

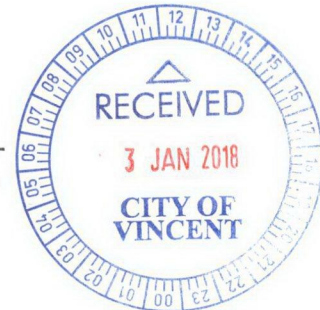
3 January 2018

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Chief Executive Officer
City of Vincent
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Attention: Mr Rob Sklarski – Special Project Officer (Approval Services)

Dear Rob

**APPLICATION FOR DEVELOPMENT APPROVAL
PROPOSED FIVE (5) GROUPED DWELLINGS (TWO STOREY)
LOT 66 (No.48) MILTON STREET, MOUNMT HAWTHORN
CITY OF VINCENT**

We act on behalf of DnD Building and Mark Anthony Design as their consultant town planners and refer to the Application for Development Approval to construct five (5) new grouped dwellings on Lot 66 (No.48) Milton Street, Mount Hawthorn.

In assessing the application it is requested that the City give due consideration to the following key points:

BACKGROUND

1. Lot 66 is located within a well established part of the Mount Hawthorn locality approximately 420 metres south-east of the Glendalough Train Station, approximately 900 metres west of the Mount Hawthorn Town Centre ('Activity Centre') and within 300 metres of the Osborne Park Industrial Area (i.e. 'employment node').
2. Lot 66 is irregular in shape, covers an area of approximately 756m² and is gently undulating with a minor fall in the natural ground levels from approximately 21.27 metres AHD along its southern front boundary to approximately 19.34 metres AHD along its northern rear boundary.
3. The land contains a number of physical improvements including a single detached dwelling of brick and tiled roofing construction, sealed driveway, outbuildings and boundary fencing. It is significant to note that all current improvements on the land will be removed as a part of this application (see Figure 1 - Aerial Site Plan).
4. The existing dwelling on Lot 66 is not listed on the City of Vincent's Municipal Heritage Inventory (MHI) and may therefore be removed, subject to the City issuing a demolition permit.
5. The verge area abutting Lot 66 comprises two (2) mature street trees that will be retained as part of the development (see Figure 1 – Aerial Site Plan).
6. Lot 66 is not located within a bushfire prone area.
7. The subject land is located within 800 metres of a high frequency rail route (i.e. Glendalough Train Station) and within 250 metres to a high frequency bus route (i.e. Brady Street). Therefore, the proposed development on Lot 66 has been assessed under 'Location A' of 5.3.3 of the R-Codes.

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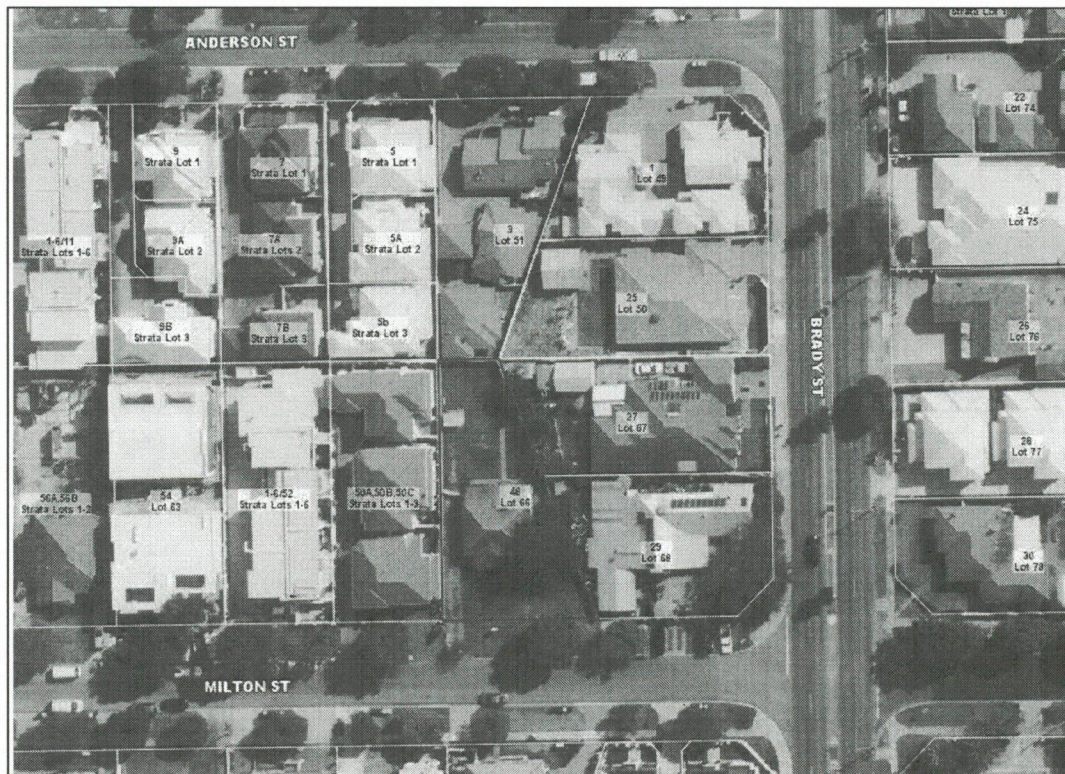


