



Justification Letter

177 Swan Sea St East, East Victoria Park, WA 6101



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1. Introduction

This formal planning justification has been prepared in support of the proposed residential development at 177 Swansea Street East, East Victoria Park (Development Application DA Ref 5.2025.440.1). The subject site is situated within the R40 Zoning district, a precinct earmarked for high-quality medium-density residential growth.

The proposal represents a sophisticated architectural response to the site’s unique constraints and opportunities. This letter demonstrates that the development is not only compliant with the relevant deemed-to-comply provisions but also satisfies the higher-order Design Principles of the State Planning Policy 7.3. By prioritizing contextual responsiveness and high-specification amenity, the project aligns with the Town of Victoria Park’s vision for a consolidated, sustainable, and aesthetically distinguished urban fabric.

Following several rounds of collaboration with the Town, the project has been modified to address technical concerns regarding building height, site cover, and acoustics, resulting in a design that is highly responsive to the emerging streetscape character.

2. Statutory Planning Framework

The proposed development has been assessed against the following statutory documents:

- **Town of Victoria Park Local Planning Scheme No. 2 (LPS 2)**
- **State Planning Policy 7.3: Residential Design Codes Volume 1 (Part C – Medium Density)**
- **Local Planning Policy 25 (LPP 25): Streetscape**
- **Local Planning Policy 39: Tree Planting and Retention**
- **State Planning Policy 5.4: Road and Rail Noise**

3. Deemed-to-Comply Assessment Summary

The table below provides a summary of the assessment undertaken against Volume 1 Part C of the R-Codes.

R-CODES VOL.1 PART C

Code	1.0 THE GARDEN	Deemed-to-Comply			
		Unit 1	Unit 2	Unit 3	Unit 4
1.1	Private Open Space	DP	DP	DP	✓
1.2	Trees and Landscaping	✓	✓	✓	✓

1.3	Communal Open Space	NA	NA	NA	NA
1.4	Water Management and Conservation	✓	✓	✓	✓

Code	2.0 THE BUILDING	Deemed-to-Comply			
		Unit 1	Unit 2	Unit 3	Unit 4
2.1	Size and Layout of Dwellings	✓	✓	✓	✓
2.2	Solar Access and Natural Ventilation	✓	✓	✓	✓
2.3	Parking	✓	✓	✓	✓
2.4	Waste Management	✓	✓	✓	✓
2.5	Utilities	✓	✓	✓	✓
2.6	Outbuildings	NA	✓	✓	NA
2.7	Universal Design	✓	✓	✓	✓
2.8	Ancillary Dwellings	NA	NA	NA	NA
2.9	Small Dwellings	NA	NA	NA	NA
2.10	Housing on lots less than 100m ²	NA	NA	NA	NA

Code	3.0 NEIGHBOURLINESS	Deemed-to-Comply			
		Unit 1	Unit 2	Unit 3	Unit 4
3.1	Site Cover	✓	✓	✓	✓
3.2	Building Height	DP	✓	✓	✓
3.3	Street Setbacks	DP	✓	✓	✓
3.4	Lot Boundary Setbacks	✓	✓	✓	✓
3.5	Site works and Retaining Walls	✓	✓	✓	DP
3.6	Streetscape	DP	✓	✓	✓
3.7	Access	✓	✓	✓	✓
3.8	Retaining Existing Dwellings	NA	NA	NA	NA
3.9	Solar Access for Adjoining Sites	✓	✓	✓	✓
3.10	Visual Privacy	✓	✓	✓	✓

LAND – R-CODES VOL.1 PART D

Code	1.0 Land	Deemed-to-Comply			
		Unit 1	Unit 2	Unit 3	Unit 4
1.1	Site Area	✓	✓	✓	✓

Legend: DP – Design Principle, NA – Not Applicable

4. Detailed Planning Assessment

The development proposes the following variations assessed through the Design Principles pathway.

