

Summary of Submissions:

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

Comments Received in Objection:	Officer Technical Comment:
<p><u>One submission neither objecting or in support, but with the following concerns</u></p> <ul style="list-style-type: none"> • The height of the site works; and • The proposed retaining wall with no proposed boundary fence. 	<p>Following the community consultation period, the applicant provided amended plans with a reduction in the amount of site works (fill). The proposed site works (fill) within 1m of the lot boundary are now 0.332m at the highest point. As a result, the proposed site works (fill) are compliant with the deemed-to-comply criteria of Clause 5.3.7 Site Works of the Residential Design Codes (R Codes) and is considered acceptable. Additionally, the proposal includes a 1.8m high boundary fence in addition to the proposed retaining wall, as indicated on the site plan.</p>
<p><u>Submitter notes the following non-compliances with the R Codes and City of Vincent Policy No. 7.1.1 Built Form (Built Form Policy)</u></p> <ul style="list-style-type: none"> • Required setback for main dwelling is 2.5m. 1.5m is proposed. • Required setback for garage is 3m. 1m is proposed. • The proposed retaining wall at the northwest corner of the site is 1.3m high. • As the outdoor living area is elevated over 0.5m above natural ground levels, it must be setback 1.5m in accordance with R Codes Table 2b. • The average boundary wall height is 3.23m where 3m is required. • Required setback for the northern ground floor wall is 2m. 1.9m is proposed to Bed 3. • Required setback for the northern upper floor is 3.5m. 3.1m is proposed with 3.4m to the wall. • Required setback for the western upper floor wall is 1.5m. 1.2m is proposed. 	<p>Noted. These departures from the deemed-to-comply criteria of the Built Form Policy and R Codes have been assessed through a planning assessment. When a development application does not meet the relevant deemed-to-comply Criteria of the City Built Form Policy or the State Planning Policy 3.1 Residential Design Codes, the application is assessed against the relevant corresponding Design Principle/s. As a result, the overall proposal is considered non-compliant with the relevant design principles and presented to Council with the recommendation for refusal.</p>
<p><u>General non-compliance with planning elements</u></p> <ul style="list-style-type: none"> • Doesn’t meet any of the planning elements. • Doesn’t fit into guidelines. • Development is inconsistent with a number of Policy Objectives within the City’s Built Form Policy as follows: <ul style="list-style-type: none"> ○ Objective 2 – Context: The proposed development fails to respect local and historic context as it is at odds with the style, fabric and existing character of the area. ○ Objective 3 – Context: The proposed development fails to preserve and reinterpret established built form and social character as the proposal is different to the established and does not preserve, reinterpret, harmonise or integrate with it in any way. 	<p>When a development application does not meet the relevant deemed-to-comply Criteria of the City’s Built Form Policy or the State Planning Policy 3.1 R Codes, the application is assessed against the relevant corresponding design principle/s and objectives of these policies. The identified departures were assessed against the objectives of the Built Form Policy due to the overall building bulk, scale and design and the adverse amenity impact the proposed setbacks, garage, open space and landscaping have on adjoining properties and the street. In addition, the proposed design is considered to not preserve or reinterpret, or integrate with the built form from the surrounding development along Redfern Street. As a result, the overall proposal is considered non-compliant with the relevant design principles and presented to Council with the recommendation for refusal.</p>