Figure 1 – Aerial Site Plan

PROPOSED DEVELOPMENT

8. This application proposes to demolish the existing single detached dwelling on the land and the construction of five (5) new grouped dwellings (two storey).
9. In light of the above, approval under the City of Vincent's current operative Town Planning Scheme No.1 (TPS No.1) is hereby requested.

STATUTORY REQUIREMENTS

Metropolitan Region Scheme

10. The subject land is currently classified 'Urban' zone under the provisions of the Metropolitan Region Scheme (MRS). The following definition is provided as a guide to its stated purpose/s in the MRS:

"Urban Zone - Areas in which a range of activities are undertaken, including residential, commercial recreational and light industry."

11. The proposed development is considered to be consistent with the defined intent of the land's current 'Urban' zoning classification under the MRS and may therefore be approved.

City of Vincent Town Planning Scheme No.1

12. The subject land is classified 'Residential' zone under the City of Vincent's current operative Town Planning Scheme No.1 (TPS No.1) with a residential density coding of R60.
13. Under the terms of TPS No.1 the development and use of any land classified 'Residential'

zone for 'grouped dwelling' purposes is listed as a permitted ("P") use.

14. The City's Local Planning Policy 7.1.1 entitled 'Built Form' identifies that the maximum permitted building height for Lot 66 is three (3) storeys (i.e. 9 metres wall height).

DEVELOPMENT STANDARDS

15. The design of the proposed grouped dwelling development on Lot 66 has been formulated with due regard for the relevant 'deemed to comply requirements' of the Residential Design Codes (2015) and the City of Vincent's current operative Town Planning Scheme No.1 (TPS No.1) including any relevant Local Planning Policies with the exception of the following:

- a) R-Code Element 5.1.2 C2.2 – 'Street setback';
- b) R-Code Element 5.1.3 C3.1 – 'Lot boundary setback';
- c) R-Code Element 5.1.3 C3.2 – 'Lot boundary setback' (building on boundary);
- d) R-Code Element 5.3.1 C1.1 – 'Outdoor living area';
- e) R-Code Element 5.4.1 C1.1 – 'Visual privacy';
- f) Clause 5.2.1 of the City's LPP No.7.1. ('Built Form' Policy) – 'Street setbacks'; and
- g) Clause 5.14.3 of the City's LPP No.7.1.1 ('Built Form' Policy) – Landscaping.

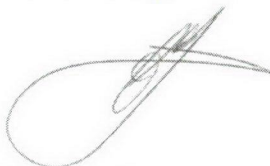
A 'Design Principles Submission Table' addressing the relevant 'design principles criteria' for those elements of the design layout that do not meet the 'deemed to comply requirements' of the Residential Design Codes (2015) and relevant City of Vincent's Local Planning Policies is attached herewith for review and consideration by the City as part of its assessment of the application.