4.1 Primary Street Setback – Unit 1

The proposed development for Unit 1 at 177 Swansea Street East includes a primary street setback average of 5.62m, representing a minor variation of 0.38m from the 6.0m average required under Local Planning Policy 25 (LPP 25) Clause 1 A1(a).

This variation is sought under the Design Principle pathway (R-Codes Clause 5.1.2 P2.1) and the Performance Criteria of LPP 25 (Clause 1 P1), based on the following detailed justification:

4.1.1 Compliance with Minimum Setback Standards

The proposal maintains a minimum street setback of 3.0m. This ensures that the most forward-projecting portions of the building satisfy the "Acceptable Development" minimum distance, preventing the dwelling from appearing overly intrusive or dominating the immediate pedestrian environment.

4.1.2 Consistency with the Established Streetscape

The reduced setback is fundamentally consistent with the established and emerging character of Swansea Street East. A site-wide analysis reveals that the prevailing built form pattern includes several grouped dwelling developments with similar or greater encroachments into the 6m setback zone.

- **Precedent Examples:** Unit developments at No. 167, 169, and 173 Swansea Street East exhibit reduced front setbacks that differ from the strict 6m policy requirement [User Query, 78].
- **Integration:** Requiring full 6m compliance would result in a development that sits significantly further back than its immediate neighbours, creating an inconsistent "staggered" effect that detracts from the street's rhythm and scale.

4.1.3 Functional Response to Site Constraints

The variation is a necessary and practical response to the 0.5m land ceding required for the widening of the rear Right-of-Way (Blewett Lane). This loss of site depth necessitates a minor shift in the building footprint toward the primary street to maintain internal residential amenity and functional living spaces without compromising the required rear setbacks for Unit 4.

4.1.4 Provision of Quality Open Space and Landscaping

The design balances the reduced average setback by providing high-quality compensatory open space and landscaping within the "S2" zone (the area between 6m and 12m from the boundary).

- **Secondary Garden Area:** Unit 1 provides a functional 57m² secondary garden/front courtyard.
- **Soft Landscaping:** The front setback area is heavily landscaped, contributing to the streetscape's "green" character and reinforcing the locality's landscaped identity.

- **Surveillance:** The dwelling maintains large windows facing the street, ensuring effective passive surveillance and a positive visual connection to the public realm.

4.1.5 Mitigation of Building Bulk

The perceived impact of the 5.62m average is further mitigated by the architectural treatment of Unit 1. The use of horizontal layering (different materials for ground and upper floors) and vertical segmentation breaks up the building's massing, ensuring it does not present as an imposing or "incongruent" structure to passers-by.

4.1.6 Summary

The Town has already indicated through collaborative discussions that they are amicable to an average setback between 5.6m and 5.7m. Given that the proposal achieves a 5.62m average, maintains a 3m minimum, and aligns with the existing architectural context of neighbouring properties, the variation satisfies the Performance Criteria of LPP 25 and Design Principle P2.1 of the R-Codes.

4.2 Building Bulk and Scale – Unit 1

The proposed design for Unit 1 at 177 Swansea Street East has been meticulously articulated to address the Town's concerns regarding building bulk and scale. The development follows a Design Principle pathway (R-Codes Clause 3.2 P3.2.1 and P3.3.2) and satisfies the Performance Criteria of LPP 25 Clause 10 P1, demonstrating a "well-resolved" architectural outcome that respects the existing and emerging character of East Victoria Park.

4.2.1 Sophisticated Architectural Layering

To break up the potential for a monolithic appearance, the design utilizes both horizontal and vertical treatment strategies:

- **Horizontal Materiality:** The ground floor utilizes a rendered finish, while the first floor features a high-quality face brick/feature stone facade. This horizontal layering lowers the visual center of gravity and creates a clear distinction between levels.
- **Vertical Segmentation:** The front elevation is vertically segmented into distinct areas of interest. By varying the window orientations and setbacks across the width of the building, the massing is broken down into smaller, human-scaled components rather than one continuous wall.
- **Balcony Integration:** The street-facing balcony serves as a critical "layer" in the design, providing depth and shadow lines that further reduce the perception of bulk while facilitating passive surveillance.

