

9.2 NO. 12 (LOTS: 69 AND 80; PLAN: 4576) BROOKMAN STREET, PERTH - ALTERATIONS AND ADDITIONS TO SINGLE HOUSE SECTION 31 RECONSIDERATION

Ward: South

Attachments:

1. Consultation and Location Plan
2. Development Plans
3. Perspectives
4. Heritage Impact Statement
5. 16 May 2023 Council Minutes and Refused Plans
6. 8 September 2023 Superseded Development Plans
7. Summary of Submissions - Applicant Response
8. Summary of Submissions - Administration Response
9. Determination Advice Notes

RECOMMENDATION:

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, SETS ASIDE its decision dated 16 May 2023 and SUBSTITUTES its new decision to, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVE the application for Alterations and Additions to Single House at No. 12 (Lots: 69 and 80; P: 4576) Brookman Street, Perth in accordance with the plans shown in Attachment 2 with the associated determination advice notes in Attachment 9, subject to the following conditions:

1. Development Plans

This approval is for Alterations and Additions to Single House as shown on the approved plans dated 13 October 2023. No other development forms part of this approval;

2. External Fixtures

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

3. 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, face brick or limestone, or material as otherwise approved, to the satisfaction of the City;

4. Colours and Materials

4.1 Prior to the lodgement of a building permit, a schedule providing detailed specifications of the colour and texture of the building materials, consistent with the annotations on the approved plans, must be submitted to, and approved by the City; and

4.2 The development shall be finished, and thereafter maintained, in accordance with the schedule identified in Condition 4.1, prior to occupation of the approved development;

5. Landscaping

5.1 A detailed landscape and reticulation plan for the development site, to the satisfaction of the City, shall be lodged with and approved by the City prior to commencement of the development and show the following:

- Areas to be irrigated or reticulated;
- The location and type of proposed plants including the provision of a minimum of one tree on the subject site within the deep soil area; and

- 5.2 All works shown in the plans as identified in Condition 5.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the approved development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

6. **Construction Management Plan**

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

- The delivery of and delivery times for materials and equipment to the site;
- Parking arrangements for contractors and sub-contractors;
- Dilapidation reports of the adjoining properties at Nos. 10 and 14 Brookman Street;
- Notification to affected landowners; and
- Construction times.

The approved management plan shall be complied with for the duration of the construction of the development;

7. **Vehicle Access and Manoeuvring**

- 7.1 Prior to the lodgement of a Building Permit, amended plans shall be submitted to and approved by the City, showing the garage door to be 3 metres wide, to the satisfaction of the City;
- 7.2 The layout and dimensions of all parking area shall be in accordance with Australian Standard AS2890.1;
- 7.3 Car parking areas 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
- 7.4 Prior to the first occupation or use of the garage, the kerbing and access point to Wellman Street shall be modified to align with the approved garage door. The kerb, bitumen and paving shall be made good at the applicant/owner's expense, to the satisfaction of the City; and

8. **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

EXECUTIVE SUMMARY:

The purpose of this report is to reconsider a development application for Alterations and Additions to a Single House at No. 12 Brookman Street, Perth (the subject site) at the invitation of the State Administration Tribunal (SAT).

The subject site is within the Brookman and Moir Streets Heritage Precinct (Precinct) and is on the City of Vincent Heritage List and State Heritage Register.

The subject site measures 10.1 metres wide by 30.2 metres long. The site and surrounding heritage properties are zoned Residential R25. The density coding and intended built form is reflective of the historic intensity and pattern of development within the Precinct. Lots within the Precinct have a north west/ south east orientation and are vulnerable to overshadowing.

The alterations and additions proposed include a two storey rear addition to the existing dwelling, including modifications to the existing heritage building, and the construction of a new standalone garage and gym located to the rear boundary of the site. The proposed development plans and perspectives are included as **Attachments 2 and 3** respectively.

At its Ordinary Meeting on 16 May 2023, Council resolved to refuse the development application for Alterations and Additions to Single House on the subject site consistent with Administration's recommendation. The reasons for refusal are summarised as:

- The combination of the proposed setbacks, building design and open space resulted in bulk and scale that was not compatible with the Precinct;
- The proposed development did not minimise the extent of overshadowing and would adversely affect the amenity of the adjoining property;
- Design detailing of the additions having character design elements including gabled dormer windows and finials which resulted in insufficient differentiation between the existing dwelling and the proposed addition, detracting from the cultural significance of the place; and
- Insufficient information had been provided to demonstrate that the demolition of the rear water closet (WC) would not adversely affect the heritage significance of the subject site and broader Precinct.

A copy of the minutes of the 16 May 2023 Ordinary Meeting and plans considered at that meeting (the previous proposal) is included as **Attachment 5**.

The landowner applied to the SAT on 4 June 2023 to review Council's decision to refuse the development application. A mediation session was held on 26 July 2023, at which Council was invited to reconsider its decision pursuant to Section 31 of the *State Administrative Tribunal Act 2004*.

The applicant has submitted amended plans for Council to consider. Key changes from the previous proposal include the following:

- Reduction of the height of the master bedroom dormer window to the south western lot boundary removal of eaves, and increase in the setback from the south western lot boundary;
- Removal of the gabled dormer windows to the south eastern elevation and recessing of upper floor openings into the roof space;
- Provision of limestone cladding to portions of the north east and south west elevations of the proposed rear addition;
- Removal of timber bracket detail to eave of rear addition;
- Reconfiguration of the proposed garage and gym; and
- Retention of the existing rear WC.

The proposal seeks a design principles assessment against planning elements relating to the building design. These include street setback, lot boundary walls, open space, overshadowing, visual privacy and demolition of original elements of the existing dwelling. A performance-based assessment is also required against the City's Brookman/Moir Guidelines and the Heritage Policy.

It is recommended that Council's decision of 16 May 2023 be set aside and be substituted with a new decision to approve the application.

This is because the amended plans as included in **Attachment 2** adequately address the City's reasons for refusal of the previous proposal by:

- Reducing the extent and impact of overshadowing of the adjoining property and the presentation of building bulk by:
 - Removing the gabled dormer windows to the south eastern elevation;
 - Reducing the dimensions of, and removing the eaves from the first floor dormer window to the south western elevation; and has received support from the City's Design Review Panel member; and
 - Reconfiguration of the proposed gym and garage.
- Removing decorative trim which imitated elements of the existing dwelling to ensure the development would be sympathetic to the existing building and intended character of the place; and
- Retention of the rear WC which would allow this element of the original subdivision of the Precinct to be preserved.

These changes to the plans are supported by the City's DRP Member.

PROPOSAL:

The application proposes alterations and additions to the rear of the existing single-storey single house on the subject site consisting of the following:

- Demolition of rear dwelling additions, including the existing kitchen, bathroom, study, laundry, and internal water closet. All structures proposed to be demolished do not form part of the original heritage fabric of the place, except for the south eastern dining room wall and proposed new doorway to the north eastern elevation;
- Demolition of the existing carport and store room, adjacent to Wellman Street;
- Reconstruction of a chimney to the north eastern elevation of the original dwelling, that had previously been removed;
- Construction of a new bathroom and laundry within the original dining room and creation of a new doorway to the north eastern elevation of the original dining room;
- Construction of a new two-storey addition comprising a kitchen and dining room on the ground floor and master bedroom, Juliet balcony and ensuite on the first floor; and
- Construction of a free-standing garage and gym with a nil setback to Wellman Street.

The proposed development plans are included as **Attachment 2**. The applicant's supporting documentation including Perspectives and an updated Heritage Impact Statement are included as **Attachments 3 and 4** respectively.

BACKGROUND:

Landowner:	Peter Arnell
Applicant:	Hamza Hotait
Client:	Peter Arnell and Helen Arnell
Date of Application:	22 July 2022
Zoning:	MRS: Urban LPS2: Zone: Residential R Code: R25
Built Form Area:	Residential
Existing Land Use:	Single House
Proposed Use Class:	Single House
Lot Area:	302m ² and 2m ² (Multi-lot title)
Right of Way (ROW):	N/A
Heritage List:	City of Vincent Heritage List – Management Category A State Register of Heritage Places

Site Characteristics, Context and Zoning

The subject site is bounded by Brookman Street to the north west, Wellman Street to the south east, and single storey single houses to the north east and south west. A location plan is included as **Attachment 1**.

The subject site and adjoining heritage listed properties are zoned Residential R25 under LPS2 and are located within the Residential Built Form Area under the Built Form Policy, with a permitted building height of two storeys.

The subject site accommodates an existing single storey single house and outbuildings. The Precinct was developed for housing in 1897. The subject site measures 10.1 metres wide and 30.2 metres long. Lots within the Precinct have a north west/south east orientation and are vulnerable to overshadowing from development to the north.

Nos. 10 and 12 Brookman Street appear as a duplex when viewed from Brookman Street and share a common boundary wall. Both properties have existing extensions at the rear that do not form part of the original houses. The roofline of these rear additions slopes down from where it joins the original house. The addition at No. 10 Brookman Street is the taller of the two additions, with a roof sloping down from 3.9 metres to 2.7 metres.

The backyard of No. 10 Brookman Street is predominately concreted, with garden beds along the north east and southwest lot boundaries. The backyard is not formally separated into different spaces and does not include a clearly defined outdoor living area. The southern portion of the backyard has a vehicle access to Wellman Street and is used for car parking and the storage of bins.

The north eastern portion of the site includes a tree that is approximately 6 to 7 metres high, and a sheet metal shed to the Wellman Street boundary. The northern portion of the backyard includes a rotary clothesline. A review of available imagery indicates that the verandah to the south eastern elevation of the house and the northern corner of the backyard both act as outdoor living areas.

At its 12 June 2001 Ordinary Meeting, Council resolved to amend the Town Planning Scheme No. 1 to rezone the Brookman and Moir Streets Precinct from Residential R80 to Residential R25. The intention of this rezoning was to limit the subdivision and development potential of the precinct to reflect its heritage status. The Residential R25 coding has continued under LPS2.

In 2005 [Council approved](#) the construction of a combined carport, patio and store on the subject site with a nil setback to Wellman Street. This is proposed to be demolished as part of this development.

Heritage Listing

The Precinct includes Nos. 1-32 Brookman Street, Nos. 2-28 Moir Street and No. 40 Forbes Road, Perth and is listed on the City of Vincent Heritage List as Management Category A – Conservation Essential. The Precinct is also included on the State Register of Heritage Places.

The Heritage Council of WA's (HCWA) Statement of Significance for the Precinct is as follows:

Brookman and Moir Streets Precinct, two streets in Perth comprising 58 semidetached residences and one detached residence in two types of the Federation Queen Anne style, constructed of limestone and brick with corrugated-iron roofs in 1897-98, and a shop at the corner of Moir Street and Forbes Road built in 1940, has cultural heritage significance for the following reasons:

- *the historic precinct is an almost-complete example of two late 19th century streets of modestly-scaled residential buildings in the Federation Queen Anne style of architecture, built between 1897-98 in the wake of the rapid population expansion following the Western Australian gold boom;*
- *the historic precinct is a substantial section of the residential estate developed by the Colonial Finance Corporation in 1897-1898. This estate, comprising the historic precinct in Brookman and Moir Streets, and Baker's Terrace in Lake Street, was the largest estate of its type developed in Western Australia;*
- *the historic precinct is rare in Western Australia as two streets in which a single basic design was utilised for all the residences in a large estate, with the exception of Numbers 2 and 4 Brookman Street, which are grander variations of the same pattern used throughout the precinct, that is relatively intact;*
- *the buildings contained within the precinct are representative of what was considered to be 'working class' rental accommodation from the late 19th and early 20th centuries;*
- *the one-way thoroughfares and modest lot sizes of the semi-detached dwellings contained within the precinct give it a particular character and sense of enclosure;*
- *the homogeneity of the modestly-scaled, semi-detached residential buildings creates a visually striking precinct in an inner city residential area; and*
- *the historic precinct was developed by the Colonial Finance Corporation who named Brookman and Moir Streets after two of the principal investors in the company who were prominent Western Australians.*

Generally, the present property fencing and most plantings are of little significance.

Recent additions and modifications are of little significance, e.g. replacements of original details. Parking areas in the front of houses, and carports in the front setbacks, are intrusive.

A small number of high masonry construction fences in the precinct are intrusive.

The [assessment documentation](#) that was used to inform inclusion of the Precinct on the State Register of Heritage Places included a detailed physical description of No. 12 Brookman Street. Portions of the description relevant to this application are summarised as follows:

- *The front façade is tuck-pointed. The north eastern external wall is rendered. Stucco banding and sills, double-hung sash windows and timber-framed corrugated iron roof;*
- *One set of tuck-pointed and stucco-moulded chimneys remain. Those on the north eastern elevation have been removed as have the fireplaces within the rooms below;*
- *The main roof has been replaced with zincalume sheeting and sympathetic modern guttering;*
- *There is a rendered brick external water closet to the south western boundary;*

- *The dining room has had its south western wall removed, making it part of the adjacent room; and*
- *The original rear verandah, bathroom and pantry have been demolished and a new skillion roof has been constructed over a new kitchen, bathroom, vestibule, laundry and water closet.*

This physical description provides information about the heritage integrity of the existing building fabric on the site.

Refused Proposal

At its Ordinary Meeting on [16 May 2023](#), Council resolved to refuse the development application for Alterations and Additions to Single House at the subject site, in accordance with Administration's recommendation, for the following reasons:

1. *The proposed provision of open space does not satisfy the Design Principles of Clause 5.1.4 of State Planning Policy 7.3: Residential Design Codes – Volume 1, the development considerations of the City of Vincent Planning and Building Policy Manual Appendix 6 – Brookman and Moir Streets Development Guidelines, and performance criteria of Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties, for the following reasons:*
 - 1.1 *The building footprint of the additions would result in building bulk on the site that is inconsistent with the expectations of the R25 density code and the modest scale of the Brookman and Moir Streets Precinct; and*
 - 1.2 *The building footprint and scale would not be compatible with or respectful of the adjoining properties and wider precinct;*
2. *The proposed solar access to adjoining sites does not satisfy the Design Principles of Clause 5.4.2 of State Planning Policy 7.3: Residential Design Codes – Volume 1 or objectives of the Brookman and Moir Streets Development Guidelines because the shadow from the additions would adversely impact the amenity of the adjoining property by restricting existing solar access to an outdoor living area;*
3. *The demolition of the rear water closet does not satisfy the development controls of the City of Vincent Planning and Building Policy Manual Appendix No. 6 Brookman and Moir Streets Development Guidelines because it has not been demonstrated that it would not adversely impact the cultural heritage significance associated with the heritage place, through the removal of development which represents an original component of the subdivision of the Brookman and Moir Streets Precinct;*
4. *The scale, form and architectural detailing of the proposed two storey addition would not satisfy the objectives of the City of Vincent Planning and Building Policy Manual Appendix No. 6 Brookman and Moir Streets Development Guidelines, objectives of City of Vincent Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties or development principles of State Planning Policy 3.5 – Historic Heritage Conservation. This is because it would not be respectful of, or compatible with, the heritage fabric of the subject site and adjoining properties, and would not appropriately interpret the heritage significance of the dwellings within the Brookman and Moir Streets Precinct with a high quality contemporary design;*
5. *As a result of the demolition and cumulative impact of building bulk, scale, appearance and overshadowing from the proposed additions, for reasons 1 to 4, the development would:*
 - 5.1 *adversely affect the cultural heritage significance of the subject site and broader Brookman and Moir Streets Heritage Precinct (Clause 67(2)(k), (l) (f) (g) and (x) of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015);*
 - 5.2 *not be compatible with the existing or desired character of the local area, as defined by the Brookman and Moir Streets Development Guidelines (Clause 67(2)(g) and (m) of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015);*
 - 5.3 *have an adverse and detrimental impact on the amenity of the adjoining property and character of the locality in accordance with Clause 67(n) of the Deemed Provisions in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and*

- 5.4 *not enhance the amenity and character of the existing neighbourhood and is not compatible with the established area in accordance with the objectives of the Residential Zone under Local Planning Scheme No. 2.*

State Administrative Tribunal Appeal & Process

The State Administrative Tribunal (SAT) is the primary place for the review of decisions made by Government Officials and industry boards and is also where a wide variety of original decisions are made.

For planning matters, if an applicant wishes to review a decision made by the City, they can apply to the SAT for appeal.

On 4 June 2023 following Council's refusal of the application, the landowner applied for a review of this decision via the SAT. Following appeal, the applicant and the City agreed to proceed to a mediation session. The purpose of mediation is to resolve a dispute by settlement between the parties, designed to help the parties find constructive solutions to their problems.

A mediation session was held on 26 July 2023 with the City's Officers and a Councillor in attendance. At the conclusion of the mediation the SAT invited the City to reconsider its decision pursuant to Section 31 of the *State Administrative Tribunal Act 2004*. The City was invited to reconsider its decision as the applicant agreed to make amendments to the proposed plans in effort to address Council's reasons for refusal.

The key modifications to the proposal that have been made following mediation are summarised as follows:

- Setback of the master bedroom dormer window to the south western elevation increased from 1.15 metres to 1.2 metres, height reduced from 5.7 metres to 5.4 metres and eaves removed;
- Gabled dormer windows located on the south eastern elevation of the first floor have been removed and the window and balcony doorway have now been recessed into the south eastern elevation;
- Limestone cladding added to a portion of the south west and north east of the ground floor elevations;
- Removal of timber bracket detail to eave of rear addition;
- Reconfiguration of the garage and gym with increased setbacks from the south western lot boundary; and
- Retention of the rear WC.

The amended plans for reconsideration are included in **Attachment 2**.

Section 31 of the *State Administrative Tribunal Act 2004* sets out that the SAT can invite the decision-maker to reconsider its decision. In reconsidering its decision Council may do one of the following:

- affirm its decision; or
- vary its decision; or
- set aside its decision and substitute its new decision.

If Council resolves to set aside its decision and approve the proposed development, then it is available to the applicant to withdraw the SAT application in the instance they are satisfied with the conditions imposed on the approval. The applicant would also have the option to continue pursuing the matter through SAT if they were not satisfied with any of the conditions imposed.

If Council resolves to affirm its previous decision to refuse the proposed development, then a directions hearing scheduled for 8 December 2023 could result in the SAT making orders for the matter to be listed for a final hearing to occur in 2024. A final hearing involves the SAT determining the application in the absence of the applicant and the City being able to mediate an outcome.

DETAILS:**Summary Assessment**

The table below summarises the planning assessment of the proposal against the provisions of the City's Built Form Policy, the State Government's Residential Design Codes Volume 1, the Brookman/Moir Guidelines and the Heritage Policy.

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/ Acceptable Outcome	Requires the Discretion of Council	
		Previous Proposal	Amended Proposal
Street Setback – Primary	✓		
Street Setback – Secondary		✓	✓
Building Setbacks	✓	✓	
Boundary Walls		✓	✓
Building Height/Storeys	✓		
Front Fence (Secondary Street)		✓	✓
Sightlines		✓	✓
Open Space		✓	✓
Outdoor Living Areas	✓		
Landscaping (R Codes)	✓		
Visual Privacy			✓
Parking & Access	✓		
Garage Width	✓		
Solar Access		✓	✓
Site Works/Retaining Walls	✓		
External Fixtures	✓		
Brookman/Moir Guidelines		✓	✓
Heritage Policy		✓	✓

Detailed Assessment

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

Street Setback		
Deemed-to-Comply Standard	Previous Proposal	Amended Proposal
R Codes Volume 1 Clause 5.1.2 Buildings to be set back 1.5 metres from Wellman Street.	The proposed Garage, Store and Gym to have a nil setback from Wellman Street.	No change.

Building Setbacks/Boundary Wall		
Deemed-to-Comply Standard	Previous Proposal	Amended Proposal
R Codes Volume 1 Clause 5.1.3 <u>Lot Boundary Setbacks</u> First floor bedroom wall to be set back 1.2 metres from the south west lot boundary.	First floor bedroom wall would be set back 1.15 metres from the south west lot boundary.	Meets Deemed-to-Comply standard. First floor bedroom wall would be set back 1.2 metres from the south west lot boundary and
<u>Lot Boundary Walls</u> Boundary walls permitted up to 3.5 metres height, for a maximum of 9 metres length, unless adjoining a wall of the same dimension, and are not in the street setback area.	The storage/dining room boundary wall to south west lot boundary would be 3.9 metres in height. A 1.5 metre portion of the garage lot boundary wall to the north east lot boundary would be within the Wellman Street setback area.	No change.
Front Fence		
Deemed-to-Comply Standard	Previous Proposal	Amended Proposal
Brookman and Moir Streets Heritage Area Guidelines Clause 4 Street walls, fences and gates to Wellman Street permitted to a height of height of 1.8 metres.	Fence to Wellman Street would be 3.2 metres high.	Fence to Wellman Street would be 2.5 metres high.
Sightlines		
Deemed-to-Comply Standard	Previous Proposal	Amended Proposal
Built Form Policy Clause 5.7 Street walls, fences and gates to be reduced to no more than 0.75 metres or provide a clear sight line within 1.5 metres of where a vehicle access point meets a street.	Garage with nil setback to Wellman Street.	No change.
Open Space		
Deemed-to-Comply Standard	Previous Proposal	Amended Proposal
R Codes Volume 1 Clause 5.1.4 Sites with a density coding of R25 to provide 50 percent (152.1m ²) open space.	The development would provide 36.2 percent (110.1m ²) open space.	The development would provide 36.6 percent (111.2m ²) open space.
Privacy		
Deemed-to-Comply Standard	Previous Proposal	Amended Proposal
R Codes Volume 1 Clause 5.4.1 Unscreened balconies to be set back 7.5 metres from adjoining properties within a cone of vision.	Proposal satisfied the deemed-to-comply provisions of the R Codes.	Juliet Balcony to Master Bedroom set back 6.3 metres from the north east lot boundary and 4.5 metres from the south west lot boundary.

Solar Access		
Deemed-to-Comply Standard	Previous Proposal	Amended Proposal
R Codes Volume 1 Clause 5.4.2 A maximum of 25 percent (76.1m ²) of the adjoining property permitted to be overshadowed when measured at midday on 21 June.	41.7 percent (126.7m ²) of the adjoining property would be overshadowed when measured at midday on 21 June.	39.9 percent (121.4m ²) of the adjoining property would be overshadowed when measured at midday on 21 June.
Heritage Policy		
Acceptable Development Standard	Previous Proposal	Amended Proposal
Part 5 Clause A 3.2 Height of new buildings to be compatible to adjacent heritage listed buildings. Single storey dwellings are located to the north east and south west of the subject site	A two storey addition is proposed to the rear of the existing dwelling. A single storey freestanding garage, store and gym structure is proposed adjoining Wellman Street to the south east of the site.	No change.

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

CONSULTATION/ADVERTISING:

The proposal has had three periods of community consultation.

Previous Proposal

The plans previously considered by Council underwent 14 days community consultation between 2 December 2022 and 16 December 2022 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The method of consultation for the first round of consultation included a notice on the City's website and 77 letters being sent to owners and occupiers of adjoining and adjacent properties and all properties within the Precinct, in accordance with the City's Community and Stakeholder Engagement Policy (Consultation Policy).

At the conclusion of the first consultation period, the City received 14 submissions, including 10 objections, one submission in support, and three submissions neither supporting nor objecting to the proposal but raising concerns.

Amended Plans dated 8 September 2023

Following SAT mediation, amended plans were received on 8 September 2023. These are included as **Attachment 6**. These plans proposed new elements that did not satisfy the deemed-to-comply standards of the R Codes and modifications that would trigger advertising to the heritage area under the Consultation Policy.

These elements are:

- Reconfiguration of the garage, store and gym to be set back 1 metre from the north eastern lot boundary, with a 2.2 metre high boundary wall to the south western lot boundary;
- The retention of the WC within the proposed gym building and cladding internally and externally with timber; and
- Cone of Vision from Juliet Balcony falling to Nos. 10 and 14 Brookman Street.

The amended plans underwent community consultation in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a period of 14 days between 8 September 2023 and 21 September 2023.

The method of consultation for the second round of consultation included a notice on the City's website and 94 letters being sent to owners and occupiers of all properties within the Precinct in accordance with the City's Consultation Policy. An e-mail notification was also sent to previous submitters. Properties that have been consulted during the consultation rounds are shown in **Attachment 1**.

Due to an administrative error, properties fronting Lake Street, adjoining the Precinct also received consultation letters during the second round of consultation. This accounts for the increase in letters sent between the first and second rounds of consultation.

At the conclusion of the second consultation period, the City received two submissions both of which objected to the proposal.

Key matters raised during the second consultation period are summarised as follows:

- The proposed 3.2 metre high wall to Wellman Street would not contribute to the streetscape;
- The replacement of the fence with boundary walls to the south western lot boundary would reduce sun into adjoining properties and would trap excessive heat with their mass;
- The building bulk and scale would not be compatible with the heritage precinct and would create a precedent for further eroding the heritage values of the precinct. The proposal represents an overdevelopment of the site and would detract from the character of the area as 'workers cottages';
- Concern about the impact on privacy of the adjoining properties; and
- Concern about the impact of the proposed additional built area on underlying peat soils through reduction in stormwater infiltration.

Amended Plans dated 1 October 2023

In response to feedback from the City and the DRP Member, further amended plans were received on 1 October 2023. Key changes from the plans in **Attachment 6** are:

- Reconfiguration of the garage, store and gym to be set back 1.6 to 2.1 metres from the south western lot boundary, with a lot boundary wall to the north eastern lot boundary; and
- The retention of the WC as a separate external structure.

In accordance with the Consultation Policy a further consultation period was undertaken for seven days between 5 October 2023 and 11 October 2023. The method of consultation for the third round of consultation included a notice on the City's website and an e-mail notification to previous submitters in accordance with Clause 3(b) of Appendix 2 of the Consultation Policy. The further 7 days of consultation was required because the plans were amended to retain the WC as a separate structure. This amendment did not result in any new or greater departures to the deemed-to-comply standards but was 'significant' because it related to an element which formed a reason for refusal of the previous proposal.

At the conclusion of the third round of consultation, one submission was received that raised the following concern:

- Concern relating to overshadowing and loss of northern sunlight to the rear outdoor living area of the southern adjoining property.

A final set of plans were received on 13 October 2023 which made minor modifications to annotations on the plans for clarification purposes. The final set of plans did not alter any built form outcome and for this reason, further community consultation of these plans is not required.

A detailed summary of submissions received during all consultation periods, along with the applicant's response to the submissions received is provided as **Attachment 7**. Administration's response is provided as **Attachment 8**.

Heritage Council of Western Australia (HCWA)

The application had previously been referred to the HCWA for review and consideration in accordance with Section 73 of the *Heritage Act 2018* because the subject site is included on the State Register of Heritage Places.

The plans previously considered by Council were supported by the HCWA, noting that *“the [...] proposal is not considered to have an impact on the values identified in the Statement of Significance for the Brookman & Moir Streets Precinct.”*

The 8 September 2023 plans were referred to the HCWA for comment who advised that the proposal, in accordance with the plans submitted, was supported. They confirmed that the changes in final set of plans did not change this advice.

Design Review Panel (DRP):

Referred to DRP: Yes

Prior to the decision of Council at its 16 May 2023 Ordinary Meeting, the proposal was referred to a member of the City's DRP with expertise in heritage conservation and architecture on three occasions. The [DRP Section](#) of the 16 May 2023 report outlines the development's progress through DRP Member comments. Following mediation, the proposal was referred to the City's DRP Member on two further occasions.

Amended Plans dated 8 September 2023

The amended proposal submitted by the applicant on 8 September 2023 was referred to the City's DRP member for review.

The DRP Member provided the following comments in respect to the positive aspects of the proposal:

- The proposal maintains the existing architectural detailing to Brookman Street which will continue to positively contribute to the streetscape and the Precinct;
- The design detailing of the proposal has improved due to the removal of the gabled dormer windows to the south eastern elevation of the rear addition and replacement with a central recessed full height window to the master bedroom and a small window to the bathroom. The window heads are flat, and the elevation now presents as more recessive;
- The removal of the dormer windows to the rear elevation assists with reducing the impact of bulk to the adjoining properties; and
- The treatment of the windows and guttering is an acceptable design outcome.

The DRP Member provided the following comment for further consideration:

- The landscaping plan does not provide sufficient information to confirm the landscaping to the rear of the dwelling would support high levels of occupant amenity;
- The design approach to fully enclose the existing WC structure and to line the structure with timber would not respect or value the existing structure. The external location of the WC forms part of the heritage value of the structure and as such it should be expressed externally and retain its materiality; and
- The solar panels and EV charger shown on the plans are supported. However, insufficient information has been provided on the environmental sustainability measures proposed, to provide DRP support for this element.

Amended Plans dated 1 October 2023

The above advice was provided to the applicant. Amended plans were received on 1 October 2023 to address the concerns from the DRP member and the City relating to the treatment of the rear WC.