Conclusion

In light of the above information and attached written justification, we respectfully request the City's favorable consideration and approval of the Application for Development Approval for the construction of five (5) new grouped dwellings on Lot 66 (No.48) Milton Street, Mount Hawthorn in accordance with the plans prepared in support of the application.

Should you have any queries or require any additional information regarding any of the matters raised above please do not hesitate to contact me on 0407384140 or carlof@people.net.au.

Yours faithfully,



Carlo Famiano
Principal Town Planner
CF Town Planning & Development

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DESIGN PRINCIPLES SUBMISSION TABLE
FIVE (5) GRUPED DWELLINGS ON LOT 66 (No.48) MILTON STREET, MOUNT HAWTHORN
CITY OF VINCENT

R-CODE DESIGN ELEMENT & LOCAL PLANNING POLICY	PROPOSED VARIATION TO 'DEEMED TO COMPLY REQUIREMENTS'	DESIGN PRINCIPLES JUSTIFICATION
R-Code Element 5.1.2 C2.2 – 'Street setback'	<p>The application proposes that portions of Units C & D will comprise a 2 metre setback to the common driveway boundary (i.e. secondary street) in lieu of 2.5 metres required by the 'deemed to comply requirements' of Element 5.1.2 C2.2 of the R-Codes.</p>	<ol style="list-style-type: none"> 1. The proposed secondary street setback variation for Units C & D are considered minor and will not result in the development having a detrimental impact on the local streetscape or the amenity of any adjoining properties. It is significant to note that a 500mm landscaping strip will be provided abutting the driveway pavement to increase the setback of the dwelling to the driveway to 2.5 metres. 2. In addition to the above point, the proposed development (in particular Units C & D) comprises adequate open space to facilitate the provision of landscaping to enhance the development when viewed from the street. 3. The proposed setback variation for Units C & D from the communal driveway will not have an impact on the local streetscape or the communal driveway of the development. 4. The reduced setback for Units C & D will not interfere with the outlook of Unit E down the driveway and will not reduce the extent of passive surveillance of the communal area. 5. The proposed development has been designed to include major openings to habitable rooms orientated towards the communal driveway for each dwelling. As such it is contended that the design of the development will result in adequate passive surveillance over the communal driveway, therefore providing improved security for the occupants of the development and minimize any opportunities for concealment and entrapment. 6. All setback areas along the common driveway will be comprehensively landscaped to soften any impact the development may have on the local streetscape and the common driveway. 7. The proposed development meets the 'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes. 8. The proposed development makes effective use of all available space and provides for the creation of adequate internal and external living areas which will benefit all occupants of the development. <p>Having regard for the above it is contended that the proposed variations to the minimum secondary street setback to the communal driveway for Units C & D within the new grouped dwelling development on Lot 66 satisfies the 'design principles criteria' of Element 5.1.2 of the R-Codes, will not have a detrimental impact on the streetscape and may therefore be approved by the City.</p>

**R-Code Element 5.1.3 C3.1 –
'Lot boundary setback'**

The application proposes that:

- i) a portion Unit A (bedroom 2 - upper floor) will have a setback from the eastern side boundary ranging from 1.215 metres to 2,8 metres in lieu of a 3.0 metre as required by the 'deemed to comply requirements' of the R-Codes; and
- ii) a portion of Unit A (bedroom 1 – upper floor) will have a setback from the eastern side boundary of 1.215 metres in lieu of 1.5 metres required by the 'deemed to comply requirements' of the R-Codes.