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<ul style="list-style-type: none"> ○ Objective 4 – Context: The proposed development will have a significant impact on the amenity of surrounding properties and public areas. ○ Objective 5 – Design: The proposed development is not well designed in respect to built form and landscaping. The built form is of overwhelming bulk and is out of character with the surrounding built form. ● The proposal fails to address a number of the design principles of Appendix 1 of the Built Form Policy: <ul style="list-style-type: none"> ○ Context and Character: The proposal fails to respond to the distinctive character of the local area. ○ Landscape Quality: The proposal fails to allow sufficient deep soil zone and open space for good landscape design. ○ Built Form and Scale: The proposal fails to achieve an appropriate built form that responds to its site and surrounding built fabric in a considered manner. ○ The proposal also fails to respect important views and fails to contribute to the character of the adjacent streetscapes. ● The proposed development fails to meet the design principles of Clause 5.1.3 P3.1 of the R Codes as it fails to: <ul style="list-style-type: none"> ○ Reduce the impact of building bulk on adjoining properties; ○ Provide adequate direct sun and ventilation to adjoining properties; ○ Provide adequate open spaces; ○ Minimise the extent of overlooking on adjoining properties. ● The proposed development fails to meet the design principles of Clause 5.1.3 P3.2 of the R Codes as it: <ul style="list-style-type: none"> ○ Has adverse impact on the amenity of the adjoining property; ○ Restricts sun to major openings to habitable rooms and outdoor living areas on the adjoining property; ○ Does not contribute to the prevailing development context and streetscape. ● The development does not meet the design principles of Clause 5.1.4 P4 of the R Codes as it: <ul style="list-style-type: none"> ○ Does not reflect the existing and/or desired character of the streetscape; ○ Does nothing to reduce building bulk on-site; ○ Fails to provide sufficient space for an attractive setting for buildings, landscape and vegetation. 	<p>It is noted that the proposal does not comply with the deemed-to-comply criteria of Clause 5.1.3 Lot Boundary Setback of the R Codes. As such, the proposal was assessed against the relevant design principles. It was considered that the lot boundary setbacks, in addition to the lack of proposed canopy coverage and open space, results in the exacerbation of building bulk when viewed from neighbouring properties. As a result, the proposal was referred to Council with the recommendation of refusal.</p> <p>It is noted that Clause 5.3 Lot Boundary Setbacks augments the design principles of P3.2. As a result, the departures from the deemed-to-comply criteria of Clause 5.3 were assessed against design principle P5.3.1 of the Built Form Policy. In addition, the proposed walls on the lot boundary is compliant with the deemed-to-comply criteria of Clause 5.3 Lot Boundary Setbacks of the Built Form Policy and are considered acceptable.</p> <p>It is noted that the proposal does not meet the deemed-to-comply criteria of Clause 5.1.4 Open Space of the R Codes. As a result the proposal was assessed against the relevant design principles. It is considered that the proposal does not allow sufficient space for adequate landscaping or outdoor living areas, and results in the perception of building bulk when viewed from neighbouring properties. As such, the proposal was presented to Council with a recommendation of refusal.</p>

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<ul style="list-style-type: none"> • Development does not meet R Codes Clause 5.1.6 P6 or Clause 5.6 design principles of Built Form Policy: <ul style="list-style-type: none"> ○ Creates adverse impact on amenity of adjoining properties, streetscape and open space reserve; ○ Blocks access to direct sun into building and appurtenant to open spaces; ○ Blocks access to views of significance; ○ Building does not contribute to neighbourhood context and streetscape character and dominates the existing development; ○ Design does not correspond to the natural features of the site; ○ Design does not minimise overshadowing. 	
<p><u>Disrupt Views</u></p> <ul style="list-style-type: none"> • Would disrupt views for neighbouring houses • The height of the proposal will obscure the sweeping views to the horizon across Mount Hawthorn and Leederville. • The development will also restrict highly valued sunset views to the west north west from the communal area of upper Macri Lane and from the public park at the top of Macri Lane, resulting in a loss of neighbourhood and public amenity. • Users of the park at the top of Macri Lane (eastern end) will suffer amenity loss due to the blocking of views to the west north west by the subject development. 	<p>It is noted that the building height is compliant with the deemed-to-comply criteria of Clause 5.6 Building Height of the City's Built Form Policy. In addition, there are no policies adopted or endorsed by the City regarding views of significance. As such, any perceived disruption of views are not a planning consideration when undertaking assessments against the City's Built Form Policy or the Residential Design Codes.</p>
<p><u>Impact Laneway</u></p> <ul style="list-style-type: none"> • Impact laneway use • Would not like to see a precedent be set where others are allowed to develop onto Macri Lane • Residents have often enjoyed the use of Macri Lane for leisure activities, however now Macri Lane will be overlooked by the balcony and kitchen of the subject development. 	<p>The purpose of Macri Lane (existing laneway) is for vehicular access to abutting lots off Redfern Street and Elizabeth Street. During subdivision stage, the application was approved with vehicular access from Macri Lane. As such, it is considered that the laneway will be used for its intended purpose.</p>
<p><u>Doesn't reflect existing streetscape</u></p> <ul style="list-style-type: none"> • The design generally doesn't appear to sync with the existing housing in the area • Doesn't fit into the area and fabric of North Perth • Development is non-compatible with existing development in the area and does not harmonise with the existing streetscape, it does not reinforce the dominant streetscape rhythm and does not consider spacing and proportion of existing built form. • Macri Lane between Hunter Street and Norham Street currently have no 	<p>The application has been assessed against the relevant design principles of the Built Form Policy and the R Codes, as a result it is considered that the proposed building bulk, scale and design, open space and landscaping does not reflect the existing development of surrounding properties and results in an unacceptable level of building bulk when viewed from neighbouring properties or the streetscape. As a result, the proposal was presented to Council with a recommendation of refusal.</p>

