should be an area of focus for compliance checks.

Integrated Services

Component Type	Quantity
Cooking Appliances	
Cooking, Res Gas Stove Electric Oven Op&Em	1 # Households cooking ener...
Hot Water System	
Gas Instantaneous Hot Water System (HWS_App)	1 Gas instantaneous hot wat...
Indoor Lighting Fitout	
LED Residential Lighting (Standard Efficiency)	1 Household
Cooling System	
Split System Air Source Heat Pump for Cooling (MEPs Average, R32)	1 heat pump(s) 5kW
Heating System	
Split System Air Source Heat Pump for Heating (MEPs Average, R32)	1 heat pump(s) 5kW

Plug Loads

Component Type	Quantity
Refrigeration	
Refrigeration, Residential Well Ventilated Fridge Recess (AUS)	1 Refrigeration Energy Use
Dwellings	
Appliances Residential Average (AUS)	1 eTool: Average Household ...

Outdoor Services

Component Type	Quantity
Renewable Generation	
Solar PV System Residential - Zone 3 (Perth Sydney etc)	6.6 kW
Outdoor Lighting Fitout	
LED Outdoor Lighting (Residential - Standard Efficiency), m2	35 m2 of outdoor lit area
Swimming Pool Temperature Control	
Swimming Pool Seasonal Temperature Control - No Pool Cover - Gas	0 Pool Surface Area
Swimming Pool Filtering	
Swimming Pool - Pumps and Filters Ultra Efficient	0 m2 surface area
Swimming Pool Structure	
Pool Structure - Concrete	0 m2 pool surface area

Structure

Component Type	Quantity
Ground Floor Area	
Concrete Floor - 100mm slab on ground 30MPa 3.8% reo (Portland Cement)	168.9 eTool: m2 of floor slab -...
Upper Floor Area	
Concrete Floor - 172mm elevated slab, 40MPa, 3.8% reo	143.1 m2 of floor slab
Stairs	
Staircase, Concrete (40Mpa, 2% reo by volume)	1 m stair rise
External Wall Area	
Wall, External, Masonry, double brick 90-50-90 insulated with foundations and finishes	155.31
Glazed Area	
Windows Residential Aluminium Single Glaze fly screen	61.08
Roof Area	
Roof - TimberTruss/SteelSheeting/10°Pitch/plbrd finish	194.24
Entry Doors	
Door - SolidCoreTimber/WoodenJam/Painted	2 Door (1.68m2)
Internal Doors	
Door - HollowCoreTimber/SteelJam/Painted	10.5 Door
External Wall Area	
Wall, External, Framed, Timber 90mm studs with battens, insulation, plasterboard and paint internal finish, fibre cement clad Hardie Axon™ (9mm)	127.16
Internal Wall Area	
Wall Internal Type 1, Masonry, Single Brick Wall (90mm) uninsulated with foundations and finishes	123.1
Internal Wall Area	
Wall, Internal, Framed, Timber Stud Plasterboard and paint finish	100.74

Finishes

Component Type	Quantity
Living Areas	
Floor Covering - 12mm timber, Glue Down (Substructure)	106.13
Kitchens Dining Areas	
Floor Covering - Tiles (ceramic/5mm)	130.01 eTool: m2 of internal flo...
Wet Areas	
Floor Covering - Tiles (ceramic/5mm)	29.16 eTool: m2 of internal flo...
Bedroom Areas	
Floor Covering - Carpet (glue down/Nylon)	72.58 eTool: m2 of internal flo...



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Life Cycle Assessment (LCA)

Date: 28.03.21

Compliance assessment of:
Single dwelling (NCC Class 1)

Project address:
#4b Ethel st, North Perth
BCA Climate Zone 5

Prepared BY: Luke Kellett

A handwritten signature in black ink that reads 'Luke Kellett'.

BSc. Architectural Design
MSc. CAD & Construction

U3, L1, #68 Erindale Rd, Balcatta
Luke@kdgwa.com.au
08 9446 8860

Compliance Checklist

Performance Summary



Global Warming Potential, GWP (Life Cycle)



86% Saving against a target of 50%



Net use of fresh water, FW (Life Cycle)



50% Saving against a target of 50%

Performance Detail

	Internal Material & Construction	Use Stage Materials & Construction	Integrated Energy Use	Plug Load Energy Use	Water Supply & Treatment	End of Life	Recycling & Energy Export	Total
Global Warming Potential, GWP (kg CO ₂ eq / occupant / year)								
Benchmark	865.7	542.9	939.5	822	165.5	135.2	-75.82	3395
Proposed Design	775.6	521.1	-505.3	676.6	92.97	141.7	-1212	490.2
Difference	90.13	21.86	1444	145.4	72.62	-6.553	1136	2905
Life Cycle Savings	3%	1%	43%	4%	2%	0%	33%	86%
Net use of fresh water, FW (kg / occupant / year)								
Benchmark	3754	1804	1202	1757	83170	616	-286	92019
Proposed Design	3312	2497	-1474	1446	42814	570.2	-3217	45949
Difference	441.2	-693.6	2677	310.9	40356	45.82	2931	46069
Life Cycle Savings	0%	-1%	3%	0%	44%	0%	3%	50%

Building Attributes

Highlighted information denotes that changes were made from the "baseline design" and should be an area of focus for compliance checks.

Rear Lot B Ethel St, North Perth



Dwellings:	1
Bedrooms:	3
Bathrooms:	3.5
Car parks:	1
Floors:	2
Type of carpark:	Garage
Ceiling Height:	2.65
Gross Floor Area:	287
Occupancy Date:	01/04/2022

Energy Supply and Efficiency Attributes

Electricity Supply:	Mains Connected
Thermal Rating:	NatHERS 6.0 Star
Energy Monitoring:	Integrated
Natural Lighting:	Limited

Water Supply and Efficiency Attributes

Water Supply:	Mains Supply
Water Treatment:	Mains Connected
Shower Heads:	4 star (4.5 - 6L/m plus spray force and coverage tests)
Toilets:	4 star (4.7L/flush, 3.2/half flush, 3.5L/average flush)
Tapware:	6 star (1.0 - 4.5L/min)
Washing Machine:	5.0 star (7.5L/kg clothing washed)
Dishwasher:	5.0 star (8.57L/wash for 10 place setting dishwasher)
Garden Type:	Dripper garden bed and sprinkler lawn irrigation
Rainwater Pump Type:	Medium or high pressure and flow with pressure vessel

Building Components

Highlighted information denotes that changes were made from the "baseline design" component type, or changes were made to the default quantities and should be an area of focus for compliance checks.

