














9.1 NO. 109 (LOT: 100; D/P: 43470) PALMERSTON STREET, PERTH - PROPOSED FOUR GROUPED DWELLINGS**Ward:** South

- Attachments:**
1. Consultation and Location Plan 
 2. Development Plans 
 3. Perspectives 
 4. Environmentally Sustainable Design Assessment 
 5. Context Analysis 
 6. Justification Letter 
 7. Arboricultural Survey 
 8. Summary of Submissions - Administration Response 
 9. Summary of Submissions - Applicant Response 
 10. Streetscape Setback Analysis 
 11. Overshadowing Analysis 
 12. Visual Privacy Analysis 
 13. Determination Advice Notes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **APPROVES** the development application for Four Grouped Dwellings at No. 109 (Lot: 100; D/P: 43470) Palmerston Street, Perth in accordance with the plans in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 13:

1. Development Plans

This approval is for Four Grouped Dwellings as shown on the approved plans dated 14 September 2022, 20 October 2022 and 9 November 2022. No other development forms part of this approval;

2. Boundary Walls

The surface finish of boundary walls facing No. 107 Palmerston Street, Perth shall be of a good and clean condition, prior to the occupation or use of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City;

3. External Fixtures

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

4. Colours and Materials

4.1 Prior to first occupation or use of the development, the colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City; and

4.2 The meter boxes are to be painted the same colour as the wall they are attached so as to not be visually obtrusive, to the satisfaction of the City;

5. Landscaping

5.1 Prior to the issue of a Building Permit, a detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City. The plan shall be drawn to a scale of 1:100, be generally

in accordance with the landscaping plan dated 14 September 2022 and show the following:

5.1.1 The location and type of existing and proposed trees and plants;

5.1.2 Areas to be irrigated or reticulated; and

5.1.3 The provision of an additional landscaping area containing two trees as marked in red on the approved plans. The tree species are to be consistent with the City's Tree Selection Tool so as to maximise the provision of canopy coverage and to the satisfaction of the City;

5.2 All landscaping works shall be undertaken in accordance with the approved plans dated 14 September 2022, as modified in Condition 5.1.3, prior to the occupancy or use of the development and maintained thereafter to the satisfaction of the City; and

5.3 No verge trees shall be removed without the prior written approval of the City. Verge trees shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City. Prior to any pruning of verge trees, an arborist report shall be prepared by the landowner and submitted to the City;

6. Privacy Screening

Prior to occupancy or use of the development, all privacy screening shown on the approved plans shall be installed and shall be visually impermeable and is to comply in all respects with the visual privacy requirements of the Residential Design Codes, to the satisfaction of the City;

7. Sight Lines

Walls, fences, and other structures truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street, with the exception of:

- One pier at max width of 0.4 metres x 0.4 metres and 1.8 metres height, with decorative capping permitted to a height of 2.0 metres;
- Infill that provides a clear sight line;
- If a gate is proposed:
 - When closed: a min of 50 percent unobstructed view; or
 - When open: a clear sightline;

unless otherwise approved by the City;

8. Front Fence

Fencing infill panels above the approved solid portions of fence shall be visually permeable in accordance with the Residential Design Codes Volume 1, to the satisfaction of the City;

9. Car Parking and Access

9.1 The layout and dimensions of all driveways and parking areas shall be in accordance with AS2890.1;

9.2 All driveways, car parking and manoeuvring areas which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City;

9.3 No goods or materials being stored, either temporarily or permanently, in the parking or landscape areas or within the access driveways. All goods and materials are to be stored within the buildings or storage areas, where provided;

9.4 The new crossover to Palmerston Street shall be reduced to a maximum width of three

metres to maximise the separation from the existing verge tree; and

- 9.5 Prior to the first occupation of the development, the redundant or “blind” crossovers shall be removed, the verge area landscaped, and the kerb made good to the City’s specifications and to the satisfaction of the City, at the applicant/owner’s full expense;

10. Tree Protection

Prior to the issue of a Building Permit a Tree Protection Plan prepared in accordance with Australian Standard AS4970-2009 shall be submitted and approved by the City. The Tree Protection Plan is to include details of the construction methods for works to be undertaken on site to minimise impact on the Moreton Bay Fig situated in Robertson Park and adjacent to the northern boundary of the subject site. The Tree Protection Plan shall include the following details:

- Fencing of the Tree Protection Zone (TPZ) and Structural Root Zone, as defined in the Arboricultural Report stamp dated 8 June 2021, for the duration of works to avoid compaction and root severance;
- Methodology and construction details for site grading, retaining walls and boundary fencing within the TPZ;
- Location and construction methodology for utility trenching to minimise impact on TPZ;
- Soakwells and stormwater pipes within the TPZ to be manually excavated to avoid root severance;
- Construction methodology for footings of Units 3 and 4 within the TPZ to minimise impact on the tree roots; and
- Driveway to be manually compacted;