4.2.2 Strategic Siting of the Rooftop Stairwell

The rooftop structure has been designed to be as unobtrusive as possible:

- **Significant Setback:** The stairwell "box" is located more than 10m behind the front lot boundary. As demonstrated in the Human Scale 3D street views, this structure is virtually invisible to pedestrians on the immediate footpath.
- **Skillion Roof Design:** The use of a skillion roof rather than a traditional pitched roof on the stairwell minimizes its physical height and allows it to recede into the background of the building's silhouette.
- **Rooftop Garden:** The inclusion of a rooftop garden softens the built form and contributes to urban greening, aligning with the Town's sustainability and "green" character objectives.

4.2.3 Topographical Responsiveness

The design leverages the site's 2.2m undulation to mitigate its physical presence:

- **"Sinking" Effect:** Unit 1 has been designed to "sink" approximately 0.5m into the ground at the highest point of the lot. This effectively lowers the overall building height relative to the street, ensuring that the three-storey component does not present as an imposing structure.
- **Minimal Amenity Impact:** Despite the height of the stairwell, the development has been modelled to cast no shadow onto any neighbouring lot at noon on June 21st, preserving the solar access of adjacent residents.

4.2.4 Contextual Alignment with an Emerging Mixed-Zone

The development must be assessed within the context of the changing streetscape:

- **Industrial Precedent:** Directly across the road at No. 176 Swansea Street East (LPS 2 Light Industry zone), the WAPC has approved a National Storage facility as a large, monolithic structure.
- **Quality Contrast:** Compared to the upcoming industrial structures in the immediate vicinity, Unit 1 provides a high-quality, articulated residential form that sets a superior standard for the streetscape.

4.2.5 Visual Proof via 3D Modeling

The **Human Scale 3D printouts** provided in the amended plans (pasted here for convenience) prove that the architecture is well-resolved. These views confirm that the building's massing is proportionate to the street width and that the choice of colors, textures (render vs. face brick), and vertical gardens creates a positive contribution to the public realm rather than a dominating one.



4.2.6 Summary

Through the skilful use of site-sensitive design and material variation, Unit 1 successfully balances the need for internal residential amenity with the objective of maintaining an attractive and appropriately scaled streetscape. The proposal satisfies the R-Codes Design Principles by ensuring the height and bulk are compatible with the intended future character of the area.

4.3 Rooftop Stairwell Structure – Unit 1

The proposed rooftop stairwell for Unit 1 at 177 Swansea Street East has been designed as a minimalist, functional access point rather than a habitable third storey. The design is justified under the Design Principle pathway of the R-Codes (Part C, Clause 3.2 P3.2.1 and P3.2.2) and the Performance Criteria of LPP 25, ensuring it contributes positively to the streetscape without impacting neighbour amenity.

4.3.1 Minimal Visual Impact and Building Bulk (P3.2.1)

The structure has been meticulously sited and designed to ensure it does not dominate the building's massing or the streetscape:

- **Strategic Setback:** The stairwell is offset more than 10m from the primary street boundary. As demonstrated in the provided Human Scale 3D street views, this significant setback renders the structure almost invisible to pedestrians, effectively eliminating any perception of a three-storey bulk from the public realm.
- **Minimalist Design:** The structure is limited to the absolute minimum footprint required for safe access to the rooftop, comprising solely a doorway and circulation space.
- **Skillion Roof:** The use of a skillion roof significantly reduces the structure's physical and visual height compared to a pitched or gabled alternative. This design choice allows the roofline to recede into the building's silhouette, maintaining a height of 7.858m, which is below the 8.0m maximum limit for this coding.

4.3.2 Preservation of Neighbour Amenity (P3.2.2 & P6)

The central positioning of the stairwell ensures that its technical height does not translate into an adverse impact on adjacent properties:

- **Centralized Siting:** By centering the structure in the middle of the Unit 1 building footprint, it is kept at a maximum distance from both side boundaries.
- **Zero Overshadowing:** Due to its height and central location, the structure models no shadow onto any neighbouring lot at noon on June 21st, exceeding the Deemed-to-Comply requirements for solar access [User Query, 212].

