

Thursday 15 March 2018

City of Vincent
PO Box 82
LEEDERVILLE WA 6902

To Whom It May Concern,

Lot 27 (No. 39A) Knebworth Avenue, Perth
Proposed Development Application Time Extension to an Approved Three Storey Residential Dwelling

This letter has been produced in support of the abovementioned proposal with respect to comments received during the advertising period, and a variation to the deemed-to-comply provisions of the City's Policy No. 7.1.1 - Built Form (P7.1.1) for:

- P7.1.1 Clause 5.6 – Building Height.

The proposal is also subject to the provisions of the Western Australian Residential Design Codes (R-Codes), and the City's Local Planning Policies.

Background

1. The subject site is zoned 'Residential' and designated a density coding of R50 under the provisions of the City of Vincent Town Planning Scheme No. 1.
2. The subject site is 189m² in area, and is of an irregular shape.
3. The subject site has an effective lot frontage of approximately 17m to a right-of-way (ROW) widening lot. The frontage towards the ROW is longer in dimension than the depth of the lot.



Figure 1: Subject site aerial.

Advertising Submission Summary

The advertising submissions in respect to the proposal express objection in regards to the following matters:

- Addressment of the City's new Built Form Policy (P7.1.1),
- Altered built character of the locality, and
- Whether the current owner intends to construct the proposal.

Comments relating to these matters will be addressed within the justification section of this letter, alongside justification provided for the proposed planning policy variation.

Proposed Variation

P7.1.1 Clause 5.6 – Building Height

The P7.1.1 Clause 5.6 Deemed to Comply provisions recognise compliance where:

C5.6.1 *Development that is consistent with the building heights provided in Table 5 and Figure 2.*