The DRP Member provided the following comments in respect to the positive aspects of the proposal:

- The rear WC is now expressed externally within the backyard and can be viewed within the backyard. This addresses the concerns raised in relation to the 8 September 2023 plans; and
- The rear WC is not to proposed to be covered in cladding, and its masonry nature of the existing WC is now being retained. This addresses the concerns raised in relation to the 8 September 2023 plans.

The DRP Member provided the following comment for further consideration:

- There are no obvious changes to the Landscape Plan or further detail provided for assessment. Whilst this is relatively simple landscape proposal further detail would be needed to confirm a high quality landscaping outcome on-site. The provision of further detail could be conditioned, noting the amendments undertaken in other aspects of the proposal.

The final set of plans received on 13 October 2023 did not alter any built form outcome and for this reason, further DRP referral of these plans was not required.

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

Design Review Progress					
	Supported				
	Pending further attention				
	Not supported				
	No comment provided/Insufficient information				
	DRP Member				
	Referral 1 Plans dated 31 August 2023	Referral 2 Plans dated 16 December 2023	Referral 3 Plans dated 4 April 2023	Referral 4 Plans dated 8 September 2023	Referral 5 Plans dated 1 October 2023
Principle 1 – Context & Character					
Principle 2 – Landscape Quality					
Principle 3 – Built Form and Scale					
Principle 4 – Functionality & Built Quality					
Principle 5 – Sustainability					
Principle 6 – Amenity					
Principle 7 – Legibility					
Principle 8 – Safety					
Principle 9 – Community					
Principle 10 – Aesthetics					

The table below provides a summary of the outstanding DRP comments and Administration’s response to these.

DRP Comments Received	Administration Comment:
<p>Principle 2 – Landscape Quality</p> <p>The landscaping plan does not provide sufficient information to confirm the landscaping to the rear of the dwelling would support high levels of occupant amenity. Given the other information provided within the application, this element could be resolved through a condition of approval.</p>	<p>The proposal satisfies the Deemed-to-Comply provisions of the R Codes in relation to landscaping.</p> <p>The Built Form Policy also includes landscaping Deemed-to-Comply standards relating to deep soil and canopy cover. The proposal satisfies the Deemed-to-Comply provisions of the Built Form Policy except for the provision of canopy cover, with 2.3 percent of the site provided as canopy cover in lieu of the 30 percent standard.</p> <p>The landscaping Deemed-to-Comply standards do not have approval from the Western Australian Planning Commission,</p>

DRP Comments Received	Administration Comment:
	<p>and are given mere regard only in consideration of this application.</p> <p>The plans include the provision of a 10.1 metre by 4 metre outdoor living area to the rear of the proposed addition. The landscaping plan provided shows the provision of lawn, water-permeable paving, a lemon tree and a hedge. The landscaping plan has not been amended to reflect the increased setback of the gym from the south western lot boundary.</p> <p>A condition of approval is recommended to ensure that an updated landscaping plan is submitted to the City for approval, to reflect the amended plans and ensure a high level of occupant amenity.</p>
<p><u>Principle 5 – Sustainability</u></p> <p>The provision of solar panels on the north east elevation of the roof of the rear addition, and provision of an EV charger within the garage are supported. However, insufficient information has been provided on the environmental sustainability measures proposed, to provide DRP support for this element.</p>	<p>The environmentally sustainable design elements proposed as part of this application include the installation of 14 solar panels on the north eastern elevation of the roof of the proposed rear addition, use of zincalume roofing, provision of electric car charging infrastructure within the proposed garage.</p> <p>As outlined in the Sustainability section of this report, the City has assessed the application against the environmentally sustainable design provisions of the Built Form Policy. The proposal satisfies the intent of these provisions.</p>

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *State Administrative Tribunal Act 2004;*
- *Heritage Act 2018;*
- *Planning and Development (Local Planning Schemes) Regulations 2015;*
- Burra Charter;
- City of Vincent Local Planning Scheme No. 2;
- State Planning Policy 3.5 – Historic Heritage Conservation;
- State Planning Policy 7.3 – Residential Design Codes Volume 1;
- Consultation and Stakeholder Engagement Policy;
- Policy No. 7.1.1 – Built Form;
- Policy No. 7.6.1 – Heritage Management: Development Guidelines for Heritage and Adjacent Properties; and
- Local Planning Policy: Brookman and Moir Streets Heritage Area Guidelines

Planning and Development Act 2005

In accordance with Schedule 2, Clause 76(2) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, and Part 14 of the *Planning and Development Act 2005*, the applicant has applied to the SAT for a review of Council's decision to refuse the development application at its 16 May 2023 meeting.

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with [Clause 67\(2\)](#) of the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* (Planning Regulations) and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

The matters for consideration relevant to this application relate to the compatibility of the development within its setting, amenity and character of the locality, cultural significance of the Precinct, consistency with Local Planning Policies, submissions received about the application and advice from the DRP and HCWA.

Burra Charter

The *Australia ICOMOS Charter for Places of Cultural Significance, the Burra Charter 2013* (the Burra Charter) sets a standard of practice for those who provide advice, make decisions about, and undertake work to places of cultural significance. The Burra Charter applies to all types of places of cultural significance, including the subject site.

In accordance with Article 22.1 of the Burra Charter, 'new work' is acceptable where it respects the cultural significance of the place. This can be done through consideration of its siting bulk, form, scale, character, colour, texture, and material. In accordance with Article 22.2 of the Burra Charter, the works should be readily identifiable but should respect the cultural significance of the place.

State Planning Policy 3.5 – Historic Heritage Conservation

State Planning Policy 3.5 – Historic Heritage Conservation (SPP 3.5) sets out principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. These principles inform the heritage management standards of local planning policies.

Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties

As the subject site and adjoining properties to the north east and south west are heritage listed properties, the proposal is required to be assessed against both Parts 4 and 5 of the Heritage Policy.

The objectives of the Heritage Policy are to:

1. *Encourage the appropriate conservation and restoration of places listed on the City of Vincent Municipal Heritage Inventory (The Heritage List) in recognition of the distinct contribution they make to the character of the City of Vincent.*
2. *Ensure that works, including conservation, alterations, additions and new development, respect the cultural heritage significance associated with places listed on the City of Vincent Municipal Heritage Inventory.*
3. *Promote and encourage urban and architectural design that serves to support and enhance the ongoing significance of heritage places.*
4. *Ensure that the evolution of the City of Vincent provides the means for a sustainable and innovative process towards integrating older style buildings with new development.*
5. *Complement the State Planning Policy No. 3.5 'Historic Heritage Conservation' and the City of Vincent Residential Design Elements Policy and other associated Policies.*

Part 4 of the Heritage Policy relates to development to heritage listed buildings. The policy includes 'Acceptable Development' criteria as well as the following three performance criteria:

- P1 Development is to comply with the statement of significance outlined in Heritage Assessment, Heritage Impact Statement and/or Place Record Form.*
- P2 Alterations and additions to places of heritage value should be respectful of and compatible with existing fabric and should not alter or obscure fabric that contributes to the significance of the place.*
- P3 To ensure the cultural heritage significance of a place is conserved and the majority of the significant parts of the heritage place and their relationship to the setting within the heritage place should be retained.*

Part 5 of the Heritage Policy relates to development adjacent to heritage listed buildings. The policy includes 'Acceptable Development' criteria as well as the following three performance criteria:

- P1 New development maintains and enhances existing views and vistas to the principal façade(s) of the adjacent heritage listed place.*
- P2 New development maintains and enhances the visual prominence and significance of the adjacent heritage listed place.*
- P3 New development is of a scale and mass that respects the adjacent heritage listed place.*

Brookman and Moir Streets Heritage Area Guidelines

In considering the acceptability of the proposal, Council is to have due regard to the relevant Local Housing Objectives and overall Objectives of the Brookman/Moir Guidelines, which are to:

- *Retain, conserve, and protect the cultural heritage significance of the Brookman and Moir Streets Heritage Area as identified by its entry on the State Register of Heritage Places and as a designated heritage area protected under the City's Local Planning Scheme No. 2;*
- *Ensure that additions to existing heritage places do not adversely impact the significance of the area, the contributory buildings, or neighbouring heritage places;*
- *Ensure that future development is sympathetic to the existing built form, context of the streetscape, roof form, and public domain in all elements of design;*
- *Maintain and improve existing street vegetation and front gardens in a manner that conserves the significance;*
- *Ensure front fences, if required, are low height or open style and are consistent with the precinct in terms of materiality and colour; and*
- *Encourage a high standard of architectural and sustainable building design for alterations to contributory buildings.*

Changes to Policy Framework

At its 22 August 2023 Ordinary Meeting, Council resolved to revoke Appendix 6 of the City of Vincent [Planning and Building Policy Manual – Brookman and Moir Streets Development Guidelines](#) (Former Guidelines) and adopt the [Brookman and Moir Street – Heritage Area Guidelines](#). The Precinct was also designated a Heritage Area under the *Planning and Development (Local Planning Scheme) Regulations 2015*.

The changes made through this process reorganised the provisions of the Former Guidelines to align with the R Codes Volume 1, amended the objectives of the policy and incorporated the Brookman/Moir Guidelines into the Local Planning Policy: Heritage Area Guidelines. The Brookman/Moir Guidelines provide Deemed-to-Comply criteria and Local Housing Objectives for conservation and new works within the Brookman and Moir Precinct.

Although Deemed-to-Comply criteria are provided, the Brookman/Moir Guidelines is a performance based document and assessment of the overall development is still required against the relevant Local Housing Objectives and policy Objectives.

In addition to the reorganisation of provisions into design elements with Deemed-to-Comply standards and Local Housing Objectives, changes from the Former Guidelines that are relevant to the consideration of this application include the following:

- Replacement of the Objectives of the guidelines;
- Removal of commentary and controls on provision of Open Space;
- Removal of the 'Development Considerations' from the guidelines, including the guidance that the following matters were to be considered to achieve conservation outcomes:
 - A significant reduction in the open space provision;
 - The impact of the new development on the site as a whole; and
 - The compatibility to neighbouring properties in terms of scale, bulk, height, quality of design, materials and refinement of details and craftsmanship.

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 to Administration to determine applications does not extend to requests from the SAT for a reconsideration of a Council decision under Section 31 of the SAT Act.

The delegation to Administration to determine applications also does not extend to proposals for the demolition of buildings on a heritage place, construction of two storey alterations and additions to places that are listed on the State Register of Heritage Places, or where an application received more than five objections during the City's community consultation period.

The application received 10 objections during its first community consultation period and proposes the demolition of existing buildings and structures and construction of a two-storey development on a property that is on the State Register of Heritage Places.

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 2022-2032:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

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

The applicant has advised the following information regarding environmental sustainability performance of the development which includes the following:

- Installation of 14 solar panels on the north eastern elevation of the roof of the proposed rear addition;
- Zincalume with a solar absorption rating 0.35, consistent with the standards of the Built Form Policy;
- Using double glazed windows with low emissivity coating to reduce solar heat transmission;
- Insulated roof panels used in the rear addition;
- Solar hot water system;
- Electric car charging infrastructure within the proposed garage; and
- Provision of large openings in the south east elevation to reduce the reliance on artificial lighting.

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:

Should this application proceed to a full SAT hearing, the City may incur a cost related to the engagement of a consultant which would be met through the existing Operational Budget.

COMMENTS:Summary Assessment

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

- The proposed presentation of building bulk would be compatible with and sympathetic to the character of the Precinct and the expectations for an R25 coded site. The presentation of bulk and scale has been reduced from the proposal previously considered by Council through the reduction in dimensions of the dormer window to the south western elevation, removal of gabled dormer windows to the south-eastern elevation of the dwelling, changes to architectural detailing and reconfiguration of the proposed garage and gym;

- Overshadowing of the adjoining property has been reduced through the abovementioned changes to the design. Of the overshadowing proposed, 5.9 square metres would be to areas that are not already overshadowed by existing development at Nos. 10 and 12 Brookman Street or the dividing fence. The proposed overshadowing satisfies the design principles of the R Codes because the area that is overshadowed is used for clothes drying. 69.2 percent of the south-west adjoining property's backyard would retain access to direct sunlight at 12pm on 21 June;
- Detailing of a character nature has been removed from the proposal, including gabled dormer windows, finials, and decorative timber brackets. This has resulted in a simplified built form and design that would be sympathetic the existing dwelling; and
- The amended proposal seeks to retain the existing rear water closet. This change would be consistent with the Objectives of the Brookman/Moir Guidelines and Performance Criteria of the Heritage Policy and would result in the retention of contributory heritage fabric.

A detailed assessment of the amended proposal against the reasons for refusal of the previous proposal is set out below. These relate to consideration against the R Codes, Built Form Policy, Brookman/Moir Guidelines and Heritage Policy. Where changes to the proposal have resulted in new departures to the Deemed-to-Comply standards of the planning framework, these are detailed separately below.

Amended Plans Considered Against Council's Reasons for Refusal

The following comments relate to design elements that have been affected by the amended plans submitted by the applicant following SAT mediation and how they address Council's reasons for refusal.

Open Space, Bulk and Scale – Reasons for Refusal 1, 4 and 5

Reasons 1, 4 and 5 of Council's refusal of the previous proposal related to the building bulk and scale of the development resulting in adverse visual impacts and overshadowing to the adjoining south western property due to the building design and footprint. The reasons outlined that the development would not be compatible with, nor enhance, the existing and desired character of the Precinct and would adversely affect the heritage fabric and significance of the subject site and the wider Precinct because the excessive scale and bulk of the proposal would not be compatible with the scale of the dwellings within the Precinct.

The applicant has reduced the bulk and scale of the proposal through the following changes to the plans:

- Reduction of the height of the master bedroom dormer window to the south western elevation from 5.7 metres to 5.4 metres;
- Increase in the setback of the master bedroom dormer window from 1.15 metres to 1.2 metres from the south western lot boundary, which now satisfies the Deemed-to-Comply lot boundary setback standard;
- Removal of the gabled dormer windows to the south eastern elevation and recessing of upper floor openings into the roof space;
- Reconfiguration of the gym and store to Wellman street to provide setbacks of 1.6 metres to 2.1 metres from the southwest elevation; and
- Amended the finish of the walls to provide limestone cladding quoin detailing at the eastern edge of the north east and south west elevations which provides visual interest to the wall as viewed from the adjoining property.

The amended plans have reduced the overall presentation of building bulk both within the site and to adjoining properties. The changes to the south east elevation of the first floor results in the first floor visually recessing into the roof space. This reduces the impression of the building as being two storey and the presentation of building bulk both within the site and to adjoining properties and was supported by the City's DRP member.

The amended proposal has addressed the reasons for refusal above, and would be consistent with the planning framework for the following reasons:

- **Open Space:** The proposed open space has increased from 36.2 percent to 36.6 percent (1.1 square metres) of the site. The open space provided in the amended proposal would satisfy the [Design Principles](#) of the R Codes for the following reasons:
 - **Reduction in Bulk:** The open space has been reconfigured to provide the proposed gym with setbacks of 1.6 to 2.1 metres from the southwest lot boundary, with the existing WC retained with a nil setback. The increased setbacks provided between the gym and the south western boundary result in the reduction in the presentation of bulk to No. 10 Brookman Street, in a manner that is consistent with the expectations of an R25 coded lot;
 - **Consistent with Streetscape Character:** The proposed open space would reflect the existing streetscape character. This is because no modifications are proposed to the Brookman Street elevation of the subject site and the proposed development is located behind the existing dwelling. The nil setback to Wellman Street was supported in the Administration's previous assessment. This is because the western side of Wellman Street is characterised by masonry fences, garages and carports with nil setbacks which reflects Wellman Street's function as a rear access road for properties fronting Brookman Street;
 - **Outdoor Living Area and Access to Sunlight:** The proposed development would provide a consolidated outdoor living area measuring 4 metres by 10.1 metres to the rear of the dwelling. This outdoor living area exceeds the dimension standards of the R Codes and would provide sufficient space for the residents to undertake outdoor pursuits and living in conjunction with the primary living space of the dwelling. The dwelling would include large openings to the Outdoor Living Area in its south eastern elevation. The consolidated area of open space would provide the dwelling with adequate access to sunlight through the day, including direct sunlight in mornings; and
 - **Provide for Landscaping and a Setting for the Development:** The proposed development would provide for a front landscaped setting for the development. This is because no changes are proposed to the Brookman Street streetscape, including existing garden. The consolidated area of open space to the rear of the dwelling would provide sufficient space for landscaping and vegetation to be provided to the dwelling, which would provide for an attractive setting for the proposed addition to the dwelling.
- **Dining Room Boundary Wall:** The application proposes a 3.9 metre high boundary wall to the southwest lot boundary. The applicant has amended the plans to introduce an additional materiality to the boundary wall. The boundary wall would satisfy the [Design Principles](#) of the R Codes, [Local Housing Objectives](#) of the Built Form Policy and [Objectives](#) of the Brookman/Moir Guidelines for the following reasons:
 - **Treatment of Boundary Wall:** The proposed boundary wall would abut an existing 2.7 metre to 3.9 metre high boundary wall at No. 10 Brookman Street. At its eastern end, 1 metre of wall would be able to be seen above this existing boundary wall from the outdoor space of No. 10 Brookman Street. The application proposes to finish the boundary wall in render, with limestone cladding detailing to the eastern edge of the wall. This would provide a transition to the limestone finish on the south-eastern elevation of the building. The combination of finishes to this elevation provides visual interest when viewed from the adjoining property and breaks up areas of solid blank wall. This reduces the visual impact of building bulk when viewed from the south western property;
 - **No Adverse Impact of Overshadowing:** The shadow from the boundary wall would not adversely impact the adjoining property. This is because the area of the adjoining lot that would be overshadowed by the wall would fall to the roof of the adjoining property or within an area of shadow cast by the proposed master bedroom dormer window. As such, the additional height of the boundary wall would not reduce sunlight to the adjoining property's rear outdoor living area or major openings;
 - **No Adverse Impact on Streetscape:** The proposed boundary wall would not adversely impact the heritage significance or character of the streetscape. This is because the wall would be concealed from view from Brookman Street by the existing dwellings. The wall would be set back 10.3 metres from Wellman Street. Due to the combination of this setback, the screening provided the adjoining rear addition and existing tree at No. 10 Brookman Street, and the proposed gym, garage and fence on the subject site, the proposed boundary wall would not adversely impact the Wellman Street streetscape; and
 - **Consistency with Existing Dwelling:** The proposed height of the boundary wall would be sympathetic to the scale and character of the existing buildings within the Precinct and would be consistent with the established character of the area. This is because the height of the boundary wall would be the same as the height of the walls of the existing dwellings within the Precinct. This is because all houses within the Precinct have high ceilings (3.2 metres) and boundary or party walls.

Solar Access – Reasons for Refusal 2 and 5.3

Reasons 2 and 5.3 of Council’s refusal of the previous proposal outlined that the development would adversely affect the amenity of No. 10 Brookman Street due to the amount of overshadowing proposed to the outdoor living area.

A comparison of the proposed overshadowing, and the overshadowing previously proposed as considered by Council is shown in the **Figure 1** below. The area highlighted in orange represents the portion of the adjoining property that would be overshadowed by the proposed development in the amended plans, measured in accordance with the R Codes at midday on 21 June with the shadow extending to the south, which is when the sun is lowest in the sky and overshadowing is at its worst.

Areas highlighted in red represent areas that would have been overshadowed as a result of the refused plans but would no longer be overshadowed due to the amendments to the plans made. The red line shows the adjoining property’s lot boundary.

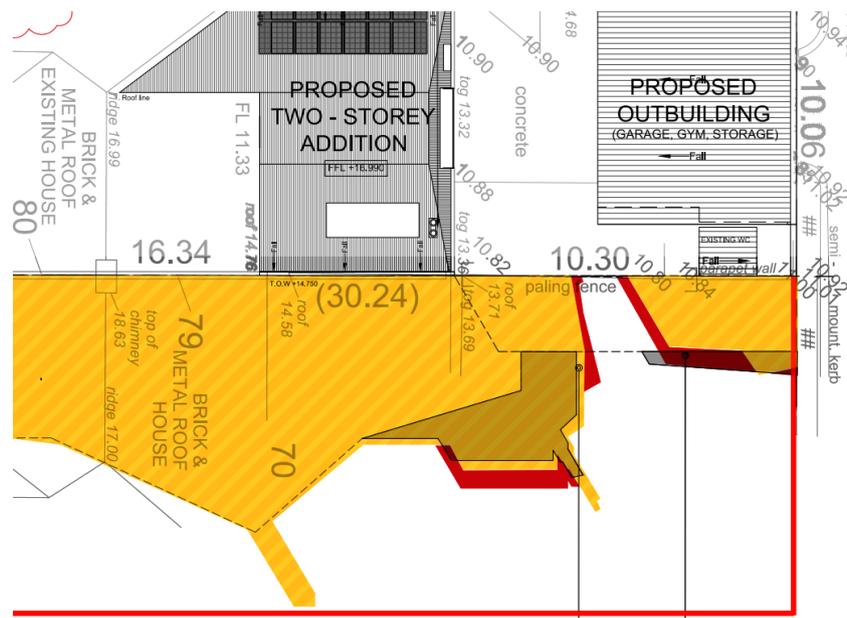


Figure 1: Shadow Reduction Between Plans

The overall proposed overshadowing of No. 10 Brookman Street has decreased from 126.7 square metres (41.7 percent) in the refused proposal, to 121.4 square metres (39.9 percent).

The changes to the dormer window to the south west elevation reduced the overshadowing of the adjoining property by 2.2 square metres. The removal of the gabled dormer windows to the south east elevation reduced the overshadowing by 0.9 square metres and the increased setback of the gym has reduced overshadowing by 2.2 square metres.

The areas where shadow has increased to the adjoining property from the refused proposal is due to the increase in height of the proposed chimney flue to the rear addition and retention of the rear WC. The additional area of overshadowing is 0.3 square metres. The increase in height of the chimney was required to comply with National Construction Code standards and the shadow cast from the water closet is an existing shadow that already occurs on-site.

The proposal satisfies the [Design Principles](#) of the R Codes for the following reasons:

- **Extent of New Overshadowing:** The application proposes 20 square metres more overshadowing of No. 10 Brookman Street than the existing development. 14.1 square metres (70.5 percent) of this additional shadow falls to areas of No. 10 Brookman Street that are covered by roof or are already overshadowed by existing development at Nos. 10 and 12 Brookman Street, including the dividing fence. 5.9 square metres of shadowing (1.9 percent of the adjoining site) would be to areas of the adjoining property that are not already overshadowed. The area of new shadowing would fall to the rotary clothesline, which is not an outdoor living area. The additional shadow from the chimney is acceptable because its narrow dimension means that each portion of the adjoining property that would be overshadowed by this fixture would be overshadowed for a short period of time throughout the day;

- Minimisation of Overshadowing of Outdoor Living Area: The development has been designed to minimise the extent of overshadowing of the adjoining property's outdoor living area. As outlined in the Background section of the report, the adjoining property does not include a formalised outdoor living area, with both the rear verandah to the south west of the backyard, and the northern corner of the backyard performing this function. Overshadowing of the outdoor living area to the northern corner of the backyard has been minimised by the removal of the gabled dormer windows to the south eastern elevation of the rear addition and the reduction in the dimensions of the dormer window to the south west elevation. The gap between the proposed rear extension and the garage and gym would ensure that the adjoining property would retain access to direct sun during the mornings, while 69.2 percent of the backyard would be open to direct sunlight at 12pm on 21 June;
- Overshadowing from Gym: The amended plans have reduced the amount of overshadowing from the gym to No. 10 Brookman Street. This is due to the increase in setbacks of the garage and gym from the south western lot boundary. The overshadowing from the gym now falls entirely within an area that would be overshadowed by the dividing fence between Nos. 10 and 12 Brookman Street. This area of the backyard at No. 10 Brookman Street contains a tree and shed and is not an active habitable space or outdoor living area; and
- No Overshadowing of Major Openings: The proposed development would not result in any overshadowing of major openings at No. 10 Brookman Street. This is because No. 10 Brookman Street has a boundary wall to the north east lot boundary with No 12 Brookman Street for the full length of the dwelling.

Form and Design Detailing – Reasons for Refusal 4 and 5.1

Reasons 4 and 5.1 of Council's refusal of the previous proposal outlined that the development would adversely affect the heritage significance of the Precinct due to the form of the proposal and design detailing.

The Brookman/ Moir Guidelines state that additions should be sympathetic to the heritage of the place by interpreting the forms of the existing dwellings in a contemporary way. The amendments to the development plans have resulted in the following relevant changes:

- Removal of the gabled dormer windows and finials to the south eastern elevation of the rear addition;
- Removal of timber bracket detail to eave of rear addition; and
- Removal of eaves to the master bedroom dormer window.

The design of the proposal would be consistent with the [Local Housing Objectives](#) of the Brookman/ Moir Guidelines and [Acceptable Development Criteria](#) of the Heritage Policy for the following reasons:

- Simplification of Built Form: In considering the development and conservation objectives of the Brookman/Moir Guidelines refer to new development being sympathetic to the existing built form in accordance with the principles of the Burra Charter. Through the removal of the gabled dormer windows, the amended proposal has simplified the roof form of the proposed addition. The simplified roof form is consistent with the simplicity of roof forms that exist within the Precinct. The development would also incorporate a limited material palette, including corrugated roof sheeting, limestone and render which are materials that were supported by the DRP member. Due to the location of the proposal, the DRP member noted that the proposal would have minimal visual impact on the broader Precinct and the amended proposal had addressed previous concerns about the overly complicated roof form and detailing;
- Distinguished from Original Dwelling: The proposed development would be visually distinguished from the original dwelling. The development would use different materials including limestone and painted render to differentiate the addition from the red brick and render of the original dwelling. The addition would also have an articulated setback to the north eastern elevation. In conjunction with the change in materiality, this articulation would illustrate the junction of the new and old works and would allow the addition to the rear of the property to be read as a later addition to the original dwelling; and
- Colours and Materials: The applicant has indicated the colours and materials of the proposed development on the plans. The applicant has advised that the limestone cladding would be a natural limestone, with a honed finish in a stretcher bond in the colour 'biscuit'. This finish was supported by the City's DRP member. A condition of approval is recommended which would require the colours and materials to be consistent with the approved plans and the details provided.

Demolition of WC – Reasons for Refusal 3 and 5.1

Reasons 3 and 5.1 of the Council's reasons for refusal of the previous proposal outlined that it had not been demonstrated that the demolition of the WC would not adversely impact the cultural heritage significance of the place. The amended proposal includes the retention of the WC.

During the preparation of the Brookman/Moir Guidelines, the retention of WCs within the Precinct was discussed with officers of the HCWA. Their advice is summarised below.

- Although the WCs are not specifically referenced in the statement of significance, they represent the early residential function of the precinct; and
- Although there has been a loss of some of these WCs over time, this does not negate the importance of the remaining WCs to the heritage values of the precinct. The further loss of WCs would detract from an understanding and appreciation of the heritage place and retention represents best practice.

The proposed retention and treatment of the WC has addressed the above reasons for refusal and satisfies the Objectives of the Brookman/Moir Precinct and Performance Criteria of the Heritage Policy for the following reasons:

- Retention of Contributory Fabric: The proposed gym would be physically separated from the WC by a 0.1 metre gap. The retention of the WC would ensure the conservation and protection of an existing built element that contributes to the heritage significance of the site and the overall Precinct. The City's DRP member advised that the heritage value of WC was supported by its continuing expression as an external feature of the site. The retention of the WC as a separate structure is consistent with the historical development pattern of the Precinct which included external WCs to all dwellings; and
- Views from Wellman Street: The subject site includes an existing 2.4 metre high wall to Wellman Street that was approved by Council in 2005. The proposed fence to Wellman Street would not result in a further reduction in the visibility of the WC from the public domain.

Assessment of Other Changes Due to Amended Plans

The amendments to the proposal resulted in new elements that did not satisfy the deemed-to-comply standards of the R Codes and Brookman/Moir Guidelines or required new assessment under the Heritage Policy. The acceptability of these elements is discussed below.

Visual Privacy

The amended plans removed the central dormer window to the south eastern elevation of the rear addition and replaced it with a recessed door leading to a Juliet balcony measuring 2.4 metres by 0.5 metres. This change has resulted in the proposal not meeting the Deemed-to-Comply standard of the R Codes for visual privacy. This is because the R Codes provides a 7.5 metres cone of vision setback for balconies, compared with 4.5 metres for bedrooms.

The visual privacy would satisfy the [Design Principles](#) of the R Codes for the following reasons:

- No Overlooking of Active Habitable Spaces: There would be no direct overlooking of the adjoining properties' active habitable spaces. The cone of vision from the Juliet balcony would fall to an existing carport at No. 14 Brookman Street and to the tree at No. 10 Brookman Street. These areas are not active habitable spaces. No major openings or outdoor living areas would fall within the cone of vision, as shown in **Figure 2** below:



Figure 2: Extent of Cone of Vision from Juliet Balcony

- **Oblique Views:** Due to the orientation of the Juliet Balcony, views of the adjoining properties would be oblique rather than direct in nature, reducing the real and apparent impact of overlooking on adjoining properties; and
- **Dimensions of Balcony:** While the Juliet balcony is considered an Active Habitable Space as defined under the R Codes, due to its narrow 0.5 metre depth it would not be able to accommodate furniture and would operate in conjunction with the master bedroom in a similar manner to a window, rather than a separate habitable space. As outlined in the [R Codes Explanatory Guidelines](#) “[o]verlooking from bedrooms and studies, which may be occupied infrequently, mainly at night, without noise, and by relatively few people, is more easily tolerated than overlooking from active areas.”