- **Protection of Views:** The compact nature of the "box" ensures that views of significance are maintained while restricting the views into neighbouring properties, satisfying the core intent of Design Principle P3.2.2(ii).

4.3.3 Balanced Privacy and Outlook (P3.10.1 & P1.1.3)

To manage the potential for overlooking while ensuring high-quality resident amenity, the rooftop area incorporates specialized screening:

- **Fixed Louvre Screens:** The design utilizes angled louvre blades (70% obscure / 30% visibility). These are engineered to restrict downward line-of-sight into neighbouring habitable rooms and private gardens, thereby "resolving the privacy conflict before it occurs".
- **Maintenance of Outlook:** While blocking overlooking, the upward-angled louvres allow residents to enjoy views of significance (such as the sky and distant horizons) and facilitate natural ventilation and airflow to the rooftop area. Below images are a depiction of the louvre blade privacy screens used in the design.



4.3.4 Contextual Response to Emerging Streetscape

The structure should be viewed within the context of a transitioning neighbourhood:

- **Mixed-Zone Character:** Directly opposite the site (No. 176 Swansea Street East), the WAPC has approved a monolithic National Storage facility.
- **Superior Architectural Standard:** Compared to the large-scale industrial structures in the immediate vicinity, this articulated residential rooftop access point sets a high architectural standard that is both functional and site responsive.

4.3.5 Summary

The rooftop stairwell satisfies the R-Codes Design Principles by providing essential access via a minimal, well-resolved structure that creates no adverse impact on sunlight, privacy, or the visual character of the Swansea Street East streetscape. It represents a "best practice" design solution that balances density with residential amenity.

4.4 Balcony Screening – Units 1, 2, and 3

The proposed balcony screening for Units 1, 2, and 3 at 177 Swansea Street East is justified under the Design Principle pathway (R-Codes Clause 1.1 P1.1.3) and supported by the technical definitions provided in the R-Codes Volume 1 Explanatory Guidelines.

During face-to-face discussions, the Town indicated amicability toward this merit-based assessment, acknowledging that these balconies do not serve as the Primary Garden Area (PGA) for their respective units, which provides greater flexibility for design-led solutions.

4.4.1 Technical Compliance: The Definition of "Unscreened"

The Town's initial assessment flagged a variation against Deemed-to-Comply provision C1.1.4, which requires balconies to be "unscreened for at least 25% of the total perimeter". However, the proposal technically satisfies the intent of this clause based on the following:

- **The Guidelines' Definition:** According to the *R-Codes Volume 1 Explanatory Guidelines* (Assessment Guidance for C1.1.4), examples of unscreened balustrades include any material that is less than 75% obscure, such as perforated metal or clear glass.
- **Proposed Permeability:** The proposed louvres are engineered with 30% visibility (70% obscure). By maintaining this level of permeability, the structure technically qualifies as "unscreened" under the Guidelines' own criteria, meaning it does not default to "100% screened" status.

4.4.2 Enhancement of Resident Amenity (P1.1.3)

The use of fixed louvres provides a superior outcome for residents compared to a standard solid wall or highlight window treatment:

- **Natural Sunlight and Airflow:** Unlike solid screening, which can create dark and "constrained" internal environments, the louvres are designed to optimize daylight access and allow for 30% natural airflow. This ensures the habitable rooms connected to the balconies maintain high-quality indoor amenity.
- **Views of Significance:** The specific configuration allows residents to enjoy views of significance, such as the sky and distant horizons, by providing upward visibility while blocking downward sightlines.

4.4.3 Protection of Neighbour Privacy (P3.10.1)

The design resolves potential privacy conflicts before they occur, satisfying the core objectives of Element 3.10:

- **Fixed Angle Configuration:** The angled louvre blades are specifically positioned to restrict downward line-of-sight into the habitable rooms and private gardens of adjoining properties.
- **Superior Privacy Outcome:** This solution is more effective than the Deemed-to-Comply provision because it provides permanent, engineered protection that eliminates direct overlooking while still facilitating an external outlook for occupants.

