

Summary of Submissions:

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

| Comments Received in Support: | Officer Technical Comment: |
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| <p><u>Built Form Outcome</u></p> <ul style="list-style-type: none">• The development is a true example of forward-thinking design that would contribute to the value and character of the neighbourhood;• Architecture like this sculpts the future direction and quality of the built form within the City of Vincent;• Beautiful build that would enhance any street;• Project adds to the streetscapes of Mount Hawthorn and would make a more beautiful place;• Project is very innovative with good use of space, both indoor and outdoor;• The development meets the current and future needs of the homeowner; and• The design has wonderful design integrity and consideration of the surrounding streetscape. | <p>Comments in support of the proposal is noted.</p> |
| Comments Received in Objection: | Officer Technical Comment: |
| <p><u>Street Setback</u></p> <ul style="list-style-type: none">• The City of Vincent Newsletter No.64 Spring 2012 states that the upper floor should be setback at least 2.0m behind the ground floor;• Street setback proposed disturbs the continuity of the streetscape. The style of the development is not in keeping with architectural styles within the street. The applicant has not undertaken enough streetscape analysis; and• The bulk of the house would still dominate the street with a compliant setback and detract from the Mt Hawthorn character, particularly as there is no other house on the street or in the locality that has the same bulk and mass. | <ul style="list-style-type: none">• The street setback as referenced City of Vincent Newsletter is not a current requirement under the City's Local Planning Scheme No.2 (LPS2) or relevant local planning policies. The street setbacks have been assessed in accordance with the Built Form Policy Clause 5.2 Street Setback;• The proposed street setbacks meet the deemed-to-comply standards of the Built Form Policy Clause 5.2 Street Setback; and• The relationship of the proposed development to the street and locality has been considered under Clause 67 of the Planning and Development (Local Planning Scheme) Regulations 2015. The City considers that opposing form, scale and mass of the Single House when compared to existing developments does not contribute to a high quality streetscape. |

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| <p data-bbox="111 207 195 235"><u>Height</u></p> <ul data-bbox="111 272 1010 1006" style="list-style-type: none"><li data-bbox="111 272 1010 358">• The height is not appropriate as it is out of character with the rest of the area and provides significant adverse visual impacts to the streetscape. The development appears too large and overbearing from the street;<li data-bbox="111 363 1010 513">• The rooftop terrace adds an additional storey, resulting in a three storey development. Three storeys is not in keeping with existing developments within the area. The third storey / additional height of the development would set an undesirable precedence for future developments;<li data-bbox="111 518 1010 578">• Rooftop is not consistent with other dwellings in the area – no roof tops found in this locality. It would be out of character;<li data-bbox="111 583 1010 669">• The additional height proposed is considered excessive, resulting in significant additional overshadowing, overlooking, and adverse visual impacts to neighbouring properties;<li data-bbox="111 673 1010 734">• Additional height has adverse amenity impacts on surrounding properties, especially as the rooftop would be used as an active space;<li data-bbox="111 738 1010 824">• The additional height results in lot boundary setback variations, particularly from the upper levels. Building this high should be setback further from the boundaries and reduced in size;<li data-bbox="111 829 1010 915">• Trees on the rooftop terrace would further increase the height of the development. Concerns about how high the house would appear with trees on top; and<li data-bbox="111 920 1010 1006">• Scale of the development is not suited to the land size, streetscape or locality. This size of development would be better suited in coastal suburbs or inner City. | <ul data-bbox="1052 272 1980 1006" style="list-style-type: none"><li data-bbox="1052 272 1980 391">• Following neighbour consultation the applicant submitted amended plans with a reduction in building height. The proposed building height meets the deemed-to-comply standards of the Built Form Policy Clause 5.6 Building Height;<li data-bbox="1052 396 1980 456">• The rooftop terrace sits entirely within the upper floor roof. The dwelling proposed is two storeys only;<li data-bbox="1052 461 1980 521">• Amended plans have removed mature tree planting from the rooftop terrace;<li data-bbox="1052 526 1980 586">• The upper floor terrace has been provided with privacy screening and meets the deemed-to-comply standards of Clause 5.4.1 Visual Privacy;<li data-bbox="1052 591 1980 740">• The rooftop terrace provides privacy screening around its perimeter to reduce all overlooking and subsequent loss of privacy to adjoining properties. The reduction in height of the rooftop terrace mitigates any additional building bulk and subsequent amenity impacts to adjoining properties;<li data-bbox="1052 745 1980 831">• Rooftop terraces is permitted provided they meet relevant planning standards including, but not limited to, building height, lot boundary setbacks, overshadowing, visual privacy; and<li data-bbox="1052 836 1980 1006">• The relationship of the proposed development to the street and locality has been considered under Clause 67 of the Planning and Development (Local Planning Scheme) Regulations 2015. Following assessment under these provisions, the City does not consider that the mass, scale and design of the development is consistent or compatible with the established character of the streetscape and surrounding locality. |