1. The proposed setback variations to Unit A from the eastern side boundary are considered minor and will not have an adverse impact on the adjoining properties in terms of bulk and sale.
2. The extent of the proposed setback variations can be attributed to the irregular shape of the subject land (i.e. angled boundary) and that the setback of Unit A from the eastern side boundary varies with a setback being greater than 1.215 metres (i.e. only a minor length of wall comprises a 1.215 metre setback).
3. In addition to the above if the window for bedroom 2 (east facing) were to be minor opening (i.e. less than 1m², a high light or obscure glazing), the upper floor setback for Unit A (bedroom 2 wall) from the eastern side boundary would meet the 'deemed to comply requirements' of Element 5.1.3 C3.1 of the R-Codes. As such, the impact on the adjoining property in terms of bulk and scale would not change.
4. The proposed development makes effective use of all available space and provides for the creation of adequate internal and external living areas for each dwelling which will benefit all future occupants.
5. Other than the aforementioned setback variations, the proposed development on Lot 66 meets the 'deemed to comply requirements' of Element 5.1.3.C3.1 ('Lot boundary setbacks') of the R-Codes.
6. The proposed development meets the 'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes and will not detrimentally impact access to light and ventilation for any existing dwellings on the adjoining properties.
7. The proposed setback variations to the eastern side boundary will not have an adverse impact on the local streetscape in terms of its bulk and scale.
8. It is considered that those portions of the development proposing a reduced setback from the eastern side boundary are consistent in terms of its design, bulk and scale with other similar residential developments recently approved by the City in the immediate locality.
9. The reduced setback of Unit A from the eastern side boundary will not have any undue impact on the adjoining property in terms of loss of visual privacy.
10. That portion of the proposed development (i.e. upper floor Unit A) comprising a reduced setback from the eastern side boundary abuts the side setback area of a garage for the existing single detached dwelling on adjoining Lot 68 (No.29) Brady Street (see cover letter Figure 1 – Aerial Site Plan). It is significant to note that the proposed development on Lot 66 will not cast a shadow over adjoining Lot 68 at 12 noon on 21 June (i.e. winter solstice). Given these facts, it is contended that the proposed development on Lot 66 will not have an adverse impact on any outdoor living areas or major openings to habitable rooms associated with the existing dwelling on adjoining Lot 68.

Having regard for all of the above it is contended that those portions of the new grouped dwelling development on Lot 66 proposing a reduced setback from the eastern side boundary satisfies the 'design principles criteria' of Element 5.1.3 of the R-Codes, will not have an adverse impact on the adjoining properties or the local streetscape and may therefore be approved by the City.

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**R-Code Element 5.1.3 C3.2 –
'Lot boundary setbacks'
(buildings on boundary**

The application proposes that:

- i) the portions of the proposed development will be built up to two (2) lot boundaries (i.e. west & eastern boundaries) in lieu of one (1) lot boundary permitted by the 'deemed to comply requirements' of the R-Codes;
- ii) the portion of Unit E to be built up to the western side boundary will comprise an average height of 3.175 metres in lieu of an average height of 3.0 metres permitted by the 'deemed to comply requirements' of the R-Codes; and
- iii) the portion of Unit E to be built up to the eastern side boundary will comprise an average height of 3.125 metres in lieu of an average height of 3.0 metres permitted by the 'deemed to comply requirements' of the R-Codes.