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<p>existing two storey developments adjoining Macri Lane itself. All existing development in Elizabeth Street and Redfern Street have substantial setbacks both front and rear to protect the amenity of both front and rear streetscapes in relation to the following:</p> <ul style="list-style-type: none"> ○ Privacy and overlooking; ○ Visual security; ○ Solar access; ○ Breeze access; ○ Overshadowing; and ○ Sense of open space. 	<p>It is noted that the proposal is compliant with the deemed-to-comply criteria of Claus 5.4.2 Solar Access for Adjoining Sites of the R Codes. As a result, the amount of solar and breeze access and overshadowing are considered acceptable.</p>
<p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> • Objection to the balcony with no screening • A double storey development with minimal setback from Macri Lane destroys the sense of privacy from backyards of lots off Elizabeth Street and Redfern Street • Why the proposed development is unable to provide the appropriate screening as outlined in Clause 5.4.1 Visual Privacy of the Residential Design Codes – particularly on the balcony. • The balcony fronting Macri Lane will overlook adjoining properties. • The raised outdoor living area without screening would create overlooking issues and further exacerbate loss of ventilation and south west breezes. • The adjoining property to the west of the subject site is directly within the 7.5m cone of vision of the unscreened south facing part of the balcony. 	<p>The proposed balcony is set back 1.2m, with visually impermeable screening of 1.2m in height. The proposed balcony overlooks portion of the existing garage on the western adjoining lot. As the proposed overlooking is not to be located over any outdoor living areas or major openings into habitable rooms. Following a design principles assessment, the proposed overlooking is consistent with P1.1 and P1.2 of Clause 5.4.1 Visual Privacy of the R Codes.</p>
<p><u>Building Process</u></p> <ul style="list-style-type: none"> • Request the City informs contractors that all unwanted noise (i.e. radios and music) be kept to a minimum • Request the City informs contractor to provide neighbours at least 24 hours should the right of way be blocked. 	<p>It is a requirement for all contractors on a construction site to comply with the relevant regulations of the <i>Environmental Protection (Noise) Regulations 1997</i>, when undertaking any works on site. Should any neighbour consider any construction works exceed the permitted amount of noise under these regulations, a complaint may be lodged with the City of Vincent. Additionally, all contractors must ensure that the right-of-way laneway is accessible and useable to all vehicle users. Should any neighbour be unable to access Macri Lane due to the right-of-way being blocked, a complaint may be lodged with the City of Vincent.</p>

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<p><u>Building Bulk</u></p> <p>The proposal will dominate existing properties and is not compatible with the existing building bulk and scale of adjoining properties.</p>	<p>A design principles has been undertaken due to the cumulative impacts of the departure from the deemed-to-comply criterial of:</p> <ul style="list-style-type: none"> • lot boundary setback; • street setback; • setback of garages and carports; • open space; • landscaping; and • site works. <p>As a result, it is considered that the proposal is an overdevelopment of the lot, resulting in an unacceptable building bulk, scale and design for this location.</p>
<p><u>Solar Access/Overshadowing</u></p> <ul style="list-style-type: none"> • The height and scale will cause overshadowing, restrict solar access and ventilation, and view loss for adjoining properties. • The proposed development will block direct sun to the outdoor living area from approximately 2:30pm onwards at midsummer and from approximately 4:00pm. • The development will block sun to existing landscaping and plants, it will deprive the laundry and main living space of the dwelling of afternoon sunlight. 	<p>As in accordance with the Residential Design Codes, overshadowing is assessed based on the shadow cast by a development at midday of the 21st June, when the sun is at its lowest. It has been noted that the most impacted lots are those south to a proposed development. As the lot is north/south facing, the vast majority of overshadowing onto Macri Lane. As a result, the amount of overshadowing as a result of this proposal is compliant with the deemed-to-comply Criteria of Clause 5.4.2 Solar Access for Adjoining Sites of the Residential Design Codes.</p>
<p><u>Open Space</u></p> <ul style="list-style-type: none"> • There is insufficient open space on the site and it is an overdevelopment of the site. • The bulk and size of the proposed development significantly reduces the dense of open spaces with is further exacerbated by the absence of space for landscaping. • The lack of open space for the development results in building dominance and restricts landscaping and vegetation possibilities which impact on the amenity of the area. 	<p>The application proposes a departure from the deemed-to-comply Criteria of Clause 5.1.4 Open Space of the Residential Design Codes. Following a design principles assessment, it is considered that the proposed open space is not compliant due to the insufficient space to allow for adequate landscaping and does not allow residents to adequately use the for outdoor pursuits. As a result, the proposal was presented to Council with the recommendation of refusal.</p>

