

5.1.8 LATE ITEM: Nos. 77-79 (Lots: 3 and 4; D/P: 7680) Anzac Road, Mount Hawthorn – Six Grouped Dwellings

Ward:	North	Date:	5 December 2016
Precinct:	Precinct 1 – Mount Hawthorn	File Ref:	5.2016.368.1
Attachments:	1 – Consultation and Location Map 2 – WAPC Subdivision Approval and Plans 3 – Development Application Plans 4 – Applicant’s Justification 5 – Summary of Submissions 6 – Determination Advice Notes		
Tabled Items:	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	J Corbellini, Director Development Services		

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for Six Grouped Dwellings at Nos. 77-79 (Lots: 3 and 4; D/P: 7680) Anzac Road, Mount Hawthorn in accordance with plans as shown on Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 6:

1. **Amalgamation**

Lots 3 and 4 shall be amalgamated into one lot on a certificate of Title to the satisfaction of the City prior to the occupation or use of the development;

2. **Privacy**

The proposed balconies at the front and rear of the upper floors to the western elevation of Units 1 and 3 and the eastern elevation of Units 2 and 6 are to be screened in accordance with the Residential Design Codes of WA prior to the occupancy of the development;

3. **Front Walls and Fencing**

3.1 The proposed fencing to Units 1 and 2 fronting Anzac Road within the front setback area shall be a maximum height of 1.8 metres, with the solid portions of wall to be a maximum height of 1.2 metres above the adjacent footpath level; and

3.2 The portion of wall above 1.2 metres referred to in condition 3.1 above is required to be a minimum fifty percent visually permeable the satisfaction of the City.

4. **Boundary Walls**

4.1 The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls in a good and clean condition prior to the occupation or use of the development and maintained thereafter to the satisfaction of the City; and

4.2 The two storey boundary walls between Units 3 and 4 and Units 5 and 6 are to be simultaneously constructed;

5. Car Parking and Access

- 5.1 The car parking and access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 prior to occupancy or use of the development;
- 5.2 Vehicle and pedestrian access points are required to match into existing footpath levels; and
- 5.3 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

6. External Fixtures

All external fixtures and building plant, including air conditioning units, piping ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings;

7. Verge Trees

No verge trees shall be removed without prior written approval from the City. The verge trees shall be retained and protected from any damage including unauthorised pruning, to the satisfaction of the City;

8. Acoustic Report

- 8.1 An Acoustic Report in accordance with the City's Policy No. 7.5.21 – Sound Attenuation, shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City; and
- 8.2 Certification from an acoustic consultant shall be provided to the City demonstrating that all of the recommended measures in the approved Acoustic Report have been undertaken to the City's satisfaction, prior to occupation or use of the development;

9. Landscape and Reticulation Plan

- 9.1 A detailed landscape and reticulation plan for the development site and adjoining road verge is to be lodged with and approved by the City prior to the commencement of development. The plan shall be drawn to a scale of 1:100 and show the following:
 - 9.1.1 The location and type of existing and proposed trees and plants;
 - 9.1.2 Deep soil zones as indicated on the stamped approved plans;
 - 9.1.3 The inclusion of eighteen mature jacaranda trees as indicated on the stamped approved plans;
 - 9.1.4 30% of the site achieving a canopy coverage;
 - 9.1.5 Areas to be irrigated or reticulated; and
 - 9.1.6 The removal of redundant crossovers;
 - 9.2 All works shown in the approved landscape and reticulation plan, as identified in Condition 9.1, shall be undertaken in accordance with that plan to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City;
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10. Construction Management Plan

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area in accordance with the requirements of the City's Policy No. 7.5.23 – Construction Management Plans shall be lodged with and approved by the City prior to commencement of development. Construction on and management of the site shall thereafter comply with the approved Construction Management Plan;

11. Waste Management

11.1 A Waste Management Plan shall be submitted to and approved by the City prior to commencement of the development detailing a bin store to accommodate the City's specified bin requirement and the form and timing of waste collection; and

11.2 Waste management for the development shall thereafter comply with the approved Waste Management Plan;

12. Stormwater

All stormwater produced on the subject land shall be retained on site, by suitable means to the full satisfaction of the City;

13. Schedule of External Finishes

Prior to commencement of development a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to and approved by the City. The development shall be finished in accordance with the approved schedule prior to the use or occupation of the development;

14. Right of Way Setbacks & widening

14.1 A 1.5 metre right of way setback to any buildings and structures is to be maintained at all times to enable future right of way widening; and

14.2 The future right of way widening referred to in condition 14.1 above, is to be ceded free of cost to the City on subdivision of the land, including Built Strata subdivision; and

15. General

Conditions that have a time limitation for compliance, and the condition is not met in the required time frame, the obligation to comply with the requirements of the condition continues whilst the approved development exists.

