

Response to Submissions Received by the City of Vincent

Proposed single dwelling of Strata Lot 2 (No.33A) Redfern Street, North Perth

Submission	Applicant Comment
<p><u>Submission 1 - Objection</u> No comments.</p>	<ul style="list-style-type: none"> The objector has not raised any valid planning grounds in relation to the proposed new dwelling. Therefore, the submission is irrelevant and should be dismissed.
<p><u>Submission 2 - Objection</u> Proposal doesn't meet the planning elements and would disrupt views for neighbouring houses, impact laneway use and the design generally doesn't appear to sync in with the existing houses in the area.</p>	<ul style="list-style-type: none"> Given that the proposed new dwelling meets the 'deemed to comply requirements' of Clause 5.6 ('Building height') of the City's Local Planning Policy No.7.1.1 entitled 'Built Form', consideration of views are not a consideration in this instance (therefore the comment is not a planning consideration). The objector does not substantiate how the proposed dwelling would impact Marci Lane. It should be noted that the lot has been created with frontage to Macri Lane and the planning framework supports/encourages frontage to the Laneway. There are numerous examples throughout the locality of dwellings having frontage to a Laneway. Furthermore, frontage to Macri Lane actually enhances the streetscape and improves passive surveillance. In light of the above response, the comment is unsubstantiated and should be dismissed.
<p><u>Submission 3 – Neither support or object but has concerns</u> Submitter objects to the balcony setback of 1.2 and raised outdoor living area. If screening is provided, submitter supports this variation.</p>	<ul style="list-style-type: none"> The 'cone of vision' extending from the balcony over the adjoining western property overlooks the roof of an outbuilding constructed on that property. Given this, the extent of overlooking will not have an adverse impact on any major openings to habitable rooms or outdoor living areas associated with the existing single detached dwelling on the adjoining western property. Given the above point, it is contended that the overlooking from the balcony satisfies the 'design principles criteria' of Element 5.4.1 of the R-Codes and may be approved by the City. In light of the above points, the comments made by the objector should be dismissed.
<p>Submitter is concerned about the height of the excavation and fill.</p>	<ul style="list-style-type: none"> The extent of fill/retaining wall variation being sought of 730mm (max) in lieu of 500mm, a variation of 230mm. The proposed variation is considered to be minor and is attributed to a 1.46 metre fall in levels from the right of way to the rear of the lot. In reviewing the levels, the retaining wall will be abutting the side setbacks of the existing dwellings on the adjoining properties. Given this, the proposal will not have any adverse impacts on the adjoining properties in terms of bulk and scale.

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	<ul style="list-style-type: none"> Reducing the floor level of the dwelling will result in issues associated with driveway gradients. In light of the above, the comment should be dismissed.
<p><u>Submission 4 – Objection</u></p> <p>There will be a disruption to the adjoining landowners while the building process is occurring.</p>	<ul style="list-style-type: none"> The issue regarding construction noise and/or disruption is not a planning matter and will be addressed by other legislation. Any unlawful disruption will be controlled by the City's Environmental Health Officers and/or Ranger Services during the construction stage. The builder is mindful of the requirements to limit disruption and monitor noise levels. Given the above response and as this point is not a valid planning consideration, the submission should be dismissed.
<p>Builder should be made aware that unwanted noise be kept to a minimum and that residents receive 24 hours' notice prior should to right of way need to be obstructed.</p>	<ul style="list-style-type: none"> The issue regarding construction noise is a health matter and will be controlled by the City's Environmental Health Officers during construction stage. The builder has noted the objector's request and will provide 24 hour notice to the City of any obstructions in the right of way during construction. In addition, the builder is required to comply with any conditions imposed by the City on any approval granted. It should be noted that the issues raised by the objector are not valid planning matters and the submission should be dismissed.
<p><u>Submission 5 – Objection</u></p> <p>Development does not fit into guidelines.</p>	<ul style="list-style-type: none"> The objector has not substantiated the claim. Therefore, the submission is irrelevant and should be dismissed
<p>Development does not fit in to the area and fabric of North Perth.</p>	<ul style="list-style-type: none"> The objector has not identified which guidelines the proposed dwelling does not address. Notwithstanding this, the proposed dwelling either meets the 'deemed to comply' provision or 'design principles criteria' of the R-Codes and the City of Vincent Town Planning Scheme No.2, including any Local Planning Policies. Furthermore, the subject land is not located with a guideline or heritage precinct, which specifies the design type of the dwelling (including material usage, architectural style etc). In addition, the built form of the new dwelling is consistent with other dwellings approved by the City throughout the locality. The proposed new dwelling will provide for significant improvements to the current levels of passive surveillance along Macri Lane. The proposed new dwelling has been designed to be architecturally pleasing, low key and