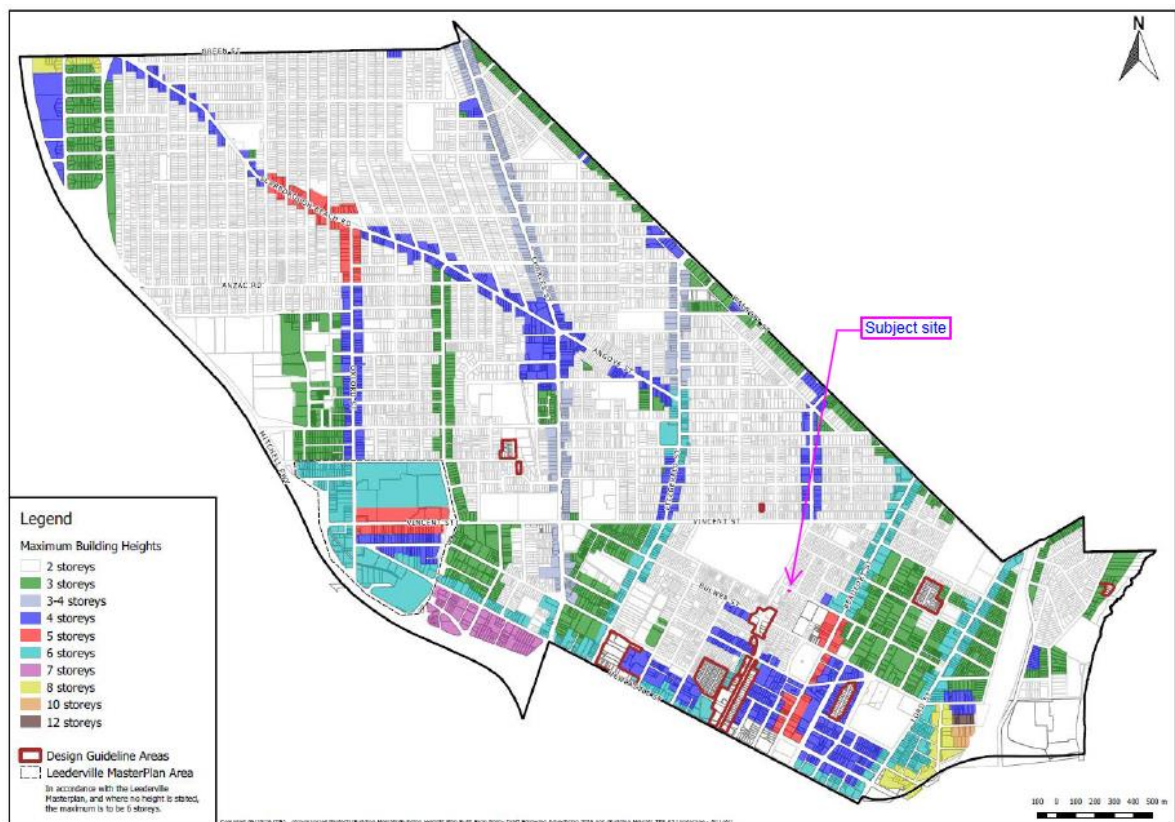


FIGURE 2 – BUILDING HEIGHTS

Figure 2: P7.1.1 Extract – Figure 2: Building Heights. The subject site location is indicated in pink.

TABLE 5: Building Height – Residential Area

Maximum No. of Storeys as per Figure 2	Maximum Building Height				
	Top of external wall (roof above)	Top of external wall (concealed roof)	Bottom of skillion roof	Top of skillion roof	Top of pitched roof
1 storey	3m	4m	3m	4m	6m
2 storeys	6m	7m	6m	7m	9m
3 storeys	9m	10m	9m	10m	12m
4 storeys	12m	13m	12m	13m	15m
5 storeys	16m	17m	16m	17m	18m

Figure 3: P7.1.1 Extract - Table 5: Building Height - Residential Area

According to P7.1.1 Clause 5.6 provision C5.6.1, Figure 2, and Table 5, the subject site is designated as having a two storey height limit. Given the proposal contains three storeys, an additional storey is proposed as a variation to the deemed to comply requirements.

P7.1.1 Clause 5.6 provides the following Design Principles and Local Housing Objectives which can be addressed to achieve compliance:

- P5.6.1** *Buildings which respond and contribute to neighbourhood context and streetscape character, and do not overwhelm or dominate existing development.*
- P5.6.2** *Design which is complimentary to existing developments.*
- P5.6.3** *Development that considers and responds to the natural features of the site and requires minimal excavation/fill.*
- P5.6.4** *Design which minimises overlooking and overshadowing.*
- P5.6.5** *Development which preserves and enhances the visual character of the existing streetscape by considering building bulk and scale.*
- P5.6.6** *The City may approve development which exceeds the maximum height stated in table 5 where it is stipulated in an approved Local Development Plan, Activity Centre Plan or Structure Plan and addresses Design Principles P5.6.1 – P5.6.5.*