Integrated Services

Component Type	Quantity
Cooking Appliances	
Cooking, Res Gas Stove Electric Oven Op&Em	1 # Households cooking ener...
Hot Water System	
Gas Instantaneous Hot Water System (HWS_App)	1 Gas instantaneous hot wat...
Indoor Lighting Fitout	
LED Residential Lighting (Standard Efficiency)	1 Household
Cooling System	
Split System Air Source Heat Pump for Cooling (MEPs Average, R32)	1 heat pump(s) 5kW
Heating System	
Split System Air Source Heat Pump for Heating (MEPs Average, R32)	1 heat pump(s) 5kW

Plug Loads

Component Type	Quantity
Refrigeration	
Refrigeration, Residential Well Ventilated Fridge Recess (AUS)	1 Refrigeration Energy Use
Dwellings	
Appliances Residential Average (AUS)	1 eTool: Average Household ...

Outdoor Services

Component Type	Quantity
Renewable Generation	
Solar PV System Residential - Zone 3 (Perth Sydney etc)	6.6 kW
Outdoor Lighting Fitout	
LED Outdoor Lighting (Residential - Standard Efficiency), m2	30 m2 of outdoor lit area
Swimming Pool Temperature Control	
Swimming Pool Seasonal Temperature Control - No Pool Cover - Gas	0 Pool Surface Area
Swimming Pool Filtering	
Swimming Pool - Pumps and Filters Ultra Efficient	0 m2 surface area
Swimming Pool Structure	
Pool Structure - Concrete	0 m2 pool surface area

Structure

Component Type	Quantity
Ground Floor Area	
Concrete Floor - 100mm slab on ground 30MPa 3.8% reo (Portland Cement)	155.9 eTool: m2 of floor slab -...
Upper Floor Area	
Concrete Floor - 172mm elevated slab, 40MPa, 3.8% reo	131.1 m2 of floor slab
Stairs	
Staircase, Concrete (40Mpa, 2% reo by volume)	1 m stair rise
External Wall Area	
Wall, External, Masonry, double brick 90-50-90 insulated with foundations and finishes	145.65
Glazed Area	
Windows Residential Aluminium Single Glaze fly screen	56.18
Roof Area	
Roof - TimberTruss/SteelSheeting/10°Pitch/plbrd finish	179.29
Entry Doors	
Door - SolidCoreTimber/WoodenJam/Painted	2 Door (1.68m2)
Internal Doors	
Door - HollowCoreTimber/SteelJam/Painted	8.5 Door
External Wall Area	
Wall, External, Framed, Timber 90mm studs with battens, insulation, plasterboard and paint internal finish, fibre cement clad Hardie Axon™ (9mm)	119.26
Internal Wall Area	
Wall Internal Type 1, Masonry, Single Brick Wall (90mm) uninsulated with foundations and finishes	113.24
Internal Wall Area	
Wall, Internal, Framed, Timber Stud Plasterboard and paint finish	92.66

Finishes

Component Type	Quantity
Living Areas	
Floor Covering - 12mm timber, Glue Down (Substructure)	97.11
Kitchens Dining Areas	
Floor Covering - Tiles (ceramic/5mm)	118.96 eTool: m2 of internal flo...
Wet Areas	
Floor Covering - Tiles (ceramic/5mm)	26.68 eTool: m2 of internal flo...
Bedroom Areas	
Floor Covering - Carpet (glue down/Nylon)	66.4 eTool: m2 of internal flo...