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	<p>compatible with the current and future built form within North Perth in general.</p> <ul style="list-style-type: none"> In light of the above response, the comment is unsubstantiated, speculative and should be dismissed.
<p><u>Submission 6 – Objection</u></p> <p>The proposed development is not compatible with the existing development in the area and it does not harmonise with the existing streetscape, it does not reinforce the dominant streetscape rhythm and it does not consider spacing and proportion of existing built form.</p>	<ul style="list-style-type: none"> The City has not adopted guidelines for the locality that restricts or requires a particular housing style to be adopted. Furthermore, the subject land is not located with a designated heritage precinct. Given these facts, the style and character of the dwelling cannot be assessed in this instance (i.e. the style of the dwelling is permitted and whether it reflects the style of other dwellings within the area cannot be assessed). The proposed dwelling is not located within the Redfern Street frontage, therefore it does not have an impact on the local streetscape. Macri Lane is currently characterised as having rear solid fencing and outbuildings with a nil or reduced setback, therefore the Laneway does not comprise a typical streetscape. In addition there are three (3) new dwellings at No.73A & 75 A Redfern Street and No.48 Elizabeth Street which front onto Macri Lane that are all contemporary designs. Given this the proposed new dwelling is not out of character with the locality, will improve the Laneway streetscape by improving passive surveillance and providing an active frontage. In light of the above response, the comment is unsubstantiated, speculative and should be dismissed.
<p>The proposal will dominate existing properties and is not compatible with the bulk and scale of adjoining properties.</p>	<ul style="list-style-type: none"> Refer to the response above. The comment should be dismissed.
<p>The height and scale will cause overshadowing, restrict solar access and ventilation, and view loss for adjoining properties.</p>	<ul style="list-style-type: none"> The proposed new dwelling meets the 'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes. The proposed new dwelling meets the 'deemed to comply requirements' of Clause 5.6 ('Building height') of the City's Local Planning Policy No.7.1.1 entitled 'Built Form'. In light of the above response, the comment is unsubstantiated, is not accurate and should be dismissed.
<p>There is insufficient open space on the site and it is an overdevelopment of the site.</p>	<ul style="list-style-type: none"> The proposed variation to the open space provisions of Element 5.1.4 C4 of the R-Codes (i.e. 0.7% or 1.56m²) is considered minor and is consistent with other residential developments approved by the City within the immediate locality.

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	<ul style="list-style-type: none"> The proposed variation adequately satisfies the 'design principles criteria' of Element 5.1.4 ('Open space') of the R-Codes and therefore the City has discretion to approve the proposal. In light of the above response, the comment is unsubstantiated, speculative and should be dismissed.
<p>Macri Lane between Hunter Street and Northam Street currently have no 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; Sense of open space. 	<ul style="list-style-type: none"> The proposed new dwelling will not be visible from either Elizabeth Street or Redfern Street. Furthermore, the planning framework permits the construction of a two storey dwelling (i.e. a two storey dwelling is allowed regardless of the built form on the adjoining properties). The adjoining properties comprise two storey dwellings, therefore the objector has provided the City with false and misleading information. The proposed dwelling complies with the overshadowing provisions of the R-Codes and does not impact access to light and ventilations for the existing dwellings on the adjoining properties. In addition to the above, the new dwelling satisfies the 'design principles criteria' in regards to open space, setbacks and visual privacy. It should be noted that the existing garage on the adjoining western property has a setback of less than 1 metre to the Macri Lane, this is consistent with the garage setback of the new dwelling on the subject land. In light of the above response, the comment should be dismissed.
<p>The development is inconsistent with a number of Policy Objectives within the City's Built Form Policy as follows:</p>	<p>Refer to responses below</p>
<p><i>Objective 2 – Context:</i></p> <p>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.</p>	<ul style="list-style-type: none"> The comment is unsubstantiated and does not specifically document how the proposed dwelling is at odds with the area. The proposed dwelling does not front Redfern Street, therefore it does not have any adverse impacts on the existing built form for character along Redfern Street. In relation Macri Lane, it does not currently comprise any specific character (it is characterised by solid fencing, outbuildings with nil setbacks etc). It is significant to note that there are three (3) new dwellings at No.73A & 75 A Redfern Street and No.48 Elizabeth Street which front onto Macri Lane that are all contemporary designs. Given this, the proposed new dwelling will improve the Laneway streetscape/character by improving passive surveillance and providing an active frontage. As such, the proposal meets Objective 2 of the City's LPP No.7.1.1.