Front Fence to Secondary Street

The fence to Wellman Street would satisfy the [Local Housing Objectives](#) of the Built Form Policy for the following reasons:

- **Presentation to Street:** The proposed fence would be 1.6 metres wide and would be integrated with the proposed gym wall to Wellman Street. It would present as a continuation of the building walls. The fence would be 0.6 metres lower than the gym wall which would serve to differentiate it from the gym building. The 2.5 metre height of the wall would be consistent with the existing 2.4 metre high fence on the subject site, and other fences within the Wellman Street streetscape; and
- **Materiality:** The fence would be constructed of red face brick which is consistent with the character industrial and rear laneway character of Wellman Street, as well as the materials that are used within the broader Precinct.

Elements of Application where Assessment is Unchanged

The previous [officer report](#) that was considered at Council’s Ordinary Meeting on 16 May 2023, includes Administration’s comments on the assessment and acceptability of the following matters:

- Public Domain View and impact on views and vistas from Brookman Street;
- Extent of demolition of dwelling;
- Secondary Street Setback;
- Lot Boundary Wall within Street Setback Area;
- Sight Lines;
- Reconstruction of the chimney to the north east elevation; and
- Sustainability.

These elements were not included as reasons for refusal of the previous proposal. The amendments to the plans do not impact the assessment of the above matters and Administration’s previous assessment of their acceptability in its 16 May 2022 report to Council remain applicable.

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

LEGEND

METROPOLITAN REGION SCHEME RESERVES

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

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

CITY OF VINCENT LOCAL SCHEME RESERVES

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

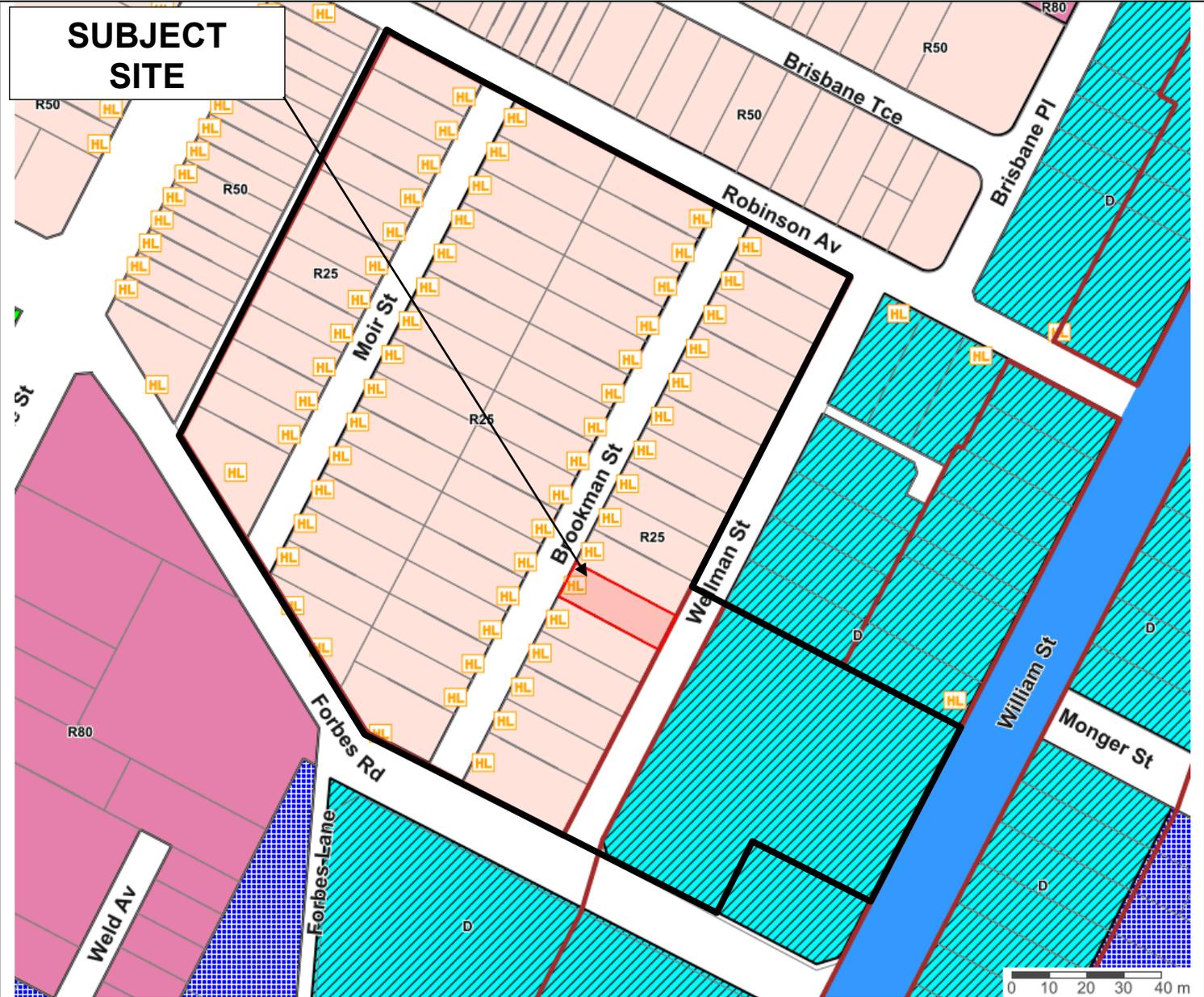
CITY OF VINCENT SCHEME ZONES

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

ADDITIONAL USE

ADDITIONAL INFORMATION & RESIDENTIAL PLANNING CODES

- CODE AREA BOUNDARY**
- SCHEME AREA BOUNDARY**
- DENSITY CODE**



CITY OF VINCENT

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Consultation and Location Map

No. 12 Brookman Street, Perth

Extent of Consultation





SUBJECT SITE



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No. 12 Brookman Street, Perth

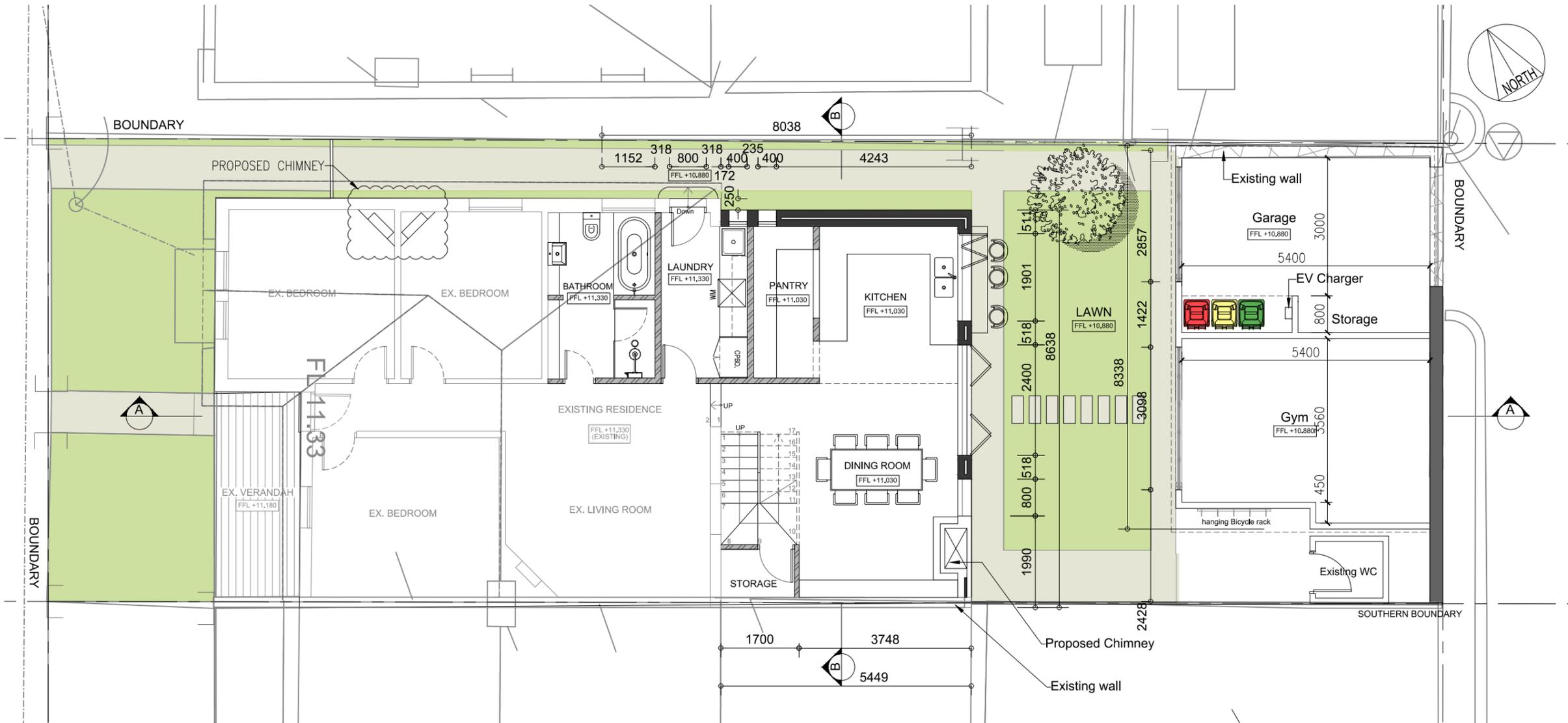


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DRAWINGS TO OBTAIN SIZES AND QUANTITIES.

AREAS:

GROUND FLOOR AREA= 98 m²
UPPER FLOOR AREA= 84 m²
TOTAL AREA= 182 m²



REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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DOCUMENTATION BY:



ARCHITECT

CLIENT
Mr. Peter Arnell
and
Mrs. Helen Arnell

PROJECT
PROPOSED HOUSE EXTENSION
AND OUTBUILDING
12 Brookman Street, Perth, WA 6000

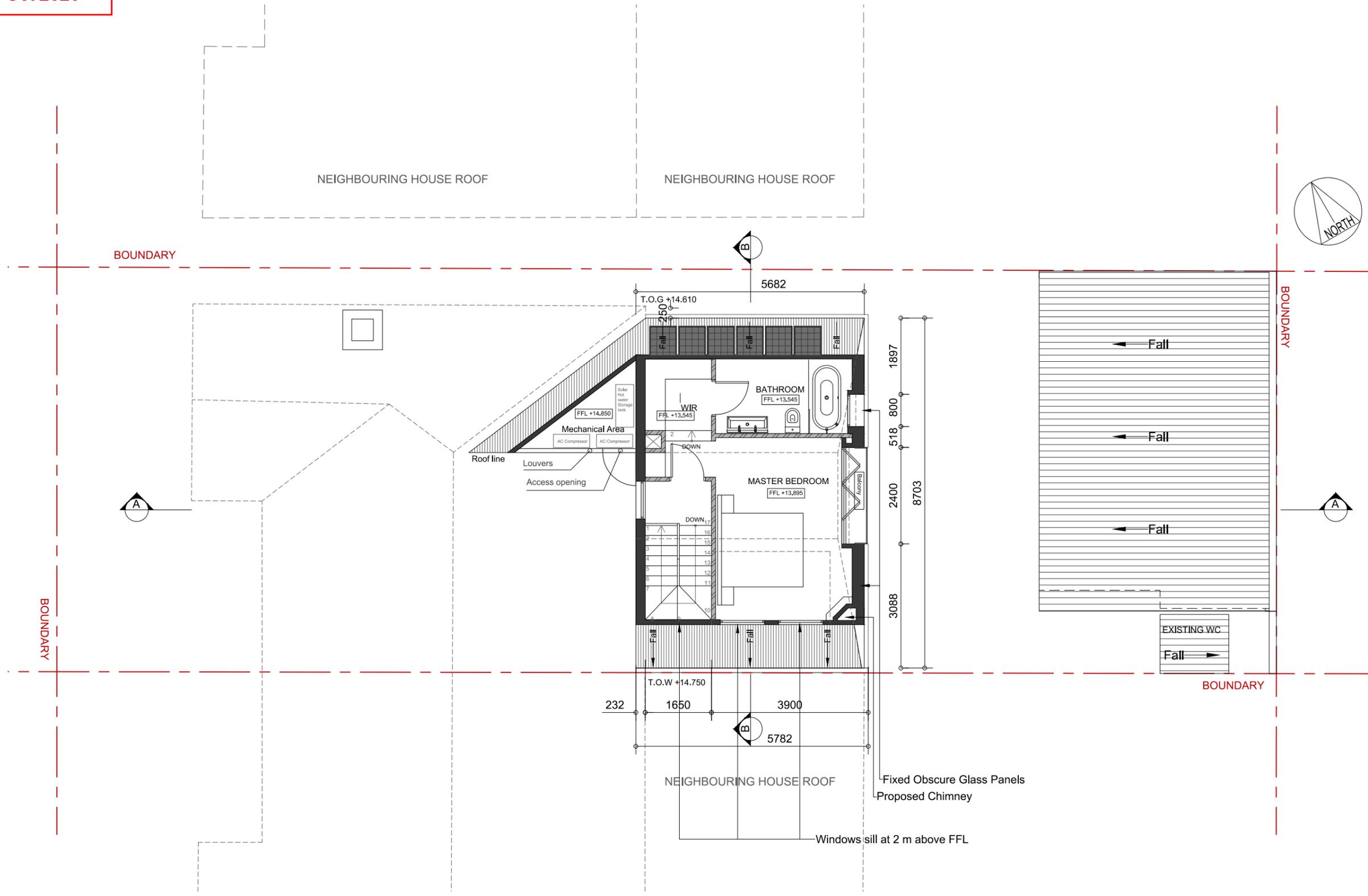
PROPOSED GROUND FLOOR PLAN

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PROJECT
**PROPOSED HOUSE EXTENSION
AND OUTBUILDING**
12 Brookman Street, Perth, WA 6000
PROPOSED FIRST FLOOR PLAN

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BROOKMAN
STREET



- LEGEND:**
- ① EXISTING TREE STUMPS
REMOVED (3 stumps)
 - ② EXISTING SHRUBS
 - ③ LAWN
 - ④ PROPOSED FRANGIPANI
 - ⑤ PROPOSED VIBURNUM
HEDGE
 - ⑥ PROPOSED LEMON TREE

NOTE :
THE EXISTING LAWN AT FRONT OF THE HOUSE
IS TO BE RETAINED, AND THE LAWN IN THE
BACKYARD IS TO BE INSTATED AFTER
COMPLETION OF BUILDING WORKS.

REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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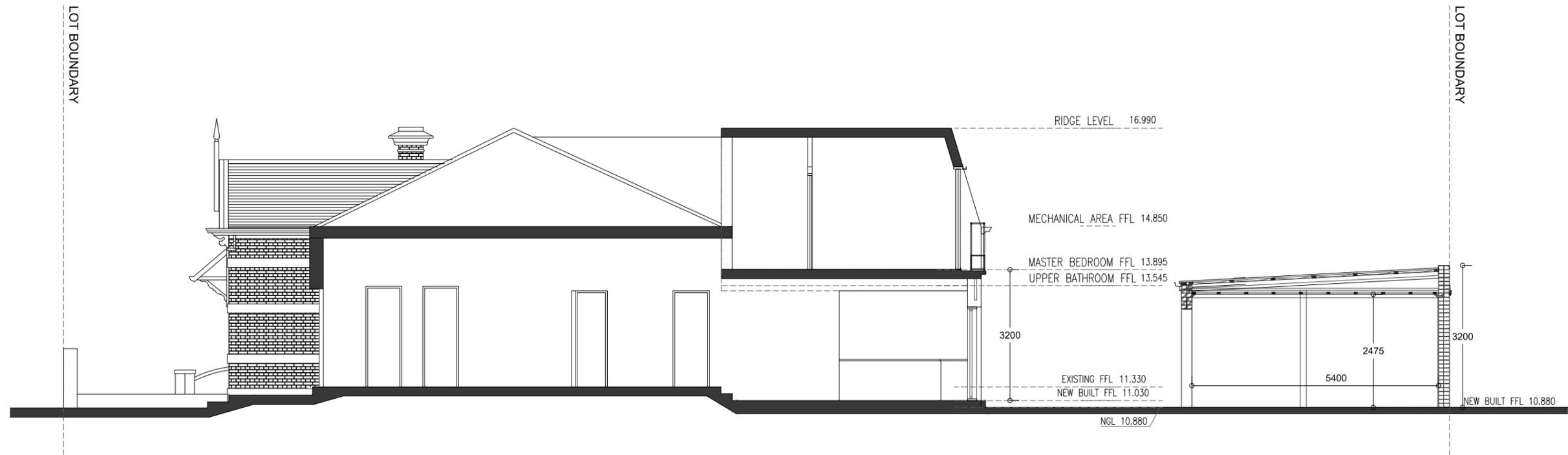
PROJECT

**PROPOSED HOUSE EXTENSION
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12 Brookman Street, Perth, WA 6000

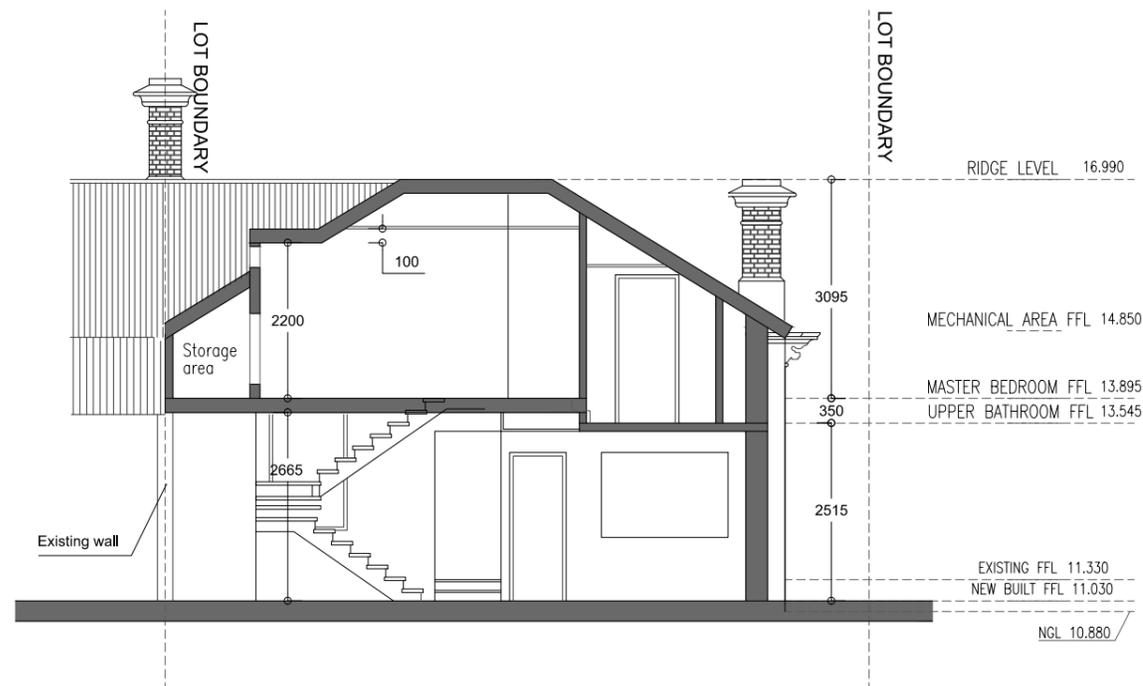
PROPOSED LANDSCAPE PLAN

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SECTION A-A
SCALE 1:100



SECTION B-B
SCALE 1:100

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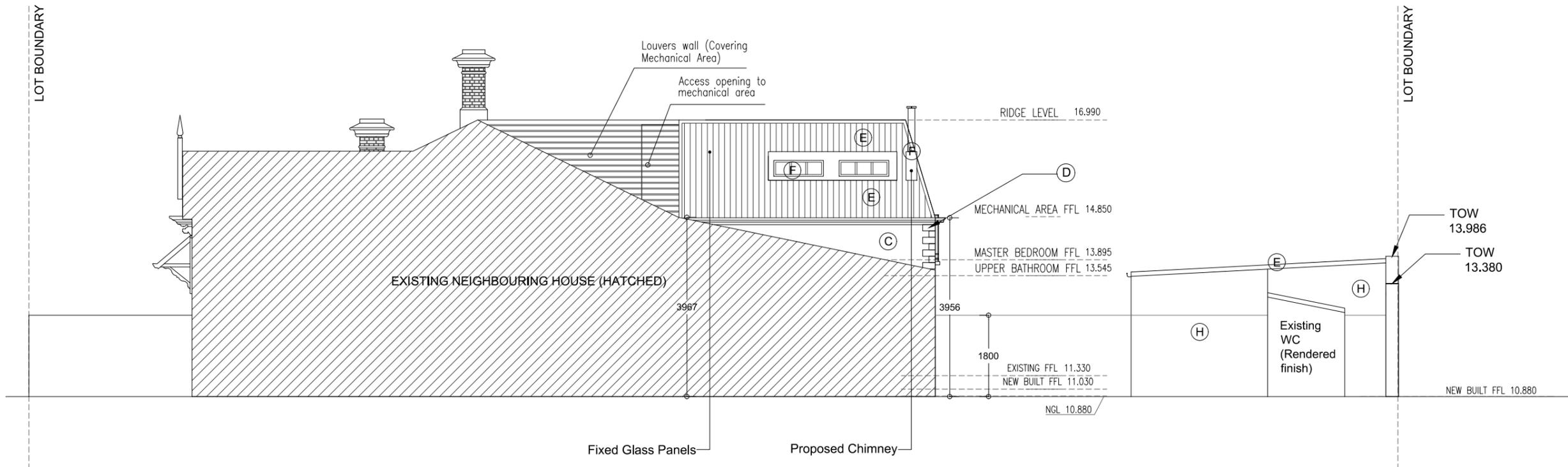
SECTIONS

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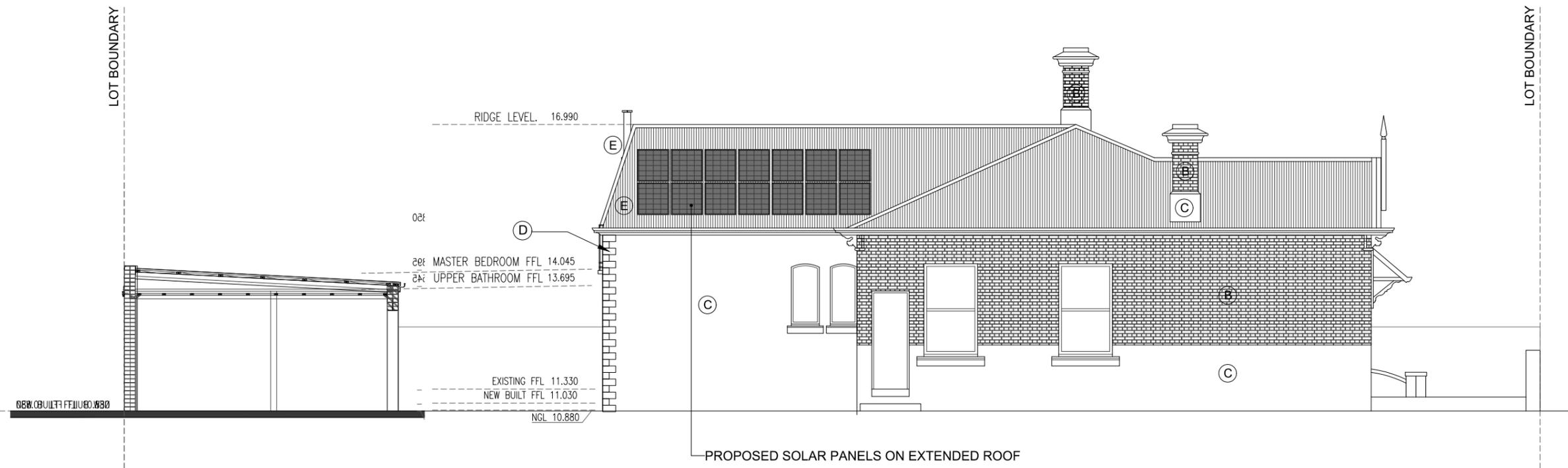
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FINISHES SCHEDULE:

- (A) EXISTING CORRUGATED ROOF (LIGHT GREY COLOUR)
- (B) EXISTING BRICKWORK (HERITAGE RED COLOUR)
- (C) EXISTING PAINTED RENDER (OFF-WHITE COLOUR)
- (D) PROPOSED LIMESTONE CLADDING (HONED FINISH, BISCUIT COLOUR OR SIMILAR)
- (E) PROPOSED CORRUGATED ROOF SHEET (LIGHT GREY COLOUR TO MATCH EXISTING ROOF SHEET)
- (F) PROPOSED PAINTED RENDER (COLOUR TO MATCH EXISTING PAINTED RENDER)
- (G) PROPOSED TIMBER WINDOW FRAMES AND DOORS (NATURAL TIMBER COLOUR)
- (H) PROPOSED BRICKWORK (HERITAGE RED COLOUR)



SOUTH ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100

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E	28/01/2023	replaced limestone with render on North Elev	M

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PROJECT
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12 Brookman Street, Perth, WA 6000