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| <p><u>Lot Boundary Setbacks to Adjoining Properties</u></p> <ul style="list-style-type: none"> • Setbacks to the rear lot boundary have decreased in the amended plans, resulting in significant overlooking to the adjoining properties, adverse visual impacts and excessive noise; • Walls of the development do not engage with surrounding properties, and rather impose on them; • Reduced setbacks result in overlooking to all adjoining properties. Amenity issues would decrease the quality of life for adjoining residents; • Reduced setbacks result from the house being too large for the land size; • The design of the development does not relate to the surrounding properties and therefore appears out of character; • The proposal does little to mitigate its significant reduction of the rear setback standards, resulting in bulk and mass to the rear properties, reduction in sunlight and increased overlooking. | <ul style="list-style-type: none"> • The application has been assessed against the lot boundary setback provisions of the City's Built Form Policy that establishes deemed-to-comply requirements. The deemed-to-comply lot boundary setback standards set out in the Built Form Policy have not yet been approved by the WAPC. As such, the rear setback provisions is given due regard in the assessment of this application. The development meets the deemed-to-comply standards for lot boundary setbacks under Clause 5.1.3 of the R Codes (tables 2a/2b) and is acceptable in terms of building bulk and mass. The articulated eastern façade and provision of landscaping also assists in softening the building edge when viewed from adjoining properties; • The southern elevation provides articulation to wall lengths, wall heights and large openings that breaks up solid portions of blank wall and subsequently reduces building bulk when viewed from the southern adjoining property; • The development meets the deemed-to-comply standards of the R Codes Clause 5.4.1 Visual Privacy, ensuring no adverse overlooking and subsequent loss of privacy to the adjoining properties. • The development does not result in a reduction of solar access to the adjoining eastern properties; and • The relationship of the proposed development to the character of the locality has been considered under Clause 67 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>. The mass, scale and design of the development is not consistent or compatible with the established character of the streetscape and surrounding locality. |
| <p><u>Boundary Walls to Adjoining Properties</u></p> <ul style="list-style-type: none"> • Boundary walls is too high and too close to the adjoining properties providing visual bulk to the southern property; • Boundary walls is only on the verge of compliance. | <ul style="list-style-type: none"> • Following neighbour consultation the applicant submitted amended plans with a reduction in the proposed boundary wall heights. The amended boundary walls proposed comply with the Built Form Policy Clause 5.3 Lot boundary setbacks and is acceptable. |