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<p><i>Objective 3 – Context:</i></p> <p>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>	<ul style="list-style-type: none"> The comment is unsubstantiated and does not specifically document how the proposed dwelling does not meet the objective. As previously mentioned, Macri Lane does not comprise an established built form and that the new dwelling will provide an active frontage and improve passive surveillance over Macri Lane. In light of the above response, the comment should be dismissed.
<p><i>Objective 4 – Context:</i></p> <p>The proposed development will have a significant impact on the amenity of surrounding properties and public areas.</p>	<ul style="list-style-type: none"> The comment is unsubstantiated and does not specifically document how the proposed dwelling will have a significant impact on the surrounding properties. The built form of the proposed dwelling accords with the established planning framework and is consistent with other residential developments within the North Perth locality. Furthermore, the new dwelling will actually improve the public realm by providing an active frontage and improve passive surveillance over Macri Lane. In light of the above response, the comment should be dismissed.
<p><i>Objective 5 – Design:</i></p> <p>The proposed development is not well designed in respect to built form. The built form is of overwhelming bulk and is out of character with the surrounding built form.</p>	<ul style="list-style-type: none"> The comment is unsubstantiated and does not specifically document how the proposed dwelling does not address the objective. The subject land is not located within a guideline or heritage precinct, which specifies the design type/style of the dwelling. Furthermore, two storey dwellings are permitted within the municipality, therefore the built form of the new dwelling will not have an impact on Macri Lane in terms of bulk and scale and is consistent with other residential development within the North Perth locality. In light of the above response, the comment should be dismissed.
<p>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.</p>	<ul style="list-style-type: none"> The subject land is relatively small and was created through the subdivision process (including its southern orientation). Given this, there is limited space available to include the planting of numerous mature trees. Notwithstanding this, the proposed new dwelling has incorporated landscaping where possible within the development, adopting the use of particular tree species that will limit future damage to the new dwelling and the adjoining properties. In addition to the above point, it is significant to note that following a review aerial photography of the adjoining properties, that the adjoining landowners have not planted mature trees and

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	<p>comprise appropriate canopy cover. Given this, the proposed new dwelling is consistent with the landscaping provided on the adjoining properties.</p> <ul style="list-style-type: none"> In light of the above response, the comment is bias and should be dismissed.
Loss of amenity at 31 Redfern Street, North Perth:	<ul style="list-style-type: none"> The objector has not provided details on how the proposed new dwelling will have an impact on the amenity of adjoining No.31 Redfern Street (eastern property). The fact is, the proposed new dwelling on the subject land abuts a garage on No.31, which comprises an over height parapet wall and a higher floor level. In addition, the proposed new dwelling will not cast a shadow over No.31 on 21 June (i.e. winter solstice). Given the above, it is clear that the proposed new dwelling on the subject land will not have an adverse impact on the amenity of the existing dwelling on adjoining No.31, in fact the existing parapet wall on No.31 will have a greater impact on the new dwelling. Given the above responses, the comment is unsubstantiated, inaccurate, speculative and should be dismissed.
<p><i>Loss of Solar Access:</i></p> <p>The proposed development will block direct sun to the outdoor living area from approximately 2:30pm onwards at midsummer and from approximately 4pm.</p> <p>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>	<ul style="list-style-type: none"> The proposed new dwelling meets the 'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes In light of the above response, the comment should be dismissed.
<p><i>Loss of Ventilation:</i></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>	<ul style="list-style-type: none"> The proposed new dwelling meets the 'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes. Given this, the proposed dwelling does not have an adverse impact on access to light and ventilation for the existing dwellings on the adjoining properties. The proposed new dwelling meets the 'deemed to comply requirements' of Clause 5.6 ('Building height') of the City's Local Planning Policy No.7.1.1 entitled 'Built Form'. In light of the above response, the comment is unsubstantiated, is speculative and should be dismissed.