PURPOSE OF REPORT:

To consider an application for development approval of six grouped dwellings at Nos. 77-79 Anzac Road, Mount Hawthorn.

BACKGROUND:

Landowner:	P. Haselhurst
Applicant:	Gnech Building Company
Date of Application:	15 August 2016
Zoning:	MRS: Urban TPS1: Zone: Residential R-Code: R30 TPS2: Zone: Residential R-Code: R30
Existing Land Use:	Single House
Proposed Use Class:	Grouped Dwelling – “P”
Site Area:	No 77 = 827m ² No 79 = 827m ² Total Area = 1,654m ²
Right of Way (ROW):	Yes, Southern, 3 metres in width, Council owned with private access rights
Heritage List:	No

The subject site is located along Anzac Road, near the corner of Anzac Road and Oxford Street, Mount Hawthorn. The location of the site is as shown in **Attachment 1**. The site and surrounding area is zoned ‘Residential’ and is characterised by single houses and grouped dwellings. Most of the developments in the immediate vicinity are generally single to two storeys in height. The site is also in close proximity to the multi-storey development to the south-east of the subject site and commercial uses along Oxford Street.

The subject site has a lot frontage of 27.4 metres (13.7 metres each lot) to Anzac Road. The site topography falls to the rear of the lot towards the ROW. A single storey residential dwelling is currently located on each individual lots with access being provided from Anzac Road.

A subdivision has been conditionally approved for the subject site by the Western Australian Planning Commission for the creation of six lots, two lots fronting onto the Anzac Road frontage and four lots to the rear ROW. The conditionally approved plan of subdivision is included as **Attachment 2**. Whilst conditional subdivision approval has been obtained the lots have yet to be created and titles have not been issued. This application proposes development consistent with the lot configuration proposed by the conditionally approved subdivision.

The proposal is for a six grouped dwelling development, with two of the six units fronting Anzac Road (Units 1 and 2) and the remaining four units accessed via the ROW (Units 3-6). The dwellings are two storeys in height and include two car garages. The car bays to Units 1 and 2 are accessed via a single crossover from Anzac Road. The development plans are provided as **Attachment 3**.

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the City of Vincent Town Planning Scheme No. 1 and the City’s policies. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Density/Plot Ratio	✓	
Street Setback		✓

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Front Fence		✓
Building Setbacks/Boundary Wall		✓
Building Height/Storeys		✓
Roof Form		✓
Open Space	✓	
Privacy		✓
Parking & Access		✓
Bicycles	✓	
Solar Access	✓	
Site Works		✓
Outdoor Living Areas		✓
Essential Facilities	✓	
Surveillance	✓	
Landscaping	✓	

Detailed Assessment

The deemed-to-comply assessment of the elements that require the discretion of Council is as follows:

Street Setback	
Deemed-to-Comply Standard	Proposal
Policy No. 7.2.1 – Residential Design Elements SADC 5	
Ground Floor – 5.7 metres	4.2-5.2 metres to Anzac Road (Units 1 and 2)
Upper Floor – 2 metre behind each portion of the ground floor setback	1.2-2.2 metres behind ground floor
Balcony – 1 metre behind ground floor	Nil, located directly above the ground floor
Building Setbacks/Boundary Wall	
Deemed-to-Comply Standard	Proposal
Residential Design Codes Clause 5.1.3	
Ground	
Western	
Unit 3 – 1.5 metres	1.2-1.91 metres
Eastern	
Unit 6 – 1.5 metres	1.2-1.91 metres
Upper	
Western	
Unit 3 – 2.4 metres	1.91 metres
Eastern	
Unit 6 – 2.7 metres	1.91 metres
Walls to 1 Side Boundary	Walls to 2 Side Boundaries
Average Wall Height – 3 metres	3.3 metres