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| <p><u>Street Surveillance</u></p> <ul style="list-style-type: none"> The house has no windows facing the street, and subsequently makes no effort to relate to the streetscape and Mount Hawthorn community; The studio window facing the street is covered by trees; Design would not assist in reducing crime in the area; and Development is not consistent with the objectives of Liveable neighbourhoods which is to increase passive and active surveillance. | <ul style="list-style-type: none"> The development provides a major opening from the ground floor Studio that faces the street and vehicle approach to the dwelling. The development meets the deemed-to-comply standard of the Built Form Policy Clause 5.9 Street Surveillance; If approved, the development would be required to maintain active street surveillance. The acceptability of tree location and species would be considered through a relevant condition of approval; and The relationship of the proposed development to the street and locality has been considered under Clause 67 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>. The development does provide sufficient passive surveillance and subsequent relationship the established street. |
| <p><u>Street Walls and Fences</u></p> <p>The front gate slides externally, creating potential safety issues for pedestrians walking past.</p> | <ul style="list-style-type: none"> The gate proposed as part of the front fence slides entirely within the subject site, presenting no conflicts to the adjacent footpath. The development has also provided sufficient vehicle sightlines to ensure safety and visibility to the footpath. |
| <p><u>Sightlines</u></p> <ul style="list-style-type: none"> Concerns relating to non-compliant sightlines and pedestrian safety risks; A lot of children pass by on the pedestrian path and would be at risk due to non-compliant sightlines; and significant safety hazard. | <ul style="list-style-type: none"> Following neighbour consultation the application provided amended plans addressing sightlines. The front fence now falls within the City's acceptable standard for sightlines, ensuring that vehicles exiting the site would have clear vision of pedestrians located on the footpath or verge areas. The City's Technical Officers have reviewed the front fence plan and have confirmed that the design meets the Design Principles of the R Codes Clause 5.2.5 Sightlines. |
| <p><u>Garage Setback</u></p> <ul style="list-style-type: none"> The garage should be 0.5m behind the house to comply with the R Codes. | <ul style="list-style-type: none"> The proposed garage is setback 2.0 metres behind the upper floor façade. The development meets the deemed-to-comply standards for the Built Form Policy Clause 5.7 Setback of garages and carports and the R Codes Clause 5.2.2 Garage width. |

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| <p><u>Landscaping</u></p> <ul style="list-style-type: none"> • The existing greenery within Mount Hawthorn is what makes the suburb so desirable. The development should achieve the full 15% required landscaping to contribute to vegetation in Mount Hawthorn; • The accuracy of the 12.6% calculation is questioned; • The development proposes deep soil areas where amenities is located, do these contribute to the calculation? • Concerns that deep soil zones may be provided with astro-turf; • Trees provided to the south of the lot would be in constant shade; • Reduced landscaping would result in an urban heat island effect; • Very limited trees available on site. Full canopy cover should be provided; and • Concerns relating to inconsistencies in landscaping between plans, as trees is shown in different locations between plans, and in locations where trees could not be accommodated (e.g. the driveway). | <ul style="list-style-type: none"> • Following neighbour consultation the applicant submitted amended plans with increased deep soil zones. The amended proposal included 14.6% deep soil zones, as well as additional landscaping areas on site that does not contribute to deep soil. The provision of landscaping within the front setback and along all lot boundaries is considered to reduce the overall impact of the development to the street and adjoining properties. The range of species proposed would soften the building edge and provide sufficient shading and greenery on site. The landscaping provided as part of this application is consistent with the Mount Hawthorn locality; • Locations where amenities is located on site such as soak wells and air conditioning units have not been included in deep soil calculations; • If the development were to be approved, a condition requiring 30% canopy cover at maturity would be recommended to be provided on any approval notice. The City's Technical Officers have confirmed that 30% canopy cover could be achieved on site within the deep soil zones proposed. Compliant canopy cover would provide for greater landscaping amenity for the residents and the community, further reduce the impact of the development on adjoining residential lots and create a sense of open space between dwellings; • Amended plans received no longer propose mature plantings along the southern boundary; • In accordance with the definition of 'deep soil zone' within the Built Form Policy, deep soil zones is not permitted be covered with impervious surfaces. Deep soil zones is required to support mature plant and tree growth; and • Amended plans received following neighbour consultation addressed inconsistencies between plans. |
| <p><u>Visual Privacy</u></p> <ul style="list-style-type: none"> • Development provides major visual intrusions to neighbouring properties from the windows and terraces proposed; • The rooftop terrace would cause considerable overlooking to all adjoining properties, particularly as it is so high. The overlooking from the rooftop terrace falls onto back gardens of the adjoining properties, resulting in major privacy concerns; • Both terraces should be entirely screened as they both provide overlooking to adjoining properties resulting in significant loss of privacy to adjoining properties. Concerns relating to children playing in gardens and noise; | <ul style="list-style-type: none"> • The development meets the deemed-to-comply standards of the R Codes Clause 5.4.1 Visual Privacy; • The rooftop terrace and upper floor terrace have been provided permanent screening devices in accordance with R Codes Clause 5.4.1 Visual Privacy that restricts views within the cone of vision to all adjoining properties; • The external stairs and upper floor external doors do not fall under the R Code definition of 'major openings' or 'active habitable spaces' and is not required to be screened or glazed in accordance with Clause 5.4.1 Visual Privacy. |