The recommendations of the Tree Protection Plan shall be implemented and complied with for the duration of the construction of the development, to the satisfaction of the City;

11. Construction Management Plan

A Construction Management Plan shall be lodged with and approved by the City prior to the issue of a Building Permit. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:

- The delivery of and delivery times for materials and equipment to the site;
- Storage of materials and equipment on site;
- Parking arrangements for contractors and sub-contractors;
- The impact on traffic movement;
- Dilapidation report of the nearby properties at No’s. 107 and 116 Palmerston Street, Perth;
- Notification to affected land owners; and
- Construction times;

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

12. Stormwater

All stormwater produced on the subject land shall be retained on site or connected to the City’s drainage system at the expense of the applicant/landowner, to the satisfaction of the City.

Moved: Cr Wallace, **Seconded:** Cr Ioppolo

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Hallett, **Seconded:** Cr Worner

That Condition 4 be deleted and replaced with the following:

4. Colours and Materials

~~4.1 Prior to first occupation or use of the development, the colours, materials and finishes of the development shall be in accordance with the details and annotations as indicated on the approved plans which forms part of this approval, and thereafter maintained, to the satisfaction of the City; and~~

~~4.2 The meter boxes are to be painted the same colour as the wall they are attached so as to not be visually obtrusive, to the satisfaction of the City;~~

4.1 Prior to the issue of a building permit, a schedule detailing the colours, materials and finishes of the development must be submitted to and approved by the City.

The schedule is to include the use of 'San Selmo Reclaimed Bricks' or similar colour for the face brick portions of the development as indicated on the approved plans, to the satisfaction of the City.

The development must be finished and thereafter maintained in accordance with the approved schedule of colours and materials, prior to occupation of the development and to the satisfaction of the City;

REASON:

To ensure that the brick colour and finish used for the development is consistent with the brick work shown in the perspectives.

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Mayor Cole was an apology for the Meeting.)

PROCEDURAL MOTION**DEFERRED**

Moved: Cr Wallace, **Seconded:** Cr Worner

1. That the motion be deferred, to address the following concerns:

The proposed development is inconsistent with the objectives of the Residential Zone under the City of Vincent's Local Planning Scheme No. 2, as the proposal does not result in a design that is compatible with, and that enhances the amenity and character of the residential neighbourhood and streetscape. This is because the proposed development that faces the Palmerston Street frontage does not offer sufficient setbacks or landscaping to reduce impacts of building bulk to the street;

The proposed development does not satisfy relevant design principles of State Planning Policy 7.3 – Residential Design Codes Volume 1 (R Codes) and local housing objectives of the City's Policy 7.1.1 – Built Form (Built Form Policy), including:

- a) Clause 5.1 of the Built Form Policy and Clause 5.1.2 of the R Codes in relation to Street Setbacks. The development is not set back from the street sufficiently to contribute to, or be consistent with, the established streetscape. The proposed setback from the street

results in a building bulk and scale that is not consistent with, and does not contribute to the established streetscape and would adversely affect the amenity of the neighbouring property;

- b) **Clause 5.1.3 of the R Codes in relation to Lot Boundary Setbacks.** The proposed development would adversely affect the amenity of the neighbouring property at No. 107 Palmerston Street because it would not maintain adequate access to direct sun into buildings and open spaces, and the proposed development has not been appropriately set back from the south western lot boundary nor designed to reduce the impacts of building bulk and scale;
- c) **Clause 5.3.2 of the R Codes in relation to Landscaping.** The proposed street setback would result in reduced landscaping opportunities within the street setback area. The resultant landscaping does not contribute to the appearance and amenity of the development for residents or positively contribute to the streetscape;
- d) **Clause 5.3 of the Built Form Policy and Clause 5.1.6 of the R Codes in relation to Building Height.** The proposed building height would contribute towards adversely affecting the amenity of the neighbouring property as outlined in Reason 2b; and
- e) **Clause 5.4.2 of the R Codes in relation to Solar Access for Adjoining Sites.** The development has not been appropriately designed to protect the neighbouring property's (No. 107 Palmerston Street) access to direct sunlight to outdoor living areas and major openings, and would adversely affect the amenity of the neighbouring property; and

2. Having regard to the reasons above, the proposed development:

- a) **Is not physically compatible with its setting nor with the adjoining development (Clause 67(2)(m) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*); and**
- b) **Would have an adverse and detrimental impact on the amenity and character of the locality (Clause 67(2)(n) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

The application to be returned to Council no later than 90 days from today.

CARRIED (5-3)

For: Cr Gontaszewski, Cr Alexander, Cr Loden, Cr Worner and Cr Wallace

Against: Cr Castle, Cr Hallett and Cr Ioppolo

(Mayor Cole was an apology for the Meeting.)