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:	Administration Comment:
<p><u>Subdivision</u></p> <ul style="list-style-type: none"> • Allowing this subdivision and development will have a very negative impact on neighbouring properties. • Subdividing this lot will result in overdevelopment of the area by having two large houses cramped into a space previously occupied by only one house. This is not in keeping with housing density in the area. • There is no need for properties in this area to be further subdivided. Development does not enhance the character of Vincent and will do nothing for the value of the properties. • One house replaced by two houses is not desirable. Neighbouring properties were purchased by their owners with the expectation the outlook and the surroundings to remain more or less as they were. • Subdivision should not be allowed to occur on the site. • Development is not compatible with the size and type of dwellings in the area. • R40 development was never meant to increase density at the detriment of neighbouring properties. 	<ul style="list-style-type: none"> • Subdivision applications are submitted to and approved by the WAPC. The City is only a referral authority. The applicant has not yet lodged a subdivision application. • The proposed 255 square metre and 246 square metre lot sizes of the dwellings meet the minimum (180 square metres) and average (220 square metres) lot sizes for R40 development under the R Codes. • As per Clause 26(6) of the City's Local Planning Scheme No. 2 (LPS2) only two dwellings are permitted per lot. The proposed development is consistent with this clause. • Property values are not a relevant planning consideration.
<p><u>Demolition</u></p> <ul style="list-style-type: none"> • Do not support the bulldozing of existing Federation houses that give the suburb character. • The neighbourhood has many restored heritage houses and we should be supporting and encouraging the preservation and restoration of the existing buildings. 	<ul style="list-style-type: none"> • The dwelling on the subject site was not heritage-listed and was exempt from requiring development approval for its demolition. • The subject site and surrounding area is not located within a Character Retention or Heritage area. There are no planning requirements which would require the restoration of existing dwellings over the construction of new development.
<p><u>Lot Configuration</u></p> <ul style="list-style-type: none"> • The option of having two properties side by side off Ethel St should be considered. This option could resolve many issues such as a balcony overlooking a neighbouring backyard, non-compliance in street setback allowances, open space and landscaping and overshadowing. • The proposed developments reverse living (upstairs kitchen/dining/living) with balconies is not suited for laneway development where other neighbour's privacy is severely compromised. • Where existing houses are demolished, it should be mandated that they are side by side rather than front/rear subdivided. 	<ul style="list-style-type: none"> • A side by side lot configuration was not pursued by the applicant as part of the application process. There is no standard within the City's planning framework requiring side-by-side lot configurations. • The development complies with the deemed-to-comply visual privacy setbacks and solar access standards under the R Codes. The open space and landscaping proposed would allow for a separation of the two dwellings on the lot, and as viewed from neighbouring properties. The built form standards in the planning framework relate building bulk, overshadowing and overlooking to adjoining properties to moderate amenity impacts from the proposed development, whether that be in a side by side or front and rear dwelling configuration.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Building Height</u></p> <ul style="list-style-type: none"> • Two storeys is too high for the area. • Height restrictions should be considered for rear properties to ensure amenity and solar access of residents with backyard. 	<ul style="list-style-type: none"> • The City's Built Form Policy permits a building height of two storeys in this area. The proposed 6.5 metre building height would be less than the permitted 8.0 metre concealed height standard of the Built Form Policy. • Stepping of the dwellings, reduced lot boundary wall lengths and heights, as well as articulation of walls are measures used by the applicant to reduce impacts from overshadowing and perceived building bulk of the development. The dwellings have been sited and designed to provide building separation from neighbouring properties to the south to assist in protecting amenity, solar access and privacy of the occupants.
<p><u>Overdevelopment</u></p> <ul style="list-style-type: none"> • Shadow, lot boundary walls and setbacks, in addition to departures to visual privacy and open space are matter which amount to overdevelopment of the site. • Development is non-compliant with the R40 zoning and outcomes expected. • Proposal does not keep in character of the existing neighbourhood and is a significant overdevelopment of the site at the expense of environmental sustainability. • This excessive overdevelopment consists of seven large bedrooms, six full bathrooms, nine toilets, two large studies, two large sculleries, four car bays and six second-storey balconies/roof terrace. • A single storey, environmentally sustainable and R Code compliant development is the only viable and reasonable option. • Far too much development bulk on one residential block. • Dense development reduces the quality of life for residents in North Perth. • The bulk and scale of two double storey homes on one block ruins the local landscape. Development is creating high density living in an area filled with beautiful character homes on original blocks. 	<ul style="list-style-type: none"> • Throughout the assessment of the application the applicant has provided amended plans to reduce the number and extent of departures to the R Codes and Built Form Policy deemed-to-comply standards. As a result of made over the course of the application process, there are no departures proposed to overshadowing, boundary wall and side boundary setbacks, visual privacy and open space deemed-to-comply standards of the R Codes and Built Form Policy. These planning elements assist in informing whether a site is overdeveloped. • The building form, scale and colours and materials of the development would ensure the proposal has been designed to tie into the established and emerging streetscape character, and consistent with objectives of the Residential zone under LPS2 to contribute towards housing choice by providing a grouped dwelling housing typology that can meet the needs of the community. • The City's Built Form Policy provides local housing objectives to address environmentally sustainable design (ESD). An ESD report was submitted as part of the application identifying measures to facilitate sustainable development. These measures include providing openable windows for cross ventilation, north facing openings for natural sunlight and deciduous trees for natural shading. • Throughout the course of the application process, the plans have been amended to reduce the building footprint. The application now proposes for each dwelling one on-site parking bay, three bedrooms, three bathrooms and three balcony areas to Unit 1 and nil balcony areas to Unit 2. The dwellings satisfy the 45 percent deemed-to-comply standard of the R Codes in relation to open space. • It is open to the applicant to seek approval for grouped dwellings to a two storey building height. The City is required to consider and determine the application as proposed by the applicant based on the planning framework that applies.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
	<ul style="list-style-type: none"> The subject site is capable of accommodating two dwelling as each lot meets the minimum and average lot sizes of the R Codes. The immediate and broader streetscape does not form part of a Character Retention or Heritage area. The previous dwelling was not heritage-listed.
<p><u>Noise</u></p> <ul style="list-style-type: none"> Projection of noise from Unit 2 balcony facing the ROW if this space is used frequently for entertaining will be an issue. Rear openings and terraces will project noise directly into neighbouring backyard. 	<p>Owners and occupiers of residential properties are responsible for ensuring that noise generated from dwellings is to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> at all times.</p>
<p><u>Street Setback and Streetscape</u></p> <ul style="list-style-type: none"> The design does not comply to the street setback requirements. The proposed development is inconsistent with the existing character of the area, resulting in a negative visual impact on the streetscape. Council should not be supporting development that discourages young families from coming into or staying in the area. Development will encroach onto the street frontage. Development sets a bad precedent for development in North Perth Amended plans have not changed the development in any way. Still not a good outcome for the area. The design does not comply with the street setback or the lot boundary setbacks. All measurements are below the minimum allowance. The overhanging balcony of Unit 2 does not meet the intent of the local town planning scheme and is not in keeping with the surrounding landscape. The balcony is dominant and should be setback behind the ground floor. Development is not true to the history and original character of North Perth. The neighbourhood has many restored heritage houses and we should be supporting and encouraging the preservation and restoration of the existing buildings. Development style is inconsistent with the area. 	<ul style="list-style-type: none"> Unit 1 to Ethel Street meets the deemed-to-comply street setback standard related to the ground floor. The upper floor does not meet the deemed-to-comply standard related, as this is setback 1.6 metres behind the ground floor in lieu of 2 metres, and the balcony projects 0.7 metres forward of the ground floor in lieu of being setback 1 metre. The proposed upper floor setback is consistent with relevant design principles and local housing objectives as: <ul style="list-style-type: none"> Major openings, minor projections, eaves and ancillary roof forms ameliorate the imposition of perceived and actual bulk and provide interaction with the street; Upper floor stepping creates articulations of walls as viewed from the street and on approach; Incorporation of landscaping within the front setback area contributes to urban greening in the prevailing streetscape; and The use of dark and light tones, timber cladding and face brick and permeable fencing tie in within the established and emerging residential character. The dwelling is not located within a Character Retention area or listed as a heritage property. Demolition is permitted of the dwelling. As the lot sizes meet the minimum and average lot sizes of the R Codes, the site is capable of accommodating two dwellings. The City's DRP member has advised the changes to the colour, materiality setbacks and site coverage of the development have been adjusted to better reflect these built form aspects of neighbouring dwellings, and facilitate a built form outcome which would be compatible within the current streetscape.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Open Space and Outdoor Living Areas</u></p> <ul style="list-style-type: none"> The proposed development lacks open space, creating a significant bulk. Development doesn't meet the green requirements or outdoor space minimums. Open space variations would contribute excessive level of bulk and scale in proximity to neighbouring dwellings, outdoor living areas and open space. 	<ul style="list-style-type: none"> Through the course of the application process, the applicant provided amended plans which increased the amount of open space to meet the deemed-to-comply standard of the R Codes which is 45 percent. The open space provided on-site assists with increasing separation of buildings from the boundary, street and neighbouring development, and moderating impacts of building bulk. Both Unit 1 and Unit 2 meet the outdoor living area deemed-to-comply standards of the R Codes in relation to minimum size and dimension. This ensures that adequate external space is provided for the development. The departure to deemed-to-comply R Codes standard for Unit 1 outdoor living area results from it being located in the front setback area.
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> Development will remove the chance of ecology and lose the vibe of the area, and doesn't provide a benefit to the streetscape. Limited landscaping adds to increasing temperatures in the area for neighbouring properties and have an overall negative impact. Demolition and clearing of the block would see removal of large trees and landscaping for the local wildlife. The proposed reduction of green space limits the already reduced capacity to provide the cooling benefit of soft landscaping & green canopy. Larger hard surface area compared to the existing home will see increased radiant heat and reduce the comfort and amenity of the adjoining homeowners as well as adding heat load to our environment. 14.7% canopy coverage to the front lot instead of 30% of the required canopy coverage is not sufficient and will not address concerns with heat island effect. Canopy is vital for privacy for the occupants of these developments and surrounding neighbours, softening the projection of noise and can contribute to reducing the urban heat island effect. The design has outline the planting of 4 Chinese Tallows. This plant species is known to be an invasive environmental weed of water courses and native vegetation according to the Department of Primary Industries in NSW. 	<ul style="list-style-type: none"> Through the application process, the deep soil area of Unit 1 and Unit 2 has been increased to 21.2 percent and 14.7 percent, which satisfies the deemed-to-comply standard of the Built Form Policy. The extent of canopy coverage of Unit 1 would be 18.6 percent which is less than the 30 percent deemed-to-comply standard under the Built Form Policy. Unit 2 would provide for 34 percent canopy coverage. After Council's 29 March 2022 Briefing Session, the applicant submitted amended plans with an additional Capital Pear tree in the front setback area of Unit 1. Canopy coverage for Unit 1 would increase to 18.6 percent, a 3.9 percent increase from that previously proposed. The mature tree at the rear of the lot is not listed on the City's Trees of Significance Inventory and does not require development approval to be removed. The tree was removed as part of the demolition works which occurred in January 2022. The application proposes four Native Frangipani, four Chinese Tallow, two Cottonwood Hibiscus, one Capital Pear and one Chinese Elm trees across the development site. The inclusion of these trees ensures that an effective contribution is made to the City's green canopy and that the appearance of the development is softened. The established verge tree is being retained to Ethel Street. The City's Parks team has reviewed the proposal and confirmed the location and size of landscaping areas would be enable canopy to grow to maturity. Chinese Tallow trees are a recommended species on the City's landscaping list and are invasive in New South Wales but not Western Australia, as confirmed by the City's Parks team.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> Balconies being positioned on the side of the house will have full view into neighbouring properties. Two storey development and balconies will provide a direct line of sight into neighbouring backyards. The living area and roof terraces to the upper floor of Unit 2 will be looking directly into the backyards of the adjacent properties. Unit 2 balcony is a large enough space for entertaining and does not need to be so large. Glass balustrading to the rear balcony will allow clear view into the backyard of neighbouring properties across the laneway. Revised proposal does not address privacy and issues with overlooking other properties from roof terraces and balconies. Roof terraces to the southern boundary will look directly over neighbouring open space, impacting the privacy. Concern with proximity and height of windows. Regardless of what the design codes are, every surrounding neighbour will be severely and negatively impacted by privacy issues. The proposed 2 metre setback of the first floor of Unit 2 from the ROW is not enough to alleviate the privacy and noise issues. Although not defined as a balcony, full height glass doors off the living/dining area can be completely opened allowing the overlooking of backyards and living space of neighbouring properties. Would like to see more details in the type of windows (GL-01) the owner is proposing for the living/dining and kitchen area, as it has not been indicated if these windows are to be obscured or frosted. 	<ul style="list-style-type: none"> The applicant removed the proposed balcony of Unit 2 adjacent to the ROW. The applicant removed proposed balconies and major openings on upper floors to the northern and southern lot boundaries. The remaining major openings and balconies to the dwellings meet the deemed-to-comply visual privacy standards of the R Codes, through either achieving the prescribed setback distance or being screened. Screening is integrated in the dwelling's design to reduce impact on neighbour's amenity. After Council's 29 March 2022 Briefing Session, the applicant revised their plans to provide a 1.6 metre high fixed obscure glass balustrading in front of the living/dining room opening of Unit 2 facing the ROW. The applicant also introduced the planting of two Cottonwood Hibiscus trees in front of this window further assist in mitigating perceived overlooking to the ROW and abutting properties. The obscure glazing and landscaping screening provide measures to address perceived overlooking to neighbouring outdoor living areas and open space, and increase the privacy of the occupants to Unit 2. The framing to the glazing of the living/dining spaces and kitchen is a feature protruding window and not an accessible space or balcony. All openings to the rear from the living/dining and kitchen meet the deemed-to-comply standards under the R Codes relating to visual privacy setbacks. The glazing to the living/dining rooms on the upper floor of Unit 2 are not obscured. These major openings achieve the required 6 metre visual privacy deemed-to-comply setback from neighbouring development, as prescribed under the R Codes. The R Codes seeks to control overlooking of primary living spaces, and active habitable spaces between the development site and neighbouring development for the privacy and amenity of their occupants. Perceived overlooking to the southern and eastern properties is managed through the installation of screening, greater than deemed-to-comply lot boundary setbacks and landscaping to side boundaries
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> This laneway was never designed for the heavier traffic that may result from this proposal. Only single carpark proposed for the rear unit. Concerns the ROW will be used for parking. 	<ul style="list-style-type: none"> The subject site is a 'Location A' area under the R Codes for the purposes of prescribing car parking provision. This means it is located within 250 metres of a high frequency bus route (Fitzgerald Street). The one on-site parking bay provided per dwelling meets the deemed-to-comply standards for parking in the R Codes.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
	<ul style="list-style-type: none"> • Parking is not permitted within the ROW. • The ROW would provide access to the rear dwelling and this traffic generation can be accommodated within its capacity and without adversely impacting on the ROW.
<p><u>Boundary Fencing</u></p> <p>Developer has not confirmed the height and the material used for the fence.</p>	<p>It is understood that the developer is not seeking to modify the existing boundary fence. Notwithstanding this, dividing fences are not dealt with by the planning framework and not within the scope of this application. Dividing fences are to be in accordance with the <i>Dividing Fences Act 1961</i>.</p>
<p><u>Setbacks to ROW</u></p> <ul style="list-style-type: none"> • Concerns for proximity of development to the ROW. This has a negative impact to the future owners of the rear lot and No. 158 Grosvenor Road. • Setback does not allow for any privacy, sound proofing or security which can be achieved by the plantation of trees or use of other fencing materials. 	<ul style="list-style-type: none"> • The proposed ROW setbacks satisfy the relevant local housing objectives of the Built Form Policy. The vehicle access, landscaping and upper floor of Unit 2 would maintain a clear setback from any future widening. Suitable provision has also available for service areas and waste management, with pedestrian access provided from this Unit 2 to Ethel Street. • Major openings to the ROW meet the deemed-to-comply visual privacy setbacks under the R Codes.
<p><u>Building Bulk and Scale</u></p> <ul style="list-style-type: none"> • Not supportive of this scale of development in what is a charming, old fashioned suburban area. • Two storey height and scale of the development will mean we will no longer have view of the sky from our property. • The height, bulk and modern design of the proposed development would adversely affect the visual harmony of the street. • Boundary set back regulations have been developed primarily for neighbouring houses parallel to each other, rather than neighbouring houses that are perpendicular (i.e. T Junction of backyard and neighbouring building). Due to the way properties intersect, a multistorey development is going to detrimentally impact properties. • Location of the proposed parapet wall on the southern boundary will result in an unacceptable level of overshadowing to outdoor living areas, resulting in a loss of amenity of existing outdoor living space. • Proximity and height of the development is too close to the boundary. • Through the multiple submissions of this project the plans have not addressed primary concerns regarding the scale and bulk, the overshadowing and the impact that this development will have on the local community. • Overbearing second storey and large parapet walls will reduce views to sky and northern aspect. 	<ul style="list-style-type: none"> • The 6.5 metre building height proposed is below the permitted two storey concealed roof 8.0 metre heights that are permitted for this site under the Built Form Policy. This assists in mitigating building bulk and scale. The reduced building height also offers increased opportunities to sunlight, ventilation and view lines from the street and neighbouring properties. • Administration understands the orientation of the subject lot and the relationship to neighbouring properties. The orientation of the lots and proposed dwelling configuration does not change how lot boundary setbacks are assessed under the R Codes. • The ground and upper floor setbacks of the dwellings meet and exceed deemed-to-comply lot boundary setbacks under the R Codes. Upper floor walls are stepped from the side boundaries, and articulated from ground floor below to provide mitigate building height and scale. • Boundary wall and building heights remain compliant with the deemed-to-comply standards of the R Codes. These heights assist with moderating the scale and massing of the development, to preserve visual and residential amenity of the street and neighbouring properties. • Through the course of the application process, the applicant has provided amended plans to address concerns related to bulk and scale. This has included providing 3.3 metres of separation between Units 1