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| <ul style="list-style-type: none"> • The rooftop terrace should be setback 7.5m from all lot boundaries so as to reduce all overlooking and subsequent loss of privacy to all properties. • Rear external stairs is not screened and is too close to lot boundaries therefore providing considerable overlooking to backyards of the adjoining properties. The rear stairs should be screened; • Concerns relating to overlooking from upper floor doorways that is not glazed; • The terrace above the garage is not screened to the front, resulting in overlooking to the northern adjoining property; and • Overlooking if supported would set an undesirable precedence for future development. | <ul style="list-style-type: none"> • The upper floor terrace meets the deemed-to-comply standards for Clause 5.4.1 Visual Privacy of the R Codes. The front of the terrace is open (1 metre balustrading proposed), noting that overlooking from this portion of the terrace falls forward of the northern adjoining properties street setback line; and • Future development within the locality would be subject compliance with the City's LPS2 and the R Codes. |
| <p><u>Solar Access</u></p> <ul style="list-style-type: none"> • The additional height and reduced lot boundary setbacks of the development results in a loss of natural sunlight to the adjoining properties; • If the southern property were subdivided, overshadowing would be a lot more significant; • The rendered images provided do not accurately represent the winter shadow that would be cast. The image is misleading; • Wall heights, lengths, setbacks and roof design should be modified to reduce overshadowing to the south; and • The solar access diagram provided by the applicant does not show the shadow from the rooftop terrace. The solar access diagram as provided from the applicant should be checked as it does not appear to be compliant. | <ul style="list-style-type: none"> • The shadow cast from the proposed development falls across two lots to the south of the subject site. There is one single house (No. 56 Kalgoorlie Street Mount Hawthorn) constructed across the two lots affected. The immediately affected lot (Lot 303) is 248 square metres and does not meet current site area requirements for a R30 coded site. It is likely that this lot would be largely overshadowed from a compliant development due to its unfavourable location, dimensions and orientation. If Lot 303 and Lot 23 were to be amalgamated to a total site area of 751 square metres, the proposed development would shadow 33 percent of the site and would meet the deemed-to-comply requirements for Clause 5.4.2 Solar Access of the R Codes. For these reasons, development provides a sufficient shadow projection to the adjoining southern site; • Following neighbour consultation the applicant submitted amended plans with a reduction in the overall building height, and a change in the design of the rooftop terrace. The rooftop terrace was modified to sit entirely within the upper floor roof space. These amendments were made to assist in the reduction of overshadowing to the south; • The City confirms that the Solar Access Diagram submitted by the applicant has been accurately provided in accordance with the deemed-to-comply standards of the R Codes Clause 5.4.2 Solar Access; and • The City does not calculate shadow projection based on rendered images provided. |