Building Height/Storeys	
Deemed-to-Comply Standard	Proposal
Policy No. 7.2.1 – Residential Design Elements BDADC 5. Building Height Maximum wall height = 6 metres above natural ground level	Maximum wall height of 6.9 metres above natural ground level for Unit 1 and Unit 2
Roof Forms	
Deemed-to-Comply Standard	Proposal
Policy No. 7.2.1 – Residential Design Elements BDADC 3 – Roof Forms 30 degrees – 45 degrees	Concealed roof of 5 Degrees to Units 3-6
Privacy	
Deemed-to-Comply Standard	Proposal
Residential Design Codes Clause 5.4.1 Cone of Vision setback to lot boundary for balcony = 7.5 metres	Units 1 and 2 2 metres (East and West) Units 3 and 6 2 metres (Front and Rear of Units)
Outdoor Living Area	
Deemed-to-Comply Standard	Proposal
Residential Design Codes Clause 5.3.1 Outdoor Living Areas to be behind street setback area	Outdoor Living Area of Units 1 and 2 are in front setback area
Site Work Requirements	
Deemed-to-Comply Standard	Proposal
Residential Design Codes Clause 5.3.7 Maximum 0.5 metres	Maximum 0.6 metres
Parking and Access	
Deemed-to-Comply Standard	Proposal
Policy No. 7.2.1 – Residential Design Elements SADC 8 – Setback of Garages and Carports Car parking, garages and carports are to be located at the rear of the property and accessed via a right of way where a right of way exists and the property has legal right of access to the right of way.	Two of the six dwelling are accessed from Anzac Road

The above elements of the proposal do not meet the specified deemed-to-comply standards are discussed in the Comment section below. The applicant's justification for the proposal is included in **Attachment 4**.

CONSULTATION/ADVERTISING:

Consultation was undertaken for a period of 14 days in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*, from 3 November 2016 until 16 November 2016. A total of 122 Letters were sent to owners and occupiers within a 75 metre radius of the subject site, as shown on **Attachment 1**, in accordance with the City's Policy No. 4.1.5 – Community Consultation.

The assessment information advertised with the application include a number of assessment errors as follows:

- The deemed-to-comply setback from the upper floor of Unit 3 and Unit 6 to the respective side boundary was shown as 5.7 metres when in fact it is 2.4 metres and 2.7 metres respectively;
- The setback of the upper floor to Unit 1 and Unit 2 did not meet the deemed-to-comply standard when in fact they do and so no discretion is being sought in this regard;
- The wall height to Units 1 & 2 having a maximum of 6.8 metres when in fact the maximum height is 6.9 metres; and
- The deemed-to-comply standard requiring the development to provide 1 visitor parking bay when in fact no visitor parking bays are required.

The application was re-assessed following advertising and it was identified that the specified setbacks were miscalculated and that less discretion was being sought in this regard. It was also identified that the building heights measured 6.9 metres to Unit 1 and Unit 2 rather than the 6.8 metres advertised. However, given the height still required consideration against the design principles, it is not considered that this 0.1 metre difference would have had any bearing on the results of the consultation process. It should also be noted that as only two dwellings propose access from the common access driveway, no visitor parking is required by the R-Codes.

This report is based on the updated assessment and it is considered that readvertising of the proposal is not required as the extent of the changes results in a lesser impact or a very minor increase to a portion of a dwelling (Unit 1), which is not considered to have any further impact on the adjoining property.

Five submissions were received during the community consultation process being three objections and two comments of support. The concerns raised in the submission related to the following:

- The proposed development does not fit in with the character of the area, with numerous dwellings that have been restored.
- Traffic and Access impacts on the existing ROW.

A summary of the submissions received and Administration's response to each is contained in **Attachment 5**.

The main issues raised by the objectors are discussed in the comment section below.

Design Advisory Committee (DAC):

Referred to Design Advisory Committee: No

LEGAL/POLICY:

- *Planning and Development Act 2005;*
- *Planning and Development (Local Planning Schemes) Regulations 2015.*
- City of Vincent Town Planning Scheme No. 1;
- State Planning Policy 3.1: Residential Design Codes;
- Draft Policy No. 7.1.1 – Built Form;
- Local Planning Policy No. 4.1.5 – Community Consultation;
- Local Planning Policy No. 7.1.1 – Mount Hawthorn Precinct; and
- Local Planning Policy No. 7.2.1 – Residential Design Elements.