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<p><u>Landscaping</u></p> <ul style="list-style-type: none"> A reasonable amount of canopy cover is impossible to achieve because the area of open space is insufficient and nearly all of the open space available is in permanent shade because it is either on the south side of the development or on the south side of a substantial brick fence. Development does not address Built Form Policy design principles of Clause 5.14.1 with regard to landscaping. 	<p>It is noted that the deemed-to-comply criteria of Clause 5.14 of the Built Form Policy have not received approval from the WAPC, as a result, these criteria are given due regard during the development assessment. However, the application proposes a departure from the deemed-to-comply canopy coverage and deep soil zones of Clause 5.14 of the Built Form Policy. Following a design principles assessment, it is considered that the proposed landscaping has not been designed to reduce the impact of development on adjoining properties or the street or facilitates the retention of existing deep soil zones, as a result, is considered non-compliant with the relevant design principles. As a result, the proposal was presented to Council with the recommendation of refusal.</p>
<p><u>Ventilation</u></p> <p>The height and bulk of the proposed development will block breezes from the south west to the rear verandah as well as reducing ventilation to the west facing bedroom and ultimately the remainder of the house.</p>	<p>Although the application proposes departures to the deemed-to-comply requirements for the western lot boundary setbacks, this is not considered to not impact on ventilation. The proposed dwelling has been designed to incorporate north facing major openings and has sufficient openings to allow for adequate ventilation.</p>
<p><u>Parking and Traffic Congestion</u></p> <ul style="list-style-type: none"> Visitors will park their vehicles in Redfern Street, leading to congestion and conflict adjoining residents' street parking spaces become utilised by visitors to the subject site. Street parking will be diminished by increased competition for parking. 	<p>Any on-street parking to any residential property on Redfern Street or Macri Lane shall be compliant with the relevant City of Vincent parking policies. Should any resident of Redfern Street not have access to their property or the public road due to on-street parking, a complaint may be made to the City of Vincent.</p>
<p><u>Stormwater Management</u></p> <p>The proposed plans do not show any stormwater management so it is assumed that water draining from the roof will be directed to on-sites sumps. It is further assumed that the only feasible position for any soak wells would be within the outdoor living area. Any area occupied by a soak well cannot be reasonable deemed a 'deep soil zone' so the calculated deep soil area would be reduced.</p>	<p>For any development approval issued for a single house, a standard condition is implemented to ensure that all stormwater and drainage runoff is retained and disposed of on-site. Stormwater management is considered during the subsequent building permit application, where a detailed stormwater management design locating all stormwater and drainage runoff disposal is required to be submitted and approved by the City prior to construction.</p>
<p><u>Contest Calculations on Plans</u></p> <p>The R Codes definition of private open space excludes car parking spaces and access ways. It also excludes outdoor living areas over 0.5m above natural ground level. The developer has incorrectly calculated open space as being 44.3% of the lot area. The calculation includes the access way between No. 33 and No. 35 and the area marked as outdoor living area. Neither are allowable under the R Codes definition of open space.</p>	<p>It is noted that during the advertising period, the open space was advertised at 44.3% of the lot, which included the courtyard that was 0.5m above natural ground level. This courtyard space should not have been included in the initial assessment, as it does not meet the definition of Open Space as defined in Appendix 1 – Definitions. Open Space is defined as:</p>