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| <p><u>Access and Parking</u></p> <ul style="list-style-type: none"> The development may result in additional traffic and subsequent safety issues; and The number of bedrooms proposed would increase occupants and subsequent parking required. | <p>The development has provided the minimum required on-site car parking spaces in accordance with the deemed-to-comply standards of the R Codes Clause 5.3.3 Parking. Car parking spaces and manoeuvring areas have been designed and provided in accordance with Australian Standard 2890.1 (as amended). Adequate car parking has been provided on-site in accordance with the projected need.</p> |
| <p><u>Heritage</u></p> <p>The development would have an adverse impact the heritage character of the locality.</p> | <p>The subject site is not identified as a Heritage or Character Retention Isa.</p> |
| <p><u>Noise</u></p> <ul style="list-style-type: none"> Noise would travel from the rooftop terrace through the whole suburb given it is on the top level; Rooftop noise would provide disturbance to many residences that have children; Concerns relating to noise generated from people walking up and down the external stairs; and The outdoor shower, sauna and pool is all on the boundary and would create noise issues to the adjoining properties. | <p>The development would be subject to compliance with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> |
| <p><u>Built Form Outcome</u></p> <ul style="list-style-type: none"> The design of the development does not fit into or complement the streetscape. There is no houses along this street or in the surrounding locality that is similar to this design or is of this scale and mass. Development is at odds with the majority of developments within the locality; Brutalist architecture is totally out of character; The development is not in keeping with Mount Hawthorn character homes; The façade of the development does not promote a sense of community and instead turns its back on the street and community. The design is counter to neighbourly interaction and has no desire to identify with the character of Mt Hawthorn; The development has not been designed to engage with surrounding properties; True character of the street is interwar and post war - development not in keeping with this; Design does not attempt to adhere to standards, compliment the | <ul style="list-style-type: none"> The City is to have due regard to the matters contained under Clause 67 of the Planning and Development (Local Planning Scheme) Regulations 2015 when exercising its discretion. An assessment against matters to which is considered most relevant to this application have been addressed within the Officer report; The application proposes a predominantly compliant development which either meets the deemed-to-comply requirements, or, meets the design principles and local housing objectives of the R Codes and Built Form Policy. The scale, mass and design of the single house is not respectful or in keeping with the scale and character of the established streetscape or locality; While the development is of a high quality, the style of the development is not entirely compatible with the streetscape and locality. The design of the proposed dwelling is not consistent with dwellings within the locality, particularly due to the limited surveillance provided to the street, the provision of solid blank walls to the street, and limited contrasting materials and colours. The opposing form of the Single House proposed |

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| <p>heritage nature of the street, or consider the impact such an imposing structure has on neighbours;</p> <ul style="list-style-type: none"> • Overdevelopment of a small and narrow lot; • There is too much white concrete, which does not relate to the streetscape and detracts from the character homes in Mount Hawthorn; • The development would be better located in another suburb where there is similar residences and streetscapes that it would fit into; • Roof top terraces is completely out of character in Mt Hawthorn. The terrace would be damaging to neighbours; and • The design would provide an undesirable precedence to future developments within the locality. | <p>when compared to existing developments is not considered to contribute to a high quality streetscape; and</p> <ul style="list-style-type: none"> • Should the development be approved, the City considers the development has the potential to be used as a reference point for other development in the area seeking developments of similar mass and scale, would likely affect the future development of the locality by incrementally eroding the open nature and consistency of the streetscape which form the existing and desired future character of the area. |
| <p><u>Other</u></p> <ul style="list-style-type: none"> • The development would alienate surrounding properties; • The development does not need the amount of amenities it has proposed and should be reduced in size (e.g. number of bedrooms, bathrooms, BBQ areas, gym, sauna etc.); • Concerns relating to how smells, gasses and steam released from the sauna would be addressed; • Concerns relating to how waste water from the outdoor shower would be drained; • Concerns for impacts to Anzac Cottage a few houses away; • The plans do not show the rooftop terrace on the front elevation; • The development would reduce property values; and • Development does not comply with the Mount Hawthorn Precinct Policy which ensures that the prevailing residential character of the area is protected and the form and scale of the development does not adversely impact the street. | <ul style="list-style-type: none"> • The relationship of the proposed development to the street and locality has been considered under Clause 67 of the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>. Following assessment under these provisions, the City considers proposal would have adverse social impacts on the adjoining residential properties; • The development complies with the R Code definitions of 'Single House' and 'Residential Building'. The number of amenities on site is not a relevant planning consideration; • The function of the Outdoor shower and Sauna would be subject to compliance with the City of Vincent Health Local Law 2004; • The rooftop terrace is contained entirely within the upper floor roof space and is not visible from the front elevation; • There is no evidence the development would result in a loss of property values; and • Policy No. 71.1 – Mount Hawthorn Precinct Policy was rescinded at Ordinary Meeting of Council (OMC) on 13 December 2016. The Built Form Policy was adopted at this same OMC, and applies to all development applications in the City of Vincent. |