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The building of 6 metres high walls will be visible and impactful to neighbouring Grosvenor Road properties. 	<p>and 2. The break between the dwellings would reduce impacts of building bulk, shadow and provide additional opportunities for open space and landscaping. The building break also assists with access to sunlight, ventilation and view lines of neighbouring dwellings.</p>
<p><u>Lot Boundary Setbacks and Boundary Walls</u></p> <ul style="list-style-type: none"> A 6 metre high wall to the southern boundary would fall immediately to neighbouring north facing rear boundary / courtyards their small rear gardens would be transformed into dark, claustrophobic spaces. The boundary walls to abutting properties is of a great concern. Extensively long parapet walls and the over bearing second stories have serious negative impacts to the local properties. Unreasonable bulk and scale reducing quality of the surrounding properties and neighbourhood. Parapet walls and minimal upper floor setback will appear unsightly from the adjacent outdoor areas, and are inconsistent with the predominant built form of the locality. Lack of ventilation likely resulting in the sea breeze skipping over neighbouring properties and creating a heat trap. The proposal provides minimal setbacks from the upper floor living area to my backyard. Boundary walls to Grosvenor Road properties on the south (Nos. 160, 162, 164) are not appropriate. 	<ul style="list-style-type: none"> The Built Form Policy permits boundary walls to a maximum height of 3.5 metres and total length of 23.9 metres. The first, second and third advertising plans proposed boundary walls to a cumulative 20.4 metres in length. Final set of plans have reduced the boundary walls to the south to a total length of 13.8 metres. The boundary walls to the garages are 3.1 and 3.3 metres in height. To mitigate bulk impacts from boundary walls, these have been located so as to abut neighbouring outbuildings and garages where possible. Boundary walls are otherwise adjacent to areas of extensive rear open space which do not form part of the primary outdoor living area for adjoining properties. The development provides for upper floor side setbacks which meets and exceed the deemed-to-comply setbacks. Upper floors are also articulated from the ground floor below to mitigate perceived bulk. A mix of colours, materials and glazing is used to break down bulk and scale and to avoid blank unarticulated double storey walls. Lot boundary setbacks provided consistent with R Codes deemed-to-comply standards would allow for adequate separation to maintain ventilation between neighbouring dwellings.
<p><u>Incompatible Development – Clause 67 of Planning and Development (Local Planning Scheme) Regulations 2015</u></p> <ul style="list-style-type: none"> The sum of the proposed variations to the Built Form Policy and R Codes result in an unacceptable level of bulk and scale and will negatively impact both surrounding properties and the visual amenity of the streetscape. The proposed development is inconsistent with clause 67(2) subclauses (m) and (n) Schedule 2 Part 9 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>, as it has a poor relationship to existing development on adjoining land, and will negatively impact the amenity of adjoining properties and the streetscape for the following reasons: <ul style="list-style-type: none"> The proposed development is incompatible with its setting as it does not consider its relationship to the surrounding properties. The location of the parapet walls on the southern boundary of the subject site, and excessive bulk and scale of the proposed group 	<p>The proposed development is consistent with the Regulations in respect to its compatibility with the streetscape and impact on the amenity of adjoining properties for the following reasons:</p> <ul style="list-style-type: none"> The lot boundary setbacks and walls, building height and open space meet the deemed-to-comply standards which are relevant measures in informing bulk and scale. The dwellings would not result in unacceptable amenity impacts on the residential amenity of adjoining properties and the streetscape. The development is compliant with the deemed-to-comply visual privacy standards of the R Codes which is a relevant measure in considering impact on adjoining properties. Openings to habitable rooms and raised active spaces are setback or screened to limit actual and perceived overlooking.