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<p>Subtracting these areas from the purported open space area leaves a true open space area of 27.78m² which represents approximately 12.5% of the lot area.</p>	<p><i>Generally that area of a lot not occupied by any building and includes:</i></p> <ul style="list-style-type: none"> • <i>Open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;</i> • <i>Areas beneath eaves;</i> • <i>Verandahs, patios or other such roofed structures not more than 0.5m above natural ground level, unenclosed on at least two sides, and covering no more than 10 percent of the site area or 50m² which ever is the lesser;</i> • <i>Unroofed open structures such as pergolas;</i> • <i>Uncovered driveways (including access aisles in car parking areas) and uncovered car parking spaces.</i> <p><i>But excludes:</i></p> <ul style="list-style-type: none"> • <i>Non-accessible roofs, verandahs, balconies and outdoor living areas over 0.5m above natural ground level; and/or</i> • <i>Covered car parking spaces and covered walkways, areas for rubbish disposal, stores, outbuildings or plant rooms.</i> <p>As a result, the initial open space should have been advertised at 40.5%.</p> <p>Following the community consultation period, the applicant submitted amended plans reducing the finished floor level of the courtyard to 0.362m above natural ground level. As a result the proposed courtyard can now be included in the open space area and results in 44.3% open space. Following a design principles assessment of the proposal against the design principles of Clause 5.1.4 Open Space of the R Codes, it is considered that the proposal does not allow sufficient space for adequate landscaping or outdoor living areas, and results in the perception of building bulk when viewed from neighbouring properties. As such, the proposal was presented to Council with a recommendation of refusal.</p>
<p><u>Retaining Wall and Excavation</u></p> <ul style="list-style-type: none"> • The excavation for the retaining at the southeast corner of the site risks undermining of footings and retaining wall of neighbouring garage. • Proposed retaining wall at the north east corner of the site is 0.5m high with no setback and no screening. There is no regard for visual privacy. 	<p>Following the community consultation period, the applicant submitted amended plans reducing the height of the retaining walls on the lot boundary to 0.4m at the highest point. As a result, the proposed retaining walls are compliant with Clause 5.3.8 Retaining Walls of the R Codes and are considered acceptable.</p>

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<p><u>Pedestrian Access</u></p> <p>The actual width of the pedestrian access way is 1.3m not 1.5m as shown on the plans. The landscaping along this length of PAW makes the width narrower.</p>	<p>The pedestrian access was approved by the Western Australian Planning Commission (WAPC) on 22 September 2014. As such, the existing pedestrian access is not a consideration in the planning assessment.</p>
<p><u>Outdoor Living Area</u></p> <ul style="list-style-type: none">• Outdoor living area does not meet the design principles of Clause 5.3.1 P1.1 as it does not allow for winter sun, it is blocked from prevailing breezes and the northern aspect offers no benefit.• The proposed south facing balcony is permanently shaded from winter sun.	<p>Both outdoor living areas do not meet the deemed-to-comply minimum dimension of the R Codes. As a result, it is considered that the proposed outdoor living areas are not suitable to be used for outdoor pursuits and are not supported.</p>
<p><u>External Fixtures</u></p> <p>The proposed air conditioning fixture is placed on eastern side of ground floor facing the outdoor living area of the adjoining property. This will reduce the amenity of the adjoining property owner's outdoor living area. Not consistent with Built Form Policy Clause C5.25.3.</p>	<p>Following community consultation period, the applicant submitted amended plans with reduced ground levels. As a result, the highest point of the proposed air conditioning fixture is 1.8m above natural ground level and is located below the existing fence line. As such, the proposal is considered compliant with the deemed-to-comply criteria of Clause 5.25 External Fixtures and is considered acceptable.</p>
<p><u>Setback Variations</u></p> <p>Submitter objects to the setback variations on the basis that the developer is employing a strategy of moderate non-compliance in many directions in order to achieve a dwelling with inappropriate building bulk and size.</p>	<p>A design principles assessment was undertaken of cumulative impact of the departures from the deemed-to-comply criteria of the Built Form Policy and the R Codes. As a result of this assessment, it is considered that the cumulative impact of the departures from the deemed-to-comply lot boundary setbacks, street setback, open space, setback of garage, garage width and landscaping, result in an overdevelopment of the lot and an unacceptable building bulk and scale. As a result, the proposal was presented to Council with the recommendation of refusal.</p>

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