ELEVATIONS

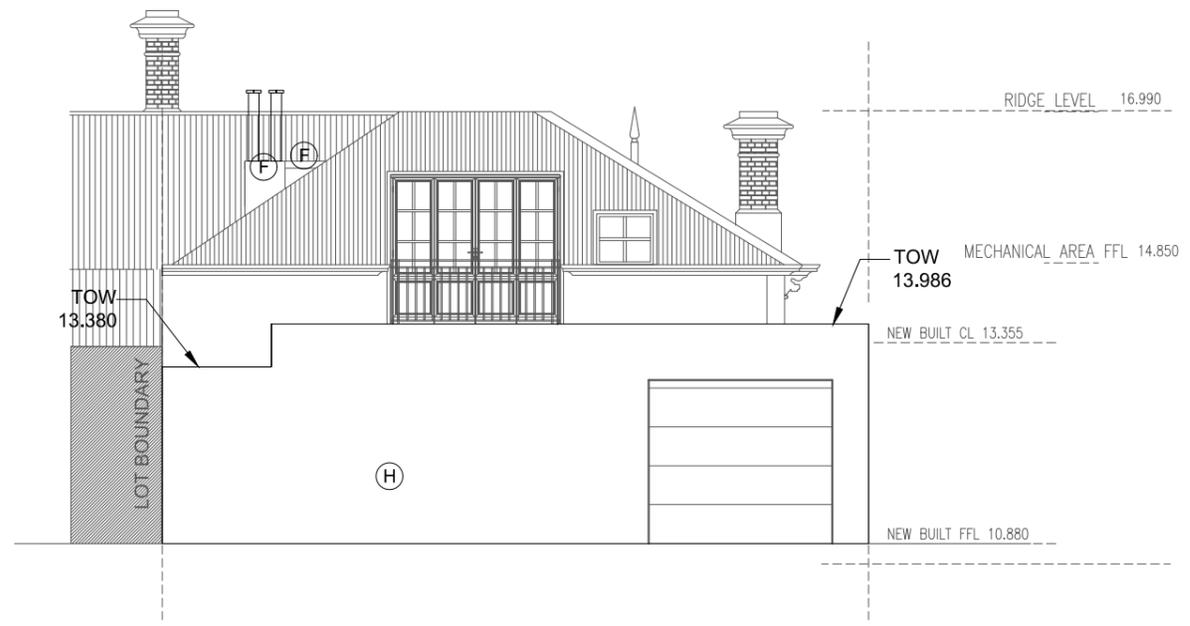
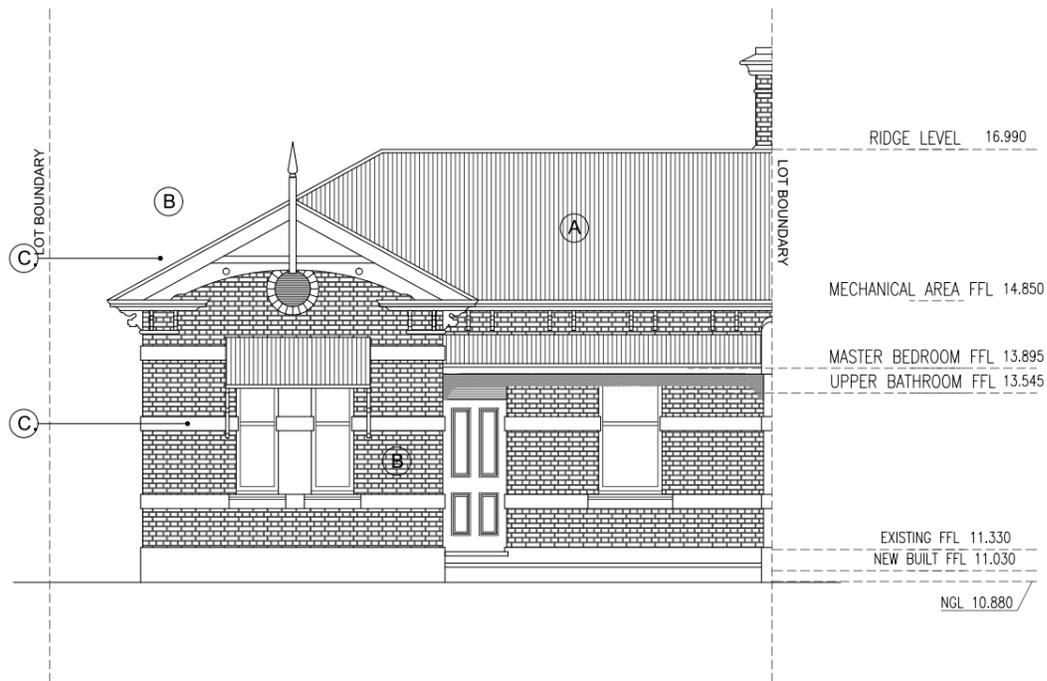
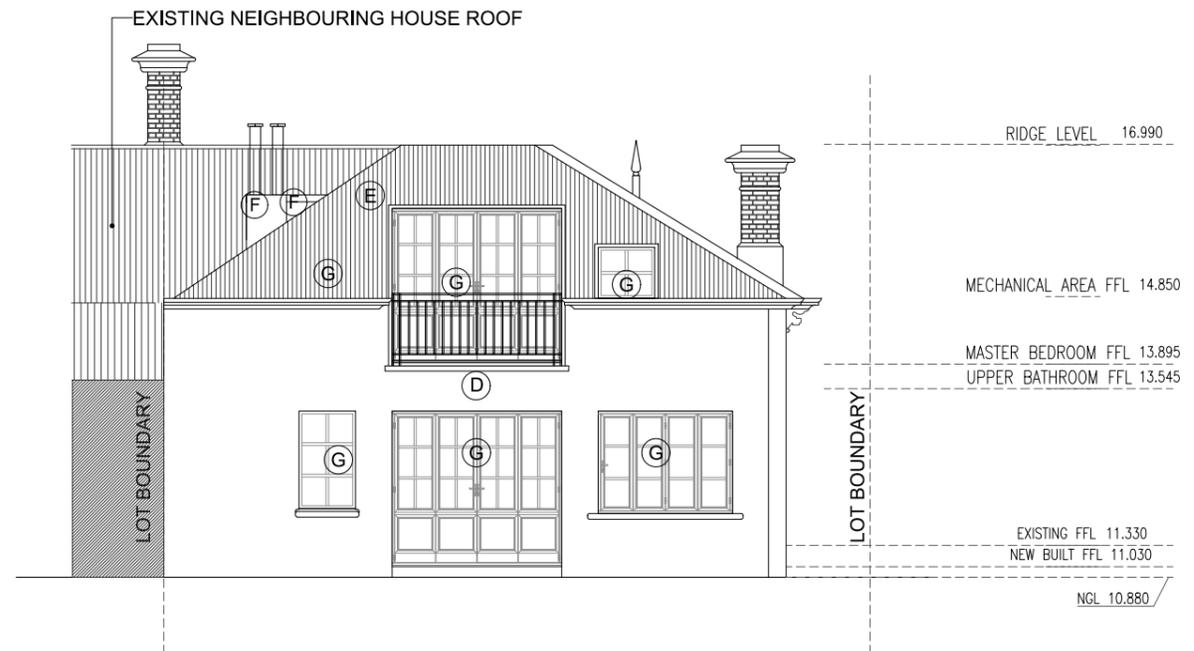
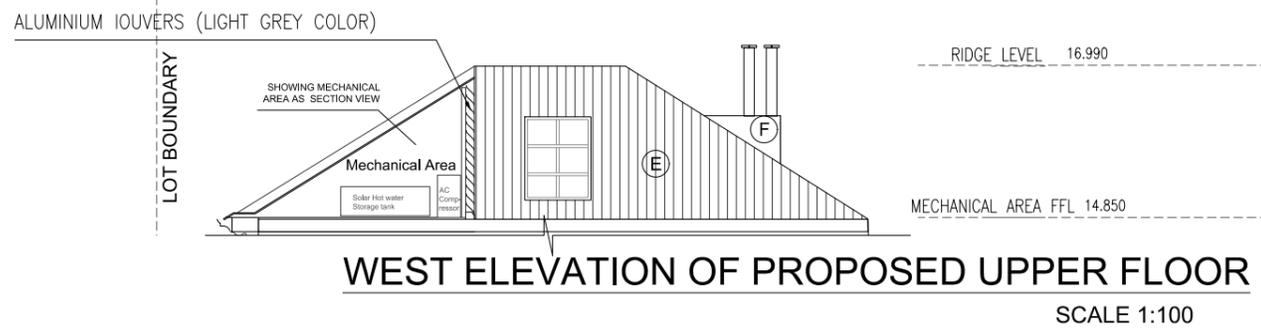
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REV	DATE	DESCRIPTION	BY

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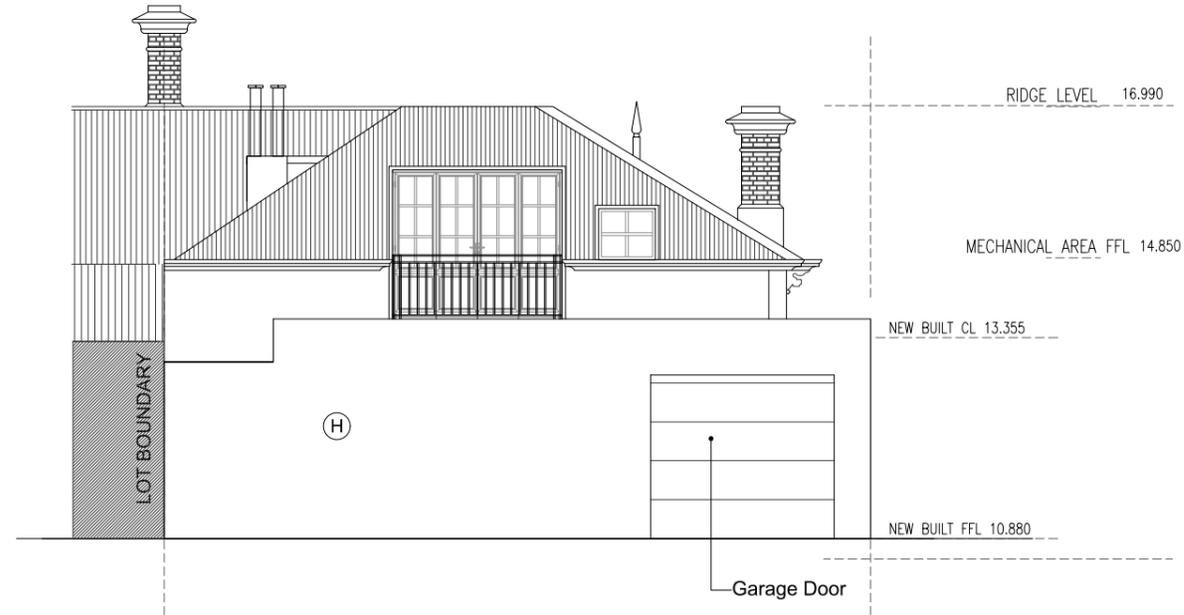
ELEVATIONS

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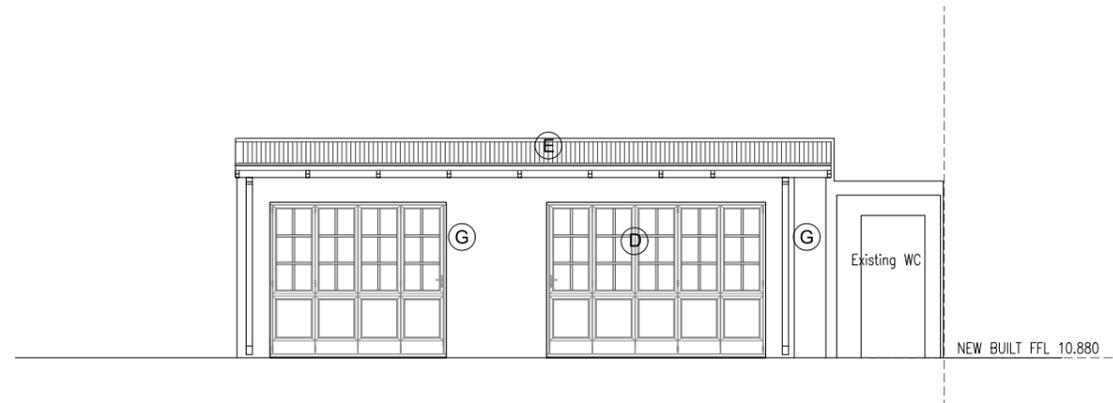
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OUTBUILDING EAST ELEVATION

SCALE 1:100



OUTBUILDING WEST ELEVATION

SCALE 1:100

REV	DATE	DESCRIPTION	BY

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LINES & DESIGNS

ARCHITECT

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PROJECT
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12 Brookman Street, Perth, WA 6000

OUTBUILDING ELEVATIONS

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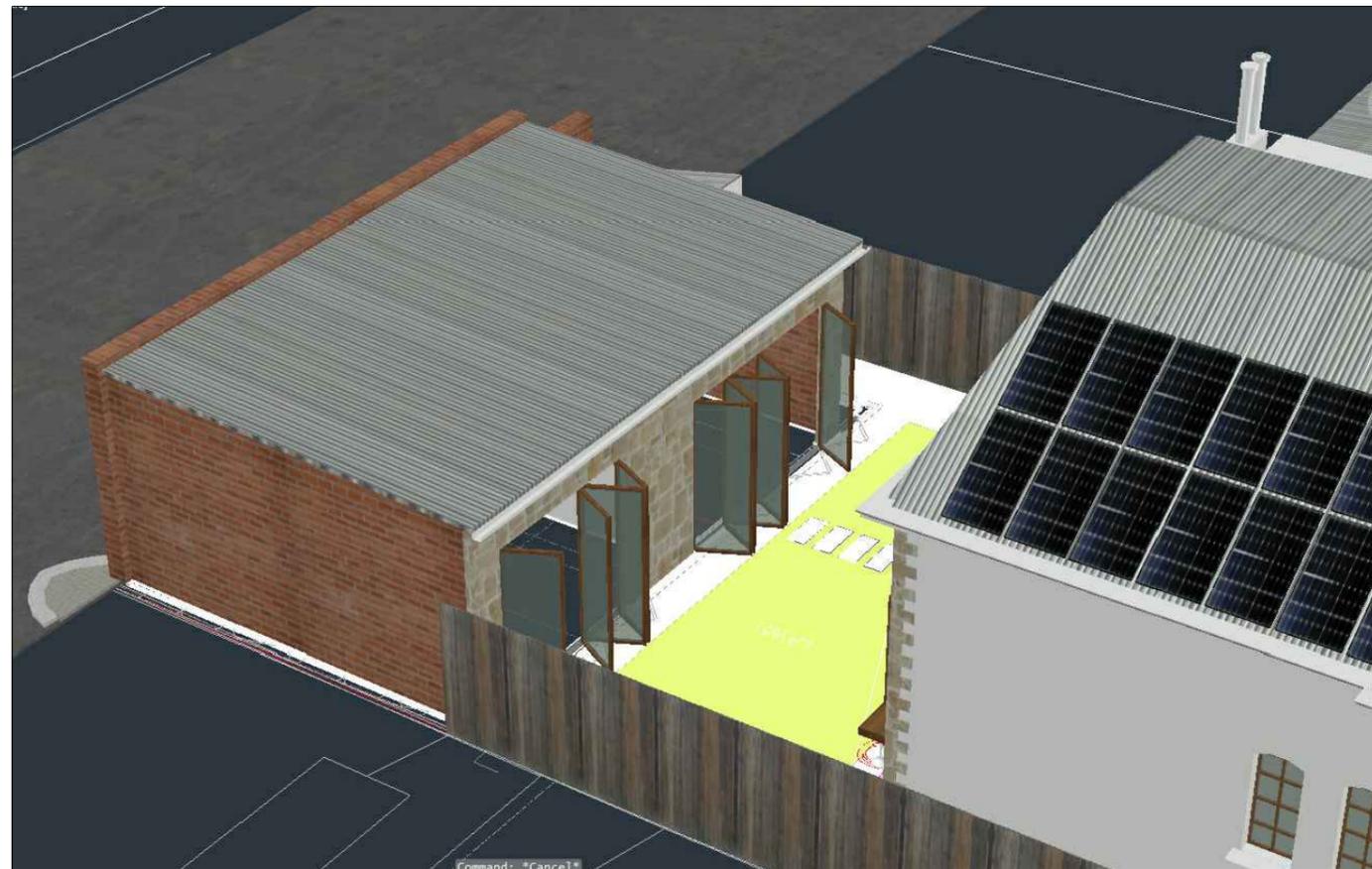
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VIEW 1



VIEW 2



VIEW 3

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AND OUTBUILDING
12 Brookman Street, Perth, WA 6000

RENDERED 3D VIEWS

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		M



12 Brookman Street, Perth

Heritage Impact Statement

This Heritage Impact Statement has been prepared following the guidelines by the department of planning, Lands and heritage.

Rev-B AUG 2023

Name of Place: LOT 69 (#12) BROOKMAN STREET, PERTH
Registration Date: 08 May 2007
Prepared by: H.Hotait (M.Arch - M.L.Arch) - Lines & Design PTY LTD
Prepared for: Development application
Date: 30 Aug 2023 (Rev B)

01. Location

The subject property is located at Lot 69 on Plan 4576(2), Known as no. 12 Brookman Street, Perth. The property is located between Brookman Street and Wellman Street.

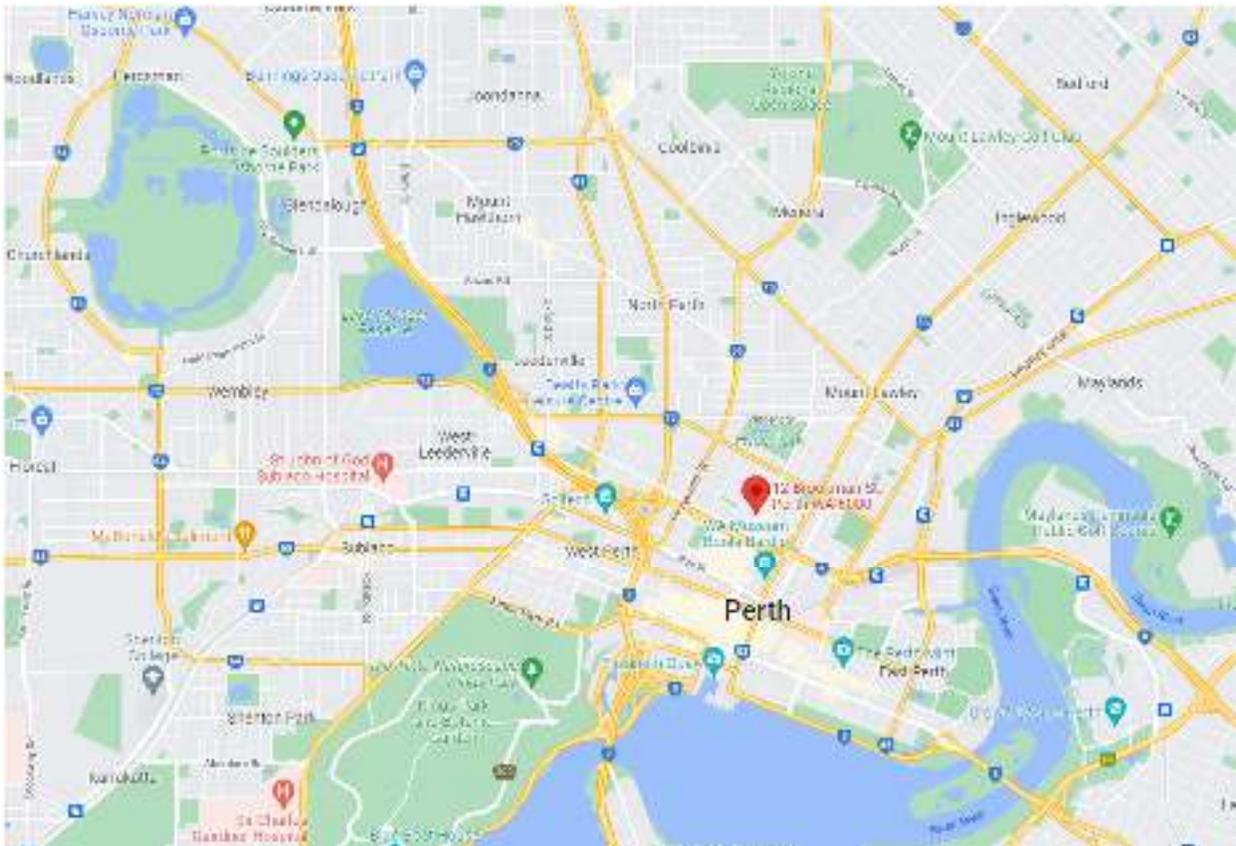


Figure 1: Location of 12 Brookman Street within the City of Perth Context. Source: Google, February 2022



Figure 2: Cadastral Plan, 12 Brookman Street, PERTH. Source: Landgate, September 2021



Figure 3: View from South West along Brookman Street. Source: Google Maps

Heritage listings:

Heritage Listing Type	Status	Date
Heritage List	Adopted	
State Register	Registered	08 May 2007
Register of the National Estate	Nominated	23 April 1991
Register of the National Estate	Indicative Place	
Municipal Inventory	Adopted	13 November 1995

Statement of significance:

Source: The Heritage Council of Western Australia's Register Entry for P03992.

- The Brookman and Moir Streets Group is a complete and intact residential development of 1897, undertaken by prominent citizens under William Brookman.
- The intact working class semidetached houses were constructed in the Federation Queen Anne Style.
- It demonstrates the social mores and way of life in the developing area north of Perth, at the commencement of the Gold Boom period.
- It provides a notable example of a late 19th century townscape with its repetitive building forms and development patterns.
- It is a unique example of a housing estate that includes: The scale of the subdivision and development by a speculative development company is a notable historic and social event of its time.
- Duplex, 2-4 Brookman Street are integral elements of the Brookman and Moir Streets Group. The form and scale of the typical Federation Queen Anne workers housing was varied in the case of this duplex, with the introduction of the bay windows. This differentiated the duplex pair from the other semi-detached workers housing within the development. It demonstrated the possibility of personalizing properties without disturbing the consistent development patterning of the whole development.

The following aspects of the proposal respect or enhance the heritage significance of the place or area, for the following

The Proposed alterations and additions at 12 Brookman Street, Perth takes into consideration that the existing house and the lot are of identified heritage significance, especially that the house have had several renovations and alterations that sought to restore the house to its earlier form and worked on reinstating many authentic details and features. This development with the proposed rear two-storey addition and the added outbuilding (garage & gym) at the back of the lot does not impact any of the value statements and hold the heritage significance of the house and precinct.

The Proposed Development comply with the requirements of Policy NO. 7.6.1 (HERITAGE MANAGEMENT - DEVELOPMENT GUIDELINES FOR HERITAGE AND ADJACENT PROPERTIES) and Appendix NO.6 (BROOKMAN AND MOIR STREETS DEVELOPMENT GUIDELINES). The list below shows how each of these point is considered:

Performance Criteria and acceptable development	Proposed development
<p>P1 Development is to comply with the statement of significance and zones of significance outlined in Heritage Assessment, Heritage Impact Statement and/or Place Record Form.</p> <p>Development within zones, spaces and fabric of the place identified as significant is conserved and/or adapted in a manner that protects the significant heritage values.</p> <p>Development within zones, spaces and fabric of the place that are of little or no significance is to be sympathetic to the existing material and readily identifiable as new work.</p>	<p>The proposed development respects the original house and recognises its heritage significance. This development has a minimal impact on the original house with no alterations to the main façade from Brookman street, the changes to the back of the original house (except the rear skillion roof) are minimal, and the new proposed addition is sympathetic and identifiable as new work.</p> <p>Reinstating the front chimney in the proposed development will enhance the heritage significance of Brookman street</p> <p>The original WC on the back of the lot will be maintained. and will be integrated in the proposed rear addition.</p>

Performance Criteria and acceptable development	Proposed development
<p>P2 Alterations and additions to places of heritage value should be respectful of and compatible with existing fabric and should not alter or obscure fabric that contributes to the significance of the place.</p> <p>Building Scale, Bulk and Mass</p> <p>A.2.1 The additions and alterations:</p> <p>A.2.1 The additions and alterations: do not alter the original facade(s) or roof pitch; are clearly distinguishable from the original part of the heritage place to be conserved; are based on research that can identify the elements, detailing and finishes already used; do not obscure or alter an element that contributes to the significance of the place; maintain an existing vista or view lines to the principal facade(s) of a heritage place; are positioned and sized to ensure that the prominence of significant parts of the heritage listed place are retained.</p> <p>A.2.2 An upper storey is sited and massed behind the principal facade(s) so that it is not visible from the street, particularly in intact or consistent streetscapes</p> <p>A.2.1 The additions and alterations: do not alter the original facade(s) or roof pitch; are clearly distinguishable from the original part of the heritage place to be conserved; are based on research that can identify the elements, detailing and finishes already used; do not obscure or alter an element that contributes to the significance of the place; maintain an existing vista or view lines to the principal facade(s) of a heritage place; are positioned and sized to ensure that the prominence of significant parts of the heritage listed place are retained.</p> <p>A.2.2 An upper storey is sited and massed behind the principal facade(s) so that it is not visible from the street, particularly in intact or consistent streetscapes</p>	<p>The proposed development is compatible and compliant with the development guidelines requirements as per the following :</p> <p>A2.1 - intervention to the original façade and roof pitch is limited to reinstating the missing front chimney (highly recommended within guidelines) , in addition to the refurbishment treatment and recoating of the façade elements (gables, with timber barges, barge caps, finials, pierced timber fretwork ...) with the traditional colours that are appropriate with the architectural style .</p> <p>A2.2 The proposed two-storey addition to the back of the original house complies with the required viewing criteria (at 1.65m height from the other side of the street looking at the ridge of original roof). The proposed addition and alteration are distinguishable from the original house through selection of different texture and materials. Finishes are either rendered, or clad with limestone , and the proposed windows and doors will have different sizing, colour and design (refer to attached architectural drawings). The visible part of the proposed extended roof will be, as per guidelines, made of same current material (corrugated roof sheets with galvanised finish) however, this part of the roof will be stepped from the original roof and solar panels are proposed to be fixed to it which will make it distinguishable.</p> <p>The proposed outbuilding addition at the back of the lot is separate from the house, proposed to be located at the back boundary adjacent to Wellman street, and will have no impact on the heritage significance of the original house and Bookman Street.</p>

A.2.3 Where the place is located on a corner site the upper storey addition is sited and massed so that it is visually recessive from the place's main frontage so that the scale of the heritage place is the dominant element in either streetscape. On corner sites the visibility of taller additions should be assessed from both streets

Doors and Openings

A.2.4 New openings in the principal facades(s) visible from the street are avoided, or if openings are visible, they are proportionally related to those of the heritage place, unless concealed from view from the principal street frontage.

Materials, Surface Finishes and Fences

A.2.5 Walls, roof and fences are complementary to the heritage place in terms of materials, finishes, textures and paint colours and are appropriate to its architectural style.

Internal Alterations

A.2.6 Internal alteration controls will only apply to interiors of places listed as Management Category A and are guided by the Statement of Significance detailed in the Place Record Form and/or Heritage Assessment or Conservation Plan.

Internally, The owners of the property suggest reinstating the missing chimney between the 2 front rooms and changing the current flooring of the original house back to Jarrah timber.

Performance Criteria and acceptable development	Proposed development
<p>P3 To ensure the cultural heritage significance of a place is conserved and the majority of the significant parts of the heritage place and their relationship to the setting within the heritage place should be retained.</p> <p>A.3.2 Partial demolition of a building on the City's Municipal Heritage Inventory will generally be supported provided that: the parts to be demolished do not contribute to the cultural heritage significance of the place as identified in the Heritage Impact Statement, Place Record Form, Heritage Assessment and/or Conservation Plan;</p> <p>the proposed demolition will have no negative impact on the significant fabric of the place; and</p> <p>sufficient fabric is retained to ensure structural integrity during and after the development.</p>	<p>The proposed development involves :</p> <ul style="list-style-type: none">- The demolition of the rear addition of the original house that is not intended to be conserved (Appendix No 6 – Part 3).- The demolition of the carport, storage area at the back of the lot, as these elements hold no heritage significance, and were all built during the past 35 years. <p>The Proposed addition will maintain the alignment of rear addition zone (as per attached Drawing NO HIS-1).</p> <p>The original WC on the back of the lot will be maintained. and will be integrated in the proposed rear addition.</p>

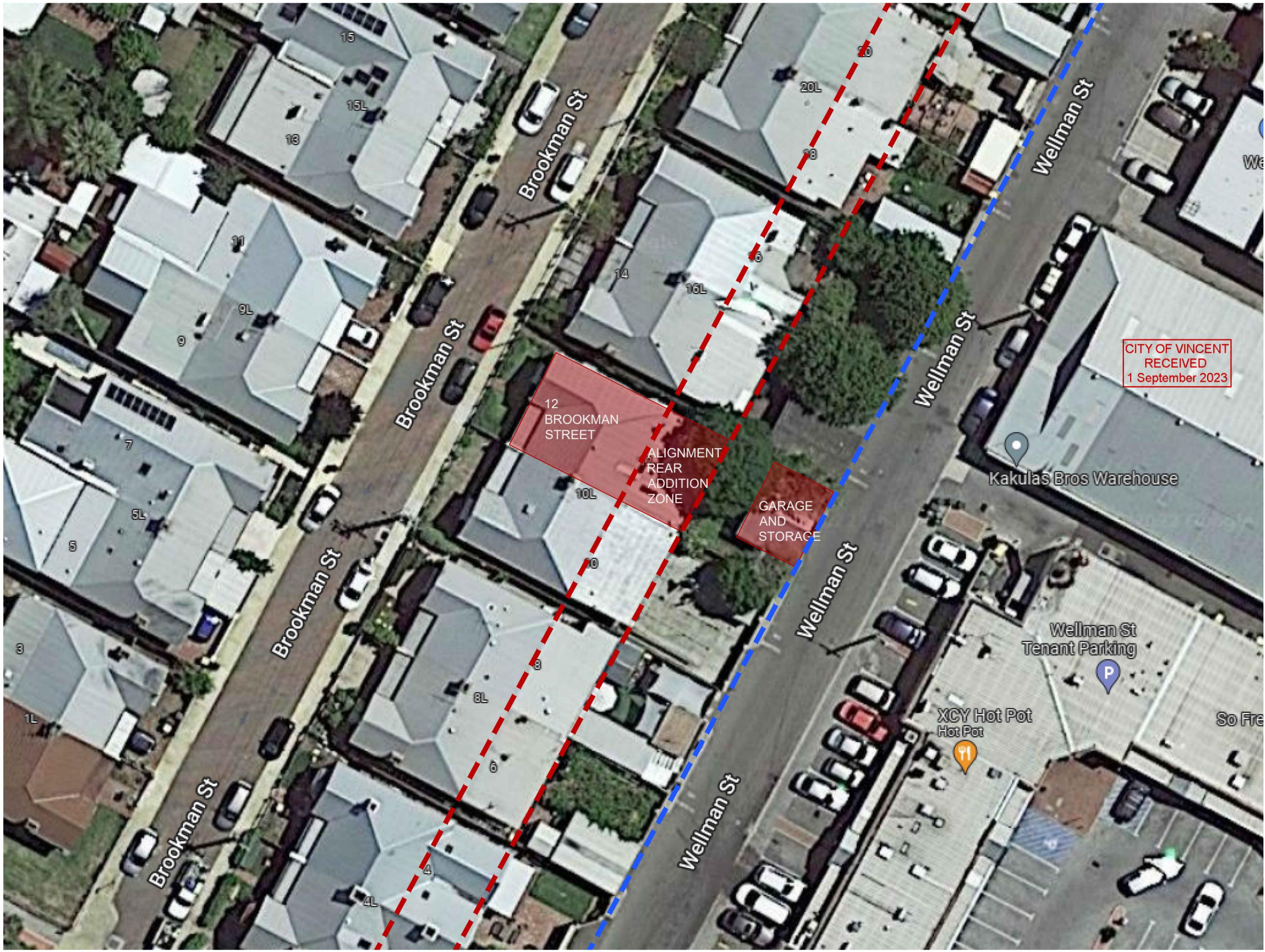
The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

Proposed development aspects that could detrimentally impact on heritage significance	Proposed measure to minimise impact
The visibility of the continued roof when seen from a narrow angle from Brookman Street.	The proposed roof extension is made distinguishable by it being stepped from the original roof line, and also through the installation of solar panels on the added part. Note: This extension is similar to what is already applied on 7 Brookman Street and 15 Brookman Street. (Check attached drawing NO HIS-2).
Change in room layout. The change of use of the rear original dining room to accommodate essential functions in the house (pantry, laundry, toilet and bathroom) might have an impact on the heritage significance of the house fabric.	The external existing walls are retained with minor proposed alterations (one opening added).