1. The variation to the average wall height of those portions of the development to be built up to the side boundaries (i.e. 125mm & 175mm) are considered minor and will not have a detrimental impact on the adjoining properties.
2. The proposed development meets the 'deemed to comply requirements' applicable to solar access for adjoining sites of the R-Codes and will not overshadow or detrimentally impact access to light and ventilation for the existing dwellings on any adjoining properties.
3. The proposed development makes effective use of all available space and provides for the creation of adequate internal and external living areas of each dwelling which will benefit all future occupants.
4. The walls proposed to be built up to the side boundaries do not contribute to overlooking or the loss of privacy of adjoining properties.
5. The maximum wall height and maximum permitted wall length of those portions of the proposed development to be built up to the side boundaries meet the 'deemed to comply requirements' of Element 5.1.3 C3.2 of the R-Codes.
6. The extent of variations being sought in regarding the building on boundaries can be attributed to the irregular shape and fall in natural ground levels (i.e. 1.93 metres).
7. It is contended that the proposed variation for those portions of the new development to be built up to the side boundaries are consistent in terms of their design, bulk and scale with other similar residential developments approved by the City in the immediate locality.
8. It is contended that those portions of the proposed development to be built up to the side boundaries will not have any adverse impacts on the local streetscape in terms of its bulk and scale.
9. That portion of the proposed development (i.e. Unit E) to be built up to the western side boundary abuts the side setback area of the existing grouped dwelling development on adjoining No.50 Milton Street (see cover letter Figure 1 – Aerial Site Plan). As such, it is contended that the proposed development on Lot 66 will not have any adverse impacts on any outdoor living areas associated with the existing grouped dwellings on adjoining Lot 66.
10. That portion of the proposed development to be built up to the eastern side boundary (i.e. Unit A) abuts the side setback area of the garage for the existing single detached dwellings on adjoining Lot 68 (No.29) Brady Street (see cover letter Figure 1 – Aerial Site Plan). As such it is contended that the proposed development on Lot 66 will not have any adverse impacts on any outdoor living areas or major openings to habitable rooms associated with the dwelling on adjoining Lot 68.
11. That portion of the proposed development (i.e. Unit E) to be built up to the eastern side boundary abuts the extensive rear yard area and outbuildings for the existing single detached dwelling on adjoining 67 (No.27) Brady Street (see cover letter Figure 1 – Aerial Site Plan). As such it is contended that the proposed development on Lot 66 will not have any adverse impacts on any outdoor living areas or major openings to habitable rooms associated with the existing dwelling on adjoining Lot 67.

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		<p>Having regard for all of the above it is contended that those portions of the proposed new grouped dwelling development on Lot 66 to be built up to the side boundaries satisfy the 'design principles criteria' of Element 5.1.3 of the R-Codes, will not have an adverse impact in terms of bulk and scale on the adjoining properties or the local streetscape and may therefore be approved by the City.</p>
R-Code Element 5.3.1 C1.1 – 'Outdoor living area'	<p>The application proposes that a portions of the outdoor living area for Unit B will comprise a dimension less than 4 metres as required by the 'deemed to comply requirements' of Element 5.3.1 C1.1 of the R-Codes.</p>	<ol style="list-style-type: none"> 1. The variation to the minimum dimension of the outdoor living area for Unit B is considered minor will not undermine the usability of this area by the future occupants of the dwelling. 2. The outdoor living area for Unit B is usable and functional for the future occupants of the dwelling, with the area being designed to be used in conjunction with a habitable room (i.e. meal & living room). Furthermore, the location of the outdoor living area along the front building line of the dwelling will assist with providing an active frontage to the street and improved passive surveillance of Milton Street. 3. The outdoor living area provided for Unit B meets the 'deemed to comply requirements' of Element 5.3.1 C1.1 of the R-Codes in terms of minimum area. 4. The outdoor living area for Unit B has access to the northern winter sun, whilst providing some cover to facilitate usage throughout the year. 5. The proposed development provides for the effective use of all available space and the creation of adequate internal and external living areas which will benefit future occupants. <p>Having regard for the above it is contended that the proposed dimension and area of the outdoor living area for Unit B satisfies the 'design principles criteria' of Element 5.3.1 of the R-Codes, is sufficient to accommodate the needs of the future occupant of the dwelling and may therefore be approved by the City.</p>
R-Code Element 5.4.1 C1.1 – 'Visual privacy'	<p>The application proposes that:</p> <ol style="list-style-type: none"> i) a portion of the 3 metre 'cone of vision' from the bedroom 2 window of Unit A will extend over the adjoining eastern property; and ii) a portion of the 4.5 metre 'cone of vision' from the kitchen of Unit E will extend over the adjoining western property. 	<ol style="list-style-type: none"> 1. The proposed development has been designed to effectively locate all major openings to habitable rooms in a manner which avoids direct overlooking and maintains the visual privacy of all adjoining residential properties. 2. The extents of overlooking from the proposed development extending over the adjoining properties are considered minor and will not have an adverse impact on the adjoining properties. 3. Those portions of the 'cones of vision' extending over all immediately adjoining properties are not considered to be excessive or detrimental in terms of visual privacy impacts. 4. With respect to any potential impacts on the amenity of adjoining Lot 68 (No.29) Brady Street (i.e. eastern property), the following points are submitted in support of the proposal: <ol style="list-style-type: none"> i) That portion of the 'cone of vision' from the Unit A of the proposed new development will extend over secondary street setback area and side setback area of the garage of the existing single detached dwelling on adjoining Lot 68 (see cover letter Figure 1 - Aerial Site Plan). As such, it is contended that the overlooking from Units A of the new development on Lot 66 will not have an adverse impact on adjoining