It is noted that development approval for the demolition of the existing single dwellings is not required as per the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Draft Local Planning Policy – Built Form No. 7.1.1

Since the lodgement of this application, Council at its meeting on 20 September 2016 adopted for the purpose of advertising its draft Local Planning Policy – Built Form No. 7.1.1 Clause 67(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that the local government is to have due regard to any proposed planning instrument that the local authority is seriously considering adopting or approving.

In this context due regard is given to the draft Local Planning Policy No. 7.1.1: Built Form for this development. The major difference when assessing the proposed development under the draft Local Planning Policy relates to landscaping and are discussed in the Comment section below.

Delegation to Determine Applications:

The matter is being referred to Council as the application proposes six grouped dwellings and there is no officer delegation to consider more than three grouped dwellings.

RISK MANAGEMENT IMPLICATIONS:

It is Administration's view that there are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

The City's Strategic Plan 2013-2023 states:

"Natural and Built Environment

1.1 *Improve and maintain the natural and built environment and infrastructure."*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Streetscape

The two existing single dwellings located on the subject properties are not heritage listed and the street is not subject to any character retention guidelines. The property is located along a portion of Anzac Road which consists of a tree lined streetscape with street setbacks ranging from 3.3 metres to 10.9 metres. The plan proposes dwellings fronting Anzac Road with a setback of 4.2 metres increasing to 5.2 metres, which are considered in keeping with the general street setbacks.

The upper floor of Units 1 and 2 is located directly above the ground floor, however the development is articulated with an open balcony to Anzac Road and inclusion of varying materials to the street façade to reduce the visual bulk of the development. The proposed outdoor living areas to the same dwellings are located within the front setback areas, orientated to the north and are open to winter sun. The finished level of the courtyards are lower than the natural ground level and fenced to provide an acceptable degree of privacy.

The fencing within the front setback area to Anzac Road is a combination of solid and fill material, with the fencing to the side boundary in the front setback being predominantly solid. Whilst Anzac Road is a "District Distributor B" road classification, and the existing fencing to the current properties is solid the existing streetscape is not dominated by high fencing and this presents an opportunity to maintain an open style streetscape. To ensure activation and surveillance of the street is provided and visual bulk is minimised conditions relating to fencing are recommended. It is not considered that the conditions will adversely affect the privacy of the outdoor living areas given the differing levels.

The proposal includes a pitched roof type for dwellings fronting Anzac Road (Units 1 and 2), with a skillion style concealed roof for the four rear dwellings fronting the ROW (Units 3-6). Although the surrounding area is characterised by a predominately pitched roof design with varying degrees of pitches, there are various structures and buildings along the ROW which are skillion or flat roof design and on this basis the proposed roof form is considered appropriate to the ROW. In addition, given the pitched roof design of the units fronting Anzac Road, and that the rear units with the skillion concealed roof are stepped down below Anzac Road, it is not considered that and the development will directly impact the Anzac Road streetscape.

Lot Boundary Setbacks

The proposed ground floor setback for Unit 3 and Unit 6 varies between 1.2 metres and 1.91 metres. The departure from the deemed-to-comply provisions relates to a 500mm wide feature column located to the rear of the dwelling. Given the minor nature of the column and that the rest of these dwellings are setback in excess of the minimum 1.5 metres, it is considered that the bulk and scale will not impact the adjoining property.

The proposed upper floor setback from Unit 3 to the western boundary is setback 1.91 metres in lieu of 2.4m. This portion of wall contains windows of various shapes and sizes, however has no major openings. It is considered that the proposal will not adversely impact the adjoining property in terms of bulk and scale as the section of the adjoining dwelling abutting the reduced setback has no major openings or habitable areas.

The proposed upper floor setback from Unit 6 to the eastern boundary is setback 1.91 metres in lieu of 2.7 metres. This portion of wall contains windows of various shapes and sizes, however has no major openings. It is considered that the proposal will not adversely impact the adjoining property in terms of bulk and scale as the development on the adjoining property has an existing boundary wall (with additional screening erected on top) and dwellings with no major openings orientated to this boundary.