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p>dwelling resulting from a lack of open space.</p> <ul style="list-style-type: none"> o Substantial overshadowing of the outdoor living area. 	<ul style="list-style-type: none"> • Development provides for building heights, side boundary setbacks and boundary walls to the southern elevation that are less than the prescribed deemed-to-comply standards in an effort to reduce impacts of the location and extent of shadow cast to neighbouring development. The resultant extent of shadow cast to the southern adjoining properties would allow for access to northern sunlight for neighbouring properties, recognising that the orientation of the sites mean that any development proposed under the policy framework would result in shadow cast to the backyards of adjoining properties.
<p><u>Shadow</u></p> <ul style="list-style-type: none"> • Rear gardens of Grosvenor Road properties would have virtually no natural sunlight from mid-late morning until night and rendered unliveable. • Shadow from development will diminishes the environmentally effective design and planning of southern properties. • Planning laws relating to shadowing of adjacent properties are seriously flawed. The importance of shadowing should be concentrated on its effect on open areas such as gardens. • Due to the orientation of the lot the proposed development results in overshadowing of several outdoor living areas to the south. • Shadow is compliant however does not negate the significant amenity impact the proposal will have on the primary outdoor living areas of neighbouring properties which are both covered and uncovered spaces. • Shadow from the development would substantially affect neighbouring property access to light, solar gain from north facing openings and living spaces. This would undermine the thermal efficient, and solar passive design of dwellings. • Development will completely shadow three neighbouring properties and lose any access to northern sun. • Shadow would eliminate any chance of solar energy production of neighbouring properties. • Main family living and outdoor area on the rear will be significantly impacted. • Backyards and lawn will be hugely impacted by this design as it will be totally overshadowed by this building. • Backyards will be fully shadowed in the months of May, June, July and heavily shadowed in April and August in the coolest months of the year. • The development does not take into consideration the unique layout of the block with three backyards aligned with this one block and our solar access rights with the proposal shadowing the majority of our backyard. • Significant loss/lack of solar gain to outdoor areas during the winter 	<ul style="list-style-type: none"> • Overshadowing to the southern property meets the deemed-to-comply standards of the R Codes. As per the R Codes, the extent of shadow calculated demonstrates the worst case scenario at the winter solstice on 21 June when the sun is at its lowest angle. • Throughout the application process, the applicant has provided amended plans to revise and reduce the location and extent of shadow on neighbouring developments to the south. The proposed development would overshadow 13.2 percent, 15.6 percent and 18 percent of the adjoining properties at Nos. 160, 162 and 164 Grosvenor Road respectively. The R Codes deemed-to-comply standard permits 35 percent overshadowing. • Given the orientation of the subject and adjoining southern properties, it is acknowledged shadow would fall to the northern aspect of these properties, which includes primary outdoor living areas and habitable rooms. As a result of development being stepped along the southern boundary, increased lot boundary setbacks and reduced building heights, the extent and location of the shadow to Nos. 160, 162 and 164 Grosvenor Road has been reduced. Advertising of plans during the first three advertising periods proposed overshadowing which fell over the entire uncovered and covered outdoor living areas of the neighbouring properties, limiting access to sunlight, ventilation and comfortable living. • The shadow from the dwellings would ensure more than 47 percent of the outdoor living areas of the adjoining properties remain without shadow as measured on 21 June to limit detrimental impact of the use and amenity of these adjoining outdoor living areas. • The proposed dwellings have been articulated from the southern boundary and designed to more responsive to the orientation of the subject and neighbouring properties. • The applicant has revised the lot boundary setbacks, lot boundary wall lengths and provided between 1.8 metres and 3.7 metres separation of the upper floor of dwellings from the southern lot boundary to assist in