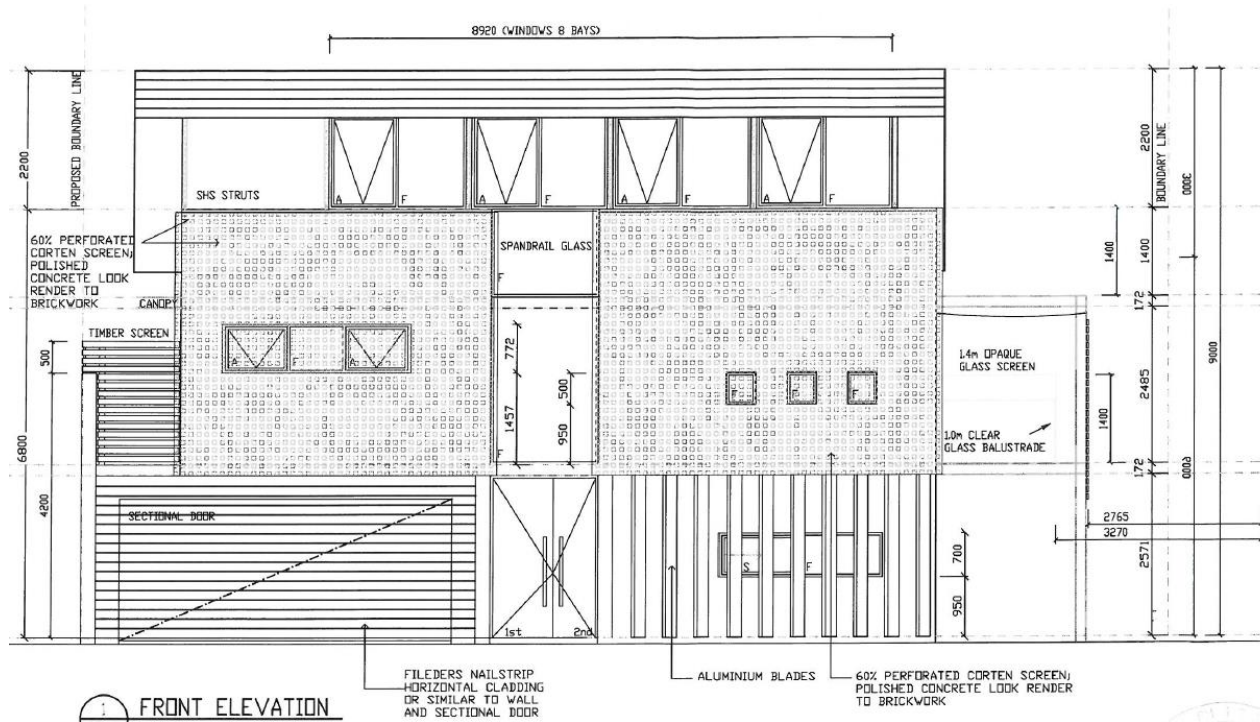


Figure 4: Proposed ROW facing elevation.