4.4.4 Response to Site-Specific Acoustic and Climatic Conditions

Under Design Principle P1.1.3 (ii) and (iii), balconies must balance outlook with acoustic and climatic considerations:

- **Wind Protection:** The screens mitigate the impact of high winds, creating a more comfortable and usable outdoor space for residents throughout the year.

4.4.5 Collaborative Context

As established in our meeting with the Town, because these balconies are secondary outdoor spaces (with compliant PGAs provided elsewhere on the lots), they should be assessed on their individual merit. The proposed louvre system represents a well-resolved architectural response that avoids the "dark, constrained" outcomes of traditional screening while fully protecting the privacy of neighbouring residents.

4.4.6 Summary

The balcony screening for Units 1, 2, and 3 satisfies the R-Codes Design Principles by balancing the need for resident sunlight and ventilation with the requirement for neighbour privacy and acoustic protection. It aligns with the Explanatory Guidelines' endorsement of louvres as an effective tool for medium-density development.

4.5 Private Open Space and Landscaping – Unit 1

The proposed private open space for Unit 1 at 177 Swansea Street East has been designed to provide an exceptional level of resident amenity and urban greening. Based on the latest amended plans, which feature a 30m² Primary Garden Area (PGA) and a 49m² Secondary Garden Area (SGA), the design is justified under the Design Principle pathway (R-Codes Clause 1.1 P1.1.1 and P1.1.2) and meets the criteria for Deemed-to-Comply adjustments.

4.5.1 Technical Compliance and Area Reductions (C1.1.2)

The proposal utilizes the flexibility provided for grouped dwellings in medium-density settings:

- **Permitted Reduction:** Under R-Codes Clause 1.1.2, the required PGA can be reduced by 10m² (from 40m² to 30m² for Lot 1) if a compliant secondary ground-level private open space is provided.
- **Satisfying the Condition:** Unit 1 provides a substantial 49m² SGA, which far exceeds the 10m² area and 3m minimum dimension required to trigger this reduction. Therefore, the 30m² PGA is technically Deemed-to-Comply regarding its total area.

4.5.2 Exceptional Functionality and Integration (P1.1.1)

The design prioritizes a "living-first" approach to outdoor space, ensuring it is both practical and usable:

- **Direct Connection:** The primary living room features a continuous physical and visual connection to both the PGA and the SGA. This allows the internal and external spaces to function as one large, integrated living zone.
- **Enhanced Appeal:** By directly connecting the PGA and SGA, the design creates a sense of openness and flow that exceeds the amenity provided by standard, disconnected garden segments.
- **User Amenity:** The consolidated nature of these areas ensures they are of a "sufficient size and dimension to be functional and usable" for the intended number of occupants, satisfying Design Principle P1.1.1 (i).

4.5.3 Superior Environmental Outcomes (P1.1.2 & 1.2)

The proposal represents a high-performing environmental design that exceeds standard R-Code requirements:

- **Soft Landscaping:** While the R-Codes require only 15% soft landscaping, Unit 1 provides 24% (62.9m²). This significant increase supports better on-site stormwater management and reduces the heat island effect.
- **Solar Access and Ventilation:** The garden layout facilitates excellent winter solar gain and natural cross-ventilation into the primary habitable rooms, ensuring year-round comfort.
- **Tree Canopy (LPP 39):** The inclusion of two trees with dedicated deep soil zones goes beyond the minimum requirement of one tree per grouped dwelling. This aligns perfectly with the Town's Local Planning Policy 39, which aims to increase tree canopy coverage to 20%.