Conclusion:

In line with the cultural and heritage significance values of the Brookman and Moir Streets Precinct, the proposed development in our opinion, will have little impact on the existing building significance and Streetscape. The proposed works are sympathetic, with different material selection and design that will be clearly distinguishable from the original building and will accommodate the owners' requirements of space and functions for years to come.

References and attachments:



CITY OF VINCENT
RECEIVED
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12
BROOKMAN
STREET

ALIGNMENT
REAR
ADDITION
ZONE

GARAGE
AND
STORAGE

Kakulas Bros Warehouse

Wellman St
Tenant Parking

XCY Hot Pot
Hot Pot

So Fre



12
Brookman
Street

12 Brookman St,
Perth WA 6000

CITY OF VINCENT
RECEIVED
1 September 2023

Kakulas Bros Warehouse

Wellman St
Tenant Parking

9.3 NO. 12 BROOKMAN STREET (LOTS: 69 AND 90; PLAN: 4576) - PROPOSED ALTERATIONS AND ADDITIONS TO SINGLE HOUSE**Ward:** South

- Attachments:**
1. Consultation and Location Plan 
 2. Development Plans 
 3. Heritage Impact Statement 
 4. Perspectives 
 5. Summary of Submissions - Applicant Response 
 6. Summary of Submissions - Administration Response 
 7. 22 July 2022 Plans 
 8. 24 November 2022 Plans 
 9. Overshadowing Analysis 
 10. Public Domain View 
 11. 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, REFUSES the application for Alterations and Additions to Single House at No. 12 (Lots: 69 and 90; P: 4576) Brookman Street, Perth in accordance with the plans shown in Attachment 2 with the associated determination advice notes in Attachment 11, for the following reasons:

1. The proposed provision of open space does not satisfy the Design Principles of Clause 5.1.4 of State Planning Policy 7.3: Residential Design Codes – Volume 1, the development considerations of the City of Vincent Planning and Building Policy Manual Appendix 6 – Brookman and Moir Streets Development Guidelines, and performance criteria of Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties, for the following reasons:
 - 1.1 The building footprint of the additions would result in building bulk on the site that is inconsistent with the expectations of the R25 density code and the modest scale of the Brookman and Moir Streets Precinct; and
 - 1.2 The building footprint and scale would not be compatible with or respectful of the adjoining properties and wider precinct;
2. The proposed solar access to adjoining sites does not satisfy the Design Principles of Clause 5.4.2 of State Planning Policy 7.3: Residential Design Codes – Volume 1 or objectives of the Brookman and Moir Streets Development Guidelines because the shadow from the additions would adversely impact the amenity of the adjoining property by restricting existing solar access to an outdoor living area;
3. The demolition of the rear water closet does not satisfy the development controls of the City of Vincent Planning and Building Policy Manual Appendix No. 6 Brookman and Moir Streets Development Guidelines because it has not been demonstrated that it would not adversely impact the cultural heritage significance associated with the heritage place, through the removal of development which represents an original component of the subdivision of the Brookman and Moir Streets Precinct;
4. The scale, form and architectural detailing of the proposed two storey addition would not satisfy the objectives of the City of Vincent Planning and Building Policy Manual Appendix No. 6 Brookman and Moir Streets Development Guidelines, objectives of City of Vincent Policy No. 7.6.1 – Heritage Management – Development Guidelines for Heritage and Adjacent Properties or development principles of State Planning Policy 3.5 – Historic Heritage Conservation. This is because it would not be respectful of, or compatible with, the heritage fabric of the subject site and adjoining properties, and would not appropriately interpret the heritage significance of the dwellings within the Brookman and Moir Streets Precinct with a high quality contemporary design;

5. As a result of the demolition and cumulative impact of building bulk, scale, appearance and overshadowing from the proposed additions, for reasons 1 to 4, the development would:
- 5.1 adversely affect the cultural heritage significance of the subject site and broader Brookman and Moir Streets Heritage Precinct (Clause 67(2)(k), (l) (f) (g) and (x) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*);
 - 5.2 not be compatible with the existing or desired character of the local area, as defined by the Brookman and Moir Streets Development Guidelines (Clause 67(2)(g) and (m) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*);
 - 5.3 have an adverse and detrimental impact on the amenity of the adjoining property and character of the locality in accordance with Clause 67(n) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
 - 5.4 not enhance the amenity and character of the existing neighbourhood and is not compatible with the established area in accordance with the objectives of the Residential Zone under Local Planning Scheme No. 2.

At 7.48pm Executive Director Strategy & Development left the meeting.

At 7:49 pm, Cr Dan Loden returned to the meeting.

At 7.49 pm, Cr Jonathan Hallett left the meeting.

At 7:51 pm, Cr Jonathan Hallett returned to the meeting.

COUNCIL DECISION ITEM 9.3

Moved: Cr Hallett, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED (8-0)

For: Mayor Cole, Cr Alexander, Cr Castle, Cr Loden, Cr Worner, Cr Hallett, Cr Ioppolo and Cr Wallace

Against: Nil

(Cr Gontaszewski was an apology for the Meeting.)

CITY OF VINCENT
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14 April 2023

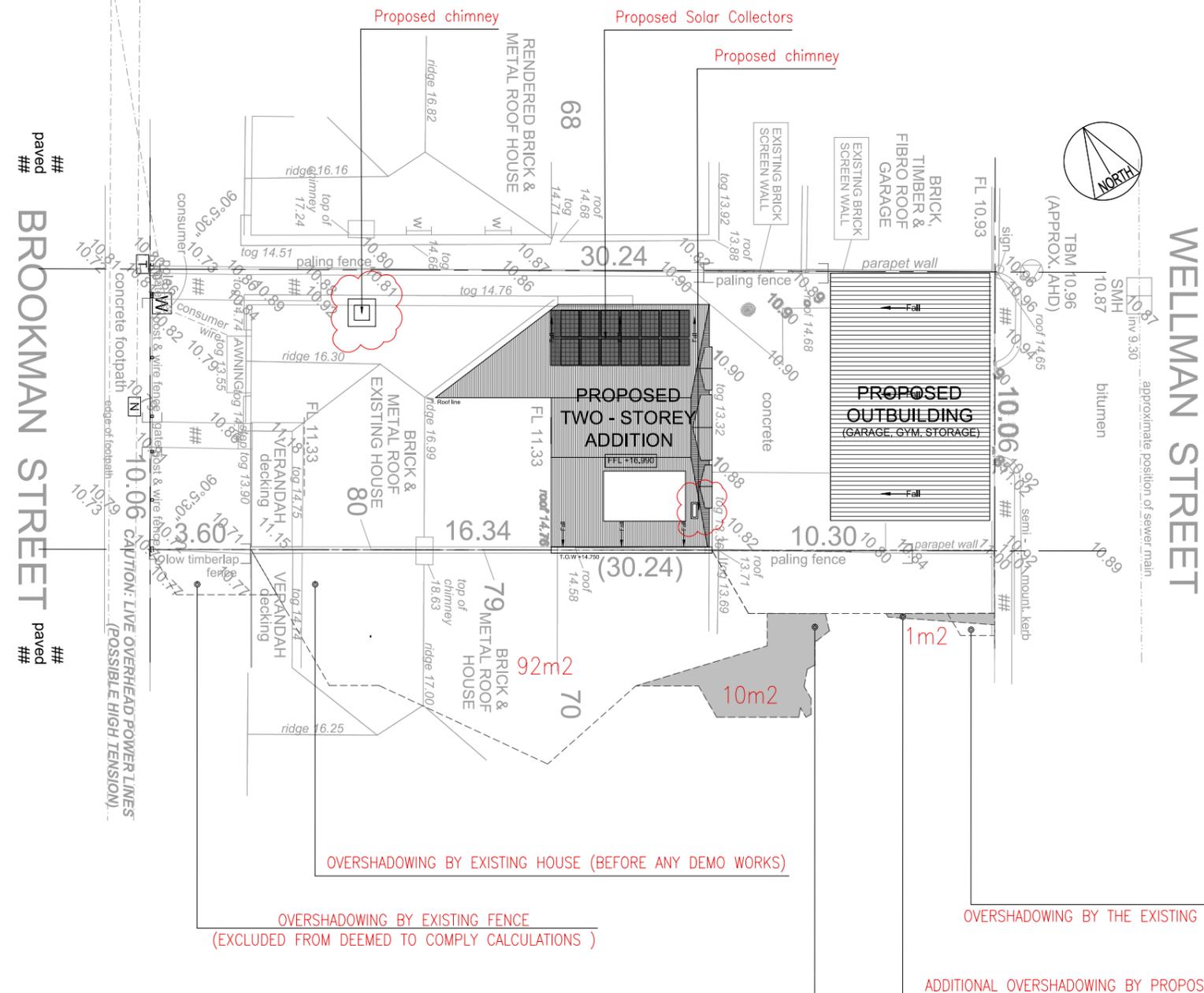
CITY OF VINCENT
DA No. 5.2022.223.1

OMC 16 May 2023

REFUSED
Refer to Decision Notice

Coordinator Planning Services

NOTE:
DRAWINGS HAVE BEEN PREPARED TO INDICATED SCALES
AT A3 SIZE. PRINTING AND COPYING CAN DISTORT
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DRAWINGS TO OBTAIN SIZES AND QUANTITIES.



REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION
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DOCUMENTATION BY:
LINES & DESIGNS

ARCHITECT

CLIENT
**Mr. Peter Arnell
and
Mrs. Helen Arnell**

PROJECT
**PROPOSED HOUSE EXTENSION
AND CARPARK**
12 Brookman Street, Perth, WA 6000

PROPOSED SITE PLAN

DRAWN	APPROVED	REDUCTION
SCALE	DATE	0 25
1:200	30.03.2023	
PROJECT No.	DRAWING No.	REV. F

CITY OF VINCENT
RECEIVED
14 April 2023

CITY OF VINCENT
DA No. 5.2022.223.1

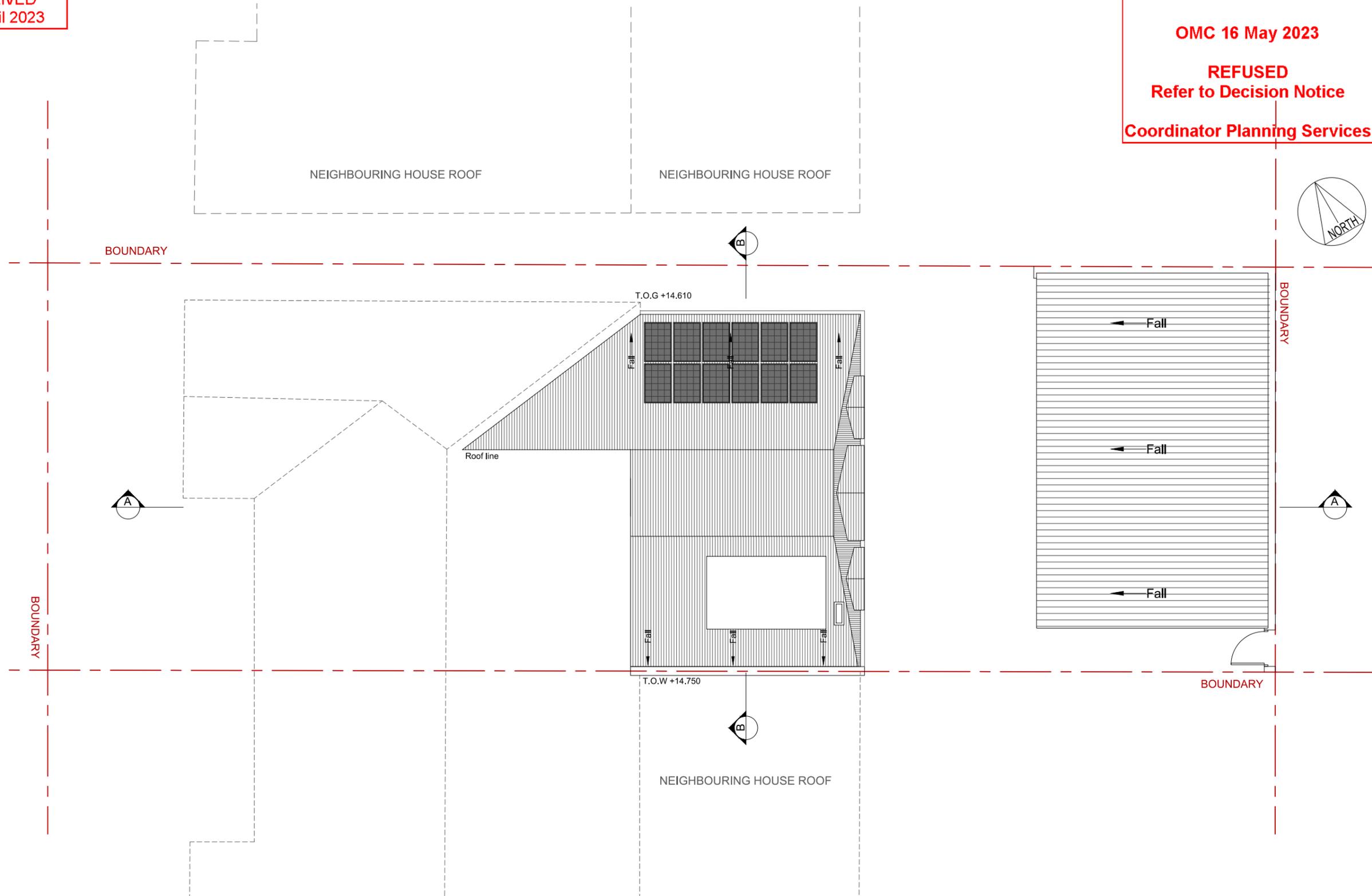
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AREAS:
GROUND FLOOR AREA= 98 m²
UPPER FLOOR AREA= 84 m²
TOTAL AREA= 182 m²



REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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PROPOSED ROOF FLOOR PLAN

DRAWN	APPROVED	REDUCTION
SCALE	DATE	0 25
1:100	13.04.2023	
PROJECT No.	DRAWING No.	REV. H

CITY OF VINCENT
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14 April 2023

CITY OF VINCENT
DA No. 5.2022.223.1

OMC 16 May 2023

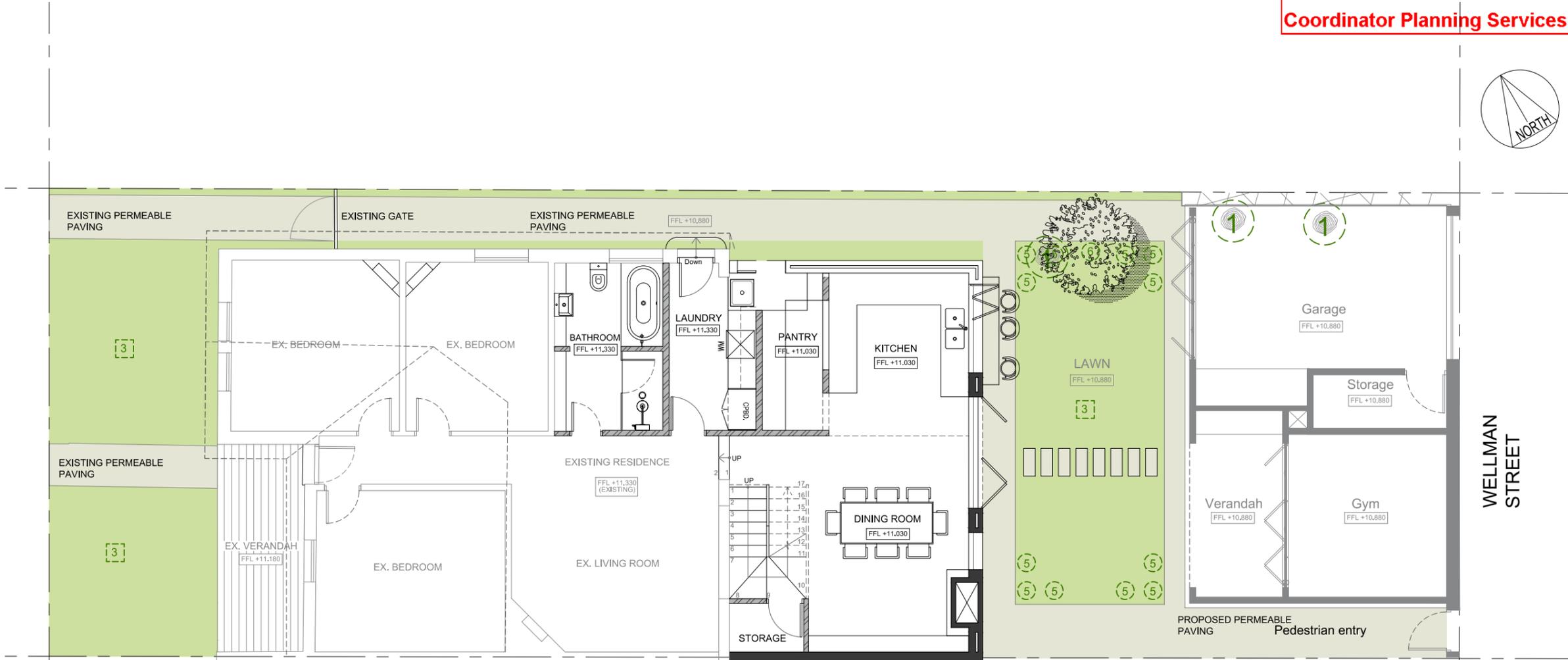
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BROOKMAN
STREET

WELLMAN
STREET



- LEGEND:**
- ① EXISTING TREE STUMPS REMOVED (3 stumps)
 - ② EXISTING SHRUBS
 - ③ LAWN
 - ④ PROPOSED FRANGIPANI
 - ⑤ PROPOSED VIBURNUM HEDGE
 - ⑥ PROPOSED LEMON TREE

NOTE:
THE EXISTING LAWN AT FRONT OF THE HOUSE IS TO BE RETAINED, AND THE LAWN IN THE BACKYARD IS TO BE INSTATED AFTER COMPLETION OF BUILDING WORKS.

REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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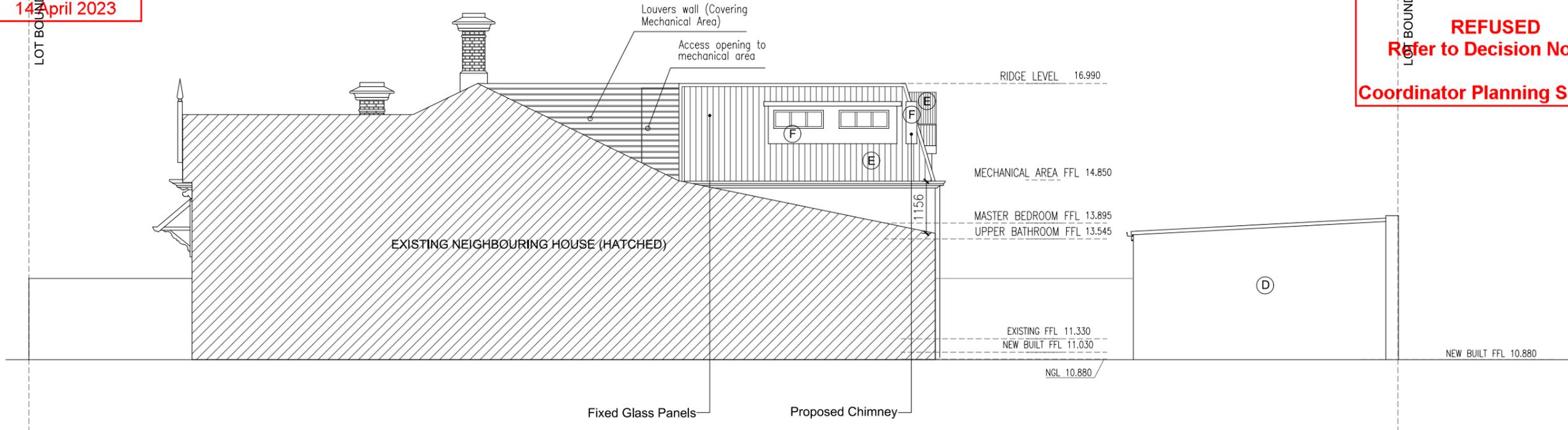
PROJECT
PROPOSED HOUSE EXTENSION AND CARPARK
12 Brookman Street, Perth, WA 6000
PROPOSED LANDSCAPE PLAN

DRAWN	APPROVED	REDUCTION
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PROJECT No.	DRAWING No.	REV. H

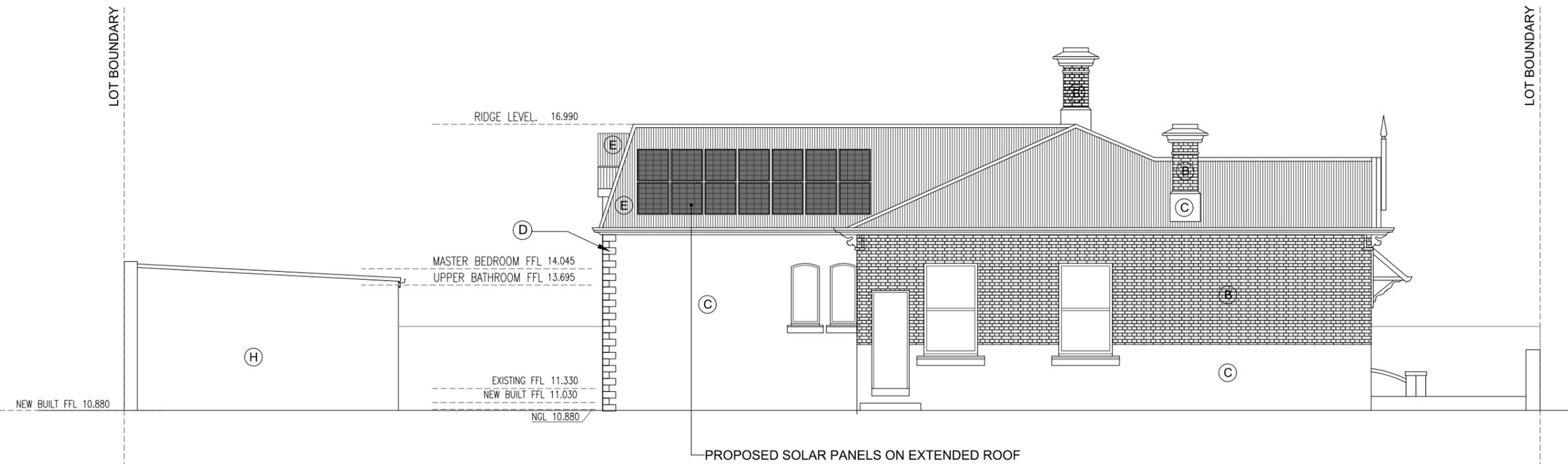
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SOUTH ELEVATION
SCALE 1:100



NORTH ELEVATION
SCALE 1:100

FINISHES SCHEDULE:

- (A) EXISTING CORRUGATED ROOF (LIGHT GREY COLOUR)
- (B) EXISTING BRICKWORK (HERITAGE RED COLOUR)
- (C) EXISTING PAINTED RENDER (OFF-WHITE COLOUR)
- (D) PROPOSED LIMESTONE CLADDING
- (E) PROPOSED CORRUGATED ROOF SHEET (LIGHT GREY COLOUR TO MATCH EXISTING ROOF SHEET)
- (F) PROPOSED PAINTED RENDER (COLOUR TO MATCH EXISTING PAINTED RENDER)
- (G) PROPOSED TIMBER WINDOW FRAMES AND DOORS (NATURAL TIMBER COLOUR)
- (H) PROPOSED BRICKWORK (HERITAGE RED COLOUR)



REV	DATE	DESCRIPTION	BY
E	28/01/2023	replaced limestone with render on North Elev	HM

DEVELOPMENT APPLICATION

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ARCHITECT

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PROJECT
**PROPOSED HOUSE EXTENSION
AND CARPARK**
12 Brookman Street, Perth, WA 6000

ELEVATIONS

DRAWN	APPROVED	REDUCTION
SCALE	DATE	0 25
1:100	13.04.2023	
PROJECT No.	DRAWING No.	REV.
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CITY OF VINCENT
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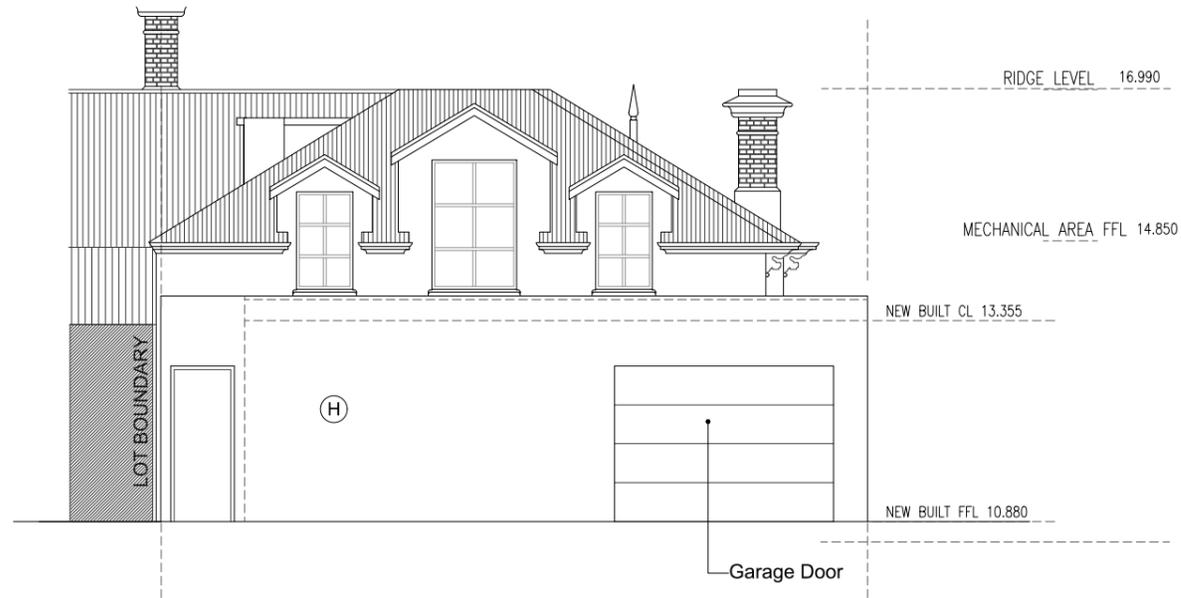
CITY OF VINCENT
DA No. 5.2022.223.1

OMC 16 May 2023

REFUSED
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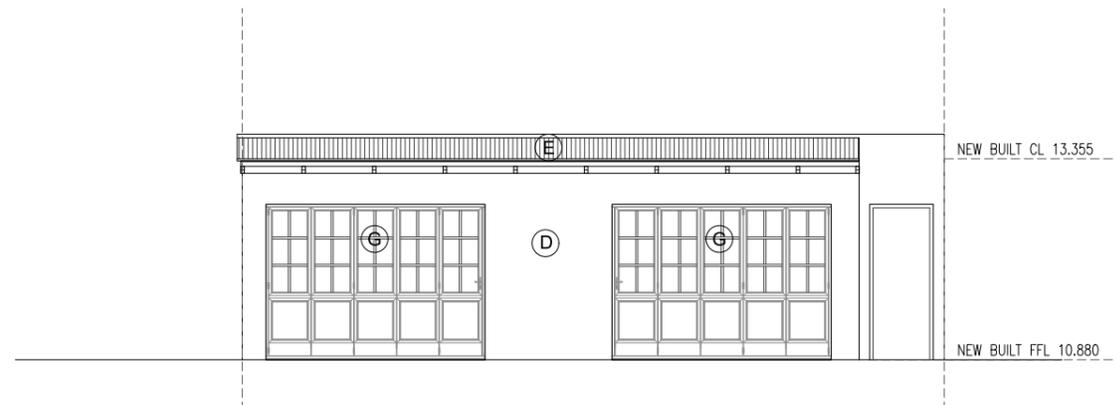
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OUTBUILDING EAST ELEVATION
SCALE 1:100

FINISHES SCHEDULE:

- (A) EXISTING CORRUGATED ROOF (LIGHT GREY COLOUR)
- (B) EXISTING BRICKWORK (HERITAGE RED COLOUR)
- (C) EXISTING PAINTED RENDER (OFF-WHITE COLOUR)
- (D) PROPOSED NATURAL LIMESTONE CLADDING 30MM THICK VENEER (BEIGE COLOUR)
- (E) PROPOSED CORRUGATED ROOF SHEET (LIGHT GREY COLOUR TO MATCH EXISTING ROOF SHEET)
- (F) PROPOSED PAINTED RENDER (COLOUR TO MATCH EXISTING PAINTED RENDER)
- (G) PROPOSED TIMBER WINDOW FRAMES AND DOORS (NATURAL TIMBER COLOUR)
- (H) PROPOSED BRICKWORK (Midland Brand-HERITAGE RED COLOUR)



OUTBUILDING WEST ELEVATION
SCALE 1:100

REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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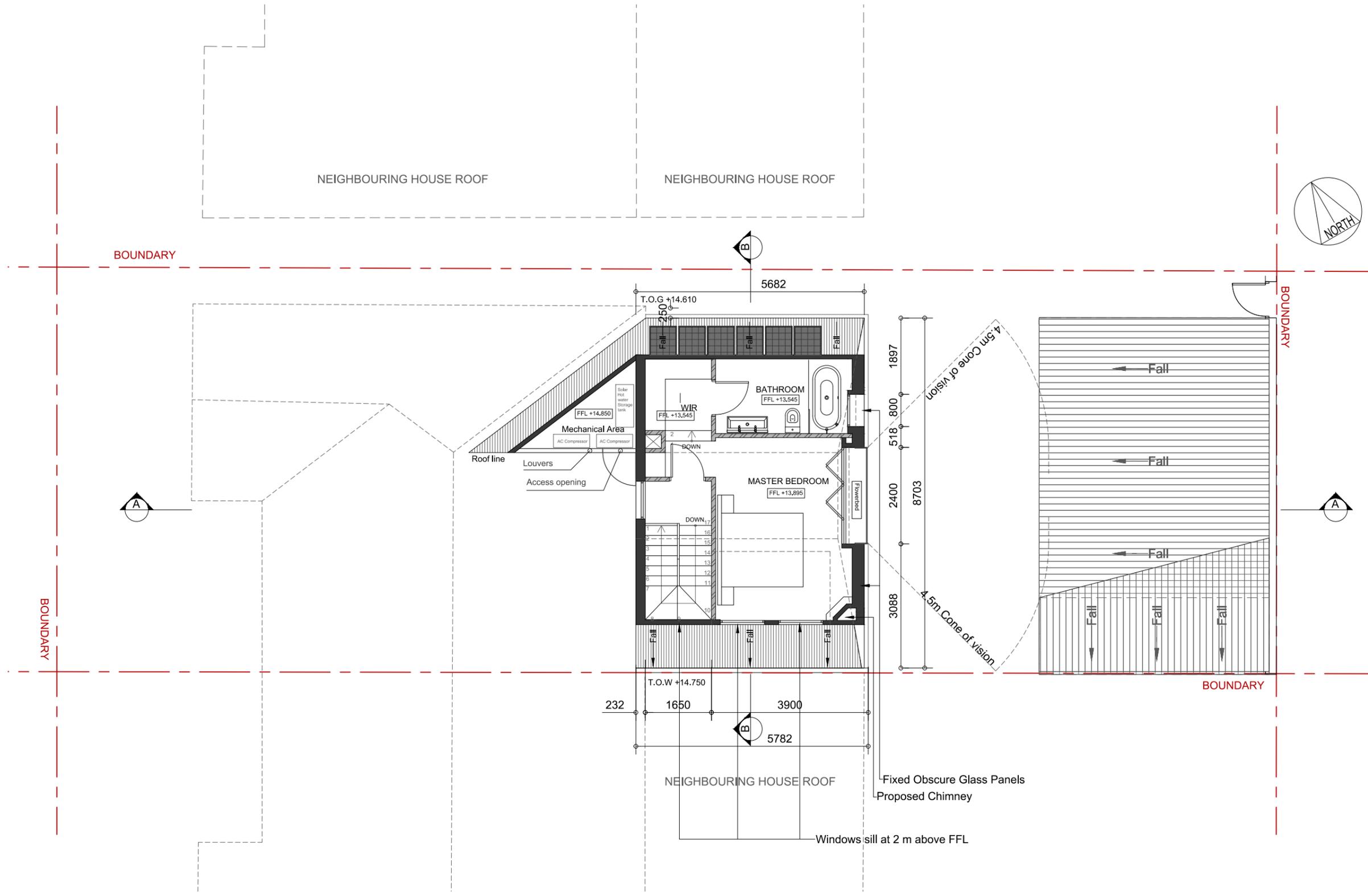
OUTBUILDING ELEVATIONS

DRAWN	APPROVED	REDUCTION
SCALE	DATE	0 25
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PROJECT No.	DRAWING No.	REV.
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AREAS:

GROUND FLOOR AREA= 98 m²
 UPPER FLOOR AREA= 84 m²
 TOTAL AREA= 182 m²



SUPERSEDED

REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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PROJECT
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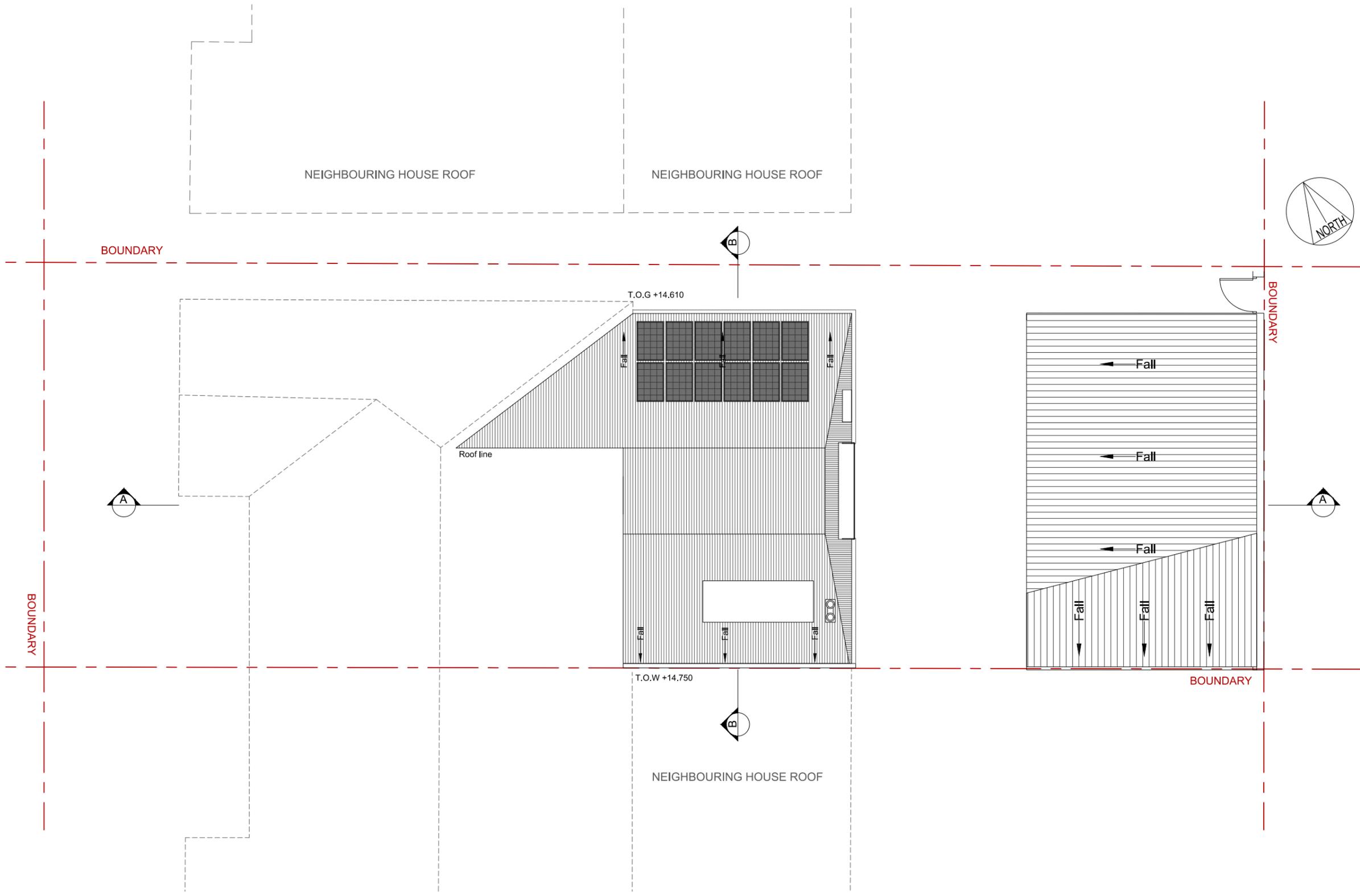
PROPOSED FIRST FLOOR PLAN

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SCALE	DATE	0 25
1:100	08.09.2023	
PROJECT No.	DRAWING No.	REV. K

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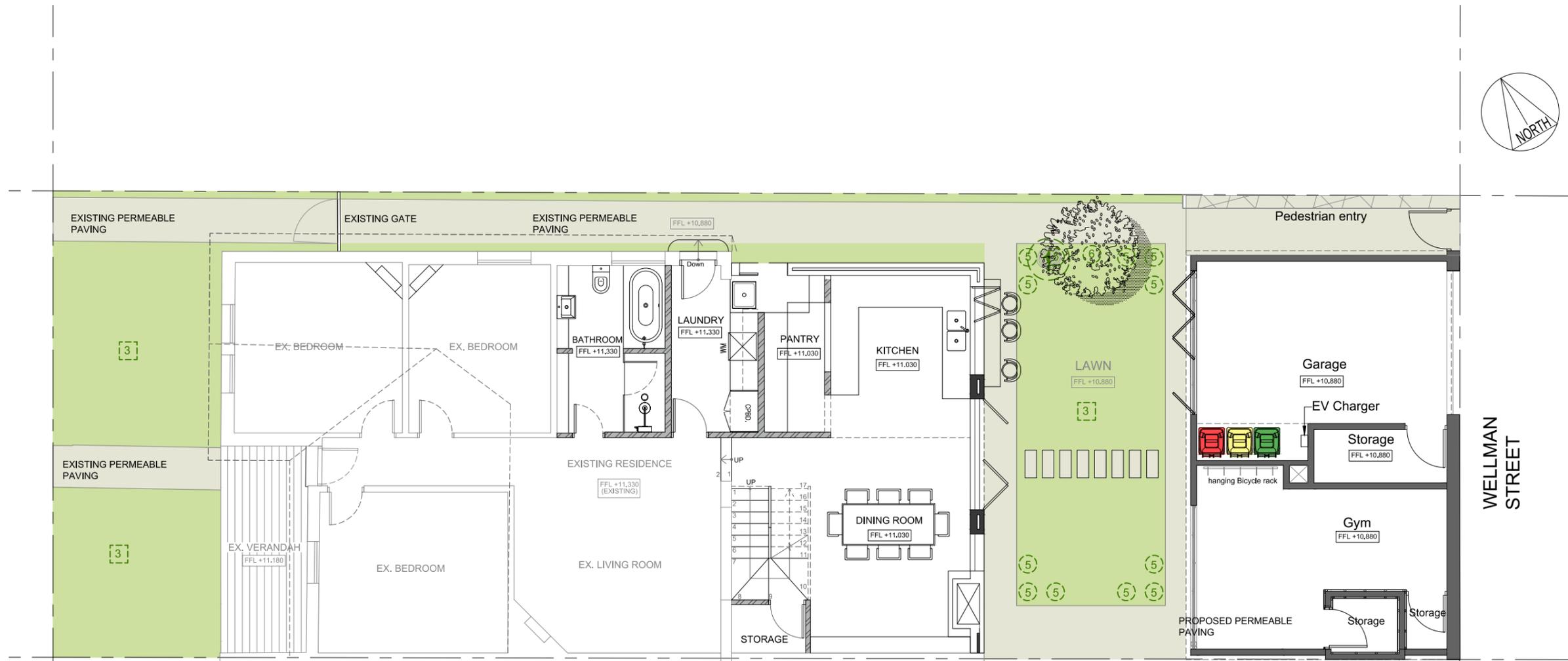
PROJECT
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PROPOSED ROOF FLOOR PLAN

DRAWN	APPROVED	REDUCTION
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BROOKMAN STREET



LEGEND:

- ① EXISTING TREE STUMPS REMOVED (3 stumps)
- ② EXISTING SHRUBS
- ③ LAWN
- ④ PROPOSED FRANGIPANI
- ⑤ PROPOSED VIBURNUM HEDGE
- ⑥ PROPOSED LEMON TREE

NOTE:
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SUPERSEDED

REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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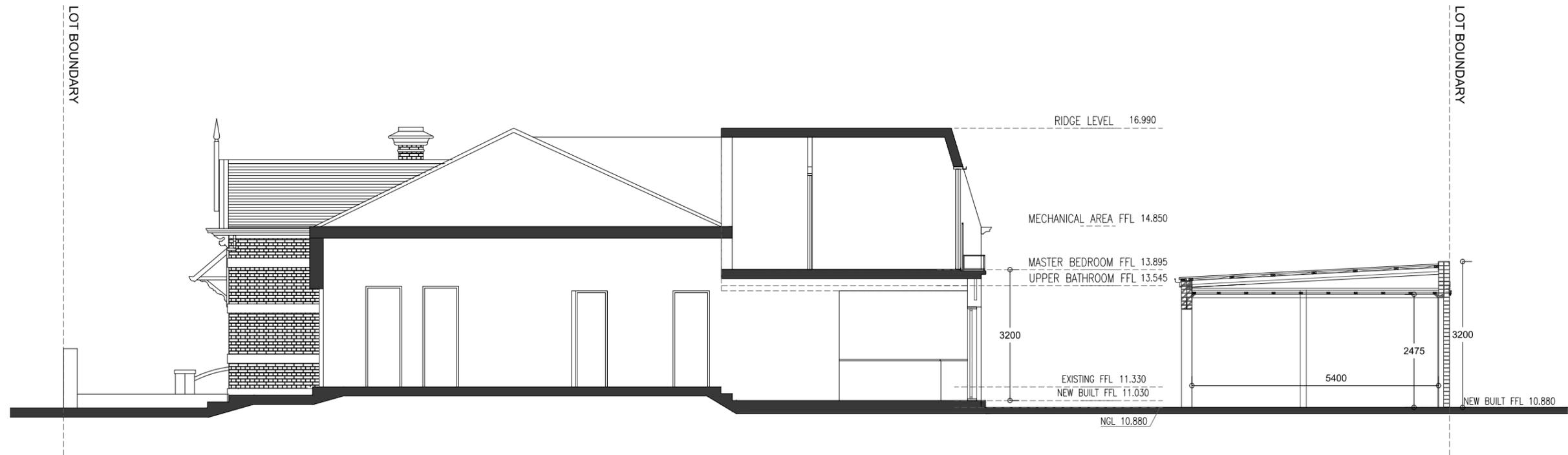
CLIENT
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PROJECT
PROPOSED HOUSE EXTENSION AND CARPARK
12 Brookman Street, Perth, WA 6000

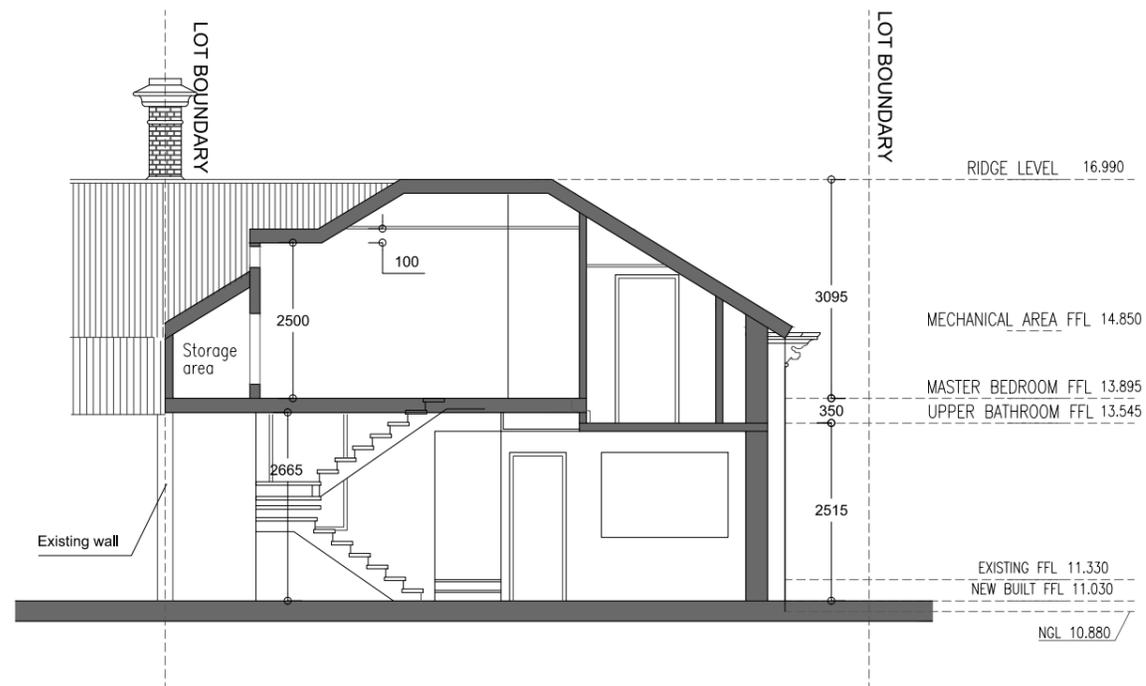
PROPOSED LANDSCAPE PLAN

DRAWN	APPROVED	REDUCTION
SCALE	DATE	0 25
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PROJECT No.	DRAWING No.	REV. K

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SECTION A-A
SCALE 1:100



SUPERSEDED

SECTION B-B
SCALE 1:100

REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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ARCHITECT

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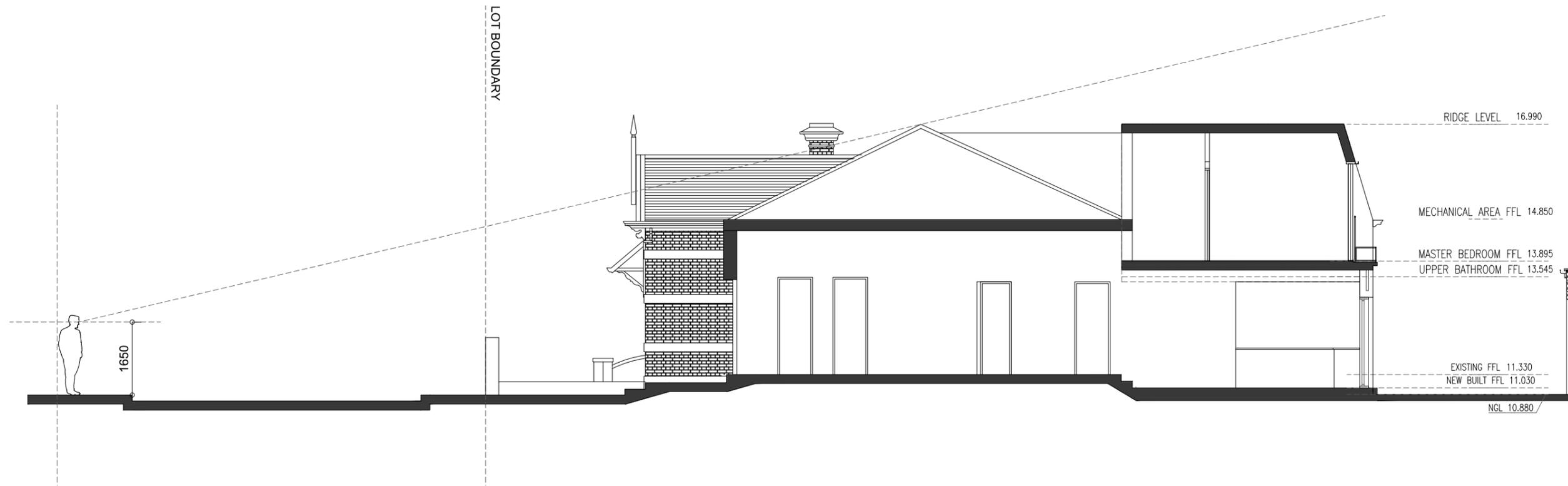
CLIENT
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PROJECT
**PROPOSED HOUSE EXTENSION
AND CARPARK**
12 Brookman Street, Perth, WA 6000

SECTIONS

DRAWN	APPROVED	REDUCTION
SCALE 1:100	DATE 08.09.2023	0 25
PROJECT No.	DRAWING No.	REV. K

NOTE:
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Public Domain View
SCALE 1:100

SUPERSEDED

REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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ARCHITECT

**CITY OF VINCENT
RECEIVED
8 September 2023**

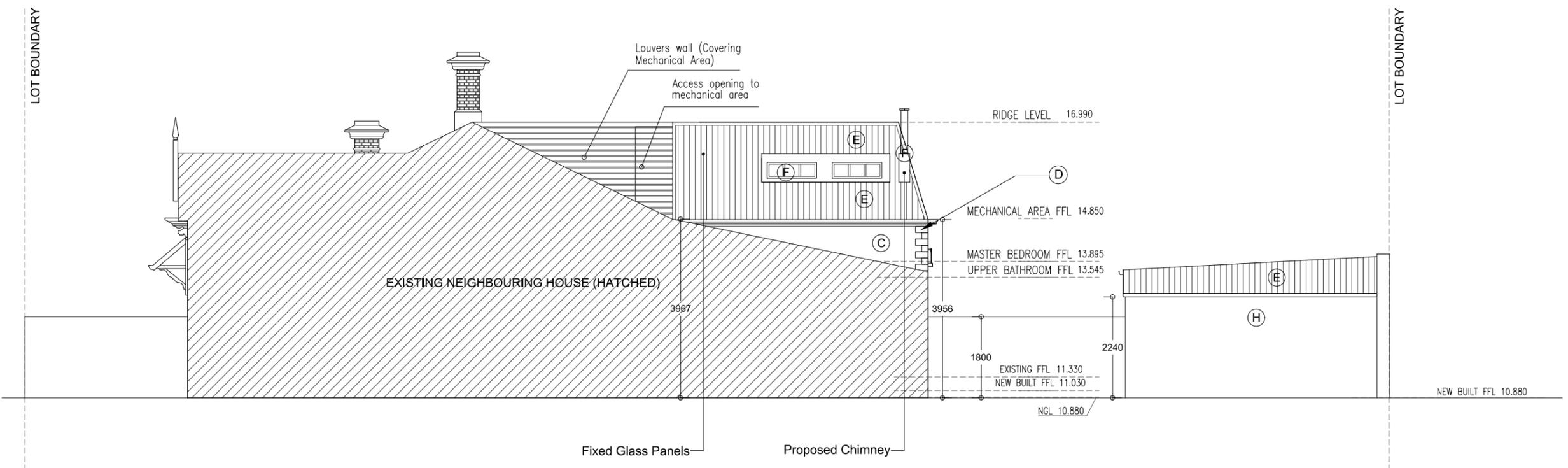
CLIENT
Mr. Peter Arnell
and
Mrs. Helen Arnell

PROJECT
PROPOSED HOUSE EXTENSION
AND CARPARK
12 Brookman Street, Perth, WA 6000

SECTIONS

DRAWN	APPROVED	REDUCTION
SCALE 1:100	DATE 08.09.2023	0 25
PROJECT No.	DRAWING No.	REV. K

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SOUTH ELEVATION
SCALE 1:100

FINISHES SCHEDULE:

- (A) EXISTING CORRUGATED ROOF (LIGHT GREY COLOUR)
- (B) EXISTING BRICKWORK (HERITAGE RED COLOUR)
- (C) EXISTING PAINTED RENDER (OFF-WHITE COLOUR)
- (D) PROPOSED LIMESTONE CLADDING
- (E) PROPOSED CORRUGATED ROOF SHEET (LIGHT GREY COLOUR TO MATCH EXISTING ROOF SHEET)
- (F) PROPOSED PAINTED RENDER (COLOUR TO MATCH EXISTING PAINTED RENDER)
- (G) PROPOSED TIMBER WINDOW FRAMES AND DOORS (NATURAL TIMBER COLOUR)
- (H) PROPOSED BRICKWORK (HERITAGE RED COLOUR)



REV	DATE	DESCRIPTION	BY
E	28/01/2023	replaced limestone with render on North Elev	HM

DEVELOPMENT APPLICATION

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ARCHITECT

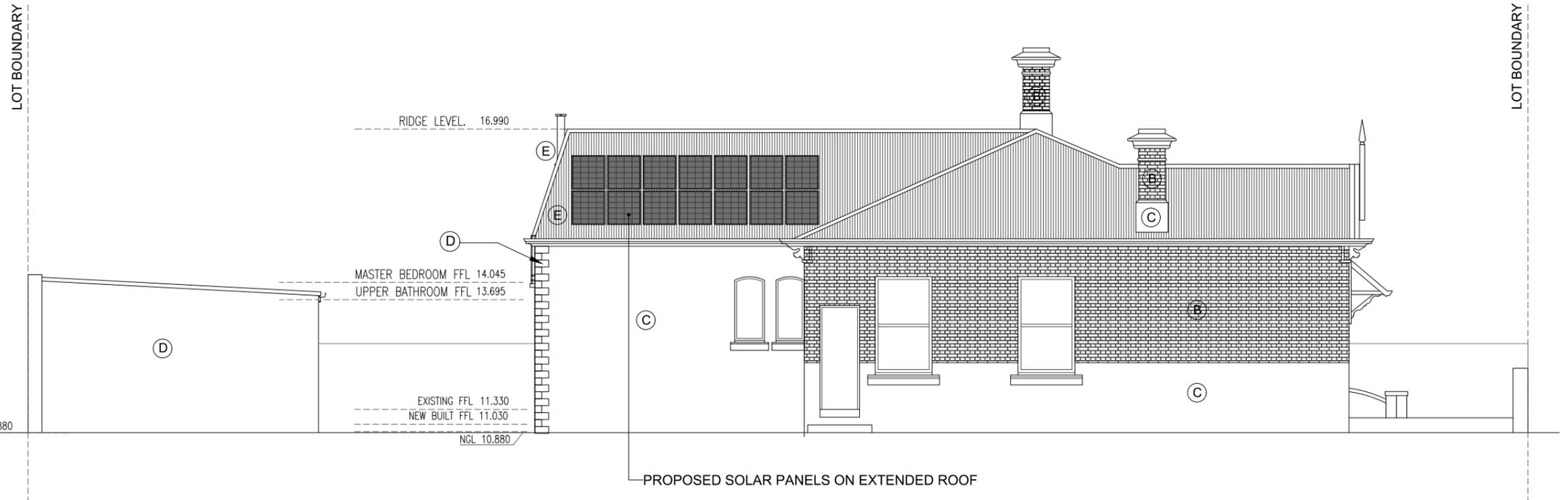
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CLIENT
**Mr. Peter Arnell
and
Mrs. Helen Arnell**

PROJECT
**PROPOSED HOUSE EXTENSION
AND CARPARK**
12 Brookman Street, Perth, WA 6000