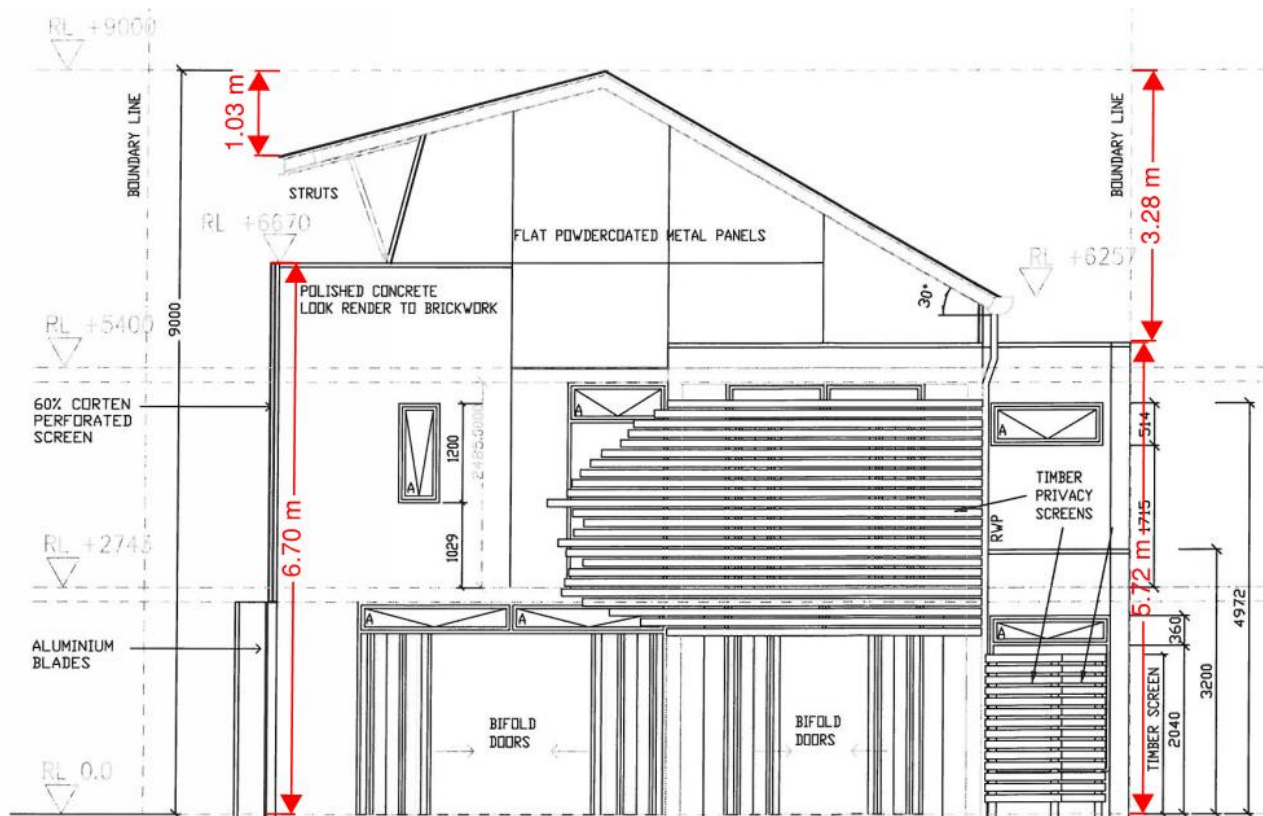



Figure 5: Proposed north western elevation.

Justification

The following justification is provided in line with relevant Local Planning Policy provisions, and in response to the comments received in objection of the proposal.

P7.1.1 Clause 5.6 – Building Height

The following tables demonstrate how the proposal addresses the P7.1.1 Clause 5.6 'Design Principles and Local Housing Objectives', which the City considers to be acceptable in lieu of adhering to the P7.1.1 'Deemed to Comply' requirements.

P7.1.1 Clause 5.6 – Building Height	
Design Principles & Local Housing Objectives	Comment
<p><i>P5.6.1 Buildings which respond and contribute to neighbourhood context and streetscape character, and do not overwhelm or dominate existing development.</i></p>	<p>Complies - The proposal has designed the third storey with a raked ceiling so it appear as a loft upon observing the dwelling from the side or rear.</p> <p>The proposed roofing has been designed to be pitched at a 30 degree angle and to be of Colorbond metal sheeting, which is congruent with the style of roofing of neighbouring residential developments. The style of roofing, along with the use of masonry walls and timber privacy screens, is considered to respond to the form and materiality of nearby developments.</p> <p>In terms of the height of the proposed dwelling, it is understood that the top of the pitched roof is 9m in height, while the external walls of the rear facing elevation are only marginally higher than 6m. While the side facing walls are greater than 6m in height, it is important to note that they are gable walls, which are common along the ROW streetscape. Please refer to the following figure in this regard.</p>  <p>Figure 6: View of nearby developments to the north from the subject site.</p> <p>Although there are single storey developments along the ROW, it is anticipated that development featuring additional storeys will occur given the demand and need to provide for more affordable housing close to existing infrastructure and services and employment, and since P7.1.1 permits developments up to 9m in height.</p> <p>Given these various factors relating to the proposal, it is considered that it will contribute to the ROW streetscape and not dominate existing development.</p>
<p><i>P5.6.2 Design which is</i></p>	<p>Complies - As mentioned previously, the proposal incorporates multiple design features such as pitched 30 degree roofing, gable walls, Colorbond metal sheet</p>