Boundary Walls

The proposed development includes a boundary wall along the western boundary to the garage of Unit 3 and a boundary wall along the eastern boundary to the garage to Unit 6. The deemed-to-comply standards enable boundary walls to one side boundary as-of-right. The proposed boundary walls are single storey and accord with the deemed-to-comply maximum height of 3.5 metres. However, both walls require assessment under the design principles as the average wall height is 3.3 metres in lieu of 3 metres.

The proposed boundary wall to the western boundary is unlikely to have adverse impacts on the adjoining property as the proposed wall abuts an existing boundary wall of the existing dwelling and only projects approximately 1.7m beyond the rear the adjoining wall. The proposed boundary wall along the eastern boundary abuts an existing boundary wall for its entire length and will not be visible from the adjoining development. It is noted that under the City's draft Built Form Policy proposals for two boundary walls will accord with the deemed-to-comply provisions, which provides for boundary walls to two boundaries where they do not impact on the same property.

Site Works & Building Height

The development proposes fill and associated retaining to a maximum height of 600mm in lieu of 500mm, which results from a proportion of cut and fill works for a section of the site to account for the current slope on the property. The proposed works are principally located towards the middle of the property and minimise any potential impact to the adjoining properties.

The building heights of the Unit 1 and Unit 2 increase to a maximum of 6.9 metres when measured above the existing natural ground level in lieu of the maximum deemed-to comply building height of 6m. The overall height to the top of the pitched roof for the development is below the maximum permitted height of 9 metres.

The proposed departure to building height standards is confined to a limited portion of the development, given the slope of the land, and is not considered to have an adverse impact on the development when viewed from the street. The development has been stepped at the centre of the site to minimise the potential impact. The proposed building height will not impact on any views of significance, with overshadowing principally contained within the existing lot, in compliance with the standards of the R-Codes. On the eastern adjoining lot the impact of the height will principally fall on the access way of the lot, whilst on the western elevation the presence of boundary walls adjoining the area of increased height will negate any impact of the increased height.

Privacy

The cone of vision setback of the proposed front balconies to Units 1 and 2 and both front and rear balconies to Units 3 and 6 will fall into the adjoining properties and will have the potential to the east and west properties. These potential areas of overlooking include a habitable area on the western adjoining property and the side habitable area on the eastern boundary. Given the potential for direct overlooking, a condition is recommended to ensure the proposed balconies are screened to satisfy the visual privacy requirements of the Residential Design Codes.

Parking and Access

Concerns were raised during the consultation period that the traffic movements and access would impact on the ROW. The City's Residential Design Elements policy requires that access to the carports and garages for the development be provided from the ROW. The application proposed four of the six dwellings with access to the ROW, distributing the traffic across Anzac Road and the ROW. A majority of lots along Anzac Road between Brentham and Oxford Streets have vehicular access from Anzac Road, including the two current dwellings on the subject lots. The garages to Units 1 & 2 are located to the rear of the dwellings and are not considered to visually dominate the site or the streetscape.

Landscaping

The proposed development fully complies with the landscaping requirements set out in the R-Codes and the City's current policy. The application has been assessed against the provisions of the draft Built Form LPP, which sets a deemed-to-comply standard of 30% of the site area as tree canopy cover within five years and 15% of the site area as deep soil zone.

The application was submitted prior the release of the draft Built Form LPP and does not specifically meet the above requirements. The proposed development has included deep soil landscaping into each of the six north facing courtyard areas of the dwellings, with a total of 15.07% or 249.25m². The development does include the placement of three mature Jacaranda trees for each of the dwellings, with an expected three metre canopy spread over a five year period. This equates to 21.33% canopy coverage.

The proposed development achieves the deep soil zone requirement but not the canopy coverage requirement. The landscaping provided for a grouped dwelling development does satisfy the intent of the policy provisions. However there is the opportunity to increase the canopy cover within the nominated deep soil zones and as a result a condition is recommended accordingly.

Conclusion

Although the proposal requires discretion in relation to street setbacks, lot boundary setbacks, boundary walls, building height, street walls and fencing, privacy, roof forms, site works, outdoor living areas, these elements of the proposal are considered to meet the design principles/criteria set out in the R-Codes and Residential Design Elements, subject to the privacy and street walls and fencing elements being conditioned. In each instance the proposal is not considered to adversely impact the adjoining properties or the streetscape.

Given the above, the proposed six grouped dwellings are supported and recommended for approval subject to conditions.