ELEVATIONS

DRAWN	APPROVED	REDUCTION
SCALE 1:100	DATE 08.09.2023	0 25
PROJECT No.	DRAWING No.	REV. K



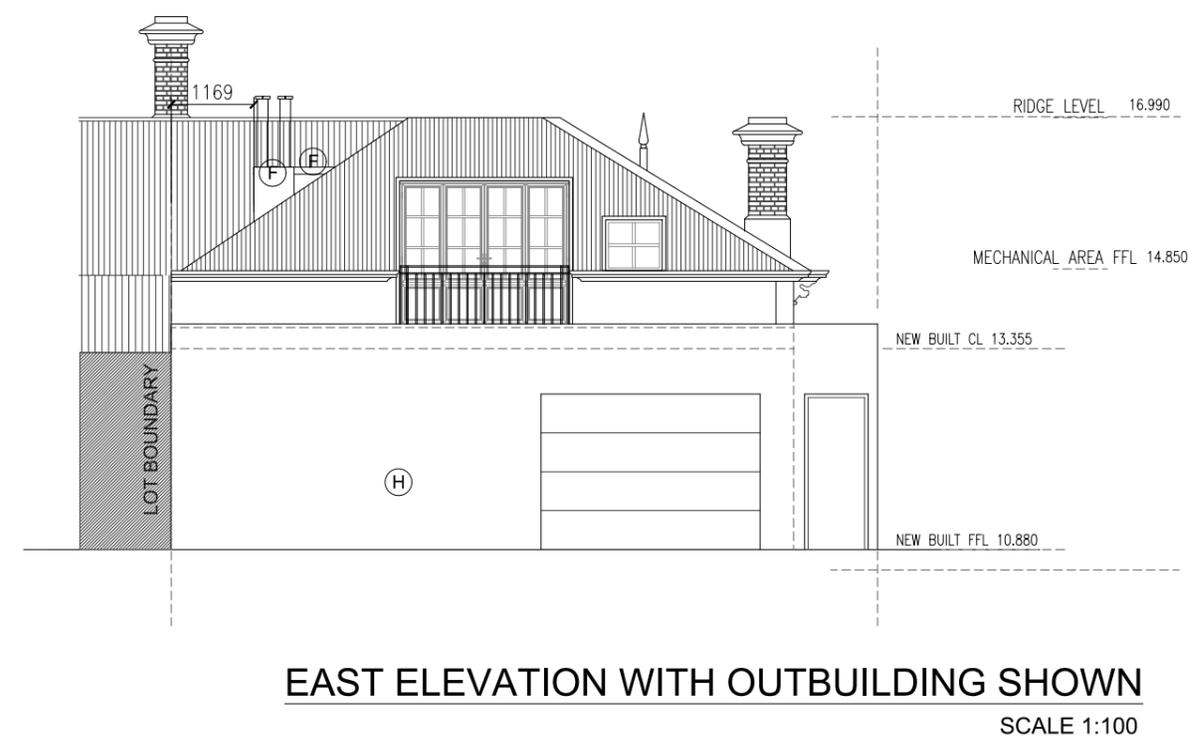
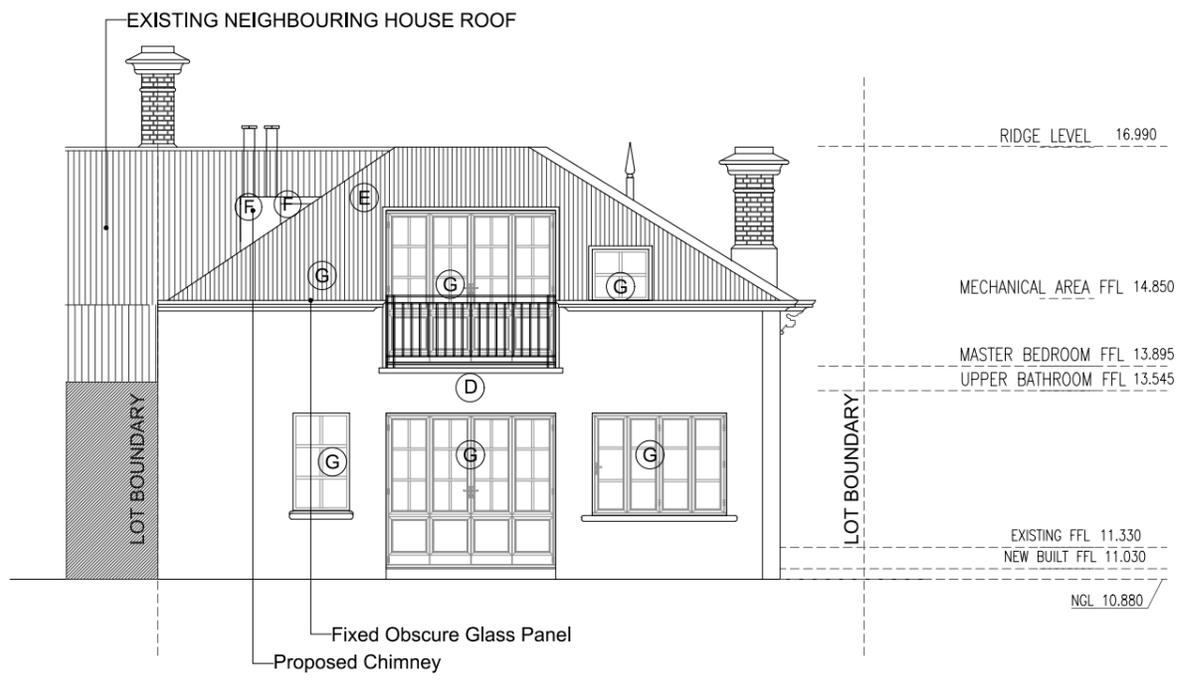
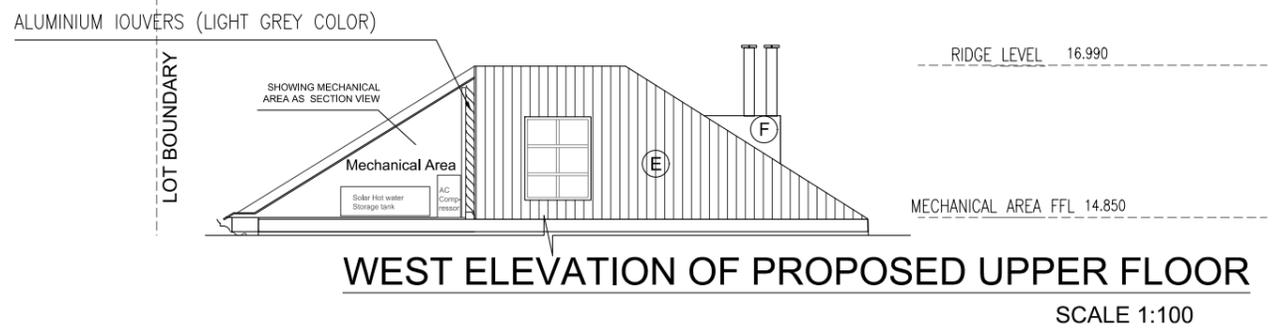
NORTH ELEVATION
SCALE 1:100

SUPERSEDED

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FINISHES SCHEDULE:

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- (B) EXISTING BRICKWORK (HERITAGE RED COLOUR)
- (C) EXISTING PAINTED RENDER (OFF-WHITE COLOUR)
- (D) PROPOSED NATURAL LIMESTONE CLADDING 30MM THICK VENEER (BEIGE COLOUR)
- (E) PROPOSED CORRUGATED ROOF SHEET (LIGHT GREY COLOUR TO MATCH EXISTING ROOF SHEET)
- (F) PROPOSED PAINTED RENDER (COLOUR TO MATCH EXISTING PAINTED RENDER)
- (G) PROPOSED TIMBER WINDOW FRAMES AND DOORS (NATURAL TIMBER COLOUR)
- (H) PROPOSED BRICKWORK (Midland Brand-HERITAGE RED COLOUR)



SUPERSEDED

REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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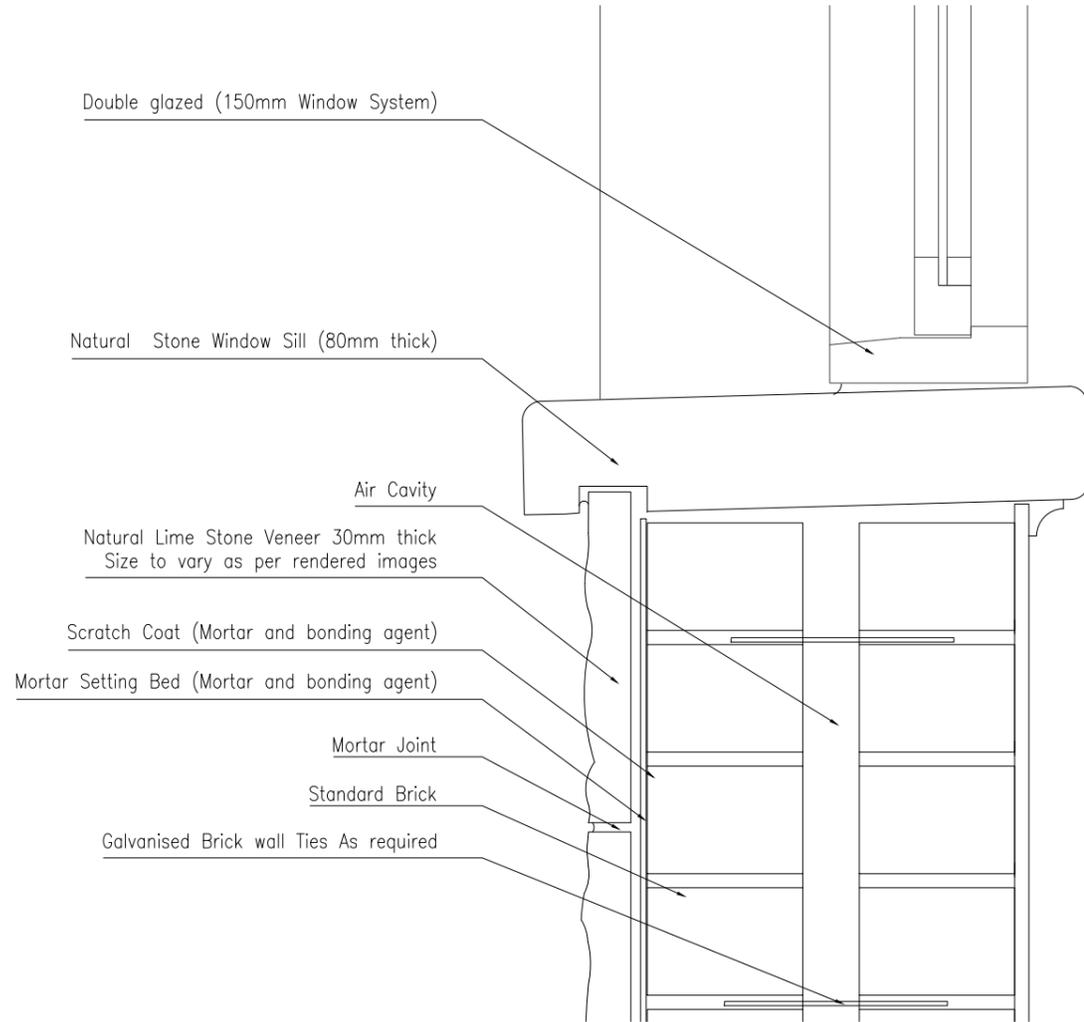
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PROJECT
PROPOSED HOUSE EXTENSION AND CARPARK
12 Brookman Street, Perth, WA 6000

ELEVATIONS

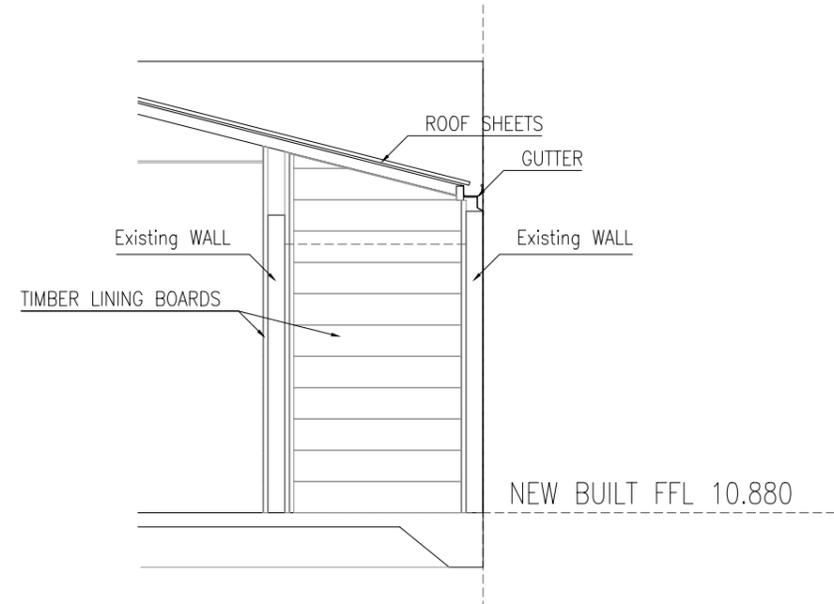
DRAWN	APPROVED	REDUCTION
SCALE	DATE	0 25
1:100	08.09.2023	
PROJECT No.	DRAWING No.	REV. K

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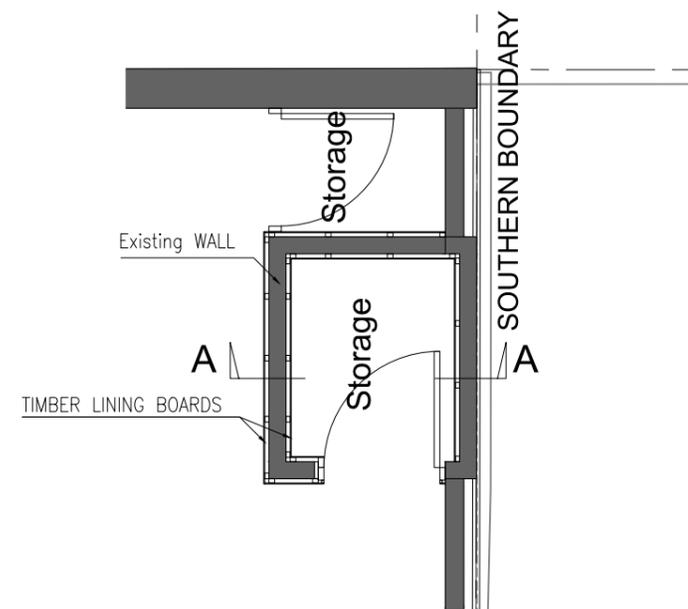


Lime Stone Cladding Detail
Scale 1/5

SUPERSEDED



Section A-A Through WC (OUTBUILDING)
SCALE 1:50



PLAN VIEW OF WC (OUTBUILDING)
SCALE 1:50

FINISHES SCHEDULE:

REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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DOCUMENTATION BY:



ARCHITECT

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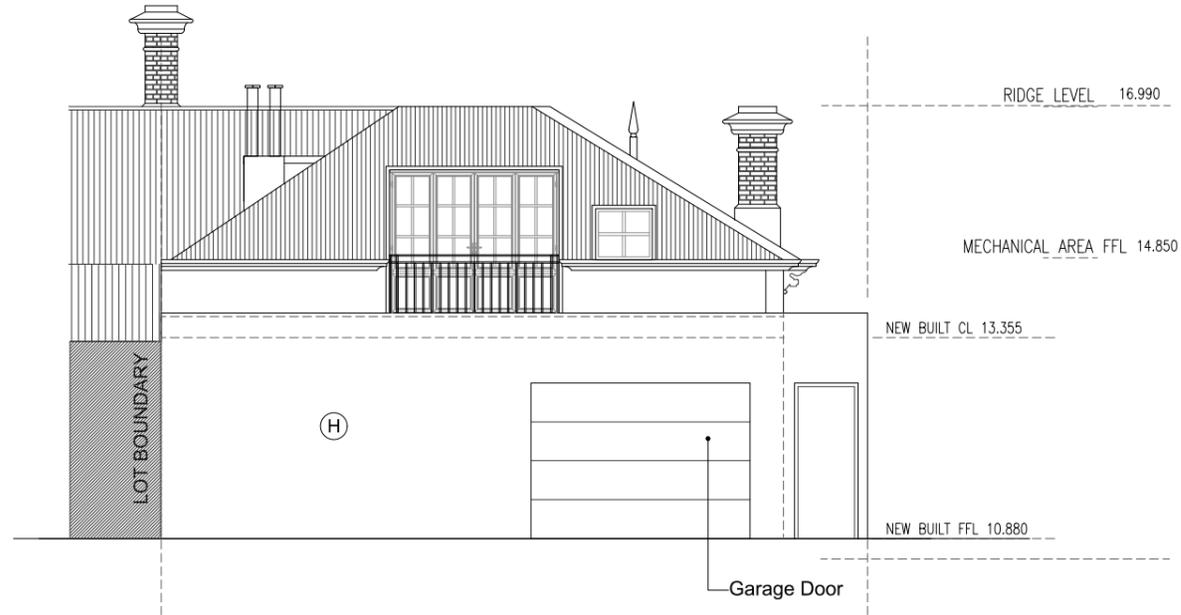
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Mr. Peter Arnell
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PROPOSED HOUSE EXTENSION
AND CARPARK
12 Brookman Street, Perth, WA 6000

Lime Stone Cladding Detail

DRAWN	APPROVED	REDUCTION
SCALE	DATE	0 25
1:100	08.09.2023	
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OUTBUILDING EAST ELEVATION

SCALE 1:100

FINISHES SCHEDULE:

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REV	DATE	DESCRIPTION	BY

DEVELOPMENT APPLICATION

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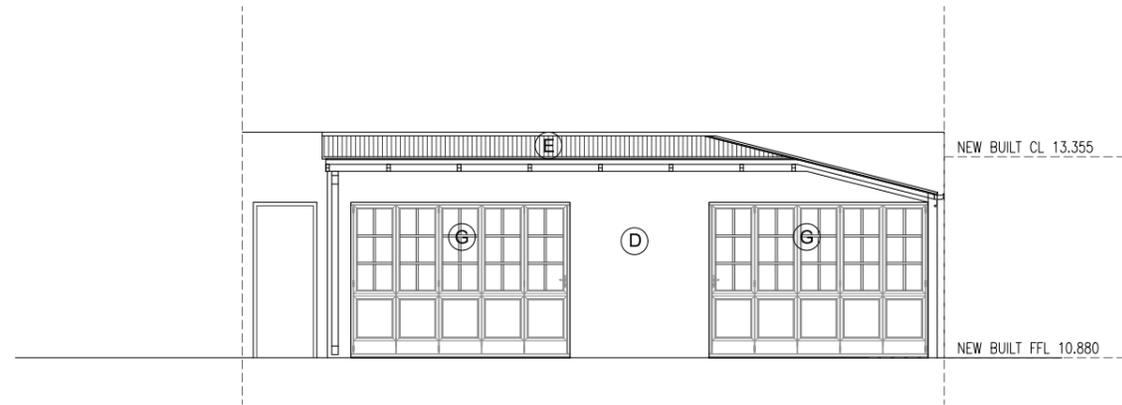
ARCHITECT

**CITY OF VINCENT
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**Mr. Peter Arnell
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PROJECT
**PROPOSED HOUSE EXTENSION
AND CARPARK**
12 Brookman Street, Perth, WA 6000

OUTBUILDING ELEVATIONS



OUTBUILDING WEST ELEVATION

SCALE 1:100

SUPERSEDED

DRAWN	APPROVED	REDUCTION
SCALE	DATE	0 25
1:100	08.09.2023	
PROJECT No.	DRAWING No.	REV. K

Summary of Submissions:

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

Second Round of Consultation	
Comments Received in Objection:	Applicant Comment:
<p><u>Lot boundary walls</u></p> <ul style="list-style-type: none"> The boundary walls result in excessive bulk to North east and South West The replacement of the fence with boundary walls would restrict sun into adjoining properties and would trap excessive heat with their mass; The building bulk and density does not fit with the heritage precinct and creates a precedent for further eroding the heritage values of the precinct. 	<ol style="list-style-type: none"> The north boundary wall is existing, the south wall is being replaced to the same height, and the east wall will be only slightly larger to accommodate the skillion roof. The walls will have no more impact on the neighbours than they already do and will not impact the sun in the yard. The bulk and density are in line with current council guidelines for the heritage area.
<p><u>Streetscape</u></p> <p>The proposed 3.2 metre high wall to Wellman Street does not contribute to the streetscape;</p>	<p>Wellman Street is a retail and storage street and not a residential street. The proposed wall is in keeping with the other facades in Wellman St.</p>
<p><u>Visual Privacy</u></p> <p>At present there is maximum privacy to the adjoining properties.</p>	<p>Maximum Privacy is maintained as per the Heritage Guidelines</p>
<p><u>Heritage</u></p> <ul style="list-style-type: none"> This application is an example of overdevelopment in this important Federal and State heritage listed precinct which detracts from the character of the area as 'workers cottages'. The development is not in keeping with our modest single story heritage precinct. Many owners, past and present, have made considerable sacrifice to keep this area as it is known and even recognised by UNESCO. Demolition of the rear toilet should not be permitted on heritage grounds. 	<ol style="list-style-type: none"> The Renovations are in line with the heritage guidelines for the area. They cannot be seen from the heritage public space. (Brookman, Forbes & Robinson) There are already two other examples of double-storey houses on Brookman and Moir Streets. The rear toilet is not being demolished.

Summary of Submissions:

Second Round of Consultation	
Comments Received in Objection:	Applicant Comment:
<p><u>Other:</u></p> <ul style="list-style-type: none"> I am not the first owner, and certainly not the first resident to have loved my house in this incredibly unique area over its 126 year history. i am proud to be but a custodian and thank my lucky stars every day i am here. If i look back over time, when this area was not so desirable, those of us here loved it for what it was, not what we wanted to change it into. If people want to build extra buildings in their back gardens, the whole of the rest of Perth is available, our heritage precinct is special, that is why we bought there, we want to preserve it for future generations. It is well documented that the Moir/Brookman Precinct is underlain by peat and is prone to house cracking when this peat bed dries out. This has led to a previous Class Action by residents against Main Roads in 1997 due to dewatering actions for the Northbridge Tunnel. Precipitation needs to be absorbed into the soil (and thus to the peat bed), the more built-up the precinct becomes, the more run off occurs and the less absorption takes place. This runoff has the compounding effect of drying out the peat bed and causing the houses to crack. This was well documented in the Class Action process. The City needs a policy on this and rejecting this application would be a great place to start. 	<ol style="list-style-type: none"> Most houses in the precinct were first renovated in the 1920s with the addition of a kitchen. Then in the 1940s, with the addition of laundries. Again, in the 1980s-90s or early 2000s, they kept their living space at the rear contemporary. All the houses in the area are and have consistently been renovated as part of their histories. No comment I'm not certain if I am to blame for houses in the street cracking due to de-watering.

First Round of Consultation	
Comments Received in Support:	Applicant Comment:
<p><u>General</u></p> <ul style="list-style-type: none"> The houses in Brookman/Moir were designed and built in a different era and many aspects are not fit-for-purpose for modern living, especially when the needs of a family residence are considered with many people working from home. Note that the existing property has never been compliant with R25 development standards which were established after the Brookman/Moir properties were built. Multiple developments have been approved that 	<p>The Proposed design was developed and amended per the several meetings with City of Vincent Planners to reach a point where it can have minimal impact of the neighbours and at the same time can accommodate the current and future livings needs of the</p>

Summary of Submissions:

First Round of Consultation	
Comments Received in Support:	Applicant Comment:
do not meet the deemed-to-comply standards within this precinct. The current proposed development is not unusual or excessive in the proposed additional impact on the neighbour.	owners.
<u>Street Setback</u> <ul style="list-style-type: none"> Support the proposed nil setback for the garage/gym to Wellman Street due to it acting as a service lane for commercial properties. Consider the proposed setback would not negatively impact the amenity of Wellman Street 	
<u>Heritage Guidelines</u> <ul style="list-style-type: none"> Consider that the proposal doesn't impact heritage value of the Brookman/Moir precinct. Support reinstatement of chimney to the original dwelling. Express support for the respect shown to the original heritage dwelling. 	
<u>Design</u> <ul style="list-style-type: none"> Express support for two-storey development within the precinct, especially on properties adjoining Wellman Street. Extension of the existing structure with a 2-storey addition at the rear is the logical way to increase living space whilst maintaining a reasonable amount of garden area, and not impact the heritage visual elements of the streetscape. Support the provision of off-street carparking to reduce on-street parking demand. 	
<u>Sustainability</u> <ul style="list-style-type: none"> Support installation of solar panels and car charger which would assist in achieving the City's renewable energy objectives. Consider that the location of the proposed solar panels is suitable and unobtrusive. 	
<u>Visual Privacy</u> <ul style="list-style-type: none"> Privacy has been carefully considered through the use of window positioning and screening. 	
<u>Demolition</u> <ul style="list-style-type: none"> Support proposed demolition of rear water closet structure which does not have heritage value 	

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<p><u>Street Setbacks</u></p> <ul style="list-style-type: none"> Express concern with proposed setback to Wellman Street resulting in excessive bulk and lack of views of garden space impacting streetscape character. The proposal should be required to set back the wall from Wellman Street as was required for a previous development to Wellman Street. Consider that the proposed setback would not be consistent with the heritage guidelines which include the strengthening of rear settings of the dwellings to become more compatible with the heritage significance of the area. 	<p>The Proposed design has already been amended to take the community and City of Vincent planners' concerns into consideration. What was considered as an excessive bulk on the back of the lot is now changed. The current proposal is sympathetic and only replacing the existing structure</p> <p>The conversations with the Heritage council stated that there were no heritage issues or with the rear of the house.</p>
<p><u>Lot Boundary Setbacks</u></p> <ul style="list-style-type: none"> The proposed setback to southern lot boundary would result in the presentation of excessive bulk. The proposed height of the boundary wall to the gym/garage would result in additional overshadowing to the south as well as presentation of bulk. 	<p>As mentioned previously (The Proposed design has already been amended to take the community and City of Vincent planners' concerns into consideration. What was considered as an excessive bulk on the back of the lot is now changed. The current proposal is sympathetic and only replacing the existing structure).</p> <p>The Height of the Boundary wall is now changed and is already lower . And the proposed rear garage and gym have already been amended to have negligible impact on neighbours (<u>Less than 1m2 of overshadowing</u>)</p>
<p><u>Garage Width</u></p> <ul style="list-style-type: none"> The combined width of the garage and gym far exceeds the 50% permitted. 	<p>The currently proposed rear garage and gym design is only replacing the existing structure</p>
<p><u>Street Walls and Fences</u></p> <ul style="list-style-type: none"> The proposed fence to Wellman street would be too large and imposing and would not be in keeping with the streetscape. 	<p>As mentioned previously (The Proposed design has already been amended to take the community and City of Vincent planners' concerns into consideration. What was considered as an excessive bulk on the back of the lot is now changed. The current proposal is sympathetic and only replacing the existing structure).</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> Express concerns about the lack of trees and landscaping provided by proposed development which would not contribute to the City's sustainability initiatives. 	<p>The Current Proposal now suggests introducing an evergreen tree (Citrus tree) to the internal garden closer to the northern side of the property (No Overshadowing to neighbours) along with a lawn area that covers most of the open space.</p>

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<ul style="list-style-type: none"> The proposal could have considered a small roof garden on the garage/gym. The proposed landscaping of paving and lawn contributes little to biomass or biodiversity to the area. Express concern about the reduction of green space which is crucial to continuing to be able to live in this area. 	
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> Proposal would impact the adjoining property's privacy. 	<p>The Current Proposal has already taken the privacy of the adjoining properties into consideration. All openings that are proposed follow and comply with the design guidelines.</p>
<p><u>Open Space</u></p> <ul style="list-style-type: none"> The proposal would result in a further reduction of open space which is important to the visual cohesion of the precinct and contributing to the limitation of the urban heat island. Reduced open space would impact water infiltration which may affect stability of peat soil. 	<p>The Current Proposal has already been amended to reduce the amount of built space. The required extra living space is proposed to be added vertically to maintain the current open space.</p>
<p><u>Overshadowing</u></p> <ul style="list-style-type: none"> The proposed overshadowing is likely to have a significant negative impact on the use and value of the adjoining property to the south. We would be concerned if the City was willing to set a precedent for permitting this level of overshadowing in the area. The existing houses can be dark and are affected by damp which would be impacted by the proposed overshadowing. The proposed overshadowing (44.7%) would diminish the sunlight and air to the neighbouring property's outdoor living area and their solar access from the north. It is important that all houses in the precinct have equal opportunity to make use of natural sunlight in outdoor living spaces for the health and wellbeing of occupants and for effective solar access. The proposal would cast shadow over adjacent buildings and limit the potential for effective residential solar power. 	<p>This Concern was taken into consideration and the current revised set of drawings shows that the amount of overshadowing is significantly reduced.</p> <p>Ventilation and introduction of natural light have both been very well addressed in the proposed design.</p> <p>This Concern was addressed and the overshadowing is now significantly reduced. Also noting that the majority of the overshadowing is from the common wall and fence with the neighbouring Property.</p> <p>The design will have minimal to no impact on the solar electric generation of the adjoining property. The overshadowing is not affecting the roof space of the neighbours. Also, as mentioned previously (the majority of the overshadowing is from the common</p>

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<ul style="list-style-type: none"> Proposal would not be consistent with the design guidelines including <i>“Access to sunlight...where already existing should be maintained with particular attention to overshadowing”</i> 	<p>wall and fence with the neighbouring Property)</p>
<p><u>Design</u></p> <ul style="list-style-type: none"> The roof materials would be the same between old and new. The windows and doors would be similar to those of the existing building and the decorative trim and design appears to mimic the character of the existing dwelling. There would be an insufficient contrast between the old and new as is considered acceptable under the design principles and would not be consistent with the principles of the Burra Charter. Express concerns that the two storey development would be visible from the street and would negatively impact the streetscape character. The proposed two-storey development would be disproportionate to the scale of the existing dwelling. Would prefer the form of the build to more closely follow the existing brick and window structures rather than that proposed. The proposed bulk, scale, proportion, wall materials and detailing do not appropriately interpret the heritage significance of the place in a contemporary way. The proposed dormers and upper floor windows would not be in keeping with the simple form of the original dwelling. 	<p>The Proposed design and finish materials were amended and the current design has already been reviewed and approved by the Heritage Council of WA</p> <p>The Two-story development is proposed as per the design guidelines and has no effect on Brookman Street. It will only be visible from Wellman Street that is mostly a service lane and is mostly used to service the back of Brockman Street (car parking entry and rubbish collection) and also serving the back of the commercial properties. This design in our opinion would actually add value to Wellman Street.</p>
<p><u>Heritage Guidelines</u></p> <ul style="list-style-type: none"> The proposal would negatively affect the heritage values of all the properties within the Brookman/Moir Precinct. The existing worker cottages were never two-storey. Two-storey developments are not appropriate within the precinct and detracts from the authenticity of the precinct. The proposal would significantly alter the heritage character of the area and would detract from the homogeneity of the visual character of the area. Concern that the proposal would set a precedent for similar applications in the heritage precinct so that the precinct will gradually lose its inherent character. The over-development at the rear of the site would mean that the original outhouse would its historical context. 	<p>As mentioned above (The Proposed design and finish materials were amended and the current design has already been reviewed and approved by the Heritage Council of WA</p> <p>The proposed design is proposing minimal impact on the original house. And the proposed development is mostly on the back of the original residence to maintain its heritage.</p> <p>Moreover the proposed design has suggested reinstating some of the original characters (ex : the missing chimneys) which</p>

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
<ul style="list-style-type: none"> The proposal would not result in “a good conservation outcome and be in harmony with the Brookman and Moir Streets area” and therefore would not satisfy the requirements of the heritage guidelines for the application of discretion. 	
<p><u>Use</u></p> <ul style="list-style-type: none"> Express concern that the proposed gym could become a business with a separate entrance and resulting impact on car parking, noise and amenity. 	<p>The Gym has no direct openings to outside, making it not serving the expressed concern.</p>
<p><u>Construction Concerns</u></p> <ul style="list-style-type: none"> Express concern that the proposal could cause further unanticipated damage to surrounding properties due to the existing unstable ground conditions. Proposed construction would create a disturbance to residents through the implementation of traffic management protocols for the duration of construction time while also introducing risks for damage to property and health. 	<p>The Proposal from our experience should have no impact on the ground conditions of the surrounding.</p> <p>The construction works and deliveries will be using the back street what is mainly used to serve the back of the residential properties, and the size and type of works proposed should not cause lane closure. The construction works will be done during the allowed working hours and in a safe manner</p>
<p><u>Demolition</u></p> <ul style="list-style-type: none"> Object to the proposed demolition of the water closet which is on the site of the traditional water closet. 	<p>The WC on the back is not the original one, this was check by the heritage council that already approved removing it.</p>
<ul style="list-style-type: none"> Express concerns about the demolition of a common wall with 10 Brookman Street, which will adversely affect the heritage of No. 12 Brookman Street property and would impact on the kitchen and laundry of the adjoining property. Due to the unstable ground, there is significant risk of damage/dilapidation to the adjoining property. 	<p>No shared wall with 10 Brookman st is being demolished</p>
<ul style="list-style-type: none"> Do not support proposed demolition works to the proposed rear room including introduction of a new door. 	<p>The rear room is a new addition built by the owner in 2006</p>
<p><u>Sustainability</u> Express concerns about lack of shade structures to Eastern elevation which would result in greater levels of mechanical cooling.</p>	<p>The chosen building materials and light colours (double walls, double glazing, insulated Roofs, reflective material on roof) would assist to reduce the required mechanical cooling.</p>

Summary of Submissions:

Comments Received Expressing Concern:	Applicant Comment
<u>Heritage Impact Statement and Design</u> <ul style="list-style-type: none">Suggest that the heritage impact statement be written by a heritage architect as approved by the Heritage Council of WA and proposal be designed by a reputable design practitioner with relevant experience and skill.	The heritage impact Statement was prepared by as per the Heritage Council Guidelines.
<u>Design</u> <ul style="list-style-type: none">The design appears to overwhelm the existing dwelling.	The addition in on the back of the existing residence and is: (quoting from the Heritage Council Approval letter) <i>the rear addition has been redesigned so that it is not impacting the original residence and is set back slightly to the side elevation so that it is not highly visible from the street. The proposed garage/studio to the rear has been revised so that it is a single storey garage structure.</i> This shows that the current design is not overwhelming
<ul style="list-style-type: none">Consider that the use of painted render to match the existing impacts the ability to differentiate between old and new. Request review of the proposed finish to the northern elevation of the extension due to inconsistency on plans and renders provided.	The choice of materials and colours and also some design elements have already been addressed to reply to this concern.