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p>months.</p> <ul style="list-style-type: none"> • Significant loss of solar gain into our house which we rely on to reduce winter heating bills. • Revised development will still impact adjacent properties totally blocking sun and ventilation every day of the year and dramatically reducing the value of their properties. • Revised proposal does nothing to address overshadowing and environmental impacts. • Regardless of what the design codes are, every surrounding neighbour will be severely and negatively impacted, either by excessive year round shadowing or privacy issues. • The overshadowing has not been reduced across neighbouring properties. For No. 160 Grosvenor Rd, from the drawings supplied, overshadowing of the rear garden has increased. • Compared with previous designs, shadow calculations show only minimal benefit to overshadowing. • The 3.3 metre split between buildings only marginally addresses overshadowing – only beneficial at 12 noon when sun is North – for the rest of time there is little benefit – and trees will overshadow. • New plans only mentioned the solar access to our house but what about our backyard which will be covered with a shadow. 	<p>reducing the shadow cats to the three adjoining southern properties.</p> <ul style="list-style-type: none"> • As per the applicant's shadow diagrams and Administration's shadow modelling, overshadowing from the development would fall to existing outbuildings (garages and sheds), grassed and landscaped area and portions of covered and uncovered outdoor living areas. There are now no major openings to habitable rooms which are affected by the worst-case scenario of overshadowing on 21 June. The abutting dwellings maintain solar access to these habitable rooms.