		<p>Lot 68;</p> <ul style="list-style-type: none"> ii) Part of the area of land on Lot 68 being overlooked by the bedroom 2 window is currently visible from by the general public from Milton Street. As such the proposed 'overlooking' is unlikely to have any detrimental impacts in terms of visual privacy for the current occupants of adjoining Lot 68; and iii) The proposed bedroom 2 window of Unit A will be of significant benefit in terms of improving levels of passive surveillance over the secondary setback area and driveway area of the existing dwelling adjoining Lot 680. <p>5. That portion of the 'cone of vision' from the kitchen window of Unit E of the proposed new development will extend over the side setback area of the of the existing grouped dwelling development on adjoining No.50 Milton Street (i.e. adjoining western property) (see cover letter Figure 1 - Aerial Site Plan). As such, it is contended that the overlooking from Unit E of the new development on Lot 66 will not have an adverse impact on the adjoining western property.</p> <p>Having regard for all of the above it is contended that those portions of the 'cones of vision' extending from the proposed grouped dwelling development on Lot 66 over the adjoining western and eastern properties satisfy the 'design principles criteria' of Element 5.4.1 of the R-Codes, will not have an adverse impact on the amenity of the amenity of the adjoining properties and may therefore be approved by the City.</p>
<p>City of Vincent Local Planning Policy No.7.1.1 'Built Form' – Clause 5.2.1 ('Street Setback')</p>	<p>The application proposes that: the primary front setback does not reflect the predominant pattern of the immediate locality (i.e. five adjoining properties). As such the proposed front setbacks for the grouped dwelling development on Lot 66 will comprise a front setback of 2 metres in lieu of 2.55 metres as required by the 'deemed to comply requirements' of Clause 5.2.1 of the City's Policy No.7.1.1.</p>	<ul style="list-style-type: none"> 1. The proposed variation to the average front setback (i.e. 550mm) is considered minor and will not result in the development having a detrimental impact on the local streetscape in terms of bulk and scale. 2. The proposed development has been designed with a variable setback along its Milton Street frontage to help provide an interesting and articulated front facade. This includes the provision of varying material types along the front façade and numerous major openings to habitable rooms to improve passive surveillance and an 'active frontage' to Milton Street. 3. The proposed development will not have an adverse impact on the Milton Street streetscape in terms of its overall bulk and scale and is generally consistent with other similar residential developments approved by the City in the immediate locality. 4. In addition to the above point, there are a number of dwellings along Milton Street that comprise a front setback of less than 3 metres. Therefore, the proposed development on the subject land is consistent with the front setbacks of other existing dwellings along Milton Street (i.e. built form), including a number of recently constructed multiple and grouped dwelling developments situated on both sides of the street (see cover letter Figure 1 – Aerial Site Plan). 5. The proposed development has been designed to include major openings to habitable rooms orientated towards Milton Street. As such it is contended that the design of the proposed development on the subject land will result in a positive contribution to the streetscape and will result in improved passive surveillance to Milton Street.