<p><i>complimentary to existing developments.</i></p>	<p>roofing, timber screening, and masonry walls. Such design features are consistent with that of neighbouring developments (as demonstrated in the previous figure). Similar to nearby dwellings along the ROW, the proposal features multiple major openings facing the street and storeys with contrasting designs (upper and lower floors).</p> <p>Furthermore, the extensive use of corten screening will also compliment existing developments in that this type of steel will provide a stable rust-like appearance which will not reflect an excessive amount of light back towards the streetscape.</p> <p>Given the manner in which the proposal is designed, it is considered to compliment nearby existing developments.</p>
<p>P5.6.3 <i>Development that considers and responds to the natural features of the site and requires minimal excavation/fill.</i></p>	<p>Complies - The proposal will involve very minimal site excavation and fill given that the site is very flat and contains very minimal topographical variation.</p>
<p>P5.6.4 <i>Design which minimises overlooking and overshadowing.</i></p>	<p>Complies – The building height of the proposal tapers down approximately 3.2m towards the south western rear lot boundary so as to reduce the amount of overshadowing to southern neighbouring lots. The walls closest to the rear lot boundary are also only approximately 5.7m in height above the RL, which is more than 1m lower than the maximum permitted deemed-to-comply wall height of 7m (where flat roofing is featured).</p> <p>Given the manner in which building bulk has been kept to a minimum within the constrained site, the amount of overshadowing into the southern adjoining lot is kept to less than 50% of the southern adjoining property's area. It is also important to note that the outdoor living area of the southern adjacent property will retain direct northern solar access at midday to its outdoor living area. Overshadowing is therefore considered to be minimised.</p> <p>In respect to visual privacy, the proposal has been designed to minimise the opportunity for overlooking through the use of screening, highlight windows, and obscure glazing – particularly to the side and rear facing facades.</p>
<p>P5.6.5 <i>Development which preserves and enhances the visual character of the existing streetscape by considering</i></p>	<p>Complies – As discussed previously, the proposal preserves the visual character of the ROW streetscape by conforming to the predominant gable roof/wall design and to the materiality present throughout the existing built form (as demonstrated in Figure 6).</p> <p>The proposal enhances the visual character of the streetscape by incorporating multiple design features which provide visual interest and break up the façade, and thereby break up the perception of building bulk. Such features (as depicted in Figures 4 and 5) include:</p>

<p><i>building bulk and scale</i></p>	<ul style="list-style-type: none"> • Multiple major openings; • Openings of various shapes and sizes; • The use of contrasting renders and materials which vary between storeys. Renders and materials include: <ul style="list-style-type: none"> ○ Perforated corten screen; ○ Brickwork with polished concrete style render; ○ Opaque glass screening; ○ Aluminium blades; ○ Horizontal metal cladding; ○ Timber privacy screens; & ○ Flat powder coated metal panels. • Centrally located pedestrian entry; • Varied setbacks; and • Pitched Colorbond roofing. <p>Given the diversity of materials, renders, and design elements incorporated into the dwelling design, the proposal is considered to both preserve and enhance the existing streetscape character.</p>
<p>P5.6.6 <i>The City may approve development which exceeds the maximum height stated in table 5 where it is stipulated in an approved Local Development Plan, Activity Centre Plan or Structure Plan and addresses Design Principles P5.6.1 – P5.6.5.</i></p>	<p>As outlined previously, the proposal has been carefully designed to both respect and contribute to the existing and anticipated streetscape despite the building height variations present. The proposal addresses P7.1.1 Clause 5.6 Design Principles P5.6.1 – P5.6.5, and complies with the Table 4 height requirements of the R-Codes.</p> <p>With the exception of the side gable walls, the maximum wall heights are congruent with the P7.1.1 Table 5 height requirements, while the third floor features a rake ceiling and takes on the appearance of a loft within the pitched roof structure. The maximum roof height is consistent with the 9m maximum roof height requirements of P7.1.1 Table 5 and R-Codes Table 4 requirements of the R-Codes. The loft component of the design is considered to be the only discernible element in relation to whether or not the proposal meets the P7.1.1 two-storey height requirements.</p> <p>In any case, it must be noted that the proposal had already been granted development approval, and that the ROW streetscape and locality will only feature a greater degree of built density and development with multiple floors given the persistent and projected population growth of the Perth metropolitan area. The high demand for living close to the Perth City centre will only increase given that it provides a copious amount of amenities and employment opportunities. This is envisioned by the <i>draft Perth and Peel@3.5million</i> metropolitan strategic planning document, which has been prepared by the Western Australian Department of Planning, Lands and Heritage.</p> <p>Given these many factors, and the context of the proposal, which had also previously been granted development approval, it is considered appropriate for a development approval time extension to be granted in this case.</p>

In consideration of how the proposal responds to the P7.1.1 Clause 5.6 'Design Principles and Local Housing Objectives', the proposal is considered to be acceptable.

Development Application Advertising Comments

The following table provides response to the objecting planning submission comments.