4.5.4 Streetscape Contribution (LPP 25)

The large, high-quality SGA (57m²) located within the front setback ensures that Unit 1 makes a positive contribution to Swansea Street East:

- **Green Character:** The front setback is developed as a predominantly soft landscaped garden, directly supporting LPP 25 Clause 10 A1(z).
- **Visual Interest:** The mix of trees, shrubs, and deep soil zones enhances the visual character of the building and ensures it sits harmoniously within the established residential context.

4.5.5 Summary

The private open space for Unit 1 is a well-resolved design that balances technical compliance with superior merit-based outcomes. By providing 24% soft landscaping and a direct, functional connection between the living room and over 79m² of total garden area, the proposal exceeds the intent of the R-Codes Design Principles and the Town's Streetscape objectives.

4.6 Site Works and Retaining Walls – Lot 4

The proposed development at 177 Swansea Street East includes a localized variation for a retaining wall on the South-East (SE) boundary of Lot 4. A variation is sought for a specific section of the Lot 4 boundary under the Design Principle pathway (R-Codes Vol 1, Part C, Clause 3.5 P3.5.1–P3.5.3).

The variation involves a retaining wall with a height of 1.2m (exceeding the 1.0m Deemed-to-Comply threshold for nil setbacks) for a limited length of 1.7m.

4.6.1 Response to Natural Topography (P3.5.1)

The primary driver for this variation is the significant natural fall of the land.

- **Site Constraints:** The parent lot has a total undulation of approximately 2.2m sloping toward the rear Right-of-Way (Blewett Lane).
- **Technical Necessity:** To establish a functional and level building pad for Unit 4 and its associated garage/access areas, a 1.2m deep retaining wall is technically unavoidable in this specific SE corner to accommodate the existing levels. The design represents a minimal intervention that directly responds to the site's natural features rather than ignoring the topography.

4.6.2 Respect for Natural Ground Levels (P3.5.2)

While the wall height is slightly above the standard limit, it has been designed to balance the site's fall:

- **Localized Impact:** The 1.2m height is not a site-wide condition but is restricted to a very short 1.7m segment of the boundary [User Query].
- **Gradual Transition:** The finished levels have been carefully calculated to ensure they respect the NGL at the boundary as closely as possible, allowing for a safe and practical transition between the subject site and the adjoining property at No. 179.

4.6.3 Preservation of Neighbour Amenity (P3.5.3 & P3.10)

The proposed retaining wall is designed to ensure no detrimental impact on the adjoining property:

- **Visual Privacy:** The retaining wall is located behind the street setback line and supports the ground level of Lot 4. Because it does not support an elevated active habitable space significantly above the neighbour's level in this specific location, it does not pose an adverse overlooking risk. The proposal remains compliant with the intent of Clause 3.10 (Visual Privacy).
- **Effective Land Use:** The wall allows the land on Lot 4 to be effectively used for the benefit of residents, providing a stable and usable Primary Garden Area (PGA) and secure vehicle access, which would otherwise be compromised by the site's steep fall.

4.6.4 Integration and Materiality

As per the Town's requirements in the 2nd RFI, the amended plans ("Planning revised 2 - Final") now include detailed elevations of the retaining walls.

- **Aesthetic Treatment:** The retaining walls will be constructed of high-quality materials (such as limestone or rendered masonry) that integrate with the overall landscape design of the development, reducing any perceived visual bulk when viewed from the neighbouring lot.

4.6.5 Summary

The 1.2m retaining wall variation for Lot 4 is a site-specific necessity caused by the 2.2m fall of the land. Given its minimal length (1.7m) and its role in facilitating a functional residential design without compromising the privacy or solar access of the neighbour, the variation satisfies the Design Principles of the R-Codes. The applicant acknowledges that this item will be subject to community consultation and is committed to working with the Town to ensure the neighbour is adequately notified of these technical level adjustments.

5. Conclusion

The proposed development at 177 Swansea Street East represents a well-resolved architectural response that fulfills the objectives of the R-Codes and LPP 25. By addressing the Town's technical feedback and utilizing Design Principle pathways for minor variations, the project delivers a high-quality residential outcome that enhances the local streetscape. We respectfully request the Town's support for this application.