		<p>6. Abutting Lot 66 is a substantial verge area with a width of approximately 6.5 metres along the land's frontage with Milton Street. The verge width provides an increased setback between the proposed development and the road pavement, therefore minimising the impact of the proposed built form on the Milton Street streetscape. Furthermore, the front setback and verge areas for the proposed development will be adequately landscaped to ensure they continue to make a positive contribution to the local streetscape.</p> <p>7. In addition to the above point, the verge area abutting the subject land comprises two large mature street trees which will be retained. The preservation of the street trees will assist with screening the proposed development from the street.</p> <p>8. The reduced front setback for the proposed development will not have an adverse impact on the visual outlook from any adjoining properties on the street.</p> <p>9. The proposed development makes effective use of all available space and provides for the creation of adequate internal and external living areas which will benefit all future occupants.</p> <p>10. There is sufficient space available within the front setback area to accommodate any required easements for the servicing authorities.</p> <p>11. The proposed front setback of the new development on the subject land meets the 'deemed to comply requirements' of Element 5.1.2 C2.1 ('Street setback') of the R-Codes (i.e. an average front setback of 2 metres on land coded R60).</p> <p>Having regard for all of the above it is contended that the proposed variation to the front setback for the new grouped dwelling development on Lot 66 will not have an adverse impacts on the streetscape, is consistent with the current built form along Milton Street, will not adversely impact the existing dwellings on the adjoining properties, satisfies the 'design principles' of P5.2.1 of the City's Policy No.7.1.1 entitled 'Built Form', will not compromise the objectives of the City's policy and may therefore be supported and approved by the City.</p>
<p>City of Vincent Local Planning Policy 7.1.1 'Built Form' – Clause 5.14.3 ('Landscaping')</p>	<p>The proposed development proposes 13.68% (i.e. 103.48m²) of the site area being provided with 'Canopy Cover' in lieu of 30% (i.e. 226.8m²) as required by the 'deemed to comply requirements' of Clause 5.14 of the City's Policy No.7.1.1.</p>	<p>1. The proposed 'Deep Soil Zone' for the proposed grouped dwelling development on Lot 66 meets the 'deemed to comply requirements' of Clause 5.14 of the City's Built Form policy. In fact the proposed development proposes greater than required 'Deep Soil Zone' areas (i.e. 15.85% in lieu of 15%) of the proposed development.</p> <p>2. The proposed variation to the extent of 'Canopy Cover' is unlikely to have a detrimental impact on the amenity of the local streetscape or any adjoining properties.</p> <p>3. It is contended that on maturity, the extent of 'Canopy Cover' over Lot 66 will be greater than 13.68%.</p> <p>4. The proposed development has provided adequate 'Canopy Cover', with the extent of landscaping being adequate to reduce the impact of the development on the adjoining properties. Furthermore, the extent of 'Canopy Cover' for the proposed development will achieve the objectives set by the City to provide adequate coverage of the land to satisfy the City's goal to provide more environmentally sensitive urban area.</p> <p>5. It is contended that the extent of landscaping is consistent with the stated objectives of the City's Built Form policy and that the variation to the 'Canopy Cover' requirements will not comprise the objectives of the City's</p>

policy.

6. The Milton Street verge area abutting Lot 66 comprises a width of 6.5 metres and contains two (2) large mature street trees which are being preserved. The front setback and verge areas will be comprehensively landscaped and maintained to help soften any potential impact the development may have on the local streetscape.
7. The proposed development has been designed to incorporate a number of large trees within the landscaping area to assist with improving the overall appearance and amenity of the development for its future occupants.
8. The extent of landscaping provided in support of the development has been designed to reduce the impact of development on adjoining properties and the public realm. Furthermore, it is contended that the landscaping is sufficient to provide a sense of open space to the local residents along Milton Street.
9. The extent of tree canopy provided in support of the development will assist with the City's vision of creating a green canopy and achieve the Vincent City Council's ambition of reducing urban heat.
10. Clause 5.14 of the City's Policy No.7.1.1 does not take into consideration lots with a relatively small area and an irregular shape. Given these constraints and the designated density coding of R60, it should be recognised and acknowledged that there is a predisposition to greater variations to the landscaping requirements to assist with the development of the land. It is contended that the requirement to accommodate the area of 'Canopy Cover' is excessive and that the provision may compromise the development potential of the land and the design layout of the dwellings to the detriment of the future occupants.

Having regard for all of the above it is contended that the extent of landscaping provided in support of the new grouped dwelling development on Lot 66, including the area of 'Canopy Cover', satisfies the 'design principles' of Clause 5.14 of the City's Policy No.7.1.1 entitled 'Built Form', will not compromise the objectives of the City's policy and may therefore be supported and approved by the City.