Comments Received in Objection	Comment
<p><i>While we understand the application was approved with some amendments, we now wish to confirm our objection to the proposed extension of time, as it does not satisfy the applicable tests for such as application, which were recently expounded by the State Administrative Tribunal in Georgiou Property 2 Pty Ltd and Presiding Member of the Metro West Joint Development Assessment Panel (2017) WASAT 138.</i></p>	<p>The <i>Georgiou Property 2 Pty Ltd and Presiding Member of the Metro West Joint Development Assessment Panel (2017)</i> ruling is not considered to be relevant to the development application at the subject site as that case was in relation to a multiple dwelling. In contrast, the proposal involves only a single dwelling with a single entrance.</p>
<p><u><i>Whether or not the planning framework has changed substantially since the development approval was granted</i></u></p> <p><i>It is noted that the City has endorsed a new Built Form Policy since the original application was considered which would need to be given regard in any new assessment.</i></p> <p><i>Due to this, it is our view that a new application should be required to be submitted to ensure due consideration can be given to the new provisions applicable under the revised statutory planning framework</i></p>	<p>The proposal is considered to address the relevant Design Principles and Local Housing Objectives of Policy No. 7.1.1 - Built Form (PP7.1.1). Please refer to the justification provided in reference to the policy in the previous section of this letter.</p>
<p><u><i>Whether the approved development would likely receive approval today</i></u></p> <p><i>Since the original application was approved, the amenity of the locality, particularly the immediately adjoining properties, has changed in that a two-storey addition is being constructed at No. 195 (Lot 57) Lincoln Street, Perth, with a new two-storey building at our property also under construction. This may have implications for the grouped dwelling approved, such as vehicle access and parking, height and overlooking, that need due consideration</i></p>	<p>R-Codes Clause 2.4 – Judging of proposals specifies that the judgement of the merit of the proposal shall only be exercised for the specific aspects of the proposal which do not meet the deemed-to-comply requirements.</p> <p>Given this, it is understood that what is under construction at No. 195 (Lot 57) Lincoln Street, Perth should bear no relevance in respect to determining whether the proposal is acceptable for being granted development approval or not. In fact, a two storey dwelling being constructed at No. 195 (Lot 57) Lincoln Street, Perth reinforces the notion that the proposal will be congruent with the ROW streetscape character.</p> <p>In any case, the original development approval for the proposal at the subject site was approved at the time of the additions to developments at No's 195 and 197 Lincoln Street.</p>

Comments Received in Objection	Comment
<i>as part of a new development application for the subject site.</i>	<p>In regards to vehicle access and parking, the proposal features a double garage for two cars, which is set back more than 1m from the ROW lot boundary. In this sense, the proposed vehicle access and parking is considered to be 'deemed-to-comply'.</p> <p>The proposal's design in regards to visual privacy and building height is also considered to be appropriate. Please refer to previous justification provided in this regard.</p>
<p><u><i>Sale of Property</i></u></p> <p><i>The submitter has stated that the applicant is offering the property for sale and it is considered that the current owner has no genuine plan to build.</i></p>	<p>It must be noted that there has been a recent down turn of the Perth property market which has only recently seen an increase in demand and activity.</p> <p>In any case, the notion that Grant Johnson (the applicant) wishes to sell the property and has no intention of constructing the proposal is neither considered to be true or relevant to determining whether the design is worthy of being approved. As previously noted in respect to R-Codes Clause 2.4, the judgement of merit of the proposal shall only be in relation to aspects where the deemed-to-comply criteria have not been met.</p>

Conclusion

The client has chosen this design to maximise their use and function of the property. The designer has been instructed to create a modestly sized home which has been thoughtfully designed by walking a fine line between achieving the most out of the constrained site and maintaining the external amenity of the dwelling. Applying the - Built Form (P7.1.1) design principles against the proposal, and addressing the comments of objection, demonstrates that this development proposal for a time extension of the existing approval received continues to suitably address the relevant criteria. Accordingly, the above justification is tendered for the City's approval.

Please do not hesitate to contact the undersigned, should you wish to discuss any aspects of the proposal further.

Yours faithfully,



David D'Orazio

MA Urban & Regional Planning (Curtin)
BAppSc (Architectural Science) (Curtin)

Statutory Planner | FORMSCAPE Built form planning solutions

Tel | +618 9355 5484

Email | david@wabca.com.au

Web | www.formscape.com.au