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<p><i>Loss of Views:</i></p> <p>The height of the proposal will obscure the sweeping views to the horizon across Mount Hawthorn and Leederville.</p> <p>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.</p>	<ul style="list-style-type: none"> The proposed new dwelling meets the 'deemed to comply requirements' of Clause 5.6 ('Building height') of the City's Local Planning Policy No.7.1.1 entitled 'Built Form'. Given compliance with the building height provisions, assessment of any loss of 'views of significance' cannot be assessed in this instance. In light of the above response, the comment should be dismissed.
<p><i>Loss of Privacy:</i></p> <p>The balcony fronting Macri Lane will overlook adjoining properties.</p> <p>The raised outdoor living area without screening would create overlooking issues and further exacerbate loss of ventilation and south west breezes.</p>	<ul style="list-style-type: none"> The 'cone of vision' extending from the balcony over the adjoining western property overlooks the roof of an outbuilding constructed on that property. Given this, the extent of overlooking will not have an adverse impact on any major openings to habitable rooms or outdoor living areas associated with the existing single detached dwelling on the adjoining western property. Given the above point, it is contended that the overlooking from the balcony satisfies the 'design principles criteria' of Element 5.4.1 of the R-Codes and may be approved by the City. Other than the above, the proposed dwelling meets the 'deemed to comply requirements' of Element 5.4.1 C1.1 ('Visual privacy') of the R-Codes. In light of the above response, the comment should be dismissed.
<p><i>Loss of Open Space:</i></p> <p>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.</p>	<ul style="list-style-type: none"> The proposed variation to the open space provisions of Element 5.1.4 C4 of the R-Codes (i.e. 0.7% or 1.56m²) is considered minor and is consistent with other residential development approved by the City in the immediate locality. The proposed variation adequately address the 'design principles criteria' of Element 5.1.4 of the R-Codes and therefore the City has discretion to approve the proposal. The subject land is relatively small and landscaping will be provided where possible. In light of the above response, the comment should be dismissed.
<p><i>Parking and Traffic Congestion:</i></p> <p>Visitors will park their vehicles in Redfern Street, leading to congestion and conflict adjoining residents' street parking</p>	<ul style="list-style-type: none"> The subject land was created through the subdivision process and did not require the need to provide additional parking beyond that required by the R-Codes.

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<p>spaces become utilised by visitors to the subject site.</p> <p>Street parking will be diminished by increased competition for parking.</p>	<ul style="list-style-type: none"> The proposed dwelling meets the 'deemed to comply requirements' of Element 5.3.3 C3.1 ('Parking') of the R-Codes. As such the number of on-site parking bays proposed is sufficient. In addition to the above, the subject land is well serviced by public transport, along both Charles and Walcott Streets. In light of the above response, the comment is unsubstantiated, speculative and should be dismissed.
<p><i>Stormwater Management:</i></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>	<ul style="list-style-type: none"> Details regarding onsite stormwater disposal will be provided at building permit stage, will need to comply with the relevant Australian Standard and will accordingly be assessed by the City. In light of the above response, the comment is unsubstantiated, speculative and should be dismissed.
<p>Submitter notes the following non-compliances with the R-Codes and Built Form Policy:</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. 	<ul style="list-style-type: none"> We recognise that the submitter notes the variations being sought and has not expanded on the points listed, therefore it is unclear whether the submitter is supporting or objecting to the variations. The planning framework provides the City with discretion to consider any development application under the 'design principles criteria' where there is merit and where the proposal will not have an adverse impact on the immediate locality. In this instance the variation to the prescribed development standards being sought are minor in nature, adequately satisfies the relevant 'design principles criteria', is consistent with the built form along Macri Lane (including front setback) and will enhance the Macri Lane streetscape. Given this, there is solid grounds for the City to exercise its discretion on the variations being sought. In light of the above response, the comments should be dismissed.