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

Summary of Submissions:

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

Comments Received in Objection:	Applicant Comment:
<p><u>Bulk and Scale</u></p> <ul style="list-style-type: none"> The bulk and scale of two double storey homes on one block ruins the local landscape and are creating high density living in an area filled with beautiful character homes on original blocks. The development does not take into consideration the unique layout of the block with three backyards aligned with this one block. The height of the proposal significantly impacts both our privacy in our own backyard and also our solar access rights with the proposal shadowing the majority of our backyard. Height restrictions should be considered for rear of properties to ensure amenity and solar access of residents with backyard. 	<ul style="list-style-type: none"> The lot is designated as an Urban R40 zone, with 2 storey building height. Clause 26(6) of the LPS2, states that a maximum of two dwellings will be permitted per lot. In accordance with the Local Planning Scheme No.2 and Local Planning Strategy, the proposed two-storey sub-division development supports the City's vision of providing higher density development to meet density targets set by the State Government. The upper floor design for the front dwelling is appropriately stepped back from street boundary in comparison with the existing development at 164 Grosvenor Road. This provides for a 'graduated' development outcome from the street corner. Differences in the materiality and colours of significant sections of the upper floors compared with the ground floors creates visual interest within the streetscape. The materials and colours proposed for the design of the dwellings are consistent with those within the surrounding locality. The proposed encroachments and projections provide for an articulated façade that engages with the streetscape in a positive manner that contributes to the overall improvement of the streetscape. Notwithstanding the location of the dwelling on the site, it should also be noted that the existing tree at the front of the property, along Ethel Street will conceal the dwelling. This means any perceived impact of the bulk and scale of the streetscape will be mitigated by the street tree. Previous comments from the City's Design Review Panel (DRP) noted that "the proposals are well-articulated, and from an architectural/design point of view the proposals are fine and should fit in sufficiently well, is largely acceptable" Recent comments from the DRP on the current plans (08 March 22), state the following: <ul style="list-style-type: none"> Full separation of dwellings and introduction of more internal landscaping assists with reducing the perceived scale, bulk, and massing of the proposed development; The rear dwelling is lower than the front and this stepping of height further assists with articulation and separation of form; Variations in cladding and articulation between the two dwellings provides individual design expression The new scheme relocates the rear building closer to the RoW boundary, introducing a 3350mm gap between both buildings. This eliminates the continuous scale and bulk to the southern boundary and significantly

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
	<p>reduces the overshadowing.</p> <ul style="list-style-type: none"> • The overshadowing is compliant and significantly less than the minimum DTC requirements of the R-Codes • The current proposals reduce the total overshadowing (to all 3 southern adjoining properties) by 107sqm when compared to our original scheme, achieving a total overshadowing of 14.8%, which is well below the 35% allowed in the R-Codes. Breakdown as follows: <ul style="list-style-type: none"> ○ Lot 1 - 17.7% (was 20.7%) ○ Lot 6 – 15.8% (was 31%) ○ Lot 5 – 10% (was 19%) • We have made considerable improvements to the scheme to minimise any negative impacts on the neighbouring properties. • Lot setbacks are generally greater than DTC requirements.
<p><u>Developments on Rights of Way</u></p> <ul style="list-style-type: none"> • Open plan living area with glass balustrading of Unit 2 looks over entire backyard and into rear living & kitchen of 158 Grosvenor. Kitchen window also looks directly into our backyard. Noise generated from living area will be projected into our back garden. Minimal setback from laneway. • No ability to plant trees to the ROW to provide some obscuring of the bulk of the property and the balcony • Not clear from plans if overlooking windows will be clear or opaque glass. Overlooking windows must be opaque. 	<ul style="list-style-type: none"> • Visual privacy provisions are in accordance with DTC requirements of the R-Codes. • Street and Lot boundary setbacks are in accordance with DTC requirements of the R-Codes. • The rear building has been positioned closer to the RoW boundary in order to create a clear break between the two proposed units, which helps to reduce bulk/scale/mass and reduce overshadowing to the adjoining properties. • Planting is provided between the building and the ROW as indicated on the plans and elevations. • The elevations and plans indicate whether windows are high level, full height, or obscure glazing. All windows are compliant.
<p><u>Fencing Material</u></p> <ul style="list-style-type: none"> • Developer has not spoken to us about the height and the material used for the fence 	<ul style="list-style-type: none"> • Existing lot boundary fence to remain as existing.
<p><u>Canopy Coverage</u></p> <ul style="list-style-type: none"> • The front lot has a proposed canopy coverage of 14.7% (17sqm), which is less than half of the required canopy coverage. Although both developments are compliant to the open space allowances, canopy coverage is vital for privacy for the occupants of these developments and surrounding neighbours, softening the projection of noise and can contribute to reducing the urban heat island effect. • The design has outline the planting of 4 Chinese Tallows. This plant 	<ul style="list-style-type: none"> • Although the proposed tree canopy cover is 14.7% in lieu of 30%, the proposed tree within the front setback that is co-located with the dwelling's outdoor area will make a positive contribution to the Ethel Street streetscape. This is because the tree not only provides for shade and softscape for the dwelling but will grow to a height that is consistent with existing trees within the street. • The provision of a large tree within the front setback also compliments the