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

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Summary of Submissions:

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

Comments Received in Support:	Administration Comment:
<p><u>General</u></p> <ul style="list-style-type: none"> The houses in Brookman/Moir were designed and built in a different era and many aspects are not fit-for-purpose for modern living, especially when the needs of a family residence are considered with many people working from home. Note that the existing property has never been compliant with R25 development standards which were established after the Brookman/Moir properties were built. Multiple developments have been approved that do not meet the deemed-to-comply standards within this precinct. The current proposed development is not unusual or excessive in the proposed additional impact on the neighbour. 	<p>The need for redevelopment that responds to both the changing needs of modern living requirements and the unique heritage of the site is reflected in the Brookman and Moir Heritage Area Guidelines.</p> <p>It is acknowledged that the existing dwellings pre-date the establishment of the R Codes. The Deemed-to-Comply standards represent one of two pathways to assessing and determining a planning application; the other being Design Principles. Where a development does not satisfy the Deemed-to-Comply standards, it is required to satisfy the Design Principle.</p> <p>The amended proposal is considered to satisfy the Design Principles of the R Codes because the development has been designed to reduce the extent of overshadowing onto the adjoining property and the presentation of bulk.</p>
<p><u>Street Setback</u></p> <p>Support the proposed nil setback for the garage/gym to Wellman Street due to it acting as a service lane for commercial properties. Consider the proposed setback would not negatively impact the amenity of Wellman Street.</p>	<p>Noted.</p>
<p><u>Heritage Guidelines</u></p> <ul style="list-style-type: none"> Consider that the proposal doesn't impact heritage value of the Brookman/Moir precinct. Support reinstatement of chimney to the original dwelling. Express support for the respect shown to the original heritage dwelling. 	<p>Noted.</p> <p>Noted. This was also supported by the Design Review Panel Member.</p> <p>Noted.</p>
<p><u>Design</u></p> <ul style="list-style-type: none"> Express support for two-storey development within the precinct, especially on properties adjoining Wellman Street. 	<p>Two storey development is permitted under the Brookman and Moir Street Heritage Area Guidelines.</p>

Summary of Submissions:

Comments Received in Support:	Administration Comment:
<ul style="list-style-type: none"> Extension of the existing structure with a 2-storey addition at the rear is the logical way to increase living space whilst maintaining a reasonable amount of garden area, and not impact the heritage visual elements of the streetscape. Support the provision of off-street carparking to reduce on-street parking demand. 	<p>The rear addition would have limited impact on the Brookman Street streetscape because it would be located to the rear of the existing house and would be screened from view from Brookman Street.</p> <p>Noted.</p>
<p><u>Sustainability</u></p> <p>Support installation of solar panels and car charger which would assist in achieving the City's renewable energy objectives. Consider that the location of the proposed solar panels is suitable and unobtrusive.</p>	<p>Noted. The addition of solar panels would assist the City in achieving its Environmentally Sustainable Development objectives. The Solar Panels would be unobtrusively located on the northern elevation of the proposed addition, to the rear of the existing dwelling.</p>
<p><u>Visual Privacy</u></p> <p>Privacy has been carefully considered through the use of window positioning and screening.</p>	<p>Since this comment was made, the development has been modified to include a Juliet balcony to the master bedroom and does not satisfy the Deemed-to-Comply standards of the R Codes. The development satisfies the Design Principles of the R Codes because there would be no direct overlooking of the adjoining properties' active habitable spaces.</p>
<p><u>Demolition</u></p> <p>Support proposed demolition of rear water closet structure which does not have heritage value.</p>	<p>The demolition of the water closet is no longer proposed.</p>
Comments Received in Objection:	Administration Comment:
<p><u>Street Setbacks</u></p> <ul style="list-style-type: none"> Express concern with proposed setback to Wellman Street resulting in excessive bulk and lack of views of garden space impacting streetscape character. The proposed 3.2 metre high wall to Wellman Street does not contribute to the streetscape; The proposal should be required to set back the wall from Wellman Street as was required for a previous development to Wellman Street. 	<p>Wellman Street operates as a service lane for properties abutting Brookman Street. The streetscape is characterised by masonry fences, garages and carports on the western side with nil setbacks predominating. The proposed single storey building with a nil setback is consistent with the established pattern of development along the western side of Wellman Street, including the existing carport at No. 14 Brookman Street;</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> Consider that the proposed setback would not be consistent with the heritage guidelines which include the strengthening of rear settings of the dwellings to become more compatible with the heritage significance of the area. 	<p>The proposal is consistent with the Brookman and Moir Street Heritage Guidelines because of the limited impact the proposed building would provide to the Brookman Street streetscape. The location of the additions include the height and setbacks ensures that it is low in scale and it would not detract from the significance of the Brookman Street streetscape and would not obscure existing vista or view lines to the principal Brookman Street façade.</p>
<p><u>Lot Boundary Setbacks</u></p> <ul style="list-style-type: none"> The proposed setback to southern lot boundary would result in the presentation of excessive bulk. The proposed height of the boundary wall to the gym/garage would result in additional overshadowing to the south as well as presentation of bulk. The boundary walls result in excessive bulk to North east and South West. The replacement of the fence with boundary walls would sun into adjoining properties and would trap excessive heat with their mass. 	<p>The amended plans have reduced the overall presentation of building bulk both within the site and to adjoining properties. The changes to the south east elevation of the first floor results in the first floor visually recessing into the roof space. This reduces the impression of the building as being two storey and the presentation of building bulk both within the site and to adjoining properties, and was supported by the City's DRP member. The master bedroom dormer window to the south western lot boundary has been reduced in height from 5.7 metres to 5.4 metres and increase in the setback from the south western lot boundary from 1.15 metres to 1.2 metres and now satisfies the Deemed-to-Comply lot boundary setback standard.</p> <p>Since this comment was made, the plans have been amended to have the garage boundary wall to the northern lot boundary and not the southern lot boundary.</p> <p>The proposed boundary wall to the dining room would be acceptable. The wall would be the same height as the existing walls of the dwellings within the Precinct. This is because houses within the Precinct have 3.2 metre high ceilings and boundary or party walls. The wall would abut an existing building at No. 10 Brookman Street which would largely screen it from view from the backyard of No. 10 Brookman Street. In addition, the materiality of the wall has been modified to provide a limestone and render finish to the wall. These factors would reduce the presentation of bulk to the adjoining property.</p> <p>The boundary wall to the northern lot boundary is acceptable because it would be adjoining an existing enclosed carport at No. 14 Brookman Street. It satisfies the Deemed-To-Comply standards relating to height and length of boundary walls and would not result in overshadowing to the adjoining northern property.</p> <p>Since this comment was made, the plans have been amended to remove the gym boundary wall to the southern lot boundary and provide setbacks of 1.6 – 2.1 metres. This would reduce the extent of overshadowing onto the adjoining property and reduce any potential impact of thermal mass on the adjoining property.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> The building bulk and density does not fit with the heritage precinct and creates a precedent for further eroding the heritage values of the precinct. 	<p>The amended proposal has reduced the presentation of bulk both within the site and to adjoining properties. The south western dormer window now satisfies the deemed-to-comply standards of the R Codes in relation to lot boundary setbacks. The amended proposal has removed the gabled dormer windows to the south eastern elevation of the property. The south east elevation openings to the master bedroom and ensuite on the first floor have been modified to recess into the roof line of the first floor. This results in the first floor visually recessing into the roof space when viewed from the rear of the subject site, reducing the impression of the building as being two storey and the presentation of bulk within the site and to adjoining properties, and was supported by the City's DRP member.</p>
<p><u>Garage Width</u></p> <p>The combined width of the garage and gym far exceeds the 50% permitted.</p>	<p>The permitted garage width is 50 percent of the lot width. Although they would appear as part of one structure, the garage would be for a single car and combined with its supporting structures would be 4.2 metres wide (41.7 percent of the lot width). The garage door would be 3 metres to provide adequate manoeuvring space in accordance with AS2890.1. This would represent 29.8 percent of the lot width and satisfies the deemed to comply standard of the R Codes.</p>
<p><u>Street Walls and Fences</u></p> <p>The proposed fence to Wellman street would be too large and imposing and would not be in keeping with the streetscape.</p>	<p>The proposed fence would be adjacent to the proposed gym and would be 1.6 metres wide and 2.5 metres high as viewed from Wellman Street. This height is consistent with the existing fence on the subject site which is 2.4 metres high. The height and materiality would be consistent with the Wellman Street streetscape which is characterised as industrial and as a rear laneway which includes high fences and buildings with minimal setbacks.</p>
<p><u>Landscaping</u></p> <ul style="list-style-type: none"> Express concerns about the lack of trees and landscaping provided by proposed development which would not contribute to the City's sustainability initiatives. The proposal could have considered a small roof garden on the garage/gym. The proposed landscaping of paving and lawn contributes little to biomass or biodiversity to the area. 	<p>Noted. The development does not meet the deemed-to-comply standards of the Built Form Policy relating to canopy coverage, however these are given regard only in any assessment as they have not been approved by the Western Australian Planning Commission.</p> <p>The City is required to consider the application as proposed by the applicant, which does not include a roof garden, however this feedback was provided to the applicant.</p> <p>Noted.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> Express concern about the reduction of green space which is crucial to continuing to be able to live in this area. 	<p>Noted. The R Codes do not have standards relating to overall green space on a lot, with provisions limited to the primary street setback area, which remains unchanged as part of the proposed development. The development satisfies the deemed to comply requirements of the City's Built Form Policy relating to deep soil, with 16.8 percent deep soil in lieu of 12 percent. The proposed development would provide a consolidated outdoor living area measuring 4 metres by 10 metres to the rear of the dwelling. This outdoor living area exceeds the dimension standards of the R Codes and would provide sufficient space for the residents to provide space for landscaping and undertake outdoor pursuits in conjunction with the primary living space of the dwelling.</p>
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> Proposal would impact the adjoining property's privacy. At present there is maximum privacy to the adjoining properties. 	<p>The development includes a Juliet balcony to the master bedroom that does not satisfy the Deemed-to-Comply standards of the R Codes. The development satisfies the Design Principles of the R Codes because there would be no direct overlooking of the adjoining properties' active habitable spaces. The cone of vision from the Juliet balcony would fall to an existing carport at No. 14 Brookman Street and to the tree and shed at No. 10 Brookman Street. These areas are not active habitable spaces.</p>
<p><u>Open Space</u></p> <ul style="list-style-type: none"> The proposal would result in a further reduction of open space which is important to the visual cohesion of the precinct and contributing to the limitation of the urban heat island. Reduced open space would impact water infiltration which may affect stability of peat soil. 	<p>The Open Space is satisfies the Design Principles of the R Codes because:</p> <ul style="list-style-type: none"> The proposed open space would reflect the existing streetscape character. The nil setback to Wellman Street was supported because the western side of Wellman Street is characterised by masonry fences, garages and carports with nil setbacks, which reflects Wellman Street's function as a rear access road for properties fronting Brookman Street; The proposed development would provide a consolidated outdoor living area measuring 4 metres by 10 metres to the rear of the dwelling which would provide sufficient space for the residents to undertake outdoor pursuits and living in conjunction with the primary living space of the dwelling; and The presentation of bulk has been reduced through changes to the design including the removal of the upper floor gabled dormer windows and reconfiguration of the gym to provide setbacks of 1.6 to 2.1 metres to the south western lot boundary. <p>All stormwater is required to be retained on site. The additional area of consideration of disposal of stormwater off site would require the submission of a geotechnical report from a qualified consultant.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Stormwater</u></p> <ul style="list-style-type: none"> It is well documented that the Moir/Brookman Precinct is underlain by peat and is prone to house cracking when this peat bed dries out. This has led to a previous Class Action by residents against Main Roads in 1997 due to dewatering actions for the Northbridge Tunnel. Precipitation needs to be absorbed into the soil (and thus to the peat bed), the more built-up the precinct becomes, the more run off occurs and the less absorption takes place. This runoff has the compounding effect of drying out the peat bed and causing the houses to crack. This was well documented in the Class Action process. The City needs a policy on this and rejecting this application would be a great place to start. 	<p>All stormwater is required to be retained on site and into the soil. The additional area of consideration of disposal of stormwater off site would require the submission of a geotechnical report from a qualified consultant.</p> <p>The officer recommendation includes a requirement for dilapidation reports of the adjoining properties at Nos. 10 and 14 Brookman Street to be prepared prior to construction.</p>
<p><u>Overshadowing</u></p> <ul style="list-style-type: none"> The proposed overshadowing is likely to have a significant negative impact on the use and value of the adjoining property to the south. We would be concerned if the City was willing to set a precedent for permitting this level of overshadowing in the area. The proposed overshadowing (44.7%) would diminish the sunlight and air to the neighbouring property's outdoor living area and their solar access from the north. It is important that all houses in the precinct have equal opportunity to make use of natural sunlight in outdoor living spaces for the health and wellbeing of occupants and for effective solar access. The proposal would cast shadow over adjacent buildings and limit the potential for effective residential solar power. Proposal would not be consistent with the design guidelines including <i>"Access to sunlight...where already existing should be maintained with particular attention to overshadowing"</i>. The existing houses can be dark and are affected by damp which would be impacted by the proposed overshadowing. 	<p>The proposed plans include 39.9 percent overshadowing of the adjoining property. The development has been designed to reduce the extent of overshadowing of the adjoining property's outdoor living area. The adjoining property does not include a formalised outdoor living area, with both the rear verandah to the south west of the backyard, and the northern corner of the backyard performing this function. Overshadowing of the outdoor living area to the north western corner of the backyard has been minimised by the removal of the gabled dormer windows to the south eastern elevation of the rear addition and the reduction in the dimensions of the dormer window to the south west elevation. The gap between the proposed rear extension and garage and gym would ensure that the adjoining property would retain access to direct sun during the day, with 69.2 percent of the backyard unshadowed by No. 12 Brookman Street at 12:00pm on 21 June. The proposal would not impact any existing solar panels.</p> <p>Noted.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Design</u></p> <ul style="list-style-type: none"> The roof materials would be the same between old and new. The windows and doors would be similar to those of the existing building and the decorative trim and design appears to mimic the character of the existing dwelling. There would be an insufficient contrast between the old and new as is considered acceptable under the design principles and would not be consistent with the principles of the Burra Charter. The proposed dormer windows and upper floor windows would not be in keeping with the simple form of the original dwelling. The proposed bulk, scale, proportion, wall materials and detailing do not appropriately interpret the heritage significance of the place in a contemporary way. Express concerns that the two storey development would be visible from the street and would negatively impact the streetscape character. The proposed two-storey development would be disproportionate to the scale of the existing dwelling. Would prefer the form of the build to more closely follow the existing brick and window structures rather than that proposed. 	<p>The use of the same materials for the roof line can assist with the minimisation of the impact on streetscape and has been applied to other additions in the Brookman and Moir Streets Precinct.</p> <p>The proposal has been amended to remove the gabled dormer windows to the south eastern elevation which has simplified the roof form of the proposed rear addition. Decorative trim including the finials and timber bracket have been removed from the proposal.</p> <p>The rear addition would be differentiated from the existing dwelling through differences in materials and the indentation provided to the north east lot boundary which would ensure that the additions could be read as 'new' additions and not confused with the existing dwelling.</p> <p>The proposed two storey addition would have a limited impact to the Brookman Street streetscape due to the greater setback provided to the northern lot boundary. The wall height and roof line would not exceed that of the existing dwelling.</p> <p>The amended plans have reduced the presentation of building bulk presented both within the site and to adjoining properties. The south western dormer window now satisfies the deemed-to-comply standards of the R Codes in relation to lot boundary setbacks. The amended proposal has removed the gabled dormer windows to the south eastern elevation of the property. The south east elevation openings to the master bedroom and ensuite on the first floor have been modified to recess into the roof line of the first floor. This results in the first floor visually recessing into the roof space when viewed from the rear of the subject site. The removal of the gabled dormer windows reduces the impression of the building as being two storey and the presentation of bulk within the site and to adjoining properties, and was supported by the City's DRP member.</p> <p>Noted. The City has worked with the applicant throughout the development assessment process to provide feedback on the design. The City is required to consider the application as proposed by the applicant. In accordance with the principles of the Burra Charter and the objectives of the Brookman and Moir Streets Heritage Guidelines, new development is to be identifiable as new when compared with the existing dwellings.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Heritage Guidelines</u></p> <ul style="list-style-type: none"> • The proposal would negatively affect the heritage values of all the properties within the Brookman/Moir Precinct. The existing worker cottages were never two-storey. Two-storey developments are not appropriate within the precinct and detracts from the authenticity of the precinct. • This application is an example of overdevelopment in this important Federal and State heritage listed precinct which detracts from the character of the area as 'workers cottages'. • • The development is not in keeping with our modest single story heritage precinct. Many owners, past and present, have made considerable sacrifice to keep this area as it is known and even recognised by UNESCO. • The proposal would significantly alter the heritage character of the area and would detract from the homogeneity of the visual character of the area. • Concern that the proposal would set a precedent for similar applications in the heritage precinct so that the precinct will gradually lose its inherent character. • The over-development at the rear of the site would mean that the original rear water closet would lose its historical context. • The proposal would not result in "a good conservation outcome and be in harmony with the Brookman and Moir Streets area" and therefore would not satisfy the requirements of the heritage guidelines for the application of discretion. 	<p>Two storey development is permitted under the City's Built Form Policy and the Brookman and Moir Streets Heritage Guidelines. The current Brookman and Moir Streets Heritage Guidelines do not provide guidance in relation to the provision of open space. For the reasons outlined above the Open Space provision satisfies the Design Principles of the R Codes. The proposed wall height does not exceed the wall height of the existing dwellings within the precinct and would be compatible with the scale of the Precinct.</p> <p>The proposal would have limited impact on the visual character of the precinct as viewed from the public domain, due to its location and setback from Brookman Street and was supported by the City's DRP member. The development satisfies the requirement of the Brookman and Moir Streets Heritage Guidelines that require new buildings not to be visible from the Public Domain View. The roof of the new addition would be inset to ensure it is identifiable as new, but is the same materiality as the existing roof to ensure it is not visually obtrusive when viewed from Brookman Street.</p> <p>Each development application is assessed on its own merits under the planning framework. The Brookman and Moir Streets Heritage Guidelines outlines the framework for additions to enable the ongoing adaption of the premises in accordance with modern standards, while retaining its important heritage character.</p> <p>The applicant has amended the plans to retain the rear WC which would retain this element of the original subdivision context of the Brookman and Moir Streets Precinct.</p> <p>Since this comment was made, the planning framework has changed, with the introduction of the Brookman and Moir Streets Heritage Guidelines. This has resulted in the removal of specific guidance about the application of discretion in the consideration of the Brookman and Moir Streets Precinct. Notwithstanding this, the proposal supports the ongoing retention of contributory fabric of the subject site, including the original dwelling and the rear WC.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Use</u></p> <p>Express concern that the proposed gym could become a business with a separate entrance and resulting impact on car parking, noise and amenity.</p>	<p>The application does not propose the commercial use of the gym room. The use of the subject site for a commercial use would be subject to a separate development application requiring consideration under the City's Local Planning Scheme No. 2.</p>
<p><u>Construction Concerns</u></p> <ul style="list-style-type: none"> • Express concern that the proposal could cause further unanticipated damage to surrounding properties due to the existing unstable ground conditions. • Proposed construction would create a disturbance to residents through the implementation of traffic management protocols for the duration of construction time while also introducing risks for damage to property and health. 	<p>Noted. Construction work affecting other land is governed by the <i>Building Act 2011</i>. Notwithstanding Administration's recommendation that the application be refused, if the application were to be approved, a condition of approval would be applied requiring dilapidation report to be undertaken prior to commencement of the works.</p> <p>The subject site has access to two public roads that would be able to facilitate the movement of workers and materials to and from site and would limit the impact on surrounding properties. Obstruction permits would be required to be obtained prior to impeding access on either of these roads.</p>
<p><u>Demolition</u></p> <ul style="list-style-type: none"> • Object to the proposed demolition of the water closet which is on the site of the traditional water closet. • Express concerns about the demolition of a common wall with No. 10 Brookman Street, which will adversely affect the heritage of No. 12 Brookman Street property and would impact on the kitchen and laundry of the adjoining property. Due to the unstable ground, there is significant risk of damage/dilapidation to the adjoining property. • Do not support proposed demolition works to the proposed rear room including introduction of a new door. 	<p>Demolition of the WC is no longer proposed.</p> <p>In accordance with Section 79 of the <i>Building Act 2011</i>, "a person responsible for work must ensure that the work does not affect the structural, waterproofing, or noise insulation capacity of a party wall... beyond the boundaries of the works land... unless each owner of the land that shares the party wall... consents to the work being done, and the work is done in accordance with the consent".</p> <p>In the event that Development Approval were granted, this would not affect the above requirement. Also refer to dilapidation comments above.</p> <p>The extent of demolition was supported by the Heritage Council of Western Australia and would not affect the presentation of the dwelling to Brookman Street.</p>
<p><u>Sustainability</u></p> <p>Express concerns about lack of shade structures to eastern elevation which would result in greater levels of mechanical cooling.</p>	<p>The application has been assessed against the Environmentally Sustainable Design provisions of the Built Form Policy. The development includes solar panels, electric vehicle charging and cross ventilation of rooms that would assist in reducing the dwelling's reliance on mechanical ventilation and artificial lighting.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p><u>Other</u></p> <ul style="list-style-type: none"> I am not the first owner, and certainly not the first resident to have loved my house in this incredibly unique area over its 126 year history. i am proud to be but a custodian and thank my lucky stars every day i am here. If i look back over time, when this area was not so desirable, those of us here loved it for what it was, not what we wanted to change it into. If people want to build extra buildings in their back gardens, the whole of the rest of Perth is available, our heritage precinct is special, that is why we bought there, we want to preserve it for future generations. 	<p>Noted.</p> <p>Noted. The City is required to consider the proposal against the relevant planning framework including the R Codes and the Brookman and Moir Streets Heritage Guidelines. The proposal results in the retention of the existing dwelling with minimal impact on the Brookman Street streetscape and visual cohesion of the broader precinct.</p>
Comments Received Expressing Concern:	Administration Comment
<p><u>Heritage Impact Statement and Design</u></p> <p>Suggest that the heritage impact statement be written by a heritage architect as approved by the Heritage Council of WA and proposal be designed by a reputable design practitioner with relevant experience and skill.</p>	<p>Noted. The current Brookman and Moir Streets Development Guidelines do not require the heritage impact statement to be completed by a person with heritage experience. At its meeting on 4 April 2023, Council resolved to prepare amendments to the guidelines for community consultation, which include this requirement.</p>
<p><u>Design</u></p> <ul style="list-style-type: none"> The design appears to overwhelm the existing dwelling. Consider that the use of painted render to match the existing impacts the ability to differentiate between old and new. Request review of the proposed finish to the northern elevation of the extension due to inconsistency on plans and renders provided. 	<p>The building footprint and scale would not be compatible with or respectful of the modest scale of the adjoining properties and wider precinct, which forms part of the statement of significance.</p> <p>The rendered wall in conjunction with the proposed articulation of wall setback from the north eastern lot boundary provides differentiation between the proposal and existing structure. This would differentiate the development from the face brick and render on the existing north eastern elevation of the house. The applicant has confirmed the finish of the wall to be render.</p>

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

Note II: Where the same matter was raised by submitters expressing concern and objecting, the summary has included the comment in the Objections table only.

Determination Advice Notes:

1. If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal. This matter DR 83/2023 is scheduled for a further Directions Hearing with the State Administrative Tribunal on 8 December 2023.
2. 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.
3. If the development the subject of this approval is not substantially commenced within a period of two years, or another period specified in the approval after the date of determination, the approval will lapse and be of no further effect.
4. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.
5. This approval is not an authority to ignore any constraint to development on the land, which may exist through statute, regulation, contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the City to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the City's attention.
6. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
7. An Infrastructure Protection Bond together with a non-refundable inspection fee shall be lodged with the City by the applicant, prior to the commencement of works, and will be held until all building/development works have been completed and any disturbance of, or damage to the City's infrastructure, including verge trees, has been repaired/reinstated to the satisfaction of the City. An application for the refund of the bond shall be made in writing. The bond is non-transferable.
8. The movement of all path users, with or without disabilities, within the road reserve, shall not be impeded in any way during the course of the building works. This area shall be maintained in a safe and trafficable condition and a continuous path of travel (minimum width 1.5 metres) shall be maintained for all users at all times during construction works. Permits are required for placement of any material within the road reserve.
9. 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.
10. All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City. No further consideration shall be given to the disposal of stormwater 'offsite' without the submission of a geotechnical report from a qualified consultant. Should approval to dispose of stormwater 'offsite' be subsequently provided, detailed design drainage plans and associated calculations for the proposed stormwater disposal shall be lodged together with the building permit application working drawings.
11. Works within the road reserve are subject to a separate application to be assessed and approved by the City.