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1.2m is proposed.	
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.	<ul style="list-style-type: none"> The objector's accusation is defamatory, inappropriate and should be dismissed by the City. Notwithstanding the above, the proposed setback variations adequately address the relevant 'design principles criteria', is consistent with the built form in terms of bulk and scale within the immediate area, will enhance the Macri Lane streetscape and improve passive surveillance. Given this, there is solid grounds for the City to exercise its discretion on the variations being sought.
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.	<ul style="list-style-type: none"> The 'cone of vision' extending from the balcony over the adjoining western property overlooks the roof of an outbuilding constructed on that property. Given this, the extent of overlooking will not have an adverse impact on any major openings to habitable rooms or outdoor living areas associated with the existing single detached dwelling on the adjoining western property. Given the above point, it is contended that the overlooking from the balcony satisfies the 'design principles criteria' of Element 5.4.1 of the R-Codes and may be approved by the City. In light of the above response, the comment should be dismissed.
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.	<ul style="list-style-type: none"> This comment is confusing, raises no valid planning matters and should be dismissed. Furthermore, the Macri Lane is a public road that cannot be used for private functions or activities.
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.	<ul style="list-style-type: none"> The proposed new dwelling meets the 'deemed to comply requirements' of Clause 5.6 ('Building height') of the City's Local Planning Policy No.7.1.1 entitled 'Built Form'. Given compliance with the building height provisions, assessment of any loss of 'views of significance' cannot be assessed in this instance. In light of the above response, the comment should be dismissed.
<p>The proposed development fails to meet the design principles of Clause 5.1.3 P3.1 of the R-Codes as it:</p> <ul style="list-style-type: none"> Fails to reduce the impact of building bulk on adjoining properties; Fails to provide adequate direct sun and ventilation to adjoining properties; 	<ul style="list-style-type: none"> The objector has not substantiated where the proposed dwelling does not meet the 'design principles criteria'. The proposed dwelling abuts a garage/outbuildings constructed on both the adjoining properties. These structures are not habitable spaces, therefore the new dwelling does not have an adverse impact on the adjoining properties in terms of shadowing (which complies with the R-Code provisions), visual privacy, bulk and scale. Given the structures on the adjoining properties (outbuildings), the new dwelling adequately

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<p>The proposed development fails to meet the design principles of Clause 5.1.3 P3.2 of the R-Codes as it:</p> <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. 	<ul style="list-style-type: none"> • The objector has not substantiated where the proposed dwelling does not meet the 'design principles criteria'. • The proposed new dwelling meets the 'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes. • The Macri Lane streetscape is characterised by rear sold fences and outbuildings with nil or reduced setbacks. Given this, the proposed new dwelling (including the reduced front setback) will in fact enhance the streetscape. • In light of the above response, the comment is unsubstantiated, misleading and should be dismissed.
<p>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>	<ul style="list-style-type: none"> • The proposed variation to the open space provisions of Element 5.1.4 C4 of the R-codes (i.e. 0.7% or 1.56m²) is considered minor and is consistent with other residential development approved by the City in the immediate locality. • The proposed variation adequately address the 'design principles criteria' of Element 5.1.4 ('Open space') of the R-Codes and therefore the City has discretion to approve the proposal. • In light of the above response, the comment is unsubstantiated, speculative and should be dismissed.
<p>The development does not meet the design principles of Clause 5.1.4 P4 of the R-Codes as it:</p> <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. 	<ul style="list-style-type: none"> • See above response - the comment should be dismissed.
<p>The R-Codes definition of private open space excludes car parking spaces and access ways. It also excludes outdoor living</p>	<ul style="list-style-type: none"> • The R-Codes includes the access leg as part of the land area under the definition of 'Lot'. In regards to the open space calculation, the City confirms that the proposed variation to the open