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p>species is known to be an invasive environmental weed of water courses and native vegetation according to the Department of Primary Industries in NSW and they do not recommend the sale of this plant. Would like to see the use of more native plant species that would be beneficial to the surrounding environment, especially in a design that has incorporated minimal landscaping. This is in line with the City of Vincent's 2018-2023 Greening Plan which aims to promote enhance habitat and biodiversity and the greening of private land and new development</p>	<p>existing mature street tree located at the front of the property along Ethel Street.</p> <ul style="list-style-type: none"> To say our proposals have minimal landscaping is not accurate. The current proposal demonstrates a significant amount of soft landscaping, which is not comparable with any other recent development in the locality, which generally have very minimal landscaping provision. The Open Space provision is compliant and greater than the minimum DTC requirements of the R-Codes (45%). Considerably more landscaping has been introduced to the rear block. <ul style="list-style-type: none"> Open Space to the rear block is 53.5%. Open Space to the front block is 48%. Chinese Tallows are identified as suitable trees in the City's 'Choosing a Tree for Property' brochure.
<p><u>Alternative Lot Configuration</u></p> <ul style="list-style-type: none"> Has the option of having 2 properties side by side, frontages off Ethel St even been considered. This option could resolve many issues such as; a balcony overlooking a neighbouring backyard, noncompliance in street setback allowances and landscaping. The proposed developments Reverse living (upstairs kitchen/dining/living) with balconies is not suited for laneway development where other neighbour's privacy is severely compromised Where existing houses are demolished, it should be mandated that they are side by side rather than front/rear subdivided 	<ul style="list-style-type: none"> Numerous options have been previously explored. The site is too narrow to subdivide the lot along the east west axis. Visual privacy provisions are in accordance with DTC requirements of the R-Codes. Street and Lot boundary setbacks are in accordance with DTC requirements of the R-Codes. There is no balcony provision to the rear building. The lot is designated as an Urban R40 zone, with 2 storey building height. Clause 26(6) of the LPS2, states that a maximum of two dwellings will be permitted per lot. In accordance with the Local Planning Scheme No.2 and Local Planning Strategy, the proposed two-storey sub-division development supports the City's vision of providing higher density development to meet density targets set by the State Government.
<p><u>Shadow</u></p> <ul style="list-style-type: none"> The overshadowing has been 'reduced across neighbouring properties'. It has not. Overshadowing of the rear garden has increased Compared with previous designs, shadow calculations show only minimal benefit to overshadowing. The 3.3m split between buildings only marginally addresses overshadowing – Clearly only beneficial at 12 noon when sun is North – for the rest of time there is little benefit – and trees will overshadow whatever. New plans only mentioned the solar access to our house, but what about our back yard which clearly seen on the plans will be covered with a shadow. The lack of solar access will not only mean the death of our 	<ul style="list-style-type: none"> The overshadowing is compliant and significantly less than the minimum DTC requirements of the R-Codes Overshadowing has been greater reduced as a result of introducing a gap between both buildings. The current proposals reduce the total overshadowing (to all 3 southern adjoining properties) by 107sqm when compared to our original scheme, achieving a total overshadowing of 14.8%, which is well below the 35% allowed in the R-Codes. The overshadowing as indicated on the diagrams occurs at the winter solace (21 June) when generally people do not utilise their gardens. For

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<p>plants and lawn but also emotional stress from not being able to sit in our backyard to both enjoy the sunshine and to do so in privacy</p>	<p>most of the year there is little to no overshadowing to the abutting properties and therefore the neighbour's amenity will not be impacted</p>
<p><u>Precedent</u></p> <ul style="list-style-type: none"> This development sets a precedent for future DA's that prioritises developers over resident's privacy in their own backyard. Councils should be protect people's privacy, green space, and backyards 	<ul style="list-style-type: none"> The lot is designated as an Urban R40 zone, with 2 storey building height. Clause 26(6) of the LPS2, states that a maximum of two dwellings will be permitted per lot. In accordance with the Local Planning Scheme No.2 and Local Planning Strategy, the proposed two-storey sub-division development supports the City's vision of providing higher density development to meet density target set by the State Government. Visual privacy provisions are in accordance with DTC requirements of the R-Codes.
<p><u>Privacy</u></p> <ul style="list-style-type: none"> The proposed 2m setback of the first floor for the Rear lot from the ROW is not enough to alleviate the privacy and noise issues The ROW setback is even less than what was previously proposed in the plans dated 10/11/2021, which had a 2.9m setback from the ROW. The previous plans also had soft landscaping proposed between the development and ROW allowing a buffer for privacy and noise. Although it is now not defined as a balcony, there is still full height glass doors (GL-01) off the living/dining area that can be completely opened and glass balustrading allowing the overlooking of backyards and living space of neighbouring properties. Would like to see more details in the type of windows (GL-01) the owner is proposing for the living/dining and kitchen area, as it has not been indicated if these windows are to be obscured or frosted. The proposed balcony is off the open planned living/dining and kitchen area this will be a highly active space. Therefore, not only does this breach our privacy, there is still a concern regarding the projection of noise as this active space would be used frequently. 	<ul style="list-style-type: none"> There are no privacy issues. Visual privacy provisions are in accordance with DTC requirements of the R-Codes. Street and Lot boundary setbacks are in accordance with DTC requirements of the R-Codes. The rear building has been positioned closer to the RoW boundary in order to create a clear break between the two proposed units, which helps to reduce bulk/scale/mass and reduce overshadowing to the adjoining properties. Visual privacy provisions are in accordance with DTC requirements of the R-Codes. The elevations and plans indicate whether windows are high level, full height, or obscure glazing. All windows are compliant. There is no balcony provision to the rear building.

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

Determination Advice Notes:

1. This is a development approval issued under the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. With reference to Condition 2, the owners of the subject land shall obtain the consent of the owners of relevant adjoining properties before entering those properties in order to make good the boundary walls;
3. With reference to Condition 4, the visual privacy requirements of Clause 5.4.1 C1.2 of the R Codes Volume 1 states that *“screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75 percent obscure, permanently fixed, made of durable material and restrict view in the direction of the overlooking into any adjoining property”*.
4. With reference to Condition 6, the City encourages landscaping methods and species selection which do not rely on reticulation.
5. With reference to Condition 7, no further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
6. With reference to Condition 9, all new crossovers to the development site are subject to a separate application to be approved by the City.
7. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not be deemed to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete paths.
8. A Road and Verge security bond for the sum of \$2,000 shall be lodged with the City by the applicant, prior to the issue of a building permit, 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 security bond shall be made in writing. The bond is non-transferable.
9. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. If the safety of the path is compromised resulting from either construction damage or as a result of a temporary obstruction appropriate warning signs (in accordance with AS1742.3) shall be erected. Should a continuous path not be able to be maintained, an 'approved' temporary pedestrian facility suitable for all path users shall be put in place. If there is a request to erect scaffolding, site fencing etc. or if building materials are required to be stored within the road reserve, once a formal request has been received, the matter will be assessed by the City and if considered appropriate a permit shall be issued by the City. No permit will be issued if the proposed encroachment into the road reserve is deemed to be inappropriate.
10. Any additional property numbering to the abovementioned address which results from this application will be allocated by the City of Vincent. The applicant is requested to liaise with the City in this regard during the building permit process.
11. The applicant and landowner are advised that sufficient parking can be provided on the subject site and as such the City of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the grouped dwellings in accordance with the City's Policy No. 3.9.3 – Parking Permits. The applicant is advised that this restriction only applies to grouped dwellings in accordance with this Policy, and if the approved dwellings became single houses in the future then this restriction would not apply.