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<p>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>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>space provisions of Element 5.1.4 C4 of the R-Codes is 0.7% or 1.56m², which is considered to be minor.</p> <ul style="list-style-type: none"> • Notwithstanding the above, the proposed variation adequately satisfies the 'design principles criteria' of Element 5.1.4 of the R-Codes and therefore the City has discretion to approve the proposal. • The calculation provided by the objector is misleading and incorrect, therefore the comment should be dismissed.
<p>Development does not meet R-Codes Clause 5.1.6 P6 or Clause 5.6 design principles of Built Form Policy:</p> <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>The comment is incorrect and unsubstantiated. For the record the following response is provided to the comments made:</p> <ul style="list-style-type: none"> • The Macri Lane streetscape is currently poor and comprises rear sold fences to dwellings or various outbuildings with a nil or reduce setback to the Laneways. Given this, the proposed new dwelling will actually enhance the streetscape. • The proposed dwelling abuts outbuildings on both the adjoining western and eastern properties, therefore the dwelling will not have an adverse impact on the amenity of those properties. • The proposed new dwelling meets the 'deemed to comply requirements' of Element 5.4.2 C2.1 ('Solar access for adjoining sites') of the R-Codes. In fact the new dwelling will not overshadow the adjoining properties at 12 noon on 21 June (winter solstice). • The proposed new dwelling meets the 'deemed to comply requirements' of Clause 5.6 ('Building height') of the City's Local Planning Policy No.7.1.1 entitled 'Built Form'. Given compliance with the building height provisions, assessment of any loss of 'views of significance' cannot be assessed in this instance. • The proposed dwelling will not be visible from the Redfern Street and therefore it does not have an impact on the local streetscape. As previously mentioned, the dwelling will enhance the character of Macri Lane. • The subject land comprises a 1.46 metre fall, with the level of the dwelling being partly below the right of way level and will be lower than the adjoining eastern property (which comprises a substantial parapet wall). Given the fall over the land, some retaining and fill is required to provide a flat building site. <p>In light of the above response, the comment is unsubstantiated, misleading and should be dismissed.</p>

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<p>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.</p> <p>The proposed south facing balcony is permanently shaded from winter sun.</p>	<ul style="list-style-type: none"> It is noted that the minimum dimension of the outdoor living area does not meet the 'deemed to comply requirements' of Element 5.3.1 C1.1 of the R-Codes. Notwithstanding this, the area comprises sufficient area, is orientated north to obtain winter sun and therefore satisfies the 'design principles criteria' of Element 5.3.1 (Outdoor living area) of the R-Codes. There are no development standards in place that would restrict or prevent a south facing balcony, therefore the comment is irrelevant. In light of the above response, the comment should be dismissed.
<p>The excavation for the retaining at the southeast corner of the site risks undermining of footings and retaining wall of neighbouring garage.</p>	<ul style="list-style-type: none"> The structural integrity and building construction methods are not a planning matter and is addressed under alternative legislation. Notwithstanding this, engineering plans will be prepared at building permit stage to demonstrate the stability of the works being undertaken. This will be assess by the City once a building permit is lodged. In light of the above response, the comment should be dismissed.
<p>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>	<ul style="list-style-type: none"> A dividing fence is provided on top of the retaining wall to reduce any overlooking of the adjoining property. In light of the above response, the comment should be dismissed
<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>	<ul style="list-style-type: none"> The access leg is 1.5 metres and there is adequate space to provide landscaping. The comment is misleading, false and should be dismissed.
<p>Development does not address Built Form Policy 7.1.1 design principles of Clause 5.14.1 with regard to landscaping.</p>	<ul style="list-style-type: none"> Given the small nature of the site, there is limited space available to include the planting of numerous mature trees. Notwithstanding this, the proposed new dwelling has incorporated landscaping where possible within the development. The landscaping will complement those areas viewed by the public (i.e. along the access leg and within the Macri Lane frontage). In light of the above, the City has discretion to vary the landscaping provisions having due regard for the lot constraints. In light of the above response, the comment should be dismissed.
<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</p>	<ul style="list-style-type: none"> The Policy specially states that fixtures should not be visible from the street and the surrounding properties. In fact the Policy (Clause C5.25.2) actually states that the air conditioning units are to be located to the rear of the dwelling on the ground floor. The application complies with this requirement.

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<p>Policy Clause C5.25.3.</p>	<ul style="list-style-type: none"> In light of the above response, the comment is misleading, false and should be dismissed.
<p>The proposal fails to address a number of the design principles of Appendix 1 of the Built Form Policy:</p> <p><i>Context and Character:</i></p> <p>The proposal fails to respond to the distinctive character of the local area.</p> <p><i>Landscape Quality:</i></p> <p>The proposal fails to allow sufficient deep soil zone and open space for good landscape design.</p> <p><i>Built Form and Scale:</i></p> <p>The proposal fails to achieve an appropriate built form that responds to its site and surrounding built fabric in a considered manner.</p> <p>The proposal also fails to respect important views and fails to contribute to the character of the adjacent streetscapes.</p>	<p>The response is provided to the comments made and outlines that the proposal does address the design principles:</p> <ul style="list-style-type: none"> The dwelling is not visible from Redfern Street and therefore does not adversely impact the character of the locality. Furthermore, the Macri Lane streetscape is currently poor and comprises rear sold fences to dwellings or various outbuildings with a nil or reduce setback to the Laneways. Given this, the proposed new dwelling will actually enhance the streetscape. The locality comprises a number of two storey dwellings (including the adjoining properties), therefore the built form of the new dwelling is consistent with the immediate locality and does not have an adverse impact on the local streetscape in terms of bulk and scale. Sufficient open space and outdoor living area has been provided to meet the needs of the future residents of the dwelling. Adequate landscaping is provided for the dwelling within the areas viewed from the public realm. This will enhance the dwelling and soften any potential impacts the dwelling may have on the streetscape. As previously mentioned the proposed new dwelling meets the 'deemed to comply requirements' of Clause 5.6 ('Building height') of the City's Local Planning Policy No.7.1.1 entitled 'Built Form'. Given compliance with the building height provisions, assessment of any loss of 'views of significance' cannot be assessed in this instance. In light of the above response, the comments are unsubstantiated, misleading and should be dismissed.
<p><u>Submission 7 – Objection</u></p> <p>Submitter does not want to see a precedent set where people are allowed to develop onto Macri Lane.</p>	<ul style="list-style-type: none"> The City and the R-Codes encourage the construction of dwellings with orientation towards a right of way (Macri Lane) to improve passive surveillance and create a streetscape along rights of ways. The subject land has been created with frontage to Macri Lane, therefore orientation towards the Laneway has already been granted by the City and the WAPC through the subdivision process. There are already existing developments orientated towards the Laneway at No.73A & 75A Redfern Street and No.48A Elizabeth Street. This reinforces the existing planning framework that encourages development fronting the Laneway.

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	<ul style="list-style-type: none"> In light of the above response, the comment should be dismissed.
A double storey development with minimum setback from Macri Lane destroys the sense of privacy from Elizabeth and Redfern Street.	<ul style="list-style-type: none"> Two storey dwellings are permitted, subject to comply with the building height provisions of the City's LPP No.7.1.1. Furthermore, the design of the dwelling will assist with improving passive surveillance of Marci Lane. In light of the above response, the comment is unsubstantiated, speculative and should be dismissed.
Submitter questions why the proposed development is unable to provide the appropriate privacy screening as required under the R-Codes.	<ul style="list-style-type: none"> The 'cone of vision' extending from the balcony over the adjoining western property overlooks the roof of an outbuilding constructed on that property. Given this, the extent of overlooking will not have an adverse impact on any major openings to habitable rooms or outdoor living areas associated with the existing single detached dwelling on the adjoining western property. Given the above point, it is contended that the overlooking from the balcony satisfies the 'design principles criteria' of Element 5.4.1 of the R-Codes and may be approved by the City.

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